

Civic Ideology, Organization, and Law in the Rule Scrolls

*A Comparative Study of the
Covenanters' Sect and
Contemporary Voluntary
Associations in Political Context*

YONDER MOYNIHAN GILLIHAN

BRILL

Civic Ideology, Organization,
and Law in the Rule Scrolls

Studies on the Texts of the Desert of Judah

Edited by

Florentino García Martínez

Associate editors

Peter W. Flint

Eibert J. C. Tigchelaar

VOLUME 97

The titles published in this series are listed at brill.nl/stdj

Civic Ideology, Organization, and Law in the Rule Scrolls

A Comparative Study of the Covenanters'
Sect and Contemporary Voluntary
Associations in Political Context

By

Yonder Moynihan Gillihan



BRILL

LEIDEN • BOSTON
2012

This book is printed on acid-free paper.

Library of Congress Cataloging-in-Publication Data

Gillihan, Yonder Moynihan.

Civic ideology, organization, and law in the rule scrolls : a comparative study of the covenanters' sect and contemporary voluntary associations in political context / by Yonder Moynihan Gillihan.

p. cm.—(Studies on the texts of the desert of Judah ; v. 97)

Includes bibliographical references and index.

ISBN 978-90-04-16812-1 (hardback : alk. paper) 1. Religion and civil society—Palestine—History, Ancient. 2. Qumran community—History. 3. Jews—History—586 BC–70 AD. 4. Dead Sea scrolls. 5. Religion and politics—Palestine—History, Ancient. 6. Civil society—Palestine—History. 7. Palestine—Politics and government. I. Title.

BL60.G5325 2011

296.1'55—dc23

2011022131

ISSN 0169-9962

ISBN 978 90 04 16812 1

Copyright 2012 by Koninklijke Brill NV, Leiden, The Netherlands.
Koninklijke Brill NV incorporates the imprints Brill, Global Oriental, Hotei Publishing, IDC Publishers, Martinus Nijhoff Publishers and VSP.

All rights reserved. No part of this publication may be reproduced, translated, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without prior written permission from the publisher.

Authorization to photocopy items for internal or personal use is granted by Koninklijke Brill NV provided that the appropriate fees are paid directly to The Copyright Clearance Center, 222 Rosewood Drive, Suite 910, Danvers, MA 01923, USA.
Fees are subject to change.

CONTENTS

Preface	xvii
Acknowledgments	xix
Abbreviations	xxiii
List of Tables	xxvii
I Introduction	1
1.1 Defining the Problem	1
1.1.1 The <i>Nomoi</i> of Contemporary Voluntary Associations	6
1.1.2 <i>Politeiai</i> : Constitutions of Real and Ideal States	7
1.2 Fundamental Structures of the Covenanters' Sect in the Three Rule Scrolls	8
1.2.1 The <i>Damascus Rule</i> and the <i>Community Rule</i>	8
1.2.1.1 Similarities Between the Camps and the <i>Yahad</i>	11
1.2.1.2 Differences between the Camps and the <i>Yahad</i>	12
1.2.1.3 The Relationship between the Camps and the <i>Yahad</i>	13
1.2.1.4 The Mss. of S and the Nature of the <i>Yahad</i>	14
1.2.2 The <i>Rule for the Congregation</i> (SE)	18
1.2.3 A Note on Qumran and the <i>Yahad</i>	19
1.3 Who Were the Covenanters? Essenes, <i>Haverim</i> , and Pythagoreans	21
1.3.1 The Essene Hypothesis: Ancient Observers of the Covenanters' Association	21
1.3.2 The <i>Havurot</i> : Purity Associations with Assimilative Civic Ideology?	24
1.3.3 Essenes and Pythagoreans: Parallels and Problems	32
1.4 Comparative Study of the Covenanters and Greco-Roman Associations	37
1.4.1 Hans Bardtke	37
1.4.2 Other Short Studies	41
1.4.3 Moshe Weinfeld	42

1.4.4	Matthias Klinghardt	47
1.4.5	Sandra Walker-Ramisch	50
1.4.6	Albert Baumgarten	53
1.4.7	Marie-Françoise Baslez	56
1.4.8	Justin Taylor	59
1.4.9	Randolph Herrmann	61
1.5	Problems and Prospects for Methodological Clarity ...	65
1.5.1	Classification: Sect or Association?	65
1.5.2	What is “Influence”?	65
1.5.3	A Way Forward: Social Patterns in Rationalized Societies	67
1.5.4	Civic Ideology and Associational Typology	72
1.5.5	Associational Organization and Regulation as Expressions of Civic Ideology	73
1.5.6	Alternative Civic Ideology in the Covenanters’ Rule Scrolls	74
II	Civic Ideology and Associational Formation	75
2.1	Civic Ideology	75
2.1.1	State Civic Ideology	80
2.1.1.1	Mass Dissemination of State Civic Ideology ...	82
2.1.2	Assimilative Associational Civic Ideology: Enlisting Subjects as Witnesses to State Legitimacy	83
2.1.2.1	Patronage and Public Honors	84
2.1.2.2	Associations as Partners in Civic Order: Evidence from the <i>Nomoi</i>	87
2.1.2.3	Associational Organizational Patterns: Replicating State Patterns	90
2.1.2.4	Private Rites and Public Festivals: Enhancing Ties to the City	92
2.1.2.5	Praises, Prayers, and Policies in the <i>Nomoi</i>	92
2.1.2.6	Local Identities, Local Loyalties	94
2.2	Alternative Associational Civic Ideology	95
2.2.1	An <i>Oikos</i> of Friends: Epicurean Civic Ideology ...	96
2.2.1.1	Epicurean Critique of the State	97
2.2.1.2	The Epicurean Commonwealth	98
2.2.1.3	Epicurean Translocal Identity	100
2.2.1.4	Epicurean Open Citizenship	101
2.2.1.5	Epicurean Hierarchy	101
2.2.1.6	Epicurean Regulation	102

2.2.1.7	Epicurean Relations with the State	103
2.2.2	Citizens of the World: Cynic Civic Ideology	105
2.2.2.1	Cynic Critique of the State	105
2.2.2.2	The Cynic Commonwealth	106
2.2.2.3	Cynic Translocal Identity	108
2.2.2.4	Cynic Open Citizenship	108
2.2.2.5	Cynic Hierarchy and Regulation	109
2.2.2.6	Cynic Engagement with the Status Quo	110
2.2.2.7	A Cynic Republic? Diogenes' <i>Politeia</i>	111
2.2.3	Think Cosmic, Act Local: Stoic Civic Ideology	112
2.2.3.1	Stoic Critique of the State	113
2.2.3.2	The Stoic Commonwealth	114
2.2.3.3	Stoic Open Citizenship and Translocal Identity	116
2.2.3.4	Stoic Hierarchy and Regulation	116
2.2.3.5	Stoic Engagement with the Status Quo	117
2.2.4	A Heavenly Polity: Paul's Civic Ideology	120
2.2.4.1	Paul's View of the State and Social Critique ...	120
2.2.4.2	The Commonwealth of Paul's <i>Ekklēsiai</i>	121
2.2.4.3	The Ethnic Identity of the <i>Ekklēsiai</i>	122
2.2.4.4	Organization, Hierarchy, and Open Citizenship in the <i>Ekklēsiai</i>	123
2.2.4.5	Translocal Identity in the <i>Ekklēsiai</i>	124
2.2.4.6	Regulation of the <i>Ekklēsiai</i>	124
2.2.4.7	Relations between the <i>Ekklēsiai</i> and the State	125
2.2.5	A Separatist Myth: The <i>Plebs</i> of Fifth-Century Rome in the Political Imagination	126
2.2.5.1	The Organization and Law of the <i>Plebs</i>	127
2.2.5.2	Justice and the Historical Evolution of the Roman State	128
2.2.5.3	The Piety of the <i>Plebs</i>	129
2.2.5.4	Alternative Civic Ideology, Separation, and Reform	130
2.2.5.5	The Significance of the <i>Plebs</i> for the Study of the Covenanters	130
2.3	The Covenanters among Associations with Alternative Civic Ideology	131

III	The <i>Damascus Rule</i> : A <i>Politeia</i> for the Righteous Remnant of Israel in the Evil Age (CD A [CD 1–16], CD B [CD 19–20]; 4QD ^{a-h} [4Q266–273])	133
3.1	Introduction	133
3.2	Alternative Civic ideology in the Admonition of D (4QD ^a 1:1–2:1; 4QD ^b 1; 4QD ^c 1; CD-A 1:1–8:21; CD-B 19–20)	135
3.2.1	Critique of the State	135
3.2.1.1	Improper Understanding of Theology	135
3.2.1.2	Departure from the Torah	135
3.2.1.3	Injustice, Defilement, and Impurity	136
3.2.1.4	Improper Understanding of Nature	136
3.2.1.5	The Combination of the Offices of King and High Priest	139
3.2.1.6	Human Thriving	140
3.2.1.7	History Repeats Itself	140
3.2.1.8	Politics Not Scholastics: The Orientation of the Covenanters' Ideology	141
3.2.2	Positive Alternative Civic Ideology in D	144
3.2.2.1	Origins: the Teacher of Righteousness	144
3.2.2.2	The Political Identity of the Covenanters During the Evil Age	145
3.2.2.2.1	Remnant, Exiles, Camps, and Congregation	145
3.2.2.2.2	Sectarian Halaka: Courts and Cult	147
3.2.2.2.3	“Priests, Levites, and Sons of Zadok”: Cultic Identity	148
3.2.2.2.4	Cultic Separation	149
3.2.2.2.5	Juridical separation	150
3.2.2.2.6	Degrees of Separation	150
3.2.2.2.7	Further Positive Elements of the Covenanters' Civic Ideology	150
3.2.3	Constitutional Analogies to Civic Ideology in the Admonition	153
3.2.3.1	The Historical Context of Constitution and Law: the Aristotelian Constitution of Athens	153
3.2.3.2	A Moral Indictment of the State: Xenophon's <i>Constitution of Athens</i>	154
3.2.3.3	Associational Analogies to Statutes on Sacrifice	155

3.2.3.4	Associational and Constitutional Analogies to the Teacher of Righteousness as “Founder”	157
3.2.3.4.1	Founders, Reformers, and Restorers in Political Contexts	158
3.2.4	Juridical Authority and Civic Ideology in the Laws of D	159
3.3	The Jurisdiction of the Covenanters’ Courts in the Rule of the Assembly of the Cities of Israel (CD 15:1–12:20a and)	161
3.3.1	Statutes on Oaths (CD 15:1–5a 4QD ^e fr. 6 i; 4QD ^f fr. 4 i–ii)	162
3.3.1.1	Constitutional Analogies to Statutes on Oaths	166
3.3.2	Statutes on Initiation and Exclusion (CD 15:5b–17 4QD ^a fr. 8 i 1–9)	167
3.3.2.1	The Constitutional Nature and Scriptural Sources of Initiation Laws in D	173
3.3.2.2	Women’s Education and Authority in Plato’s <i>Republic</i> and <i>Laws</i>	181
3.3.2.3	Analogies in Scripture, Rabbinic Judaism, and Political Discourse	183
3.3.2.4	Analogies to the Initiation Laws of D in the Associational <i>Nomoi</i>	185
3.3.2.5	Analogies to the Initiation Laws of D in the <i>Politeiai</i> and Political Conventions	187
3.3.2.6	The Status of Slaves in the Camps	190
3.3.3	Prohibition of Appeal to Gentile Courts in Capital Cases (CD 9:1 4QD ^a fr. 8 ii 8b–9; 4QD ^e fr. 6 iii 16a)	191
3.3.3.1	Associational Analogies to the Prohibition of Appeal to Public Courts	195
3.3.4	The Rule of Reproof: Protocol and Jurisdiction of the Sectarian Court (CD 9:2–8a 4QD ^a fr. 8 ii 10; 4QD ^b fr. 9 i 2–3; 4QD ^e fr. 6 iii 16b–19)	198
3.3.4.1	Vengeance, Grudges, and Judgment against Outsiders	200
3.3.4.2	The Elders in the Rule of Reproof	202
3.3.4.3	Constitutional Analogies to the Rule of Reproof	203

3.3.5	Statutes on Oaths and Property (CD 9:8b–10:10a 4QD ^a fr. 8 iii; 4QD ^e fr. 6 iv)	205
3.3.5.1	Oaths in the Presence of Judges (CD 9:8b–10a 4QD ^e fr. 6 iv 1–2)	205
3.3.5.2	Oaths of Cursing in Stolen Property Cases (CD 9:10b–12 4QD ^e fr. 6 iv 3)	206
3.3.5.3	A Constitutional Analogy to Oaths of Cursing in Property Cases	207
3.3.6	Laws of Ownerless Property (CD 9:13–16a)	207
3.3.6.1	Who Received the Guilt Offering and the Ram?	209
3.3.6.2	A Constitutional Analogy to the Laws of Ownerless Property	212
3.3.7	Laws of Testimony in Capital and Property Crimes (CD 9:16b–23a 4QD ^e fr. 6 iv 11–13a) ...	213
3.3.7.1	Capital Punishment in the Sect: Trials and Execution	216
3.3.7.2	Associational, Constitutional, and Biblical Analogies to Expulsion	220
3.3.7.3	Further Associational and Constitutional Analogies to the Law of Witnesses	222
3.3.8	Requirements for Witnesses (CD 9:23b–10:3 4QD ^e fr. 6 iv 13–15)	225
3.3.8.1	Associational and Constitutional Analogies	226
3.3.9	The Rule for Judges of the Congregation (CD 10:4–10a 4QD ^a fr. 8 iii 4–9; 4QD ^e fr. 6 iv 15b–19)	231
3.3.9.1	Constitutional Analogies to the Rule for Judges	235
3.4	The Rule for the Assembly of the Camps (CD 12:22b–13:7a 4QD ^a fr. 9 ii 5–16; 4QD ^b fr. 9 iv 1–3)	238
3.4.1	The Law on Skin Disease as an Expression of Civic Ideology	240
3.5	The Rule for the Examiner of the Camp (CD 13:7b–21 4QD ^a fr. 9 ii 17–iii 14; 4QD ^b fr. 9 ii 9–11)	241
3.5.1	Associational and Constitutional Analogies	246
3.6	The Rule for the Assembly of All Camps (CD 14:3–end of D)	250

3.6.1	General Protocol for the Assembly (CD 14:3–12a 4QD ^a fr. 10 i 1–5; 4QD ^b fr. 9 v 6–14; 4QD ^c fr. 2 1–2)	251
3.6.1.1	Associational and Constitutional Analogies	254
3.6.2	The Rule for the Many (CD 14:12b–17a 4QD ^a fr. 10 i 5b–10a)	258
3.6.2.1	Associational and Constitutional Analogies	259
3.6.3	Summary Statements on the Laws of D, and Introduction to the Penal Code (CD 14:17b–19 4QD ^a fr. 10 i 10–13)	264
3.6.4	The Penal Code of D (CD 14:20–23; 4QD ^a fr. 10 i 14–ii 15; 4QD ^d fr. 11 i 4–ii 2; 4QD ^e fr. 7 i 1–14)	266
3.6.5	Juridical Rites at the Assembly of All Camps (4QD ^a fr. 11 1–21; 4QD ^e fr. 7 i 15b–16a)	268
3.6.5.1	Constitutional and Legal Analogies	273
3.7	The Conclusion to D: Judgments for the Camps and Cities, in Accordance with the Final Interpretation of the Torah (4QD ^a fr. 11 18b–21 4QD ^e fr. 7 ii 11–15)	274
IV	<i>The Community Rule: Statutes for the Council of the Yahad</i> (1QS 4QS ^{a–j} [4Q255–264], 4Q275, 4Q279)	277
4.1	Introduction: The Cultic Civic Ideology of the <i>Yahad</i>	277
4.2	Civic Ideology in the Introductory Materials of S (1QS 1–4 4QS ^a ; 4QS ^b ; 4QS ^c ; 4QS ^h)	280
4.2.1	Critique of the Judean State and Society	281
4.2.2	Positive Civic Ideology in the Introductory Materials	282
4.2.2.1	Introduction (1QS 1:1–15 4QS ^a fr. 1 1–6)	282
4.2.2.2	The Covenant Renewal Ceremony (1QS 1:16–3:12 4QS ^a fr. 2 1–9; 4QS ^b fr. 2–4; 4QS ^c fr. 1 i 1–ii 14; 4QS ^h fr. 1 1–4)	284
4.2.2.3	The Treatise on the Two Spirits (1QS 3:13–4:26 4QS ^c fr. 2 i 1–8)	287
4.2.2.4	Constitutional Analogies to the “Council of the <i>Yahad</i> ”	289
4.2.2.5	Associational and Constitutional Analogies to the Covenant Renewal Ceremony	293

4.2.2.6	The Constitutional Significance of “The Curses of This Covenant” (1QS 2:16)	295
4.2.2.7	Further Constitutional Analogies	296
4.3	Statement of Purpose (1QS 5:1–7a 4QS ^b fr. 4 ix 1–6a; 4QS ^d fr. 1a–b i 1–13)	298
4.3.1	Constitutional Claims: Atonement, Judgment, and Priestly Identity	300
4.3.1.1	Atonement and Judgment: the Cult and Courts of the <i>Yahad</i>	300
4.3.1.1.1	The Priestly Identity of the <i>Yahad</i>	301
4.3.1.1.2	Did Priestly Authority Change? The Recensions of 1QS and 4QS ^{b,d} Compared	303
4.3.1.1.3	The Recension of 1QS	305
4.3.1.1.4	The Recension of 4QS ^{b,d}	307
4.3.1.2	Translocal Identity and Alternative Civic Ideology in the <i>Yahad</i>	309
4.3.2	Constitutional Conventions from Scripture	310
4.3.2.1	מגורים, Exile, and Restoration	310
4.3.2.2	“Sons of Zadok”: an Ezekelian Honorific	310
4.3.2.3	המתנדבים: Volunteers for the Temple and Army of Israel	311
4.3.2.4	The Cultic Courts of the <i>Yahad</i> : Laws in Ezekiel and Deuteronomy	312
4.3.2.5	Circumcision, Repentance, and Restoration: Leviticus and Deuteronomy	313
4.4	General Rules for New Members (1QS 5:7b–20b 4QS ^b fr. 4 6b–13; 4QS ^d fr. 1 i 5b–13)	313
4.4.1	The טהרה of the Men of Holiness and the <i>Yahad</i> ’s Cultic Ideology	317
4.4.2	Purity, Holiness, Judgment, and Atonement	324
4.4.3	Analogies to the <i>Yahad</i> ’s Purity System in the Jerusalem Temple Cult	329
4.5	General Protocol (1QS 5:20b–6:1b; 4QS ^d fr. 1 ii 1–6a)	335
4.5.1	Associational and Constitutional Analogies	337
4.6	General Rules for Meetings (1QS 6:1c–7a; 4QS ^d fr. 1 ii 6b–10a)	339
4.6.1	Analogies to the <i>Yahad</i> ’s Common Life	343
4.6.2	Constitutional Analogies to the Common Life	343

4.7	The Rule for the Many (1QS 6:7b–13b 4QS ^d fr. 1 ii 10b–iii 3)	350
4.7.1	Associational and Constitutional Analogies	354
4.8	Rules for Initiation (1QS 6:13c–23)	363
4.8.1	Initiation in S and D Compared	369
4.8.1.1	Purity and Property in the <i>Yahad</i> and Camps	370
4.8.1.2	Physical Examination in the <i>Yahad</i> ?	371
4.8.2	Associational Analogies to Initiation in S and D	371
4.8.3	Constitutional Analogies to Initiation in S and D	374
4.8.3.1	Initiation and Enrollment in S, D, and SE: Anticipating Protocol in Restored Israel	374
4.8.3.2	Priests in the Temple: A Biblical Precedent for the <i>Yahad</i> 's Common Life	375
4.8.3.3	Analogies from the <i>Politeiai</i>	375
4.8.3.4	Further Military Analogies to Initiation in S ...	378
4.9	The Penal Code for the <i>Yahad</i> (1QS 6:24–7:25; 4QS ^e fr. 1 4–fr. 2 9; 4QS ^s fr. 3 1–fr. 4 6)	381
4.9.1	The Literary Style and Structure of the Penal Code: Patterns of Punishment	382
4.9.2	The Penal Codes of the <i>Yahad</i> and the Camps: S, D, and 4Q265 Compared	387
4.9.3	Associational and Constitutional Analogies to the Penalties	390
4.10	The Four Sections of the Penal Code	394
4.10.1	General Transgressions of Word and Deed (1QS 6:24b–7:9a)	394
4.10.1.1	Private Property in the Penal Code?	398
4.10.1.2	Associational and Constitutional Analogies	399
4.10.1.2.1	A Military Analogy to Paying for Property with Registered Funds	399
4.10.1.2.2	<i>Further Analogies</i>	399
4.10.2	Unseemly Behavior at Sessions of the Many (1QS 7:9b–15a)	404
4.10.2.1	Associational and Constitutional Analogies	407
4.10.3	Slander and Murmuring at Sessions of the Many (1QS 7:15c–18a)	409

4.10.3.1	Juridical Analogies to the Authority of the Many	410
4.10.4	Treachery by Junior and Senior Members of the <i>Yahad</i> (1QS 7:18b–25)	412
4.10.4.1	The Constitutional Nature of Laws on Traitors	414
4.11	Statutes for the Fifteen Men of Perfect Holiness (1QS 8:1–9:11 and)	415
4.11.1	Opening Statements on the Men of Perfect Holiness (1QS 8:1–16a 4QS ^e fr. 2 ii 9b–iii 6a; 4QS ^d fr. 3 vi 1–8)	416
4.11.2	Penal Code for the Men of Perfect Holiness (1QS 8:16b–9:2 4QS ^d fr. 3 vi 8b–fr. 4 vii 3)	423
4.11.2.1	Associational and Constitutional Analogies	427
4.11.3	Concluding Statements on the <i>Yahad</i> (1QS 9:3–11 4QS ^d fr. 4 vii 4–9)	432
4.11.3.1	Alternative Civic Ideology in the Conclusion to the Rules	434
4.12	Rules for the <i>Maskil</i> (1QS 9:12–26a 4QS ^b fr. 6 i 1–7; 4QS ^d fr. 4 viii 1–10a; 4QS ^e fr. 2–4 iii 6–iv 8)	435
4.13	Liturgical Statutes and Schedule for the <i>Maskil</i> , and the Beginning of the <i>Maskil</i> 's Hymn (1QS 9:26b–10:8a 4QS ^d fr. 4 ii 10b–fr. 5 ix 6)	438
4.13.1	Divinely Established Order in Other <i>Maskil</i> Texts	443
4.13.2	Constitutional Analogies to the Rule of the <i>Maskil</i>	447
4.13.2.1	Liturgy and Liturgical Laws in the <i>Politeiai</i> and Torah	447
4.13.2.2	Liturgy and Military Leadership: Preparation for the Day of Vengeance	448
V	<i>The Rule for the Congregation: A Politeia for Restored Israel at the End of Days</i> (1QSa 4QSE ^{a-i} [4Q249 ^{a-i}])	455
5.1	Introduction	455
5.1.1	Civic Ideology in SE	457
5.2	The Literary Form of the <i>Rule for the Congregation</i> : A Comparison with Xenophon's <i>Politeia of the Spartans</i>	457

5.3	Introduction to the Rule for the Entire Congregation of Israel (1QSa 1:1–3)	461
5.4	Purpose of the Plenary Meeting (1QSa 1:4–5)	462
5.5	General Introduction and Introduction to the Educational and Service Regimens (1QSa 1:6–8a)	464
5.5.1	Primary Education and Registration as a Citizen (1QSa 1:8b–9a)	466
5.5.1.1	Registration of Israelite Citizens in a משפחה ...	467
5.5.1.2	Education and Age Classes in SE and the <i>Politeiai</i>	470
5.5.2	The First Stage of Maturity, Marriage, and the Beginning of Advanced Training: Age Twenty (1QSa 1:9b–12a)	471
5.5.2.1	Constitutional Analogies to the Law of Marriage	476
5.5.3	The Second and Third Stages of Maturity and Advancement to Political Life: Twenty-Five and Thirty (1QSa 1:12b–16a)	478
5.5.3.1	Analogies to Age Classes, Maturity, and Political Service in Scripture and the <i>Politeiai</i>	480
5.5.4	General Principles of Selection for Service, Rank, and Advancement (1QSa 1:16b–19a)	483
5.5.4.1	A Restriction on Eligibility for Service in the Congregation (1QSa 1:19b–22a)	486
5.6	Protocol for Assemblies of the Congregation (1QSa 1:22b–2:22)	487
5.6.1	Concluding Statement on Protocol at Plenary Sessions of the Congregation of Israel (1QSa 1:22b–25a)	488
5.6.2	Assemblies of the Ruling Councils of Israel (1QSa 1:25b–27a)	490
5.6.3	Eligibility for Council(s) of the <i>Yahad</i> (1QSa 1:27b–2:3a)	491
5.6.3.1	The Congregation and the Council of the <i>Yahad</i> : a Link between S and D?	493
5.6.4	Restrictions on Participation in the Assembly and Council (1QSa 2:3b–11a)	494
5.7	Protocol for Meetings with the Messiah of Israel (1QSa 2:11b–22)	497
5.7.1	Rule for Plenary Sessions with the Messiah (1QSa 2:11c–17a)	498

5.7.2	Rule for Meals with the Messiah (1QSa 2:17b–22)	500
5.7.2.1	A Constitutional Analogy to Meals with the King	501
5.8	Conclusion: Ideal and Real Community Organization in the <i>Rule for the Congregation</i>	502
VI	Conclusion and Synopsis	505
6.1	The Covenanters among Associations of the Hellenistic and Roman Imperial Eras	505
6.2	The Covenanters among Associations with Alternative Civic Ideology	506
6.3	The Self-Definition, Organization, and Purpose of the Covenanters' Sect	510
6.4	Channels of Influence	511
6.5	Introduction to the Synoptic Tables	513
	Bibliography	525
	Index of Modern Authors	549
	Index of Ancient Sources	553

PREFACE

Given the length of this monograph, I have provided aids to make its contents more accessible, and its comparative analysis more useful. The first aid is the Table of Contents. Its organization reflects my thesis: the Covenanters' alternative civic ideology motivated their development of organizational and regulatory patterns along the lines of a state. Evidence in support for the thesis often comes in the laws of the Rule Scrolls themselves, which reflect state-like concerns (e.g., capital punishment, proper conduct during warfare, authority over the Jerusalem priesthood and temple cult, registration of native-born citizens, comprehensive care for the vulnerable); much evidence also comes in analogies to contemporary political literature and practices. Complementary to the TOC, and probably more immediately useful, are the synoptic tables at the end of the Conclusion and Synopsis (Chapter Six). These tables list the following:

- 1) Features of the Covenanters' origins, organization, and regulation, esp. those related to their civic ideology
- 2) Scriptural sources from which the features may have come or by which they may have been justified
- 3) Analogies in contemporary associational and political literature and practice
- 4) Analogies in other contemporary sources, including the New Testament and Rabbinic literature
- 5) Numbered sections of the book where the reader will find the most important discussion.

I should note here that while I have attempted to reconstruct the Covenanters' civic ideology as fully as possible, the reader will find on these pages only a sketch. I have not treated the laws of the Rule Scrolls, especially D, comprehensively, nor have I surveyed all possible analogies in contemporary political thought and practice. While I argue that the Covenanters' civic ideology was a rather direct response to Hasmonean state civic ideology, I have not, in this volume, described the latter in detail. Another topic that I have left aside is sectarian "mysticism": clearly the Covenanters engaged in practices that put them in

touch with divine agents. How did mystical practices relate to political ambitions? I hope, then, that this monograph will provoke further investigation into a few areas:

- 1) What is the political significance of sectarian halaka not directly related to sectarian life? Does it reflect early, pre-sectarian dissent that led to the Covenanters' movement, as many have argued? Or, does it reflect sectarian deliberation on the proper way to govern restored Israel, or both?
- 2) General familiarity with conventional political practice is evident throughout the Rule Scrolls, along with striking analogies to the habits of Greek and Roman philosophical and legal schools. How did the sect assimilate them? Through familiarity with Judean political habits? Through political philosophy, as taught among Judean intellectuals? Through exposure to Greek and Roman scholastic institutions, teachers, or even texts?
- 3) How should we describe the literary genre of the Rule Scrolls? Is it possible to identify a single genre behind their form, or is it sufficient to state that they reflect general conventions for writing texts to regulate societies, from the bylaws of voluntary associations to state constitutions and laws?
- 4) If it is accepted that the Covenanters crafted an "alternative civic ideology" in response to the civic ideology of the Hasmoneans and Herods, what were the contents of that state ideology? This may best be answered by a political-ideological analysis of 1 Maccabees and Josephus' account of Hasmonean rule and propaganda.
- 5) What was the role of mysticism in the sect's political ideology? Did the Covenanters commune with the angels who would aid them in warfare? Was the mystical life an end of its own?
- 6) Did mysticism prepare sectarians for regular human life in restored Israel, lived in unprecedented holiness and intimacy with God, or for a different form of life altogether—something like the completely remade heaven and earth described in Paul's letters and 2 Peter?
- 7) Did the "earthly nucleus" that Charlotte Hempel and others have identified at the origins of sectarian life remain central to sectarian civic ideology? Is restored Israel, as sketched in the *Rule for the Congregation*, the ultimate end for the sect, or is it an intermediary step between earthly life in covenantal relationship with God, and a final, perfected, immortal, otherworldly existence?

ACKNOWLEDGMENTS

This monograph is a thoroughly revised version of my doctoral dissertation. Its final form represents the kind of reshaping, trimming, and augmenting that can only occur through vigorous dialogue with dedicated mentors and colleagues, and engaged students. I must express most gratitude to my dissertation director, Prof. Adela Yarbro Collins. In the Summer of 1998, just before registering for my first PhD courses at the University of Chicago, we met to discuss research interests. Having just finished an MA thesis on Hellenistic moral philosophy and the Gospel of John, I confidently named “dualism in the Fourth Gospel.” To this Prof. Collins responded, “Well, then, you had better take some classes on the Dead Sea Scrolls.” I enrolled in Prof. John Collins’ courses and immediately got stuck, and happily so, in events and intrigues of late Second Temple Judaism. At the same time, courses with Prof. Elizabeth Asmis in Hellenistic philosophy—particularly on the philosophy of law and constitutions—and with Prof. Richard Saller on the Roman economy, deepened my appreciation for the broader intellectual, political, and economic environment within which Jews of the era lived, and the extent to which even a sect as peculiar as the Covenanters’ was very much a part of Mediterranean culture in the Hellenistic and Roman imperial eras. My dissertation committee comprised these four and could not have been more ideal: their critique of my work was timely, precise, and demanding, and their frequent suggestions for comparisons or theories that I had not considered yielded insights that I could not have made otherwise. Their insistence that I read deeply in the social sciences revealed analytical methods that made comparative study more rigorous and fruitful. I must credit the committee for tolerating my forays into theory beyond the basics, and thank them for reining me in when explorations detracted from, rather than enhanced, the overall project. I would not dare claim that my accomplishment here matches the quality of Profs. Asmis, Collins, Saller, and Yarbro Collins’ mentorship; whatever its strengths, I owe to them; its weaknesses reflect my own.

Thanks are due to other colleagues and mentors at Yale, where I spent 2000–2004 as a Teaching Fellow. Profs. Harry Attridge, Steven Fraade, Christine Hayes, Dale Martin, Bentley Layton, Steven Davis,

and Diana Swancutt welcomed me, along with other resident aliens from the University of Chicago, as their own students. Much of what I learned at Yale also came from conversations with fellow students, without whose fellowship the entire experience would have been rather less enjoyable. I am especially grateful for interlocutors who sharpened my work, and from whose work I learned and continue to learn a great deal—to name a few, at the risk of overlooking others: Matthew Goff, Jeremy Hultin, Brent Nongbri, Ward Blanton, Shane Berg, Steven and Pat Ahearne-Kroll, Kevin Wilkinson, Candida Moss, Tracy Lemos, Matthew Neujahr, Chaya Halberstam, and Michael Peppard.

To my colleagues at Boston College I wish to express deepest respect and appreciation. PHEME PERKINS, David Vanderhooft, John Darr, Mary Ann Hinsdale, and Kenneth Himes, then Chair of the Department of Theology, recommended my hire before I had completed the dissertation, confident that I would finish and publish in good time. While the project has taken longer than expected, their support and confidence in the project has been unflagging. I am grateful for my colleagues' critique of drafts of chapters and articles, as well as those of PhD students who have read preliminary versions of this work in our Doctoral Seminar in Bible, and in my seminars on the Scrolls. I wish to thank my current Chair, Prof. Catherine Cornille, for graciously securing a reduced teaching schedule this year to free time for publication. Colleagues at the Boisi Center for Religion and American Public Life continue to push my engagement with social scientific methods, challenging me both to understand modern theory fully, and to inform them about what ancient thought might contribute to modern understanding of how society works well. As I move into the next major research project—an investigation of “civil society” in antiquity, and the role of Jewish, Christian, and other associations within it—I anticipate many more years of fruitful exchange with colleagues at Boston College.

Prof. Florentino García Martínez has been for me, as for so many others, an exemplar of scholarly excellence and collegiality. His acceptance of this volume for publication in this series was but the first benefaction; others were precise, astonishingly rapid critiques of chapters. Over the three years that this volume has gone from acceptance to publication, Prof. García Martínez sent numerous unsolicited suggestions for what to read, what I must incorporate, and what may be left aside. I would also like to thank Mattie Kuiper and Peter Buschman at E. J. Brill for their unfailingly quick, generous, and detailed assistance

in preparing the manuscript for publication. For all of this I express most sincere gratitude, with hope that the volume promotes the standard of research consistently exemplified by *Studies in the Texts of the Desert of Judah*.

I conclude with dedications to my own **תועות תונמנא**. First, to my mother, my first teacher in the hidden things of Scripture. Second, to Christine Shea, my mentor and advisor in Classics at Ball State University, who taught me even deeper revelations of the hidden things, and introduced me to Robert Funk and the Historical Jesus—but especially to Plato. Third, to my daughters Abigail, truly her father’s delight and rival in passion for books, and Ruth, whose name she honors as a startling, mischievous, and devoted companion—and an eager student of Greek, at eight! Fourth, to Daria Plummer, who so often keeps Abia and Ruth occupied and feeds me well while I write.

ἀλλὰ πρώτη πάντων τῆ Καθαρᾶ Μοῦσά μου

Ὡσεὶ κυβερνήτας σοφός
 ὕμνοάνσσω εὐθύνε Κλειοῖ
 νῦν φρένας ἀμετέρας
 εἰ δὴ ποτε καὶ πάρος

Bacchylides, fr. 11 1–4

ABBREVIATIONS

Epigraphical and literary sources are cited according to the guidelines of the *Society of Biblical Literature Manual of Style* (Peabody: Hendrickson, 1999). Sources that the *SBL Manual* does not treat are cited according to the conventions of LSJ⁹ and *OCD*³. Following are sources cited most commonly in the book.

- BDAG Bauer, W., F. W. Danker, W. F. Arndt, and F. W. Gingrich, *Greek-English Lexicon of the New Testament and Other Early Christian Literature*. 3rd edition. Chicago: University of Chicago, 1999.
- BMI Hicks, E. L., C. T. Newton, G. Hirschfeld, and F. H. Marshall. *The Collection of Ancient Greek Inscriptions in the British Museum*. 4 vols. Oxford: Clarendon, 1874–1916.
- CIA Kirchhoff, A., U. Köhler, W. Dittenberger, eds. *Corpus Inscriptionum Atticarum*. 4 vols. Berlin, 1877–1892.
- CIG Boeckh, A., ed. *Corpus inscriptionum graecarum*. 4 vols. Berlin: Reimer, 1828–1877.
- CIJ Frey, J.-B., ed. *Corpus inscriptionum iudaicarum*. 2 vols. Rome: Pontifical Institute, 1936–1952.
- DSSSE García Martínez, F. and E. Tigchelaar, eds. *The Dead Sea Scrolls Study Edition*. 2 vols. Leiden: Brill, 1997–1998.
- EDSS Schiffman, L. and J. VanderKam, eds. *Encyclopedia of the Dead Sea Scrolls*. 2 vols. New York: Oxford, 2000.
- Gesenius Gesenius, W. *Gesenius' Hebrew Grammar*. Edited by E. Kautzsch. Translated by A. E. Cowley. 2nd edition. Oxford: Clarendon, 1910.
- HALOT Koehler, L., W. Baumgartner, and J. J. Stamm, *The Hebrew and Aramaic Lexicon of the Old Testament*. 4 vols. Translated and edited under the supervision of M. Richardson. Leiden: Brill, 1994–1999.
- IByzantion Lajtar, A., ed. *Die Inschriften von Byzantion*. Bonn: Habelt, 2000.
- IEgJud Horbury, W. and D. Noy, eds. *Jewish Inscriptions of Graeco-Roman Egypt*. Cambridge: Cambridge University Press, 1992.

- IEph* Engelmann, H., H. Wankel, and R. Merkelbach, eds. *Die Inschriften von Ephesos*. 8 vols. Bonn: Habelt, 1979–1984.
- IG* Gaetringen, F. Hiller von et al., eds. *Inscriptiones graecae*. Berlin: de Gruyter, 1873–.
- IGR* Moretti, L., ed. *Inscriptiones graecae urbis romae*. 4 vols. Rome: Istituto Italiano per la Storia Antica, 1968–1991.
- Iiasos* Blümel, W. ed. *Die Inschriften von Iasos*. Bonn: Habelt, 1985.
- IPergamon* Fränkel, M., ed. *Die Inschriften von Pergamon*. 2 vols. Berlin: Spemann, 1890–1895.
- ITrall* Poljakov, F., ed. *Die Inschriften von Tralleis und Nysa*. Bonn: Habelt, 1989.
- Jastrow Jastrow, M. *Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*. 2 vols. New York: Putnam, 1886–1903.
- LSJ⁹ Liddell, H. G., R. Scott, H. S. Jones. *A Greek-English Lexicon*. 9th edition with revised supplement. Oxford: Clarendon, 1996.
- MAMA Keil, J., W. H. Buckler, and W. M. Calder, eds. *Monumenta asiae minoris antiqua*. London: JRS Monographs, 1928–.
- OCD² Hammond, N. and H. H. Scullard, eds. *The Oxford Classical Dictionary*. 2nd edition. Oxford: Clarendon, 1970.
- OCD³ Hornblower, S. and A. Spawforth, eds. *The Oxford Classical Dictionary*. 3rd edition. Oxford: Clarendon, 1996.
- OGIS Dittenberger, W., ed. *Orientalis graeci inscriptiones selectae*. 2 vols. Leipzig: Teubner, 1903–1905.
- PTSDSS Charlesworth, J. et al., eds. *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*. Princeton Theological Seminary Dead Sea Scrolls Project. Tübingen: Mohr Siebeck, 1994–.
- Revised Schürer Schürer, E. *The History of the Jewish People in the Age of Jesus Christ*. 3 vols. Revised and edited by G. Vermes, F. Millar, M. Goodman et al. London: T & T Clark, 1973–1987.

- SEG Rousset, Pierre et al., eds. *Supplementum epigraphicum graecum*. Lugduni Batavorum: Sijthoff, 1923–.
- SEHHW Rostovtzeff, Michael. *Social and Economic History of the Hellenistic World*. 3 vols. Oxford: Clarendon, 1941.
- SEHRW Rostovtzeff, Michael. *Social and Economic History of the Roman World*. 2 vols. Oxford: Clarendon, 1957.
- SIG³ Dittenberger, W., ed. *Sylloge Inscriptionum Graecarum*. 4 vols. 3rd ed. Leipzig: Hirzel, 1920.
- TAM Kalinka, E., R. Heberdey, et al., eds. *Tituli Asiae Minoris collecti et editi auspiciis Academiae Litterarum Austriacae*. Vindobonae: Academiae Scientiarum Austriacae, 1920–.
- P. Mich. V Huselmann, E. M., A.E.R. Boak, and W.F. Edgerton, eds. *Michigan Papyri* vol. 5. *Papyri from Tebtunis, Part II*. Ann Arbor: University of Michigan, 1944.

LIST OF TABLES

3a. The Penal Code of D	267
4a. References to the Many with Priests, and to the Many Alone in 1QS	305
4b. References to the Many in 1QS and 4QS ^{b,d}	308
4c. Initiation and Enrollment in D, S	381
4d. Distribution of Punishments in the Penal Code of 1QS	385
4e. The Penal Codes of S, D, and 4Q265 Compared	388
5a. The Literary Structure of 1QSa and Xenophon's <i>Politeia</i> <i>of the Spartans</i>	458
5b. Age Classes in the Mishnah	482
6a. Structure and Rules of Associations with Alternative Civic Ideology	509
6b. Origins: the Teacher of Righteousness	515
6c. The Common Segment of the Covenanters: D	515
6d. The Cultic Segment of the Covenanters: the Council of the <i>Yahad</i>	517
6e. General Cultic Laws	519
6f. Age Classes and Education	519
6g. Initiation, Enrollment, and Scrutinies	520
6h. Common Meals and Assemblies	521
6i. Civil and Criminal Law	521
6j. Military rules and tactics	524

CHAPTER ONE

INTRODUCTION

1.1 DEFINING THE PROBLEM

Over the past fifty years a handful of scholars has pointed out that, despite all of its distinctive features, the sect that owned the Dead Sea Scrolls—hereafter, the Covenanters—had a great deal in common with the voluntary associations, both Jewish and non-Jewish, that proliferated across the Mediterranean world during the Hellenistic and Roman eras.¹ These were permanent groups that formed around some common interest. They include cults devoted to various deities, guilds of artisans, mutual-aid societies, drinking clubs, philosophical schools, and sundry others. Besides records of financial transactions, proceedings of important meetings, and inscriptions commemorating events in associational life, a few associational bylaws, or *nomoi*,² remain extant. These provide evidence for associational organizational

¹ Most scholarship on the Dead Sea Scrolls has paid scant attention to similarities between the Covenanters and contemporary voluntary associations. L. Schiffman articulates a common assumption: “as a rule the sect and its writings represent the least Hellenized group in all of Palestinian Judaism in the Second Commonwealth period...” See *idem*, *Sectarian Law in the Dead Sea Scrolls* (Chico: Scholars Press, 1983) 24–26. Like Schiffman, earlier scholars attempted to explain the organizational features of the sect solely as a result of biblical exegesis: E. Koffmahn, “Die Selbstbezeichnungen der Gemeinde von Qumrân auf dem Hintergrund des Alten Testaments” (Ph.D. diss., Wien, 1959); L. Rost, “Gruppenbildungen im Alten Testament,” *ThLZ* 80 (1955) 1–8; *idem*, “Zur Struktur der Gemeinde des Neuen Bundes im Lande Damaskus,” *VT* 9 (1959) 393–98; P. Seidensticker, “Die Gemeinschaftsform der religiösen Gruppen des Spätjudentums und der Urkirche,” *Studii Biblici Franciscani* 9 (1958/59) 94–198.

² I use the term *nomoi* to refer to associational bylaws throughout this study, following A. Boak’s terminology in his seminal editions and studies of associational texts from Roman Egypt. See Boak’s edition of P. Mich. V 243, 244 in *Papyri from Tebtunis, Part II: Michigan Papyri, Vol. V*, ed. E. Husselman, A. E. Boak; William F. Edgerton (Ann Arbor: University of Michigan, 1944); and his “The Organization of Gilds in Greco-Roman Egypt,” *TAPA* 68 (1937) 212–20. The term does not have this technical sense in the ancient literature and can refer both to the laws of states or of associations, or laws in general. I use it to as a matter of convenience, in order to distinguish clearly between texts containing associational bylaws, and texts containing state constitutions and laws, which I refer to as *politeiai*.

and regulatory features, and reveal that these features were remarkably consistent from one association to another, including the Covenanters' sect.

The question that I originally set out to answer is simple: why were the sect's features so similar to those of other ancient voluntary associations? Until recently, most scholarship explained similarities through a vaguely defined mechanism of "influence," which seems to mean that the Covenanters copied practices that they encountered in non-Jewish associations.³ But, as recent studies have emphasized, it is unlikely that the Covenanters were directly influenced by any of the known associations, given the temporal, geographical, and linguistic gulfs between them, nor by other yet unknown associations.⁴ Instead, in the Hellenistic and Roman eras, certain common social habits and circumstances spawned the proliferation of voluntarily constituted, contractually defined and regulated groups, including the Covenanters' sect. Similar organizational and regulatory patterns developed as a result of these common circumstances and habits.

Identifying at least one set of common habits and circumstances was fairly simple, and already had been done at length in pioneering studies of associations in the late nineteenth and early twentieth century: associations drew upon patterns of the state. They borrowed terms and patterns from the local *poleis* and the Hellenistic and Roman empires, including terminology for rulers, cultic officials, legislative bodies, courts, deliberative councils, military units, and so forth. They also

³ This explanation is consistent with scholarly focus on associational features, and an interest in understanding how associations worked internally. This trend can also be seen in studies of early Christian communities as associations, but there have been attempts to locate associational activity in the broader social and political context. See esp. P. Harland, *Associations, Synagogues, and Congregations: Claiming a Place in Ancient Mediterranean Society* (Minneapolis: Fortress, 2003); also R. Ascough, *Paul's Macedonian Associations: The Social Contexts of Philipians and 1 Thessalonians* (Tübingen: Mohr Siebeck, 2003); E. Ebel, *Die Attraktivität früher christlicher Gemeinden: Die Gemeinde von Korinth im Spiegel griechisch-römischer Vereine* (Tübingen: Mohr Siebeck, 2004); T. Schmeller, *Hierarchie und Egalität: Eine sozialgeschichtliche Untersuchung paulinischer Gemeinden und griechisch-römischer Vereine* (Stuttgart: Katholisches Bibelwerk, 1995).

⁴ See esp. M.-F. Baslez, "Recherches sur le *yahad* des manuscrits de Qumrân dans l'environnement associatif sémitique et grec," *Les communautés religieuses dans le monde gréco-romain*, ed. N. Belayche et al. (Bibliothèque de L'École des Hautes Études Sciences Religieuses 117; Paris: Brepols, 2003) 75–92, and R. Herrmann, "Die Gemeinderegel von Qumran und das antike Vereinswesen," *Jewish Identity in the Greco-Roman World*, ed. J. Frey et al. (AJEC 71; Leiden: Brill, 2007) 161–203.

borrowed the language of state law for their own *nomoi*, as well as many procedural practices, such as voting for leaders, appointing temporary presiding officers for important but infrequent meetings, and rendering juridical decisions about members who had transgressed associational rules. Such adaptation was practical: state organization and law provided familiar, easily adaptable templates for the formation of new groups. This explanation for the consistency of features among associations separated by language, space, and time is more precise than the rather vague proposal that Jewish groups acquired their features because Hellenistic and Roman associations “influenced” them. It also has the advantage of accounting for local peculiarities: particular features of *polis* and territory, cults and courts, and general socio-political circumstances varied from one locale to another. These variations influenced the particular ways in which associations organized and regulated themselves, and expressed their identity.

There is little to contest about the claim that the Covenanters’ sect was a voluntary association whose *floruit* belonged to the general proliferation of associations during the Hellenistic and Roman imperial eras. And while it is an improvement to identify adaptation of common state patterns as the reason that associations developed common features, this insight is not particularly new and only slightly improves our understanding of the *Vereinswesen* to which the Covenanters belonged. Rather than concluding my investigation, this insight provided a foundation for analyzing and classifying associations on the basis of their response to their state context. Associational adaptation of state patterns shows engagement with the state at least at a superficial level. Adaptation of state patterns among associations that denied the legitimacy of the state—as the Covenanters and several other important associations did—suggests something more interesting and important: associations did not only copy state patterns, they also reflected upon the nature of the state itself.

Thus associational response to the state was not only practical, but also ideological, insofar as it articulated an association’s position on the state’s claims to legitimacy and authority, and the role of the association itself, within the socio-political context imposed by the state. I call this response to state authority “associational civic ideology”; all associations developed it to one degree or another. In antiquity, as in modernity, a majority of groups formed or structured their activity at least in part to secure status and benefit within their local context. Frequently this entailed cultivating mutually beneficial relationships with

state authorities, institutions, or affiliated, influential individuals. The civic ideology of such associations was “assimilative”: it began with acceptance of state authority, and reiterated the arguments of state ideology in terms that reflected the association’s particular interests, identity, and status within its local socio-political context. In a few other associations we encounter intensive study and critique of the state, and attempts to describe an ideal society that stands as a comprehensive alternative to the status quo, from its rulers and bureaucratic institutions, cults, courts, and laws, to its citizenry. Descriptions of the ideal state are supported by arguments for its unique legitimacy; these arguments constitute “alternative civic ideology.” A few associations, including the Covenanters’ sect, not only developed alternative civic ideology through study, but also attempted to put it into practice by organizing and regulating their group along the lines of their ideal state. For the Covenanters, this state was restored Israel—a future political entity governed strictly by the proper interpretation of the Torah. In their own time, they identified themselves as a righteous remnant within apostate Israel, and organized this remnant quite deliberately as a sort of state-in-the-making, preparing for eschatological restoration.⁵

Thus the primary goal of this study is to show how the Covenanters’ organization and laws developed as practical expressions of their alternative civic ideology, and that they articulated their civic ideology in terms that fit rather well within the political discourse of their time. A second goal is to show that the Covenanters’ articulation and practical implementation of alternative civic ideology belongs to a trend in the Hellenistic-Roman *Vereinswesen*, within associations founded by or mainly comprising well educated and, to varying degrees, disaffected, subjects. This book does not contain a comprehensive comparison of similarities between the Covenanters’ sect and other associations, although my work requires reevaluating the comparative analyses of previous scholars. Often I confirm their conclusions, with qualification, but in many cases I show that what was previously thought to be the product of “associational influence” actually derived from

⁵ The Covenanters never claimed to be “true Israel,” nor did they deny that non-sectarians were part of Israel. Instead they distinguished between righteous and wicked Israelites, with the expectation that eschatological Israel would consist only of the righteous. See J. Collins, “The Construction of Israel in the Sectarian Rule Books,” *Judaism in Late Antiquity* part 5, *The Judaism of Qumran* vol. 1, *Theory of Israel*, ed. A. Avery-Peck, J. Neusner and B. Chilton (Leiden: Brill, 2001) 25–42.

the Covenanters' appropriation of existing state patterns, whether real or ideal, or their creation of new organizational and legal patterns through sectarian exegesis of Scripture, or their reformulation of conventional political practices in the language of the Torah. This last practice was not merely a matter of proof-texting: As I discuss at some length below, the Covenanters shared with many contemporary Jews the conviction that the Torah contained the essential constitution and laws for Israel. Their reframing conventional political discourse in scriptural terms was part of a comprehensive attempt to reset the Israelite polity on its covenantal foundations.

Reconstructing the Covenanters' civic ideology involves showing how thoroughly political their thought and activities were, and how many political conventions of their age they took for granted as proper for any legitimate state. Illustrating the political nature of sect requires surveying an expansive—but far from comprehensive—range of analogies from ancient sources. This type of comparative survey may appear to be a species of the “parallelomania” against which Samuel Sandmel warned with fierce eloquence in his 1961 Presidential Address to the Society of Biblical Literature.⁶ But I think I have heeded his exhortations well. First, the analogies that I identify are real similarities having to do with how to structure and control a society. Second, with the exception of Scripture, most of the analogies that I identify are not the exact sources or “influences” of the Covenanters' discourse and features. Instead, they illustrate how the sectarians' contemporaries spoke about civic ideology, constitution, and law, and show that the Covenanters' self-description, organization, and regulation fits within the political habits of their age. Third, the analogies in Greek and Roman sources do not prove that Jews passively absorbed foreign practices, or copied what they encountered in non-Jewish culture. To the contrary, I find in the Covenanters' civic ideology evidence of a vigorous, creative engagement primarily with Jewish culture as it existed in the Hellenistic and Roman eras. While I cite analogies in Aristotle, Cicero, Plato, and Xenophon, as well as the associational evidence, throughout this study, these were not the sect's sources. Instead, sectarians most likely encountered the type of thought and habits apparent in the non-Jewish evidence, in Judea's own affluent, politically ambitious, well educated circles. Evidence for such circles is appears in the highly political, ideological content of 1–2 Maccabees, Josephus, and the

⁶ S. Sandmel, “Parallelomania,” *JBL* 81 (1962) 1–13.

Mishnah and Tosefta, sources within which we also find many analogies to sectarian ideology and practice. It is likely, further, that the Covenanters contributed their own influence to outsiders. To put it another way, I hope that these many pages successfully describe pieces of an ongoing dialogue within Jewish society. While I have focused on evidence that locates the Covenanters within a particular context, there is ample evidence that they contributed to the discourse of their time. Indeed, had they not spoken the theological and political vernacular of their age, their obvious influence on elements of Jewish and Christian movements that survived them, up through at least the early Medieval period, would have been impossible.

Understanding the Covenanters' sect in its context requires, of course, accurate understanding of the sect in its own right. At the heart of this study is a new translation and interpretation of statutes pertaining to the sect's organization and regulation. I offer brief exegetical commentary on the text of the Rule Scrolls, and then examine analogous statutes in the Greco-Roman and other materials.

1.1.1 *The Nomoi of Contemporary Voluntary Associations*

For the Greco-Roman associations a massive amount of evidence exists, mostly in the form of inscriptions. Most inscriptions commemorate a single event in the life of the group, and so provide little else but evidence that something happened to a certain group at a certain time. Most details about the group's activity, size, organization, etc., are unknown. A few associational *nomoi*, preserved both in papyri and in inscriptions, preserve invaluable details about associational organization and regulation. Throughout this study I will refer to the best preserved *nomoi*, here listed in chronological order:⁷

P. Dem. Lille 29, cultic association of Sebek at Arsinoë, 223 BCE⁸

P. Dem. Cairo 31178, cultic association (Osiris, Isis and Serapis?) at Arsinoë, 179 BCE

⁷ By far the most important *nomoi* are the inscriptions of the Iobacchoi (SIG³ 1109) and the association of Diana and Antinoüs (ILS 7212), since they are significantly longer, more detailed, and more intact than the papyri. Indeed, reconstructing and interpreting the contents of other *nomoi* often requires referring to these epigraphic records.

⁸ For the Demotic *nomoi* I depend upon F. de Cenival's edition and translation, *Les associations religieuses en Egypte d'après les documents démotiques* (Cairo: Institut français d'archéologie orientale, 1972).

- P. Dem. Cairo 30606, cultic association of Sebek at Arsinoë, 157 BCE
 P. Dem. Hamburg I, cultic association of Sebek at Tebtynis, 151 BCE
 P. Dem. Cairo 31179, cultic association of Sebek at Arsinoë, 147 BCE
 P. Dem. Cairo 30605, cultic association of Sebek at Arsinoë, 145 BCE
 [P. Dem. Cairo 30619, cultic association of Sebek at Arsinoë, 137 BCE]
 [P. Dem. Prague, cultic association of Sebek at Arsinoë, 137 BCE]⁹
 P. Dem. Berlin 3115, cultic association of Amon-Ophet at Djeme, c. 110 BCE
 P. Lond. 2710, cultic association of Zeus Hypsistos at Philadelphia, c. 68–59 BCE
 P. Mich. V 244, association of the *Apolysimoi* of Tebtynis, 43 CE
 P. Mich. V 243, unnamed association at Tebtynis, reign of Tiberius¹⁰
 ILS 7212 = CIL XIV 2112, cultic assoc. of Diana and Antinoüs at Lanuvium, c. 136 CE
 SIG³ 1109, cultic association of the Iobacchoi at Athens, c. 178 CE

1.1.2 Politeiai: *Constitutions of Real and Ideal States*

The final set of evidence comprises constitutional and legal texts that I will call, for the sake of convenience, *politeiai*. The most important are Plato's *Republic*, and especially his *Laws*; the Aristotelian *Constitution of Athens*, along with Aristotle's own *Politics*; Xenophon's *Constitution of Athens* and *Politeia of the Spartans*, and Cicero's *Republic* and *Laws*.¹¹ These describe the organization and laws of states, both real and ideal, and offer systematic arguments for the legitimacy of state authority. In order to show how the Covenanters and other associations crafted their organizational structures after state patterns, I will point out analogies between associational features and the state

⁹ P. Dem. Cairo 30619 and P. Dem. Prague are highly fragmented. They are reconstructed on the basis of P. Dem. 31179 and P. Dem. Lille 29, respectively.

¹⁰ Boak also classified P. Mich. V 245 as a *nomos*-like text; it is a contract for an association of salt merchants, determining the price of their goods and less important for our study than the actual *nomoi*.

¹¹ While not all of these texts are called *politeiai*, John Keaney has shown that texts such as Plato's *Laws* are closely related to texts that bear the name *politeia*, above all the Aristotelian *Constitution of Athens*. While Aristotle's *Politics* is not technically a *politeia*, he claims that it is based on his survey of "the collection of constitutions" (ἐκ τῶν συνηγμένων πολιτειῶν), and book 7 is devoted to a description of the ideal *polis*. All the texts treat state organization and laws and display authorial interest in describing how well constitutional and legal systems, whether real or ideal, function. For discussion of the origin of the genre *politeia* and its relationship to texts such as Plato's *Laws* see J. Keaney, *The Composition of Aristotle's Athenaiion Politeia: Observation and Explanation* (New York: Oxford, 1992). For discussion of the types ancient *politeiai* see idem, review of P. J. Rhodes, *Commentary on the Aristotelian Athenaiion Politeia*, *AJP* 103 (1982) 454–57.

features described in the *politeiai*, along with constitutional and legal evidence from other sources. I argue that the Covenanters not only drew upon actual state practice and patterns, from the city councils to the military and temple cult, but were probably influenced by utopian visions of states similar to those preserved in the *politeiai*. It is likely that highly educated Judean citizens had at least general knowledge of utopian political thought, even if they did not read Plato, Xenophon, Aristotle or Cicero themselves. Indeed, Philo claims that the philosophical school of the Essenes studied, among other things, πολιτεία (*Prob.* 83). In other Greco-Roman schools this involved the comparative study of constitutions.¹² While it is possible that Jewish intellectuals devised their own constitutional literature without exposure to these kinds of texts, such cultural isolation seems unlikely; perhaps *politeiai* were composed and circulated among other Jewish elites contemporary to the Covenanters.¹³ Whatever their exposure to various literary forms, I hope that my comparative analysis will persuade that the literary genre that most closely matches the organization, contents, and purpose of the Rule Scrolls is that of the *politeia*.

1.2 FUNDAMENTAL STRUCTURES OF THE COVENANTERS' SECT IN THE THREE RULE SCROLLS¹⁴

1.2.1 *The Damascus Rule and the Community Rule*

The Covenanters organized and regulated their sect according to statutes preserved in two Rule Scrolls. The first, the *Damascus Rule* (D), is most completely preserved in the two medieval CD mss. (CD-A; CD-B), and also attested in eight fragmentary mss. from Cave 4

¹² On Aristotle's collection and study of *politeiai* see D.L. 5.27–28. The practice of collecting, comparing, and writing constitutions is evident in books 2 and 3 of Plato, *Leg.*; of Aristotle, *Pol.* book 2; cf. Cicero, *Resp.*, 1.33–2.51.

¹³ As Jean Duhaime pointed out, the War Rule bears striking resemblances to Greek tactical treatises; nevertheless he is skeptical that the author studied the Greek texts. Instead, he may have had access to Jewish tactical treatises written in the style of the Greek manuals. See idem, "War Scroll (1QM; 1Q33; 4Q491–496 = 4QM1–6; 4Q497)," in PTSDSS 2.80–203; "The War Scroll from Qumran and the Greco-Roman Tactical Treatises," *RevQ* 13 (1988) 133–51.

¹⁴ For this study I leave aside the War Rule (1QM; 1Q33; 4Q491–496). While it is important for assessing sectarian eschatology, and helps establish some points of connection between Greco-Roman culture and the Covenanters, it is of limited value for reconstructing the details of the sect's structure and activity.

(4QD^{a-h}). The second, the *Community Rule* (S), is most completely preserved in 1QS, and also attested in ten fragmentary mss. from Cave 4 (4QS^{a-j}). While it is clear that the Rules underwent stages of development and redaction, and that different recensions of the Rules developed as they were transmitted within the sect, my interest is in the Rules in their final form—at least as close as we can identify it. This means that for S I will take 1QS as the normative rule for the *Yahad*, even if some of the *Yahad*'s cells were governed by other recensions, such as 4QS^{b,d} and 4QS^e. This is relatively unproblematic, given that 1QS seems to have been produced as a sort of “master copy” of S, full of scriptural citations that support its claims and laws, didactic passages that express its ideology most systematically, and more explicit sectarian language that identify its addressees with utmost clarity. Regarding sections that have been particularly controversial—esp. where 1QS shows “Sons of Zadok” while 4QS^{b,d} only mention the Many—I argue that the different recensions show no difference in the organization and regulation from one cell to another. For D I must rely on CD-A (CD 1–16): this Medieval copy is far more complete than the much earlier fragments from Cave 4, and the single Medieval codex page of CD-B (CD 19–20). Fortunately where CD-A lacks material that originally belonged to the *Damascus Rule*, the 4QD mss. are complete enough to allow relatively full reconstruction of its contents, especially its Penal Code and annual covenant renewal rites.

Given the diversity of scholarly approaches to the sect and its texts, a brief sketch of my own is in order. Doubtless a history of communal development led to the formation of two distinct sectarian groups and their respective Rules.¹⁵ One, governed by D, favored the self-designation “Congregation,” a term drawn from the Torah, where it designates Israel as a whole.¹⁶ D more frequently uses the term “Camp”

¹⁵ Recent studies include: H. Kapfer, “The Relationship between the Damascus Document and the Community Rule: Attitudes toward the Temple as a Test Case,” *DSD* 14 (2007) 152–77; S. Hultgren, *From the Damascus Covenant to the Covenant of the Community: Literary, Historical, and Theological Studies in the Dead Sea Scrolls* (STDJ 66; Leiden: Brill, 2007); S. Metso, “The Relationship between the Damascus Document and the Community Rule,” *The Damascus Document: A Centennial of Discovery*, ed. J. Baumgarten et al. (STDJ 34; Leiden: Brill, 2000) 85–93; also P. Davies, *The Damascus Covenant: An Interpretation of the “Damascus Document”* (Sheffield: JSOT Press, 1983) 173–97.

¹⁶ In D הַעֲדָוָה designates the addressees as a whole (14:10; 4QD^a fr. 10 i 3 || CD 14:11; 4QD^e fr. 7 i 14), as well as local communities (13:10–13; 4QD^a fr. 10 i 3–4 || CD 15:17). D also mentions congregations of the wicked (CD 1:12; 2:1; 3:9; 8:13) and the Prince

to designate local sectarian communities; the term, like Congregation, comes from Scripture and evokes the era of Israel's time in the wilderness as they prepared to enter and claim the holy land.¹⁷ The other was governed by S and called itself the "Council of the *Yahad*." Both S and D were copied during the same period, and must have been valid at the same time. Some have proposed that D and S governed two sects that originated in the same movement and later split over doctrine and practice.¹⁸ But the doctrine and rules of D and S, while not identical, do not appear to be in tension and can, in fact, be read as complementary. Indeed, CD-B refers to אנשי היחיד—apparently a misspelling of יחד—who heard and were judged by the משפטים הראשונים of the Teacher of Righteousness (CD 20:31–32). A fragmentary law in 4QD^e fr. 3 ii 19 may refer to משפטי הי[חד] that are binding upon members of the Camps.¹⁹ Perhaps these references signify a hierarchical relationship between the *Yahad* and the Camps: the *Yahad* has ultimate authority over halakic and juridical matters. Nevertheless, D shows that the Camps were governed by their own officials and councils. We might compare the relationship between the Camps and the *Yahad* to that between regular Israelites and the priests who administered the temple cult: the former lived in observance with the general laws, entrusting the business of atonement and sacrifice to the cultic society within their midst. While their activities regularly intersected, their ways of life were governed by different rules.

The fact that the owners of D and S brought their scrolls to the same Qumran caves suggests that the owners got on well, at the very least. I view them as members of a single sect association that comprised two segments governed by the two Rules. John Collins rightly characterizes the *Yahad* as a segment of the movement that "aspired to a higher

of the Congregation (נשיא העדה), a messianic figure (CD 7:20). S refers to the *Yahad* as the "holy congregation" once (1QS 5:20); here the term is non-technical. SE, on the other hand, employs the term twenty-one times to designate all citizens of eschatological Israel. For scriptural references see below, §3.2.2.2.1.

¹⁷ For מחנה see CD 7:6; 9:11; 10:23; 12:23; 13:4, 5, 7, 13 (*bis*), 16, 20; 14:3, 9; cp. 19:2; 20:26. Like עדה, מחנה comes from Scripture, where it commonly designates military units on campaign, as well as the wilderness dwellings of the Hebrews in the Exodus narratives.

¹⁸ Most recently E. Regev, *Sectarianism in Qumran: A Cross-Cultural Perspective* (Berlin: de Gruyter, 2007); "The Yahad and the Damascus Covenant: Structure, Organization and Relationship," *RevQ* 21 (2004) 233–62.

¹⁹ See Hempel, *Laws*, 59–62.

degree of holiness” than the Congregation.²⁰ I speculate further: this higher degree of holiness and purity reflected its purpose: the *Yahad* created and curated a cult of atonement for the sect as a whole, and for the land that the sect would govern when Israel was restored.

D supports approaching the Congregation and the *Yahad* as segments of the same sect. It distinguishes between two groups whose ways of life were markedly different. One was “those who walk in perfect holiness”; the other, those who “dwell in Camps according to the Rule of the land, take wives, and beget children” (CD 7:4b–7). We may infer that these “Men of Perfect Holiness,” as CD-B calls them (CD 20:2, 5, 7), did not dwell in Camps, but lived in more centralized quarters; nor did they marry, but were celibate.²¹ While D regulated life within the Camps, S, which contains no mention of women or familial life, regulated the group that D calls the “Men of Perfect Holiness.” Indeed, S refers to members of the *Yahad* by this very title.²² As Alison Schofield persuasively argues, the mss. of S, like those of D, belonged to local cells of the *Yahad* that flourished throughout Judea. I explain my view of the *Yahad* in light of the textual evidence below.²³

1.2.1.1 *Similarities Between the Camps and the Yahad*

Certain features of the sect’s two segments were consistent, as we might expect. All members are addressed as “Sons of Light”;²⁴ one leader is

²⁰ J. Collins, *Beyond the Qumran Community*, 6; see the discussion on pp. 54–65.

²¹ D implies that God compensates for the Men of Holiness’ lack of progeny by granting them life “for a thousand generations” (CD 7:6 || CD 19:20). A similar promise is given to members of the *Yahad* in a *peshar* on the Psalms (4QpPs^a 3:1–2). The *peshar* goes on to say that “to them will be all the inheritance of Adam, and to their seed forever.” “Seed” seems to have both figurative and eschatological meanings. Prior to the eschaton, while the penitents were celibate, their “seed” must be taken figuratively. In the eschaton, then they expected to resume regular familial life. 1QS 4:6–8 similarly promises “fruitfulness of seed” and eternal life for members of the *Yahad*. For a survey of the texts and issues see J. Baumgarten, “Celibacy,” *EDSS* 1.122–24 and “Qumran-Essene Restraints on Marriage,” *Archaeology and History in the Dead Sea Scrolls*, ed. L. Schiffman (Sheffield: JSOT, 1990) 3–24; also M. Horgan, *Pesharim* (Washington: Catholic Biblical Association, 1979) 213–14.

²² “Men of Perfect Holiness” appears in 1QS 8:20; the more common phrase is “those who walk in perfect holiness”: 1QS 1:8; 2:2; 8:10, 18, 21; 9:6, 8, 9, 19; cp. 3:9; 4:22; 6:24; 8:1, 9; 9:2, 5.

²³ A. Schofield, “Rereading S: A New Model of Textual Development in Light of the Cave 4 *Serekh* Copies,” *DSD* 15 (2008) 96–120; and *From Qumran to the Yahad: A New Paradigm of Textual Development for the Community Rule* (STDJ 77; Leiden: Brill, 2009).

²⁴ 4QD^a fr. 1 1; 1QS 1:9; 3:13, 24.

called the *Maskil*, “Instructor,”²⁵ while the officer charged with oversight of daily affairs bears the title *Mebaqqer*, “Examiner.”²⁶ A conciliar body called the Many or, less frequently, the Multitude (רוב, רבים), had specific duties and made decisions by vote.²⁷ Priests had authority, particularly as presiding officials at meetings, or in the issuing of official judgments.²⁸ Members were disciplined according to a Penal Code that imposed permanent expulsion, temporary exclusion, and fines of meal portions as punishments.²⁹ Members of the Camps and the *Yahad* performed annual covenant renewal rites that invoked blessings upon insiders, curses upon outsiders, and expelled egregiously transgressive members (4QD^a fr. 11 8b–21; 1QS 1:16–3:12).

1.2.1.2 Differences between the Camps and the *Yahad*

There were significant differences between the Camps and the *Yahad*. Members of the Camps married and had children, and also had frequent contact with non-sectarians, including Gentiles (CD 11:2; 12:6–11).³⁰ Life in Camps was not centralized and separated from regular Judean society; indeed, members engaged in regular economic activity that provided income to support households.³¹ From this income each member paid dues of two days’ wages per month (14:12–13). Clearly they maintained private property. We have no indication of how frequently members of local Camps met. D only provides rules for one meeting, an annual Assembly of All Camps that took place in

²⁵ CD 15:8; 12:21; 13:22; 4QD^a fr. 1 1 (reconstructed); 1QS 1:1 (reconstructed); 3:13; 9:12, 21; 4QS^d 1:1; cp. 4Q298 1 i 1.

²⁶ CD 15:8, 11, 14; 9:18–22; 13:6, 7–16; 14:8, 13; 4QD^a fr. 11 16; 1QS 6:12, 20 (cp. 14).

²⁷ CD 13:7; 14:7, 12; 1QS 5:2–3, 9, 22; 6:1, 7–21 (19x), 25; 7:3, 10, 13, 16, 19–21, 24–25; 8:19, 26; 9:2. With other scholars I view the idiom יצא הגורל (e.g., 1QS 6:16–22) as a reference to voting, not divination. Contrast, e.g., F. Schmidt, “Góral Versus Payís: Casting Lots at Qumran and in the Rabbinic Tradition,” in *Defining Identities: We, You, and the Other in the Dead Sea Scrolls*, ed. F. García Martínez and M. Popović (STDJ 70; Leiden: Brill, 2007) 175–85. See §4.8, below.

²⁸ CD 13:2–3, 5; 14:3–8; 4QD^a 11 8; 1QS 1:18, 21, 2:1, 11, 19; 5:21; 6:4–5, 8, 19; 7:2; 9:7.

²⁹ 4QD^a fr. 10 1:1–2:15; 4QD^e fr. 7 1:1–21; 1QS 6:24–7:25.

³⁰ The Sabbath laws contain two statutes regarding Gentiles: sectarians were forbidden from using “a foreigner” (בן הנכר) to do their business on the Sabbath (CD 11:2), and to rest in a place near Gentiles (גוים, CD 11:14b–15a). It seems likely that the first law regards the treatment of a Gentile servant, while the second refers to Gentile neighbors.

³¹ D brings all economic transactions under the supervision of the Camp Examiner (13:15–16). The laws assume that members will conduct normal financial activity, with certain restrictions.

the third month of the year (4QD^a fr. 11 16–17). Authority structures in D are consistent with a decentralized network of local communities: instead of requiring daily assemblies and councils, regulation of each Camp was entrusted to officers, primarily the Examiner,³² and to courts of ten judges that convened when necessary (CD 9:9–10; 10:4–10; 14:13).

S does not mention Gentiles, and it is reasonable to assume that the *Yahad* attempted to cut off contact with them completely. Further, S radically restricts contact with non-sectarian Jews (1QS 5:10–20; cp. 1:4–17; 2:25–3:6). Members of the *Yahad* did not pay dues, nor did they retain private property, although they kept track of each member's contribution to the common store (6:19–22). Members of the *Yahad* regularly took meals together (6:4–6) and met for one third of every night to study and worship (6:7–8). Such regular meetings are consistent with the more centralized way of life that S presupposes. The centralization of life also helps explain the nature of authority within the *Yahad*: while officers such as the Examiner made some decisions, ultimate authority lay in the hands of the Many, which convened daily. Only members living in close proximity could meet frequently enough for communal decision-making to be practical.

1.2.1.3 *The Relationship between the Camps and the Yahad*

Differences between the lifestyles of the Camps and the *Yahad* come from differences in the segments' identity and purpose. The Congregation is also called a "remnant" of the righteous, dwelling among an apostate people (CD 1:4–5; 2:11). While members of its Camps were required to separate from the impure practices of non-sectarian Jews, it is fairly certain that they continued to participate in certain aspects of the temple cult. D regulates dedications to the altar (16:13–14), the guilt offering of a ram (9:13–14), Sabbath sacrifices (11:17–21), and prayer at the temple (11:21–23). Its prohibition of offering sacrifices on the Sabbath besides the regular Sabbath offerings (11:17–21), and the requirement that all who approach the altar carefully observe sectarian laws on festivals and the Day of Atonement (6:11–20), restrict certain forms of temple worship, but not all. They were aimed at annual festivals that were celebrated according to the lunar calendar, as was the custom in the Hasmonean era. This restriction meant, of course,

³² CD 15:8, 11, 14; 9:18–22; 13:6, 7–16; 14:8, 13; 4QD^a fr. 11 16.

that members of the Camps did not procure atonement in the usual fashion, through presentation of offerings at the temple. Yet D promises repeatedly that God will provide atonement for them.³³ How?

I view the *Yahad* as a cult of atonement for the righteous remnant, constituted by a specially consecrated segment of the Covenanters' sect. Their cultic mission was intended to last until the annual festivals of the Jerusalem temple were restored to the proper calendar, a righteous priesthood took the place of the reprobates, and a righteous high priest, righteous king, and prophet arose to lead Israel (1QS 9:10b–11). S repeatedly emphasizes *Yahad's* cultic purpose: its activities not only include procuring atonement (1QS 5:6), but are conducted primarily for this goal (8:6; 9:3–6).

I do not believe that the *Yahad* was intended to be a complete replacement for the Jerusalem temple cult, as many have suggested.³⁴ Its purpose was limited to procuring atonement through non-sacrificial means. These included observing the annual festivals according to the solar calendar, maintaining a pure cultic environment within which “perfect holiness” dwelt, and offering “lips for judgment” and “perfection of the way” as substitutes for burnt offerings (1QS 9:3–5a; cp. 8:8b–10b).

1.2.1.4 *The Mss. of S and the Nature of the Yahad*

While the life regulated by S was more centralized and communitarian, it was not monastic in the sense that all members of the *Yahad* lived in one place, i.e., Qumran, as has been assumed in mainstream scholarship for decades.³⁵ Archaeologists from Roland de Vaux, in 1959, to Jodi Magness and Yizhar Hirschfeld more recently, have concluded

³³ See CD 3:18–20; 4:6–10; 14:19; 20:34; cp. 2:4–5.

³⁴ Similarly D. Dimant, “4QFlorilegium and the Idea of the Community as Temple,” in *Hellenica et Judaica*, ed. A. Caquot et al. (Leuven: Peeters, 1986) 165–89. In contrast see B. Gärtner, *The Temple and the Community in Qumran and the New Testament* (Cambridge: Cambridge University Press, 1965); G. Klinzing, *Die Umdeutung des Kultus in der Qumrangemeinde und im Neuen Testament* (Göttingen: Vandenhoeck & Ruprecht, 1971); L. Schiffman, “Community without Temple: The Qumran Community’s Withdrawal from the Jerusalem Temple,” in *Gemeinde ohne Tempel/ Community Without Temple: Zur Substituierung und Transformation des Jersalemer Tempels und seines Kults im Alten Testament, antiken Judentum und frühen Christentum* (Tübingen: Mohr Siebeck, 1999) 267–84; J. Naude, “Holiness in the Dead Sea Scrolls,” in *The Dead Sea Scrolls after Fifty Years*, ed. P. Flint and J. VanderKam (Leiden: Brill, 1999) 2.171–99, esp. 186–87.

³⁵ Against the simplistic association of the *Yahad* with Qumran see Collins, *Beyond the Qumran Community*, 65–69, and the bibliography there.

that Qumran would not have been suitable as a home for a community of any size, although it seems to have been suited to various types of communal activities.³⁶ The mss. evidence of S is consistent with the archaeological evidence. Brief remarks will suffice; the mss. suggest that the *Yahad* was organized into cells located in different places, each of which had its own copy of S.³⁷

1QS and at least four other S mss. open with introductory materials. 1QS opens with an introduction to S as a whole (1:1–15). This is followed by a Covenant Renewal Ceremony for the *Yahad* (1:16–3:12) and the Treatise on the Two Spirits (3:13–4:26). These introductory materials are followed by regulations for the *Yahad* (5:1–9:11): a statement of purpose followed by general instructions, protocol, and rules for meetings (5:1–6:7a); rules for the Assembly of the Many (6:7b–13b); rules for initiation (6:13c–23); the Penal Code (6:24–7:25); statutes for the Men of Perfect Holiness (8:1–9:11); and finally, rules for the *Maskil*, including a liturgical schedule based on the solar calendar (9:12–25). In 1QS these rules are followed by a hymn, possibly sung by the *Maskil*, that concludes S (10:8b–11:22). In 1QS, the hymn is followed by two additional texts: an eschatological outline of Israel SE (1QSa), after which follows the so-called “Blessings,” a liturgy of sectarian prayers for Israel (1QSb).

We may analyze variations in the 4QS mss. on the basis of the major divisions of 1QS: introductory materials (1QS 1–4); regulations for the *Yahad* (1QS 5–7); regulations for the Men of Perfect Holiness (1QS 8:15–9:11); the Hymn for the *Maskil* (9:26–11:22); and additional texts following S. While many of the mss. contain the materials in 1QS 1–4, not all do: 4QS^d omits them entirely, opening instead with Regulations for the *Yahad*; the same may have been true of 4QS^e.³⁸ Regulations for the Many vary in at least two ways. First, while the recension preserved in 4QS^{b,d} contains the same laws as 1QS, it lacks scriptural

³⁶ In his 1959 Schweich Lectures on the archaeology of Qumran, de Vaux wrote that the settlement “was not designed as a community residence but rather for the carrying on of certain communal activities.” See idem, *Archaeology and the Dead Sea Scrolls* (London: Oxford University Press, 1973) 10. Magness defends this conclusion in eadem, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2002) 69–72. Similarly Hirschfeld, *Qumran in Context: Reassessing the Archaeological Evidence* (Peabody: Hendrickson, 2004), denies any association of Qumran with the Covenanters’ sect.

³⁷ Similarly Schofield, “Rereading S” and *From Qumran to the Yahad*.

³⁸ Definitive reconstruction is impossible, but see Metso, *Textual Development*, 51; cp. Alexander and Vermes, *DJD* 26, 131.

citations and other embellishments; this renders it about 20% shorter than that of 1QS. Second, the penalties for transgressions in the Penal Code show some variety: 4QS^e 1:4 imposes sixty days of punishment for bearing a grudge. 1QS originally imposed the same penalty, but a scribe revised it to a full year (1QS 7:8).³⁹ The short penal code for and concluding statements on the Men of Perfect Holiness are not in all copies of S: 4QS^e lacked these statutes. Nor is the Hymn for the *Maskil* included in all texts: it is absent from 4QS^e. Finally, several editions of S contain other texts on the same scroll. In 1QS, S is followed by SE and Blessings; in 4QS^e, S is followed by the calendrical work 4QOtot, (4Q319), which tracks the triennial conjunction of the new moon with the beginning of the solar year and describes the priestly clan on duty at each conjunction. 4QS^a, 4QS^b, 4QS^c, 4QS^h, and 4QS^j also contain texts not found in 1QS, but which are too fragmentary for full reconstruction.

Based on these major variations, as well as textual variants throughout the mss., three recensions of S have been identified.⁴⁰ One is represented by 4QS^b and 4QS^d, best characterized by its shorter version of the laws in 1QS 5–9 and the absence of the title “Sons of Zadok” for sectarian priests; the second, by the lengthier 1QS. A third is represented by 4QS^e, which lacks a penal code for the fifteen Men of Perfect Holiness, as well as concluding statements on the *Yahad* as a whole (i.e., the material in 1QS 8:16b–9:11); it also may retain an older version of the Penal Code than 1QS.

We should also note the variety of the physical qualities of S mss.: besides the magnificent, painstakingly—and expensively—produced ms. of Cave 1, which stands at a remarkable 241 mm, Cave 4 yielded eight smaller parchment mss., from a miniature 44 mm (4QS^j) to the more handbook-sized dimensions of 83–142 mm. Further, two mss., 4QS^{a,c} were copied onto papyrus, a much cheaper and less durable material.⁴¹

³⁹ For analysis see Alexander and Vermes, *DJD* 26, 135–36; also Schofield, “Rereading,” 112–13.

⁴⁰ Alexander and Vermes tentatively identify a fourth recension in 4QS^s (*DJD* 26, 11), which may have lacked regulations for the Assembly of the Many (1QS 6:7–13). The editors’ speculation about this extremely fragmentary text seems motivated by a quest for evidence that the role of the Many changed over the course of the *Yahad*’s history. This is unlikely, as I show in Chapter 4.

⁴¹ Admittedly the size of 4QS^j is a matter of speculation. For a survey of variations in the mss. see Alexander and Vermes, *DJD* 26, 9–12. For a synopsis of physical features of the mss. see *ibid.*, 18–19.

The variety of recensions and qualities of S mss. offers clues to its use among the *Yaḥad*: S was used in a variety of communal settings. Its statutes confirm this: in 1QS 6:2 we find the requirement that members observe the statutes of S “in all of their dwelling-places (בכול מגוריהם), anywhere there is found a man with his companion”. Further, study of the Torah had to follow sectarian protocol in any place where ten members of the *Yaḥad* convened (6:6b–7a). It seems apparent, in view of these statutes, that S was written for an association that conducted its activities in a number of different social settings, not a single monastic compound.⁴² Most likely members of the *Yaḥad* lived in cells located, like the Camps, throughout the towns and cities of Judea, as well as in the environs around Qumran.⁴³

When S was copied in different מגורים, variations inevitably resulted. Some scribes may have found it expedient to eliminate passages that did not immediately contribute to communal regulation. The practical motive for opening a scroll with statutes instead of didactic texts (4QS^d and perhaps 4QS^e), or for not including a long hymn after the statutes (4QS^e) seems obvious: eliminating non-essential texts conserved time and expensive writing materials, and made room for other texts that the scribe judged useful.⁴⁴ The variety of the physical quality of the S mss. supports the idea that some cells of the *Yaḥad* had higher status than others. The cell that possessed 1QS, easily the most impressive and well cared for of the S mss., may have held the highest status. Possibility this high-status cell was affiliated with the Qumran settlement. This plausibly accounts for why so many S and D mss. were deposited in Cave 4, so close to Qumran: in a time of crisis, sectarians living throughout Judea retreated to the relatively secure sectarian settlement at Qumran, bringing their precious texts with them.

⁴² Similarly Collins, “Form of Community in the Dead Sea Scrolls,” 87–88; “The *Yaḥad* and the ‘Qumran Community,’” 104; alternatively Metso argues that the term may refer to members of the *Yaḥad* travelling or sojourning together. If this is accepted, it seems to me that the same principle applies: wherever a group of members of the *Yaḥad* were found, they carried a copy of S to regulate their activities. See Metso, “Whom Does the Term *Yaḥad* Identify?” in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*, ed. C. Hempel and J. Lieu (JSJS 111; Leiden: Brill, 2006) 225–27.

⁴³ On מגורים as settlements around Qumran see J. Murphy-O’Connor, “La genèse littéraire de la Règle de la Communauté,” *RB* 76 (1969) 536.

⁴⁴ Schofield tentatively speculates that the cell of the *Yaḥad* governed by 4QS^e may have been located in Jerusalem. This may explain their attachment of *Otot*, with its list of priestly courses in the temple, to the end of S. See eadem, “Rereading S,” 115–16.

Aspects of previous models of the *Yahad* remain valid: members shared property, were celibate, severely restricted contact with outsiders, and lived in close proximity to each other—close enough to spend a third of every night in communal study and worship (1QS 7:7b–8a). Most importantly, the atoning work of the *Yahad* was accomplished regardless of where members met: its mission depended on strict observance of purity laws, the study of the Torah, rendering judgments, and offering worship according to the sectarian calendar. It did not require centralized monastic life.⁴⁵

1.2.2 *The Rule for the Congregation (SE)*

Both D and S indicate that their statutes are valid only until the end of the evil age.⁴⁶ Once God brings the evil age to an end, Israel will be restored and governed by the sect's interpretation of the Torah. A third Rule, SE, outlines a restored Israelite society. Only one copy of this text is complete enough to be of use (1QSa), but fragments of nine papyrus mss. were found in Cave 4 (4QSE^{a-i}). While the statutes of SE pertain to the eschatological era, the text is invaluable for reconstructing the Covenanters' civic ideology, as well as the relationship between the two segments governed by D and S. Like D, SE addresses the Congregation of Israel and includes statutes for women and children. SE also describes a special role for the *Yahad*: at special times they will assemble as a deliberative Council, constituted of the same types of men that S addresses: those who are "perfect of the way" and knowledgeable in sectarian teachings (1:27–2:1). Like the *Yahad* in S, priests will preside (1QSa 2:2–3, 17–20; cp. 1QS 5:1–2). The strongest clue for the relationship between the Congregation of D and the *Yahad* of S comes in the opening lines, which describe a group within the Congregation that had procured atonement "in the midst of evil" (1QSa 1:3). 1QSa 1:2 calls these men "the Sons of Zadok, the priests, and the men of their covenant," the same title that 1QS 5:9 gives to the *Yahad*. Thus SE was written as though looking back on the time

⁴⁵ For an early study of the *Yahad* as a non-monastic, non-Qumran-centered movement comprising a number of cells spread throughout Judea see P. Wernberg-Møller, "The Nature of the *Yahad* according to the *Manual of Discipline* and Related Documents," in *Dead Sea Scrolls Studies 1969* (Annual of Leeds University Oriental Society 6; Leiden: Brill, 1969) 56–81.

⁴⁶ See, e.g., CD 6:10; 1QS 1:18; 2:19; 3:21–23; cp. the instructions for the *Maskil* in 9:10–20.

of wickedness, when the *Yahad* procured atonement for the Congregation and the land—i.e., the sect as a whole.⁴⁷ Those who subjected themselves to the statutes of D and S did so in preparation for the state described by SE.

1.2.3 *A Note on Qumran and the Yahad*

I accept the long held view that some members of the *Yahad* lived in and around the settlement at Qumran. The buildings were used for some kind of industry. Pottery, balsam manufacturing, and production of scrolls have been proposed.⁴⁸ Whatever its original function, a material connection between the scrolls and the settlement is clear. Its proximity to Cave 4, a stone's throw away, and the presence of identical pottery and other artifacts in the caves and the settlement suggest that those who used the caves knew those who used the settlement.⁴⁹ The economic value of the settlement fits well with the evidence for the nature of the sect. Members were highly literate and had ample leisure for study. This indicates significant wealth. Indeed, the library of the Dead Sea Scrolls would have cost a fortune to produce. Such wealth is compatible with land-owning aristocrats who possessed plantations, workshops, or other businesses that guaranteed a steady income. As we know from Greek and Roman literature, philosophical activities, from informal meetings of friends to formally established schools,

⁴⁷ A number of scholars have argued that SE contains the earliest statutes for the Covenanters' sect: C. Hempel, "The Earthly Essene Nucleus of 1QSa," *DSD* 3 (1996) 253–69; S. Pfann, "Cryptic Texts" in idem et al., eds., *Qumran Cave 4.XXVI, Cryptic Texts and Miscellanea, Part 1* (DJD 39; Oxford: Clarendon, 2000) 515–702; H. Stegemann, "Some Remarks to 1QSa, to 1Qsb, and to Qumran Messianism," *RevQ* 17 (1996) 479–505. For critique of this view see J. Collins, *Beyond the Qumran Community*, 75–78 and "Forms of Community in the Dead Sea Scrolls," in *Emanuel: Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, ed. S. Paul et al. (Leiden: Brill, 2003) 107–10; see also idem, *The Scepter and the Star* (ABRL; New York: Doubleday, 1997) 104–12; also Annette Steudel, "אחרית הימים in the Texts from Qumran," *RevQ* 16 (1993) 225–46.

⁴⁸ Pottery production is discussed in de Vaux, *Archaeology and the Dead Sea Scrolls*, 16–18, and Magness, *Archaeology*, 50–55, 73–89. On the production of balsam ointments and related goods see Hirschfeld, *Qumran in Context*, 129–52. On Qumran as a "scrollery" see Stegemann, *Library of Qumran*, 51–55; de Vaux proposed a similar thesis: *Archaeology and the Dead Sea Scrolls*, 104–5.

⁴⁹ For archaeological connections between the caves and the settlement see Magness, *Archaeology*, 43–46.

regularly took place on the estates of such aristocrats.⁵⁰ It is possible that the settlement at Qumran was owned by a prominent household associated with the sect that devoted the proceeds of the settlement's industry to the sect's maintenance. As I discuss in ch. 4, it is also possible that Qumran hosted the fifteen Men of Perfect Holiness whose activity, including withdrawal to the wilderness to "prepare the way of the Lord" in fulfillment of Isa 40:3, is mentioned in 1QS 8–9.

Qumran was not ideal for perfect isolation from outsiders: it lay on a trade route extending from Jericho south past the Dead Sea.⁵¹ Other plantations, such as Ein Gedi, were close by. Qumran occupied an ideal spot for industrial work and trade that could support expensive sectarian activity. At the same time, its location was sufficiently removed from Jerusalem to afford an invaluable illusion of isolation from rival cultic authorities, and to justify the claim that the cultic segment of the sect had separated itself from the rest of Israel. Further, the location in the Judean desert allowed sectarians to imagine themselves reenacting the Exodus by studying law and perfecting cultic practice in the wilderness before retaking the holy land.

⁵⁰ In his *Republic*, Cicero describes the estate of Publius Rutilius Rufus in Smyrna as the location of a holiday retreat at which several friends convene to discuss current events, from cosmology to politics. All of the guests are affluent, accomplished in political and military affairs, highly literate and well read, and well versed in political philosophy (see, e.g., *Resp.* 1.13). Epicurus' own property, the famous garden, was large enough not only for gatherings, but apparently had ample room for a few philosophers to live. Further, Epicurus, his students, and his successors were the beneficiaries of patronage from a number of sources. See D.L. 10.16–21. On Plato's benefactors, Academy, and estates see D.L. 3.9, 20, 41–42; for Aristotle's property, which included an estate, at least two houses, numerous servants, and wealth left to him and his school by patrons, see D.L. 5.13–16.

⁵¹ See H. Bardtke, "Zwischen chirbet Qumrān und 'ein feschcha," *ThLZ* 1960, 263–74. Up-to-date evaluations of the archaeological evidence for commerce around the Dead Sea were presented at the conference on Qumran archaeology at Brown University in 2002, esp. by Y. Hirschfeld and J. Zangenberg. See K. Galor, J.-B. Humbert and J. Zangenberg, eds. *Qumran: The Site of the Dead Sea Scrolls: Archaeological Interpretations and Debates* (Boston: Brill, 2006). For an argument against the idea that Qumran lay at a crossroads see M. Broshi, "Was Qumran a Crossroads?" *RevQ* 19 (1999) 273–76; also the Broshi and Eshel, "How and Where Did the Qumranites Live?" in *The Provo International Conference on the Dead Sea Scrolls*, ed. D. Parry and E. Ulrich (STDJ 30; Leiden: Brill, 1999) 266–73.

1.3 WHO WERE THE COVENANTERS? ESSENES, *H*AVERIM, AND PYTHAGOREANS

1.3.1 *The Essene Hypothesis: Ancient Observers of the Covenanters' Association*

I assume the validity of the Essene hypothesis, which has proved its continuing value despite regular challenges over the years.⁵² For this study, the most valuable contribution of the Essene hypothesis is that it helps us understand how outsiders viewed the Covenanters. Josephus' description of two segments of the Essene movement, one that practiced celibacy and one that married (*BJ* 2.160–161), supports approaching D and S synchronically as Rules governing the two segments of the sect. Philo and Josephus also support comparative study of the Covenanters and other associations: despite the sect's attempts to purify its practice, self-description, and internal discourse of Hellenistic and Roman influence, observers noted striking resemblances to contemporary Greco-Roman associations, and used these resemblances to explain the nature of the sect to their readers.⁵³

Josephus classifies the Essenes with the Pharisees and Sadducees as αἰρέσεις, “parties” or “schools.” He explicitly compares the Pharisees to the Stoics (*Vita* 12) and the Essenes to the Pythagoreans (*Ant.* 15.371).⁵⁴ Philo similarly describes the Essenes' way of life as a φιλοσοφία. Unlike pagan philosophers who study logic and natural philosophy, Essenes focused on ethics (τὸ ἠθικόν), especially as it relates to the ancestral laws (πατρίοι νόμοι). It is striking that Philo notes, alongside piety, justice, and the household, the Essenes' concern with πολιτεία, the proper ordering of the state.⁵⁵ As I argue throughout this study, the Covenanters' Rule Scrolls show precisely this concern.

⁵² For detailed analysis of correlations between Josephus' description of the Essenes and Covenanters' way of life see T. Beall, *Josephus' Description of the Essenes Illustrated by the Dead Sea Scrolls* (Cambridge: Cambridge University Press, 1988).

⁵³ On the “anti-Hellenizing attitude” of the Covenanters see Magness, *Archaeology*, 188–209. See also W. Schniedewind, “Qumran Hebrew as An Antilanguage,” *JBL* 118 (1999) 235–52.

⁵⁴ Josephus does not explicitly associate the Sadducees with the Epicureans, but his description of Sadducean doctrine about fate and afterlife imply the connection (*BJ* 2.164–65). In later rabbinic literature heretics, and especially those who, like the Sadducees, do not believe in the resurrection of the dead, nor that the law is from heaven, are called אַפִּיקוֹרִים. See *m. Sanh.* 10:1; cp. *m. 'Abot* 2:14.

⁵⁵ “They study piety, the most holy things, justice, rule of the household, proper governance, knowledge of what things are in truth good, and bad, and indifferent,

Philo, like Josephus, also described the Essenes in terms commonly used for Greco-Roman voluntary associations: “they live... as associations of a confraternity, having established communal meals (οικοῦσι... κατὰ θιάσους ἑταιρίας καὶ συσσιτία πεπονημένοι)”⁵⁶ Several inscriptions from Greece, Asia Minor, and elsewhere⁵⁷ show the term θιάσος for cultic associations.⁵⁸ Throughout Greek literature the term ἑταιρία designates a confraternity, including schools,⁵⁹ while ἑταιρία or ἑταῖροι designated its members;⁶⁰ the terms also appear in the inscriptions of associations.⁶¹ Communal meals, συσσιτία, were part of public and private life in the *poleis* throughout the Mediterranean world. Most occurrences of the term in the literature refer to the habit of citizens or officials dining together,⁶² but the practice was also one of the most common features of private voluntary associations: rules for communal meals appear in the statutes of numerous associations.⁶³

choosing the things that are necessary and fleeing from their opposites” (Philo, *Prob.* 83, my translation). Philo’s description of the Essenes’ curriculum is highly assimilated to that of Greco-Roman philosophical schools. In Stoicism, for example, the topic of “impulses and repulsions” has to do not only with choosing the necessary things and avoiding things that are unnecessary, but also with “proper function,” i.e., how to behave toward the gods, family, and the *polis*. See Epictetus, *Diatr.* 3.2.1–5 and the commentary in Long and Sedley 1.344–46.

⁵⁶ Philo, *Apol.* 5 *ap.* Eueb., *PE* 8.6. The translation is mine.

⁵⁷ For Greece see, e.g., *IG* 2.986, 1663; 2.2 1177; *SIG*³ 921 (4th cent. BCE). For Asia Minor see, e.g., *SIG*³ 1044.45 (Halicarnassus, late 3rd cent. BCE); see also *SIG*³ 1108 (Callatis, Moesia Inferior, 3rd or 2nd cent. BCE); 1035 (Lindos, Rhodes, c. 6th–4th cent. BCE).

⁵⁸ Numerous groups called their members θιασῶται. For examples see *SIG*³: 921.70, 80, 95, 100; 1098.1, 10, 20, 25, 35, 45; 1103; 1010; cp. 1108, which has θιασῆτης for θιασῶτης; and θιασῆτικός, “pertaining or belonging to the θιάσος.”

⁵⁹ E.g., *Poll.* 4.45; *Xen., Mem.* 2.8.1; *Arist., Pol.* 1274a 28; *Met.* 985b 4.

⁶⁰ See *Isocrates* 3.54; 4.79; *Herodotus* 5.71; *Demosthenes*, 10.259; 21.20, 139; 22.31; *Thucydides* 3.82; 8.48; *Lysias* 12.43,55; ; *Eupolis* (5th cent. Athenian comic) 8.6; *Aristotle, Hist. an.* 611a 7; *Pol.* 1272b 34; 1305b 32; *Dio Cassius* 37.57; 44.6; *Leg. Gort.* 10.38; *Plutarch, Lys.* 5.

⁶¹ E.g., *OGIS* 573.1, erected by a Jewish association in Cicilia; *SIG*³ 1000.5; cp. 229.1, 10; 527.120.

⁶² E.g., *Aristotle* notes the συσσιτία τῶν ἑταιριῶν at Carthage (*Pol.* 1272b 34; cp. 1271a 33; 1272a 1; 1330a 3; also 1314a 10). See also *Plato, Leg.* 625e; 762c; *Herodotus* 1.65.

⁶³ See the statutes of the associations at Tebtynis, *P.Mich.* 244.14–16; 245.34–37; also those of the Iobacchi at Athens, *SIG*³ 1109.42–53, 127–36.

While most scholars accept the Essene identification, some have associated the Covenanters with an extreme variety of Pharisaism;⁶⁴ others have argued that the sect should not be identified with any of these groups, but should be regarded as one among many Jewish sects of the first century.⁶⁵ Saul Lieberman articulated this view well:

Jewish Palestine of the first century swarmed with different sects. Every sect probably had its divisions and subdivisions. Even the Pharisees themselves were reported to have been divided into seven categories. It is therefore precarious to ascribe our documents definitely to any of the known three major Jewish sects.⁶⁶

This view meets at least two formidable obstacles. First, the Covenanters were clearly affluent: they had the resources and leisure required for advanced education, and sufficient wealth to purchase and produce many expensive parchment scrolls. It is implausible that people with knowledge of aristocratic affairs in Judea—Josephus, and to a lesser extent, Philo—would not have known about a sect of such high socio-economic status, especially one with such peculiar practices and beliefs. Second, the Covenanters had keen interest in contemporary political and military affairs. Several texts allude to or name specific figures, including Judean rulers and a Roman general.⁶⁷ The *Commentary*

⁶⁴ L. Ginzberg, *An Unknown Jewish Sect* (rev. ed.; New York: Jewish Theological Seminary, 1976).

⁶⁵ See S. Lieberman, "The Discipline in the So-Called Dead Sea Manual of Discipline," *JBL* 71 (1952) 199–206; more recently, A. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation* (Leiden: Brill, 1997). Another variety of this interpretation holds that the DSS contain the literature of a variety of independent groups. Its most vocal proponent is Norman Golb, who argues that the DSS are the remnants of an array of "Jerusalem libraries and personal collections" that reveal the rich diversity, creativity, and sophistication of pre-rabbinic Judaism. He complains that classifying the owners of the DSS "into a narrow sectarian bed, either of Essenism or any other single group," obscures the brilliance of Jewish culture as a whole in the century before the war with Rome. See idem, *Who Wrote the Dead Sea Scrolls?* (New York: Scribner, 1995) 382–85 *et passim*. In fact, the Essene identification enhances our appreciation of Jewish culture: if one sect owned such a library, how rich must the holdings of the mainstream Jewish scholars have been, who had the support of the Hasmonean and Herodian rulers.

⁶⁶ Lieberman, "Discipline," 206.

⁶⁷ John Hyrcanus and his sons, Aristobulus I and Antigonos, are alluded to in 4QTestimonia, as Hanan Eshel has shown: "The Historical Background of the Peshar Interpreting Joshua's Curse on the Rebuilder of Jericho," *JJS* 44 (1993) 309–12. John Hyrcanus' third son, Alexander Jannaeus, is called by his Hebrew name, Jonathan, in 4Q448; see E. Main, "For King Jonathan or against? The Use of the Bible in 4Q448," in *Biblical Perspectives: Early Use and Interpretation of the Bible in light of the Dead Sea scrolls*, ed. M. Stone and E. Chazon (STDJ 28; Leiden: Brill, 1998) 113–35; E. Eshel,

on *Habakkuk* frequently mentions the Roman army (“*Kittim*”) and calls the Senate “the House of the Guilty” (בֵּית אֲשָׁמִים).⁶⁸ This same text describes a conflict between sect’s “founder,” the Teacher of Righteousness, and an opponent called the Wicked Priest.⁶⁹ Most scholars agree that the Wicked Priest was a high priest in Jerusalem. MMT is written as though providing instructions to a Judean ruler on the rudiments of sectarian halaka and eschatology. Intense interest in Judean politics, affluence, and a public profile sufficient to attract the attention of Jerusalem authorities make it likely that the Covenanters were well known to outsiders who commented on Judean affairs. The wealth of parallels between Greek descriptions of the Essenes and the internal evidence of the scrolls suggests that the Covenanters and the Essenes were the same.

1.3.2 *The Ḥavurot: Purity Associations with Assimilative Civic Ideology?*

Some of the most impressive analogies between the Covenanters and other associations come in a few allusive references in the Mishnah, Tosefta, and later rabbinic literature to a Palestinian Jewish movement of *ḥaverim*, “comrades”; they formed local *ḥavurot*, communities devoted to rigorous observance of purity and tithing laws. With the discovery of the Dead Sea Scrolls, interest in the *ḥaverim* increased dramatically: what had formerly been thought to be a society of the early rabbinic era now seemed to fit within late Second Temple Judaism.⁷⁰ Several studies probed similarities between the *ḥaverim* and the Covenanters, seeking light by which to illuminate each group and the varieties of Judaism of their time.⁷¹

H. Eshel and A. Yardeni, “4QApocryphal Psalm and Prayer,” *DJD* 11, 403–25. The calendrical text 4Q332 refers to John Hyrcanus (135/4–104 BCE), Hyrcanus II (63–40 BCE), Salome Alexandra (76–63 BCE), and the Roman general M. Aemilius Scaurus, who invaded Judea with Pompey, c. 63/2 BCE; see M. Wise, “An Annalistic Calendar from Qumran,” in idem, *Thunder in Gemini and Other Essays on the People, Language and Literature of Second Temple Palestine* (Sheffield: Sheffield Academic Press, 1994) 186–221.

⁶⁸ See 1QpHab 4:10–11.

⁶⁹ See 1QpHab 11:2–8.

⁷⁰ S. Fraade, “Qumran Yahad and Rabbinic Hăbûrâ: A Comparison Reconsidered,” *DSD* 16 (2009) 438. I would like to thank Prof. Fraade for making his article available to me prior to its publication.

⁷¹ For a detailed survey of scholarship from 1952 to 1986 see Fraade, “Qumran Yahad and Rabbinic Hăbûrâ,” 433–53. The first comparison of rabbinic texts on the *ḥaverim* and 1QS was Lieberman’s “Discipline.” Other important studies include

Common language, territory, and concerns about purity certainly justify comparative studies, but the evidence for the *ḥaverim* is slim and so much later than the Dead Sea Scrolls that the relationship between the two groups, if one existed at all, is difficult to assess. Nevertheless scholars tend to agree about five major similarities between the *ḥaverim* and Covenanters. Purity concerns are the first, as are the ways in which the purity statuses of dry and liquid goods are treated: the latter are more susceptible to impurities than the former.⁷² The second commonality is linguistic. Thrice D uses a form of **חבר** for the sect or its authorities.⁷³ Both the *ḥaverim* texts and the Rule Scrolls use **טהרה** for dry pure goods and **משקה** for liquids, although the rabbinic sources use plural forms. A man who petitions to join a *ḥaverim* is called **הבא לקבל עליו** (*t. Demai* 2:10, 13). Similarly in D and S a member of the sect is called **הבא בברית** and similar terms,⁷⁴ and both Rules contains statements for how **להביא** a newcomer into the sect.⁷⁵ One who accepts the laws of the *ḥavurah* is **המקבל עליו**; this resembles the formula in D and S for accepting sectarian rules: **יקים על נפשו**.⁷⁶ While in the Tosefta the usual verb for admitting a newcomer to the *ḥavurah* is **קבל**,⁷⁷ *y. Demai* uses **קרב**, the same verb for admittance or

C. Rabin, *Qumran Studies* (London: Oxford University Press, 1957); J. Neusner, *Fellowship in Judaism: the First Century and Today* (London: Valentine and Mitchell, 1963); "HBR and N'MN," *RevQ* 5 (1964) 119–27; A. Oppenheimer, *The 'Am Ha-aretz: A Study in the Social History of the Jewish People in the Hellenistic-Roman Period* (tr. I. H. Levine; Leiden: Brill, 1977), 118–69; see idem, "Ḥaverim," *EDSS* 1.333–36. See also S. Spiro, "Who Was the Ḥaver? A New Approach to an Ancient Institution," *JSJ* 11 (1980) 186–216.

⁷² See *t. Demai* 2:11–12 on a *ḥaver's* access to **טהרות**, dry goods, and **משקין**, liquids. On the danger of liquids that contract and transmit impurity see *m. Makš.* 3–6, *passim*; 6:6 names the seven liquids that are most dangerous (apart from bodily fluxes and discharges). *M. Hag.* treats the differing degrees of personal purity required for contact with different objects, and the purity status of objects themselves: on various types of offerings see 2:5–6; clothing, 2:7; vessels and dry foods 3:2–3; liquids, 3:4. See also the extended discussion of the purity status of various dry goods, from non-sacral food to offerings and holy implements, and liquids in *m. Tehar.* 1:5–3:5.

⁷³ CD 12:7b–8a; 14:16, 17 (reconstructed following 4QD^a fr. 10 i 10).

⁷⁴ E.g., CD 15:5b; 9:2b–3a; 13:14a; 1QS 1:16a; 2:12a.

⁷⁵ E.g., CD 13:13; 1QS 1:7b; 6:14b.

⁷⁶ See *m. Demai* 2:2–3; *t. Demai* 2:2–5, 11, 13–14. Variations of the formula designate individuals' taking obligations upon themselves (CD 15:12; 16:1b, 4b; 1QS 5:8b, 10b), and authorities imposing obligations upon others, as fathers cause their sons to take the oath of initiation (CD 15:5b–6a), and the Examiner imposes halakic commandments upon a new member who inadvertently transgresses (**צוה עליו**, 15:14b).

⁷⁷ The verb **קבל** designates accepting a prospective member twelve times in *t. Demai* 2:2, 5, 9–12. Lieberman ("Discipline," 199 n.7) only notes its occurrence at 2:2, 5, and 9. The term seems to have a technical meaning.

advancement through stages of initiation or punishment in S and D.⁷⁸ The same tractate also uses רבנים, the technical term in S and D for formal sectarian assemblies, to designate a meeting of the *havurah* for the business of inducting a new member.⁷⁹ The *haverim* must formally accept the associational laws publicly, בפני חבורה (*t. Demai* 2:14; cp. 2:13), in order to gain membership; similarly the Covenanters require candidates to be examined לפני הרבים before progressing to the next stage (1QS 6:15c; cp. 5:7c–8b).

A third similarity comes in procedure for initiation: full membership to a *havurah* is not granted immediately, but only after demonstrating fidelity to its laws of purity and tithing. The first requirement of one wishing to become a *haver* is scrutiny of deeds prior to submitting his candidacy. If the candidate has not kept purity and tithing laws in his own home, then he must be instructed for a period (*t. Demai* 2.10). This period of examination and instruction resembles that of S (1QS 6:13b–15a) and, to a lesser degree, D (CD 15:7b–15a). Following initial approval, the candidate for the *havurah* advances through three or four stages. According to the House of Shammai, in the first stage he has access to objects designated as כנפים;⁸⁰ in the second, to טהרות, which designates a variety of non-liquid pure items;⁸¹ in the third, after thirty days, to משקין, the seven liquids dangerously susceptible to impurity;⁸² and in the fourth, after one year, to clothing. The House of Hillel follows this pattern but allows access to clothing at the same time as liquids.⁸³ Progressive access to items of greater purity, presumably after set periods and examinations of fidelity to a *havurah's* laws, are analogous to the *Yahad's* initiation rites: one first is instructed by an official (1QS 6:14b–15a). If the official approves him, he begins his first year of candidacy, at the end of which the Many examine him. If

⁷⁸ In *y. Demai* 23a קרב twice designates admitting new or transgressive members into the *havurah*. Cp. 1QS 6:16a, 19a, 22a; 7:21b; 8:18b, cp. 9:15b.

⁷⁹ *Y. Demai* 22d; cp. 24c. Lieberman gives the relevant text of 22d with brief comments, "Discipline," 201. In the *Yahad* the Many are charged with examining and deciding about the suitability of candidates, along with juridical, scholastic, and cultic duties. The situation is different in the Camps. See my analysis of CD 15:5b–17; 13:7b–21; 14:3–12a in ch. 3, and of 1QS 5:7b–20b; 6:7b–7:25; 8:16b–9:2; cf. general analysis of the role of the Many in the *Yahad* in §4.3.1.

⁸⁰ For speculation on the meaning of the term see Lieberman, "Discipline," 201–2.

⁸¹ *T. Demai* 2.11.

⁸² The liquids are: dew, water, wine, olive oil, blood, milk, and honey (*m. Makš.* 6.4). See Lieberman, "Discipline," 202 n.28.

⁸³ *T. Demai* 2.11–12.

approved, he advances (קרב), gaining access to the טהרת הרבים and to less restricted participation in the *Yahad* for another year. After these two years he is examined again by the Many, and, if approved, is enrolled as a full member. He gains access to the משקה הרבים at the same point at which all of his property, presumably including clothing, is intermingled with that of the *Yahad* (1QS 6:18–23). A candidate's progressive access to טהרה, משקה, and property has a fairly strong analogy in the role that access to specific goods plays in initiation into a *havurah*.

The fourth and fifth analogies show variety in the rabbinic sources. Some *havurot* permanently excluded deserters; others accepted them back if they repented (*t. Demai* 2:9). 1QS gives clear rules for deserters: senior members who have been in the *Yahad* for ten or more years are permanently excluded, but repentant junior members can return under a two-year penalty (7:18b–25). Finally, attitudes toward outsiders are somewhat similar. The *Yahad* requires separation from them, condemning them as defiled “men of the pit.” S forbids sharing food, property, purificatory baths, and counsel with them (1QS 5:13b–20a). While there are restrictions on interactions with outsiders, the vitriolic tone of S is entirely absent from the rabbinic texts. Named rabbis give more lenient and stricter opinions, especially concerning interactions with non-*haver* family members.⁸⁴ Some scholars have identified hostility toward the עם הארץ, who are contrasted repeatedly to the pious, law-observant *haverim*.⁸⁵ Yet while they are not approved, neither are the עם הארץ condemned as אנשי העול, as in 1QS 5:10. Instead, interactions with them are taken for granted and regulated so that all goods that *haverim* and “people of the land” handle in common are treated appropriately regarding purity and tithe laws.⁸⁶ There are, of course, analogous principles of purity behind laws regulating transactions between Covenanters and outsiders (e.g., CD 13:14–16a; 1QS 5:16b–17a), but the statements on the *haverim* do not show hostility toward outsiders.

On the basis of these similarities, scholars have drawn various conclusions. Lieberman used the evidence to argue for great diversity

⁸⁴ *T. Demai* 2:2, 14–15.

⁸⁵ E.g., Lieberman, “Discipline,” 205; contrast the view of Oppenheimer, who argues that the *haverim* simply kept their distance from less observant outsiders (“*Haverim*,” 335).

⁸⁶ E.g., *m. Demai* 2:2–3; *t. Demai* 2:2.

within the Judaism of the late Second Temple Period, not only between sects but also within them; Neusner's study similarly contrasted the openness and integration of the *ḥavurot* to the Covenanters' exclusivist sectarianism.⁸⁷ Chaim Rabim took a very different approach, arguing that the Covenanters' Rule Scrolls came from a late first-century CE Pharisaic sect that continued the practices of the earlier *ḥaverim*, in competition with the emergent rabbis.⁸⁸ Oppenheimer argued more cautiously that the Covenanters were a non-Pharisaic *ḥavurah* of the late Second-Temple period with extreme views on the law that required physical separation from outsiders, and that generated profound hostility toward them. The appearance of the *ḥavurot*, Covenanters, and other Jewish sects, was a response to the general "institutional decline and decay" of the late Second Temple period.⁸⁹

Reexamination of the texts shows that many analogies between the *ḥaverim* and the Covenanters are largely overdrawn. Linguistic similarities are not so strong. As I discuss in ch. 3, the usage of *חבר* in D is closer to its usage in political contexts than in texts pertaining to the *ḥaverim* (e.g., *חבור ישראל* in CD 12:8 designates state-like identity, not a private society within a state).⁹⁰ The verb *בוא* is far too common to require explanation for its appearance in the Rule Scrolls and rabbinic texts, but the significant differences in its usage deserve comment: the Rule Scrolls almost exclusively use it to designate full members, not petitioners.⁹¹ The usual formula for one who joins the sect includes three elements, none of which appear in the *ḥaverim* texts: petitioners "freely offer themselves" (*התנדב*)⁹² "to be added to" (*להוסיף*)⁹³ the sect. In order to do so they must repent (*לשוב*)⁹⁴ and swear a binding oath (*יקם על נפשו בשבועתת אסר*) to adhere to the Torah and

⁸⁷ Lieberman, "Discipline," 205–6.

⁸⁸ Rabim, *Qumran Studies*. Rabim's detailed, fascinating, and highly speculative argument was refuted decisively in J. Baumgarten's detailed review, *JBL* 77 (1958) 249–57.

⁸⁹ Oppenheimer, "Ḥaverim," 335.

⁹⁰ So also Oppenheimer, 335; see my analysis of the term below, §3.6.2.1.

⁹¹ On regular usage see nn. 69–70 above. Exceptions appear in 1QS 2:25b, "anyone who refuses *לבוא*" the sect is condemned, but the passage stresses repentance (*לשוב*) 3:1b) as central to "coming into the covenant." 1QS 5:7c–8a describes a new member of the *Yahad* as *אל* *יבוא בברית אל*, but then emphasizes *על תורת מושה* a requirement for entering the covenant.

⁹² E.g., 1QS 1:7,11; 5:1, 6, 8, 10, 21–23; 6:13b.

⁹³ E.g., CD 13:11; 1Qs 6:13b–14a; 8:19.

⁹⁴ E.g., CD 15:7, 9, 12; 16:1, 4; 1QS 5:1–2, 8, 14–15; 22; 7:1; 8:6; cp. 1QS 1:17; 3:1.

sectarian halaka.⁹⁵ Further, while the Tosefta uses קבל for admitting members, the sectarian Rules use the term only in juridical contexts to identify trustworthy witnesses whose testimony can be admitted (CD 9:22–23; 1QSa 1:11). The term קרב is applied so infrequently to the *ḥaverim*, and in such late texts, that its value as an analogy to the much earlier Rule Scrolls is dubious. Differences in usage of shared terms—חבר, בוא, קבל, קרב—render suspect any attempt to posit the influence of one group upon the other, or identifying rivalry between competing sectarian groups, let alone identifying *ḥaverim* with Covenanters.

As Fraade, and before him, J. Baumgarten, point out, the interests and practices of the groups were not the same.⁹⁶ While both were concerned with purity, the *ḥaverim* placed a great deal of stress on tithing, a topic of relatively little concern in the Covenanters' literature. No rule on the *ḥaverim* mentions registration of property, officers, central administration, regular common meals, priestly authority within the *ḥavurot*, nor any specific *telos* apart from ensuring that all consumable goods that *ḥaverim* handle are properly tithed, and that they consume their food and drink in a state of purity. We find no direct polemics against the temple or its calendar, let alone any attempt to establish an alternative cult. Instead, normal social and economic relations and cultic activity are described in several places: *ḥaverim* work alongside the עם הארץ (*t. Demai* 2:18–19, 3:9), dine with them (3:6–7), worship alongside them at the temple (3:1–3), engage them in economic transactions (2:20–22; cp. 3:9), and marry them (2:16–17).

Perhaps the most relevant conclusion for this study is that the *ḥavurot* were non-sectarian associations of Jews who shared concern for strict observance of purity and tithing laws, were devoted to the Jerusalem temple (whether in its standing or idealized future form), and accepted fellowship with outsiders as a matter of course, even if their interactions had to be restricted. I am inclined to classify the *ḥavurot* among associations with assimilative civic ideology. Fraade makes an observation that supports my classification, which I explain in the next chapter:

⁹⁵ This repentance and oath language is from 1QS 5:8b and continues statements on לבוא in 5:7c.

⁹⁶ Fraade, “Qumran Yahad and Rabbinic Hābūrā”; Baumgarten, review of Rabin, *Qumran Studies*.

One aspect of the comparison to which, so far as I can tell, previous scholars have not taken note, and which complicates comparisons between the *yaḥad* and the *ḥābūrā* is as follows: The *yaḥad* (never appearing in plural form), refers, as best we can tell, to a singular “membership” group, whether that be the Qumran community in particular or the larger sectarian movement represented by the Dead Sea Scrolls, even if that movement had local “branches,” as it were. By contrast, the *ḥābūrôt* refer to a plethora (and perhaps variety) of decentralized social groupings, which despite common concerns for maintaining ritual purity in relation to food, lacked any overarching organization.⁹⁷

If Fraade is right, as seems likely, a *ḥaver* did not join a translocal association comprising numerous cells that shared a common identity, but committed himself to a local association of like-minded pietists, many of which existed throughout the towns and cities of Judea, and which followed different versions of purity and tithing rules. Such variety is apparent in a number of disagreements within *ḥavurot*. Rabbi Judah, for example, added to the basic requirements for the *ḥaver* that he also refrain from vows and jesting, and that he serve in a *בית המדרש* (*m. Demai* 2:3). While the rabbis rejected his view, we may surmise that it was followed in one or more *ḥavurot*. Similarly *ḥaverim* who adhered to the halaka of the House of Shammai did not sell olives to any non-*ḥaver*. Those of the House of Hillel, in contrast, did, if they were assured that the purchaser faithfully tithed.⁹⁸ As already noted, the Houses of Hillel and Shammai disagreed about the time at which a new *ḥaver's* clothing is pure: Shammai says one year; Hillel, thirty days, as in the case of *משקין* (*t. Demai* 2:12).

The absence of consensus from one *ḥavurah* to another, and from one leader to another, supports Fraade's point: the *ḥavurot* were united in concerns for purity and tithes but differed in their practical pursuit of the ideal. The *ḥavurot* may have been local groups with enough in common that members recognized each other as fellow devotees to a common ideal, but there was no single authority uniting and disciplining members around clearly defined identity, purpose, and means to achieving their goals. This contrasts strongly with the organization and regulation of the Covenanters. *Havurot* did not seem to appropriate the state-based pattern of enrolling in local cells that belonged to an overarching group. This makes them more like Dionysiac societies in

⁹⁷ Fraade, “Qumran Yahad and Rabbinic Hābūrā,” 451.

⁹⁸ *T. Demai* 6:6.

different cities, all of which were devoted to the same god and essential rites, but which did not belong to a larger communion spread throughout a large territory. They were, then, different from groups with alternative civic ideology, from the Epicureans, Cynics, Stoics, and Pauline *ekklēsiai*, to the Covenanters, all of which used membership in a local group to establish “citizenship” in a larger polity.

As a penultimate note, nothing securely establishes the *ḥaverim* in the Second Temple period: the earliest sources are from the third century CE. Some contemporary scholars, in agreement with scholars who worked before 1947, continue to regard the *ḥavurah* as a phenomenon of post-70 Judaism.⁹⁹ Even if they did emerge in the Second Temple period, the rules for *ḥaverim* have been redacted by the rabbis to such extent that they may be unreliable for reconstructing the earlier *ḥavurot*. We might concede that the purpose and form of the early *ḥaverim* are unrecoverable.¹⁰⁰

To complicate matters, I adduce two points that might count against the identification of the *ḥavurot* as associations with assimilative civic ideology, and which might help to locate the movement in the late Second Temple period. The first comes from the usage of חֶבֶר. As used in the texts it seems to mean “companion,” but perhaps this innocuous usage is a result of rabbinic bowdlerizing. Its usage in the Second Temple period as a term for a commonwealth is well attested, as I discuss in Chapter 3.¹⁰¹ The Covenanters seem to have appropriated it for their own society as part of their self-identification along state lines. Did the *ḥavurot* choose their name for similar reasons? My second point supports an affirmative answer: protest against state authority and law may be observable in the first obligation that

⁹⁹ E.g., A. Avery-Peck argues that the laws pertaining to the *ḥaverim* originated in the period after the Bar-Kokbah revolt. See idem, *Mishnah's Division of Agriculture: A History and Theology of Seder Zeraim* (Brown Judaic Studies 79; Chico, Calif.: Scholars Press, 1985), 73–78, 83–106, 358–59, 387–89, 417–18 nn. 1–3. As Hayim Lapin points out, most named authorities in the laws for *ḥaverim* are from the mid-to-late-second century CE; whether this has anything to do with the origin of the movement is extremely difficult to evaluate. See Lapin, “The Origins and Development of the Rabbinic Movement in the Land of Israel,” in *The Late Roman-Rabbinic Period*, ed. W. D. Davies et al.; vol. 4 in *The Cambridge History of Judaism* (Cambridge: Cambridge University Press, 2006) 218.

¹⁰⁰ So Fraade, at least for Second Temple period *ḥaverim*: the evidence that we have reflects the nature of the *ḥaverim* in the rabbinic era (“Qumran Yahad and Rabbinic *Hābūrā*,” 452).

¹⁰¹ See §3.6.2.1, below.

the Tosefta imposes upon the *ḥaver*: he must not give heave-offerings and tithes to a priest who is an עַם הָאֲרֶץ (*t. Demai* 2:2, elaborated in 3:2–3). Perhaps, like the Covenanters, the *ḥaverim* protested against lax temple practices under the Hasmoneans and Herodians by limiting the wealth that they contributed to the temple, on the grounds that priests did not abide by sacred law.¹⁰² On this point our understanding of the *ḥaverim* remains deficient, perhaps because we have been too fascinated with the identification of one group with another, e.g., *ḥaverim* with Pharisees or rabbis or Covenanters; Covenanters with Essenes or Sadducees or Pharisees; rabbis with Pharisees or *ḥaverim*. Or, perhaps, as Fraade eloquently argues, modern theological preoccupations have skewed our approach. We seek the *Hintergrund* of modern religions, whether Christian or Jewish, in the Covenanters or *ḥaverim* or Pharisees, with the result that we overlook evidence about what these communities themselves imagined, in profoundly different terms, what God required of them.

Much remains unknown about the *ḥaverim* as well as the Covenanters, but we have far more evidence for the Covenanters than for the *ḥaverim*. It may be that the next phase of research shines light from the scrolls of the Sons of Light about what the *ḥaverim* were up to, and when they were up to it.

1.3.3 *Essenes and Pythagoreans: Parallels and Problems*

In view of recent attempts to revive an old argument¹⁰³ that Essenes actually practiced a Jewish form of Pythagoreanism, some comments are in order.¹⁰⁴ Some claim that the sect's communitarian lifestyle and

¹⁰² For the Covenanters' withholding contributions to the Jerusalem temple see my analysis of laws of ownerless property in CD 9:13–16a, esp. §3.3.6.1, and laws of atoning sacrifice for sin at the end of D's Penal Code in §3.6.5 (4QD^a fr. 11 1–21; 4QD^c fr. 7 i 15b–16a).

¹⁰³ Prior to the discovery of the DSS, Isidore Lévy published several studies on the Essenes, primarily as described in Josephus, as Pythagoreans: *La légende de Pythagore de Grèce en Palestine* (Paris: Champion, 1927). His essays on the topic are collected in idem, *Recherches esséniennes et pythagoriciennes* (Geneva: Droz and Minard, 1965); See also idem, *Recherches sur les sources de la légende de Pythagore* (Paris: Leroux, 1926).

¹⁰⁴ On the supposed influence of the "Neopythagorean movement" on early Christianity, see J. C. Thom, "Don't Walk on the Highways: the Pythagorean *Akousmata* and Early Christian Literature," *JBL* 113 (1994) 93–112. To his credit, Thom's analysis is restricted to parallels between the esoteric sayings of Pythagoras, and the teachings of Jesus in the NT; the influence that he detects is essentially literary. Nevertheless the

treatment of property, habit of dressing in white garments, emphasis on purity, prohibition of oaths, procedures for initiation and expulsion, and reverence for the sun, resulted from Pythagorean influence. In 2004 Justin Taylor speculated that the *Yahad* was an offshoot of the Egyptian Therapeutae, a Jewish sect that thoroughly adopted the Pythagorean way of life.¹⁰⁵ He writes that it is reasonable

to suppose that the close structural parallels between the Pythagorean and the Essene ways of life are to be explained finally by contacts between the two, specifically by the influence of the former upon the latter. It also seems likely that Alexandria was the channel of communication.

Let us suppose that Jewish groups in Alexandria adopted a “philosophical” way of life, of specifically the Pythagorean type. They may have been in touch with real Pythagorean communities (supposing that such existed) or simply with the literary Pythagoreanism that was conveyed by the Middle Academy and the Hellenistic Pythagorean texts. These were the Therapeutae and Therapeutrides.

They in turn influenced Jewish groups in Palestine... These were, or became, the Essenes. That is to say, the Essenes adopted specifically Pythagorean customs through contact with the Therapeutae.¹⁰⁶

While Taylor concedes that literary influences may explain the similarities between the groups, he mounts a vigorous case for actual contact.¹⁰⁷

The problem, of course, is that no evidence whatsoever—no monument, inscription, or papyrus, as Walter Burkert pointed out—suggests

language of a “movement” and “revival” of Pythagoreanism suggests more than interest in teaching, i.e., the formation of schools and the associations.

¹⁰⁵ Most recently see Justin Taylor, *Pythagoreans and Essenes: Structural Parallels* (Paris: Peeters, 2004) 15–28. Taylor’s view is close to but much more nuanced than that of Moses Hadas, *Hellenistic Culture: Fusion and Diffusion* (New York: Columbia University Press, 1959) 193–96. Earlier studies that appeared after the discovery of the Dead Sea Scrolls include A. Dupont-Sommer, “Le problème des influences étrangères sur la secte juive de Qoumrân,” *Revue d’Histoire et de Philosophie religieuses* 35 (1955) 75–94; T. F. Glasson, *Greek Influence in Jewish Eschatology, with Special Reference to the Apocalypses and Pseudepigraphs* (London: SPCK, 1961) 49–51.

¹⁰⁶ Taylor, *Pythagoreans and Essenes*, 106–7. Similarly D. Fernandez-Galiano, “Un Monasterio Pitagorico: Los Terapeutas de Alejandria,” *Gerion* 11 (1993) 244–69.

¹⁰⁷ Less cautiously, Dupont-Sommer argued that the Essene practice of facing the sun during prayers was “totalement étrangère au reste du judaïsme” and must have been borrowed from Pythagoreanism (“Problème,” 89). But prayer associated with the appearance and disappearance of the sun was commonplace in early Judaism (e.g., *m. Ber.* 1:1–2), and the Mishnah discusses prayer facing both east and west (*m. Sukkah* 5:4). Sun-facing prayer is also evident in biblical texts: Ezek 8:15–16 (where it is condemned); possibly 1 Esdras 5:47–48. For discussion see Leaney, *The Rule of Qumran and Its Meaning* (Philadelphia: Westminster, 1966), 76–77.

the existence of any Pythagorean society or school, anywhere, after the fourth century BCE.¹⁰⁸ Indeed, Diogenes Laertius cites a tradition dating the end of the Pythagorean school to the 360s BCE.¹⁰⁹ Cicero provides additional evidence that Pythagoreanism had vanished as a way of life. In the introduction to his commentary on Plato's *Timaeus* he credits P. Nigidius Figulus, a Roman praetor in 58 BCE, with reviving Pythagorean teachings.¹¹⁰ Cicero's remark has been cited as evidence for a renewed flourishing of Pythagoreanism in Rome,¹¹¹ but it should be read as precisely the opposite: Cicero thought of Pythagoreanism as dead. It could only live as something recreated deliberately by such a learned man as Nigidius, famous for his studies in obscure doctrines.¹¹²

Nigidius' association with Pythagoreanism seems to have been part of a trend among Roman elites in the first centuries BCE and CE to claim Pythagorean affiliation. Cicero also accuses Vatinius, ally of Caesar, of affecting Pythagorean habits as a cloak for impious behavior.¹¹³ The elder Pliny wrote that in 27 BCE Varro was buried "in the Pythagorean manner."¹¹⁴ The burial is presented as a remarkable personal choice, not the result of Varro's affiliation with a Pythagorean society. Another piece of evidence for Pythagorean practice comes without mention of Pythagoras himself, but in Seneca's discussion of the school of Quintus Sextius. Seneca reports two practices with affinities to Pythagoreanism: Sextius taught vegetarianism, and the practice of reviewing one's moral achievements and failures at the end of each day.¹¹⁵ But Seneca does not associate these practices with Pythagoras: we only know them

¹⁰⁸ W. Burkert, "Hellenistische Pseudopythagorica," *Philologus* 105 (1961) 229–30. Many other scholars have argued that Pythagoreanism was only a literary, not a social, phenomenon in the Hellenistic period. See, e.g., J. A. Philip, *Pythagoras and Early Pythagoreanism* (Toronto: University of Toronto, 1966); more recently, D. Musial, "Sodalitium Nigidiani: Les pythagoriciens à Rome à la fin de la République," *Revue de l'histoire des religions* 218 (2001) 339–67.

¹⁰⁹ D.L. 8.46.

¹¹⁰ Cicero writes that P. Nigidius Figulus "arose to revive the teachings of the Pythagoreans which, after having flourished for several centuries in Italy and Sicily, had in some way been extinguished" (*Tim.* 1). The translation is from C. Kahn, *Pythagoras and the Pythagoreans: A Brief History* (Indianapolis: Hackett, 2001) 73.

¹¹¹ See esp. Hadas, *Hellenistic Culture*, 193–96.

¹¹² For discussion see Kahn, *Pythagoras and the Pythagoreans*, 90–91.

¹¹³ Cicero, *Vat.* 6, discussed in Kahn, *Pythagoras and the Pythagoreans*, 91–92.

¹¹⁴ Pliny, *Nat.* 35.160.

¹¹⁵ Seneca, *Ira* 3.36.1.

as Pythagorean from other sources.¹¹⁶ Further, members of Sextius' school are not called Pythagoreans, but "Sextians." From the Roman evidence for Pythagoreanism we may draw two conclusions. First, while aspects of Pythagorean teaching and practice were idealized, they were adopted eclectically and seem to have had value as markers of status. Second, it seems fairly clear that there were no Pythagorean schools, even among these Roman intellectuals who idealized Pythagoras. Instead, Pythagorean practice spread through individual study and within schools identified with other teachers.

The surge of interest in Pythagorean practice was accompanied by writings on the role of Pythagoras in the founding of Rome itself: popular accounts claimed that Rome's founder, Numa, was a student of Pythagoras. Even though educated Romans like Cicero and Plutarch knew that this was chronologically impossible, they nevertheless reported the popular stories and commented at length on their significance.¹¹⁷ In Ovid's *Metamorphoses*, Pythagoras himself appears at the climax and delivers a lengthy address to Rome on discipline and piety.¹¹⁸ A consistent theme emerges: what Pythagoras theorized, the Romans put into practice, from the ideal organization and discipline of a society to its technology and culture.¹¹⁹

What explains this surge of interest in Pythagoreanism at the end of the Roman Republic and in the early Principate? The period was one of profound political change. Roman leaders and intellectuals appealed to the venerable past to make a case for their own visions of what Rome's future should look like. While political opponents like Cicero and Vatinius disagreed about Roman politics, both rhetorically grounded their identity and political agenda in Pythagoreanism. The reasons for the philosophy's appeal are fairly clear: Pythagoras not only preceded and furnished ideas for other philosophers, including Plato, but did so as a philosopher of Italy. Romans could point to his mathematical and cosmological ideas as the foundation of Roman

¹¹⁶ Cicero is our earliest source that identifies nightly moral self-examination as Pythagorean (*Sen.* 38); cp. D.L. 8.22. Vegetarianism is discussed in D.L. 8.13.

¹¹⁷ Plutarch extensively compared Numa's political and cultic practices to the doctrines of Pythagoras: *Numa* 8.1–8; cp. 11.1. In 14.2–4 Plutarch shows that Numa was like Pythagoras in his establishment of laws that seemed esoteric but actually were founded upon some discernible philosophical principle.

¹¹⁸ Ovid, *Met.* 15, *passim*. For discussion see Kahn, *Pythagoras and the Pythagoreans*, 146–50.

¹¹⁹ See Cicero, *Tusc. disp.* 4.1.2–3; also Plutarch, *Numa* 1.2.

technology. His doctrine of metempsychosis emphasized individual moral accountability, and his disciplined way of life, while esoteric, could be claimed to undergird the Roman virtues of piety, purity, and mastery of the passions.

Roman interest in Pythagoreanism likely provides a key to understanding two aspects of Josephus' testimony. First, why did Josephus present the Essenes as Pythagoreans? Behind this question lies another: Why did Josephus compare the Jewish "schools" to Stoicism and Pythagoreanism, explicitly, and Epicureanism, implicitly, rather than addressing the three main Greek schools: Stoics, Epicureans, and Platonists? The answer to the second question is now fairly clear. In first-century Rome, Pythagoreanism, in particular its moral dimension and emphasis on discipline, was idealized. Roman intellectuals affected Pythagorean identity, studied its doctrines, and observed its practices eclectically. Interest in Pythagoreanism had less to do with the school's doctrines *per se*, and more with the virtues of Pythagoreanism that were associated with the myths of Rome's foundations. Josephus' presentation of the Essenes as full-fledged Pythagoreans accomplished at least one apologetic goal: it affirmed that Jews shared the same ideals as Romans. But it may have been intended to accomplish another. If Josephus knew of Roman Pythagoreanism as a disorganized, idealized, eclectic and sporadic practice, he may have presented Jewish Pythagoreanism in Essene form as a full realization of the ideals, doctrines, and practices that the Romans favored but failed to put into practice. Josephus implied that the Jews bested the Romans in the Pythagorean virtues of piety, discipline, and purity—and thus in the virtues that lay at the very foundation of Roman history and identity.

If these points are correct, then Josephus' account should be read with great caution: he exaggerated parallels between Pythagoreans and Essenes for apologetic purposes. And, as Martin Hengel already demonstrated in *Judaism and Hellenism*, most of the parallels between Pythagoreanism and the Covenanters' sect, e.g., concerns for purity, secrecy, prohibition of oaths, and veneration of the sun, were either native to Judaism or so widespread throughout the ancient Mediterranean and ANE that there is no need to posit a specifically Pythagorean influence.¹²⁰

¹²⁰ See Hengel, *Judaism and Hellenism*, 245–47. If indeed the Covenanters dressed in white garments, as Josephus claims the Essenes did, the habit hardly need be

As I argue throughout this book, the organization and regulation of the Covenanters' association, like that of others, were based on a common source from which most associations drew: the organization and regulation of various elements of the state. Certain "Pythagorean" features of sectarian practice, such as taking meals in common, having a common store of property, regularly observing celestial signs, and following a rigorously disciplined way of life, resemble military practice, as well as practices found in public cults.

1.4 COMPARATIVE STUDY OF THE COVENANTERS AND GRECO-ROMAN ASSOCIATIONS

1.4.1 *Hans Bardtke*

Hans Bardtke initiated comparative studies in 1961 with a groundbreaking analysis of the sect's legal status, which he continued in a longer article in 1967.¹²¹ His main goal was to explain the similarities and differences between S and D, particularly with attention to the authority structures within each group. Why did the voting assembly of the

explained through Pythagorean influence. Biblical descriptions of priestly vestments draw a sharp distinction between the clothing that priests wore in common space, and what they wore in sacred space. Several times Exodus distinguishes between the holy vestments that Aaron, as high priest, wore, and those of regular priests (31:10; 35:19; 39:1, 41). Leviticus states that the high priest could only wear the elaborate vestments while ministering before the altar. He set them aside when he left the holy space (Lev 16:4–24; cp. Ezek 44:17–19). When priests set their consecrated garments aside, they wore only a linen tunic. The Essene "uniform" may reflect these biblical laws: since the *Yahad* did not minister at the altar, members could not wear any cultic garb save the linen tunic. Eschewing adornment may also have stemmed from interest in purity; it could also have simplified rejection of the Roman practice of signifying rank by embroidering borders on clothing, as Jodi Magness speculates (*Archaeology*, 203–4).

¹²¹ H. Bardtke, "Die Rechtsstellung der Qumrân-Gemeinde," *ThLZ* 86 (1961) 93–104; idem, "4. Soziologie und Rechtsstellung der Gemeinde von Qumrân," pp. 217–36 in the survey article, "Qumrân und seine Probleme," *Theologische Rundschau* 33 (1967) 97–119, 185–236. Other early studies on the legal status of the *Yahad* were published by E. Koffmahn, "Rechtsstellung und hierarchische Struktur des ׀ן׀ von Qumrân: eine juristische Person und eine religiöse Gemeinschaft nach dem mosaischen Gesetz," *Biblica* 42 (1961) 433–42; eadem, "Die staatsrechtliche Stellung der essenischen Vereinigungen in der griechisch-römischen Periode," *Biblica* 44 (1963) 46–61. Her work suffers from two problems: first, Koffmahn erroneously argued, following Otto Gierke, that the modern concept of the juridical person was defined associations in Greek and Roman law. Second, she ignored the Hellenistic-Roman *Vereinswesen* as the context of the sect's activity, assuming that all of its features resulted from sectarian biblical exegesis.

Many wield so much authority in S, while officials like the Examiner and the judges had authority in D? Bardtke argued that changes in the legal status of the sect explained the evolution of its authority structures. In order to make this argument, he first had to establish that the sect had a specific status under state law. It was, Bardtke argued, a voluntary association like others that flourished in the Hellenistic and Roman eras. The better part of his first article supports this classification through comparison of the sect's features with those of other associations—a necessary first step in advancing his hypothesis about the evolution of sectarian regulation. Bardtke then argued that differences in Hellenistic and Roman laws on associations provoked the Covenanters to change their way of life, hierarchy, frequency of meetings, and so forth.

Bardtke based his historical analysis on Mariano San Nicolò's studies of the legal status of voluntary associations in Egypt.¹²² San Nicolò argued that state laws on associational activity determined associations' organization and regulation: in Hellenistic Egypt, frequent meetings were permitted. Associations developed the habit of governing their affairs and making decisions by voting at regular assemblies. Later, Roman law restricted the frequency of meetings and required that associational activity be reported to state authorities by representatives of each group. It became impractical for associations to make decisions by communal vote. Authority went to a hierarchy of a few officers who made the most important decisions on behalf of their group. Bardtke concluded that S, with its nightly assemblies of the Many and relatively few references to officers, reflected sectarian life under Seleucid law. Under Roman law, the sect revised its rules into what we find in D, transferring authority from the Many into the hands of the Examiner.¹²³

The legacy of Bardtke's study was not what he intended: his reconstruction of the sect's history and the literary development of its Rules, has not gained acceptance. However, his catalogue of analogies between the Covenanters' sect and voluntary associations known from the Greek, Roman, and Demotic sources, laid the foundation for all future comparative studies. He began with what was central to San Nicolò's studies: the juridical authority of associations. The *nomoi*

¹²² San Nicolò, "Zur Vereinsgerichtsbarkeit" and *Ägyptisches Vereinswesen*.

¹²³ See Bardtke, "Rechtsstellung," 100, citing San Nicolò 2.86–88.

commonly require members to resolve disputes between members within an associational “court”; those who sought legal relief in the state courts could be fined.¹²⁴ Similarly, prohibitions from appealing to external courts appear in D (CD 9:1), and the comprehensive juridical system outlined in the Rule Scrolls eliminated any need to turn to other legal authorities. He then surveyed other analogies between the Covenanters and Greco-Roman associations. The Covenanters and other associations handled property similarly: all required members to pay dues, which were pooled into a common fund that supported associational activity, including aid to needy members.¹²⁵ The communal use of property in S and the collection of dues in D provided a parallel. Communal use of property could extend to land and buildings devoted for such things as meetings, burials, and the erection of monuments.¹²⁶ Bardtke suggested that the sect’s use of the Qumran settlement matched this pattern of land use. Further, he pointed out that in the Greco-Roman groups a founder (κτίστης) established the group and also often contributed land for its use. Bardtke identified the Teacher of Righteousness as the sect’s founder and suggested that he may have contributed the land at Qumran.¹²⁷

Bardtke also pointed out similarities between the officials and decision-making assemblies of the Covenanters and Greco-Roman associations. Most associations had a president; some had additional officers. Their typical duties entailed convening meetings, overseeing communal funds, and enforcing the payment of dues. Other important decisions were made by vote at an assembly of all members. These arrangements of authority have parallels in the Rule Scrolls: in S the *Maskil* has authority to teach and lead cultic rites. The Examiner and another official appointed over the Many ensure that assemblies were conducted in an orderly manner. Bardtke noted that the size of the Covenanters’ bureaucracy distinguished the sect from other

¹²⁴ Bardtke, “Rechtsstellung,” 98; see also Seidl, *Ptolemäische Rechtsgeschichte*, 155. On the private jurisdiction of the association to resolve disputes between members see *SIG*³ 1109.90–95; P. Lond. 2710.16–17; P. Mich. 243.8 and the Demotic papyri, P. Dem. Lille 29.10, 22–23; P. Dem. Cairo 30605 19–21; 31179 20–21, 24; P. Dem. Prague 17; prohibitions against accusations in *CIL* 14.2112 2.25–28 may have been intended to limit members’ interactions with external courts. See also Cicero, *Cael.* 26. For additional discussion see A. Boak, “Organization of Gilds,” *TAPA* 68 (1937) 217.

¹²⁵ Bardtke, “Rechtsstellung,” 99; see also San Nicolò, 2.188.

¹²⁶ Bardtke, “Rechtsstellung,” 97.

¹²⁷ Bardtke, “Rechtsstellung,” 97.

associations: besides having more administrative officers, they also had a council of priests. This distinction, Bardtke argued, was one of scale, not structure.¹²⁸

Bardtke surveyed analogies between the common life of the sect and other associations. All groups convened for meals and administrative meetings, as well as special meetings that presidents called. At annual meetings members reviewed, revised, and renewed the *nomoi*.¹²⁹ Among the Covenanters, as in other associations, absences from meetings are forbidden and punished by fines or exclusion. While most forms of common life took place at weekly or even monthly gatherings that lasted a day or less, it could be as constant and intimate as sharing common living quarters, as seems to have been the case among the Poseidoniasts at Delos.¹³⁰ Bardtke identified Qumran as the site of the sect's common life, stressing similarities with the Poseidoniasts.

Finally, Bardtke surveyed similarities in admission and disciplinary procedures. Both in the sect and in Greco-Roman associations, prospective members are subjected to a scrutiny in which an official or the members as a whole assess his suitability.¹³¹ Admission is decided by vote. As part of initiation, members swear oaths to abide by the association's statutes. If they transgress they pay a penalty, usually a monetary fine. The Covenanters are similar in virtually every way; however, the *Yahad* cannot fine members, since they combine all personal into a communal treasury. This limits the options for punishment to temporary exclusion, permanent expulsion, or reduction of food.¹³²

Bardtke established that the Covenanters' sect, however distinctive its features, was, indeed, a voluntary association that needed to be studied alongside others from the same period. His insight that its features developed as a response to legal and political circumstances was, in a general sense, absolutely correct and deserves to be developed further, as I do in this book. It was not, however, picked up by other scholars, and his own execution was problematic. As discussed

¹²⁸ Bardtke, "Rechtsstellung," 97.

¹²⁹ Bardtke, "Rechtsstellung," 97, drawing on San Nicolò, *Ägyptisches Vereinswesen*, 2.20; also E. Seidl, *Ptolemäische Rechtsgeschichte* (Ägyptologische Forschungen 22; Hamburg: J. J. Augustin, 1962) 152–56.

¹³⁰ Bardtke, "Rechtsstellung," 98, drawing upon Poland, *Geschichte*, 464–65; Ziebarth, *Griechische Vereinswesen* 206–7; Rostovtzeff, *SEHHW* 2.787–93.

¹³¹ Bardtke, "Rechtsstellung," 97–98; also San Nicolò, "Zur Vereinsgerichtsbarkeit," 282, 298.

¹³² Bardtke, "Soziologie und Rechtsstellung," 229.

above, internal evidence in the Rule Scrolls, paleographic dating, and the testimony of external observers suggests that the S and D governed two segments of a single association and should be read synchronically.¹³³ Further, Bardtke's claims about the difference between the status of associations in Hellenistic and Roman law are overstated. Laws on associations were, in general, fairly consistent in both eras: associations of virtually all varieties were tolerated, and even encouraged, provided that they did not engage in unlawful activity. As many scholars have pointed out, laws on associational activity differed profoundly from one time and territory to another, depending on local political and social stability.¹³⁴

1.4.2 *Other Short Studies*

Other short studies appeared not long after Bardtke's first article. His conclusions were supported by a short study that Carl Schneider published in 1963.¹³⁵ Schneider argued that within the sect, the Israelite practice of confessing sin as part of national cultic worship was

¹³³ Paleographic dating, which suggests that both S and D continued to be copied well into the Roman period, supports the synchronic approach. The date of the sect's formation has recently been revised significantly. M. Wise and J. Collins have persuasively shown that the career of the Teacher of Righteousness most likely came around the end of the second century BCE. Magness' study of Qumran suggests that the settlement was not founded until around 100 BCE, approximately the same time that Wise proposes for the Teacher's career. See M. Wise, "Dating the Teacher of Righteousness and the Floruit of His Movement," *JBL* 122 (2003) 53–87; J. Collins, *Beyond the Qumran Community*, 88–121; Magness, *Archaeology*, 63–71.

¹³⁴ Surveying these laws is beyond the scope of the present book. *Contra* Bardtke, Roman authorities restricted associational activity only when it became problematic. This more nuanced view was already set forth in M. Radin, *The Legislation of the Greeks and Romans on Corporations* (New York: Morehouse and Taylor, 1910). For analysis and bibliography of the most important scholarship see I. Arnaoutoglou, "Roman Law and *Collegia* in Asia Minor," *Revue Internationale des droits de l'Antiquité* 49 (2002) 27–44. Bardtke's view has recently been repeated by W. Cotter, "The Collegia and Roman Law: State Restrictions on Voluntary Associations, 64 BCE–200 CE," in *Voluntary Associations in the Graeco-Roman World*, ed. Wilson and Kloppenborg (London: Routledge, 1996) 74–89, and, in the same volume, J. Kloppenborg, "Collegia and *Thiasoi*," 16; identically, R. Ascough, "Greco-Roman Philosophic, Religious, and Voluntary Associations," *Community Formation in the Early Church and the Church Today*, ed. R. Longenecker (Peabody: Hendrickson, 2002) 12.

¹³⁵ C. Schneider, "Zur Problematik des Hellenistischen in den Qumrāntexten" in *Qumrān-Probleme: Vorträge des Leipziger Symposions über Qumrān-Probleme vom 9. bis 14. Oktober 1961*, ed. H. Bardtke (Berlin: Akademie, 1963) 299–314. Schneider bases his summary of associations on four inscriptions containing the ordinances of mystery cults at Lydia (*SIG*³ 3.985), Andania (*SIG*³ 2.736), Halicarnassus (*SIG*³ 3.1044), and Athens (*SIG*³ 3.1109).

transformed into an oath of entrance into a restricted religious society.¹³⁶ In Hellenistic associations, as at Qumran, priests pronounced benedictions over bread and wine; Hellenistic associations also set age limits for officials, legislated for particular treatment of property for their administrators and priests, and regulated water usage and bathing, for purity purposes. Schneider argued, further, that interpretation of the Bible in the *pesharim* and other texts stemmed from Alexandrian scholastic conventions. Most insightfully, he drew comparisons between the *Yahad's* common life and that described in the utopian *politeiai* of the Greek philosophical schools. He speculated that the Covenanters attempted to establish the type of society that the philosophers only imagined.¹³⁷ As I show in my analysis of the Rule Scrolls and the *politeiai*, some of the most important features of the sect resemble features of utopian states described in texts like Plato's *Republic* and *Laws*, or highly idealized states such as Xenophon outlines in his *Politeia of the Spartans*.

In 1966 Bruno Dombrowski pointed out that the term *Yahad* was used in virtually the same way as the common Greek terms for Hellenistic-Roman associations, *κοινόν* and *κοινωνία*.¹³⁸ Matthias Delcor supported Bardtke's conclusions about the jurisdiction of the Covenanters' courts, and described in greater detail similarities between the common meals of Greco-Roman, Jewish, and Christian groups.¹³⁹

1.4.3 Moshe Weinfeld

In 1986 Moshe Weinfeld produced what is thus far the only monograph devoted to the topic, *The Organization and Penal Code of the Qumran Sect: A Comparison with Guilds and Religious Associations of the Hellenistic-Roman Period*.¹⁴⁰ While Weinfeld's very brief analysis does not go much beyond that of Bardtke, its fuller and more systematic presentation of evidence provoked more comparative research. Whereas

¹³⁶ Schneider, "Zur Problematik," 313.

¹³⁷ Schneider, "Zur Problematik," 310.

¹³⁸ B. Dombrowski, "Hayyahad in 1QS and TO KOINON: An Instance of Early Greek and Jewish Synthesis," *HTR* 59 (1966) 293–307.

¹³⁹ M. Delcor, "The Courts of the Church of Corinth and the Courts of Qumran," *Paul and the Dead Sea Scrolls*, ed. J. Murphy O'Connor and J. Charlesworth (New York: Crossroad, 1990); idem, "Repas cultuels esséniens et thérapeutes, thiasés et haburoth" *RevQ* 6 (1967–69) 401–25.

¹⁴⁰ Weinfeld, *The Organizational Pattern and Penal Code of the Qumran Sect* (NTOA 2; Göttingen: Vandenhoeck & Ruprecht, 1986).

Bardtke relied on San Nicolò for his information about Greco-Roman associations, and Schneider discussed four inscriptions without citing much of their texts, Weinfeld provided detailed examples from seventeen *nomoi*, and full translations of three representative statutes: one Dionysiac, the monumental inscription preserving the *nomos* of the Athenian Iobacoi (SIG³ 1109, c. 178 CE); one Jewish, an inscription from the floor of the Ein-Gedi synagogue south of Qumran (3rd–5th cent. CE) and one Christian (Epistle of Peter to James in the Pseudo-Clementine texts, 2nd cent. CE).

The strength of Weinfeld's study lies in its organization and detail. Here I offer a brief summary and critique, saving full engagement for the following chapters. Weinfeld organizes features of the Covenanters' sect and pagan associations into eight categories: 1) names for the group; 2) the associational council; 3) officials; 4) initiation; 5) laws and penalties; 6) probationary period for new candidates; 7) annual renewal of associational laws; and 8) the role of a founder. In all of these areas Weinfeld presents detailed evidence from the various *nomoi* in support of his argument that the pagan associations influenced the Covenanters' own organization and regulation. By far the most valuable contribution of the book is section (5), on laws and penalties in the Rule Scrolls and pagan *nomoi*. I engage the contents of this section throughout my chapters on the Rule Scrolls; suffice it to say for now that Weinfeld shows convincingly that the internal regulation of the Covenanters' sect is so similar to that of other associations that the groups must be regarded as similar types. At the same time, he points out that the Covenanters took pains to avoid looking exactly like a Greek or Roman association. This, he argues, is apparent in their coinage of Hebrew terms for the name of the sect: סֵרֶךְ, יְחָד, and רְבִים reflect deliberate substitution of Hebrew words for their Greek equivalents: τάξις or σπειρα; κοινόν/κοινωνία; and οἱ πολλοί/τὸ πλῆθος.¹⁴¹

Commendably, Weinfeld admits that certain features of the sect differed from the conventions of the Greek, Roman, and Egyptian associations. He claims, wrongly, as I discuss below, that while the *nomoi* frequently mention sacrifice and worship in public temples, the Rule Scrolls ignore these topics. He points out that the Rules also lack any mention of burial and funerals, common topics in the *nomoi*, and claims that the Rules entirely omit pecuniary fines and payment of

¹⁴¹ Weinfeld, *Organizational Pattern*, 10–16.

dues, which are ubiquitous in the *nomoi*. Weinfeld also points out that the Rules contain material that has no analogy in the *nomoi*, such as the liturgy of blessings and curses in the covenant renewal rites. Also missing from the *nomoi* is “religious-moralistic rhetoric” that both D and S contain in, e.g., the Admonition of D in CD 1–8, and the didactic material in 1QS 1–4. The *nomoi* also lack analogies to the liturgical texts at the end of D and some copies of S. Finally, unlike the *nomoi*, which were concerned with associational life in the present, the Rule Scrolls were written with an eschatological future in mind.¹⁴²

Another commendable feature of Weinfeld’s approach is his consistent usage of sociological terminology: he calls the Covenanters members of a “sect,” and pagan groups, “associations.”¹⁴³ While he never discusses the theoretical relationship between sect and association, nor makes any reference to social-scientific literature on the topic, it is clear that Weinfeld understands a sect as a type of voluntary association. In this respect his approach follows current sociological understanding of sects and other associations.

The achievement of Weinfeld’s work is obvious in its influence: it is by far the most frequently cited comparative analysis of the Covenanters and Greco-Roman associations, and remains the starting point for all studies on the topic. But there are methodological and interpretive problems, some quite significant. The first is his treatment of the Rule Scrolls. Bardtke, whom Weinfeld credits with initiating the comparative enterprise, began his studies in an attempt to understand the relationship between two very different Rule Scrolls, S and D. Weinfeld, on the other hand, treats S and D as though they governed a single group, simultaneously. He depends primarily on S and harmonizes the Rules, obscuring fundamental differences between the groups that they governed. Since S makes no mention of dues or sacrifices and offerings in the temple, he claims that the sect as a whole did not collect dues, nor concerned itself with sacrifice and temple worship.¹⁴⁴ While these claims may be true of the *Yaḥad*, they are certainly not true of the Camps, where members paid monthly dues and participated in a lim-

¹⁴² For differences between the *nomoi* and the Rules see Weinfeld, *Organizational Pattern*, 46–47.

¹⁴³ See the opening discussion of the “Qumran sect” among the Greco-Roman associations in Weinfeld, *Organizational Pattern*, 7–8.

¹⁴⁴ Weinfeld, *Organizational Pattern*, 46.

ited way in the Jerusalem temple cult. Weinfeld also neglects statutes on women and children in D, and makes no mention of the sectarian terminology peculiar to D, e.g., “Camps” and “Congregation.”

Weinfeld’s treatment of two other Rules is highly problematic. First, while Weinfeld acknowledges the “ideal future” that SE describes,¹⁴⁵ he neglects discussion of that text almost entirely. Second, he reconstructs several features of the sect from the *War Rule* (M). While M reflects the sect’s political and theological interests, it does not describe daily structure and activity. Using it to reconstruct features of the Covenanters’ sect leads to problems, such as Weinfeld’s erroneous identification of the term for a military division (סרך) as a formal sectarian self-designation.¹⁴⁶ While the four pages over which he discusses the term are full of fascinating information on Near Eastern cognates and parallels in Greek, his interpretation of the term and its significance is simply wrong: the term is not used as a technical self-designation of the sect.¹⁴⁷

A final problem with Weinfeld’s analysis is his attempt to distinguish rigidly between the sect’s organizational and regulatory “matters

¹⁴⁵ Weinfeld, *Organizational Pattern*, 47.

¹⁴⁶ Weinfeld, *Organizational Pattern*, 11, citing אנשי הסרך in 1QM 7:1 and זקני הסרך in 13:1; curiously he does not cite 1QS 1:16, which designates members as הבאים סרך היחד, “those who enter into the order of the *Yahad*” or “those who enter in accordance with the Rule of the *Yahad*.”

¹⁴⁷ The term occurs most frequently in 1QM, where it has several meanings: “military order,” i.e., array or group of fighting men: 1QM 3:3; 6:10, 11, 14; 7:1, 17; 13:1; 15:4, 5; 18:6; 4QM1 fr. 1–3 1:17; “rule” of instruction: 1QM 3:13; 4:9; 5:3, 4; 9:10; 16:3; 4QM3 fr. 1 line 9; 4QM6 fr. 10 line 2; “order” on a list, 1QM 4:6; 8:14; לסרך in 4QM1 8–10 1:17 means “to array in military order.” In CD סרך designates a set of rules pertaining to a specific topic: 10:4; 12:19, 22; 13:7; 14:3; 7:6, 8 (see the || in 19:2–4). In these passages סרך הארץ means “law of the land of Israel.” This is distinguished from the sectarian סרך, which seems to be identical with סרך התורה in 6:8 || 19:4.) In 1QS and 1QSa סרך has meanings identical to those in CD: 1QS 1:1, 16; 6:8; 1QSa 1:1, 6. But in 1QS 2:20, 21 בסרך seems to be synonymous with זה אחר זה, “one after the other”; similarly in 5:23 בסרך seems to refer to registration in order, איש לפניו; the same sense occurs in 6:22. In 1QSa 1:21 סרך הצבא seems to mean “military order.” In 4Q181 fr. 1 1.2, 4 סרך is the “order” in which creation was made and the generations of humanity were born. It is impossible to reconstruct the meaning of סרכמ[ה] in 4Q186 fr. 2 1:1; within the context of the horoscope it most likely refers to the orderly arrangement of physiological or cosmic traits.

Thus סרך never meant “community”; instead it referred to military companies (1QM, 1QSa), regulations, including laws of a society, national or local (1QS, 1QSa, 1QM, CD), and the order in which various things, occurred (1QM, 1QS, 4Q181, [4Q186]). Not only is סרך not parallel to Greek terms for associations, the Greek terms that Weinfeld identifies as parallels, τάξεις and σπείρα, were not commonly used for associations. Instead they usually designated military divisions.

of procedure,” and their interpretation of the Torah. “Matters of procedure” came from the influence of pagan associations, not Scriptural interpretation; therefore they cannot be identified as halakic.¹⁴⁸ This approach fails to acknowledge the Covenanters’ vigorous attempt to interpret virtually every aspect of their existence through scriptural exegesis and the appropriation of biblical language. His argument is part of an attempt to refute Lawrence Schiffman’s claim that virtually every aspect of the sect’s organization and regulation can be analyzed as sectarian halaka derived from exegesis of the Torah.¹⁴⁹ Weinfeld advances the equally one-sided claim that, because the Covenanters’ organization and Penal Code were products of associational influence and not scriptural exegesis, they should not be regarded as halakic. This leads to implausible inferences, e.g., that in the sect, “The superior role of the priest should not be seen as the result of the veneration of Zadokite priests..., but stems from the fact that the priest had a dominant position in all the associations of the Hellenistic period.”¹⁵⁰ It is more plausible to suppose that the role of priests in the sect was influenced by the role of priests in the temple cult, Scripture, and Jewish tradition. Even if the role of priests, or any other feature of the sect, was influenced by Hellenistic culture, there is no denying that the Covenanters strove to explain their practices through biblical interpretation, and thought of their way of life as uniquely conforming to the Torah. Such application of Torah to social circumstances unanticipated by the biblical laws is, by any definition, halakic. Weinfeld’s denial of the halakic nature of the Rules is surprising in view of the fact that he cites halakic texts from the Mishnah, Tosefta, and other rabbinic literature throughout his comparative analysis. He offers no explanation for why the rabbinic texts are appropriate comparative materials. His assumption may be that these texts provide evidence for Jewish associational activity; thus analogies to rabbinic halaka in the Rule Scrolls support his claim that the Covenanters were an association.¹⁵¹ But as scholars have emphasized repeatedly, the largest

¹⁴⁸ Weinfeld, *Organizational Pattern*, 71.

¹⁴⁹ Weinfeld devotes an appendix to refuting Schiffman’s arguments in *Sectarian Law*. See Weinfeld, *Organizational Pattern*, “Appendix E: The recent monograph of Schiffman,” 71–76.

¹⁵⁰ Weinfeld, *Organizational Pattern*, 74.

¹⁵¹ A brief survey of analogies Weinfeld draws between sectarian practice and practice in texts that surely qualify as “halakic”: *m. Qidd.* 4:5; *y. Qidd.* 76a; and *b. Yebam.*

portions of the Mishnah and Tosefta were produced after the destruction of the temple as ideal law for when Israel would be restored, and Jerusalem and the temple rebuilt.¹⁵² Relatively few elements of rabbinic halaka were produced within Jewish voluntary associations, such as the *havurot*. Instead, they were scholastic reflections on Israelite laws and institutions; I would classify their overall purpose as constitutional.

1.4.4 Matthias Klinghardt

In 1994 Matthias Klinghardt published an article on the *Yahad* and Hellenistic associations in which he argued that Weinfeld, like most scholars, had fundamentally misunderstood the group's sociological character:¹⁵³ it was not a "cenobitic sect," but a "synagogue community" that was organized "exactly like an association."¹⁵⁴ Klinghardt maintains that while Weinfeld's catalogue of structural resemblances between the *Yahad* and pagan groups is convincing, Weinfeld misidentified differences between the *Yahad* and Hellenistic associations. First, the absence of statutes on sacrifice in the Rule Scrolls is not distinctive, given that some pagan *nomoi* also fail to mention sacrifices. Sacrifice was generally a function of public, not private, cultic practice, so it is not surprising to find that groups devoted to private cultic observance did not mention sacrifice in their *nomoi*.¹⁵⁵ Next, Klinghardt argues that members of the *Yahad*, like other associations, did in fact retain private property, out of which they paid an initial enrollment fee and

86b contain analogies to "the Many" (p. 15); *Tg. Ps.-J.* to Lev. 4:15 and *b. Meg.* 26a refer to a quorum of twelve (p. 18); statutes on initiation, *t. Demai.* 2:9, 14; *b. Ber.* 31a; *'Abod. Zar.* 7a (p. 25); sitting fixed order, in *t. Ber.* 5:5–6; *B. Qam.* 117a; *b. Meg.* 28b; *b. Hul.* 137b (p. 28); dues and mutual aid, *m. Pe'ah* 1:1; *t. Pe'ah* 4:21; *b. Šabb.* 127a; *b. Qidd.* 40a; *b. Hag.* 6b (p. 32); slander, *B. Meš'a* 58b (p. 38); expulsion from the group, *b. Bek.* 31a; *y. Bek.* 23a (p. 42); secrecy, *m. Yoma* 3:11; *b. Yoma* 38a; *y. Yoma* 41a; *y. Šeqal.* 48d (p. 60); authority of Moses, *m. 'Abot* 1:1; *Pesiq. Rab Kah.* 7 (p. 65).

¹⁵² On the Mishnah as constitutional literature, see J. Neusner, *The Mishnah: Social Perspectives* (Leiden: Brill, 1999). Neusner compares and contrasts the Mishnah with Aristotelian constitutional traditions. Similarly P. Davies, "Judaism and the Hebrew Scriptures," *The Blackwell Companion to Judaism*, ed. J. Neusner et al. (London: Blackwell, 2003) 52; S. Cohen, *From the Maccabees to the Mishnah* (Louisville: Westminster/John Knox, 1987) 219.

¹⁵³ M. Klinghardt, "The Manual of Discipline in the Light of Statutes of Hellenistic Associations," in *Methods of Investigation of the Dead Sea Scrolls*, ed. by M. Wise et al. (New York: The New York Academy of Sciences, 1994) 251–70.

¹⁵⁴ Klinghardt, "Manual," 252–53, 256.

¹⁵⁵ Klinghardt, "Manual," 253–54.

pecuniary fines.¹⁵⁶ Finally, the presence of “religious-moralistic rhetoric” in the liturgical and didactic sections of 1QS does not distinguish this associational rule from those of other contemporary associations, once the evidence from early Christian communities is taken into consideration. Klinghardt argues that 1 Corinthians and the *Didache*, which combine instructions for communal life with didactic, hortatory, and liturgical materials, should be regarded as “congregational rules” analogous to 1QS. While Klinghardt concedes that “theological legitimations for ordinances” distinguished Jewish-Christian rules from those of pagan associations, he maintains that their presence in 1QS was part of a widespread phenomenon, not a sectarian characteristic peculiar to Qumran.¹⁵⁷

Once these supposed differences are resolved, Klinghardt argues, classification of the *Yahad* as a sect becomes implausible. Its statutes should, instead, be studied as rules for a synagogue association that, like many of its pagan counterparts, may have been affiliated with the public cult, i.e., that of the Jerusalem temple.¹⁵⁸ In support of this thesis, Klinghardt offers two further speculations. First, the copies of Rule Scrolls found in the Qumran caves (4QS^{a-j}; 4QOrd; 4QD^{a-h}) were not different recensions of Rules belonging to a single sect, but bylaws of various independent associations that had similar organization and beliefs. Indeed, Klinghardt maintains that 1QSa governed an association distinct from that governed by 1QS.¹⁵⁹ Second, classification of the *Yahad* as a “cenobitic sect” is historically implausible, since there is no evidence of cenobitic monasticism until the rise of Christian groups in Egypt and Syria in the fourth century CE.¹⁶⁰

Nearly every point in Klinghardt’s analysis is problematic. In my treatment of specific passages in the Rule Scrolls I offer a fuller critique; here a few brief remarks will suffice. A methodological problem that Klinghardt shares with other scholars is his rigid distinction between “sect” and “association.” By definition a sect is a voluntary association, marked by ideological interests that require a degree of separation from normal social life. Identifying an association as a sect brings

¹⁵⁶ Klinghardt, “Manual,” 254–56.

¹⁵⁷ Klinghardt, “Manual,” 259.

¹⁵⁸ Klinghardt, “Manual,” 261.

¹⁵⁹ Klinghardt, “Manual,” 258; similarly idem, *Gemeinschaftsmahl und Mahlgesellschaft: Soziologie und Liturgie frühchristlicher Mahlfeiern* (Tübingen: Francke Verlag, 1996) 246.

¹⁶⁰ Klinghardt, “Manual,” 260–61.

greater precision to its typology. Studying similarities between types of associations can shed light on the main social factors to which various groups responded, and upon the variety of ideologies and interests that developed within a particular social environment.

Klinghardt's characterization of the copies of the Rule Scrolls as *nomoi* of twenty or so different Jewish associations is simply implausible, as is his speculation that the Rules belonged to a synagogue devoted to temple service. Another problem is that, *contra* Klinghardt (and Weinfeld as well), both S and D, and many other texts, such as M and MMT, show intense interest in the sacrificial cult, both in the public form in the Jerusalem temple that D discusses and in a substitutionary cult of atonement practiced within the *Yahad*.

Most importantly, Klinghardt's dismissal of the possibility that the *Yahad* was "cenobitic" because cenobitic monasticism is not attested as a social practice until the fourth century, rests on faulty assumptions. First, the rarity of a certain social practice hardly precludes its existence. Second, we have numerous literary depictions of cenobitic life in the Greco-Roman literature, especially in the utopian *politeiai*, but also in texts that describe the way of life of philosophical schools like the Pythagoreans. We cannot rule out the possibility that ideas generated in a scholastic setting motivated some groups to enact their principles.¹⁶¹ A final and decisive point against Klinghardt's claim is that we do, indeed, have ample sociological precedent for the Covenanters' lifestyle. Throughout antiquity, long before and long after the fourth century CE, communities of men, ideally celibate, isolated themselves geographically, took meals in common, took property from a common store, submitted to a rigidly disciplined way of life, and practiced a common cult. These were, of course, the armies.

Missing this sociological precedent and probable influence upon the *Yahad*'s formation results from misunderstanding of how voluntary associations form and what common sources provide templates for their features. As I show throughout this study, the state provided organizational and regulatory patterns upon which most associations

¹⁶¹ For a survey of texts see H.-J. Klauck, "Gütergemeinschaft in der klassischen Antike, in Qumran und im Neuen Testament," *RevQ* 11 (1982) 47–79; also D. Dawson, *Cities of the Gods: Communist Utopias in Greek Thought* (New York: Oxford, 1992).

drew, or at least to which they responded.¹⁶² Further, the combination of “religious-moralistic rhetoric” with regulations for community life is not as uncommon in Hellenistic-Roman literature as Klinghardt and Weinfeld claim: it appears throughout the constitutional literature of the Greco-Roman world. Texts such as the *Republic* and *Laws* of Plato and Cicero, Xenophon’s *Constitution of Athens* and *Politeia of the Spartans* combine moralistic survey of history, grand theological treatises, statements on anthropology, and even liturgy, with descriptions of civic order and laws. In texts such as these we find closer analogies to the Rule Scrolls than in the associational *nomoi*.¹⁶³

1.4.5 Sandra Walker-Ramisch

Sandra Walker-Ramisch published an article in 1996 comparing the community governed by D to Greco-Roman associations.¹⁶⁴ While she concedes that the groups had some analogous features, Walker-Ramisch dismisses them as “surface similarities which can obscure profound and crucial differences.”¹⁶⁵ After criticizing Qumran scholars for synthetic reconstructions of the sect that ignore the particularities of the various Rule Scrolls, she proposes to examine D “without any *a priori* assumptions as to its connection with other documents, with the Qumran excavations, or indeed with any historical community.”¹⁶⁶ She then reconstructs an “ideal type” of the Greco-Roman association

¹⁶² Klinghardt’s study is marred by other faulty assertions. He claims that burial rites are absent from the statutes of 1QS because the *Yahad* was an affluent association, and rules for burial are common only in the *nomoi* of lower-class associations, whose members were not able to afford proper funerals individually. In fact, burial rites appear in statutes of some affluent associations, such as those of the priests of the cult of Sebek at Tebtynis. Most *nomoi* dictated how members should behave when one of their number died, but the rules varied: some guaranteed simply that the deceased would be properly mourned, while others guaranteed that the body would be retrieved and buried properly. Motivations for the different emphases vary: some affluent cultic associations, like that of Sebek, prioritized proper cultic handling of members’ bodies, presumably in preparation for the afterlife (e.g., P. Dem. Lille 29 17–21). Less affluent associations, like that of Diana and Antinöus, seem to have been more concerned with ensuring that poor members simply received a proper funeral (*ILS* 7212).

¹⁶³ This hypothesis fairly answers Klinghardt’s challenge that any criticism of his position “must provide historical analogies that are more convincing than the statutes of Hellenistic associations” (“Manual,” 263).

¹⁶⁴ Sandra Walker-Ramisch, “Graeco-Roman Voluntary Associations and the Damascus Document,” *Voluntary Associations in the Graeco-Roman World*, ed. J. Kloppenborg and S. Wilson (London: Routledge, 1996) 128–45.

¹⁶⁵ Walker-Ramisch, “Damascus Document,” 130.

¹⁶⁶ Walker-Ramisch, “Damascus Document,” 131.

to compare with the community of D, in order to determine whether it should be classified among the other associations. In her view, the sect was so unlike the *collegia* that it cannot be counted among them. First, unlike the *collegia*, which were individually founded and locally contained, D envisioned a translocal organization comprising multiple Camps across which a single identity was maintained.¹⁶⁷ Second, while the *collegia* allowed and expected members to belong to and participate simultaneously in a number of different groups, D insisted that members exclusively identify with its ranks. Third, while the *collegia* invariably assimilated the ideology of the state and cooperated in its order, D required separation from the public cult and political institutions.¹⁶⁸

Walker-Ramisch's approach is problematic both in its analysis of D and in its characterization of the Greco-Roman *collegia*. While her critique of harmonizing the Rule Scrolls has merit, her dismissal of other scholarship is too hasty. It is counterproductive to isolate new comparative analysis from previous work that has produced a rich range of reconstructions about the Rule Scrolls and their location within Hellenistic Judaism. More importantly, her "ideal type" of a *collegium* is defined so narrowly that it would require her to exclude numerous Greco-Roman associations, were she to expand her analysis more broadly. Philosophical schools exhibited precisely the same organizational and ideological features by which she excludes the community of D from the *collegia*: they were organized translocally and strove to maintain consistency of doctrine and identity from one local school to another. Consistent translocal identity also appears, at least as an ideal, in Paul's letters to the *ekklēsiai*. Further, membership in a philosophical school tended to be exclusive: one could not simultaneously be an Epicurean, a Platonist, and a Stoic. Finally, among the philosophical schools we find some attempts to limit members' participation in political, cultic, and other public affairs, as well as sustained critical deliberations about the form of the ideal state, its relation to the status quo, and what it might take to bring society into conformity with the political ideal. Members of philosophical schools occasionally came into conflict with state authorities for their criticism of the status quo, as happened with some Stoics under Nero and Vespasian. Further, the

¹⁶⁷ Walker-Ramisch, "Damascus Document," 135–36.

¹⁶⁸ Walker-Ramisch, "Damascus Document," 142.

legal and literary discussions of associations frequently discuss their problematic relationships with state authorities.¹⁶⁹

Nevertheless Walker-Ramisch's work may be commended for attempting to understand the Covenanters and other associations in their relationship to the state. She proposes a typology of associations based on three categories: 1) groups that fully integrate into state order, and whose activity affirms and promotes that order. 2) Groups that integrate with the state, while maintaining some opposing values and goals. These groups approach political activity with the intention of reforming the existing order. 3) Groups that radically reject cultural values or goals, attempt to separate from the existing order, and impose restrictions on members' interactions with that order. Among these groups Walker-Ramisch includes extremists who withdraw physically from society, or who engage in revolutionary activity.¹⁷⁰

Walker-Ramisch's typology is worth considering, but there are some problems. First, ideology and activity need to be distinguished and defined more precisely, for an association's ideological response to state authority will not necessarily dictate its engagement with state order. Groups of type (2) may engage in peaceful attempts at reform, e.g., through lobbying, or even by engaging directly in political activity; or they may form revolutionary associations, as in the case of political rivals who agree about the legitimacy of a political system, but disagree about who should hold power. Groups of type (3) may accept state order but cultivate alternatives in a purely scholastic, theoretical way; they may also be separatist and quietist, or separatist and violent.

Second, after crafting this interesting and insightful typology, Walker-Ramisch dismisses category (3), which includes sects, as a type of ancient association. This defies explanation, given the extensively studied proliferation of sects in antiquity, especially among Jewish and Christian groups. Walker-Ramisch also implies that category (2) was

¹⁶⁹ Besides the philosophical schools and *eκκλῆσῖαι* are associations that Walker-Ramisch mentions in a footnote, and then dismisses as exceptions: the Roman Bacchic society that was outlawed in the second century BCE, and the *hetaireiai* of anti-democratic Athenian aristocrats who agitated for change. Walker-Ramisch's claim that "The member of a collegium was *always* . . . a loyal participant in the *polis*" ignores much evidence to the contrary. Legal and historical texts show that Roman authorities sometimes dealt with *collegia* that undermined the stability of the *polis*, as W. Cotter shows in an article in the same volume: "The *Collegia* and Roman Law: State Restrictions on Voluntary Associations, 64 BCE–200 CE," 74–89.

¹⁷⁰ Walker-Ramisch, "Damascus Document," 131.

rare, if not absent.¹⁷¹ The only type of association she admits for antiquity is (1).¹⁷² Such a narrow model presents unnecessary challenges to comparative studies between sectarian and non-sectarian groups. If we wish to understand the relationship between the two, we must first explain why they proliferated at the same time, and then account for similarities and differences between them.¹⁷³

Nevertheless Walker-Ramisch got it right when she insisted that a typology of associations should include individual groups' responses to state authority—what I call “associational civic ideology.” This ideology must be defined broadly enough to account for both positive and critical responses to the state, and with attention to the relationship between ideology and social action, particularly the practical business of organizing and regulating a social group.

1.4.6 *Albert Baumgarten*

In 1998 Albert Baumgarten published an excellent article comparing Jewish sects to Greco-Roman voluntary associations.¹⁷⁴ While he discusses Pharisees, Sadducees, and Therapeutae, his primary emphasis is on the Greek evidence for the Essenes and, to a lesser extent, the Covenanters' Rules, since far more evidence is available for the latter

¹⁷¹ Thus, “the modern data on voluntary associations include sectarian groups. Sects are characterized by reformist or rejectionist attitudes to the dominant culture and by innovation and experimentation in an attempt to develop new structures, new forms of grouping, and new role relationships. The Graeco-Roman *collegia* on the other hand...not only mirror the organization of the *polis*, but are instrumental in the perpetuation of the dominant social order (Walker-Ramisch, “Damascus Document,” 136).

¹⁷² This conclusion is especially odd given Walker-Ramisch's reiteration of the outdated claim that associations proliferate when traditional social structures break down: they provide “fictive polities” and “fictive kinship” to compensate for the erosion of previous institutions (“Damascus Document,” 134). We might expect associations that formed to compensate for the breakdown of the *polis* to criticize, however obliquely, the deficiencies of the status quo.

¹⁷³ Walker-Ramisch also claims that homiletic recitation of a group's history, i.e., what Weinfeld calls “religious-moralistic rhetoric,” is common in the statutes of *collegia* (Walker-Ramisch, “Damascus Document,” 141). No evidence is adduced for this claim, nor is there any attempt to answer Weinfeld and Klinghardt's characterization of “religious-moralistic rhetoric” as peculiar to Jewish and Christian groups.

¹⁷⁴ A. Baumgarten, “Graeco-Roman Voluntary Associations and Ancient Jewish Sects,” *Jews in a Graeco-Roman World*, ed. Martin Goodman (Oxford: Clarendon, 1998) 93–111.

two.¹⁷⁵ Baumgarten begins by surveying the variety of types of associations in Greek and Latin-speaking regions, in Egypt, and in Jewish Palestine, sounding an important cautionary note against assimilating all groups to a single type. Nevertheless, he notes, ancient observers of Jewish sects found sufficient similarities with Greco-Roman associations to merit comparison; modern scholars should not be reluctant to continue the investigation.¹⁷⁶ Comparative analysis not only reveals predictable similarities and differences, but also may shed important light on the general phenomenon of associational formation, and help explain why it occurred extensively in certain contexts and times, and less so in others.¹⁷⁷ Baumgarten, like Carl Schneider, observes while that the Essenes' way of life has no sociological equivalent among the Greco-Roman associations, literary sources show preoccupation with communitarian life: "to find more exact equivalents of Essene behavior . . . we must turn our attention to the realm of imagination, to Greek utopias."¹⁷⁸ As my analysis shows, the *politeiai*, many of which described utopian societies, bear remarkable similarities to Covenanters' Rule Scrolls. Not only may the *politeiai* have inspired the sect's lifestyle, they also may have provided the literary form upon which the Rules were based.

Baumgarten hypothesizes that the general flourishing of associations and sects had to do with the particular circumstances of urban life in Greco-Roman era. He argues that "more or less the same sort of people, of equivalent background, and in similar circumstances," formed pagan associations and Jewish sects. In particular, the people attracted to associational life were literate and of sufficiently high social status to expect a relatively high degree of participation in the life of the *polis*. With the advent of the Hellenistic monarchies, the "political life of the *polis* no longer supplied a meaningful pursuit . . ., hence people turned to voluntary associations," creating new forms of sociality in which they could pursue common solutions to the dilemmas of altered social circumstances.¹⁷⁹ As we would expect, different groups of urbanites perceived different sorts of problems within the same city, and

¹⁷⁵ Baumgarten views Essenes and Covenanters as separate sects, but this point is incidental to his analysis.

¹⁷⁶ Baumgarten, "Associations and Sects," 93–95.

¹⁷⁷ Baumgarten, "Associations and Sects," 106.

¹⁷⁸ Baumgarten, "Associations and Sects," 101.

¹⁷⁹ Baumgarten, "Associations and Sects," 109.

pursued different types of solutions; further, the particular cultural, linguistic, and cultic circumstances of each city differed dramatically. These differences help explain the variety of types of associations that flourished in the age of the Greco-Roman era.

Baumgarten's approach is useful for understanding the formation of Jewish sects in the Hasmonean era, a time for which we have unusually good evidence of the sorts of changes that took place in the cities, especially Jerusalem. His attention to the urban context of Jewish Palestine, where the Jerusalem temple cult defined Jewish identity and practice, helps explain why sectarian movements formed there: literate Jews of Judea were more intensely concerned with and divided over cultic than their contemporaries, Jews and non-Jews, elsewhere. Disagreements over such essential matters required the groups to separate from those with different practices and beliefs, whether for the purpose of reforming others' practices, as the Pharisees wished to do, or for creating an isolated shelter from others' contaminating practices, as the Essenes did.¹⁸⁰

While his insistence that we look to the urban context of associations and sects to understand their features and interests is right, Baumgarten's analysis has some problems. First, his identification of literacy as a consistent factor in the formation of pagan associations is doubtful. *Nomoi* and other associational texts from Egypt reveal varying degrees of literacy among members: in several instances a scribe notes that he signed for members "since they are illiterate."¹⁸¹ Thus high social status, insofar as it can be defined by literacy, was not essential for associational formation. Second and most importantly, the idea that associations formed in order to compensate for a breakdown in the structures of the *polis* cannot be sustained. It fails to account for the emphasis on participation in public life that we find in the *nomoi* and many inscriptions. As Bardtke, following San Nicolò, emphasized, some associations commonly took on policing and juridical roles in cooperation with the authorities. Others collected taxes; many played special roles in public cultic festivals. If anything, the advent of

¹⁸⁰ Baumgarten, "Associations and Sects," 97–98, treat the Essenes as an introversionist sect; pp. 102–3 treat the Pharisees as a reformist sect.

¹⁸¹ διὰ τὸ μὴ εἰδέναι αὐτοὺς γράμματα is the common formula. See P. Mich. 243.28, 33–34. In the *nomos* of *apolusimoi* in Tebtynis, a single scribe recorded all the names of the members, and then the president and another official signed the document themselves (P. Mich. 244.21–46). A similar pattern occurs in P. Mich. 247 and 248.

Hellenistic and Roman empires seems to have made participation in urban life more accessible for more subjects: freedmen, foreign merchants, and women gained access to privileges formerly available only to citizens. This access was, admittedly, indirect, mediated through the association. But it is hard to escape the conclusion that a majority of associations approached their social and political order favorably. Most formed not to compensate for the breakdown of old structures, but to procure advantages within a newly open socio-political arena that emerged with empire.¹⁸²

1.4.7 *Marie-Françoise Baslez*

In 2003 Marie-Françoise Baslez urged greater caution in scholarly assessments of the place of the *Yahad* in ancient associational life, and in identification of the sources of the *Yahad*'s features.¹⁸³ Her article surveys a variety of forms of associational life in the Greek world and shows that there was no exact precedent for the *Yahad*'s organization and lifestyle among the associations.¹⁸⁴ Indeed, the lack of precise precedent should encourage scholars to avoid identifying channels of influence from any particular association, such as a Pythagorean school, or associational type, such as dining clubs, too directly.¹⁸⁵ The *Yahad* was an association of its own kind, thoroughly distinctive both among Jewish and Hellenistic groups. But its distinctiveness does not mean that the *Yahad* did not belong to the general flourishing of associational life. Baslez argues that the *Yahad*'s blending of terminology and organizational patterns derived from familial, civic, political, cultic, and military spheres of activity is consistent with an eclecticism that can be found in other major voluntary associations.¹⁸⁶

¹⁸² On the decline of models of civic decline as explanations for the rise of associations see P. Harland's excellent essay, "The Declining *Polis*? Religious Rivalries in Ancient Civic Context," in *Religious Rivalries in the Early Roman Empire and the Rise of Christianity*, ed. L. Vaage (Waterloo, ON: Wilfrid Laurier University Press, 2006) 21–49.

¹⁸³ M.-F. Baslez, "Recherches sur le *yahad* des manuscrits de Qumrân," *Les communautés religieuses dans le monde gréco-romain*, ed. N. Belayche and S. Mimouni (Bibliothèque de L'École des Hautes Études Sciences Religieuses 117; Paris: Brepols, 2003) 75–92.

¹⁸⁴ Baslez, "Recherches sur le *yahad*," 76–82.

¹⁸⁵ Baslez, "Recherches sur le *yahad*," 79.

¹⁸⁶ Baslez, "Recherches sur le *yahad*," 89.

Baslez agrees with Bardtke and Weinfeld that the *Yahad* shared important organizational and regulatory features with the pagan associations. These features likely resulted from the *Yahad*'s origins in a Hellenistic-Jewish environment.¹⁸⁷ Yet, she argues, the most important and distinctive features of the group came directly from Semitic sources. In the first place, the *Yahad*'s character as a permanently organized association devoted both to meals and to cultic activity had its most direct precedent in the *גמריזח*, an "association sémitique classique" mentioned in Jer 16:9 and Amos 6:7.¹⁸⁸ Second, the term *Yahad* does not come from the Greek *κοινόν*, as Dombrowski argued, but from biblical usage: the adverb *יחד* regularly denotes coming together for a common purpose, such as deliberation, alliance, cultic activity, and so forth; it is also used to emphasize separation from outsiders, as in Ezra 4:3.¹⁸⁹ The *Yahad*'s self-designation could not be more appropriate, since members united around the common purpose of separation from non-sectarian Jews.¹⁹⁰ Third and most distinctively, the *Yahad* held all personal property in common. This practice, Baslez argues, "rend le *yahad* inassimilable à tout modèle d'association grecque."¹⁹¹ It was entirely different from the Greek practices of drawing funds from an endowment granted by a patron, or from a collection of dues replenished by members on a regular basis. But a community of goods was a relatively common Semitic ideal, visible in the practices of the nomadic Rechabites described in Jeremiah 35, the revolutionary followers of Theudas described by Josephus in *Ant.* 20.97, and the first *ekklēsia* in Jerusalem described in Acts.¹⁹² The ideal also appears in *m. 'Abot* 5:10, where one who says concerning property, *שלי שלך ושליך שלך*, is called *חסיד*.¹⁹³ Baslez argues that this pooling of property may be military in origin, reflected in the sharing of resources between allied forces on military campaigns (1 Kings 22:4; 2 Kings 3:7).¹⁹⁴ While S does not contain explicitly military language,

¹⁸⁷ Baslez, "Recherches sur le yahad," 82–84.

¹⁸⁸ Baslez, "Recherches sur le yahad," 81–82.

¹⁸⁹ Here Baslez agrees with S. Talmon, "The Qumran *יחד*—A Biblical Noun," in *idem, The World of Qumran from Within* (Jerusalem: Magness, 1989) 53–60.

¹⁹⁰ Baslez, "Recherches sur le yahad," 86.

¹⁹¹ Baslez, "Recherches sur le yahad," 84; see pp. 84–87 for her full argument.

¹⁹² Baslez, "Recherches sur le yahad," 85.

¹⁹³ Baslez, "Recherches sur le yahad," 86.

¹⁹⁴ Baslez, "Recherches sur le yahad," 86.

D does, in its designation of cells of the community as Camps.¹⁹⁵ Baslez suggests that Josephus may have intended to draw attention to the military nature of the *Yahad*'s organization and practices through his usage of the terms *τάγμα* to describe groups of Essenes.¹⁹⁶

Baslez rightly reminds scholars to look for sources of influence within the Judean context, and within biblical texts. Her point about military influence in Josephus' description of the Essenes is excellent and can be strengthened: she overlooks the fact that his description of their safeguards against impurities associated with defecation (*BJ* 2.148–149) directly reflects the laws of the war camp in Deut 23:12–15. But the evidence for her claim that holding property in common was a uniquely Semitic practice is unconvincing: the Rechabites forsook wine, houses, fields, and vineyards to live in tents according to a nomadic ideal, but there is no indication that they pooled their goods or gave up private possessions. Theudas' followers were ordered to bring their possessions to the wilderness, but this order may have been a call to prepare what was needed for a military campaign, and not to create a communal store of goods. While the Jerusalem church may have attempted to cultivate the practice of sharing property, it is clear that not all members shared an ideal of commonly held property (Acts 5:1–11). *M. 'Abot* does not advocate communal ownership of property, but the virtue of generosity. And finally, *Kings* describes military alliances that combined fighting forces, from foot soldiers to cavalymen. Nothing about sharing property appears in the text. In short, Baslez does not persuasively identify a Semitic, Jewish, or biblical practice that explains the *Yahad*'s communal property.

Yet the point of Baslez' survey is not to identify a single source; instead—and this is the strength of Baslez' contribution—it is to identify a myriad of sources that may have influenced the *Yahad*'s language and practices: Scripture, military practice, various traditions within Judaism, as well as the Hellenistic-Roman culture upon which most comparative studies focus. Baslez emphasizes the importance of looking at the cultural context of the Covenanters as broadly as possible, from contemporary pagan associations and philosophical schools, to state habits of organization. Most importantly, in my view, she shows that the ancients frequently presented moral and communal ideals in

¹⁹⁵ Baslez, "Recherches sur le yahad," 88.

¹⁹⁶ Baslez, "Recherches sur le yahad," 87–88.

military terms.¹⁹⁷ While her evidence for the Jewish military origin of the *Yahad*'s communal property is weak, her argument is on the right track: ancient armies did, in fact, keep massive communal stores of property while on campaign. As I pointed out above, both Jewish and pagan armies shared several other organizational features with the Covenanters, and quite likely influenced the sect's way of life, both in the *Yahad* and in the Camps. I will return to this point throughout my analysis of the Rules.

1.4.8 *Justin Taylor*

Taylor's most important claims about the influence of Pythagoreanism on the Covenanters are treated above. Since he devotes a chapter of his monograph, *Pythagoreans and Essenes: Structural Parallels*, to comparison of Greco-Roman voluntary associations and the sect, brief additional comments are in order.¹⁹⁸ The first half of his chapter simply summarizes Weinfeld's conclusions.¹⁹⁹ In the second half, Taylor advances two interesting points. The first adds nuance to Weinfeld's theory of influence: Jewish voluntary associations, such as the *מרוזח*, existed before the advent of Hellenism. When Judea came under Greek rule, these associations came rather easily into "closer conformity... with Hellenistic models."²⁰⁰ This means that Hellenistic associations came into Judea; exposure to their habits, then, influenced those of the Essenes as their movement formed.²⁰¹

Taylor's second point is that four interrelated related features of Essene life cannot be explained as influences of any Hellenistic

¹⁹⁷ Her point would be strengthened had she analyzed Philo's use of Pythagorean themes in light of Plutarch's life of Numa, in which the founding of Rome by strict military discipline is described as thoroughly Pythagorean in origin.

¹⁹⁸ See Taylor, *Pythagoreans and Essenes* ch. 3, "Graeco-Roman Voluntary Associations," 53–69.

¹⁹⁹ Taylor, *Pythagoreans and Essenes*, 53–60.

²⁰⁰ Taylor, *Pythagoreans and Essenes*, 63.

²⁰¹ Oddly, Taylor identifies the *gymnasion* and the *ephebeia* as associations (*Pythagoreans and Essenes*, 63). While associations of alumni of both groups are widely attested, the *gymnasion* and *ephebeia* were not themselves associations, but, respectively, an educational institution and a scholastic class, both of which were under state control. The classic study on associations of ephebic alumni, whose education took place in the *gymnasion*, is Clarence Forbes, *Neoi: A Contribution to the Study of Greek Associations* (Middletown, CT: American Philological Association, 1933). On the widespread *ephebeia* see Nigel Kennell, *Ephebeia. A Register of Greek Cities with Citizen Training Systems in the Hellenistic and Roman Periods* (Hildesheim: Olms-Weidmann, 2006).

association, save that of the Pythagoreans. These are a “true common life,” the “community of goods,” an extremely long and demanding process of initiation, and the “exclusiveness” of both groups, i.e., their requirement that members separate from outsiders to such a degree. Taylor argues that these shared features may be explained on the basis of another commonality: concerns about purity motivated both groups’ rules on interactions with outsiders, lengthy initiation process, communal lifestyle, and sharing of property.²⁰²

I have already surveyed problems with positing a Pythagorean influence upon the Covenanters’ sect, and the reasons for suspecting an apologetic motive behind Josephus’ association of Essenes with Pythagoreans. While Taylor’s point about analogous purity concerns, communalistic lifestyle, lengthy initiation process, and avoidance of outsiders is interesting, it has significant weaknesses. First, Taylor accepts, without argument, Weinfeld’s argument against Schiffman that the Covenanters’ organizational and regulatory features came from the influence of Hellenistic associations, not sectarian scriptural exegesis.²⁰³ The fact that the Covenanters used scriptural exegesis to explain, and possibly to invent, innovative practices is simply not considered. Taylor thus misses a crucial aspect of halaka: it develops out of the exigencies of new social circumstances. While the new circumstances are taken for granted, negotiating them while remaining faithful to the covenant between God and Israel requires probing, deep, and often innovative, exegesis of Scripture—precisely what we find in the Rule Scrolls to explain sectarian law. A less complicated problem with Taylor’s argument is that the Covenanters’ “Pythagorean” features—the common life, community of goods, lengthy initiation, separation from outsiders, and purity concerns—can be explained on the basis of traditional Jewish cultic concerns, the conventions of the temple cult, military culture, and constitutional and legal norms both in the *poleis* and in contemporary scholastic political thought. These are more plausible sources for the Covenanters’ practices than those of a Pythagorean revivalist movement that, we may be reasonably sure, did not actually exist during the Covenanters’ *floruit*.

²⁰² Taylor, *Pythagoreans and Essenes*, 65.

²⁰³ Taylor, *Pythagoreans and Essenes*, 63.

1.4.9 *Randolph Herrmann*

In 2007 Randolph Herrmann published a lengthy article reassessing the parallels that Weinfeld covered in his 1986 monograph.²⁰⁴ Herrmann advances two cautionary notes. First, comparisons between the *Yahad* and Greco-Roman associations must be drawn more carefully. Herrmann affirms that the comparative project must proceed: certain features of the *Yahad* cannot be explained as the result of biblical interpretation, or some pattern of social organization isolated within Judaism. Further, Judea was home to types of Hellenistic institutions out of which voluntary associations typically formed, such as the *gymnasion* that Jason erected in Jerusalem in the early second century BCE. It is also significant that Josephus and Philo both described the Essenes in terms associated with Greco-Roman associations.²⁰⁵ Nevertheless, the comparative project must proceed more carefully. Weinfeld and Klinghardt too hastily assert that features of the groups are exactly alike. When superficial similarities are given too much weight, the distinctive features of the *Yahad*, and individual Greco-Roman groups as well, are obscured, and the precise relationship of the *Yahad* to its Greco-Roman contemporaries becomes impossible to assess accurately.

Another problem stems directly from such haste: we still lack an explanation for how the similarities arose. Herrmann rightly protests that the “influence” that Weinfeld and Klinghardt point to is too vaguely defined, and demands clarity.²⁰⁶ Is it likely that the similarities between features of the *Yahad* and Greco-Roman associations arose from the direct influence of the latter upon the former, as Weinfeld and Klinghardt seem to assume? Or, can the similarities be explained on the basis of universal patterns of group formation? A third possibility, which Herrmann favors, is that the similarities reflect “allgemeinen Bedingungen solcher Gruppenbildung in der Antike,” although he leaves exploration of the precise nature of these “general conditions” for future investigation—as I hope to have provided here.²⁰⁷

²⁰⁴ R. Herrmann, “Die Gemeinderegel von Qumran und das antike Vereinswesen,” *Jewish Identity in the Greco-Roman World*, ed. J. Frey, D. Schwartz, S. Gripentrog (AJEC 71; Leiden: Brill, 2007) 161–203.

²⁰⁵ Herrmann, “Gemeinderegel,” 163–66.

²⁰⁶ Herrmann, “Gemeinderegel,” 163, 168.

²⁰⁷ Herrmann, “Gemeinderegel,” 168; see also 202–3.

Herrmann's assessment of analogies between the *Yaḥad* and other associations is too extensive to summarize here; a few examples will suffice. In general, Herrmann successfully reorients comparative analysis away from simplistic list-making of parallels between the pagan *nomoi* and the Rule Scrolls, and encourages broader consideration of the social environment. For example, while usage of the term *Yaḥad* may be similar to some usages of the Greek term τὸ κοινόν, the exact meaning of the former is not entirely clear. While most scholars assume that *Yaḥad* meant "private association," Herrmann points to Hartmut Stegemann's observation that it may have designated something like "the main Jewish union," of which the Qumran group was only one cell.²⁰⁸ If *Yaḥad* refers to a larger political entity then, Herrmann speculates, the term may have its origins in Greek political discourse, including that of Josephus, where τὸ κοινόν can designate the citizenry, political authorities, or affairs of a commonwealth.²⁰⁹

In fundamental ways the *Yaḥad* was an association of the same type as the pagan groups: members joined voluntarily and submitted to the terms of a binding contract. This social habit, Herrmann rightly observes, is not a universal social phenomenon: it is likely that even "die Freiwilligkeit des Zusammenschlusses an sich als typische Erscheinung der hellenistischen Epoche anzusehen ist."²¹⁰ Like other associations, the *Yaḥad* met regularly, made decisions about prospective new members by vote,²¹¹ kept a communal store of property for associational activities,²¹² had officers such as scribes and treasurers, and honored certain members or benefactors with special titles such as "fathers" and "mothers."²¹³ Members' children, as in the Camps of D, were admitted into associations more quickly and easily than new adult members.²¹⁴ The sect's statutes resembled the *nomoi* of other groups, with rules for meetings, an outline of communal authority,

²⁰⁸ Herrmann, "Gemeinderegel," 171, citing H. Stegemann, "The Qumran Essenes—Local Members of the Main Jewish Union in Late Second Temple Times," *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March 1991*, ed. J. Trebelle Barrera and L. Veas Montaner (STDJ 11; Leiden: Brill, 1992) 1.83–166, esp. pp. 153–56.

²⁰⁹ Herrmann, "Gemeinderegel," 170–71, esp. n.43.

²¹⁰ Herrmann, "Gemeinderegel," 203.

²¹¹ Herrmann, "Gemeinderegel," 174–79.

²¹² Herrmann, "Gemeinderegel," 177–78.

²¹³ Herrmann, "Gemeinderegel," 180–84.

²¹⁴ Herrmann, "Gemeinderegel," 189.

and a Penal Code that imposes penalties for infractions.²¹⁵ Such similarities confirm the value of the comparative project.

Yet among ancient associations many of the *Yahad's* features were quite distinct. No pagan association matched the *Yahad* in theological fervor, nor in the explicit terms in which its theological and, I would add, historical and political, identity was articulated.²¹⁶ The authority of the Many was unique: most associations invested individual officers with authority to make decisions, punish members, and so forth. The role of a founder also differed between the *Yahad* and other groups: while the Teacher of Righteousness played a key role in developing the sect's final form, he came to lead a society that had already existed for twenty years (CD 1:8–11). He cannot be called the sect's founder in the same way as a typical associational κτίστης.²¹⁷ The *Yahad's* use of communal property was also distinctive: while most associations used common funds for special meals, rituals, and funerals, members of the *Yahad* relied upon communal goods for all daily needs.²¹⁸ Finally, while the *Yahad's* regulatory statutes cover many of the same issues as other associational *nomoi*, the *Yahad's* Penal Code places much greater emphasis on accountability to the community, particularly in the form of obedience to its authorities. Whereas the *Yahad* prescribes exclusion and expulsion for an array of offenses, the *nomoi* impose monetary fines even for the most extreme offenses, seldom mentioning expulsion or even exclusion.²¹⁹

Another strength of the article is Herrmann's critique of previous interpretations of the *nomoi*, as well as the Rule Scrolls. One major omission in Weinfeld's study is any mention of the fact that priests in many Greek statutes served limited terms, not lifelong appointments, as seems to have been the case with priests in sect.²²⁰ Additionally, Weinfeld's identification of a "probationary period" in the initiation process of a Roman Dionysiac society from the second century CE, preserved in the Bacchic Inscription in the Metropolitan Museum, is

²¹⁵ Herrmann, "Gemeinderegel," 191–202.

²¹⁶ Herrmann, "Gemeinderegel," 173–74. While he agrees with Weinfeld's point that "religious-moralistic rhetoric" is a peculiar feature of the Rules, Herrmann insists that this peculiarity must be taken more seriously if we are to understand the *Yahad's* place in the context of ancient associational life.

²¹⁷ Herrmann, "Gemeinderegel," 184–85.

²¹⁸ Herrmann, "Gemeinderegel," 191.

²¹⁹ Herrmann, "Gemeinderegel," 199–202.

²²⁰ Herrmann, "Gemeinderegel," 189.

tendentious.²²¹ The inscription includes a list of all members, including twenty-three *σειηται*, “silent ones.”²²² Weinfeld asserts that these were postulants who had not yet attained full membership. Herrmann persuasively rejects this claim, pointing out that in other associations a “silent one” (*σιγητικός*) was a new member entrusted with duties such as managing food and wood.²²³ While he had not attained senior membership, his status was not probationary: he had been initiated, registered, and fully joined the life of the association. In support of Herrmann’s argument, it is difficult to imagine why funds would be spent on permanently engraving the names of men who might lose their bid at membership within a short period.

There are of course weaknesses, but they are few and relatively minor. I will mention two: Herrmann follows Weinfeld in identifying *Ἰησ* as a technical self-designation of the sect, when in fact the term is never used in this way.²²⁴ He also identifies a difference between laws of charity in the pagan *nomoi* and D, claiming that while the former only required members to render aid to fellow members, D provided for the care of the poor in general, including outsiders.²²⁵ Such speculation, which seems odd in light of D’s pervasive themes of separation from outsiders, needs to be defended.

Herrmann stresses the need to look more broadly at Hellenistic-Jewish culture, to bring in evidence from other Semitic associations, and to take more seriously the distinctive nature of the *Yahad*. His thesis is sound: the absence of exact correlations between pagan associations and the *Yahad* contradicts the thesis that the former directly influenced the latter. Yet the similarities are striking enough to warrant investigation into the common social environment within which the Covenanters’ sect and myriad other associations formed. As I argue in this book, investigation into the “general conditions” within which the *Yahad* and other associations formed explains both the similarities between the *Yahad* and the associations, and the distinctiveness of the *Yahad*.

²²¹ For text, translation, and commentary, see the articles by C. Alexander, A. Vogliano, and Franz Cumont, in *AJA* 37 (1933) 215–70.

²²² Herrmann, “*Gemeinderegel*,” 187–89, on F. Cumont, “*La grande inscription bacchique*,” *AJA* 37 (1933) 232–63.

²²³ Herrmann, “*Gemeinderegel*,” 188, on H. C. Youtie, “*The Kline of Sarapis*,” *HTR* 41 (1948) 9–49.

²²⁴ Herrmann, “*Gemeinderegel*,” 172–73.

²²⁵ Herrmann, “*Gemeinderegel*,” 190.

1.5 PROBLEMS AND PROSPECTS FOR METHODOLOGICAL CLARITY

1.5.1 *Classification: Sect or Association?*

A persistent problem in the literature is lack of precision in defining the type of social group to which the Covenanters belonged. Some, such as Klinghardt, argue that it should be classified as a voluntary association, not a sect;²²⁶ others, such as Walker-Ramisch, that it was an isolated sect, and not an association.²²⁷ The assumption behind these classifications is that a Jewish sect would have cut itself off from broader society to such an extent that it rendered itself impervious to the Hellenistic culture that influenced other Jewish groups. But the apparent problem with classification comes from misunderstanding of the relationship between “sect” and “association.” First, in sociological terms, a sect is a particular form of a voluntary association, i.e., one whose ideology and interests are in tension with particular aspects of its society. Such tension requires some degree of separation from certain aspects of broader social life, whether cultic, economic, political, or other.²²⁸ Second, sociological studies of sectarianism consistently describe the formation of sects as responses to the same social circumstances that other groups in the society experienced. Thus within a sect we should expect to find evidence for the most important social and political issues that a given society debated. Indeed, classification of an association as a sect implies that the association’s formation is itself an indicator of what issues were most central—and thus debated—in broader cultural discourse. Comparative studies of sectarian and non-sectarian associations can shed light on the cultural and political environment within which they formed.

1.5.2 *What is “Influence”?*

Despite its strengths, Weinfeld’s study does not provide a convincing explanation for the consistency of associational features. He proposes that similarities arose due to “influence,” a term that appears to mean that the Covenanters patterned their organization and Penal Code

²²⁶ Klinghardt, “Manual,” 252.

²²⁷ Walker-Ramisch, “Damascus Document,” 142.

²²⁸ See the essays in D. Chalcraft, ed., *Sectarianism in Early Judaism: Sociological Advances* (London: Equinox, 2007); also J. Jokiranta, “‘Sectarianism’ of the Qumran ‘Sect’: Sociological Notes,” *RevQ* 20 (2001) 223–39.

after the pattern of other associations.²²⁹ As Herrmann points out, this explanation is too narrow: the mechanism of “influence” presupposes knowledge of and contact between different voluntary associations as the primary way in which associations acquired similar features. This mechanism cannot account for the persistence of similarities in associations separated by vast temporal, geographical, and linguistic gulfs. As Herrmann argues, there are other possibilities: certain consistent “general conditions” in the Hellenistic and Roman periods may have spawned the proliferation of associations of all kinds, and affected their forms.

Lack of engagement with social-scientific theory has characterized comparative studies from the beginning. Although Bardtke was interested in the legal-historical status of the Covenanters’ society and contemporary associations, he neglected to make use of the insights of political philosophy and sociology. This lack of engagement is unfortunate, given that German social theorists often turned to ancient political philosophy and legal systems as they interpreted the features, processes, and particularities of modern societies.²³⁰ Without engagement with social theory, Bardtke missed analogies between both D and S, and political organization and law in Greek and Roman *politeiai* and contemporary practice. His focus on the legal status of associations, following San Nicolò, was astute, but his failure to engage sociological theory blinded him to the possibility that the Covenanters exercised considerable agency as they drew up their codes: they did not merely react to an imposed legal circumstance, but asserted their status as a viable—indeed, inevitable—political alternative to the prevailing authorities.

Studies that followed Bardtke’s exhibit similar reluctance. Most scholars show little interest in modern theories of associational formation. They attempt to explain all organizational features on the basis of “influence,” if engagement with Hellenistic-Roman culture is admitted, or “exegesis” if it is denied. Bardtke was at his best when he noted

²²⁹ Weinfeld, *Organizational Pattern*, 13, 23.

²³⁰ G. W. Hegel treated the constitutional and legal status of associations in his magisterial *Elements of the Philosophy of Right* (1821); Otto Gierke wrote a massive history of associations and law from antiquity to his own time (*German Corporate Law*, 1868–1881); Ferdinand Tönnies compared and contrasted modern and ancient forms of states and the types of communities within them (*Community and Civil Society*, 1887); and Max Weber developed sociological models of voluntary group formation in modern states (*Economy and Society*, 1914–1920).

that associations take their structures and names from the political environment; further, his historical speculation about the importance of the shift from Hellenistic to Roman rule shows insight into how profoundly constitutional and legal circumstances can affect associational activity, even if his conclusions were wrong. I revisit the issue of legal and constitutional context that Bardtke first raised, arguing that theoretical models of the relationship between associations and the state increase the value and accuracy of legal-historical analysis.

1.5.3 *A Way Forward: Social Patterns in Rationalized Societies*

In his introduction to Otto von Gierke's history of medieval German Law, Frederick Maitland criticized Gierke for too closely associating the state and the voluntary association.²³¹ Yet Maitland conceded that, "when all is said and done, there seems to be a genus of which state and [association] are species."²³² Sociological and political theorists since Maitland have attempted to construct models that describe the genus to which these species belong, as well as their relationship. One of the most useful models comes from Max Weber, who analyzed voluntary associations (*Vereine*) and the state as *rationally constructed* social systems. This means that their identity, purpose, and members' obligations are defined by explicit, systematically articulated, and publicized laws and other rules.²³³ Rationally constructed groups are distinct from groups formed primarily on the basis of tradition or emotion, such as erotic relationships, neighborly relationships between residents of a common territory, or ethnic groups, which are neither defined nor regulated by a rationalized system. Associations and state institutions differ insofar as voluntary associations claim authority

²³¹ See esp. O. Gierke, *Associations & Law: the Classical & Early Christian Stages*, tr. G. Heiman (Toronto: University of Toronto, 1977). This is a translation of one chapter from Gierke's massive *Deutsche Genossenschaftsrecht*, 4 vols. (repr.; Graz: Akademische, 1954).

²³² "Introduction" to O. von Gierke, *Political Theories of the Middle Age*, tr. Maitland (Cambridge: Cambridge University Press, 1900) ix, quoted by Frederick Carney, "Associational Thought in Early Calvinism," *Voluntary Associations: A Study of Groups in Free Societies, Essays in Honor of James Luther Adams*, ed. D. B. Robertson (Richmond: John Knox, 1966) 39.

²³³ For a history of related terms and concepts in German history and social sciences see Wolfgang Hardtwig, "Verein, Gesellschaft, Geheimgesellschaft, Assoziation, Genossenschaft, Gewerkschaft," in *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-sozialen Sprache in Deutschland*, ed. O. Brunner et al. (Stuttgart: Ernst Klett, 1990) 6.789–829.

only over members who have joined voluntarily, while state institutions, or “compulsory associations” (*Anstalten*), impose authority on all persons to whom legally established criteria, e.g., birth or residence within a territory, apply.²³⁴ Institutions are, above all, “the state with its subsidiary heterocephalous organizations,” which exercises authority in terms of an “imposed order in the most definite sense.”²³⁵ As compulsory groups, states impose comprehensive identity upon subjects: they may not deny their membership, nor may they arbitrarily choose to act in ways contrary to state interests as defined by constitution and law.

In contrast to institutions, voluntary associations impose limited identity both insofar as they claim to represent only those who join, and insofar as they articulate their identity only in contexts specific to their purposes. A common way to describe associations is as “interest groups” (*Zweckvereine*) whose existence and actions have to do with specific, limited interests that members share, e.g., recreational, political, religious, or otherwise. Associational activity is typically part-time and voluntary; members do not receive payment for participation, with the common exception of officers and administrators whose work may be full-time and salaried. Weber emphasizes that *Vereine* must have, at minimum, general rules and an administrative staff. This distinguishes associations from groups temporarily organized for an *ad hoc* enterprise, such as a posse assembled to carry out a revenge killing, or a pair of bus riders who present a common complaint to the bus driver.²³⁶ Like the state, which expresses identity and purpose in an explicitly publicized system of constitution and law, associations generally have a statement of purpose, schedule of activities, and code of conduct to which members formally assent through a voluntary, binding contract.

Weber’s examples of associations shows how diverse the occupants of the *Vereinswesen* can be: bowling leagues; university social clubs, such as fraternities and sororities; charities; consumer cooperatives; societies devoted to ethnic culture and language; trade unions and

²³⁴ M. Weber, *Economy and Society*, ed. G. Roth and C. Wittich (Berkeley: University of California, 1978) 1.52–53; 2.1380.

²³⁵ Weber, *Economy and Society*, 1.53. In ancient contexts institutions include public cults formally attached to the state and possessing some compulsory authority. As I emphasize in my discussion of civic ideology in the next chapter, ancient civic ideology invariably includes theology and cultic ideology.

²³⁶ Weber, *Economy and Society*, 2.1376–79.

management associations; industrial cartels; patriotic clubs and political parties; a company's stockholders; veterans' associations; educational groups, including schools for advanced academic study; alumni associations; and religious sects.²³⁷

Weber's identification of sects as a subtype of voluntary associations presents an important corrective to the tendency of some scholars of ancient associations to treat sects and associations as completely different types of social groups. As Weber and others, such as Brian Wilson, have argued, sects must be defined relative to their empirical situations.²³⁸ A group may have relatively open boundaries within one context, e.g., when involved in dealings with the state or economy, but radically closed boundaries within another, such as participation in cultic activity. The Covenanters, for example, were a sectarian voluntary association that separated most completely from the mainstream in cultic activity, and to a lesser degree in economic activity.

Another important type of association that Weber discusses is the school. In modern times schools may be state-regulated institutions, attendance at which is mandatory, as in the case of primary schools; they may also be voluntary associations, as in the case of colleges, post-graduate and professional schools, and independent research groups. It is important to note that in antiquity education, even at the primary level, was not compulsory, but a privilege reserved for subjects with sufficient resources to afford tuition and leisure for study. Ancient philosophical schools, as many scholars have argued, should be regarded as voluntary associations.²³⁹ This is important for our study due to the scholastic nature of the Covenanters' society.

The classification of voluntary associations and state institutions as belonging to the class of rationally constituted social groups is important because the rational habits of any society's institutional and

²³⁷ See Weber, *Economy and Society*, 1.284–88, 344–48; 2.1376–79.

²³⁸ See B. Wilson's classic work, *The Social Dimensions of Sectarianism* (Oxford: Clarendon, 1990).

²³⁹ For discussion of ancient philosophical schools as voluntary associations see Jones, *Associations*, 227–34; Steve Mason, "Philosophiai: Graeco-Roman, Judean and Christian," *Voluntary Associations in the Graeco-Roman World*, ed. Kloppenborg and Wilson, 31–58; Ziebarth, *Griechische Vereinswesen*, 69–74. In many historical contexts, academic voluntary associations were some of the most important contributors to social and political controversies. This was the case, as Joseph Bradley has shown, in Tsarist Russia between the late eighteenth century and the beginnings of the revolution in 1905. See idem, "Subjects into Citizens: Societies, Civil Society, and Autocracy in Tsarist Russia," *American Historical Review* 107 (2002) 1094–1123.

associational spheres tend to be similar, if not identical. There are three related explanations for this phenomenon. First, new associations tend to adapt organizational patterns with which they are already familiar. State institutions are ubiquitous, familiar, and provide easily appropriated patterns and titles for associational authorities, e.g., president, vice president, secretaries, treasurer, spokesperson; general, colonel, and other ranks; priests, deacons, elders; etc. Their procedural habits are easily imitated, such as oaths of office, pledges of allegiance, protocol for submitting issues to be considered at meetings, protocol for voting, etc. Contact with the rationalized patterns of state institutions produces extensive familiarity with a particular way of conducting business in a formally organized group. It is no surprise that new associations draw upon state patterns for their own organization and regulation.

Second, associations commonly arise on the basis of individuals' shared interests related to some aspect of the state. Officials and public servants at all levels may form clubs to facilitate informal socializing. Subjects may form associations to attract state attention and resources to a particular community's needs. Associations organized in order to engage a particular institutional entity often assimilate its patterns, whether in representative practice, linguistic habits, formal legal status, or other features. This may be attributed to the association's focus on the state institution; it also may help the association engage the institution efficiently, since the two groups share common organization, interests, and modes of communication.

A third reason that associations resemble state institutions is that associations may form as an adaptive response to new forms of state institutions that arise due to political, economic and social change.²⁴⁰ Such change may occur due to imperialistic conquest, internal revolution, rapid industrialization and urbanization, demographic shifts, or other factors.²⁴¹ Anthropologists have observed numerous instances in

²⁴⁰ Classic scholarship includes W. Amis and S. Stern, "A Critical Examination of Theory and Functions of Voluntary Associations," *Journal of Voluntary Action Research* 3 (1974) 91-99; J. Kerri, "Studying Voluntary Associations as Adaptive Mechanisms: A Review of Anthropological Perspectives," *Current Anthropology* 17 (1976) 23-47. Kerri's review of monographs and articles is invaluable, as are the responses to his review given by each of the anthropologists whose work he treats.

²⁴¹ Discussion of fluctuations in associational activity in modern societies is voluminous. Good recent studies of specific groups include P. Clark, *British Clubs and Societies, 1580-1800: The Origins of an Associational World* (Oxford: Clarendon,

Africa in which rapidly urbanized populations develop new associational forms that mimic the new political environment. Such associations function adaptively as “schools of modernity” in which citizens quickly learn and practice the ways in which industrial, technologically advanced, often democratic, societies function.²⁴² The fact that these associations develop within communities of neighbors makes the transition from traditional ways of socializing and negotiating authority to the highly bureaucratized habits of the rationalized state more comfortable and acceptable than it would be without the “practice environment” provided by the association.

Another set of processes explains associational resemblances to state institutions. Associations are frequently formed by state initiative: states may create patriotic clubs in order to educate members in state history, ideology, law, and ways in which citizens may become active participants in government. The state may also sponsor associations that aim to promote public morals, aid in crime prevention, rejuvenate local industry, foster a sense of common identity, and so forth. State sponsorships of private associations, such as cultural heritage societies, recreational and athletic clubs, and clubs centered around the arts, were as common in antiquity as in the present. In antiquity it was especially common for the state to sponsor local cultic associations. Further, Roman and Greek rulers patronized philosophical and rhetorical schools, sometimes becoming intimately involved in their administration. Whether state-affiliated associations are formed by private or state initiative, their organization and ideology inevitably will be affected by their affiliation with state institutions and will reflect the rationally constructed social patterns of the institutions with which they are affiliated.²⁴³

2000), esp. pp. 1–93; J. Bradley, “Subjects into Citizens”; and the essays in N. Götz and J. Hackmann, eds., *Civil Society in the Baltic Sea Region* (Aldershot: Ashgate, 2003). For modern Italy and the US see R. Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton: Princeton University Press, 1993); *Bowling Alone: the Collapse and Revival of American Community* (New York: Simon and Schuster, 2001). See also the short but seminal analysis of associations in a French town on the outskirts of Paris by R. Anderson and G. Anderson, “The Replicate Social Structure,” *Southwestern Journal of Anthropology* 18 (1962) 365–70.

²⁴² See K. Little’s anthropological study, *West African Urbanization: A Study of Voluntary Associations in Social Change* (Cambridge: Cambridge University Press, 1965).

²⁴³ Bradley, “Subjects into Citizens,” *passim*.

The fact that voluntary associations proliferated in ancient Greek and Roman societies underscores the most significant parallel between these societies and the modern societies about which theorists are primarily concerned: both are rationally presented in a variety of contexts. At the state level, this takes place through the development of constitutions and laws; in arenas of non-state discourse, it is communicated through history, philosophy, literature, and other modes, such as visual images on monuments and coins. Rational presentation has two consistent effects: first, it facilitates cultural reproduction by propagating habits of thought and socialization that lead to consistent forms of social activity and organization; second, by explicitly presenting its organization, laws, and legitimating ideology, the state opens itself to analysis, assimilation, and, in principle, critique.

Reproduction and critique of a state's rationally constituted social system are closely related: a group may adapt *and improve upon* state structure by reproducing the state structures with deliberate and conspicuous variation. Such variations present an implicit charge that the state falls short in a particular area; the variation also suggests a specific improvement. Associational ability to articulate interests to the state on the basis of shared rational habits and structures guarantees that the critique will be noticed, if not heeded.

1.5.4 *Civic Ideology and Associational Typology*

A primary motive for states to promote associational activity is long-term social and political stability. This stability comes from the cultivation of a common civic ideology that orients central aspects of subjects' identity, values, and sense of purpose around the state. If subjects are convinced that their welfare comes from and depends upon the state, they will not only perceive the state's authority to be legitimate, but also actively invest in its welfare. Granting and protecting subjects' autonomy to pursue interests collectively encourages subjects to identify the state as the source of "private" privileges and opportunities, such as freedom to enter into contracts, form clubs, and congregate informally. The state also may engage associations more directly, e.g., by initiating the formation of new groups, promoting activities of existing groups, soliciting associational participation in state events, investing associations with legal authority to conduct state business, such as collecting taxes, and legally guaranteeing associations' ability to enforce internal rules, such as collecting dues and punishing misbe-

havior. Such direct engagement encourages associations to articulate their identity and interests in a way that directly includes participation and cooperation in state affairs.

Voluntary associations, in turn, consistently articulate identity in a way that includes some response to state civic ideology. Associational civic ideology is collective, insofar as it represents the viewpoint of a group, and comprehensive, insofar as it includes a response to the state's claims about its legitimacy and authority, a definition of the association's role within the society governed by the state, and a claim about the obligations of individual members, *qua* subjects of the state.

As I noted at the beginning of this chapter, there are two general types of associational civic ideology. Most ancient associations articulated assimilative civic ideology, i.e., one that described members' identity, values, and purpose in the ideological terms set forth by the state. A few associations developed alternative civic ideology. This term designates a critical response to the state that includes, in various forms, rejection of claims about state authority and legitimacy. The main component of alternative civic ideology is a comprehensive description of a different, ideal political authority, organization, law, and citizenship, all of which are superior to that of the prevailing order. Alternative civic ideology enables members of associations to imagine themselves as citizens of a superior commonwealth, which is typically coextensive with, or at least includes, the association itself.

1.5.5 *Associational Organization and Regulation as Expressions of Civic Ideology*

Crucial tools for articulating associational civic ideology in either form are organization and regulation. Assimilative civic ideology can be expressed through replication of political structures and laws that affirm fundamental state order, and encourage members' cooperation in that order. Rules that establish formal relations with the state, e.g., by coordinating the associational cultic calendar with that of the city, or formally honoring the emperor and the commonwealth over which he presides, infuse associational life with a clear sense of its place within the broader society. In an alternative civic ideology, reproduction of civic order and rules can present a powerful critique of the prevailing order: by mimicking political structures, with subtle but significant "improvements," or by establishing cultic practices that

correct deficiencies in the public cults, associations may simultaneously signal their rejection of the state's civic ideology and create a practicable alternative to it. Claiming authority typically reserved for the state, e.g., to try capital cases in an associational court, to define and regulate citizenship, or to muster an army, functions similarly.

1.5.6 *Alternative Civic Ideology in the Covenanters' Rule Scrolls*

I analyze the Covenanters' organization and regulation as the comprehensive expression of an alternative civic ideology in a sectarian voluntary association. The Covenanters' civic ideology presented a response to and critique of the Hasmonean state. Their organization and regulation show extensive familiarity with Judean offices, laws, and the temple cult. Nevertheless, as I show throughout the analysis of the Rule Scrolls, the Covenanters crafted their society by drawing not only upon actual organization and laws of Judea, but also upon other sources, most importantly the Torah. Further, as Schneider first pointed out, in their literary form and contents, the Rule Scrolls show analogies to *politeiai* produced within the philosophical schools. As I demonstrate throughout this book, the Covenanters show familiarity with the conventions of political organization and laws throughout the *poleis* of the Greco-Roman world. They also confirm the sect's scholastic tendency: like the philosophical schools to which both Philo and Josephus compare the Essenes, the sect engaged in intensive speculation about the form of the ideal commonwealth. Further, very much like the schools that prepared young Roman, Greek, and Jewish men for legal and political careers, the Covenanters' "educational curriculum" was designed to prepare members for actual leadership in restored Israel.

CHAPTER TWO

CIVIC IDEOLOGY AND ASSOCIATIONAL FORMATION

2.1 CIVIC IDEOLOGY

Civic ideology, as I use it here, designates a comprehensive system of claims about the nature of a state and its relationship to its subjects, as articulated by both the state and its subjects. In modern political philosophy, especially early Marxism, the term “ideology” designates a system of thought that legitimates the authority of one social group over others.¹ Ideology begins, even in its most sophisticated, coherent forms, as a post-hoc argument for a system of authority that is already in place, by those already in control. It facilitates domination: as governed subjects encounter and internalize state ideology, they adopt a way of viewing the world and social relations that simultaneously obscures the imbalance of power between classes, presents subjects’ political, economic, and material situation as inevitable, and prevents imagining other social systems that might confer greater benefit. To resist the established order is to rebel against a noble history, or to defy divine will, or to go against intrinsic anthropological principles, or a combination of these and other totalizing factors. Subjects thus become unwitting collaborators in their own domination by assenting to the fundamental terms by which those with power claim authority. Weber’s famous definition of “legitimate domination” is analogous: the obedience of the ruled to the ruler’s command results from their behaving “as if the ruled had made the content of the command the maxim of their conduct for its very own sake.”² Such assimilation of the values of the ruled to the ruling depends equally upon effective systems of authority—the state’s constitutional organization and legal regulation—and upon systems of belief about the validity of that authority that make obedience seem like voluntary co-participation,

¹ For a brief history of the origins of the concept of ideology in 18th century French philosophy, and its development in Marxism see T. Eagleton, “Introduction,” in idem, ed., *Ideology* (Longman Critical Readers; London: Longman, 1994) 1–13.

² Weber, *Economy and Society* 2.946.

indeed, as a contribution to an obvious, universally acknowledged social good.³

Such analysis has proved valuable for understanding certain aspects of social power;⁴ Marx and Weber's contributions are far from exhausted, as their current re-interpretations and applications across disciplines shows.⁵ But their accounts pay insufficient attention to the varieties of ways in which state ideology is reinterpreted as new, subject-generated ideologies, and neglect the emergence of counter-ideologies that contest the claims of the state.⁶ In more recent political philosophy, the insight that subjects assimilate state ideology and interpret their own activity in accordance with it has been developed further to account for variations in subjects' responses to state ideology. This development is based on two insights. The most fundamental is that the public, systematic articulation of the basis of state authority, a *sine qua non* for rationalized societies, opens the state to critical analysis from within. Subjects can test for consistency between their state's ideology and social experience, and may identify and challenge inconsistencies and contradictions between, e.g., ideals of justice and actual policies, laws, and practices. The ideology of the state can thus impose obligations upon the state itself to bring its laws and practices into conformity with its stated ideals. The second insight is recognition that subjects' interests differ from one social group to another, along

³ See Weber, *Economy and Society*, 2.941–55, for a fuller account. Weber gives preliminary a sketch in *ibid.*, 1.50–52, and an exposition of types of legitimate authority in 1.212–98.

⁴ My own work here owes a particular debt to the insightful appropriations of Marx and Weber, along with Habermas and others, in C. Ando's excellent book, *Imperial Ideology and Provincial Loyalty in the Roman Empire* (Classics and Contemporary Thought 6; Berkeley: University of California, 2000).

⁵ See, e.g., the reinterpretations of Marx and Weber in recent Marxian political philosophy, esp. within the Frankfurt School. Jürgen Habermas' devotes most of his first volume of *A Theory of Communicative Action: Reason and the Rationalization of Society*, tr. T. McCarthy (Boston: Beacon, 1984) to engaging Weber constructively; his second volume, *Lifeworld and System: A Critique of Functionalist Reason*, tr. McCarthy (Boston: Beacon, 1987) concludes with reflections on the contributions of Weber and Marx (pp. 301–404).

⁶ Later Marxian work emphasizes the vulnerability of state ideology and authority to internal critique. See Antonio Gramsci's influential account of hegemony and counter-hegemony, *Selections from the Prison Notebooks*, ed. Q. Hoare and G. Smith (New York: International Publishers, 1971); also J. Femina, *Gramsci's Political Thought: Hegemony, Consciousness, and the Revolutionary Process* (Oxford: Oxford University Press, 1981); A. Hunt, "Rights and Social Movements: Counter-Hegemonic Strategies," *Journal of Law and Society* 17 (1990) 309–28.

many lines. Some subjects may benefit in every way from the arrangement of state authority, while others find they must weigh advantages and disadvantages in political, economic, religious, and other spheres of social activity. Some may remain economically advantaged, while finding themselves pushed to the margins of their social group—one group of aristocrats may be pushed out of power by another, for example. Others may find themselves entirely marginalized and offered little advantage from the society's arrangement of authority. Some may find the ideology of the state implausible, while regarding its authority as just, or useful, or tolerable. Different groups of subjects will respond differently to state ideology, on the basis of their interests.⁷

In this chapter I focus on civic ideology that members of voluntary associations expressed collectively. Since I analyze associational civic ideology as a response to state civic ideology, it is appropriate to begin with a brief sketch of the latter.⁸ I use the prologue of the *Institutes* of Justinian as an example of state civic ideology in its most systematically articulated form. It concisely presents major themes common to ancient civic ideology, and which appear in more developed form throughout the *politeiai*. These themes include: 1) *piety, or proper understanding of theology*; 2) *proper understanding of natural order*;⁹ 3) *the comparative superiority of one state over others*;¹⁰ 4) *the historical*

⁷ These insights have been picked up in a number of works by Josiah Ober. See, e.g., "Civic Ideology and Counter-Hegemonic Discourse: Thucydides on the Sicilian Debate," in *Athenian Identity and Civic Ideology*, ed. A. Boegehold and A. Scafuro (Baltimore: Johns Hopkins, 1994) 102–26; *Political Dissent in Ancient Athens: Intellectual Critics of Popular Rule* (Princeton: Princeton University Press, 2001). In modern critical theory see, e.g., S. Cohen and A. Arato, *Civil Society and Political Theory* (Cambridge: MIT, 1992), esp. chs. 10–11, "Social Movements and Civil Society" and "Civil Disobedience and Civil Society."

⁸ For an excellent analysis of Roman imperial ideology and its dissemination see Ando, *Imperial Ideology*, 19–48, esp. 24–28; also 73–80.

⁹ Claims about theology legitimate state authority as sanctioned by divine will. Nature is closely related: ancient civic ideologies, particularly those developed within philosophical schools, argued that a particular organization and legal regulation of the state would bring its subjects in step with the very structures of the cosmos itself, and with the divine will and purpose that established those structures. These claims appear in Plato's *Republic* and *Laws*, and in Cicero's works by the same titles. As I discuss below, they also appear in the Covenanters' Rule Scrolls. See the discussion of cosmic order and political life in Cicero, *Resp.* 1.1. In the "Dream of Scipio" Cicero explicitly associates cosmic order with divine agency, and argues that participation in governance brings human society into alignment with divine will and cosmic order (6.9–29). Cp. *idem*, *Leg.* 1.16–35, 58–63.

¹⁰ Comparative arguments appear in Plato's *Laws*, which pitted advocates of Spartan, Cretan, and Athenian forms of government and law in debate against each other,

*evolution of a state to mature status;*¹¹ 5) *the promotion of justice*; and 6) *the promotion of human thriving*.¹²

Following this analysis of state civic ideology in the *Institutes*, I briefly discuss strategies by which ancient states disseminated their ideology among subjects through literature, visual imagery from public monuments to coins, and propagandistic performances. Finally, I discuss state engagement with voluntary associations, primarily through law and patronage. In its various modes of engagement with subjects, the state reiterated its claims about theology, nature, history, justice, human thriving, and so forth. Patronage of associational cults affirmed the state's piety, as well as state concern for subjects' thriving. Authorities suggested that their conception of justice aligned with those of its subjects by granting associations real legal jurisdiction over their affairs, and by legally guaranteeing that associational rules were binding upon members. Such grants and guarantees effectively enlisted associations as partners in maintaining civic order, further propagating state ideology and promoting state authority.

Most ancient voluntary associations responded to state civic ideology positively. Their civic ideology was assimilative: they accepted the state's authority and legitimating arguments, and defined their

and also surveyed various forms of government in other societies. In Book 1 of the *Laws*, the interlocutors debate the merits of the three Greek states' constitutions. In Book 3, the Athenian offers a wide-ranging survey and critique of forms of government throughout history: Troy, the Dorian League, Sparta, the Persian empire, and Athenian democracy. Similar comparisons appear in Cicero's *Republic*: its interlocutors debate the merits of monarchy, aristocracy, and democracy, before arguing that a constitution that combines aspects of the three—i.e., that of the Roman Republic—is best (1.39–71).

¹¹ Many *politeiai* include historical narratives detailing how a state came to develop its particular institutions and laws. E.g., the first forty-one chapters of the Aristotelian *Constitution of Athens* survey the history of the various Athenian constitutions from the time of Draco to the late fourth century BCE. The second book of Cicero's *Republic* similarly surveys the history of Roman government, emphasizing that the emergence of the Republic marked the culmination of evolution toward the best constitution (2.12–63).

¹² The themes of justice and human thriving are ubiquitous in the *politeiai*. Plato discusses justice and human thriving as the goal of a well-ordered state in his *Republic*, which opens and closes with lengthy discourses on justice and happiness (*Resp.* 327a–374e; 576b–594e; 612a–620e); similarly but less systematically, *idem*, *Leg.* 660e–664d; 718a–724d). Cicero vigorously associates justice and human thriving as the goal of government and law: see, e.g., *Resp.* 1.69; 5.7–8; *Leg.* 1.16–35. Xenophon's *Athenian Constitution* harshly criticizes Athenian democracy for failing to promote justice and thriving.

identity and roles in terms established by the state.¹³ Evidence for assimilative civic ideology comes in many forms. Many associations responded to patronage by erecting honorific inscriptions celebrating their relationship with the state. Some collected taxes from members on behalf of the state, while others kept useful records of births and marriages among members' families. Some assumed a prominent role in public festivals. Virtually all associations promoted public order by compelling members to behave in accordance with state law, and some assumed a remarkable degree of responsibility for policing members' behavior. Most associations patterned their organization and regulation after that of the *polis*. Finally, the internal discourse of associations often included prayers for and positive references to governing authorities.

A few associations, among them the Covenanters, Pauline *ekklēsiai* (at least as the apostle himself envisaged them), and some Greek philosophical schools, rejected the arguments of state civic ideology and the state's claims to ultimate legitimacy. These associations developed alternative civic ideologies in which they imagined themselves as subjects of a state different from and superior to that of the status quo. Articulation of alternative civic ideology varies, but there are some consistent patterns. Alternative civic ideologies consistently include a critique of the status quo that engages the same themes as state ideology: theology, nature, history, justice, anthropology, and human thriving. While these themes are ubiquitous in ancient civic ideology, other themes peculiar to local belief systems are added. In Jewish contexts, the themes of adherence to the Torah, participation in the covenant with God, and human thriving as inheritance of covenantal blessings, receive special emphasis. Alternative civic ideologies take up universal and local themes and redefine them in corrected terms.

Second, alternative civic ideology is also expressed through associational organization and regulation. Some groups modeled their organization after that of the state, with conspicuous modifications

¹³ Ando provides an apt description of what I call assimilative civic ideology: "An ideology thus represents in various forms the Janus-faced nature of domination: we may regard as ideological those symbolic phenomena generated by individuals in order to represent their imagined relationship to 'the real conditions of their experience,' as well as patently official claims to the inherent validity of whatever legitimating principle serves as the warrant for an official action. Such a legitimating principle ultimately derives its historical importance from its acceptance by the subjects of the regime that invokes it" (*Imperial Ideology*, 24).

that reflect dissatisfaction with the status quo. Others organized along lines that were radically discontinuous with state patterns, thus showing their rejection of political and social conventions. Some claimed comprehensive juridical authority over members, thereby denying members access to the public legal system, delegitimizing a primary locus of state authority, and simultaneously protecting the association from state interference. A few composed *politeiai* that explored and developed alternative civic ideologies systematically. Finally, all associations with alternative civic ideology instructed members on how to interact with the status quo: alternative civic ideologies include practical strategies for negotiating the reality of life as subjects under the authority of a *polis* or empire.¹⁴

2.1.1 *State Civic Ideology*

In its fullest form, state civic ideology relates the peoples and territories under its control, and the institutions and laws by which they are organized and regulated, to a description of their fundamental identities, origins, and purpose. The latter interprets the former as components of a coherent, unified system that appears natural, or inevitable, or uniquely good. State civic ideology simultaneously distinguishes between statuses among its people—first, the ruling and the ruled; second, the various statuses amongst the population—and confers a unified identity upon them. The variety of statuses appear necessary: rulers and ruled; citizen, metic, and foreigner; slave and free; youth and adult; male and female; father, mother, and children, etc., all make essential contributions to the welfare of the state, which in turn protects and guarantees the welfare of its constituent parts. Arguments for unified identity take several forms, but consistently include the themes enumerated above.

¹⁴ Associations with alternative civic ideology subjugated state authority to the authority of their superior commonwealth, but did not absolutely deny that the state had some legitimate authority or purpose—even if, like the Covenanters, they anticipated that its power would crumble imminently and be replaced by that of the association. This feature distinguishes groups with alternative civic ideology from revolutionary political movements. Of course revolutionary movements sometimes have alternative civic ideologies, but they may also have assimilative civic ideologies but disagree about who should hold power. For the purposes of this study we leave aside such groups, focusing on those that cultivated alternative civic ideologies, while admitting at least some legitimacy for the ruling powers.

A succinct example of a systematic articulation of state civic ideology appears in the preface to the *Institutes* of Justinian, a sixth-century handbook composed for students of Roman law. Its *incipit* weaves together several warrants for imperial authority.

In nomine domini nostri Ihesu Christi, imperator Caesar Flavius Iustinianus, Alamannicus Gothicus Francicus Germanicus Anticus Alanicus Vandalicus Africanus, pius felix inclitus victor ac triumphator, semper augustus...

The first clause invokes the state's piety or proper understanding of theology: Justinian submits to the Christian deity. This, in turn, implies that Jesus Christ himself sanctions the emperor's authority. Thus those who wish to follow "Our Lord Jesus Christ" should heed the authority of his servant, the emperor. The second clause appeals to history: the emperor conquered and subjugated eight foreign peoples. This claim anticipates a principle that is stated explicitly in paragraph immediately following the *incipit*: the peoples of the world should, by nature and by divine design, be unified by a single law. No one better accomplished this unification than Justinian.¹⁵ The third clause of the *incipit* enumerates Justinian's virtues: he is pious, blessed by fortune, renowned, victorious, triumphant, eternally august. Again, those who strive for virtue should submit to the virtuous emperor's authority.

The preamble and the opening paragraphs of the *Institutes* continue the theological claims of the *incipit*: God empowers Justinian's military subjugation of hostile peoples and legal subjugation of all Roman subjects. Further, the codification of law accomplished in the *Digest* and the *Institutes* was itself divinely aided and produced a coherent system out of the "boundless ocean" of classical law.¹⁶ The *Institutes* also appeal to justice, the "determination to acknowledge all men's rights" through positive law. Successful enactment of this goal requires that legislators—and students aiming for political careers—acquire knowledge "of divine and human affairs."¹⁷ It is of course assumed that Roman law best promotes justice and conforms to theological and anthropological principles. Finally, the *Institutes* classify Roman laws in three categories, each of which was related to the themes of nature, anthropology, and justice. The first category is *ius naturale*, which

¹⁵ Just., *Inst.* 1.

¹⁶ Just., *Inst.* 1, 2.

¹⁷ Just., *Inst.* 1.1.1.

governs the created order and causes all creatures to behave in their various ways. The second, *ius omnium hominum*, derives from intrinsic anthropological quality of natural reason (*naturalis ratio*), which lead to consistent legal principles in all societies. The third, *ius gentium*, defines laws peculiar to a particular state.¹⁸ While the text carefully distinguishes between the three, it also connects them in two important ways: first, all aspects of the created order are divinely established. An essential component of anthropological order is the legal-rational faculty.¹⁹ While not all human laws are the same, all result from this common faculty. Identifying this faculty as the common origin of all laws implies that specific laws and legal systems can be judged as better or worse products of its exercise. Second, the legal-rational faculty aims toward justice, another divinely established principle. Again, laws can be judged as better or worse, depending on the extent to which they promote justice. Thus the identification of multiple forms of *ius gentium* is far from neutral pluralism. To the contrary, it is the first step in arguing for one superior form. Clearly the perspective of the *Institutes* is that Roman *ius*, of all the *iures gentium*, most closely conforms to the principle of justice, and stems from the best application of the legal-rational faculty.

The *Institutes* contain a precise, systematic, and comprehensive articulation of imperial civic ideology, and for good reason: it was composed as the foundational text for students of Roman law.²⁰ Future lawyers and politicians were highly literate, trained in at least some philosophy, and, at least ideally, curious about legal sources and warrants.

2.1.1.1 *Mass Dissemination of State Civic Ideology*

It is not surprising that Roman legislators and intellectuals thought about state civic ideology systematically. Other subjects encountered it in other ways. Literature played an important role. The imperially commissioned poetry that the masses heard recited at festivals and games, such as Horace's *Carmen Saeculare*, proclaimed Augustus' restoration of Roman values with appeal to theological, moral, and historical themes. Vergil's *Aeneid* similarly established historical and theological

¹⁸ Just., *Inst.* 1.1.4.

¹⁹ Just., *Inst.* 1.2.1.

²⁰ Just., *Inst.* 1.1.2.

foundations for Roman identity. Ovid celebrated the founding of Rome in the concluding books of his *Metamorphoses*, focusing on the virtues of Numa and the discipline and wisdom of Italy's most venerable philosopher, Pythagoras (*Metam.* XIII–XV).²¹

State civic ideology was disseminated in other forms. One of the most important was visual. As Paul Zanker has shown, in the early Principate imperial ideology was disseminated amongst subjects throughout the empire with remarkable effectiveness in ubiquitous visual images, from monumental architecture to coins.²² Like the *incipit* of the *Institutes*, these images revolved around the person of the emperor. Elements of the *Institutes*' systematic argument are presented individually. The emperor's piety is represented by images of divine sanction of the emperor's authority, or the emperor's actual divinity. Monuments and coins also present symbols of peace, prosperity, justice, and unity, as well as military might and historical accomplishments. These images have persuasive purpose and have been rightly analyzed as propagandistic: their dissemination set forth a visual argument for the legitimacy of Roman imperial authority.

2.1.2 *Assimilative Associational Civic Ideology: Enlisting Subjects as Witnesses to State Legitimacy*

Justinian's *Institutes* systematically presented state civic ideology to elite subjects who, we may assume, not only accepted the state's legitimacy but also assumed for themselves roles as active participants in state order. Public presentations of state civic ideology, whether in the official poetry recited at festivals or ubiquitous visual imagery, articulated portions of the ideological system to subjects *en masse*. These presentations were general, aimed at an unorganized, nonspecific audience. A third strategy, engagement with voluntary associations through benefactions and patronage, disseminated state civic ideology among specific, organized groups of subjects. Evidence from the associations themselves suggests that such engagement was useful to the state: associations provided the empire social *loci* within which to cultivate and organize mass voluntary assent to its authority. Benefactions

²¹ Later Plutarch valorized Roman identity, government, and law by appealing to the same elements of Numa's character throughout his *Life of Numa*.

²² Paul Zanker, *The Power of Images in the Age of Augustus*, tr. A. Shapiro (Ann Arbor: University of Michigan, 1988).

helped persuade members of the state's piety, justice, concern for subjects' thriving, etc., but mere persuasion was not the most important effect of ideological assimilation. What mattered more was that associations repeated, reproduced, and spread assimilated civic ideology both within their own ranks and to non-members who observed the associations' activities. Associations with assimilative civic ideology became partners with the state in the dissemination of its arguments for legitimacy: what the state claimed about its subjects, its subjects affirmed in a variety of highly visible ways.

2.1.2.1 *Patronage and Public Honors*

Throughout the Roman provinces we find widespread evidence for deliberate and effective interactions between imperial authorities and voluntary associations. These interactions were typically initiated by the authorities and often involved donation of space for associational activities or funds to build a monument or meeting place. Associations responded by bestowing public honors on the benefactor. An excellent example of such exchange of benefactions and honors comes in the inscriptions honoring Julia Severa, a high priestess of the imperial cult of Akmonia and member of a consular family in Asia Minor. Julia patronized a number of local associations; inscriptions from an association of elders (*gerousia*)²³ and a Jewish synagogue remain. The synagogue inscription identifies Julia as the builder of their meeting place:

The meeting place, which was built by Julia Severa, was renovated by P. Tyrronius Klados, *archisynagogos* for life, Lucius son of Lucius, also *archisynagogos*, and Publius Zotikos, *archon*, from their own resources and from the common deposit...²⁴

²³ MAMA VI 263, cited in Harland, *Associations*, 227.

²⁴ MAMA VI 264 = CIJ 766, tr. Harland, *Associations*, 228, with modification. It is likely that the *archisynagogoi* were, like Julia Severa, non-Jewish public officials. Tyrronius' name and the names of other members of his family appear in other non-Jewish honorific inscriptions in Akmonia. See discussion in Harland, *Associations*, 227–28; also L. M. White, *The Social Origins of Christian Architecture* vol. 1, *Building God's House in the Roman World: Architectural Adaptation Among Pagans, Jews, and Christians* (London: Trinity, 1996) 309–10. T. Rajak and D. Noy have shown that the title *archisynagogos* was bestowed in some circumstances as a purely honorific title: Rajak and Noy, "Archisynagogoi: Office, Title and Social Status in the Greco-Roman Synagogue," *JRS* 83 (1993) 75–93. It is not clear whether the fourth honoree, Publius, was *archon* of the synagogue or of the city.

In this inscription we find the synagogue using their own funds to renovate their meeting space, while also depending upon the benefactions of local authorities for the space itself and its upkeep.²⁵ The synagogue's assimilation of state civic ideology is evident in at least two ways: first, most clearly, the synagogue attested to the authorities' promotion of their interests and thriving; second, more implicitly, by honoring the authorities' contributions for space dedicated at least in part to cultic activity, the synagogue validated state claims to piety and proper understanding of theology.

Authorities cultivated long-term relationships with important local associations. This is evident in eight inscriptions erected between 50 and 213 CE by a guild of dyers at Thyatira. They honor benefactors with strong ties to imperial authorities,²⁶ including priestesses and priests of the imperial cult, the police chief, the crown bearer, members of the civic council (*dekaprotoi*), a secretary, and a procurator.²⁷

Some associations appear to have been founded primarily in order to formalize, and perhaps especially to publicize, connections with powerful imperial benefactors. In the early first century CE a group of citizens at Thyatira founded an association of "Juliasts" in honor of the

²⁵ Other examples are found throughout the ancient sources. E.g., Luke 7:1–5 identifies a Roman centurion at Capernaum who built a synagogue for the Jews of the city. Philo notes that Alexandrian Jews regularly erected honorific inscriptions to the emperors in their synagogues (*Flacc.* 49); these were most likely in response to the sort of patronage that Luke describes. The status of Jewish synagogues as associations subject to regulation as *koinoniai* and *collegia* is well established. See, e.g., P. Richardson, "Early Synagogues as *Collegia* in the Diaspora and Palestine" in Kloppenborg and Wilson, eds., *Voluntary Associations in the Greco-Roman World*, 90–109. See also Harland, *Associations*, 219–28 for a survey of the evidence. While no Jewish inscriptions honoring emperors survive in Alexandria, they are found elsewhere in Egypt, dating from the Hellenistic era: *IEgJud* 24 (c. 140–116 BCE); 125 (c. 47–31 BCE); 27–28 (2nd–1st cent. BCE); 13 (37 BCE).

²⁶ Similarly around the end of the first century the associations of *neoi*, *gerousioi*, and merchants, along with the bureaucratic administrators of the city of Iasos, united to honor the priest of the cult of Agrippa Postumus, son of Augustus (*Iasos* 90). Cp. the commemorations of associations at Tralles (*ITrall* 74); the Dionysiasts of Byzantion (*IByzantion* 34); the guild of fullers at Thyatira (*TAM* V 933); leather workers at Termessos in Pamphylia (*IGR* III 114); Roman merchants at Isaura in Galatia (*IGR* III 292); and dyers at Sagalassos in Lycia (*IGR* III 360): all honor officials of the imperial cult in their respective cities. Around 120 CE a guild of leather cutters honored T. Flavius Alexandros, the Roman ambassador to Thyatira and president of the *conventus* of Romans in the city (*TAM* V 1002).

²⁷ Harland provides excellent analysis of the history of the association and its relation to imperial figures. See *idem*, *Associations*, 143–47. For earlier discussion see W. H. Buckler, "Monuments de Thyatire," *RevPhil* 37 (1913) 299–300.

late C. Julius Xenon, who had served as high priest of the provincial imperial cult and benefactor to the city and province.²⁸ Others, such as the leather workers at Kibyra at the end of the first century CE, erected monuments that commemorated authorities' benefactions to the city.²⁹

Some associational inscriptions both publicize positive interactions with authorities, and celebrate the authorities' benevolence to the people of the *polis* or territory as a whole. In the late first century CE the cloth cleaners of Temenothyrai honored L. Egnatius Quartus as their association's "founder," as well as "friend of the homeland."³⁰ And on Cyprus, a guild of linen weavers in Salamis erected a stele honoring Trajan as follows:

To the Emperor Caesar Trajan Hadrian Augustus—son of the god Trajan Parthicus and grandson of the god Nerva—pontifex maximus, tribune of the people for the fourteenth time, consul for the third, father of the fatherland, savior and benefactor of the world. The linen-weavers from all over Salamis.³¹

These examples, to which many others could be added,³² shows assimilation of imperial civic ideology and active dissemination of the state's

²⁸ TAM V 1098. See Harland, *Associations*, 150, for brief comments.

²⁹ IGR IV 907; 883; 909; PIR² C 963. Cp. the monument in honor of T. Flavium Montanus, named as "prefect of the craftsmen, high priest of Asia for the Asian council's temple in Ephesus, revealer of the *Sebastoi*, and director of contests for life" (IGR IV 643; cp. *I Eph* 2037, 2061, 2063). For analysis see W. Ramsay, *The Social Basis of Roman Power in Asia Minor* (1941; repr., Amsterdam: Hakkert, 1967) 33; R. Kearsley, "A Leading Family of Cibyra and Some Asiarchs of the First Century," *Ancient Studies* 38 (1988) 43–46; Harland, *Associations*, 150–51.

³⁰ *AE* (1977) 227–28, no. 802. Similarly, in the early second century CE a guild of Ephesian physicians (*I Eph* 719) and purple-dyers at Hierapolis (*I HierapJ* 42 = IGR IV 816) honored their procurators. At Thyatira the leather tanners and a gymnastic association honored the M. Gnaeus Licinius Rufinus as "benefactor of the homeland" (TAM V 986–87; Harland, *Associations*, 151).

³¹ Mitford and Nikolaou, *The Greek and Latin Inscriptions from Salamis* (Nicosia, 1974) 28–29, no. 13, quoted and discussed in O. van Nijf, *The Civic World of Professional Associations in the Roman East* (Amsterdam: J. C. Gieben, 1997) 74–75. Trajan's reputation for intolerance is ill founded, based on his response to groups, including Christian ones, that formed in a troubled region of Asia Minor (Pliny, *Ep.* 10.96–97). Several associational inscriptions honor him: in Ephesus a Dionysiac society devoted a monument to their god and to Trajan, and named him as a fellow *thiasotes* (*I Eph* 3329). At Oxyrhynchus a guild of carvers submitted a membership roster to his delegate (P. Oxy. 1029). Even in Asia Minor Trajan approved the formation of an association of *eranistes* in the city of Amisus (Pliny, *Ep.* 10.92–93).

³² The citizens of Assos joined together with a guild of Roman merchants in their city to honor the consul Gaius, a grandson of Augustus (*IAssos* 13, c. 1 BCE–4 CE). In Ephesus a guild of merchants, together with representatives of the civic institutions,

ideological program. When associations publicly honored state authorities, they testified on behalf of the state's claims to legitimacy: state order promoted the peoples' thriving—and not merely “the people” in general, but specific groups and individuals who were well known locally. Perhaps more importantly, the association asserted its ability to speak both on its own behalf and on behalf of the *polis* or province as a whole. For the state, the benefit was obvious: it enlisted its subjects, represented by their associations, to speak on behalf of the people in support of the state's ideology and authority.

2.1.2.2 *Associations as Partners in Civic Order: Evidence from the Nomoi*

It is hardly surprising that the stone monuments that associations erected in honor of imperial benefactors show assimilative civic ideology: they were, after all, intended for public consumption and functioned as propaganda both for the association and for the state. It is also fair to identify a propagandistic motive behind the positive depiction of the state in the *nomoi* recorded in public inscriptions, such as those of the Athenian Iobacchoi (SIG³ 1109) and the cult of Diana and Antinöus (ILS 7212). But most extant *nomoi* are preserved on papyrus and circulated primarily within the association. These also show strong assimilative civic ideology. Because of their more limited circulation, we may suppose that their contents represented associational civic ideology accurately, and not merely what an association expected would impress viewers from the general public. It is likely, of course, that associations provided copies of their *nomoi* to state officials; one might suspect that positive statements about state authorities were intended more to satisfy them than to express an ideology that members shared. However, the activities of associations with assimilative civic ideology seem to confirm that their internal expressions of assent were authentic.

One indicator of assimilative associational civic ideology is active cooperation in maintaining civic stability by policing members' behavior. As Mariano San Nicolò argued in the early 20th century, from

honored a senator of the Vedius family (*IEph* 3079, 2nd cent. CE; cf. *IEph* 727–28, 3075). At Ostia, both trade and cultic *collegia* had thriving relationships with patrons at high levels of society. Membership rosters were inscribed into the pedestals of statues erected in honor of the emperor, and the names of civil magistrates appear in a number of honorific dedications set up by associations within the city. See *SEG* 4.539–541; 7.827; *SIG*³ 1116; 1109; *SEG* 2.871; 848; 839.

Hellenistic times onward the imperial authorities granted associations limited but significant juridical authority over members.³³ Associations exercised two types of jurisdiction that complemented the police and juridical roles of the state. One of the commonest rules throughout the *nomoi* is the prohibition of suing a fellow member in the public courts: lawsuits had to be heard by a special juridical associational assembly.³⁴ Members who brawled or harmed other members were punished directly by the association.³⁵ Many *nomoi* give the president direct authority to impose fines against members. Some statutes even authorize him to track down and seize transgressive members, take their property, and force them to appear before the associational court.³⁶ Many *nomoi* provide for members when they fell into legal trouble, requiring other members to help with juridical expenses when they were arrested, imprisoned, or tried.³⁷

Active participation in an associational juridical system that was simultaneously independent of and sanctioned, indeed, guaranteed,

³³ M. San Nicolò, *Ägyptisches Vereinswesen zur Zeit der Ptolemäer und Römer* (2 vols; München: Beck, 1913–1915); idem, “Zur Vereinsgerichtsbarkeit im hellenistischen Ägypten,” in *EIHTYMBION Heinrich Swoboda dargebracht* (Reichenberg: Gebrüder Stiepel, 1927) 255–300.

³⁴ See, e.g., P. Mich. V 243.6–9, and the comments by Boak. The *nomos* of the Athenian Iobacchi also required members to try assault and defamation cases within the society and forbade their taking such matters before the public courts. Failure to attend associational “trials” brought expensive fines (SIG³ 1109.72–102). The association of Diana and Antinoüs at Lanuvium required special meetings for prosecutions and other business, so that regular meetings would not be disrupted (ILS 7212.2.23–24).

³⁵ For rules that relieved the state from police and juridical responsibilities see the following: on theft, P. Dem. Lille 29.9–10, 25–26; P. Dem. Berlin 3115 D 1.5–7; assault, P. Dem. Lille 29.13–14, 21–22; P. Dem. Cairo 30606.8, 20–21, 24–25; P. Dem. Cairo 31179.24–26; P. Lond. 2710.15–16; P. Mich. V 243.3; *CIL* XIV 2112; *ILS* 7212.2.25–28; SIG³ 1109.72–91; adultery, P. Dem. Lille 29.25; P. Dem. Cairo 31179.22; P. Mich. V 243.8.

³⁶ See P. Mich. V 243.2–3; 244.10–12, 18–20, with comments by Boak; also P. Dem. Lille 29.21–22; P. Dem. Cairo 30606.7–8; P. Dem. Hamburg I 6–7; P. Dem. Cairo 31179.7–9. The president’s authority to seize members is confirmed by P. Texas inv. 8, a record of three loan receipts from the Ptolemaic period (182 or 158 BCE). The borrowers wrote on the receipts, *ἐὰν δὲ μὴ ἀποδῶ, ἐξέσται σοι ἐνεχυράζειν με παντὶ τρόπῳ ᾧ ἐὰν αἰρεῖ, ἀνπευθύνῳ ὄντι*, “and if I do not repay, you may seize me without accountability in any way you see fit.” For *editio princeps* with comments see D. Martinez and M. Williams, “Record of Loan Receipts from a Guild Association,” *ZPE* 118 (1997) 259–63.

³⁷ For further statutes against burdening the courts or failing to come to the aid of a member at trial or in prison see P. Dem. Lille 29.14–17, 22–25; P. Dem. Cairo 30606.17, 18–19, 22–23; P. Dem. Cairo 31179.16–18, 20–21; P. Dem. Berlin 3115 A 3.8; P. Mich. V 243.7–9; P. Mich. V 244.9–10; SIG³ 1109.92–96.

by the state, suggests assimilation of the state's claim to promote justice amongst its subjects. It also suggests that associational members identified the state as an essential guarantor of their autonomy to pursue interests intrinsic to happiness and thriving. Of course analogous statutes also appear in the regulations of associations with alternative civic ideology, as I discuss below. Certainly one motivation was similar in both types of associations: avoiding the courts insulated associations from negative state attention and interference. But the juridical authority and responsibility that the assimilative associations assumed was accompanied by active participation in the state's legal system—it was part of an integrative approach to the state, rather than a separatist withdrawal from its structures.

This is apparent in associational practices that contributed to civic order in other ways, such as by providing financial support to poor members, ensuring that members who died were buried properly,³⁸ keeping records of members' personal and business dealings,³⁹ and collecting taxes from members.⁴⁰ Many *nomoi* require celebrations and special monetary contributions at points in members' lives that were of interest to state officials, e.g., births, marriages, acquisition of property, and deaths.⁴¹ Such record keeping may have aided the state's own efforts to track subjects' status accurately. It certainly shows acceptance of the state's system of assigning status to its subjects.

Some *nomoi* indicate not only that associations aided the state indirectly, but encouraged members' direct participation in its bureaucracy. E.g., the *nomos* of the Athenian Iobacchoi required celebrations when a member was elected to public office:

³⁸ On associational responsibility for burying deceased members, as well as members of their households, P. Dem. Lille 29.17–21; P. Dem. Cairo 30606.14–17; P. Dem. Cairo 31179.13–16; P. Mich. V 243.10–12; P. Mich. V 244.16–18; *CIL* XIV 2112; *ILS* 7212 1.10–13, 26–2.6; cp. *SIG*³ 1109.160–64.

³⁹ E.g., P. Texas inv. 8 records loans to three members of a κοινῶν χρημάτων, an association that functioned in part as a “lending institution” for members (Martinez and Williams, “Record of Loan Receipts,” 259). P. Erasmus I 10, also from second-century Ptolemaic Egypt (possibly Tebtynis), preserves the demand of two treasurers of the association of Sebek that a member repay a loan. See D. Martinez, “An Order for Payment from a Cult Association,” *ZPE* 118 (1997) 263–66.

⁴⁰ P. Mich. V 244.6–7 placed responsibility for submission of all members' *laographiai* upon the treasurer of the Tebtynian association of *apolusimoi*. Similarly a guild of salt merchants from the same town collected taxes from members to submit to the authorities: P. Mich. 245.5–9.

⁴¹ E.g., P. Mich. V 243.5 (marriages, births, property acquisitions, etc.), 9–12 (members' deaths or bereavement; cp. 244 16–18); P. Lond. 2710.22 (births to members).

And if any of the Iobacchoi receives any legacy or honour or appointment, he shall set before the Iobacchoi a drink-offering corresponding to the appointment: marriage, birth, funeral, coming of age, citizen-status, the office of wand-bearer, councilor, president of the games, Panhellen, elder, thesmothetes, or any magistracy, the appointment as a sacrificial official or as justice of the peace, the title of victor of the games or any other promotion attained by any Iobacchus.⁴²

This indicates high interest in the civic and political life of the Athenian *polis*, and an uncomplicated assimilation of state civic ideology.

2.1.2.3 *Associational Organizational Patterns: Replicating State Patterns*

Associations so consistently replicated the institutions of the state that they created “miniature republics” within which members could enjoy status and privileges as “citizens.”⁴³ In his study of associations in Roman Ostia, Russell Meiggs observes that the membership of a *collegium* was typically called the *plebs collegii*; like the *plebs* of a town, members were governed by a codified *lex*.⁴⁴ Dedicated members were promoted to offices bearing such state-derived titles as *quinquennalis*, *quaestor*, *magister*, or *curator*, among others. Freedmen, slaves, and women were able to join some associations; if the order of names on membership rosters indicates status, then we find several instances in which a freedman outranked a freeborn member. Meiggs remarks that those who did not become officers could nevertheless attain high rank within the *plebs* of the *collegium* by duration of membership, performance of service and so forth.⁴⁵ The appropriation of state terminology and organization affirmed the political order of *polis*, and seems to reflect interest in integrating members within the Ostian status quo. Associations’ activities afforded members greater access to Ostian civic and economic life; at the same time, the internal life of the association

⁴² SIG³ 1109.128–136, tr. Tod, with modification.

⁴³ Meeks, *First Urban Christians*, 31, further states: “However small, a club must have officers, with titles the grander the better, often imitating the titles of municipal officials.” R. MacMullen concurs: “At least the larger craft associations constituted in every detail miniature cities” (*Roman Social Relations*, 76). For general discussion of the *collegia* see MacMullen, 71–87; Meiggs, *Roman Ostia*, 311–36. Further see R. Wilken, *The Christians as the Romans Saw Them* (New Haven: Yale, 1984) 31–47.

⁴⁴ Meiggs, *Roman Ostia*, 314. For collected texts and discussion see Waltzing, *Étude* 1.363–68.

⁴⁵ Meiggs, *Roman Ostia*, 317–18.

afforded opportunity to gain coveted statuses, titles, and honors that were otherwise unavailable to them.

Associational interest in close identification with *polis* life is apparent in the self-description of many associations, which explicitly identified members as subjects, or even citizens, of both the association and the city. E.g., the shipbuilders at Ostia called themselves *plebes corporis fabrum navalium Ostiensium*.⁴⁶ Similarly ethnic, cultic and professional associations tended to identify themselves in simple terms that conveyed complex affiliation with civil institutions: e.g., “the Tyrian *politeuma* in Puteoli,” was an ethnic association that identified itself as Tyrian, while affirming their affiliation with the city of Puteoli where the immigrants resided.⁴⁷

In addition to the civil bureaucratic organizational patterns, associations commonly adopted patterns from the military, as Waltzing and Radin point out. The tendency to draw upon military organization is evident in Cicero’s attack on Clodius’ recruitment of associations to support his political ambitions. Cicero accused Clodius of organizing them into militias, complete with divisions of centuries and decuries.⁴⁸ While Clodius’ associations may have affected military organization in order to intimidate his opponents, Cicero probably exaggerates the significance of such organization: numerous inscriptions show that professional and cultic associations organized along military lines, as Waltzing’s survey of associations that organized members into centuries, decuries, or both, shows.⁴⁹ The habit of drawing associational organizational patterns directly from the state patterns was ubiquitous. Waltzing summarizes this tendency well:

Dans la hiérarchie des colleges romains, la cité avait encore servi de modèle. Le municipe ou la colonie avait ses patrons, ses magistrats, son sénat et sa plebe: il en était de meme des colleges. Rien ne peut nous en donner une idée plus exacte qu’un coup d’oeil jeté sur les fastes et sur les listes matriculaires (*alba*) que le temps nous a conservés.⁵⁰

⁴⁶ Meiggs, *Roman Ostia*, 315.

⁴⁷ For translated text and discussion see Ramsay, *Roman Social Relations*, 84–85. Many other examples could be added; e.g., the association of Athenians living in Tanagra, σύνοδος τῶν Ἀθηναίων (SIG³ 1119; cp. IG VII 685, 686, 689).

⁴⁸ Cicero, *Red. quir.* 5.13, discussed in Waltzing, *Étude* 1.95–96; Radin, *Legislation*, 82–86.

⁴⁹ Radin, *Legislation*, 83–85. The best analysis remains that of Waltzing, *Étude* 1.357–68.

⁵⁰ Waltzing, *Étude* 1.362. On similarities between the organization of *collegia* and municipal administrations see Poland, *Geschichte*, 334, 424–25, 436–38.

2.1.2.4 *Private Rites and Public Festivals: Enhancing Ties to the City*

Numerous private associations observed their own versions of public cultic rites. Throughout the cultic associations we find versions of devotion to public deities, including private commemorations of the public festival days. The Athenian Iobacchoi convened on 8 Elaphebolion, the day before the Grand Dionysia festival of Athens, to conduct their business. Their statutes require them to meet for all major and “special” (πρόσκαιρος) celebrations of the god.⁵¹ This seems to mean that they celebrated the public rites alongside a special set of associational rites. The cult of Diana and Antinoüs at Lanuvium celebrated the birthdays of their gods by convening for banquets.⁵² Since the cultic assemblies of both associations coincided with public festivals, we may suppose that members felt a special sense of connection to the gods whom the city as a whole honored, and perhaps also to the city itself. Other associations included venerations of the imperial rulers in their private rites: e.g., members of the association of Zeus Hypsistos prayed together and performed “the other customary rites on behalf of both the god and the lord, the king” (τᾶλλα τὰ νομιζό[μεν]α or νομιζό[μεν]-α ὑπέρ τε τ[ο](ῦ) θεοῦ καὶ κυρίο(υ) βασιλέως.⁵³ In Ptolemaic Egypt the association of Sebek at Tebtynis made sacrifices and other offerings on behalf of the imperial rulers Ptolemy and Cleopatra alongside those to their god. Their cultic calendar included official sacred days of the city alongside those of the association.⁵⁴ Such private celebrations doubtless deepened participants’ sense of connection to the deity and enhanced their sense of participation in the grand celebrations of the public cults. They also show assimilation of state claims to piety: these associations clearly regarded the public cults as expressions of proper understanding of the gods and their relationship to the people.

2.1.2.5 *Praises, Prayers, and Policies in the Nomoi*

The *nomoi* contain other expressions of assimilative civic ideology. There was no need for devotees of Zeus Hypsistos and Sebek in Egypt, of Dionysios in Athens, of Diana and Antinoüs at Lanuvium, and of

⁵¹ *SIG*³ 1109.2–3, 42–46.

⁵² *ILS* 7212 1.11–13.

⁵³ P. Lond. 2710.9–10, c. 68–59 BCE. Presumably such rites included sacrifice, since worship took place in the sanctuary of Zeus.

⁵⁴ P. Dem. Cairo 30606.6 (157 BCE); P. Dem. Cairo 31179.11–12 (147 BCE).

countless others, to articulate their civic ideology in detail: they needed only to indicate their allegiance to the state to make clear that they assumed its ideology. In the *nomoi*, expressions of allegiance appear in at least three forms. Most commonly, the texts open by giving the date of the text according to imperial chronology, i.e., by indicating the year of the emperor's reign or the equivalent. In the Demotic *nomoi* from the Ptolemaic era, this dating included effusive praises for the king and his family: e.g.,

Year 24, month of *Mesore* of the king Ptolemy and Cleopatra, born of Ptolemy and Cleopatra, divine Epiphanies, the priest of Alexander and of the divine savior, of the divine brothers and the divine Euergetes, of the divine Philopator and of the divine Epiphanies, and of the divine Philometor, Ptolemy, <son of the> divine Ptolemy [and of] Cleopatra, the divine Philometor, the lady Nike, daughter of Hieronymous etc.⁵⁵

Texts composed in the Roman era gave the date in sparer terms,⁵⁶ but still according to imperial formulae. This signifies associational acceptance of the imperial order.⁵⁷

Prayers for a ruler's welfare are a second common way of expressing assimilation of state ideology. The inscription of the association of Diana and Antinoüs at Lanuvium, for example, offers praise and good wishes to the imperial household: "May this be propitious, happy and salutary to the Emperor Caesar Tranajus Hadrian Augustus and to the entire imperial house...!"⁵⁸ Such theological affirmation of state authority confirms the association's assimilation of state civic ideology and promoted that ideology to the public that observed the public monument.

⁵⁵ P. Dem. Cairo 30306 1-4 (c. 157 BCE).

⁵⁶ E.g., *ILS* 7212 (c. 136 CE) 1, top: "In the consulships of L. Ceionius Commodus and of Sextus Vettulenus Civica Pompeianus, on the day before the 5th day of the Ides of June." P. Dem Cairo 31179 1-6a is as effusive as 30306; P. Mich. V 243, 244 as to the point as *ILS* 7212.

⁵⁷ Resistance to state ideology could be expressed through the creation of an alternative calendar. The Damascus Rule, for example, dates the establishment of its "new covenant" according to years of Israelite history (CD 1:5-10). Similarly the Jews who revolted under Simeon Bar-Kosiva dated their correspondence according to the "year of Bar-Kokhba" and not according to the year of Hadrian's reign. See Y. Yadin, *Bar-Kokhba* (New York: Random House, 1971) 172-83. In other historical contexts repudiation of the prevailing or previous social order was signified by establishing a new calendar, e.g., in the French Revolution, or by the Khmer Rouge in Cambodia.

⁵⁸ *ILS* 7212 1.14-15, tr. A. Gordon, *Album of Dated Latin Inscriptions*, vol. 2, *Rome and the Neighborhood A.D. 100-199* (Berkeley: University of California, 1964) 63-65, with modification.

A third, less common indication of allegiance is explicit citation of state laws pertaining to an association's activity. The best example comes from the inscription at Lanuvium, in which a direct quote from a *senatus consultum* introduces the statutes:

Clause from the *senatus consultum* of the Roman people: These are permitted to assemble, convene, and maintain a society: those who desire to make monthly contributions for funerals may assemble in such a society, but they may not assemble in the name of such society except once a month for the sake of making contributions to provide burial for the dead.⁵⁹

The inscription affirms that the legal context within which the *nomos* was valid was that established by Rome. The legitimacy of imperial law is clearly presupposed.

2.1.2.6 *Local Identities, Local Loyalties*

It is important to emphasize one final feature of most associations with assimilative civic ideology: the nearly absolute absence of translocal identity. Voluntary associations of one type, e.g., those devoted to Dionysios, that formed in different cities, neither had nor attempted to form a consistent identity, structure, and set of practices from one location to another.⁶⁰ Ethnic groups living abroad created translocal networks more frequently than professional and cultic associations for obvious reasons. Nevertheless, even their inscriptions emphasize local relations, local integration within civic power structures, contributions to the group by local benefactors, and services rendered to the local *polis* by the association.

⁵⁹ *ILS* 7212 1.11–13, tr. Gordon, with modification.

⁶⁰ A. Henrichs writes that the widespread cults of Dionysus “were regional and emphasized different aspects of the god. In ritual terms, a Delphic maenad, and Athenian celebrating the Anthesteria, and a Greek from southern Italy who was an initiate of an Orphico-Dionysiac sect had very little in common, and their separate Dionysiac identities were not interchangeable. . . . Although Dionysus was ubiquitous in Greek lands and far beyond, different cultic manifestations of his religion tended to be concentrated in different areas. Information about religious contacts between worshippers of Dionysus in different regions is scarce.” See idem, “Changing Dionysiac Identities” in *Self-Definition in the Greco-Roman World*, vol. 3 of *Jewish and Christian Self-Definition*, ed. B. Meyer and E. P. Sanders (Philadelphia: Fortress, 1982) 151–52. But see R. Ascough, “Translocal Relationships among Voluntary Associations and Early Christianity,” *J ECS* 5 (1997) 223–41 for emphasis on limited translocal interaction between some types of Dionysiac groups.

2.2 ALTERNATIVE ASSOCIATIONAL CIVIC IDEOLOGY

Among some associations, alternative civic ideologies enabled members to imagine themselves as citizens of a commonwealth superior to that which presently held power. The alternative commonwealth generally coincided with the association. Unlike associations that assimilated state civic ideology, these associations devoted considerable efforts to articulating their civic ideology as fully as possible. In their literature we find critiques of the status quo and arguments for the superiority of the alternative commonwealth based on the common themes of piety, nature, justice, human thriving, and so forth. Yet the practical features of associations with assimilative and alternative ideologies tended to be similar. Adaptation of state organizational and regulatory patterns occurred not only among associations that assimilated state civic ideology, but also in associations that rejected its claims. Indeed, replication of state patterns could be a potent and efficient tool for criticizing aspects of state authority, and for articulating entirely alternative visions of the state.

The applications of alternative civic ideologies varied among the associations. Some developed models of ideal governance that they applied, when circumstances were appropriate, to reforming the state through participation in its established institutions. The Roman Stoics are the best example. Other associations, such as the Epicureans, accepted the established political order as valid in a limited sense, but restricted their involvement with it, devoting their civic imaginations to the superior, alternative commonwealth of the virtuous and wise. Still others, including the associations of the Covenanters and Paul's *ekklēsiai*, developed alternative civic ideologies with the expectation that their group would replace that of the existing state. As the examples studied here will illustrate, a powerful tool for cultivating alternative civic identity was trans-local organization. Stoics and Cynics claimed the entire *kosmos* as their homeland; Epicurean schools and the Pauline *ekklēsiai* were organized—at least ideally—into united trans-local networks of local groups that, collectively, formed alternative commonwealths whose territory and towns mirrored, even rivaled, those of empires; the same was true of the Covenanters. As observed above, such trans-local organization and identity were virtually non-existent among the professional and cultic associations.

Here I offer a brief overview of four voluntary associations with alternative civic ideology. The first two, Epicurean schools and Pauline

ekklēsiai (at least as Paul himself idealized them), left behind fairly good records of organization and practices. The other two, the Cynic and Stoic schools, left behind few traces of their internal organization and regulation, and the variations in their doctrines that remain in the evidence suggest that dogmatic normativity was not essential to their civic ideology. I conclude by considering another example of alternative civic ideology that excited the imaginations of the chroniclers of early Roman history: the story of the *plebs* of fifth-century Rome. According to Cicero and Livy, the Roman plebeians geographically separated themselves from the city and organized themselves into a quasi-state, in which the institutions and offices of Rome were closely replicated, but with conspicuous improvements. By separating from Rome and establishing their “state within a state,” the *plebs* launched a powerful critique of Rome and successfully forced the state to reform. It is possible that stories of the *plebs*’ separation offered a model of action for later political thinkers, including Judean intellectuals such as the Covenanters.

2.2.1 *An Oikos of Friends: Epicurean Civic Ideology*

Epicurean political theory is concerned with the same categories that we have identified in state civic ideology, with special attention to nature and human thriving. The school’s civic ideology begins with the observation that nature endows humans with a preference for pleasure and an aversion to pain. When pleasure is maximized and pain is minimized, the ultimate goal in Epicureanism results: a life of tranquility, free from pain.⁶¹ Within society, such a life can only be achieved through the establishment of what Epicurus called “nature’s justice.” Justice is not something *per se*, but comes through the innate human predilection to form contracts guaranteeing that individuals will be free from harm and not harm others. Justice is the contract itself; injustice is transgression of the contract, and causes harm both through the act of harming and by disturbing the tranquility of the transgressor, who lives in fear of being discovered.⁶²

⁶¹ See the comments by Long and Sedley, 1.135.

⁶² Epicurus, *Key Doctrines* 31–35.

2.2.1.1 *Epicurean Critique of the State*

From this starting point it is clear why Epicureans simultaneously affirmed the established social system of the Athenian *polis* and, later, the Greek and Roman empires, subjected them to radical critique, and vigorously cultivated an alternative. The *poleis*, however different their particular constitutions and laws, stood as practical instantiations of the natural social contract.⁶³ Indeed, all constitutional and legal systems brought about some measure of security and freedom from disturbance.⁶⁴ This warranted Epicureans' acceptance of political systems on the principles of nature, justice, and human thriving.

But acceptance is not approval. Epicureans consistently and entirely denounced the contemporary state. Its only accomplishment was maintaining a modicum of security, thereby protecting humanity from chaotic violence, or even extinction.⁶⁵ In the school's view, society as a whole had failed to understand the gods, nature, and justice, and therefore failed utterly to promote human thriving. These failures are detailed in a number of narratives from Epicurean sources, all of which involved an evolutionary understanding of the development and degradation of human society.

In its earliest forms, justice—that is, contracts not to harm or be harmed—served a mutually understood utility: the preservation of tranquility and the abolishment of disturbance. Epicurean narratives grant that justice can take various forms among various peoples, and allow that the various forms of constitutions—monarchy, oligarchy, democracy—originally emerged as products of mutual consent and served the end of natural utility. As societies developed, however, natural utility was forgotten, and political life was corrupted by severe misunderstanding of security: people misidentified it with fame, power, and wealth.⁶⁶ This perpetuated insecurities, since only when in possession of such things could people feel content.⁶⁷ Worse, it

⁶³ Epicurus, *Key Doctrines*, 36–37. Without social contracts, justice and injustice do not exist. Such is life among animals, and such was life among primitive human beings. See Epicurus, *Key Doctrines* 32; Lucretius 5.925–38, 953–61, on primitive humans and the absence of justice; and 5.1011–27, on the origins of justice through emergent conceptions of the “common good” and social contracts.

⁶⁴ Epicureans maintained that without the actual laws of actual states, humanity would descend into bloody chaos: so apparently the Epicurean Colotes, quoted in Plutarch, *Adv. Col.* 1124d.

⁶⁵ Suggested by Lucretius 5.1011–27.

⁶⁶ Epicurus, *Key Doctrines* 7; Lucretius 5.1105–57.

⁶⁷ Epicurus, *Key Doctrines* 7.

multiplied them: competition for office and honors begat new strife within cities, and rivalries between ambitious men became murderous. As the life of the *polis* became increasingly motivated by ambition and marked by violence, it became necessary to institute more laws and harsher punishments to constrain the new forms of disturbance. Thus contemporary society was, in the Epicurean critique, governed by laws that coerced through fear, rather than eliminating fear through mutual trust.⁶⁸ All institutions and conventions within society were implicated: conventional understanding of the gods, nature, and justice; all forms of education, all political, cultic, and legal activity, all economic life.

It is hardly surprising, then, that Epicureans advocated withdrawal from business and politics as usual. The Epicurean prescription is quite direct: flee all forms of culture, “hoisting sail!”⁶⁹ What did Epicurean flight from culture look like, and to what did the Epicurean flee? Flight did not entail complete withdrawal, but retreat to a refuge—the *oikos* of friends—that remained rather comfortably situated within the *polis*.

Finally, among the known works of Epicurus and Epicureans, there is no *Republic* or *Laws*. Where Epicurus does treat political matters, as in *Περὶ βίῳ* and *Περὶ βασιλείας*, he consistently urges readers to avoid political life.⁷⁰ The absence of constitutional literature consistent with Epicurean rejection of political conventions.

2.2.1.2 *The Epicurean Commonwealth*

Epicurus’ description of the political life consistently presents explicit alternatives: one may become entangled in political life, or one may disentangle from it and progress toward happiness.⁷¹ While Epicurus advocated withdrawal from “routine business and politics,” which he regarded as a “prison,”⁷² he emphatically stressed engagement with

⁶⁸ Lucretius 5.1105–57; Porphyry, *Abst.* 1.10.1–12.7; cp. 1.7.1–9.4.

⁶⁹ D.L. 10.6.

⁷⁰ The works are listed in D.L. 10.28, 29. On the anti-political contents of *Περὶ βασιλείας* see Plut., *Suav. viv.* 1095c; *Adv. Col.* 1127a; on *Περὶ βίῳ* see D.L. 10.119; Cicero, *Att.* 14.20.5; *Fam.* 7.12; *Leg.* 1.13.39; Plut., *Adv. Col.* 1125c; 1127a, d; *Tu. San.* 135b–c; Seneca, *Lucil.* 90.35; *Otio* 3.2.

⁷¹ Epicurus, *Key Doctrines*, 7, 40.

⁷² Epicurus, *Vatican Sayings*, 58, 70.

neighbors, even those who were not Epicureans.⁷³ Indeed, as Diskin Clay has shown, while eschewing politics as practiced in his time, Epicurus intended to aid humanity as a whole through his philosophy.⁷⁴ Nor was his philosophy intended to be studied in a narrow scholastic context: Epicureans aimed to establish an ideology, community, and way of life with potential to transform society.⁷⁵

Epicureans addressed their relationship to civic institutions explicitly, and in several passages we find expressions of hope that society could be transformed. Hermarchus, a younger contemporary of Epicurus, idealized a rational society in which security came by volition and not from fear of punishment; nevertheless he conceded that conventional laws could not be set aside unless the entirety of humanity became Epicurean.⁷⁶ Similarly Diogenes of Oenoanda asserted that the whole world belonged to a single *oikos*.⁷⁷ This stands against contemporary definitions of states as territories protected by armies and ruled by bureaucrats, police, and laws. In the true state, rationality, friendship, and mutual trust produce order.⁷⁸ If humanity embraced Epicureanism, then the world would become like Epicurus' garden:

For everything will be full of justice and mutual friendship, and there will come to be no need of city-walls or laws...⁷⁹

Nevertheless, Diogenes admitted that the world seemed to be declining rather than improving, and he expressed modest hope that his work might benefit at least a few "people with sense" (εὐσύνκριτοι).⁸⁰

⁷³ For excellent discussion of Epicurus' distaste for engagement in politics, see Clay, "Epicurus' Κυρία Δόξα XVII," *Paradosis and Survival* (Ann Arbor: University of Michigan, 1998) 32–39. In the same volume see "The Cults of Epicurus," 86, for a short summary of Epicurus' view of demagogy, the *polis*, and its dysfunctional divisions.

⁷⁴ See Clay, "Epicurus' Last Will and Testament," *Paradosis and Survival*, 3–31, esp. pp. 26–31, and "Individual and Community in the First Generation of the Epicurean School," pp. 55–74 in the same volume.

⁷⁵ On the difference between a philosophical "school" and a way of life see Clay, "Individual and Community," 63–64.

⁷⁶ Quoted in Porphyry, *Abst.* 1.7.1–9.4. Compare Lucretius, 5.1105–57.

⁷⁷ Diogenes fr. 25 2.6–11 in C. W. Chilton, *Diogenes Oenoandensis Fragmenta* (Leipzig: Teubner, 1967), cited in Clay, "A Lost Epicurean Community," *Paradosis and Survival*, 245.

⁷⁸ See Diskin Clay, "Epicurus' Κυρία Δόξα XVII," 36–39.

⁷⁹ Diogenes of Oenoanda, new fr. 21.1.4–14, 2.10–14, tr. Long and Sedley, 1.134, with modification.

⁸⁰ Diogenes of Oenoanda, fr. 1.2, tr. C. W. Chilton, *Diogenes of Oenoanda: The Fragments* (London: Oxford, 1971) 3, with comments on p. 29.

The school of Epicureans was organized, in short, with the limited aim of teaching wisdom to any who wished to become wise. Epicureans successfully established and perpetuated an alternative civic ideology that was evident not only to insiders, but also to external observers. In the second century CE Numenius, a Platonist, idealized the Epicureans' success in establishing an alternative commonwealth. He wrote that

from their constant agreement among themselves their doctrines are quietly held in perfect peace. Thus the School of Epicurus is like some true republic, perfectly free from sedition, with one mind in common and one consent...⁸¹

But as we will see below, Epicureans were not entirely successful in establishing a normative dogma. Nevertheless both insiders and outsiders regarded doctrinal orthodoxy as one of the most important ideals that Epicureans shared.

2.2.1.3 *Epicurean Translocal Identity*

Epicureans seem to have cultivated consistent translocal identity with some success.⁸² Schools in different cities attempted to implement the same teachings and practices, and cultivated a common identity by maintaining contact through travel and correspondence. This network of schools seems to have been Epicurus' own design: he founded three schools in his lifetime (c. 341–270 BCE), first in Mytilene and Lampsacus, and then in Athens. From Athens Epicurus maintained contact with the other schools through letters. By the end of the second century BCE, Philonides had established a school in Laodicea;⁸³ he corresponded with and visited Epicureans in Athens.⁸⁴ During the same period schools at Cos and Rhodes were founded, and in the first

⁸¹ Numenius *ap.* Eusebius, *PE* 114.5; the translation is that of Gifford (Oxford: Clarendon, 1904).

⁸² See Diskin Clay, "A Lost Epicurean Community," 232–35 for an overview of Epicurean communities and their leaders.

⁸³ Evidence for Philonides' activity comes in the *Vita Philonides* recovered from Herculaneum. For text and discussion see I. Gallo, *La biografia dei filosofi*, vol. 2 of *Frammenti Biografici dei Papiri*. (Rome: Ateneo & Bizarri, 1980) 23–166; H. G. Snyder, *Teachers and Texts in the Ancient World: Philosophers, Jews and Christians* (New York: Routledge, 2000) 49, gives a summary.

⁸⁴ Presumably his trips to Athens were for the purpose of acquiring Epicurean books from Epicurus' own library. Clay suggests that Epicurus' works were housed in the Athenian state archives: see *idem*, "Epicurus in the Archives of Athens," *Paradosis and Survival*, 40–50.

century BCE Cicero complained that Epicureans had “occupied” Italy.⁸⁵ An Egyptian papyrus from the second century CE mentions books of Metrodorus and Epicurus having been circulated among at least three Epicurean friends.⁸⁶ In his letter to Antipater, Diogenes writes of travels to Rhodes, Athens, Chalcis and Thebes, and about Epicurean friends in those places.⁸⁷ Epicureans’ sense of membership in an alternative commonwealth was surely reinforced by the existence of *oikoi* spread throughout the Mediterranean world, counterparts to the *poleis* and territories of state order.

2.2.1.4 *Epicurean Open Citizenship*

Members of Epicurean communities eschewed the civic titles that other associations appropriated and referred to each other as “friends.” This suggests rejection of the statuses that the state conferred upon subjects. Membership was open to people whose status excluded them from other associations and from state citizenship, such as women, children, and slaves.⁸⁸ It is noteworthy that Leontion, wife of Metrodorus, published at least one philosophical treatise, against Theophrastus.⁸⁹ This suggests that just as all who wished to study philosophy could join, all who joined were eligible to lead. The only people singled out as incorrigible and unlikely to advance in philosophy were those in public office.⁹⁰

2.2.1.5 *Epicurean Hierarchy*

We do not find replications of state offices and bureaucracies in the Epicurean school and may infer that such replications were avoided deliberately. But the general equality in status that Epicureans cultivated did not preclude hierarchy. A school was organized around a teacher, who provided a meeting place and instruction.⁹¹ Philodemus

⁸⁵ Cicero, *Tusc.* 4.6–7, discussed in Clay, “A Lost Epicurean Community,” 233–34 and Asmis, “Basic Epicurean Education,” in *Education in Greek and Roman Antiquity*, ed. Y. L. Too (Leiden: Brill, 2001) 212. By the first century BCE, Caesar, Cassius, and Atticus, a close friend of Cicero, were known to be Epicureans.

⁸⁶ J. G. Keenan, “A Papyrus Letter about Epicurean Philosophy Books,” *J. Paul Getty Museum Journal* 5 (1977) 91–94.

⁸⁷ For text see Chilton, *Diogenes of Oenoanda*, 8–10.

⁸⁸ Discussed in Asmis, “Basic Education in Epicureanism,” 209–14.

⁸⁹ Cicero, *Nat. d.* 1.93.

⁹⁰ E.g., Philodemus, *Lib. fr.* 88 col. 1b; col. 14a; 23a–24b.

⁹¹ Students were responsible to pay entry fees; however, Epicurus emphasized that the wise should retain their private property, since the pooling of all property into a

describes three ranks in his treatise, *On Frank Speech*. The supreme status is that of the τέλειος, the “perfect,” wise philosopher who serves as a model for the rest of the school. Beneath the τέλειος are those who had advanced far enough in their studies to serve as “guides” (καθηγηταί, καθηγούμενοι). Beginners are οἱ κατασκευαζόμενοι, “those who prepare themselves” or “trainees.” Philodemus gives no indication that trainees or guides are ranked in comparison with each other.⁹²

2.2.1.6 *Epicurean Regulation*

Our knowledge of regulation within Epicurean schools is limited. We know that boundaries were drawn between Epicureans and outsiders on the basis of devotion to the teachings of the “only savior,” but the teachings of the savior were not kept secret from outsiders. Indeed, as Diogenes’ inscription shows, they were made as available as possible. Philodemus’ condemnation of heterodox exegetes of Epicurus’ writings as “parricides”⁹³ suggests that Epicurean schools had ways of addressing deviance.⁹⁴

The primary mechanism was prophylactic: new members were educated in basic doctrines under the supervision of a mentor, who was responsible to use frank speech (παρρησία) to help the new member advance in wisdom. In some contexts it appears that members who erred were publicly accused and corrected. They were expected to benefit from it and to appreciate it as an act of authentic friendship.⁹⁵

common fund implies mistrust among friends. Contrary to popular notions, Epicureans did not live together, but met frequently, each travelling from his or her home. See Asmis, “Basic Epicurean Education,” 214.

⁹² One passage indicated that some students would become “eminent” (διαπρέψαντες) and recognized as “offshoots of teachers” (οἱ καθηγητῶν ἀπότομοι) (Philodemus, *Lib.* fr. 45.1–6).

⁹³ Philodemus, *Rhet.* 1.7.27, cited in Asmis, “Basic Epicurean Education,” 238.

⁹⁴ More than other philosophical schools, Epicureans identified themselves as disciples of the school’s founder. They had cups and rings upon which Epicurus’ image was engraved, so as to have their teacher continually present; indeed, they were fond of saying, *sic fac omnia tamquam spectet Epicurus*, “Do everything as though Epicurus were watching” (Seneca, *Ep.* 25.5). That each remained a student of Epicurus himself fostered a sense of equality among members, despite the fact that some were more advanced in the philosophy than others. On the tendency of Epicurean teachers to model themselves after Epicurus’ own example see Diskin Clay, “A Lost Epicurean Community,” 238–41.

⁹⁵ “...for it is necessary to show him errors without evasion (ἀνυποστόλος) and speak of his failings publicly (κοινῶς). For if he has considered this man to be the guide of right speech and [action], whom he calls the only savior, and {to whom} ... he

2.2.1.7 *Epicurean Relations with the State*

For the Epicurean, the immediate task of advancing in wisdom was far more important than social reform. This meant accepting the *polis* or empire as it was, and participating, as necessary, in its conventions.⁹⁶ Such participation afforded the possibility of philosophical conversion to outsiders amenable to Epicurean doctrine. This approach to civic life is evident in Diogenes Laertius' collection of Epicurean statements on the conduct of the wise: they will bring a lawsuit to court when appropriate; they will cultivate a good reputation; they will not have sex with anyone whom the law forbids; they will set up statues, but will be indifferent to having one (set up in their honor?).⁹⁷ In appropriate circumstance the wise will serve kings, found schools,⁹⁸ and, if invited, give public readings.⁹⁹ However, they will not pursue public office or wealth. These guidelines promote the Epicurean ideal that the wise will live undisturbed and cause no disturbance to others.¹⁰⁰

Given their dim view of the political status quo, it is hardly surprising that Epicurean schools did not model their internal hierarchy after that of the *polis*. Nevertheless in their descriptions of Epicureans' roles within society, their philosophers are called "heralds" and "saviors," terms common to conventional civic discourse. Diskin Clay explains the use of these terms this way:

Neither Epicurus nor Diogenes were heralds of the state or the religion of the state. They proclaimed the salvation of their philosophy as private

has given himself over to be treated, then how is he not going to show to him those things in which he needs treatment, and [accept admonishment]?" Philodemus, *Lib.* fr. 40, tr. D. Konstan et al., with my modification.

⁹⁶ Concerning Epicurus himself, Long and Sedley write, "the world for which Epicurus devised his own social prescriptions continues to be that of the Greek *polis*" (1.136).

⁹⁷ Εἰκόνας τε ἀναθήσειν· εἰ ἔχοι, ἀδιαφόρως ἂν σχοίη, D.L. 10.120.

⁹⁸ With regard to all forms of education besides his own, Epicurus was unequivocally critical. He judged those who had not studied Homer worthy of honor and more fit than others to study philosophy. Epicureans presented their educational regimen as comprehensive alternative to the primary education of the *polis* and of private philosophical schools. Students who had the misfortune of completing significant education prior to enrolling in an Epicurean school had to replace their prior learning with Epicurean truths. The first step was memorizing the forty κύρια δόξαι of Epicurus, among other key texts. For the forty sayings see D.L. 10.139–54; other texts designed for memorization were the letters to Menoeceus (on ethics), Herodotus (on physics and epistemology), and Pythocles (on meteorology and astronomy). On the regimen see Asmis, "Basic Epicurean Education," 214–38.

⁹⁹ D.L. 10.120.

¹⁰⁰ Epicurus, *Vatican Sayings* 79; *Key Doctrines* 17.

individuals, whose mission it was to attract others from the primacy of the ties of their cities to the alternative communities of “friends”—[εἰς] τὸ συνελθὸν ἡμῶν, as Epicurus put it in a letter. It is true that Diogenes speaks of himself as Οἰνοανθεύς and of Oenoanda as his native city; and in his introduction he makes the primacy of his concern for his fellow citizens clear to all. But he also proclaims himself a citizen of the world...: “Throughout the entire enclosure of this our world all the earth is a single country and the world a single household (*oikos*).”¹⁰¹

Local Epicurean *oikoi* provided concrete examples of an alternative civic experience that was available to the entire world. While Epicureanism indicted the political *status quo*, it also impelled its adherents to proclaim its doctrines to the *poleis*, inviting them to submit to the teachings of the saviors and enter the tranquil, universal *oikos*.¹⁰²

Epicurus’ followers put into practice the doctrine of limited but vigorous engagement with the *polis*. In Italy in the first century BCE, Philodemus taught Epicureanism at Herculaneum; in Laodicea, Philonides set up his school while attached to the Seleucid court. These affiliations conformed to the doctrine that the wise will, at the appropriate time, hold court with a king. Another act of public philosophical benefaction came in the city of Oenoanda in Asia Minor, where in the late second century CE the wealthy Diogenes set up an eighty-meter long inscription of Epicurean doctrines, letters and poems.¹⁰³ In his dedicatory lines he explained that this act of benefaction was performed as an alternative to pursuit of public office.¹⁰⁴ While Epicureans idealized a commonwealth without laws, they accepted that which existed and affiliated with its institutions and leaders, when such affiliation provided opportunity to promote their wisdom.¹⁰⁵

¹⁰¹ Clay, “A Lost Epicurean Community,” 244–45. The translation of *oikos* is mine; Clay has “dwelling.”

¹⁰² On the Epicurean “body” of members see Clay, “Individual and Community,” 67–74.

¹⁰³ For dating of the inscription and the identity of Diogenes of Oenoanda see Diskin Clay, “A Lost Epicurean Community,” 236–38.

¹⁰⁴ Fr. 3.1.4–7, discussed in Asmis, “Basic Epicurean Education,” 213.

¹⁰⁵ Among the most impressive evidence is the correspondence between the Athenian school and the empress Plotina, wife of Trajan, herself an Epicurean. Plotina petitioned the emperor Hadrian to allow a non-Roman citizen to take charge of the Athenian school; the reasoning behind this request, which was granted, was that the chair should be held only by the best Epicurean philosophers (SIG³ 834; ILS 7784). For discussion see J. Glucker, *Antiochus and the Late Academy* (Göttingen: Vandenhoeck & Ruprecht, 1978) 364–65, 368–71.

Perhaps the success of this philosophical association may be attributed, at least in part, to its presentation of an alternative civic ideology that could peaceably coexist with the established society. Epicurus and his followers ardently advocated their way of life as superior to that of the conventional cities, but they presented their alternative rather gently. The prevailing structures of society were respected even by the wise.

2.2.2 *Citizens of the World: Cynic Civic Ideology*

Assessing the Cynic school of philosophy as an association presents numerous difficulties. First, we lack evidence for the organization and regulation of Cynic schools, if any existed at all.¹⁰⁶ Second, the variety of dogma and practice in Cynic thought frustrates any attempt to define normative Cynic philosophy.¹⁰⁷ Nevertheless, three facts make the Cynic school suitable for analysis as an association with an alternative civic ideology. First, critique of the state is central to Cynic philosophy. It is well known that the Cynics rejected the ideology, and most laws and conventions of *polis*, empire, and society in general. They famously assailed political organization, authorities, and laws, and many established cultural conventions. Second, Cynic rejection of the *polis* not only described problems, but entailed a positive prescription for proper human life with political implications. And finally, as John Moles has argued, Cynic philosophers attempted to put their ideology fully and publicly into practice.¹⁰⁸

2.2.2.1 *Cynic Critique of the State*

All Cynics rejected the arrangement of the *polis*, its laws, public cults, and social conventions. Diogenes of Sinope, the most famous of the Cynics, called noble birth, good reputation, and other distinctions

¹⁰⁶ See R. Bracht Branham and M.-O. Goulet-Cazé, "Introduction," 2, in *The Cynics: the Cynic Movement in Antiquity and Its Legacy*, ed. R. Branham and M.-O. Goulet-Cazé (Berkeley: University of California, 1996).

¹⁰⁷ On the diversity in Cynic thought see A. Malherbe, "Self-Definition among Epicureans and Cynics," in *Self-Definition in the Greco-Roman World*, vol. 3 of *Jewish and Christian Self-Definition*, ed. B. Meyer and E. P. Sanders, (Philadelphia: Fortress, 1982) 46–59.

¹⁰⁸ J. Moles, "Cynic Cosmopolitanism," in *The Cynics*, ed. Branham and Goulet-Cazé, 105–20. My reconstruction of Cynic civic ideology focuses on the traditions about Diogenes. I draw primarily upon the arguments of Moles for my interpretation of the evidence.

fundamental to the life of the *polis* προκοσμήματα κακίας, “ornaments of vice.”¹⁰⁹ Common themes of civic ideology appear throughout Cynic critique. The central accusation is that conventional political and social life failed to conform to natural order. While the phrase *para physin*, “against nature,” is not directly applied to the *polis* in Cynic literature, Diogenes contrasted conventional νόμος with φύσις, claiming that only the latter is necessary to order human life properly.¹¹⁰ Because political and social norms deviated so radically from natural order, they failed to promote human thriving, guarantee justice, and so forth.

Besides these practical failures, conventional piety reflected profound misunderstanding of the gods. Diogenes’ critique of public cults is exemplified by the following story: while dining in a temple, loaves of bread with dirt on them were served. Diogenes seized them and threw them away, declaring that nothing unclean should enter a temple (εἰς ἱερόν μηδὲν δεῖν ῥυπαρόν εἰσιέναι) (D.L. 6.64). Here we find a number of implicit assertions: first, true defilement is a physical element, such as dirt, that interferes with human activity. Cultic and ritual concepts of defilement as impurity are rejected. Further, the truly sacred “temple” to be protected is the human body, not cultic buildings and altars. A similar rejection of conventional ideas about impurity comes in DL 6.63: having been criticized for visiting impure places (τόπους ἀκαθάρτους), he responded that the sun visits cesspools without being defiled.

2.2.2.2 *The Cynic Commonwealth*

Cynic descriptions of the proper state draw upon well-known political categories and language. Diogenes famously replied, when asked where he was from, that he was a κοσμοπολίτης, “citizen of the *kosmos*” (D.L. 6.63). Indeed, he declared that μόνην τε ὀρθὴν πολιτείαν εἶναι τὴν ἐν κόσμῳ (D.L. 6.72). These statements indicate that the alternative to conventional political life is not anarchy, but a society (πολιτεία) conceived of and experienced in a different way. To what, exactly, did its πολίτης belong? What is the πολιτεία of the *kosmos*? Diogenes’ statements on the law, the *polis*, and its benefits in D.L. 6.72 may offer

¹⁰⁹ D.L. 6.72. Further, the conventional disciplines of music, geometry, astronomy, etc. he rejected as unnecessary and useless (6.73). A life lived according to the laws of nature will be stripped of non-essentials, simple, in a word, εὐτελής (D.L. 6.21; cp. 6.36).

¹¹⁰ D.L. 6.38, 71.

clarification. He presents a syllogism: no political activity can exist without *nomos*, and without a *polis* there is no advantage to *nomos*. Further, apart from a *polis* governed by *nomos*, nothing ἀστεῖος exists, i.e., no benefit that citizens derive from the ἄστυ. If the saying is authentic and not entirely sarcastic, then the ἄστυ that Diogenes had in mind cannot be the conventional *polis*. Rather, the truly ἀστεῖος is that which comes from the true *polis*, that of the *kosmos* governed by nature. About this *kosmopolis* Diogenes can say ἀστεῖον δὲ ἡ πόλις: only it gives true civilized benefit to its citizens.¹¹¹

But what is the civilized benefit that the wise derived from living according to the natural law of the *kosmopolis*? Diogenes frustratingly offers no judgment about forms of government, legislation and governance, courts and law that would bring about justice. Rather, he and the other Cynics speak about virtue and justice as objects of their own pursuit. Yet even when they addressed these things, they do not present them as components of an ideal society. Instead, they appear in contrast with what the ignorant profess to value, and what they actually do. E.g.,

[Diogenes] would say that men strive in digging and kicking to outdo one another, but no one strives to be a good man and true. And he would wonder that the grammarians should investigate the ills of Odysseus, while they were ignorant of their own. Or that the musicians should tune the strings of the lyre, while leaving the dispositions of their own souls discordant; that the mathematicians should gaze at the sun and the moon, but overlook matters close at hand; that the orators should make a fuss about justice in their speeches, but never practise it; or that the avaricious should cry out against money, while inordinately fond of it.¹¹²

What would a Cynic society look like? This may be the wrong question. Perhaps it is better to ask, What is the Cynic society? The answer is simple: one comprising humans who choose, through constant discipline (ἀσκήσις), what is in accordance with nature (κατὰ φύσιν). Only these people live happily (ζῆν εὐδαιμόνως).¹¹³ Further, since they live in conformity to divinely established natural laws, Cynics claim

¹¹¹ For brief discussion of this controversial passage see Moles, "Cynic Cosmopolitanism," 107.

¹¹² D.L. 6.27–28, tr. R.D. Hicks, LCL. The list of hypocritical conventions extends through 6.30.

¹¹³ D.L. 6.71. For an extended discussion see M.-O. Goulet-Cazé, *L'ascèse cynique: Un commentaire de Diogène Laërce VI 70–71* (Paris: J. Vrin, 1986).

a uniquely intimate relationship with the founders of the *kosmopolis* itself, i.e., the gods.¹¹⁴ Indeed, the wise stand as the image of the gods among humanity.¹¹⁵ Here, then, we may define Cynic alternative civic ideology in terms of the usual categories: human thriving, nature, theology, and anthropology. The possibility of living happily, fully realized as a human being, fully submitted and accountable only to the laws of nature, is available to anyone, anywhere, at any time, precisely because natural laws are immutable: they govern the world already. There is no new *kosmopolis* to found, no new law to enact, no new citizenship to confer, nothing to reform. All that is needed already exists. Becoming a *kosmopolitēs* is, then, simple: one need only to understand the natural order and take their place within it. All that stands in the way are human conventions produced by undisciplined, irrational appetites and fears.¹¹⁶ Indeed, the gods themselves set the example: as the gods lack nothing, so the wise, through discipline, disciplined themselves to need only the barest necessities.¹¹⁷

2.2.2.3 *Cynic Translocal Identity*

Cynic ideology obviously implies translocal identity for citizens of the *kosmopolis*. All who follow the laws of nature assume their place as citizens of the world: the ethnic or territorial *patra* or *polis* has no meaning for them. Further, the wise claim a right to fellowship with every human, although cosmic citizenship can only be experienced fully by the wise. Diogenes demonstrated this principle quite practically, by pointing out ways in which the customs of other ethnicities conformed to natural law better than the customs of the Greeks.¹¹⁸

2.2.2.4 *Cynic Open Citizenship*

Like the Epicureans, Cynics extended citizenship in the *kosmopolis* to classes excluded from citizenship in the *polis*. As discussed above, many assimilative associations also admitted non-citizens and provided them with opportunity to acquire high status within the association. However, unlike the assimilative groups, Cynics' broad definition of

¹¹⁴ D.L. 6.37, 72.

¹¹⁵ D.L. 6.51.

¹¹⁶ E.g., D.L. 6.44.

¹¹⁷ D.L. 6.104.

¹¹⁸ E.g., Diogenes argued against taboos against cannibalism and eating certain kinds of animals by appealing to the practices of other nations (ὡς δῆλον ἐκ τῶν ἀλλοτριῶν ἐθῶν), D.L. 6.73.

citizenship directly challenged conventional state definitions of subjects' status. The fact that Diogenes himself was sold as a slave confirms that slaves were included.¹¹⁹ Despite a misogynistic strand in Cynic traditions, Moles argues that women were admitted as full participants in the Cynic project, as Crates' marriage to fellow Cynic Hipparchia suggests.¹²⁰ Non-Greeks, such as the Indian gymnosophists, were reported to have heard about Diogenes' way of life from his pupil, Onesicritus, and to have responded with approval.¹²¹ Not only did Cynics appeal to the conventions of other ethnicities in order to instruct Greeks; they may have admitted other ethnicities into the ranks of the wise. A more concrete affirmation of the doctrine of the *kosmopolis* is difficult to imagine.

2.2.2.5 *Cynic Hierarchy and Regulation*

We have virtually no information about how Cynic schools of philosophy were organized and regulated. However, Cynic civic ideology rejects conventional ideas about status and ruling and redefined social hierarchy and authority on the basis of individuals' adherence to the laws of nature. Only those who recognize its laws and submitted are wise. Further, the wise can rightfully claim authority over the ignorant wisdom: a wise slave is the true master within a household.¹²² The philosopher is not merely the teacher but also the ruler of kings, as numerous traditions about Diogenes' encounters with rulers, such as Alexander the Great, show.¹²³

The status of the wise as rulers stems, in part, from their intimate relationship to the gods.¹²⁴ Cynics claim to shared the gods' proper understanding of natural laws, and mastery of reason, the gods' greatest

¹¹⁹ D.L. 6.74, 80.

¹²⁰ See D.L. 6.51, 52. Moles argues that misogynistic traditions are isolated and misunderstood: see idem, "Cynic Cosmopolitanism," 113 and "The Woman and the River: Diogenes' Apophthegm from Herculaneum and Some Popular Misconceptions about Cynicism," *Apeiron* 17 (1983) 125–30.

¹²¹ Strabo 15.1.65–65; cf. D.L. 6.84. Moles' characterization of Strabo's passage as proof of some sort of "relation" between Diogenes and the gymnosophists stretches the evidence ("Cynic Cosmopolitanism," 113). Strabo only says that Onesicritus described Diogenes' and Socrates' manner of life to an Indian ascetic, who responded with qualified approval.

¹²² The traditions are numerous. See, e.g., D.L. 6.29, 30, 36, 74, 75; cp. 82.

¹²³ See, e.g., D.L. 6.32, 38, 44, 60, 63, 68; cp. 45, 46, 50, 58, 76.

¹²⁴ But see M.-O. Goulet-Cazé, "Religion and the Early Cynics," *The Cynics*, ed. R. Branham et al., 45–80, who argues that early Cynic philosophy, including that of Diogenes, was essentially atheistic.

gift to humanity.¹²⁵ The result of this intimacy is a legitimate claim to god-like authority over the inferior. A syllogism attributed to Diogenes explains: “All things belong to the gods. The wise are friends of the gods, and friends hold things in common. Therefore all things belong to the wise.”¹²⁶ Cynics presented themselves as messengers sent by the gods to instruct humanity; Diogenes was even called an ἀγαθὸς δαίμων, effectively making him the equivalent of the divine guide that led Socrates.¹²⁷

2.2.2.6 *Cynic Engagement with the Status Quo*

A maxim attributed to Antisthenes seems to have guided Cynics consistently: The *polis* is like fire. Come too near, and you will be burned; depart too far and you will freeze.¹²⁸ Cynics assumed that the *polis* was necessary to the philosopher’s work: he had to engage it without conforming to its conventions. Indeed, the Cynic’s mission was to challenge all conventions, from political leadership and laws to the most pedestrian social conventions; in the words of Diogenes’ “commission,” it is παραχάρασσειν τὸ νόμισμα, “to adulterate the currency.”¹²⁹ This playfully summarizes the most famous component of the Cynic project: to subject the entirety of the political and social order to harsh, scurrilous, often fabulously ludic critique, in public. Such treatment revealed that most conventions are, in fact, trivial products of ignorance or pretentiousness. But Cynic civic ideology was not purely negative: individual acts of “adulterating the currency” not only indicted the established order, but showed what life in conformity to the superior order looked like. When Cynics engaged subjects and leaders, they served as representatives—delegates, even—of the *kosmopolis*.¹³⁰ Further, Cynic engagement with the unenlightened suggested that, in fact, all humans were already fellow citizens—and most neglect their duty! It also suggests an optimistic view of humanity: all have potential to

¹²⁵ See, e.g., D.L. 6.38; further Moles, “Cynic Cosmopolitanism,” 114, for sources and discussion.

¹²⁶ D.L. 6.37, tr. Hicks, LCL.

¹²⁷ D.L. 6.74.

¹²⁸ Stobaeus 4.4.28.

¹²⁹ D.L. 6.20–21.

¹³⁰ Indeed, some Cynics even taught under the patronage of and in the courts of rulers. For the extensive sources and brief discussion see Moles, “Cynic Cosmopolitanism,” 108.

set aside the blinders of social conventions and assume their role as citizens of the *kosmopolis*.

It is intriguing that Cynics did not aim to reform the *polis* in any particular way, nor to establish any system in its place. Cynic civic ideology thus lacked the teleology that we find expressed as a hope in Epicureanism and, as we will consider below, a fundamental tenet in Jewish apocalyptic thought, from Paul to the Covenanters. Indeed, Cynics assumed that the *polis* and other forms of political life would always exist and, perhaps most extraordinarily, that the wise would always be at home, regardless of what institutions surrounded them, or how imperfect their society's conventions were.

2.2.2.7 A Cynic Republic? Diogenes' Politeia

Finally, in view of the general Cynic approach to political life, how can we assess the attribution of a *Republic* to Diogenes (D.L. 6.80)? Did he indeed, against all that we might expect, write a description of the ideal Cynic state? Doyne Dawson, rightly skeptical, offers two plausible solutions. First, Diogenes' *Republic* may have been a Stoic forgery based on Zeno's *Republic*, composed to show continuity between Cynic and Stoic thought. On the other hand, it may have been, like Diogenes' "tragedies," a parodic piece. If he wrote a *Republic*, it was

a playful utopia like those in the Old Comedy; and a parody of the *Republic* of Plato, in the Cynic burlesque tradition. Aristotle did not include it among the serious utopias because it was not one. Nevertheless it was *spoudaioiogeloios*: it was intended as a serious critique of the Platonic utopia, particularly in its authoritarianism and military organization. It would have suggested to the Stoics the possibility of a serious utopia based on Cynic values. thereafter it was always associated with the Stoic utopian writings, and it had the *form* of a utopia, which is why some ancient authors describe it as one.¹³¹

This latter solution is quite in keeping with Cynics' ludic engagement with social, political, and philosophical conventions. While we cannot be certain about Diogenes' literary work, Dawson's conclusion is inescapable: "there was no real Cynic utopia."¹³²

¹³¹ D. Dawson, *Cities of the Gods*, 150.

¹³² D. Dawson, *Cities of the Gods*, 151.

2.2.3 *Think Cosmic, Act Local: Stoic Civic Ideology*

As with the Cynics, we face difficulty reconstructing normative Stoic political dogma, and know little about how Stoic philosophical schools functioned, especially in their early forms. Nevertheless Stoics writing in the late Roman Republic and early Principate left behind ample evidence that Stoicism was sufficiently coherent as a movement to ascribe those who subscribed to its tenets a particular, shared identity. From the beginning a central concern to Stoic philosophy was *politeia*, proper governance. Their writings on the topic invoke the common themes of civic ideology: proper understanding of theology; proper understanding of nature; justice; and human thriving.¹³³ The two most prominent figures in early Stoicism, Zeno and Chrysippus, wrote *politeiai* and related literature. Zeno's *Republic* was widely read and critiqued, primarily for its radical sexual ethics, but also for its assertions that cities should not have temples, law courts, gymnasia, nor walls and armies. Chrysippus also wrote his own *politeia*, *On the Republic*, which was cited primarily for its correspondences with Zeno's *Republic*.¹³⁴ Chrysippus' treatise *On Justice* also took up political matters, as did his *On the City and the Law*.¹³⁵

But these works were not intended as serious proposals for a constitution and law, let alone as rules for Stoic schools. Ancient critics already noted that they were composed as provocative rejoinders to Plato's *Republic* and *Laws*.¹³⁶ Nevertheless the earliest Stoics—Chrysippus, certainly, if not Zeno—thought seriously about the political demands that the philosophy placed upon its adherents. Roman Stoics

¹³³ The foundational study of Stoic civic ideology is Malcolm Schofield's *The Stoic Idea of the City* (Cambridge: Cambridge University Press, 1991), upon which I have drawn extensively. Schofield's analysis has been refined and supported by more recent studies: D. Obbink, "The Stoic Sage in the Cosmic City," *Topics in Stoic Philosophy*, ed. K. Ierodiakonou (Oxford: Clarendon, 1999) 178–95, and esp. K. M. Vogt, *Law, Reason, and the Cosmic City* (New York: Oxford, 2008). I have also benefited from conversations with Eric Brown, who graciously made available the ms. of his forthcoming book, *Stoic Cosmopolitanism* (Cambridge: Cambridge University Press).

¹³⁴ See D.L. 7.32–34 for the relation between Zeno's *Republic* and Chrysippus' *On the Republic*. The same passage indicates that Chrysippus cited from Zeno's *Republic* in a number of other works. Cp. D.L. 7.129, 131; Sextus Empiricus, *Pyr.* 1.160; 3.205, 246–48; *Math.* 11.192–94; Plutarch, *Stoic rep.* 1034b, f, 1044f–1045a.

¹³⁵ Cited by Philodemus, *On the Stoics* c. 6, cols. 15–17; see Dawson, *Cities of the Gods*, 169–70.

¹³⁶ See, e.g., Plutarch, *Stoic rep.* 1034f, and note Persaeus' seven-volume response to Plato's *Laws* (D.L. 7.36). See Schofield, *Stoic Idea of the City*, 28–56.

simultaneously denied the ultimate validity of state civic ideology, authority, and modes of identifying subjects, while impelling practitioners to engage vigorously in civic and political life.

2.2.3.1 *Stoic Critique of the State*

The earliest Stoic political thought developed out of Zeno's association with the Cynic Crates and derived its main points from Cynic civic ideology. Hence numerous consistencies exist, beginning with the fundamental claim that most human conventions and laws are *para physin*, contrary to the laws of nature. *Kata physin*, various states do not exist, only a unified cosmos.¹³⁷ Zeno's *Republic* denounced the central institutions and conventions of the *poleis*: temple, courts, and gymnasia. These, it seems, Zeno regarded as monuments to misunderstanding of the gods, justice and law, and true wisdom.¹³⁸ Zeno's claim that currency (νόμισμα) is not necessary for trade and travel, echoes Diogenes of Sinope's mantra, "deface the currency." But it lacks the Cynic's ludic flouting of the νόμισμα of social conventions: Zeno meant quite literally that a society of the virtuous and wise will have no need of money.¹³⁹

Like the Cynics, Stoics pointed to the natural world for principles to guide human behavior. Plutarch cites Chryssipus' proposition that the behavior of animals suggests that sexual intercourse with mothers, daughters, and sisters is not against nature. Other conventions are also *para physin*, such as taboos against eating certain foods, or against proceeding directly to a temple after contact with a birthing or death bed.¹⁴⁰ The latter taboo also shows misunderstanding of the gods and what they required of humanity. Chrysippus' teachings that a human corpse should be regarded as no more important than lost teeth, trimmed nails, or hair, and that human flesh should be regarded as edible, are based on the same appeal to nature.¹⁴¹

¹³⁷ Plutarch, *Exil.* 602e.

¹³⁸ See D.L. 7.32–33. Zeno's reported statement in the same passage that the conventional educational curriculum is useless seems to relate to his denunciation of the *gymnasion*. Plutarch records a similar denunciation of temples, *Stoic. rep.* 1034b.

¹³⁹ For analysis see, e.g., A.-H. Chroust, "The Ideal Polity of the Early Stoics: Zeno's 'Republic'" (*The Review of Politics* 27, 1965), 176–78.

¹⁴⁰ Plutarch, *Stoic. rep.* 1044f–1045a.

¹⁴¹ Sextus Empiricus, *Pyr.* 3.247–48. Vogt rightly argues, following Schofield and others, that the "disturbing theses" were case studies of situations in which radically unconventional behavior might be appropriate. *Contra* ancient anti-Stoic polemicists,

2.2.3.2 *The Stoic Commonwealth*

Zeno, like the Cynics, argued that the true commonwealth is that of the *kosmos*. Its citizens are the gods and mortals, and its statutes the law of “right reason” (ὀρθος λόγος) that bring human life into conformity to nature (κατὰ φύσιν).¹⁴² Unlike Cynics, Stoics thought systematically about the nature of political communities. They argued that three components must be present in order for a *polis* to exist: 1) a community of people; 2) a habitation for them; 3) and a single law to govern them.¹⁴³ Clearly these categories derive from conventional political thought. But Stoics challenged conventional descriptions of the relationship between the categories.

Most importantly, law is not a product of the *polis*, nor even a product of the gods, but a transcendent principle to which all beings, divine and human, along with nature itself, are subject.¹⁴⁴ Virtuous communities do not produce law, but discover what reason prescribes, and then obey it. Cicero, arguing along Stoic lines in *Laws* 1.23, describes the formation of the cosmic community: reason is supreme and belongs both to gods and humanity; reason held by both gods and humanity is right reason; right reason is law, therefore the gods and humanity are associated in law. Further, those who have law in common have justice in common; and those who have reason, law, and justice in common, belong to the same *civitas* (presumably a translation of *polis*).¹⁴⁵ In Stoic civic ideology, right reason thoroughly unites humanity with the gods through law, making both full participants in and agents of justice.¹⁴⁶

they were not, “generally permissible, morally indifferent, or prescribed” (*eadem, Law, Reason, and the Stoic City*, 9, 20–64).

¹⁴² See Arius Didymus, *ap.* Eusebius, *PE* 15.15.3–5. Alternative formulations appear in the literature. In Cicero’s *Republic* the Stoic Laelius described this law as in agreement with nature, binding upon all people in every territory, eternal and immutable. But Laelius identified the deity as the founder, promulgator, and judge of the law—not a being subject to it (*Resp.* 3.33).

¹⁴³ See Dio Chrysostom 36.20; Clement, *Strom.* 4.26; Stobaeus 2.103.14–17.

¹⁴⁴ Chrysippus called this rational-natural law “king of all things human and divine,” the supreme “ruler and guide.” Its prohibitions and prescriptions are binding upon all humanity: Marcian 1 (*SVF* 3.314).

¹⁴⁵ See Schofield, *Stoic Idea of the City*, 67–68.

¹⁴⁶ As Malcolm Schofield rightly argues, Stoic reason is not merely a cognitive tool to be applied in various situations, but absolutely substantive, prescribing and proscribing specific actions: “Just as reason directs the course of the universe as a whole, so it directs individual rational beings in what they should and should not do.... A substantive notion of reason... makes it more plausible to think of rational beings as

Of course Stoics recognized that not all humans understood nature's law, nor guided their lives by right reason, nor identified themselves primarily on the basis of citizenship in the cosmic commonwealth. In Cicero's *Republic* the Stoic Laelius points to the fundamental division among humanity around adherence to natural law: "Its prescriptions and prohibitions are heeded by good men though they have no effect on the bad."¹⁴⁷ While natural law is binding upon all humans, only a small minority grasp and heed it. These rare wise folk alone are virtuous, relatives, friends, and free; all others are *phauloi*, inferior,¹⁴⁸ or worse, slaves.¹⁴⁹

Stoic civic ideology explicitly addresses the discrepancy between the true *polis* of the cosmos governed by right reason, and the inferior *poleis* governed by human convention.¹⁵⁰ Dio Chrysostom draws a sharp contrast between the two: "It is immediately evident, therefore, that [the term *polis*] is not appropriate for any of the so-called cities which are foolish and lawless."¹⁵¹ Of course this distinction between the superior alternative state and the inferior status quo hardly distinguishes Stoic civic ideology from that of the Cynics, Epicureans, and others. But Stoic alternative civic ideology differed remarkably from the others in its description of the relationship between the superior and the inferior *poleis*. Stoics asserted that citizenship in the *kosmopolis* entails responsibility, when circumstances were appropriate, to engage the *poleis* directly and vigorously through participation in political

constituting a community in view of their rationality. For what they have in common is not just a general skill but an attachment to certain values, namely those prescribed by reason" (*Stoic Idea of the City*, 69–70). Thus Stoic reason could properly be called "law," insofar as it prescribed particular behaviors and prohibited others. And the wise among the Stoics constituted a real community, insofar as they were a social group governed by one set of common values and not another.

¹⁴⁷ Cicero, *Resp.* 3.33.

¹⁴⁸ These divisions of humanity coincided with absolute moral dualism: good and bad, virtue and vice, happiness and misery, stood as absolute categories without degrees of separation. Even those who progressed toward virtue remained in the ranks of the *phauloi*. Plutarch subjected this Stoic doctrine to repeated critique: *Virt. prof.* 75c; *Comm. not.* 1062b–1063b. See also D.L. 7.127.

¹⁴⁹ See D.L. 7.32–33, 121–22.

¹⁵⁰ Seneca describes the doctrine most explicitly in *Otio* 4.1: There are two communities. The first is universal, embracing both gods and humanity, without boundaries; the second, that to which people are assigned by accident of birth. Cp. a similar doctrine attributed to Aristo by Plutarch, *Exil.* 600e.

¹⁵¹ Dio Chrysostom 36.20, tr. Schofield, *Stoic Idea of the City*, 61.

activity. They make two distinct but complementary arguments for this engagement, as I discuss below.

2.2.3.3 *Stoic Open Citizenship and Translocal Identity*

Stoics allowed that, in theory, all people have potential to become wise and virtuous, through proper instruction and practice.¹⁵² The fact that Zeno required men and women to dress in the same clothing in his *Republic* suggests that he included women among potential citizens of the *kosmopolis*.¹⁵³ Epictetus' career proved that slave status did not preclude attainment of citizenship. And unlike the Epicureans, Stoics allowed that politicians could acquire wisdom—and indeed the *Meditations* of the Roman Emperor Marcus Aurelius seem to be heavily influenced by Stoic thought. As Diogenes Laertius reports, Stoics as early as Chrysippus argued that only the wise are fit to hold public office or serve as judges and orators.¹⁵⁴ While the argument presents a critique of the status quo, in which the inferior usually governed, it also has prescriptive force: when the circumstances are right, the wise will serve in public office.

Obviously the Stoic doctrine of the *kosmopolis*, like that of the Cynics, implies that the wise are at home in any territory. And like the Cynics, Stoic philosophers make practical recommendations on the basis of this cosmopolitan ideal: Chrysippus recommended that the wise serve as advisors to “a king like Idanthysus the Scythian or Leucon the Pontian”—apparently favoring the promotion of Stoic values internationally over merely reforming Greek politics.¹⁵⁵

2.2.3.4 *Stoic Hierarchy and Regulation*

According to Plutarch, Zeno envisioned a society in which there would be no elite class of rulers presiding over the ruled majority. Instead, the Stoic argued,

We should regard all men as our fellow-citizens and local residents, and there should be one way of life and order, like that of a herd grazing together and nurtured by a common law.¹⁵⁶

¹⁵² D.L. 7.91; cp. Stobaeus 2.65.8; Seneca, *Ep.* 124.13–14.

¹⁵³ D.L. 7.33. For comments see Long and Sedley 1.435.

¹⁵⁴ D.L. 7.121–22.

¹⁵⁵ Plutarch, *Stoic. rep.* 1043b–d.

¹⁵⁶ Plutarch, *Alex. fort.* 329a–b. For commentary see Long and Sedley 1.435.

Such egalitarianism stems from the claim that virtue and wisdom are absolute, and the wise—these blessed citizens of Zeno’s society—have acquired complete wisdom. The claim goes further: Plutarch reported Chrysippus’ doctrine that the gods and the wise share the same degree of virtue and wisdom. Thus what the gods do benefits the wise, and what the wise do confers equal benefit to the gods.¹⁵⁷

It is significant, further, that the *kosmopolis* that Zeno imagined includes multiple cities spread across the world and living in harmony, guided by the single law of reason.¹⁵⁸ As Laelius put it in Cicero’s *Republic*, “There will not be a different law at Rome and at Athens, or a different law now and in the future, but one law, everlasting and immutable, will hold good for all peoples and at all times.”¹⁵⁹

2.2.3.5 *Stoic Engagement with the Status Quo*

Stoics’ engagement with established political order most starkly sets them apart from other associations with alternative civic ideology, including the Covenanters. According to earliest Stoic teaching, the wise will freely engage with the state, serving as a king if called, or in the court of kings if possible.¹⁶⁰ Two warrants justify this engagement. The first is easiest to understand: as stated above, the Stoics define a *polis* as a territory comprising a community governed by law. Their account of the proper relationship of law, community, and territory in the *kosmopolis* reproduces the essential components of actual *poleis* while presenting a sharp critique of the status quo: the cities are corrupt because the relationship between their components was awry. Nevertheless the retention of these components implies the possibility of reforming their relationship within actual cities. Again Schofield provides an apt description of the Stoic attitude toward existing *poleis*: through deliberate, vigorous engagement, a philosopher could “encourage a positive vision of how an earthly city might at least achieve a

¹⁵⁷ Plutarch, *Comm. not.* 1076a.

¹⁵⁸ See D.L. 7.32–34.

¹⁵⁹ Cic., *Resp.* 3.33, tr. Long and Sedley.

¹⁶⁰ Plutarch, *Stoic. rep.* 1043b–d; Stobaeus 2.109.10–110.4; cp. Plutarch, *Adol. poet. aud.* 33d. See also Cicero’s “Dream of Scipio” at the end of the *Republic*. There Scipio’s grandfather exhorts his adoptive grandson, to engage in Roman politics: “for everyone who has saved and served his country..., a sure place is set aside in heaven... To that supreme god who rules the universe nothing (or at least nothing that happens on earth) is more welcome than those companies and communities of people linked together by justice that are called states. Their rulers and saviours are set out from this place, and to this they return” (*Resp.* 6.13; cp. 6.29; tr. N. Rudd).

degree of equitability, even if it will inevitably fall short of being a community governed by divine law.” Further, the Stoics hold out the possibility “that one might have an earthly community which counts as law-abiding and so satisfies the Stoic definition of a city, without yet being a *good* city, i.e., a city made up entirely of good persons.”¹⁶¹

The second argument for engagement is remarkable for its coherence, its international scope, and its practicality.¹⁶² According to Chrysippus, life *kata physin* results in virtue.¹⁶³ One component of virtue is justice; and beneficence to others is a species of justice.¹⁶⁴ Beneficence entails, in its highest form, promoting virtue and restraining vice.¹⁶⁵ It is preferable to benefit more people rather than fewer, and to include foreigners among the beneficiaries, rather than to limit benefit to Greeks.¹⁶⁶ The practical conclusion of this argument was that the wise man should, in the right circumstances, seek political office. Their power affords public officials opportunity to promote virtue and restrain vice among the most people.

Interestingly Chrysippus names courts of foreign kings, not Greeks, when he gives examples of where the wise might most effectively serve. If multiple cities throughout the world conditioned their laws and social norms under the influence of Stoic philosophy, then an approximation of Zeno’s cosmopolitan ideal could emerge. Of course the Stoics could not bring the entire world into perfect subjection to the *orthos logos*, but their civic ideology did not require perfection. Like the Cynics, the Stoics resisted teleology. Their beneficence was ameliorative, aimed at promoting virtue and restraining vice as much as possible, through actions appropriate to the circumstance.

¹⁶¹ Schofield, *Stoic Idea of the City*, 62.

¹⁶² For this section I am indebted to Eric Brown’s unpublished paper, “The Stoic Invention of Cosmopolitan Politics,” delivered at the conference, “Cosmopolitan Politics: On the History and Future of a Controversial Ideal,” Frankfurt am Main, December 2006.

¹⁶³ D.L. 7.87–89; Stobaeus 2.75.11–76.8; Seneca, *Ep.* 76.9–10

¹⁶⁴ Porphyry, *Abst.* 3.19; Plutarch, *Stoic rep.* 1038b; Cicero, *Fin.* 3.62.

¹⁶⁵ Restraining vice and promoting virtue is the aim of Stoic life, from the individual’s self-discipline to the philosopher’s engagement with students and others. In the political realm this aim provides the supreme motivation: Marcian 1, citing Chrysippus, *On Law*; also D.L. 7.121.

¹⁶⁶ E.g., Cicero, *Fin.* 3.65. On engagement with foreigners see Plutarch, *Stoic rep.* 1043b–d; Cicero, *Off.* 1.51–52; cp. Stobaeus 2.121.4–5; also Aristotle, *EN* 8.1. 1155a 21–22. As Brown points out, not all Stoics agreed: Seneca, *Ben.* 4.29.2–3.

Stoics enacted their civic ideology consistently and vigorously. In the Hellenistic era Antigonid kings retained Stoic advisors, and some Stoics played very active roles in Roman politics.¹⁶⁷ Emperors retained Stoic philosophers. Arius Didymus instructed Augustus. The younger Seneca, Nero's tutor from childhood until early in the emperor's career, was later accused of participating in a plot against Nero and compelled to commit suicide. The Senator Helvidius Priscus, himself a Stoic, held important political positions during the reigns of Nero, Galba, Otho, and Vespasian. As Epictetus famously records, he met his end by refusing to betray his commitment to promoting virtue and restraining vice: after repeatedly warning Priscus to be silent, Vespasian had him executed for speaking against his policies.¹⁶⁸ Some emperors took Stoicism quite seriously. Marcus Aurelius seems to have been influenced by Stoicism—and his *Meditations* are often read as a piece of Stoic literature.

Stoic alternative civic ideology empowered members of the school to engage the state fearlessly and with optimism. Convinced that their ultimate identity and welfare resided in that commonwealth of the cosmos, governed by immutable law, with the gods as their fellow citizens, Stoics applied themselves to the improvement of the status quo. Like their Cynic predecessors, Stoics did not withdraw from the *polis* in order to realize their cosmic citizenship. To the contrary: full realization of citizenship in the *kosmopolis* prepared Stoics to become the best citizens of their local *poleis*. While their *politeiai* and other political studies were theoretical works, not intended to be put into actual practice, the study of utopian *politeia* had a practical application: Stoics who engaged the state had thought deeply and systematically about the complex relationship between natural law, social convention, and positive law. Their studies prepared them to negotiate how they might restrain vice and promote virtue in the most practical and realistic ways.

¹⁶⁷ The Antigonid king Antigonos Gonatas and his son Demetrius had Stoic tutors, Zeno of Citium and Persaeus. Cleomenes of Sparta retained the Stoic philosopher Sphaerus as an advisor. Sphaerus later served as advisor to Ptolemy IV Philopator in Alexandria. Roman political figures are consistently associated with Stoicism: Cato the Younger, Scipio Aemilianus, Marcus Brutus, Pompey consulted the Stoic philosopher Panaetius of Rhodes. See Tacitus, *Hist.* 4.5, *Dial.* 5; Dio Cassius 66.12; 67.13; Suetonius, *Vesp.*, 15; Pliny, *Ep.* 7.19.

¹⁶⁸ Epictetus, *Diatr.* 1.2.19–21.

2.2.4 A Heavenly Polity: Paul's Civic Ideology

2.2.4.1 Paul's View of the State and Social Critique

Paul's alternative civic ideology, like others considered here, reflects the reality of life in *poleis* under Roman rule, while describing citizenship in an alternative, superior commonwealth to which members of Paul's *ekklēsiai* truly belonged. Paul did not, of course, compose a *politeia*. When he wrote, he aimed not to set down systematic treatises in a philosophical manner, but to solve practical issues in his churches. As a result, he discloses his reflections about the nature of God, nature, justice, human flourishing, the ideal human society, and so forth, only as they are necessary to support practical arguments and instruction about life within the church. From these scattered disclosures we may reconstruct his view of the state and his alternative civic ideology. But the absence of political writing may also be attributed, at least in part, to his strikingly positive assessment of the established political order, and his apocalyptic view of the world. God had established the earthly order; therefore it must be obeyed; and the earthly order was about to end. Human existence would be transformed into something entirely different (1 Cor 15:37–55), under God's direct control (1 Cor 15:24–26).

Unlike the Epicureans and Cynics, Paul explicitly endorses the political status quo as legitimate: God established its institutions and laws as an integral part of a divine plan. Unlike the Stoics, Paul does not assign individuals responsibility for bringing earthly order more closely into conformity with the divine order. Instead, Paul argues that the earthly order already serves God's purposes (Rom 13:1–7). Indeed, even an apparently negative action of the Roman authorities—Paul's imprisonment—serves God's plan: as a result the gospel is proclaimed to the Roman praetorian guard, and other apostles conduct their missionary work with greater boldness (Phil 1:12–20).

Paul's critique of contemporary society aimed more at personal morality and piety than at political institutions and laws. Like the philosophical schools, and like the state *politeiai*, Paul appeals to the categories of theology, nature, justice, and human thriving, both in his critique, and in his prescription for how to live. In his critique, most explicitly articulated in Romans 1:18–31, Paul argues that human transgressions originate from an improper understanding of God. The essential attributes of God are evident in the natural order of the world, as is what God required of humanity (1:18–20; cp. 1 Cor 11:14).

Indeed, every human has access to innate knowledge of such things (Rom 2:14–15). When humans suppress knowledge of God, they fall out of step with the divinely established natural order. All categories of vice result (1:23–31). This leaves no chance for human thriving; indeed, the chaotic mess of impiety, violence, and vice can only be cleaned up by the just meting out of divine wrath (1:17–18).

Paul's assessment of the state resembles that of Epicureanism to a degree: depraved humanity can only be preserved, in the present, by the political powers. While the state is not an eternally valid institution, its authority and laws restrain human wickedness. Until God creates the eschatological society, the state must, at the very least, restrain human vice.

2.2.4.2 *The Commonwealth of Paul's Ekklēsiai*

Paul clearly conceived of the community of believers-in-Jesus as citizens of an alternative commonwealth. The concept of an alternative citizenship appears explicitly in two passages. In Gal 4:26, Paul describes the *polis* to which his audience belongs as the "Jerusalem above." In Phil 3:20 Paul he writes that "our *politeuma* is in the heavens." It is reasonable to suppose that the heavenly *politeuma* is related to, if not the same as, the "Jerusalem above."¹⁶⁹ It is also possible that *politeuma* identifies the community of believers as foreigners or resident aliens upon earth: their citizenship is within the heavenly commonwealth, not on the earthly *poleis* where they temporarily reside.¹⁷⁰

Another indicator of alternative civic ideology is Paul's favored term for his churches: *ekklēsiai*.¹⁷¹ The term *ekklēsia* normally refers to the

¹⁶⁹ Perhaps Paul imagined of the *politeuma* as the citizenship or even as the citizenry occupying and governing the heavenly Jerusalem. See Aristotle, *Pol.* 1278b, 6–14 for discussion of the relationship between governance and constitution (πολιτεία) and the citizenry (πολίτευμα).

¹⁷⁰ Scholarship on bodies of foreigners organized into *politeumata* in cities is extensive. S. Honigman, "Politeumata and Ethnicity in Ptolemaic Egypt," *Ancient Society* 33 (2003) 61–102; also J. Cowey and K. Maresch, *Urkunden des Politeuma der Juden von Herakleopolis (144/3–133/2 v. Chr.)* (Köln: Westdeutscher Verlag, 2001). For the debate over whether Jews in Alexandria and other cities formed *politeumata* see G. Luderitz, "What is the Politeuma?," *Studies in Early Jewish Epigraphy*, ed. J. W. van Henten et al. (Leiden: Brill, 1994) 183–225.

¹⁷¹ The term occurs forty-four times: five times in Romans (16:1, 4, 5, 16, 23); 22 times in 1 Corinthians (1:2; 4:17; 6:4; 7:17; 10:32; 11:16, 18, 22; 12:28; 14:4, 5, 12, 19, 23, 28, 33, 34, 35; 15:9; 16:1, 19 (2x)); nine times in 2 Corinthians 1:1; 8:1, 18, 19, 23, 24, 11:8, 28; 12:13; thrice in Galatians (1:2, 13, 22); twice in Philippians (3:6; 4:15); twice in 1 Thessalonians (1:1; 2:14); and once in Philemon (v. 2). The fact

assembly of citizens of a *polis*, specifically those who possess voting rights and are eligible to hold office. Paul's use of the term may have been intended to imply that members not only have an alternative citizenship, but have high rank within their commonwealth. As discussed below, he describes members of the *ekklēsiai* sitting as judges in God's eschatological kingdom (1 Cor 6:2–3).

2.2.4.3 *The Ethnic Identity of the Ekklēsiai*

Throughout his letters Paul emphasizes that the identity of the *ekklēsiai* originates in ethnic Israel. Israelite identity and privilege extend to the Gentiles in fulfillment of God's plan to bring all peoples into a covenantal relationship with him (Rom 4:1–17; 11:13–32). Paul seems clearly to have viewed himself as God's most important earthly agent in the recruitment of Gentile citizens into eschatological Israel (1 Cor 15:9–10);¹⁷² he presents himself to his *ekklēsiai* as their father (1 Thess 2:11; 1 Cor 4:15), founder (cf. Rom 15:20), indeed, even the source of their salvation (Phlm 19).¹⁷³ His supreme status depends on his Israelite credentials: he is a Hebrew of Hebrews (Phil 3:5), an Israelite of the tribe of Benjamin (Rom 11:1; Phil 3:5), a Pharisee (Phil 3:5), blameless in observance of the Law (Phil 3:6). Like the prophet Jeremiah, God set Paul apart before his birth to be God's voice at a turning

that Paul uses the term in the opening verses of five of his seven letters 1 Cor 1:2; 2 Cor 1:1; Gal 1:2; 1 Thess 1:1; Phlm 2) indicates that he favored the term to designate his addressees. Whether the term was used for self-description by members of his groups we cannot know with certainty. In the two letters in which *ekklēsia* does not occur in the salutation, i.e., Romans and Philippians, it occurs elsewhere, clearly designating the addressees (Phil 4:15) or groups like them (Rom 16:1, 4, 5, 16, 23).

¹⁷² As D. Georgi pointed out in his 1965 monograph, *Remembering the Poor: The History of Paul's Collection for Jerusalem* (ET Nashville: Abingdon, 1990), Paul likely viewed his apostleship and collection of money from among the Gentile churches, for the Jerusalem church, as a fulfillment of Isaianic prophecy: as Paul brought the gospel to the Gentiles, wisdom flowed out from Zion and brought Gentiles under the authority of Israel's God (Rom 10:12–11:1; Isa 2:2–3; 60:5–6; cp. Mic 4.1–2). Further, Gentiles brought offerings to the holy city (Isa 56:7; cp. Rom 15:16–19), and their wealth flowed into Jerusalem (Isa 60:5–11; 61:6; 66:10–12). Paul saw his work as central to the fulfillment of God's plan; indeed, he claimed that God had commissioned him to bring about the salvation of Israel, through the Gentile mission (Rom 11:13–26): a central result of his evangelism among the Gentiles was to generate jealousy among nonbelieving Jews, in order to provoke their repentance and reincorporation into the covenant (Rom 11:13–14).

¹⁷³ On Paul as founder, and a comparison with other associational founders see J. C. Hanges, "Paul, Founder of Churches: a Study in Light of the Evidence for the Role of 'Founder-figures' in the Hellenistic-Roman Period," Ph.D. diss., University of Chicago, 1999.

point in Israelite history (Gal 1:15; cp. Rom 1:1). Like Paul, the rest of the apostles are also Jews (1 Cor 15:1–11; 2 Cor 11:22); not surprisingly, Paul extends traditional Israelite identification to members of his congregations: they are “the circumcised of heart,” “inward Jews” (Rom 2:29); “children of Abraham” (Rom 9:7; Gal 4:27, 28, 31); the “temple” (1 Cor 3:16, 17; 6:19; cp. 2 Cor 6:16); and the “Israel of God” (Gal 6:16).¹⁷⁴

2.2.4.4 *Organization, Hierarchy, and Open Citizenship in the Ekklēsiai*

Paul indicates that within the *ekklēsiai* there was some form of hierarchy, but aside from the ranks of apostles, prophets, and teachers, it is not systematically developed.¹⁷⁵ As in Epicurean groups, women not only are able to join, but also to assume leadership roles. We know of women prophets from 1 Cor 11, and Paul calls Junia and her husband “highly regarded among the apostles” (Rom 16:7); whether this meant they were esteemed by the apostles or as apostles themselves is difficult to decide.¹⁷⁶ Further, Paul named numerous women among his co-laborers and as patrons of the churches, e.g., Phoebe, Prisca, Mary, Tryphaena and Tryphosa, the mother of Rufus, the sister of Nereus, and Julia, all these in Romans 16 alone. As the letter to Philemon poignantly illustrates, slaves could have prominent roles within the community. Finally, Paul does away with the conventions of political and social distinctions. As he famously writes in Gal 3:28, “there is neither Greek nor Jew, neither slave nor free, neither male and female,” for all who had become united in Christ Jesus.

¹⁷⁴ An argument for the identification of the *ekklēsia* with Israel could be made on the basis of Rom 9:6; 11:26. Other terms with origins in the Scriptures are “children of God” (Rom 8:14, 16, 17, 19, 21; 9:8; Gal 3:26; 4:5; Phil 2:15; 2 Cor 6:18); “children of light” (1 Thess 5:5); and perhaps also ἄγιοι, which occurs twenty-five times (Rom. 1:7; 8:27; 12:13; 15:25, 26, 31; 16:15; 1 Cor 1:2; 6:1, 2; 14:33; 16:15; 1 Cor 16:1; 2 Cor 1:1; 8:4; 9:1, 12; 13:12; 1 Thess 3:13; Phil 1:1; 4:22; Phlm 5, 7).

¹⁷⁵ In 1 Cor 12:28–30. Following these leaders were members whose roles were defined by their work: miracles, healing, aid, guidance, tongues and interpretation. On the loosely structured leadership ranks in the early *ekklēsiai* see Meeks, *First Urban Christians*, 131–36.

¹⁷⁶ For a strong argument that Junia was an apostle see E. Epp, *Junia: The First Woman Apostle* (Minneapolis: Fortress, 1995).

2.2.4.5 *Translocal Identity in the Ekklēsiai*

Like the Epicurean teachers, Paul attempted to cultivate a common identity among the *ekklēsiai* through correspondence and visits to local groups. It is clear that he was unsuccessful in cultivating uniform doctrine, identity, and practice in every community—indeed, profound differences and bitter disputes arose not only between, but within local groups.¹⁷⁷ Nevertheless Paul assumes that his addressees share his esteem for normativity: when he defends a teaching by saying that he proclaimed the same thing to all the *ekklēsiai*, he expects the ideal of shared teaching to carry persuasive weight (1 Cor 7:17). Hospitality practices show shared identity between members of the *ekklēsiai*: when one traveled to another city, she or he expected to be received and supported by the believers in that place.¹⁷⁸ Paul's monetary collection also united the churches by tying the financial resources of local groups to a translocal organization.

2.2.4.6 *Regulation of the Ekklēsiai*

Paul's letters suggest that getting into the association was easy, apparently involving confession and baptism. As with the Epicureans, outsiders had access to teachings and meetings (1 Cor 14:21–25). However, once one entered the *ekklēsia*, he or she becomes subject not only to social pressures to conform to behavioral norms, but also to disciplinary mechanisms that punish egregious transgressions with expulsion, or at least exclusion until the transgressor repents. For the case of incest in 1 Cor 5:1–5, Paul prescribes a rite of expulsion: the community must assemble “in the name of Jesus” and consign the offender to Satan. This doubtless meant the end of the victim's association with the *ekklēsia*, and was probably interpreted as the equivalent of a death sentence, since it would result in the “destruction of the flesh.”¹⁷⁹ The expulsion of the transgressor seems intended to preserve

¹⁷⁷ On the problematic claim that the individual *ekklēsiai* defined themselves as local units of a worldwide *ekklēsia* or other entity see Ascoug, “Translocal Relationships,” 236–40. Clearly the translocal unity an ideal that Paul valued, but that his addressees did not necessarily share.

¹⁷⁸ References to travelling apostles and others abound in Paul's letters, frequently with mention of hospitality. See Rom 15:22–29; 16:3–4; 1 Cor 1:11; 16:1–12; 2 Cor 1:16–2:5; 7:5–7; 8:16–24; 9:3–5; 11:4–10; 13:10; Gal 1:18–2:3; 2:11–12; 4:12–15; Phil 2:19–24; 4:15–18; 1 Thess 2:9–12; 3:6–7; Phlm 12, 22.

¹⁷⁹ This procedure has clear affinities with protocol in “capital cases” in D, which also equates expulsion with a capital sentence. See the next chapter for full discussion. On the courts of Paul's *ekklēsiai* see Meeks, *First Urban Christians*, 127–31;

the holiness necessary for the Spirit to remain in the *ekklēsia*. Excommunication enacts the principle that Paul articulates at the chapter's conclusion: believers may associate with unbelievers (1 Cor 5:9–13); indeed, believers may even be married to them (1 Cor 7:10–16). However, anyone who joins the *ekklēsia* may not transgress certain rules, under penalty of expulsion.¹⁸⁰

2.2.4.7 *Relations between the Ekklesiāi and the State*

Within contemporary civic and social institutions, Paul stressed the need for limited engagement, not withdrawal. He remained affiliated with the synagogues, as his submission to their punishment five times indicates (2 Cor 11:24). Their authority to punish members was supported by Roman recognition of the binding nature of synagogue rules upon members. Therefore Paul's submission to synagogue authority may perhaps be regarded as part of his submission to the earthly order established by God (Rom 13:1–7; cp. Phil 1:12–20).

While he argues that submission to civil authorities promotes God's work, Paul imposed limits to the extent to which members of the *ekklēsiāi* could participate in the external courts (1 Cor 6:1–8).¹⁸¹ He exhorts them not to bring lawsuits against other believers; indeed, they should not initiate even potentially liberating legal suits, such

Delcor, "The Courts of the Church of Corinth"; G. Harris, "The Beginnings of Church Discipline: 1 Corinthians 5" in B. Rosner, ed., *Understanding Paul's Ethics* (Grand Rapids: Eerdmans, 1995) 129–51; B. Winter, "Civil Litigation in Secular Corinth and the Church: The Forensic Background to 1 Corinthians 6:1–8," in Rosner, *Understanding Paul's Ethics*, 85–103. For recent comparison of 1 Cor 5:1–5 and the Covenanters' laws see H.-W. Kuhn, "A Legal Issue in 1 Corinthians 5 and in Qumran," in *Legal Texts and Legal Issues*, ed. Berstein et al. (STDJ 23; Leiden: Brill, 1997) 489–99 and A. Yarbro Collins, "The Function of 'Excommunication' in Paul," *HTR* 73 (1980) 251–63.

¹⁸⁰ In 2 Cor 2:1–8 Paul mentioned another man who had been punished in Corinth. It seems likely that after committing an egregious transgression, he had undergone an expulsion or exclusion rite. The punishment seems to have rehabilitated the offender: Paul urged the Corinthians to receive the man back into fellowship. Formal protocol for accusing other members of the church may appear in 2 Cor 13:1–10: testimony against a wrongdoer could be accepted only if it came from two or more witnesses. Further, Paul's warnings, "I will not be lenient" and "I may use the power of God for tearing down" (2 Cor 13:2, 10) probably had to do with the juridical authority that Paul claimed in 1 Cor 5:1–5.

¹⁸¹ Some interpreters have used 1 Cor 6:1–8 as evidence for a system of civil arbitration within the Corinthian community, e.g., Delcor, "Courts of the Church of Corinth." It seems more likely that the problem with civil suits arose because no procedure had been established for resolving disputes between believers. Paul chastises them for not coming up with a way to resolve disputes, rather than appealing to established protocol.

as a slave's manumission, or divorce (1 Cor 7:12–22).¹⁸² Paul exhorts members not to seek legal retribution against those who have wronged them (Rom 12:14, 17–21). The “holy ones” must take pains to avoid disturbances with their neighbors, to be self-sufficient and live quiet lives (1 Thess 4:10–12). The only obligatory legal entanglements are paying taxes, rendering honor and tribute, and accepting punishment if they break the law (Rom 13:1–7).

The warrant that Paul gives for all such exhortations is that this world will soon pass away (1 Cor 7:29–31; Rom 13:11–12; cp. 1 Thess 4:13–5:10; 1 Cor 15:50–55). Indeed, one reason for not appealing to the external courts for legal relief is that members of the *ekklēsia* will soon judge the world, and the angels besides (1 Cor 6:2–3)! Affiliation with the state is necessary and temporary; the civic institutions now in place are under divine control, to be replaced imminently by the heavenly order.

2.2.5 *A Separatist Myth: The Plebs of Fifth-Century Rome in the Political Imagination*

Finally, we should consider an extreme example of alternative civic ideology that appears in several Roman historians: the *plebs* of Rome in the fifth century BCE.¹⁸³ Here I am not interested in the fifth-century history of the *plebs*, but, rather, in the way its story was told in political circles in the late Roman Republic and early Principate. The main sources, Livy, Dionysius of Halicarnassus and Cicero, present a relatively consistent interpretation of the events, even if the historical details are muddled. Their narratives revolve around the ideals of justice and human thriving, and the historical evolution of the Roman constitution into a form that guaranteed these things. They also imply that the

¹⁸² It should be noted that Paul's position on the manumission of slaves is disputed. J. Harrill argues, for example, that Paul advocates manumission in 1 Cor 7:21 in idem, *The Manumission of Slaves in Early Christianity* (Tübingen: Mohr Siebeck, 1995), ch. 2, *passim*.

¹⁸³ In the mid-19th century Theodor Mommsen described the plebeians' organization into the formal body of *plebs* as an attempt to establish a “state within a state,” a description that Tim Cornell has recently defended in his work on early Rome: see idem, *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c. 1000–264 B.C.)* (London: Routledge, 1997) 242–71. While there may be analogies between this action and that of the Covenanters' withdrawal from mainstream Judean society, the myth of the *plebs*' secession as a necessary catalyst of reform, and its power to ignite the Roman political imagination, is more important for this study.

patricians' abuse of the plebians entailed a form of impiety, while the *plebs* had divine favor on their side. Roman intellectuals idealized the *plebs'* withdrawal and gradual reincorporation into the Roman state as essential for establishing the balance of power between patricians and plebeians that brought the Republic to its mature form.¹⁸⁴

The basic narrative goes along these lines: in the early fifth century, frustrated with a crisis in debt bondage, a massive number of plebeians seceded from Rome, withdrawing *en masse* to occupy public land outside the city on the Sacred Mount and the Aventine. There, for approximately 125 years, they organized themselves into a society modeled on that of patrician-governed Rome, but with important and conspicuous improvements. The most important established new officials and laws that provided political representation and protection for the plebians.

2.2.5.1 *The Organization and Law of the Plebs*

The organization of the *plebs* was modeled on patterns from patrician Rome: they resigtered citizens and voted by tribes (*curiae*). Their deliberative body, the *concilium plebis*, replicated the councils of the *curiae*.¹⁸⁵ Two tribunes were elected to carry out the resolutions of the *concilium plebis*; Cicero notes that the tribunes were intended to counter the authority of the twin consuls of Rome, as well as that of the patrician-dominated Senate.¹⁸⁶ The name *tribuni* replicated that of Roman military officers, the *tribuni militum*, and implied their extensive authority: the tribunes could impose fines, imprisonment, and even the death penalty. Their authority was protected by a *lex sacrata*,

¹⁸⁴ Cicero, *Resp.* 2.1.3, suggests that the concluding events in Scipio's history of Rome, i.e., the establishment of the offices of the Consuls, Tribunes, along with the balance of powers between the Senate and the council of the people, was the point at which the State came into mature form (*Resp.* 2.34.59–2.39.63). While the conclusion of Cicero's discussion of the formation of the Roman commonwealth is missing, it is clear that his narrative ended with events in the mid-fifth century, when negotiations between the *plebs* and patricians began to produce good results. Polybius seems to have held a similar view: in the mid-fifth century, Rome began its evolution toward a mature constitution (6.11.1). For analysis see T. Cornell, "The Foundation of Rome in the Ancient Literary Tradition," *Papers in Italian Archaeology* I, ed. H. Blake et al. (Oxford: Oxford University Press, 1978) 131–40; review of M. Capozza, *Roma fra Monarchia e Decemvirato nell'Interpretazione di Eutropio* (Rome: Bretschneider, 1973), *Journal of Roman Studies* 66 (1976) 260–61.

¹⁸⁵ See Cornell, *Beginnings*, 256, for discussion.

¹⁸⁶ Cicero, *Resp.* 2.58. See Cornell, *Beginnings*, 259, for varieties of the narrative in the Roman historians.

a collective oath that the *plebs* swore and that seems modeled after military oaths.¹⁸⁷ The *lex sacrata* made the tribunes inviolable: anyone, including those of the patrician class, who opposed them was consigned to an avenging deity. This amounted to a death sentence, since anyone who killed the transgressor acted on behalf of the gods and was immune from prosecution.¹⁸⁸ Thus one of the first laws of the *plebs* ensured protection for the plebeian officials as they negotiated with patrician-dominated Rome.

2.2.5.2 *Justice and the Historical Evolution of the Roman State*

Cicero and Livy emphasized that the *plebs* organized with reform of the status quo in mind. The main problem, Cicero claimed, was an unjust arrangement of power. The *plebs'* action to change the constitution was inevitable, since

unless a state maintains a fair balance of rights, duties, and functions (the magistrates having adequate power, the aristocratic council adequate influence, and the people adequate freedom) its constitutional organization cannot be preserved from change.¹⁸⁹

While Cicero extends no sympathy to the masses, he blames the Senate for perpetuating a state of imbalance. When they failed to enact relief for the desperate plebians, the plebians had to act.¹⁹⁰ Livy narrates the crisis along similar lines: when the Senate refused to discharge debts, the consul Valerius urged them to reconsider. He compared the resolution of the plebeians' plight to victories over foreign enemies: both are essential to the security and stability of the state. When the Senate rejected his plea, he resigned in protest. The *plebs* withdrew, provoking a new crisis: having just defeated their foreign enemies, Rome now faced the possibility of civil violence, even war.¹⁹¹

Livy presents the beginnings of the *plebs'* reintegration in a speech to the *plebs* by the senator Menenius. His character represents the ideal Roman Republic, in which both bodies of the Roman people

¹⁸⁷ Cornell points out analogies between the *lex sacrata* and Roman military oaths: *Beginnings*, 259.

¹⁸⁸ Such consignment was a death sentence, for it gave any person the right to kill the violator on behalf of the deity. Here an obvious analogy is Paul's consignment of the incestuous man to Satan in 1 Cor 5:1–5. Cp. CD 16:4b–5, where those who enter the Covenanters' sect escape the destroying angel Mastema.

¹⁸⁹ Cicero, *Resp.* 2.58, tr. Rudd.

¹⁹⁰ Cicero, *Resp.* 2.59; cp. Livy 2.32.

¹⁹¹ Livy 2.32.

balance their interests and powers. Menenius' speech advocates harmony between the two classes through the metaphor of the proper relationship between limbs of the body:

Long ago when the members of the human body did not, as now they do, agree together, but had each its own thoughts and the words to express them in, the other parts resented the fact that they should have the worry and trouble of providing everything for the belly, which remained idle, surrounded by its ministers, with nothing to do but enjoy the pleasant things they gave it. So the discontented members plotted together that the hand should carry no food to the mouth, that the mouth should take nothing that was offered it, and that the teeth should accept nothing to chew. But alas! While they sought in their resentment to subdue the belly by starvation, they themselves and the whole body wasted away to nothing. By this it was apparent that the belly, too, has no mean services to perform: it receives food, indeed; but it also nourishes in turn the other members, giving back to all parts of the body, through all its veins, the blood it has made by the process of digestion; and upon this blood our life and our health depend.¹⁹²

According to Livy, Menenius' speech was successful: the *plebs* appointed tribunes, whose authority the patricians quickly recognized. Livy also credits the *plebs* with the establishment of two of the most effective protections against the abuse of political power: a system of codified laws to which all subjects were equally accountable, and archives in which laws and official decisions were recorded for future.¹⁹³ From about 449 until 367 BCE the *plebs* negotiated with the patrician authorities, until they reintegrated into the Roman political order. Many of the deliberative bodies and officials that they established to govern their separatist "state" were incorporated into the reformed Roman constitution.

2.2.5.3 *The Piety of the Plebs*

Alongside themes of justice and historical evolution, the theme of piety also appears in the narratives. On the Aventine the *plebs* devoted a temple to Ceres, Liber and Libera, Roman divinities associated with crops and fertility.¹⁹⁴ The *plebs*' agrarian cult seems directly related

¹⁹² Livy 2.32.9–11, tr. A. de Sélincourt, *Livy, The Early History of Rome* (London: Penguin, 1960).

¹⁹³ For discussion see Cornell, *Beginnings*, 265.

¹⁹⁴ The two plebeian *aediles*, officers entrusted with supervision of the markets, were likely associated with the cult of Ceres. For discussion see Cornell, *Beginnings*, 263–65.

to their problems of grain shortages, debt, and poverty. Their piety highlights patrician impiety: failure to provide relief to the plebeians was not only unjust but an affront to the gods. Further, the *plebs'* cult implied that the gods took the *plebs'* side in their dispute. Similarly, by invoking divine protection for the tribunes of the *plebs*, the *lex sacrata* implied divine support for the *plebs'* actions.

2.2.5.4 *Alternative Civic Ideology, Separation, and Reform*

The *plebs'* formation, physical withdrawal from Rome and occupation of public Roman land, their organization and formation of legislative and executive bodies, as well as cults, courts, and possibly even games,¹⁹⁵ expressed strong alternative civic ideology. At the same time the ideology behind the movement, at least as Cicero and Livy describe it, was not utopian or secessionist, but reformist. The aim was not to establish a new state, nor to challenge the legitimacy of the patricians, but to force adjustment of the balance of powers between Roman plebeians and patricians.

Thus, as presented by Livy and Cicero, this radical enactment of alternative civic ideology is also a strong expression of assimilative civic ideology, insofar as it was intended to reform an established state whose form was essentially sound—it needed not to be eradicated or replaced, but improved. Roman intellectuals idealized the *plebs'* separation and independent organization and legislation as necessary for the Republic to achieve constitutional maturity: only through such separatist action could the *plebs* develop the bureaucratic and legal innovations necessary to improve the Roman state.

2.2.5.5 *The Significance of the Plebs for the Study of the Covenanters*

The various accounts of the *plebs'* secession and reform of the Roman state show how powerfully a separatist movement could exercise the political imagination in the late Roman Republic. Such a narrative may have excited Jewish intellectuals like the Covenanters. In the story of the *plebs* we find the salvation of a failed political system in the form of a massive separatist movement that deliberately replicated the structures of the established state, with conspicuous improvements.

¹⁹⁵ On the establishment of the *ludi plebei* as a replication of the *ludi Romani* see Cornell, *Beginnings*, 263.

While it is unlikely that the Covenanters encountered the story in the exact form in which it was circulated in Roman intellectual circles, it is plausible that some version of the story was known to Jewish intellectual elites. From Scripture the Covenanters knew of remnants of righteous Israelites whose piety and fidelity to the Covenant separated them from their apostate compatriots. Biblical texts portray this remnant as destined to restore Israel. However, the scriptural narratives lack details about how the remnant should be organized and regulated as they prepared for restoration. Perhaps stories of separatist movements like the *plebs* provoked the Covenanters to consider how they might organize and regulate their association as they awaited Israel's restoration.

Like that of the *plebs*, the Covenanters' alternative civic ideology was reformist, insofar as the Covenanters wanted nothing more than to change society. Unlike the *plebs*, the Covenanters' withdrawal and replication of state structures were not intended to inspire Judean constitutional reform through dialogue and negotiation. Instead, separation protected the sectarians from the impurities and defilements of apostate Israel. Their organization and regulation, focused study of the law and cult, prepared them to govern, once God destroyed the illegitimate, apostate authorities who held power.

2.3 THE COVENANTERS AMONG ASSOCIATIONS WITH ALTERNATIVE CIVIC IDEOLOGY

While most voluntary associations assimilated the civic ideology of the state, a few developed alternative civic ideologies and attempted to put them into practice. The groups that we have studied here are distinct from intellectual circles or philosophical schools that developed speculative alternative civic ideologies without creating a new civic identity for members. Platonists and Peripatetics wrote, collected, and studied *politeiai*, but we have no evidence that they attempted to define school members' lives as citizens of an alternative *polis*. On the other hand, the Cynics, Stoics, Epicureans, and Pauline *ekklēsiai* crafted alternative civic ideologies that were meant to be normative for members: Cynics and Stoics truly imagined themselves as *kosmopolites*, sharing citizenship with the gods, with nature as their principal law. Epicureans identified themselves as members of a universal *oikos* comprising discrete *oikoi* throughout the world. Paul, and probably many members of the

ekklēsiai that he founded, cultivated identity as citizens of a Jerusalem above, the heavenly *politeuma*.

Two consistent features of these groups deserve mention. The first are the terms in which civic ideology is consistently articulated. The associations that we have considered agreed with the state ideology in principle: a commonwealth and its laws must be founded upon proper understanding of theology, nature, and anthropology, and must promote justice and human thriving. These themes, along with a few others, are found throughout state and alternative civic ideologies—we do not find claims that the terms of state civic ideology are wrong. Rather, the state failed to realize the fundamental terms adequately. As we will see, these themes appear throughout the Covenanters' critique of the Hasmonean state, and in their own alternative civic ideology.

The second has to do with the role of political literature in the groups we have surveyed. The *politeia* was the most explicit articulation of civic ideology, whether by the state or by an association. Yet only two of the groups that we have studied, the Cynics and the Stoics, composed *politeiai*, and their *politeiai* were not *nomoi* for the schools. Diogenes' Cynic *politeia* seems to have been a parody of Plato's *Republic*. The Stoic *politeiai* were academic, utopian explorations of what a perfected society, governed by natural law alone, might look like, and what sorts of social conventions it might reject or allow. All of the groups that we have considered developed their alternative civic ideologies, and organized and regulated their alternative commonwealths, through literary forms and methods other than political literature. Letters were common tools, as were verbal teaching methods, such as speeches. It is only in the Covenanters' Rule Scrolls that we find *politeiai* simultaneously functioning as *nomoi* for a voluntary association.

CHAPTER THREE

THE *DAMASCUS RULE*: A *POLITEIA* FOR THE RIGHTEOUS REMNANT OF ISRAEL IN THE EVIL AGE (CD A [CD 1–16], CD B [CD 19–20]; 4QD^{a-h} [4Q266–273])

3.1 INTRODUCTION

D is an extremely complex sectarian composition that shows signs of extensive development and redaction; nevertheless the mss. from the Qumran caves and the Cairo geniza are consistent in outlook, despite variations in content.¹ In its extant form, D governs the segment of the Covenanters called the Congregation (העדה), a term that designates both local cells and the membership as a whole.² Another, more common designation for local cells is Camps (מחנות).³ In what follows I focus on two major blocks of laws: those regulating the local Camp/Congregation (CD 15:1–10:10a; 12:22b–13:21 and || in 4Q mss.), and those for the annual Assembly of All Camps, a plenary meeting that took place in the third month (CD 14:3–23; 4QD^a fr. 10 i 1–fr. 11 21). Redaction-critical studies persuasively distinguish statutes pertaining to the peculiar circumstances of sectarian life from more general halaka aimed at Israel as a whole.⁴ Yet the two types of rules are closely

¹ E.g., CD-B contains an expanded version of a portion of the Admonition (cp. CD 19–20 with CD 7:5–8:21). The Cave 4 mss. not only preserve the beginning and conclusion of D, but also numerous laws that dropped out over the course of D's transmission into the early Medieval era.

² See CD 13:10, 11, 13; 14:10; cf. 7:20; 4QD^a fr. 10 i 3 || CD 14:11; 4QD^c fr. 7 i 14; 4QD^a fr. 10 i 3–4 || CD 15:17). As noted in ch. 1, the term comes from the Torah, where it designates all of Israel. S refers to the *Yahad* as the “holy congregation” once (1QS 5:20); the term is non-technical. SE employs the term twenty-one times to designate the citizens of eschatological Israel.

³ See CD 7:6; 9:11; 10:23; 12:23; 13:4, 5, 7, 13 (*bis*), 16, 20; 14:3, 9; cp. 19:2; 20:26. It is difficult to define a distinction between what Camp and Congregation designate. While מחנה always refers to local communities, עדה can refer to all members collectively (14:10; 4QD^a fr. 10 i 3 || CD 14:11; 4QD^c fr. 7 i 14), or to a local community (13:10–13; 4QD^a fr. 10 i 3–4 || CD 15:17).

⁴ Scholars vary in their identification of specific redactional strata and their relative dating, but the point that D combines general halaka with halaka for the sect is widely accepted. The most authoritative analysis is Hempel's *Laws*; for discussion and

related, insofar as both are essential for covenantal fidelity in the evil age. The general halaka are correctives to the errant practices of non-sectarian Jews; they may be regarded as similar to those of MMT. We can be sure that the sectarians studied and practiced them, and that they judged those who did not as guilty of covenantal transgression. These laws were probably also intended, like those of MMT, to govern behavior in restored Israel, not only in the evil age. The halaka for sectarian life, in contrast, allow those who repent to remain faithful to the covenant with God during the evil age. As I discuss below, these statutes will not be necessary when Israel is restored, especially when the temple cult returns to proper operation under a righteous priesthood. While it is right to distinguish between the two types of laws, I would stress that all of the laws in D apply to all Israel.⁵ Sectarians are, in a way, doubly righteous: they recognize the halakic errors of their generation and correct them, and recognize that full covenantal fidelity is only possible within the sect. Non-sectarians are thus doubly guilty: they both fail to recognize and enter the new covenant, and wantonly transgress the general laws.⁶

The laws of D are grounded in an alternative civic ideology that is rather fully articulated in the Admonition, a didactic composition that takes up the opening eight columns of CD-A. The Qumran mss. show that it was originally longer. It imposes a comprehensive identity upon the Covenanters and orients their movement within the context of God's dealings with other groups of righteous and wicked Israelites, from the biblical past to the eschatological future. This sense of identity and history explains the necessity of D's laws, and offers motivation for observing them.⁷

comparison with other proposals see C. Wassen, *Women in the Damascus Document* (Atlanta: SBL, 2005) 32–42.

⁵ This is, after all, what D claims: see as the conclusion states, all inhabitants of Israel's camps and cities will be judged by their fidelity to its laws (4QD^a fr. 11 18b–21 || 4QD^e fr. 7 ii 11–15; more explicitly, 4QD^a fr. 9 iii 11–14 || CD 13:20–21; also CD 12:19–22a).

⁶ Hempel articulates the widely held view that the general laws come from a pre-sectarian era when dissenting priests catalogued disagreements with contemporary practice but did not yet constitute a coherent separatist movement (*Laws*, 70–72; see also eadem, *Damascus Texts*, 44–53, for a survey of redactional proposals). John Collins points to another possibility: some of the general laws for Israel were added to D at a later point, as sectarians studied and refined their interpretation of the Torah (*Beyond the Qumran Community*, 16).

⁷ Thus J. Baumgarten, “the function of the Admonition in CD is primarily that of an introduction to the laws” (“The Laws of the *Damascus Document* in Recent

3.2 ALTERNATIVE CIVIC IDEOLOGY IN THE ADMONITION OF D (4QD^a 1:1–2:1; 4QD^b 1; 4QD^c 1; CD-A 1:1–8:21; CD-B 19–20)⁸

Like other associations with alternative civic ideology, the Covenanters offer a precise critique of the state. Like the others, their critique of the status quo and their alternative civic ideology focuses on the themes of *theology, history, nature, justice, and human thriving*. The sect's civic ideology is distinct in its treatment of these themes: it interprets them in terms of the covenant between God and Israel revealed in the Torah. Like the Pauline *ekklēsiai* and other Jewish sects, the Covenanters' ideology has a strongly eschatological character. And as we will see, many of the laws in D pertaining to sectarian organization and regulation are not intended to stand as eternal statutes, but as temporary halakic responses to the evils that threatened purity, holiness, and God's relationship with Israel during the "evil age" or the "Dominion of Belial." The end of this period would see not only the establishment of sectarian halaka as the law of Israel, but also the end of organization and laws that were only needed for the evil age.

3.2.1 *Critique of the State*

3.2.1.1 *Improper Understanding of Theology*

D accuses contemporary Jewish leaders of misunderstanding theological truths in a variety of ways. They are responsible for their misunderstanding, since they treacherously left God (במועלם אשר עזבוהו, 1:3). As punishment, God hates the wicked and causes them to stray (2:13). Whatever the relationship between divine determinism and human culpability, the result is clear: the wicked leaders and those who accepted their authority are without counsel or discernment (5:16–17).

3.2.1.2 *Departure from the Torah*

In practical terms, misunderstanding of theology results in breaking the covenant by departing from the Torah. The Covenanters accuse leaders not only of violating the statutes, but despising and speaking

Research," in M. Broshi, ed., *The Damascus Document Reconsidered* [Jerusalem: Israel Exploration Society, 1992] 52).

⁸ The opening exhortation is preserved only in 4QD^a fr. 1–2; it is missing from the medieval mss. See Baumgarten, *DJD* 18, 31–39, and his outline of the original text in PTSDSS 2.5.

against them.⁹ These accusations point to halakic divergences between the sect and the mainstream: “speaking against the Torah” means interpreting and teaching the laws at variance with sectarian norms. As the famous passage on the three “nets of Belial” states, Israel is deluded into viewing wickedness as righteousness (CD 4:16–17).

3.2.1.3 *Injustice, Defilement, and Impurity*

Departing from the Torah results in the propagation of injustice, defilement, and impurity. The Covenanters accuse the Jewish leaders of foisting delusions upon the masses, acquitting the wicked, condemning the righteous, persecuting the elect, and fostering dissension (1:18–21), and, further, of stealing from the poor, preying upon widows, and murdering orphans (6:16–17). Their actions result from the influence of Belial, whose “three nets”—sexual immorality (זנות), wealth (הון),¹⁰ and defilement of the sanctuary, ensnare the leaders and the people (4:14–18).

Defilement and impurity are mentioned throughout the Admonition: not only do the leaders defile the sanctuary (4:17–18; 5:6; cp. 6:15–16), but also the land (5:20–6:2a), and their own spirits (5:11; cp. 3:17).¹¹ This last defilement expresses the full extent of their apostasy and underscores the necessity of separation from them (7:3–4).

3.2.1.4 *Improper Understanding of Nature*

Like other associations with alternative civic ideology, the Covenanters accuse the authorities, and outsiders in general, of failing to understand and deviating from natural order. Natural order is directly associated with theology: the structures of the cosmos were established immutably by God. Their order has the force of law; deviation from

⁹ See, e.g., 4QD^a fr. 1 14, 16, 21; CD 1:20; 2:6, 18–21. Cp. the sect’s emphasis on return to the Torah of Moses, CD 2:15 (restored); 3:2–6; 7:6–9; 8:19; 16:1–5. For halakic differences between the Covenanters and mainstream Judaism see MMT.

¹⁰ Emending הון to הון at CD 4:17, with B. Z. Wacholder, *The New Damascus Document: The Midrash on the Eschatological Torah of the Dead Sea Scrolls: Reconstruction, Translation and Commentary* (STDJ 56; Leiden: Brill, 2007) 34. While the arrogance of the wicked may be implied in D, the passage on the nets of Belial explicitly elaborates on the misuse of wealth in the temple cult (6:15–16). The “snare” of wealth involves accepting temple goods with improper oaths and dedications, misusing the wealth of the sanctuary, and stealing from the poor.

¹¹ On impurity that results from halakic deviance see MMT B 3, 42–46, 53–54, 55–58, 67–68, 71–72, 80–82; C 6–8.

cosmic order transgresses divine will and poses a severe threat to human thriving.

Of course the cosmic order with which the Covenanters are most concerned has to do with the cultic calendar: they reject the 354-day lunar calendar as invalid, favoring a 364-day solar calendar instead. Annual festivals plotted according to the lunar calendar fall on the wrong days, and therefore are unacceptable to God. The most egregious consequence is that the Day of Atonement is effectively not observed. Israel fails to procure atonement for its sins, and the land is defiled.

The calendrical problem is not directly mentioned in CD, but the 4QD mss. address it both in the Admonition and the Laws. 4QD^a fr. 2 i 2 states that it is impossible to advance or postpone the מועדים, a term commonly used for festivals; cp. the *Yahad*'s duty not to advance or delay the מועדים (1QS 1:13b–15a).¹² The Admonition promises that the righteous will understand the temporal order that God imposed upon the world, from long historical patterns (4:9–12) to the proper observance of the Sabbath, annual festivals, and above all the Day of Atonement (3:12–16; 6:18–20). This understanding justifies the law preserved in 4QD^f 5 i 3b–6a: one who errs so as “to desecrate the Sabbath and the festivals (לחלל את השבת ואת מועדות)” is barred from the assembly and supervised for seven years. If judged to be rehabilitated, the offender is reinstated.¹³ Other texts confirm the centrality of the solar calendar to the Covenanters' belief system, and their

¹² In Baumgarten's view (*DJD* 18, 35), this passage refers to periods of time that God predetermined for mercy or for wrath. In Wacholder's quite fulsome and speculative restoration, the “appointed times” are the annual festivals (*New Damascus Document*, 27). In Wacholder's favor, the term מועדים is used throughout the DSS to refer to annual festivals; however, it can also refer more generally to times designated by God for particular purposes or events.

¹³ See Hempel, *Laws*, 157–59 for text, translation, and discussion of various interpretations of the law. It is noteworthy that the biblical punishment for Sabbath transgression—death—is explicitly rejected (4QD^f fr. i 4), and the usual sectarian version of capital punishment—expulsion—is not applied. Hempel rightly points to calendrical issues underlying the law: in the sect's calendar, no festival falls on a Sabbath. (See the related prohibition of bringing any offering on the Sabbath besides the Sabbath offering in CD 11:17b–18a.) Based on its leniency, I speculate that the law has new members of the sect in view: they were accustomed to following the 354-day temple calendar and may have inadvertently slipped back into their usual habits. Thus the law is not about regular Sabbath violations, but about celebrating a festival according to the wrong calendar, especially when the festival fell on a Sabbath. For the principle of leniency for new members who transgress the laws of the Torah see CD 15:13b–15a.

hostility to the Jerusalem priesthood. Several *mishmarot*, schedules of priestly courses plotted according to a 364-day year, are among texts that the sectarians composed or studied. Other calendrical texts, such as *Otot*, which followed S on the 4QS^e scroll, track priestly courses in conjunction with cycles of the moon and other celestial bodies, solar cycles, and jubilee periods. The absence of polemic in these texts cannot hide their obvious purpose: to correct the aberrant priestly courses by which the Jerusalem priests took their turns.¹⁴ Finally, D cites the book of *Jubilees* as a proper interpretation of the “times” (16:2–4); this citation indicates agreement with its polemical advocacy of the solar calendar. As *Jubilees* states:

And you, command the children of Israel so that they shall guard the years in this number, three hundred and sixty-four days, and it will be a complete year. And no one shall corrupt its (appointed) time from its days or from its feasts because all (of the appointed times) will arrive in them according to their testimony, and they will not pass over a day, and they will not corrupt a feast. But if they are transgressed, and they do not observe them according to his commandment, then they will corrupt all of their (fixed) times... For I know and henceforth I shall make you know... lest they forget the feasts of the covenant and walk in the feasts of the Gentiles, after their errors and after their ignorance. And there will be those who will examine the moon diligently because it will corrupt the (appointed) times and it will advance from year to year ten days. Therefore... they corrupt and make a day of testimony a reproach and a profane day a festival, and they will mix up everything, a holy day (as) profaned and a profane (one) for a holy day (6.32–37, tr. O. S. Wintermute in J. Charlesworth, ed., *OTP*).

This passage contrasts the “feasts of the Covenant,” which are observed according to the solar calendar, with the “feasts of the Gentiles,” which are observed according to the lunar calendar and rooted in “error and ignorance” (6.35). The Covenanters agree with this assessment of the lunar calendar: it exchanges practice based on knowledge of eternal cosmic order that God revealed to Israel for the practices of ignorant and idolatrous Gentiles.¹⁵ Treating a holy day as a common one defiles

¹⁴ See the twenty calendrical texts edited by S. Talmon et al. in *DJD* 21: 4Q320–330 (*mishmarot*); 4Q337 and 4Q394 1–2, fragmentary calendars; 4Q394 3–7 i, a 364-day festival calendar that was apparently attached to a copy of MMT; 6Q17; and 4Q319 (*Otot*).

¹⁵ Similar statements on the superiority of the solar calendar to the lunar occur throughout 1 Enoch, which the Covenanters highly favored (twenty-one mss. of 1 Enoch or texts closely related to 1 Enoch were found in the Qumran caves). While

the holy day and breaks the commandment; similarly, observing holy festivals on common days renders the observances ineffective. Following the wrong calendar fills Israel with transgressions, and deprives Israelites of means to atone for them.

3.2.1.5 *The Combination of the Offices of King and High Priest*

It is well known that the Covenanters disapproved of the Hasmoneans' combination of the offices of high priest and king.¹⁶ This disapproval is reflected in their description of a key marker of Israel's restoration: the advent of two Messiahs, one of Aaron and one of Israel. One passage in the Admonition states that evildoers will be destroyed when the Messiahs arise (CD 19:10–11a). Another seems to define the period of the sect's existence as extending from the death of the Teacher of Righteousness until the advent of the Messiahs (19:32b–20:1a).¹⁷ Two texts in the laws of D limit the validity of certain statutes to the time preceding the advent of the Messiahs of Aaron and of Israel; the same limit appears in S (CD 12:22b–13:1a; 14:18–19; 1QS 9:10b–11). In its depiction of restored Israel, SE describes assemblies and meals at which the high priest and the king will perform their actions in turn, the priest's preceding the king's (1QSa 2:11–14; 2:17b–21a). Clearly separation of the offices is a central component of Israel's restoration.¹⁸

Jubilees is more polemical than 1 Enoch, 1 Enoch is more systematic in its argument that the solar cultic calendar conforms perfectly to the cosmic order established by God. See esp. chs. 72–82, the Book of the Luminaries. In the Book of the Watchers, the last named Watcher is Asder'el, who taught "the course of the moon and the deception of man" (8.3). Pairing the two implies that they go hand in hand, and naming this transgression last implies that it is the worst.

¹⁶ On Covenanters' dual messianism see esp. J. Collins, *Scepter and the Star*, 75–101; also the survey by C. Evans, "Messiahs," *EDSS* 1.539–42. Jonathan Maccabee was arguably the first to combine the offices: he assumed high priesthood in 153 BCE while serving as military ruler, and was effectively recognized as king by the competing Seleucid rulers Alexander and Demetrius, the first of whom sent him crown and purple robe (1 Macc 10:15–45). During his reign he made alliances with foreign powers, Sparta and Rome, acting as ruler of the Judean people (1 Macc 12:1–23). While Judea was not formally established as a kingdom until the reign of Aristobulus (104/3 BCE), the Hasmonean rulers acted as kings well before then, and continued to combine the offices of high priest and king until Pompey's intervention in inter-Hasmonean civil strife in 63 BCE.

¹⁷ So also D. Schwartz, *PTSDSS* 3.35 n.112.

¹⁸ Similarly 4QTestimonia offers a prophetic reading of texts from the Torah predicting the advent of a prophet (ll. 1–8), king (ll. 9–13), and high priest (ll. 14–20), the same figures mentioned in 1QS 9:11. On sectarian expectation of prophet, priest, and king see Collins, *Scepter and the Star*, 74–75, 112–117.

3.2.1.6 *Human Thriving*

Cultic errors bring devastation upon the people of Israel. This theme, drawn from biblical texts,¹⁹ recurs throughout the Admonition, primarily in descriptions of past generations of apostate Israelites who were judged: God surrendered Israel to the sword of Nebuchadnezzar (CD 1:3–4, 17, 21–2:1; cp. the catalogue of transgressors and their punishments in 2:16–3:12). The passage from *Jubilees* quoted above implies the egregiousness of calendrical transgressions: they cause Israel to walk in the ways of the idolatrous nations. As Leviticus emphasizes, walking in the ways of other nations defiles the land and causes it to spew out its inhabitants (Lev 18:24–28; 20:22–26). The Admonition draws upon this claim and goes further: not only will transgressors suffer in the future, but their transgressions immediately bring misery upon the innocent and harm the land itself (CD 3:10; 5:20–6:2a).

3.2.1.7 *History Repeats Itself*

The Covenanters predict that defilement of the land and sanctuary would result in the apostates' destruction in the near future.²⁰ It had, after all, happened before: their destruction will repeat judgments that happened to previous generations of apostate Israelites. For example, the Covenanters claim that in their time the Judean state stands under the influence of Belial, who "runs unbridled in Israel" (4:14–18). This situation repeats what occurred in Israel's past:

- 1) The Torah was hidden from the time of Joshua until the time of David, when Zadok the priest restored knowledge of its laws. David was snared by *zenuth*, one of the nets of Belial, but when Zadok restored knowledge of the Torah, David repented and obtained God's forgiveness (5:1–6). David's response was like that of the Covenanters, who had, in their own time, revived the proper interpretation of the Torah. To those who repented of their sins, God extended atonement (2:2–5; 3:12–16, 18–20; 3:21–4:7).
- 2) During the Exodus, Belial raised up Johne and his brother against Moses and Aaron, who were guided by the "Prince of lights" (5:17–18). This was repeated in the Covenanters' time, when they were guided by God's Spirit (2:12), while the rest of Israel stood under Belial's dominion (5:11–19).²¹

¹⁹ See esp. Lev 18:24–28; 20:22–24; Deut 28:15–25, 36–52, 62–68; cp. 24:4.

²⁰ On the imminence of judgment see MMT C 12–32.

²¹ On the influence of God's Spirit on the Covenanters see IQS 3:6–7, 24; 4:3, 5–6, 21; 8:16; 9:3. On the influence of evil spirits on the apostate see IQS 3:20–21; 4:9.

- 3) Immediately before Judah's destruction by Babylon, trespassers led Israel astray, speaking against the "commandments of God given by Moses." Destruction befell them and the land became desolate (5:20–21; similarly 1:3–4, 11–2:1; 3:5–10). Of those who despise and speak against the law there will be no survivors (2:6–7; 5:11–13).
- 4) In the time of Isaiah, God gave understanding to the prophet about the destruction to befall Israel. Then God handed the backsliders over to the sword; the righteous escaped to the North (7:9–15). Similarly in the Covenanters' generation, the prophets—i.e., their books—were despised, and the Torah effectively went into exile in "Damascus," wherever this location may be. There the "interpreter of the Torah" preserved knowledge of and adherence to covenantal law (7:14–20). While the wicked "sons of Seth" suffered by the sword during the first judgment, some escaped. They will not, however, escape the second judgment, i.e., that of the Covenanters' generation (7:19–8:1a).

While the Admonition addresses the righteous remnant of Israel, much of its narrative treats wicked generations that were destroyed. Thus in the survey of the generations in 2:16–3:12, only Abraham, Isaac, and Jacob are named as faithful (3:2–4). The rest turned away: the Watchers of heaven broke the statutes; they and their sons fell and were destroyed by the flood (2:17–21); the sons of Noah and their families sinned and were cut off (3:1); Jacob's sons strayed, and then Israel broke the statutes not only in Egypt, but also in the wilderness. The transgressors were cut off (3:4–10). The "first ones who entered the covenant" of Moses rebelled and were finally given up to the sword, i.e., to Nebuchadnezzar (3:10–12). Emphasis on the constant presence of the wicked throughout Israelite history buttressed the identity of the Covenanters, who found themselves in the minority of Judean society. Their own situation mirrored that of the righteous minority that appears Scriptural narratives. The fact that they were in the minority proved that they stood on the right side of history.

3.2.1.8 *Politics Not Scholastics: The Orientation of the Covenanters' Ideology*

The Covenanters were concerned about proper governance of Israel, comprehensively. They studied the cult—how to schedule the annual festivals; how to atone for the land; how to maintain Israel's covenant with God. They studied law, from detailed halakic interpretation of Scripture to the establishment of courts and the rendering of judgment. They studied state authority, from the relationship between king and high priest to the local councils of judges and priests. And they

studied Israelite history, both through its narratives and in their interpretations of the prophets, locating their emergence of their sect as the climactic event of God's dealings with Israel. While many of their beliefs revolved around speculations about the supernatural world, their agenda was eminently practical: how to govern Israel, once it was restored.

This practical feature of the Covenanters' alternative civic ideology underscores an important difference from the philosophical schools to which they are frequently compared. While the Stoics, for example, were concerned with actual political governance, their political polemics were speculative, utopian, and aimed at the competing theories of other philosophical schools—especially Platonism. Middle Platonists like Plutarch similarly applied their energies to exposing the weaknesses in the doctrines of other schools—Stoics and Epicureans in particular.²² Other scholastic debates raged over logic and epistemology, such as are visible in Sextus Empiricus' grand campaign against other philosophical schools and methods in *Against the Professors*.

In contrast, winning academic debates against rival schools was not the point of the Covenanters' study. It is true that MMT contains several halakot that take an anti-Pharisaic position, and that their polemics against the "Man of the Lie" whose followers were "seekers after smooth things" (דורשי חלקות, CD 1:14–21) probably refers to a dispute with a Pharisaic teacher and his followers. But this dispute had profoundly concrete implications in the first century BCE. Josephus reports that on his deathbed, Alexander Jannaeus urged his wife to side with the Pharisees, whom he had treated murderously, and with whom his father, John Hyrcanus I, had split. As long as Salome Alexandra ruled, the Pharisees wielded real political power. They urged Salome to put to death those who had urged Alexander to slay eight hundred of their own number, and took care of the bloody business themselves in some cases (*Ant.* 13.409–11). In these circumstances, heightened rhetoric against a group whose halaka differed makes good sense: the Covenanters were not quibbling with rival schools over the minutiae of biblical statutes, but were engaged in mortal battle against the minions of Belial. The outcome of the battle would determine whether Israel was ruled by the Covenanters' precise interpretation of

²² See Plutarch's *On Stoic Self-Contradictions*, *Against the Stoics on Common Conceptions*; also *Against Epicurean Happiness* and *Against Colotes*.

divine ordinances, or by the “smooth things,” permissive interpretations of laws that betrayed the covenant with God.²³

References to specific figures in the Covenanters’ era underscore the practical, political nature of the Covenanters’ ideology: they fixated on the most important political and military leaders. John Hyrcanus I and his sons Aristobulus and Antigonus are the target of 4QTestimonia, which interprets the sons’ deaths as fulfillment of biblical prophecy, retribution for their father’s rebuilding of Jericho.²⁴ A prayer against John Hyrcanus I’s son, Alexander Jannaeus, comes in 4Q448.²⁵ Calendrical texts give the dates at which major political intrigues were underway, such as when Alexander’s widow Salome Alexandra (Hebrew, Shelamzion) saw her son Hyrcanus II rebel, most likely against his brother Aristobulus II (4Q332 fr. 2 4–6). The fact that MMT was written as a petition to a king of Judea, inviting him to consider changing Judean law to conform to sectarian halaka, confirms the Covenanters’ ambition: comprehensive reform of state law. Other texts confirm that their agenda had to do with political power at the top levels: the Wicked Priest, most likely a high priest, is referred to several times in the *peshtarim*. We find references to three confrontations between him and the Teacher of Righteousness: he attempted to harm the Teacher and his followers (1QpHab 9:8–10a), pursued the Teacher to his place of rest on the Day of Atonement (1QpHab 11:2b–8a), and tried to destroy the Teacher and the Torah that he sent (4QpPs^a fr. 3–10 iv 7–9). The claim that the Teacher had sent a “Torah”—probably a halakic text like MMT—to the Wicked Priest confirms the Covenanters’ aim of legal reform that would affect, or that could only be effected by, Judean leaders. Further, the Covenanters were keenly aware of international events that affected Judea as a whole: calendrical texts record the dates of the activity of Pompey’s general, Aemilius Scaurus (4Q333), and another text names the Jewish general Peitholaus, who fought against Antipater in the internecine conflicts of the

²³ For a summary of scholarship and evidence regarding the Covenanters’ dispute with the Pharisees see Collins, *Beyond the Qumran Community*, 113–18.

²⁴ For a full review of evidence for the Covenanters’ polemics against John Hyrcanus I see H. Eshel, *The Dead Sea Scrolls and the Hasmonean State* (Grand Rapids: Eerdmans, 2008) 63–89.

²⁵ Here I agree with E. Main, “For King Jonathan of Against? The Use of the Bible in 4Q448,” in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*, ed. M. Stone and E. Chazon (STDJ 28; Leiden: Brill, 1998) 113–45.

mid-first century CE (4Q468e). Again, in contrast to the philosophical schools, the sect's enemies were not rival scholastics, but Jewish kings and priests, and the Romans, from the Senate (1QpHab 4:9–13) to the legions (1QpHab cols. 2–4; 6; 9; 1QM cols. 1; 11; 15–19).²⁶

3.2.2 *Positive Alternative Civic Ideology in D*

3.2.2.1 *Origins: the Teacher of Righteousness*

Like the Epicureans, Cynics, Stoics, and the Pauline *ekklēsiai*, the Covenanters attribute their doctrine and practice to a specific individual: the Teacher of Righteousness. While it is clear that D reached its final form after the Teacher's death, which is mentioned at CD 20:1, 13–14, and that the sect existed in some form for about two decades before his arrival (1:8–10), the Covenanters attribute the core of their doctrine and halaka to him. As CD 20:27–28 indicates, walking according to the Torah, repenting before God, and heeding the Teacher are inseparable.²⁷

According to D, God raised up the Teacher to instruct a community that had been “blindly groping” after righteousness for twenty years. The Teacher revealed to them the patterns of history, the nature of their own time, and the eschatological destinies of the righteous and the wicked (1:10–17). He restored the true interpretation of the Torah during an age when the Judean authorities despised its commandments. In the Covenanters' eschatology, the evil age was coming to an imminent end as divine judgment approached (6:7–10).²⁸

²⁶ For a thorough survey of references to known historical figures in the DSS see M. Wise, “Dating the Teacher of Righteousness and the *Floruit* of His Movement,” *JBL* 122 (2003) 67–81. For a brief summary see Collins, *Beyond the Qumran Community*, 98–99.

²⁷ CD 3:8 describes Moses with language quite similar to that used to describe the Teacher: Moses, like the Teacher, taught commandments to his generation, but most rejected his teaching, along with the voice of God. The text of CD is corrupt; 4QD^d fr. 2 2–4 allows reconstruction of the original text: the generation of Israelites in Egypt “did not listen to the voice of the one who had made them, nor gave they ear to the one who taught them commandments (ולוא שמעו לקול עושיהם [ולוא האזינו יוריהם] למצוות).”

²⁸ In 6:7–10, an allegorical interpretation of Num 21:18, the Teacher is called the *דורש תורה*. His statutes obtain during the evil age; another, apparently more enduring interpretation of the Torah will come through a future figure who will teach righteousness at the End of Days (4Q174 fr. 1–2 i 12).

3.2.2.2 *The Political Identity of the Covenanters During the Evil Age*

3.2.2.2.1 *Remnant, Exiles, Camps, and Congregation* D, like several other sectarian compositions, identifies the Covenanters as a remnant (פליטה, שארית), chosen by God from among Aaron and Israel to preserve righteousness in the evil age. Through this remnant God will restore Israel at the End of Days (CD 1:4; 2:11–12a). The terms and concept come from Scripture; its usage there, as in D, is constitutional in the sense that it refers to the restoration of Judah and Israel through a faithful remnant who return from exile.²⁹ Several passages in D invoke this exilic theme: sectarians are those who depart Judah to dwell as resident aliens in Damascus (היוצאים מארץ יהודה, ויגורו בארץ דמשק, CD 6:5; cp. 4:2b–6a; 6:19). Whatever the original meaning of “Damascus,” the language evokes comparison of the sect’s generation and that of the Babylonian exile. Like the remnant language, the motif of temporary dwelling underscores the temporary nature of the sectarians’ current situation: soon they will quit their places of “alien residence” to dwell in and govern the holy land. It is noteworthy that many biblical texts refer to patriarchs and Israelites who lived as aliens in the holy land—precisely what the Covenanters did.³⁰ This sort of separation seems apparent in MMT, which describes the sect’s separation מרוב הנעם on the basis of halakic principles, even while its members remain engaged commentators on Judean cultic and political affairs.³¹ The *War Rule* may clarify the concept of exile in D: sectarians regarded Judea as so desolate that they could refer to the מדבר ירושלים (1QM 1:3). Thus Sons of Light who come from their גולת המדבר (1:2) may already live in Judea, while those from the ממדבר מעמים... גולת (1:3) are in the diaspora.

²⁹ Cp. 1QM 13:8; 14:8–10; 1QH^a 14:11; 4Q174 fr. 1, 3 ii 1–3. See Isa 10:19–22; 11:11, 16; 28:5–6; 37:4, 31–32; similar themes occur in Jer 23:3; 31:7–8; 42:1–19; 50:20; Zeph 2:7–9; 3:13; Haggai 1:12–14; 2:2–9; Zech 8:6–12; 9:7–10. Cp. 2 Kings 19:30–31; Amos 5:15; Micah 4:7; 5:7–8; 7:18; Ezra 9:8, 13–15.

³⁰ For Judahite exiles living in sojourn (גור, מגור) in Babylon see Ezek 20:38; Ezra 1:4; cp. Lam 4:15. For living in Canaan as a resident alien see Gen 20:1; 26:3; 35:27; Exod 6:4; cf. Jer 35:7; 43:5; Ps 105:12; 1 Chr 16:19. On dwelling as a resident alien outside the holy land see Gen 12:10; 17:18; 28:4; 36:7; 37:1; 47:9; Deut 26:5. See also Isa 52:4; Jer 42:15–22; 43:2; 44:8, 12, 14, 28; Ps 119:54.

³¹ See MMT C 7b–8a. On the concept of exile in D see esp. Knibb, “Exile in the Damascus Document,” *JSOT* 25 (1983) 99–117. On the debate the meaning of “Damascus” see Collins, *Beyond the Qumran Community*, 28–31, and J. Murphy-O’Connor, “Damascus,” *EDSS* 1.165–66, and the literature that they cite.

Regulations on communal organization and activity in D, as well as S, preserve this remnant of exiles by offering halakic guidance on how to remain faithful to the covenant during the evil age. The Rules also prepare the remnant for restoration; this seems implied in the two commonest self-designations in D: *מחנה* and *עדה*. Both terms come from Scripture, where they designate all of Israel. “Camp” was likely chosen to identify the Covenanters with the wilderness generation of the Israelites, after the Exodus from Egypt. Both groups had not yet laid claim to the holy land that was rightfully theirs; both studied the Torah of Moses and conducted cultic activity apart from the temple. Perhaps most importantly, *מחנה* affirms the sectarian militaristic ideology evident in M, where the term regularly designates a fighting division or army—a common usage of *מחנה* in Scripture.³² The term Camp, then, succinctly conveys a related set of identities that sectarians claimed for themselves: Israelites following the Torah of Moses in the wilderness, dwelling in temporary, transitory, well regulated conditions, enemies of the apostates dwelling in and defiling the land, and a mustered host preparing for God to initiate and aid in holy warfare.³³

³² See 1QM 6:16; 7:1, 3, 7; 10:1; 14:2, 19 (reconstructed); 16:3; 18:14; 19:9. Military usage of *מחנה* is extensive in the Torah: Gen 50:9; Exod 14:19–20, 24; Num 1:52; 2:3, 9–10, 16–18, 24–25, 31–32; 4:5, 15; 10:2, 5–6, 14, 18, 22, 25, 34; 11:1, 9, 26–27, 30; 31:19, 24; apparently Deut 2:14–15; 23:10–13, 15. Cp. Gen 32:7, 9, 11, 22; 33:8; 50:9. Dwelling place: Exod 16:13; 19:16–17; 29:14; 32:17, 19, 26–27; 33:7, 11; 36:6; Lev 4:12, 21; 6:4; 8:17; 9:11; 10:4–5; 13:46; 14:3, 8; 16:26–28; 17:3; 24:10, 14, 23. Num 11:1, 9, 26–27, 30–32; 12:14–15; 13:19; 14:44; 15:35–36; 19:3, 7, 9; 31:12–13 (also military); Deut 29:10. The same pattern obtains in the Deuteronomistic history: Military: Josh 1:11; 3:2; 6:11, 14; 8:13; 10:5–6, 15, 21, 43; 11:4; Judges 4:15–16; 7, passim; 8:10–12; 21:8, 12 (place of deliberation and judgment); 1 Sam 4:3–7; 11:1; 13:17; 14:15, 19, 21; 17:1, 4, 17, 46, 53; 26:6; 28:1, 5, 19; 29:1, 6; 2 Sam 1:2–3; 5:24; 23:16; 1 Kings 16:16; 22:34, 36; 2 Kings 3:9, 24; 5:15; 6:24; 7:1, 4–16; 19:35. Dwelling place: Josh 5:8; 6:18, 23; 9:6; 18:9. Cp. usage in the writings and the prophets: Military: 1 Chr 11:15, 18; 12:23; 14:15–16; 2 Chr 14:12; 18:33; 22:1; 32:21; Psa 27:3; Sol 7:1; Isa 37:36; Ezek 1:24; 4:2; Joel 2:11; Amos 4:10; Zech 14:15. Dwelling place: 1 Chr 9:18–19; 2 Chr 31:2 (cultic); Ps 78:26; 106:16.

³³ It is probable that Covenanters had direct contact with military units at one point or another, but contact with or experience in an army would hardly have been necessary to produce familiarity with military terminology, organization, discipline, and practices, or a militaristic ideology. We should note that scholars have pointed to Josephus' reference to the general Ἰωάννης ὁ Ἐσσαίος who served in the war against Rome (*BJ* 3.11). Yet this identification is problematic: as Steven Mason has shown, “John of Essa” is probably what the Greek means: he was not an Essene. See idem, “Essenes and Lurking Spartans in Josephus' *Judean War*: From Story to History,” in *Making History: Josephus and Historical Method*, ed. Zuleika Rodgers (Leiden: Brill, 2006) 219–61; also, “What Josephus Says about the Essenes in His *Judean War*,” *Text and Artifact in the Religions of Mediterranean Antiquity: Essays in Honor of Peter*

The term *עדה* firmly identifies the sectarians with Israel, and anticipates the sect's eschatological role as the holy people of restored Israel. Throughout Scripture, *עדה* designates the people of Israel as a whole and often occurs in conjunction with the adjective *כל*, as in the phrases "all the congregation," and "all the leaders of the congregation."³⁴ Such usage influenced the title of SE, *הסדר לכול עדת ישראל* (1QSa 1:1), the sectarian constitution for restored Israel that I treat in Chapter 5. Since *עדה* designates all Israel both in Scripture and in SE, one would expect it to designate the sect as a whole in D. Surprisingly, while D does use *עדה* for the sect as a whole (14:10; 4QD^a fr. 10 i 3 || CD 14:11; 4QD^e fr. 7 i 14), it also applies the term to local communities, i.e., the Camps (13:10–13; 4QD^a fr. 10 i 3–4 || CD 15:17). We might attribute this usage to a desire to identify members of the Camps as already—or almost—citizens of the restored Congregation of Israel. In any case, the scriptural term reminded sectarians of their unique claim to identity as God's holy people, and their central role in Israel's eschatological restoration.

3.2.2.2.2 *Sectarian Halaka: Courts and Cult* The Teacher's halakic program focuses on two areas of social action, the courts and the cult. A comprehensive system of laws and courts allowed the Covenanters to teach and enforce their halaka independently. Their alternative cultic system included observance of the festivals according to the solar calendar, and guaranteed that they would receive atonement (CD 3:18–20; 4:6–10; 14:19; 20:34). Indeed, as S and SE note, the Covenanters' cultic activity atones for the land itself (1QS 8:6; 9:4; 1QSa 1:3). Importantly, the Teacher's program prescribed separation from the

Richardson, ed. S. Wilson and M. Desjardins (Waterloo: Wilfrid Laurier University Press, 2002) 434–67.

³⁴ The vast majority of the occurrences of *עדה* in Scripture (102 of about 140) are in the Torah. Here I give all references to Israel as an *עדה*; those accompanied by *כל* are marked with an asterisk: Exod 12:3, 6, 19, *47; *16:1, *2, *9, *10, *16; *17:1; *34:31; *35:1, *4, *20; 38:25; Lev *4:13, 15; *8:3, 4, 5; *9:5; *10:6, 17; 16:5; *19:2; *24:24, *16; Num *1:2, 16, *18, 53; *3:7; 4:34; *8:9, *20; 10:2, *3; 13:26 (**bis*); *14:1, *2, *5, *7, *10, 27, *35, *36; 15:24* (*bis*); *25, *26, *33, *35, *36; 16:2, *3, 9 (*bis*), 19 (**bis*), 21, *22, 24, 26, *41, 42, 45, 46; 19:9; *20:1, 2, 8 (*bis*), 11, *22, *27, *29; *25:6, 7; *26:2, 9; *27:2, 14, 16, 17, *19, *20, *21, *22; 31:12, *13, 16, *27, 43; 32:2, 4; 35:12, 24, 25 (*bis*). Instances outside the Torah include Josh 9:15, *18 (*bis*), *19, *21, *27; *18:1; 20:6, 9; *22:16, 17, *18, *20, 30; Jud 20:1; 21:10, *13; 21:16; 1 Kings *8:5; 2 Chr *5:6; *7:8; 24:6; Ezr 10:8; Ps 1:5; 22:22, *25 (*גדול* replaces *כל* in the Psalms); *26:12; *35:18; *40:9, *10; *68:26; 74:2; 107:32; 111:1; Prov 5:14; Jer 6:18; 30:20; Lam 1:10; Joel 2:16; Sir 4:7; 41:18; 44:15; 46:7, 14.

corrupted elements of Judean society, but not from Judean society as a whole. The separation is precise and, in many ways, temporary: in the sect's eschatology, what is valid in Judea would persist after restoration; what is invalid will be replaced by the Covenanters' version.

3.2.2.2.3 *"Priests, Levites, and Sons of Zadok": Cultic Identity* The Covenanters' primary grounds for dissent were cultic.³⁵ One passage in the Admonition identifies the sect as a whole in priestly terms, in an allegorical interpretation of Ezek 44:15:

...God swore to them through the hand of Ezekiel the prophet, saying, "The Priests and the Levites and the Sons of Zadok, who kept the watch of my sanctuary when the children of Israel strayed from me, they shall present to me fat and blood" (Ezek 44:15). "The priests" are the penitents of Israel who depart from the land of Judah; ("the Levites" are those) who accompany them, and the "Sons of Zadok" are the chosen ones of Israel, those called by name, who stand at the end of days (CD 3:20–4:4).³⁶

The Covenanters' interpretation takes liberties with the text of Ezekiel. The MT refers to a single group with two appositional nominal phrases: הכוהנים הלויים בני צדוק, "the Levitical priests, the Sons of Zadok." The text of D quotes the passage as though it contains two nouns and one nominal phrase, designating three groups: "the priests *and* the Levites *and* the Sons of Zadok" (הכוהנים והלויים ובני צדוק). It then allegorizes the three titles as references to groups in different periods in the sect's history. The "priests" initiated separation; the "Levites" later joined them; and the "Sons of Zadok" designate the sect as a whole in its present, mature form, as it awaits divine intervention at the End of Days. It is noteworthy that "Sons of Zadok" identifies all sectarians "from Israel," rather than "from Aaron": non-priestly members are included among the "Sons of Zadok" in the allegorical reading. Ascribing Ezekielian honorific title to the sect as a whole accomplishes three things. First, it underscores the Covenanters' unique fidelity in keeping the cultic laws: they alone have legitimate claim to Ezekiel's title for righteous priests. Second, this claim implies a polemic against the temple priests: even the non-priestly Covenanters are more worthy of the title

³⁵ For detailed discussion see P. Heger, *Cult as the Catalyst for Division: Cult Disputes as the Motive for Schism in the Pre-70 Pluralistic Environment* (STDJ 65; Leiden: Brill, 2007).

³⁶ Tr. J. Baumgarten in PTSDSS 2.17–18, with my modifications.

than they. Finally, the title plays upon the resemblance of צדוק to צדק: Sons of Zadok are בני צדק, “sons of righteousness,” another sectarian self-designation (1QS 3:20; 9:14; cp. 1QM 1:8; possibly 13:10); cp. “those who know righteousness” (יודעי צדק, CD 1:1).³⁷

3.2.2.2.4 *Cultic Separation* D treats the cult extensively; sectarians may not “enter the sanctuary to light (God’s) altar in vain.” (CD 6:13–14). When they sacrifice, they must follow the “precise interpretation of the Torah for the age of evil” (פרוש התורה לקץ הרשע). This requires separating from the “sons of the pit,” distinguishing between pure and impure, and holy and profane, and observing the Sabbath, festivals, the Day of Atonement, and making holy offerings “according to their precise interpretation” (כפרושיהם, 6:17–20).³⁸ In the laws, D prohibits offering anything besides the Sabbath burnt offerings on the Sabbath (11:17–23). Because non-sectarians follow the wrong calendar, their observances of the annual festivals, especially the Day of Atonement, are “in vain.” Thus the interpretation of the Torah for the age require Covenanters to limit their participation in the temple cult: they may not participate in the annual festivals, but can offer Sabbath offerings and, presumably, new moon, purification and guilt offerings, provided that they presented them in a manner consistent with sectarian halaka.³⁹ D’s limited affirmation of the temple cult suggests that the Covenanters continued to regard it as essential to their identity, even if they only participated in a portion of its activities.⁴⁰

³⁷ As I discuss in the next chapter, “Sons of Zadok” designated real priests in some recensions of S, but was probably an honorific title, not a designation of lineage. In defense of this view see J. Baumgarten, “The Heavenly Tribunal and the Personification of Sedeq in Jewish Apocalyptic,” *ANRW* 2.19.1 (1979) 219–39; J. Collins, *Beyond the Qumran Community*, 46–48 and 60–65; A. Hunt, *Missing Priests: The Zadokites in Tradition and History* (JSOTSup 454; London: T&T Clark, 2006); M. Brutti, *The Development of the High Priesthood during the Pre-Hasmonean Period: History, Ideology, Theology* (JSJSup 108; Leiden: Brill, 2006) 110–15.

³⁸ Yom Kippur is called יום ההעניית, the day of “fasting” or “penitence,” in CD 6:19. D. Schwarz rightly notes that the “‘day of the fast’ *par excellence* is the Day of Atonement.” The term “day of the fast” is also applied to Yom Kippur in 1QpHab 11:5–8 (PTSDSS 2.25).

³⁹ See the halakot on guilt offerings in CD 9:10b–16a and 4QD^a fr. 11 1–3a, discussed below. I argue that individual Covenanters did not bring a guilt offering of a ram to the temple due to restrictions on oaths and contributing to the “wealth of the sanctuary,” which the priests exploited. Either no offering was brought at all, or sectarian priests brought the ram to the temple on behalf of members.

⁴⁰ So also Baumgarten and Schwartz, PTSDSS 2.7. Others have pointed out that while the Covenanters regarded the temple cult as ineffectual or defiled, they still

3.2.2.2.5 *Juridical separation* Along with cultic separation from the Sons of the Pit, the Covenanters are required to seek legal relief only before the sectarian court. This is alluded to in the Admonition: “let every man reprove (להוכיח) his brother in accordance with the statute and not keep a grudge from one day to the next” (CD 7:2–3). As we will see in our examination of CD 9:16b–23a, the statute is that of “Reproof” (הוכיח), a legal procedure detailed in D by which all juridical proceedings must to be conducted, from minor transgressions to capital crimes. It requires accusation on the day of the transgression before a sectarian official in the presence of witnesses. The official records the accusation in writing. The “statute” probably also includes the sect’s laws on testimony and judges (CD 9:2–8a). The sect’s civic ideology is clear: claiming comprehensive legal authority implies state-like authority, and that the Judean courts are illegitimate.

3.2.2.2.6 *Degrees of Separation* While separation is prescribed for all Covenanters, not all segments of the sect separated from Judean society to the same degree. CD 7:4b–9a distinguishes between the “men who walk in perfect holiness” who will inherit “life for a thousand generations” from those who live in Camps according to the “rule” (סרך) of the land, take wives, and beget children (7:4b–9a). We may infer that the men of perfect holiness live in a more centralized location and do not marry, but were celibate.⁴¹ The distinction between the men of perfect holiness and those who dwelt in Camps corresponds to the distinction between segments of the sect, i.e., common members of the Camps governed by D, and members of the *Yahad* governed by S. While members of the Camps participate in the temple cult to a limited degree, members of the *Yahad* do not participate at all. Instead they maintain their own cultic practices oriented around procuring atonement for the land and for the sect as a whole.

3.2.2.2.7 *Further Positive Elements of the Covenanters’ Civic Ideology* In our survey of D’s critique of the state we have already covered or

treated the temple itself with reverence. See esp. Kugler, “Rewriting Rubrics,” 91–92, 112; also Eileen Schuller, “Worship, Temple and Prayer in the Dead Sea Scrolls” in *Judaism in Late Antiquity* part 5, *The Judaism of Qumran* vol. 1, *Theory of Israel*, ed. A. Avery-Peck, J. Neusner and B. Chilton (Leiden: Brill, 2001) 131–32.

⁴¹ On this point J. Baumgarten’s analysis is persuasive. See idem, “Celibacy,” *EDSS* 1.122–24, and “Qumran-Essene Restraints on Marriage,” *Archaeology and History in the Dead Sea Scrolls*, ed. L. Schiffman (Sheffield: JSOT, 1990) 3–24.

alluded to primary features of the Covenanters' civic ideology. A brief survey of themes will suffice here.

Proper understanding of theology and nature: The Teacher's instruction provides what the rest of Israel lacks: proper knowledge of God. D stresses that knowledge is a gift granted by God to those to whom God chooses to reveal it. The rest God rejects, hiding knowledge from them (CD 2:2–16). The Covenanters acquired several forms of knowledge. The most important preserved in D, as well as in other halakic texts such as MMT, is sectarian interpretation of the Torah's statutes, e.g., those pertaining to marriage, relationships with Gentiles, and so forth. Ritual purity and freedom from defilement distinguishes the Covenanters from their apostate counterparts.⁴² Finally, proper understanding of nature—i.e., of the immutable solar cycle by which the cosmos, and along with it the cultic calendar, are regulated—is a key component of the sect's correct interpretation of the Torah.

Participation in the covenant and human thriving: As we have considered, only those who acquire knowledge and heed it are faithful participants in Israel's covenant with God. This is not to say that other Israelites did not participate in the covenant—they did indeed, as heirs of its devastating curses.⁴³ After God's judgment, the righteous remnant will inherit the land (CD 1:7–8); through them, Israel will be repopulated (2:11–12); then they will live in security, with divine blessing and protection (3:12–20).

Justice: We have already considered the social injustice perpetrated by the wicked. Its positive counterpart is the sect's practice of justice: loving fellow sectarians, caring for the poor, the resident alien, the elderly, sick, mentally disabled, and female virgins and male youths who had no guardian (CD 6:20–7:1; 14:12–16). Claiming responsibility for all of these vulnerable classes of people not only characterizes the Covenanters as righteous and just. As we will see in the Rule for the Many in CD 14, the comprehensiveness of responsibility for vulnerable people implies that the sect possessed state-like responsibility and resources.

⁴² E.g., CD 6:15–17; 7:3; cp. 10:13; 11:20–22; 12:1, 4, 11, 18; 1QS 4:5; 5:14, 20.

⁴³ On the sect as party to the covenant with Israel see CD 1:4–5; 3:12–13; 4:7–10; 6:2–13; 7:4–9; 8:16–18; 14:1–2; 19:1–2. On the application of the curses of the covenant to the apostate majority see CD 1:16–20; 2:15–16; 3:10–11; 19:13–14; cp. 7:9–8:1; 1QS 5:12; MMT C 9–21; cp. CD 2:6; 1QS 4:14; 1QM 1:6; 4:2; 18:2–3; 1QH^a 14:35).

History: One of the most salient aspects of D's civic ideology is its temporal orientation. As we have seen, D locates the Covenanters' appearance in the context of a divinely predetermined arrangement of Israelite history. The Covenanters saw themselves in the context of patterns of biblical history: just as other generations had seen apostasy, so theirs was in the midst of apostasy; just as God had spared Israel through a remnant in the past, so had God created a new remnant in the present, through which righteous Israel would be restored (2:11–12). As we will see when we turn to analogies in the Greco-Roman *politeiai*, historical narratives are commonly used to explain the origins and to promote the validity of a particular constitution and set of laws. D uses history similarly: narratives about the historical origins of the sect establish its legitimacy and delegitimize the governing authorities.⁴⁴

The constitutional nature of the Torah: Within the sect, the Torah of Moses is the ultimate authority for Israel as a whole. It is likely that the Covenanters thought of the Torah as “constitutional” in a real sense: it is the divinely revealed and eternal *politeia* for Israel. When they interpreted it, they did so with the governance of a nation in mind. This is hardly surprising, since the Torah was read as constitutional literature by other Jews in the second temple period. Josephus, for example, writes that the Torah contains the “laws and constitution” (νόμοι καὶ πολιτεία, *Ap.* 2.222, 264, 287; *Ant.* 4.194; cp. 4.198) of Israel, and in several places refers to the written laws of the Torah as a *politeia* (*Ant.* 4.194, 302–4; *Ap.* 2.295; cp. *Ant.* 4.223–24; 14.41; *Ap.* 2.165).⁴⁵

⁴⁴ E.g., CD 1:1–17; 2:5–13; 3:10–4:10; 6:2–11.

⁴⁵ Philo and Eusebius write similarly about Moses as a lawgiver who established Israel's *politeia*: see Philo, *Mos.* 2.2.; *Deus* 51–69; *Conf.* 190; *Contempl.* 78; Euseb., *PE* 12.16. As Tessa Rajak and others have noted, the Torah does not provide much guidance at all for the organization and regulation of an Israelite state: these details were inferred and elaborated upon by interpreters who worked with the paradigms of Greek and Roman constitutional literature in mind. See eadem, “The *Against Apion* and the Continuities in Josephus's Political Thought,” *Understanding Josephus: Seven Perspectives*, ed. S. Mason (Sheffield: University of Sheffield Press, 1998) 222–46; and M. LeFebvre, *Collections, Codes, and Torah: The Re-Characterization of Israel's Written Law* (London: T & T Clark, 2006) 180–81; Rajak notes that Josephus' conception of exactly how and what parts of the Torah were constitutional is impossible to pin down (eadem, “The *Against Apion*,” 228, 234–35). For further scholarship see S. Mason, “Pharisees in the Narratives of Josephus,” in idem, *Josephus, Judea, and Christian Origins: Methods and Categories* (Peabody, MA: Hendrickson, 2009) 194–95; Mason has recently written about Josephus' constitutional thinking in the *Antiquities*: “The Importance of the Latter Half of Josephus's *Judean Antiquities* for His Roman

3.2.3 *Constitutional Analogies to Civic Ideology in the Admonition*

While the laws of D and the other Rule Scrolls present numerous parallels to the statutes of contemporary voluntary associations, the *nomoi* lack parallels to the didactic theological and historical material in the Admonition, as well as to the similarly ideological material in the first four columns of 1QS.

3.2.3.1 *The Historical Context of Constitution and Law: the Aristotelian Constitution of Athens*

The *nomoi* of Hellenistic-Roman voluntary associations do not contain analogies to the civic ideology of the Admonition, but the *politeiai* of the philosophical schools do. The literary arrangements of the Aristotelian *Constitution of Athens* and of D are analogous in at least two ways. First, both texts use historical narrative and analysis to explain why things are as they are in the present; second, the texts organize blocks of material similarly. Both discuss the history of the state before describing its constitution and laws. Of the sixty-nine chapters of the Aristotelian *Constitution of Athens*,⁴⁶ the first forty-one trace the historical development of governance at Athens, from the legendary past (Ion, c. 15th century BCE) to the fourth century BCE. Admittedly the style and tone of the historical survey of the *Constitution of Athens* differ from those of the Admonition: the author took care to be descriptive, avoid polemics, and report moral judgments as popular verdicts, not his own opinion.⁴⁷ Nevertheless the purpose of the historical survey is similar to that of the Admonition: it narrates the context within which the laws in the rest of the text must be understood.

Audience,” unpublished paper delivered at the Workshop on the Study of the Pentateuch, Tokyo, August 8–31, 2007. For other groups’ constitutional interpretation of Torah see Lefebvre’s chapters on the Mishnah and Qumran, pp. 241–51.

⁴⁶ I follow P. J. Rhodes in attributing the work to Aristotle’s school, but not necessarily Aristotle himself. See Rhodes, *Commentary on the Aristotelian Athenian Politeia*, 58–63.

⁴⁷ A good example is the author’s brief treatment of Theramenes, whom some regarded as a villain for his participation in numerous forms of government that arose during the struggles among the oligarchs. The author cautioned that historical perspective is needed: Theramenes’ time was one of turbulent change, and his harsh tactics may have been due to his high regard for the law: he tolerated and participated in all forms of legal political activity, but “hated regimes that disregarded the law” (Arist., *Ath. pol.* 29.5).

3.2.3.2 *A Moral Indictment of the State: Xenophon's Constitution of Athens*

Xenophon's *Constitution of Athens* is also analogous to D, but for a different reason. Xenophon, like the author of D, deplored his state's constitutional and legal situation. His description of democratic Athens' constitution and laws is highly moralizing, and contrasts the problems of democracy with the benefits of aristocracy. Repeatedly Xenophon accuses the masses of being more interested in preservation of their own power, not justice or the best constitution (1.1, 7–9, 13, 16–19). One of their most egregious outrages is violation of treaties and oaths: unlike aristocracies, in which a small group of well known men take personal responsibility for an agreement and consistently abide by its terms, Athenian democracy allows its massive governing body to find myriad excuses for not observing an agreement.⁴⁸ He complains:

the common people at Athens know which citizens are respectable and which are wicked; realising that the latter are useful to them and help them, they like them despite their wickedness, but they tend to hate the respectable citizens. They do not think that their virtue exists for the common people's advantage but the opposite.⁴⁹

When allied cities were riven with civil strife, the Athenians consistently support the lower classes. They did this not out of devotion to justice, but to ensure that the civic authorities in allied states are commoners like themselves.

Xenophon's portrait of the Athenian state is not merely a description of the offices, courts, military, deliberative bodies, and laws of the state, but a moral indictment of Athens' system of governance.⁵⁰ His sustained attention to its failures is analogous to a major theme of the Admonition of D: the current authorities led the state and people into wickedness, relying on deception, murder, infidelity, oppression of the righteous, and other injustices, to sustain their regime.

⁴⁸ Xen., *Ath.* 2.17: through disingenuous arguments, the Athenians violate treaties: they blame the man who put the treaty to a vote, deny having been present when the agreement was debated, or claim that they were present and disapproved the matter.

⁴⁹ Xen., *Ath.* 2.19, tr. J. Moore.

⁵⁰ Even where Xenophon affects an admiring tone, such as when he admits that the Athenians do as well as can be done to sustain a democratic government, his point is that democracy breeds injustice and is far inferior to aristocracy. See Xen., *Ath.* 1.1; 1.5; cp. 3.8–9.

These analogies suggest that the “religious-moralistic” discourse of the Rule Scrolls, like the historical, cosmological, anthropological, theological, and moral materials of the *politeiai*, aimed to describe a state in its totality, from a particular moralistic perspective. The *politeiai*, like D, explicitly describe the ideology upon which the state is based and to which its laws must conform. The *nomoi* of more Greco-Roman voluntary associations, as we have seen, reflected the state ideology that the associations assimilated. There was no need for devotees of Zeus Hypsistos and Sebek in Egypt, of Dionysos in Athens, of Diana and Antinoüs at Lanuvium, and of countless others, to articulate their ideology in detail: they needed only indicate their allegiance to the state to make clear that they accepted its legitimating arguments.

3.2.3.3 *Associational Analogies to Statutes on Sacrifice*

Weinfeld, along with many other scholars, overlooks the statutes on temple sacrifice in D and claims that the Covenanters did not sacrifice at all.⁵¹ This tendency comes from a common interpretation of difficult passages in Philo and Josephus: the former says that the Essenes abstain from sacrifice, while the latter states quite clearly that they send offerings to the temple, while striving to keep their worship separate due to concerns about purity.⁵² Whatever the difficulties in interpreting the Greek texts, it seems safe to claim that the *Yahad* did not offer sacrifices in the Jerusalem temple. But D regulates how members of the Camps, not the *Yahad*, participate in the temple cult, and has several statements that make it impossible to maintain that the sectarians avoided the temple altogether. Not only does D regulate Covenanters’ temple sacrifices;⁵³ S legislates for a substitute sacrificial cult among the *Yahad* that procures atonement: the worship and judgment of the *Yahad* are accepted in place of “the flesh of holocausts and the fat of sacrifices” (1QS 9:4; cp. 8:10). As Robert Kugler demonstrates in his study of MMT, the Covenanters continued to “practice” all forms of

⁵¹ Weinfeld, *Organizational Pattern*, 46; similarly Klinghardt, “Manual,” 253–54.

⁵² Josephus, *Ant.* 18.19 and Philo, *Q.o.p.* 12.75. For an excellent overview of the issues see J. Baumgarten, “The Essenes and the Temple: A Reappraisal,” *Studies in Qumran Law* (Studies in Judaism in Late Antiquity 24; Leiden: Brill, 1977) 57–74. See Beall, *Josephus’ Description of the Essenes*, 115–19.

⁵³ See the laws on presenting offerings in accordance with sectarian interpretation of the Torah (CD 6:14–20); on Sabbath sacrifices (11:17–23); on guilt offerings in cases of ownerless property (9:10b–16a); and at the juridical proceedings at the Assembly of All Camps (4QD^a fr. 11 1–3a).

temple sacrifice by studying and interpreting the pertinent laws of the Torah in detail.⁵⁴

Further, statutes on sacrifices do not appear universally in the statutes of voluntary associations.⁵⁵ When they appear they are not restricted to the private rites of the association but include those of the public cults. For example, in Ptolemaic Egypt the association of Sebek at Tebtynis offered sacrifices and other offerings on behalf of (or, possibly, to) Ptolemy and Cleopatra, alongside those of Sebek.⁵⁶ We may assume that associations that did not regulate sacrifice in their *nomoi* expected members to participate in the public cults.

The Covenanters' civic ideology is illuminated by comparing their stance on sacrifice with that of contemporary associations. Both the Covenanters and other associations describe their sacrificial habits in relation to the state cults, but the assimilative associations fully intertwine their sacrificial habits with those of the state. The Covenanters, on the other hand, allow only restricted participation in the public cult, harshly criticize its officials and their conduct, and establish an alternative to the public cult by entrusting the *Yahad* with the duty of procuring atonement. Clearly the Covenanters were not a typical cultic voluntary association: they aimed at reform of the public cult, not mere fellowship of fellow devotees or private enrichment of public cultic practice. Although, or better, *because* the Covenanters abstain from the public cult of atonement, God extends atonement to them: their abstention from temple worship is fidelity to the "interpretation of the Torah for the age" (3:18–19; 4:6–7).

⁵⁴ R. Kugler, "Rewriting Rubrics: Sacrifice and the Religion of Qumran," *Religion in the Dead Sea Scrolls*, ed. J. Collins and R. Kugler (Grand Rapids: Eerdmans, 2000) 90–112. Kugler seems to ignore the statutes on sacrifice in D, since he claims without qualification that the Covenanters "rejected the Jerusalem cult as corrupt beyond fair use" (90). "Fair use" was indeed limited but not universally proscribed.

⁵⁵ Klinghardt points this out in "Manual," 253–54 but fails to acknowledge the importance of sacrificial laws in D, which he denies pertains to the same sect as S.

⁵⁶ P. Dem. Cairo 30606.6 (157 BCE); P. Dem. Cairo 31179.11–12 (147 BCE). Similarly the association of Zeus Hypsistos prays and performs "the other customary rites on behalf of the god and the lord the king" (τᾶλλα τὰ νομιζόμενα ὑπὲρ τε τ[ο]ῦ θεοῦ καὶ κυρίου) βασιλέως, P. Lond. 2710.9–10, c. 68–59 BCE). Presumably such rites included sacrifice, since worship took place in the sanctuary of Zeus.

3.2.3.4 *Associational and Constitutional Analogies to the Teacher of Righteousness as “Founder”*

A commonly cited analogy between the Covenanters and other voluntary associations is the veneration of a founding figure (κτίστης).⁵⁷ Doubtless the Covenanters’ association acquired its distinctive form through the Teacher’s leadership, and his instructions were regarded as uniquely authoritative. Insofar as he shaped a twenty-year-old group of “blind gropers” into a coherent sect, he is rightly regarded as a founder. But the analogy has significant flaws. First, hardly all or even a majority of voluntary associations venerated a founder. Such figures appeared almost exclusively in the philosophical schools, which regarded founders such as Plato, Aristotle, Zeno, or Epicurus, as special revealers of wisdom.⁵⁸ Followers continued to practice the particular habits of fellowship and meeting that the founder introduced;⁵⁹ in some schools his teachings were considered sacrosanct, and departure from them heresy.⁶⁰ The importance attached to the founder’s person was perhaps most evident in the schools’ annual celebration of his birthday, a practice for which the Epicureans were known.⁶¹ In professional, cultic, and other non-philosophical voluntary associations much more frequently we find patrons, not founders, named and honored in inscriptions. Many of the non-philosophical associations that named the society after a founder appear to have been household cults that honored a dead ancestor.⁶² Finally, although several texts from the DSS describe the Teacher’s role in the history of the sect, he was not

⁵⁷ E.g., Weinfeld, *Organizational Pattern*, 45. Evidence for founders of associations is discussed in Poland, *Geschichte*, 271–76, with emphasis on philosophical schools and associations formed around households. In the latter the head of the household was often named as founder. San Nicolò, *Ägyptisches Vereinswesen*, 2.6–9, contrasts cultic associations named after their deities and associations named after human founders. As he emphasized, founders often were honored for their material support for the association (p. 7). Their role frequently appears to be that of patron or benefactor.

⁵⁸ E.g., Zeno is called the *ktistes* of the Stoic school: Athenaeus, *Deipn.* 8.345c; D.L. 2.120.

⁵⁹ On the Epicureans’ continuation of Epicurus’ habits of fellowship see Cicero, *Fin.* 1.65.

⁶⁰ E.g., Philodemus calls those who depart from orthodox Epicurean doctrine “parricides” (Philodemus, *Rhet.* 1.7.27, cited in Asmis, “Basic Epicurean Education,” 238).

⁶¹ For discussion of the Epicureans’ celebrations see D. Clay, “The Cults of Epicurus,” *Paradosis and Survival*, 75–102. See esp. p. 96 for Clay’s argument that Epicureans celebrated the days of prominent Epicureans’ births, not deaths: in this way the Epicurean cults were modeled after the hero cults.

⁶² The most famous example of this is the association of Epikteta of Thera, whose will prescribes rites for his veneration by members of the household after his death

venerated in liturgies or annual celebrations, nor did the sect refer to itself as disciples of the Teacher.⁶³ Thus even analogies to the philosophical schools are not particularly strong.

3.2.3.4.1 *Founders, Reformers, and Restorers in Political Contexts*

It is more appropriate to call the Teacher a “founder” in the sense that the term appears in historical narratives about Greek and Roman states. Plutarch calls Cicero a κτίστης τῆς πατρίδος, “restorer of the fatherland,” for his efforts to maintain the integrity of the Republic against conspirators.⁶⁴ Similarly the Admonition presents the Teacher of Righteousness as a figure in Israelite history who set the nation, or at least a remnant within it, back on track. Unlike founders of philosophical schools and voluntary associations, the Covenanters do not regard the Teacher as having created something new. Rather, as a divinely appointed agent acting on behalf of the entire people of Israel, he restored his generation’s adherence to the Torah of Moses. Like Cicero, the Teacher restored ancestral mores and laws when they were at risk of being forgotten: even those who wished to understand righteousness “groped blindly” until his arrival.

Besides Cicero, we may compare the depiction of the Teacher with portrayals of reformers, innovators and restorers in Greek *politeiai*, such as the Aristotelian *Constitution of Athens*. Not one of these are described as having founded the *polis* or its constitution.⁶⁵ Instead, they are contributors to a centuries-long process by which democratic Athens attained its final constitutional form. Their reforms are described as appropriate for their age; nevertheless many of their innovations underwent further change through the reforms of later figures.

(IG 12.3.330, c. 200 BCE). For discussion of this inscription and others associated with ancestral cults see Poland, *Geschichte*, 272–73.

⁶³ While some scholars have argued that the sect collected hymns authored by the Teacher, this practice would not necessarily distinguish the Teacher as a “founder”: the Athenians collected and passed down the poetry of Solon (e.g., Arist., *Ath. pol.* 5.2, 3; 12.1–5). For the theory that the Teacher’s hymns were specially esteemed by the Covenanters see Michael Douglas, “Power and Praise in the *Hodayot*: A Literary Critical Study of 1QH 9:1–18:14” (Ph.D. dissertation, the University of Chicago, 1998). However, the often repeated argument that it is possible to identify specific hymns as having been composed by the Teacher has not achieved consensus: for scepticism see, e.g., Carol Newsom, *The Self as Symbolic Space: Constructing Identity and Community at Qumran* (STDJ 52; Leiden: Brill, 2004) 288.

⁶⁴ Plutarch, *Cic.* 22.

⁶⁵ Numerous reformers are discussed in Arist., *Ath. pol.*: Draco, 3–4; Solon, 5–12; Kleisthenes, 20–22; Ephialtes, Cimon and Pericles, 25–28; Theramenes, 28; 36–37.

Here we find another analogy to the Teacher: his establishment of an interim constitution for the Covenanters is not depicted as eternal in all of its details. Instead the statutes provide guidance “for the age of evil,” before the restoration of Israel at the End of Days. CD 7:18–21 predicts that an eschatological “Interpreter of the Law” will appear at the same time that the “Prince of the Congregation” arises to destroy the Covenanters’ enemies. At this point we may assume that the institutions of Israel, including the temple cult, will be restored fully, and the final interpretation of the Torah for Israel will be established as its eternal constitution. It thus seems that, like the Athenian statesmen, the Teacher’s accomplishment is that he established exactly what his people needed at the time, a *foundation* of eternal truths, but not the final constitution of Israel.⁶⁶

Other analogies to the Teacher’s role of restorer appear in biblical narratives about Ezra and Josiah. Both discovered forgotten interpretations of the Torah and restored righteousness to Israel for a period.⁶⁷ Like Ezra, the Teacher’s interpretation of the Torah led the righteous to confess their sins, repent, and return to the covenant (cp. Neh 9:3; CD 20:27–33).

3.2.4 *Juridical Authority and Civic Ideology in the Laws of D*

As we move from the Admonition to the laws of D, it is appropriate to refer to a principle articulated in several *politeiai*: the key to establishing any state is a well ordered system of courts. Within any society,

⁶⁶ Possibly the Interpreter of the Law who would come at the End of Days would accomplish this task (4QFlor fr. 1–2 i 10–12).

⁶⁷ The discovery of the “book of the law” (2 Kings 22:8–20) revealed that Judah had broken the terms of the covenant with God; therefore God would bring destruction upon the land and its inhabitants. Josiah’s reforms, like the program of the Teacher of Righteousness, focused on correct observance of the temple cult and celebration of the biblical festivals, above all Passover (2 Kings 23:21–25). In Ezra 6:18, restoration of Israel required reappointing the divisions of the priests and Levites according to the laws of the Torah. Neh 8 describes the day of the first public reading and interpretation of the Torah to the returnees from Babylon a “holy day of Yahweh” (vv. 1–8; cp. 9:3). On this day Judah’s restoration began through the act of reading and explaining the law to the people at large, as well as the heads of the ancestral clans, priests, and Levites. As they studied, like Josiah and the Teacher of Righteousness, they discovered that they had neglected the festivals that Yahweh decreed, esp. Sukkot (vv. 9–18). Further studies resulted in halakic reforms pertaining to marriage (Neh 13:1; cp. vv. 23–31), use of the temple courts (13:4–9), tithing (13:10–14), and Sabbath laws (13:15–22).

those who control the courts control the state.⁶⁸ As Plato puts it, “any state in which the courts are not established in good order surely becomes a non-state.”⁶⁹ In his *Constitution of Athens* Xenophon attributes the Athenian democracy’s success at controlling its subject states to its monopolization of the courts: legal proceedings only took place in Athens in the court of the δῆμος, with two results. First, since courts were not established throughout the empire, Athens’ allies had to rely on the Athenian assembly for legal decisions. This brought the practical affairs of allied states firmly under Athenian control.⁷⁰ Second, by placing juridical authority exclusively in the hands of the δῆμος, the democratic ideologues prevented Athenian officials who served outside Athens or went abroad as representatives – the *strategoï*, trierarchs and ambassadors – from subverting the political power of the common people.⁷¹ Xenophon lamented that the Athenian masses suppressed the leading citizens at home and abroad by monopolizing juridical authority in the assembly of the people.⁷²

The Covenanters’ zeal for studying law is well known and evident throughout the sectarian texts.⁷³ Equally impressive is their ambition to establish a comprehensive legal system that stood as an alternative to that of the Judean state. This is most evident in the laws of D, a large proportion of which treat practical juridical matters:

Oaths and their administration by judges: 15:1–5a
 Prohibition of appeal to Gentile courts in capital cases: 9:1
 Courtroom protocol: Reproof, witnesses, and judges: 9:2–8a

⁶⁸ See Arist., *Ath. pol.* 9.1, and Moore’s comments in idem, *Aristotle and Xenophon on Democracy and Oligarchy*, 29.

⁶⁹ Plato, *Leg.* 766d, Πᾶσα δὲ δήπου πόλις ἄπολις ἂν γίνοιτο, ἐν ἧ δικαστήρια μὴ καθεστῶτα εἴ κατὰ τρόπον.

⁷⁰ Xen., *Ath.* 1.16. Trials required participants to sail to Athens and to pay for the proceedings.

⁷¹ Xen., *Ath.* 1.18.

⁷² In addition to monopolizing power in the juridical assemblies, the Athenians offered too few opportunities for cases to be heard: their courts did not sit throughout the year due to the inordinate number of festivals in Athens (trials could not be held on a festival day), and the βουλὴ and ἐκκλησία could not handle the volume of cases that subjects brought. See Xen., *Ath.* 3.1–9.

⁷³ E.g., D stresses the “precise interpretation” (פרוש) of the Torah repeatedly: CD 4:8; 6:14; 13:6, 8; 20:6; and the key role of interpreters (דרש, 6:7; 7:18; cp. 4Q174 fr. 1–2 i 12). In S we find similar emphasis on study (דרש) of law: 1QS 6:6–7; 8:12, 15, 24–26; cp. 6:18, 22; 9:15. When the Rule Scrolls discuss knowledge and understanding, sectarian interpretation of the Law, along with other doctrine, are surely meant. See, e.g., CD 15:15; 1QS 1:11–12; 3:1–2; 4:26; 5:21–26; 6:14, 18; 9:1–2, 15–18.

Oaths in property cases, administered by judges: 9:8b–12
 Laws of testimony in capital and property cases: 9:16b–23a
 Requirements for witnesses: 9:23b–10:3
 Rule for the judges of the Congregation: 10:4–10
 Services to the vulnerable, administered by officials and judges: 14:12b–16
 Public judgments, including “capital punishment,” at annual assembly:
 4QD^a fr. 11 7–21

The laws of D imply comprehensive juridical authority for the sectarian courts, thereby creating a comprehensive alternative to the laws of the Judean state. D reveals that the Covenanters not only studied the proper interpretation of laws, but also their systematic juridical enforcement. It would not be wrong to characterize the sect as something close to a school devoted to study of law. Indeed, as I show in my analysis of SE, the sectarian educational curriculum had strong analogies in the practices of Jewish and Roman legal education. Sectarian legal study was motivated by the most practical of aims: all was done in anticipation of the sect’s assuming governance of Judea.

3.3 THE JURISDICTION OF THE COVENANTERS’ COURTS IN THE RULE OF THE ASSEMBLY OF THE CITIES OF ISRAEL (CD 15:1–12:20A AND ||)⁷⁴

The portion of D to which we now turn falls within a larger literary unit termed the *מִשְׁבֵּעַ עִירֵי יִשְׂרָאֵל*, “Rule of the Assembly of the Cities of Israel” (CD 15:1–12:20a). This Rule claims authority to guide all the “cities of Israel” to live “in accordance with these judgments, and to distinguish between the impure and the pure, and to make known the difference between the holy and the profane” (12:19b–20a). We will focus first on the jurisdiction and juridical procedure of the sectarian court, and then on the organization of the community governed by in D.

The statutes in this section limit the legal processes to which sectarians had recourse to those offered by the sect. Prohibiting participation in state courts (CD 9:1) has parallels in the *nomoi* of Greco-Roman associations.⁷⁵ One motivation for this prohibition is common in all

⁷⁴ For 4QD parallels see individual subsections.

⁷⁵ *Contra* Weinfeld, who denied that the Rule Scrolls contain any explicit prohibition of appeal to external courts (*Organizational Pattern*, 34). See below for detailed discussion.

associations: lawsuits in the public courts drew negative attention to an association. There are differences in motivation: associations with assimilative civic ideology used their juridical authority to establish themselves as the state's allies in the enforcement of civil order.⁷⁶ Surely this was not the Covenanters' intent. The purpose of their prohibition goes beyond avoiding conflict with the state: it is part of an effort to monopolize sect's jurisdiction over the legal activities of members.

D monopolizes juridical authority by setting forth legal protocol by which all lawsuits between members must be conducted. This protocol is so restrictive that it precludes participation in non-sectarian juridical contexts. First, D restricts oaths that to those approved by the sect and administered by its judges. Second, all transgressions must be reported to the Examiner of the Camp on the day that they are committed, in the presence of the culprit and before witnesses. This protocol precludes any other methods for resolving disputes, especially through appeal to an external court, where oath-swearing protocol differed from that described in D.⁷⁷ We now turn to these statutes.

3.3.1 *Statutes on Oaths* (CD 15:1–5a || 4QD^e fr. 6 i; 4QD^f fr. 4 i–ii)⁷⁸

15:1 [יש]בע וגם באלף ולמד וגם באלף ודלת כי אם שבועת הבנים
 באלות הברית ואת
 תורה משה אל יזכור כי בה כל פרוש השם⁷⁹ 3 ואם ישבע ועבר וחלל את
 השם
 ואם באלות הברית ישב[יעוהו]⁸⁰ 4 השפטים אם עבר אשם הוא והתודה
 והשיב ולא ישא חטאה 5 [וי]מות

⁷⁶ In Plato's *Laws* the Athenian classifies collection of dues by a club among the extra-legal types of financial transactions that have no protection under state law: "Anyone may collect contributions to clubs on a friendly basis, but if some disagreement arises over the collection he must do so on the understanding that in this business no one under any circumstances will be allowed to go to law" (*Leg.* 915e, tr. T. Saunders). *Contra* Weinfeld, the statute does not assume that "no application to courts could be equitable in these cases" (*Organizational Pattern*, 34). Instead it stipulates that certain financial transactions should be discouraged by not recognizing their legal validity (*Leg.* 915e; cp. 736d–737d; 741b–745b).

⁷⁷ See L. Schiffman, *Sectarian Law*, 4, 7.

⁷⁸ The Qumran fragments preserve only enough words to conclude that a form of this passage was present.

⁷⁹ The letters at the end of CD 15:1 and 2 are difficult to read, but Qimron's reconstruction is persuasive. See idem, "שבועת הבנים" in the Damascus Covenant 15.1–2," *JQR* 81 (1990) 115–18; "Further Observations on the Law of Oaths in the Damascus Document 15," *JQR* 85 (1994) 251–57.

⁸⁰ Reconstructed following Baumgarten, PTSDSS 2.36; Qimron proposes: ישבע [ישב]ע, "Text of CDC," *ad loc.* Baumgarten (PTSDSS) and Qimron ("Further Observa-

15:1 [And he shall not] swear by the “aleph-lamed” nor by the “aleph-dalet,” but only by the “oath of the sons,” 2 (that is,) the “curses of the covenant.”

And he shall not mention the Torah of Moses, for in it is every form of the name 3 and if he swears and transgresses, he profanes the name. If by the curses of the covenant the judges ad[jure him] 4 and he transgresses, he is guilty. He must confess and make restitution so that he does not bear sin 5 and die.

This pair of statutes introduces a series of laws that consolidate legal authority over Covenanters to the sectarian courts. The first statute defines the only oaths that Covenanters may swear: those by the “curses of the covenant.” Those who break this law acquire the status of those upon whom the curses of the covenant had fallen in the past and will fall in the future (CD 1:16–17; 2:16; cp. 1QS 2:16; 5:12).

The second statute restricts the context in which members involved in lawsuits could swear oaths to the presence of sectarian judges. Requiring their oversight guarantees that oaths are sworn properly. The statute does not indicate whether the adjured sectarian was a plaintiff or defendant, and the ambiguity seems intentional: the statute describes general protocol and the consequences of false and illegal oaths. In practice, it appears that a litigant who was caught lying was not expelled but had to confess and make restitution. If he did not, he received a sentence of capital punishment; among the Covenanters, this consisted of permanent expulsion. As the Penal Code of D and S indicates, one who swears by any of the divine names is expelled.⁸¹

Oaths by the curses of the covenant were the norm for all sorts of occasions. They are implied in the statutes on initiation: when initiates swear to return to the Torah of Moses, the destroying angel Mastema whom God sends to administer curses, turns away from him (16:1b–5).⁸² The oath to return to the covenant thus invokes the

tions,” 253–57) identify laws in Lev 5:20–26 and Num 5:5–8 on oaths of adjuration in cases of stolen property as the basis of this allusive law. See Qimron’s articles, cited in the previous note, for detailed analysis.

⁸¹ The Penal Code in S says as much (1QS 6:27–7:2). In this statute we have an important indicator of the Covenanters’ priorities: they treated theft as a lesser transgression than speaking the name of the deity. Property crimes were punished with fines, but “blasphemy” was as a capital crime. For a similar view see Schiffman, *Sectarian Law*, 133.

⁸² Mastema’s role in *Jubilees* is complicated: sometimes he appears as God’s servant, testing the righteousness of various Israelites and reporting to God on their success. At times he appears to be simply evil, opposing God’s servants. In any case, his reputation

promise that the initiate will not inherit the curses of the covenant; it also implies that if he strays, the curses will come back upon him. This fate is precisely what 1QS promises will befall members of the *Yahad* who backslide (1QS 1:11–17, esp. 16a). Finally, oaths by the curses of the covenant match the Covenanters' description of the time in which they lived: according to MMT, in their age the blessings and curses prophesied by Moses and the prophets are coming to pass (C 12b–22). As the author emphasizes, “and we recognize that there have come a portion of the blessings and the curses” in the present day—for “this is the End of Days...” (וְזוֹה הִיא אַחֲרֵית הַיָּמִים) (C 20b–21b; cp. C 12c–15a). During the time in which the curses of the covenant are already falling, nothing could be more appropriate than an oath invoking the sectarian's immunity from them. Swearing the oath locates the individual and the sect squarely within the period of history in which the sect's predictions about imminent judgment and vindication seemed to be coming true.

Why the limit on the form and forum in which oaths could be sworn? Previous scholarship has rightly pointed to the sect's supreme concern with the sanctity of the names of the deity.⁸³ Regulation of oaths restricts members' exposure to circumstances in which the divine names might be invoked, and also limits the frequency with which oaths are sworn at all: the fewer the oaths, the fewer broken. As is clear in ancient literature, papyri and inscriptions, oaths invoking various deities were ubiquitous in public and private life: parties in lawsuits invoked deities as witnesses to the veracity of unprovable claims; judges swore oaths to give extra force to their decisions; in private contracts, parties invoked divine agents to witness both sides' agreement to a contract.⁸⁴ While some intellectuals taught that all

as destroying angel comes from *Jubilees* 49:2, in which he destroys the first born of the Egyptians during the plagues of the Exodus. For other references to Mastema in *Jubilees* see 10:8–9; 11:9–6; 17:16; 48:2–12.

⁸³ For discussion see Schiffman, *Sectarian Law*, 38, 133–41. Josephus observes that the Essenes held the name of Moses in high esteem, second only to that of God, and that blaspheming Moses' name was a capital crime (*BJ* 2.145). Josephus may present an outsider's misunderstanding of the law against taking oaths by the Torah of Moses.

⁸⁴ For discussion see J. Schneider, ὄρκος, *TDNT* 5.458–59.

oaths were unnecessary, attempts to eliminate oaths from public and private practice are remarkable for their ineffectiveness.⁸⁵

In the Second Temple period the common Jewish attitude toward oaths seems to have been similar to that of the Greeks and Romans: while certain limits were observed, e.g., one could not lie while invoking the deity, nor use oaths as imprecations, oaths—including those taken with the divine name—were regarded as having a valid role in Jewish life.⁸⁶ Restriction of oath-taking to instances overseen by the Covenanters' court imposed a formidable boundary between sectarians and outsiders. It restricted members' ability to enter into contracts, both with insiders and with outsiders: only those oath-contracts vetted or witnessed by sectarian judges were allowed. The jurisdiction of the court thus had significant implications for the economic activities of members.⁸⁷

Regulation of oaths is a central to the practical implementation of the sect's alternative civic ideology. Sectarian oaths are utterly binding: they must be honored, even if fulfilling them results in death (16:7–9).⁸⁸ In a culture that regarded oath-taking as an essential feature of juridical

⁸⁵ Ancient moralists made attempts to check their frivolous use; it was especially thought that the use of oath formulas in imprecations degraded their effectiveness as guarantees of good faith. Socrates, not wanting to use the divine names trivially, swore by mundane objects (Plato, *Ap.* 22a). Others avoided oaths because they constrained the spirit: Sophocles, *Oed. col.* 650; *Phil.* 811–12; Plutarch, *Quaest. rom.* 44; Quintilian, *Inst.* 9.2.98. One of the commandments of the Delphic oracle, ὄρκω μὴ χρῶ, went unheeded (*SIG*³ 1268). Certain philosophical schools prohibited oaths, e.g., Pythagoreans (D.L. 8.22); Stoics also seem to have forbidden oaths for both beginning pupils (Epictetus, *Ench.* 33.5) and sages (Marcus Aurelius, *Medit.* 3.5).

⁸⁶ Ben Sira seems to have allowed mention of the divine name in certain circumstances, since he only enjoins against becoming accustomed to naming the deity (ὀνομασία τοῦ ἁγίου μὴ συνεθισθῆς, *Sir* 23:9). While Philo rejected mention of God in oaths, he allowed that the most holy name of God may be used by a person “pure in body, soul and tongue.” See Philo, *Dec.* 93; cp. *Spec. Leg.* 2.5; *Leg. All.* 3.207. In *m. Shevuoth* the rabbis devoted an entire chapter (3:1–11) to oaths sworn in a private context, and another (4:1–13) to oaths of evidence sworn in court. Certain oaths could be taken in either private or juridical context (5:1–5); others were imposed by a judge upon litigants (6:1–7). Compared to the restrictive attitude toward oaths in D, the rules of swearing in *m. Šebu.* are permissive. Unlike the Covenanters, the rabbis tolerated swearing oaths by the names of God, but breaking the vow carried a more severe penalty than breaking a vow taken with a less weighty oath (*m. Šebu.* 4:13).

⁸⁷ Similarly C. Murphy, *Wealth in the Dead Sea Scrolls* (STDJ 40; Leiden: Brill, 2001) 368–69. For a general survey of oaths in economic transactions see Schneider, ὄρκος.

⁸⁸ In CD 16:10–12 the same principle applies to husbands' responsibility for wives' oaths: husbands must annul an oath that would result in a wife transgressing the

protocol, limiting the forum in which oaths could be sworn to the sectarian court precluded participation in any other court setting and implied state-like authority.

3.3.1.1 *Constitutional Analogies to Statutes on Oaths*

The most obvious constitutional analogy to the Covenanters' rule on oaths, and most likely its source, is the third commandment in the Decalogue (Exod 20:7 || Deut 5:11):

לֹא תִשָּׂא אֶת־שֵׁם־יְהוָה אֱלֹהֶיךָ לְשׁוֹא כִּי לֹא יִנְקָה יְהוָה אֶת אֲשֶׁר־יִשָּׂא
אֶת־שְׁמוֹ לְשׁוֹא

You shall not invoke the name of Yahweh your God for something worthless, for Yahweh your God will not hold innocent any person who invokes his name for a worthless thing.

In its original form this commandment seems to have been intended to limit deceitful oaths and curses in the deity's name.⁸⁹ The Covenanters interpreted the commandment so restrictively that members were forbidden from swearing not only by the divine name but also its substitutes, and the book that contains them. This protected them from misusing the name and breaking the commandment. Sectarian restrictions on oaths also implied that Jews who swore oaths otherwise broke the third commandment and cut themselves off from the covenant.

Plato's *Laws* provides further constitutional analogies to the laws on oaths in D. Like D, as well as the Decalogue, for that matter, Plato's Athenian regulates oaths with the aim of preventing impious invocations of the deity. He suggests that Magnesian citizens be forbidden to swear any oath at all in lawsuits; rather, litigants must submit accusations and defenses in writing, along with summaries of evidence, "unsworn" (ἄνωματον).⁹⁰ Abolishing oaths in lawsuits prevents perjurers from incurring divine curses and then mixing with and defiling the rest of the population.⁹¹ It also forces litigants to prove their cases

Torah. However, if he does not know whether fulfilling the oath would result in transgression, he must allow it to stand.

⁸⁹ On the meaning of שׁוֹא see HALOT, s.v., and the literature cited there.

⁹⁰ Plato, *Leg.* 948d.

⁹¹ Plato's Athenian explicitly acknowledges that the laws on oaths will set the Magnesian citizens apart from the citizens of other states (*Leg.* 948b–949c). Such separation was also, as I have argued above, the intention of the Covenanters' laws on oaths.

on the basis of the evidence alone, rather than through dramatic and often insincere imprecations upon self and family.⁹²

On the other hand, jurors at a trial must swear oaths. Witnesses summoned to testify did not swear except in one case: if a witness claimed to know nothing about the matter at trial, “he must swear an oath to three gods, Zeus, Apollo and Themis, to the effect that he quite definitely has no information, and thus be dismissed from the proceedings.”⁹³ The oath effectively tripled a perjurer’s guilt: not only did he lie to the court and fail to fulfill his duty to testify; he also committed an act of impiety.

Finally, the Athenian requires public officials to take oaths upon entering office. Like the Covenanters, the Athenian assumes a constitutional-legal and, indeed, moral, distinction between Magnesian citizens and foreigners. While Magnesians are forbidden to swear oaths except in special legally defined circumstances, foreigners are expected use oaths in any way they are accustomed. Since foreigners do not dwell long in Magnesia, their morally perverse customs should not influence citizens.⁹⁴ Magnesia’s oath-laws draw a conspicuous boundary between its pious citizens and impious outsiders; D’s regulation of oaths draw a similar boundary between the righteous remnant of Israel and the apostate majority.

3.3.2 Statutes on Initiation and Exclusion

(CD 15:5b–17 || 4QD^a fr. 8 i 1–9)⁹⁵

15:5b והבא בברית לכל ישראל לחוק עולם את בניהם אשר יגיעו 6 לעבור על
 הפקודים בשבועת הברית יקימו עליהם
 וכן 7 המשפט בכל קץ הרשע לכל השב מדרכו הנשחתה
 ביום דברו 8 עם המבקר אשר לרבים יפקדוהו בשבועת הברית אשר כרת
 9 משה עם ישראל את הבר[י]ת לשוב אל תורת משה בכל לב ו[ב]כ[ל]
 10 נפש אל הנמצא לעשות בכ[ל] ק[ץ] [הרש]ע⁹⁶

⁹² As the Athenian argues elsewhere, a cavalier attitude toward oaths is among the most dangerous exhibitions of atheism: those who mock oaths, sacrifices and other forms of piety may lead others to share in their disbelief (*Leg.* 908c–d).

⁹³ Plato, *Leg.* 936e, tr. Saunders.

⁹⁴ Plato, *Leg.* 949b–c.

⁹⁵ CD 15 breaks into fragments around line 16, but its conclusion may be reconstructed on the basis of 4QD^a 8 i. 4QD^e fr. 6 ii contains the passage, but it is badly fragmented.

⁹⁶ Following the reconstruction of Baumgarten, PTS DSS 2.38; Qimron has ב[ל] בכ[ר]בו, “in the who[le] time of his a[pp]roach,” i.e., during the time of his initiation

ואל יודיעהו איש את 11 המשפטים עד עמדו לפני המבקר [למה]⁹⁷
 יתפתה בו בדרשו אתו
 12 וכאשר יקים אותו עליו לשוב אל תורת משה בכל לב ובכל נפש 13
 [נק]יאים הם ממנו אם ימעל
 וכל אשר נגלה מן התורה לרוב 14 המחנה והוא שגה בו יוד[יעה]ו
 המבקר אותו וצוה עליו ויל[מ]ד 15 עד שנה תמימה ולפי דעתו [יקרב
 וכול]⁹⁸ היותו אויל ומשוגע [אל יבן]⁹⁹
 וכל פת[י] ו[ש]ו[ג]ה¹⁰⁰ 16 וכהה עינים [לבלתי ראות [ו]חגר או פסח או
 חרש או[נ]ער ז[עטוט] אל 17 יבוא א[יש] [מ]אלה אל תוך עדה כי
 מלאכ[י] הקוד[ש] בתוכם]¹⁰¹

15:5b And those who enter the covenant for all Israel, the eternal statute, shall have their children who have reached the age 6 to join those who are mustered take the oath of the covenant upon themselves.

And thus 7 the statute for the entire age of evil, for any who turns from his corrupt way:

On the day that he speaks 8 with the Examiner who is over the Many, they shall muster him with the oath of the covenant, which 9 Moses established with Israel, the covenant to return to the Torah of Moses with all heart and with all 10 soul, to that which has been found to do for the enti[re ag]e [of evi]l.

No man shall teach him 11 the judgments before he stands before the Examiner, [lest] he deceive when he examines him.

12 When he takes it upon himself to return to the Torah of Moses with all heart and with all soul, 13 [they are inno]cent if he transgresses.

Regarding all that has been revealed from the Torah to the Multitude 14 of the Camp: if he inadvertently transgresses it, the Examiner shall ex[plain it to] him and shall command him about it and t[ea]ch 15 for up to one full year, and in accordance with his knowledge [let him draw near, but anyone] who is a fool or mad [shall not enter.]

All who are simple-mind[ed] and e[r]r, 16 or are weak of eyes [so that they cannot see, [or] who are crippled or lame or deaf, or] [a yo]ung [b]oy: no 17 m[an] [from] these may come into the Congregation, for the hol[y] angel[s] [are in their midst.]

The statutes on initiation continue legislation on oaths and shed important light on the organization of the Camps. The first rules explain how

(“Text of CDC,” *ad loc.*). The reference to the “time of evil” repeats the phrase **בכל קץ הרשע** from 15:7. In my reading, the law for the entire age of evil required new candidates to learn **הנמצא לעשות** *לעשות*, i.e., sectarian interpretation of the Torah *in toto*, especially the special laws that pertained to the age of evil.

⁹⁷ Restored following 4QD^a fr. 8 i 2.

⁹⁸ Restored following 4QD^a fr. 8 i 6a.

⁹⁹ Restored following 4QD^a fr. 8 i 7.

¹⁰⁰ Restored following 4QD^a fr. 8 i 7; CD has **ו[ש]ו[ג]ה**.

¹⁰¹ CD 15:16–18, from **איש** to **בתוכם**, are restored following 4QD^a fr. 8 i 7–9.

the children of members enroll (15:5b–6a); the second, how adult non-members join (15:6b–15b). Following this are laws on transgressive members, after which follow laws on exclusion based on disability and age (15:15c–17).

Cecilia Wassen has made a plausible case that these statutes pertain not only to members' sons but also daughters, and to adult women who converted to join the sect.¹⁰² I accept her interpretation of these laws with only slight reservation, based only on the fact that women are not explicitly mentioned in the text. Her general point that women were educated in sectarian law, enrolled as members of a Camp, and formally registered with rank, is persuasive and can be strengthened, as I show below. Given the importance of knowledge to women's roles in D, it would be odd not to include rules for how they acquire it. When read as gender-inclusive, these statutes resolve that issue. A gender-inclusive reading is also more consistent with the constitutional nature of the law and its scriptural sources. I am less persuaded by Wassen's identification of gender-inclusive education in SE (1QSa 1:6–19a), but the point is not crucial for her argument about D.¹⁰³

In the first statute the children of members are required to swear an "oath of the covenant" when they reach the age of mustering (15:5b–6a).¹⁰⁴ This is probably twenty, as a similar statute in 1QSa indicates (1QSa 1:8b–9a).¹⁰⁵ The oath surely is the same as that which 15:1–2a calls the שבועת הבנים; like all sectarian oaths, it invokes the curses of the covenant. The brevity of the statute reflects the Covenanters' assumption that members' children will enter the sect as a matter of course, with sufficient knowledge to participate as full members immediately. This immediate access makes good sense, since all members' children—

¹⁰² Wassen, *Women in the Damascus Document*, 131–39.

¹⁰³ See §5.5–5.5.4 for detailed discussion of 1QSa 1:6–19a.

¹⁰⁴ Schiffman's point that the verb פקד in CD 15:6 designates male action in the Bible, whether mustering for military service or for a census, is well taken but not decisive (*Sectarian Law*, 56–58). He is right to identify a military tone to the process; as I argue throughout this book, military culture exerted a strong influence on the Covenanters' ideology and practice. But the oath that members swear is that for "all Israel," and the scriptural passages upon which the rites are based explicitly and repeatedly mention women's participation in swearing covenantal oaths, as I show below. See also Wassen, *Women in the Damascus Document*, 137–38.

¹⁰⁵ The minimum age of mustering is given as twenty in 1QSa 1:8b–9a, but education continues through age thirty. One only becomes able to judge and lead in office after this point. See the discussion in Schiffman, *Sectarian Law*, 30–40. Twenty as the age for mustering for military service is consistent in Scripture: see Num 1:3, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 45, 45; 14:29; 26:2, 4; 1 Chr 27:23; 2 Chr 25:5.

בניהם [ובנותם] וטפם—were educated by the Camp Examiner from an early age (4QD^a fr. 9 3:6–7 || CD 13:7b–8).¹⁰⁶

The second, more detailed statute, addresses adult men, and possibly women, who join as new members (15:6b–11). In the first step of initiation, the Examiner for the Many scrutinizes the inquirer. Before this examination, no other member may disclose the sect’s laws to the person, since she or he might deceive the Examiner by, more or less, cheating on the exam.¹⁰⁷

The Examiner’s authority appears to absolute: if he approves an inquirer, then he is inducted on that very day before the Many, with the oath (15:7b–10a); those whom the Examiner rejects seem simply to be sent away.¹⁰⁸ We may be fairly certain about the form of the oath: it must be the “oath of the sons of the covenant,” that sworn by the curses of the covenant, mentioned in 15:1–2a. New members are expected to obey sectarian law, but there is a period of leniency: if one errs, the Examiner points out the transgression, exhorts the new member, and teaches him or her for up to a full year (15:13b–14a). At the end of the period of instruction the member’s knowledge is assessed again, presumably at a scrutiny before the Many.¹⁰⁹ *Contra* Weinfeld we find no evidence that a priest makes decisions concerning initiation;¹¹⁰ instead, authority for initial assessment belongs to the Examiner. The Many are charged with inducting the new member with an oath and, it

¹⁰⁶ For reconstruction see Baumgarten, *DJD* 18, 70–11; see Wassen’s analysis, *Women in the Damascus Document*, 164–67.

¹⁰⁷ Alternatively, this rule could be interpreted, “lest he prove to be a fool when he examines him,” i.e., it may deny full membership to those who, whether through ignorance or insufficient intelligence, did not understand the sect’s teaching (15:15). Discussing sectarian law with non-members is also forbidden in S (1QS 5:15–16; 9:16–17, 21–22; cp. 3:5–6), and both S and D forbid discussing law with expelled members (4QD^a fr. 11:14–16; 1QS 8:23–24).

¹⁰⁸ D is silent on inquirers whom the Examiner rejects; we might infer that they are simply rejected and denied further access to the sect. In S, this is the fate of those whom the Many rejects on the basis of inadequate knowledge and behavior (1QS 6:15b–16a; cp. 16:18–19a, 21b–23).

¹⁰⁹ This would be the case if the Many bore the same responsibility for initiation in the Camps as in the *Yahad*. In S, each stage of the initiation process required potential members to stand before the Many for examination. See the discussion of initiation in S (1QS 6:13–23) in §4.8.2, 4.8.3.1–4, below.

¹¹⁰ Weinfeld, *Organizational Pattern*, 19. The Examiner’s responsibility to instruct the errant member is an application of his general responsibility as instructor of all Camp members and their children, and to provide counsel for members’ decisions about property, marriage, etc. See 4QD^a 9 iii 1–7.

seems likely, with determining if a transgressor has been rehabilitated or should be expelled (15:15; cp. 1QS 6:15b–23).

The third and highly fragmented set of statutes restricts participation for the mentally disabled, the blind, the lame, the deaf, and youths—probably those under ten years old, since formal education begins at this point.¹¹¹ The text provides a warrant for their exclusion: “hol[y] angels [are in their midst].”¹¹² The term Congregation seems to include all gatherings, from the local Camp’s juridical proceedings and meetings of the Many to the annual assembly of all Camps for covenant renewal rites (4QD^a fr. 11 1–21; 4QD^e fr. 7 i 15b–16a). The presence of women at some meetings may be assumed: they are not listed among those excluded, and attendance at some assemblies for instruction must have been compulsory, as in SE (1QSa 1:4–5).¹¹³ *Contra* Schiffman, the fact that women are listed alongside these excluded persons in M (1QM 7:3–4) does not suggest that they were also excluded from regular assemblies of the Camps, nor of the Congregation in SE: the laws of the war camp suit a context requiring celibacy and a higher degree of purity than peacetime convocations.¹¹⁴ As in SE, the disabled and youths are not barred from membership or even participation, but only from directly approaching the holy assemblies of the sect (1QSa 2:3b–10).¹¹⁵

The statutes on age and disability require that the Examiner know members’ mental and physical state and age, and be competent to assess these as accurately as he assesses their knowledge. It seems likely, then, that physical scrutiny took place at some point. While the Rule Scrolls are silent on the topic, two texts from Cave 4 may shed light on what such scrutinies assessed. These astrological physiognomies,

¹¹¹ This may be inferred from SE: see my discussion of 1QSa 1:8b–9a, §5.5.1–5.5.1.1, below.

¹¹² אל [יבון] תוך העדה כי מלאכ[י] הקודש [בתוכם], my reconstruction. The text of this law is very close to one in 1QSa 2:8: “these shall not enter to take a stand in the Congregation of the men of the renown,” אל יבון או [אלה] להתיצב בתוך עדה, א[נ]ושי השם.

¹¹³ See Wassen, *Women in the Damascus Document*, 144–54, for detailed discussion of lists of excluded persons.

¹¹⁴ See Schiffman, *Eschatological Community*, 51–52; in contrast, Wassen, *Women in the Damascus Document*, 151–54.

¹¹⁵ The Rule for the Many in CD 14:12b–16 indicates, further, that the sect is responsible for the care of the disabled, youths, the elderly, and other vulnerable persons. 1QSa 1:19–22 provides rules for registering the mentally disabled in his clan, and 2:3b–10 provides for impure or disabled persons to participate in the assemblies through a mediator.

one Hebrew (4Q186), one Aramaic (4Q561), describe certain male physical features. In 4Q186 the features are associated with the sign under which the man was born and indicate the portions of light and darkness in his soul. Thus:

His thighs are long and slender, and his toes are slender and long. He is in the second column: his spirit has six (parts) in the house of light and three in the house of darkness. And this is the sign in which he was born: the period of Taurus. He will be poor, and his animal is the bull. (1 ii 5–9)

His teeth are of differing lengths (?). His fingers are thick. His thighs are thick and each one covered in hair, and his toes are thick and short. His spirit has [ei]ght (parts) in the house [of darkness] and one in the house of light. (1 iii 3–6)

His [ey]es are of a colour between black and striped. His beard is [...] and curly. The sound of his voice is clear. His teeth are sharp and regular. He is neither tall nor short, and like that from his conception. His fingers are slender and long. His thighs are smooth and the soles of his feet are [...]and] regular. [His] spirit has eight (parts) [in the house of light, in the] second column, and o[ne] [in the house of darkness.] And the sign in which he was born is [...] (2 i 2–8 tr., García Martínez and Tigchelaar, with modification)¹¹⁶

Such texts seem to have belonged to handbooks for conducting physical examinations. It is an attractive possibility that the Examiner combined assessment of a new member's physical features, birth sign, and knowledge, and applied all to the initial assignment of rank.¹¹⁷

¹¹⁶ 4Q186, tr. García Martínez and Tigchelaar, *DSSSE*, with modification.

¹¹⁷ On the role that texts such as 4Q186 and 4Q561 may have played in ranking sectarians members see M. Popović, *Reading the Human Body. Physiognomics and Astrology in the Dead Sea Scrolls and Hellenistic-Early Roman Period Judaism* (STDJ 67; Leiden: Brill, 2007); also idem, "Reading the Human Body and Writing in Code: Physiognomic Divination and Astrology in the Dead Sea Scrolls," *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*, ed. A. Hilhorst, É. Puech and E. Tigchelaar (SJSJ 122; Leiden: Brill, 2007) 271–84. P. Alexander's earlier analysis remains valuable: "Physiognomy, Initiation, and Rank in the Qumran Community," *Geschichte-Tradition-Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag. Vol. 1, Judentum*, ed. H. Cancik, H. Lichtenberger and P. Schäfer (Tübingen: Mohr Siebeck, 1996) 385–394, but see Popović's critique, *Reading*, 187–99.

3.3.2.1 *The Constitutional Nature and Scriptural Sources of Initiation Laws in D*

The laws on initiation in D are clearly constitutional in outlook: enrolling in a Camp, whether as a child of a member or as an adult convert, establishes the new sectarian's Israelite identity by affirming his or her participation in the biblical covenants. The first statute equates joining the Covenanters with entering the "covenant for all Israel" (15:5b), and the second describes the oath that new members swear as that "of the covenant that Moses established with Israel" (15:8b–9a). In order to participate in the original covenants, as the second statute explains, sectarians must enter another covenant "to return to the Torah of Moses...to that which is found to do for the enti[re ag]le of evi[l]" (15:10a). This affirms a central tenet of sectarian civic ideology: access to the original covenant is only possible in the present by repenting and adhering to the new covenant, i.e., the one that God provided for the evil age. The universal language—"all Israel"—provides some support for the claim that the initiation rules apply to women as well as men. Consideration of the scriptural background to the rites, and the Covenanters' intense concern for obedience to the Torah by all who were associated with the sect, lends further support. Further, Philo's description of the Egyptian Therapeutae, a community of celibate men and women who studied Scripture with equal devotion, confirms that other Jewish groups prized women's education.¹¹⁸

Rather direct appropriations of scriptural themes and language rhetorically underscore the constitutional claims of CD 15:5b–10a. As I discuss at more length in my analysis of the Rule for the Examiner (CD 13:7b–21 and ||), the name for the assembly of members—**הרבים**—comes Scripture, in particular Isaiah and Daniel. Sectarian usage clearly draws on the language of the prophetic texts, but the term also has common analogies in Greek and Latin political discourse.

Both the theme of fidelity to the original Mosaic covenant, and the emphasis on repentance and return come from Scripture. The most likely texts from which the language of D is drawn are Deut 26:16–30:10 and Neh 8–10, which contain similar narrative and legal and

¹¹⁸ See Philo, *Contempl.*, 25–28, 32–33, 68–69, 75, 83. For full analysis see Joan Taylor, *Jewish Women Philosophers of First-Century Alexandria: Philo's 'Therapeutae' Reconsidered* (New York: Oxford, 2006).

narrative elements.¹¹⁹ The material in Deuteronomy begins with an account of Moses' address to all Israel following his proclamation of the laws to them. He announces to all—priests, leaders, men, women, children, and resident aliens—that they are now God's people, having agreed to keep the commandments and be holy, separated from the surrounding nations (26:17–19). Moses then gives the liturgy for a communal rite of covenantal ratification that the people are to perform once they cross the Jordan (27:15–26). It is an oath of loyalty to the entire Torah, given in the form of twelve curses. Eleven fall upon transgressors of key laws; the last, upon transgressors of “the words of this Torah,” i.e., any law at all. The theme of curses continues for the remainder of the material: after a short description of blessings for the righteous (28:1–14), Moses enumerates curses at great length, culminating in a vivid description of exile (28:15–68); he then predicts that Israel will not keep the covenant, despite all the wonders they witnessed in the Exodus and the blessings they will experience in the holy land. All the curses will befall them; they will be exiled (29:1–21). This section of Deuteronomy ends with positive prophecy: in a foreign land, the children of the exiles will seek to understand the cause of their ill fortune. They will discover that it came about because their ancestors broke the covenant; this will lead to repentance and return to the Torah and its revealed laws (29:22–29). Moses concludes with a promise that God will restore righteousness among the repentant and return the people to their land in prosperity (30:1–10). Nehemiah's history of restoration in Judah resembles Moses' predictive narrative and obviously draws upon it.¹²⁰ In exile, Nehemiah and others repent, confessing their sins and the sins of Israel as a whole. They are granted permission to return to Jerusalem. Not yet in possession of the Torah, they nevertheless devote themselves to righteousness and set about to rebuild the city walls and temple (Neh 1–7). Once the walls and temple are restored, the Torah returns: Ezra the priest-scribe begins

¹¹⁹ Similarly Wassen, *Women in the Damascus Document*, 137–38. Weinfeld also recognizes the similarity between the covenant renewal rites in Neh 10 and in the Rule Scrolls, but when he wrote only that of 1QS 1:16–3:12 was available. See *idem*, *Organizational Pattern*, 46–47, esp. n.229.

¹²⁰ Nehemiah's opening prayer is suffused with Deuteronomy's language: cp. Neh 1:5–11 with Deut 5:31; 7:8–9, 21; 9:29; 12:11. Neh 1:8–9 is clearly a paraphrase of Deut 30:1–5.

reading it, law by law, to all the assembled people, just as Moses did, and expert Levite interpreters dispersed throughout the crowd explain the laws precisely. When they people hear the law and recognize the extent to which it has been broken, they grieve (8:1–12). As Ezra continues his public reading over a long period, reforms commence with each new disclosure of laws: first the laws of Sukkoth are discovered and the festival is immediately observed (8:13–18). The unique relationship between God and Israel is reaffirmed, and Israelites separate from the foreigners among them, assembling together to confess their sins and those of their ancestors (9:1–3). In a long narrative prayer, Ezra, like Moses, recounts the history of Israel, lamenting Israel's failure to keep God's commandments despite tremendous blessings and miraculous displays of divine favor and protection. He concludes by accepting Israel's exile and subservience to foreign powers as punishment for their breaking of the covenant, and pleads with God to deliver them (9:9–37). At the end of his prayer all the officials sign a written pledge to keep the covenant (9:38–10:27). They then assemble all the people, men, women, sons and daughters, who swear to observe the laws (10:28–29). The remainder of Nehemiah (chs. 11–13) narrates the reestablishment of covenantal laws that had been neglected: prohibition on intermarriage with foreigners, Sabbath rest, seventh-year rest for the land and remission of debts, and dedications to the priests and Levites serving in the temple. What was hidden from Israel—the precise interpretation of the Torah—is recovered, and the covenant restored.

As many scholars have observed, the themes of Deuteronomy and Nehemiah resonate with the whole of the Covenanters' ideology. The initiation rites of D allude to these themes by appropriating motifs and linguistic elements from Deuteronomy and Nehemiah. Below I discuss major elements in D with thematic and linguistic connections to Deuteronomy and Nehemiah; others could be added.

All Israel: In Deut 29, when Moses presents the laws of Torah to כל ישראל and has them swear the oath, the assembly includes women, children, and resident aliens. All must keep the laws; thus, all must know the laws: education is essential. In both Deuteronomy and D, comprehensive education is essential because all—men, women, resident aliens—are equally capable committing transgressions that bring the curses of the covenant upon Israel. The same idea seems to

underlie Neh 8:1–3, where Ezra reads the words of the Torah to all Israel, “men and women, all with understanding.”¹²¹

Ratification of the covenant with an oath of cursing: The Covenanters’ oath-protocol is likely influenced by the covenant-ratification liturgy of Deut 27:15–26—the twelve curses and responses of “amen!” by the entire congregation of Israel, including women and children. Similarly in Neh 10:28–29 all Israelite men, “their wives, their sons, their daughters, all who have knowledge and understand, . . . enter into a curse and an oath to live by the Torah of God, which was given by the hand of Moses.”

Repentance and return: The verb **שוב** recurs in CD 15:7, 9, 12 and throughout the Rule Scrolls to describe entering the sect through repentance of sins and return to the Torah of Moses. This requires devotion of the entire self: as the initiation statutes of D state twice, one is required **לשוב אל תורת משה בכל לב ובכל נפש** (CD 15:9, 12). The formula seems modeled after Deut 30:10, **תשוב אל יהוה בכל לבבך וכל נפשך** (cp. 30:2), and many other passages in Deuteronomy where devotion entails commitment of “all heart and all soul.”¹²² The requirement to repent is addressed to the all Israel (29:10–12), inclusive of women, children, resident aliens and servants. We may infer that just as the transgressions of any of these incur the curses, so the repentance of all is necessary for Israel’s restoration.

A new revelation: D’s covenant requires sectarians to follow the Torah, all that has been found (**נמצא**) to be done in the evil age (15:9–10), and all that has been revealed from the Torah (**כל אשר נגלה**) (מן תורה) to the sect (15:13b). Deut 29:29 makes return to the things that the Torah reveals (**הנגלת**) central to Israelite repentance. In D, the Torah not only reveals fundamental laws, but, through inspired sectarian exegesis, their halakic interpretation for the evil age. The Covenanters’ discovery of laws appropriate for their age also has a certain analogy in Nehemiah, in which Israelites find (**ימצאו**) laws in the Torah that result in dramatic new behaviors, e.g., observance of Sukkoth (8:14), and the dramatic ban on intermarriage with foreigners (13:1).

¹²¹ Neh 8:2, **האנשים ונשים והמבוינים**, cp. v. 3, **מאיש ועד אשה וכל מבין לשמע**; 10:28, **נשיהם בניהם ובנותיהם כל יודע מבין**.

¹²² See Deut 30:2, 6; cp. 4:29; 6:5; 10:12; 11:13, 18; 13:3; 26:16; cp. 30:2. Cp. Neh 1:9; 9:26, 28–29; note the emphasis on confession of sins, Neh 1:6; 9:2–3.

Sexual laws in the covenants: Recognizing the inclusion of women in initiation rites highlights an illuminating consistency in the themes of D, Deuteronomy, and Nehemiah: the centrality of sexual laws to proper observance of the covenant. Of the twelve curses in Deut 27:15–26, four have to do with improper sexual relationships: sex with a father’s wife, bestiality, sex with a sister or half-sister, and sex with a mother-in-law (vv. 20–23). A central theme of Nehemiah is the discovery of covenantal laws regarding intermarriage with foreigners (13:1–3, 23–29; cp. 7:64–65 on priestly genealogy). D shows sectarian attempts to control sexual activity within licit marriages and condemns illicit unions severely; similar concerns appear in MMT.¹²³ Deuteronomy and Nehemiah depict instruction on the basic elements of sexual laws as a public matter—men, women, and children swear the oaths in Deut 27, after all. It seems likely that Camp protocol followed that of Deuteronomy: all citizens of soon-to-be-restored Israel were educated in basic sexual laws; they were also compelled to swear an oath of cursing upon themselves, enrolled, ranked, and examined periodically to test their knowledge. By including all in education, initiation, and registration, the Covenanters ensured that all were equally accountable to the laws, and were fairly held responsible for the results of any transgressions. Most importantly, education in covenantal laws—especially those on sexual matters—prevented transgressions that brought devastating curses upon the people as a whole. Given that *zenuth* defiles the sanctuary (CD 5:6b–8a), sexual education was not merely a matter of practical instruction or personal morality, but of national security.

Further evidence for women’s education, oaths, testimony, and formal rank: Other laws in D provide supporting evidence that sectarian women were educated well, swore oaths, and were registered with rank. We have already mentioned the Examiner’s duty to teach sectarians’ young children, sons, and daughters (בניהם [הבנותם] וטפם, 4QD^a fr. 9 iii 6–7). The same law forbids the Examiner from treating minors with rancor or anger when they transgress. While the text is fragmentary both in CD and in 4QD^a, the extant words that follow,

¹²³ *Zenuth*, one of the three nets of Belial, can occur both in licit and illicit unions. In the former, *zenuth* is having sex during menstruation or pregnancy, or in the holy city (4QD^c fr. 2 ii 15–17; cp. fr. 7 i 12–13; CD 12:1–2a). In the latter, it is taking two wives in one lifetime, marrying a niece, and those mentioned above (CD 4:20b–5:11a). MMT rejects illicit marriage in general (B 48–49a), and between priestly and non-priestly spouses in particular (B 75–82).

הם [מ]שפטיהם ואת איננו נקשר [מ...] offer an explanatory principle: young children and older boys and girls are like one who is not yet bound by the sect's halaka.¹²⁴ This principle seems to assume that, at a particular point, sectarians' sons and daughters will be subject to the Examiner's reproach and discipline, because they will be bound by the laws, responsible to keep them, and punished for transgressing them. The most likely point of this status transition is the age of twenty, when children enroll as full adult members.

"Trustworthy and knowledgeable women": 4QD^f refers to female gynecological experts called נאמנות וידעות who work with the Examiner. These trustworthy and knowledgeable women are summoned to conduct vaginal exams of brides accused of not being virgins (4QD^f fr. 3 12b–14).¹²⁵ It is clear that they must give legal testimony, since the outcome of the lawsuit depends on their findings.¹²⁶ Further, the term נאמן has technical legal meaning in D: according to laws on witnesses, only the נאמנים may testify in a lawsuit (CD 9:20b–23a).¹²⁷ In any capital case, including a woman's false claim to be a virgin (Deut 22:13–21), witnesses must be of the age of those who are mustered (9:23b–10:2a). The expert women must have met this criterion; their advanced training suggests that they were older than twenty. It is implausible that their testimony could have been accepted had they not sworn the oath: so much depended on their testimony—the purity and holiness of the community, and indeed of Israel and the sanctuary—that they must have been required to invite the curses of the covenant to fall upon them if they testified falsely. Further, since it is unlikely that these experts their status until well into adulthood, we should infer that they swore the oath at the point of initiation and registration, along with their female and male peers in the Camp. Over time, as their piety and intellectual abilities became apparent, they were selected for advanced training and promotion.

The Examiner's association with the נאמנות וידעות may imply that these women, like the Examiner, had pedagogical duties. At mini-

¹²⁴ For reconstruction see Baumgarten, *DJD* 18, 70–71.

¹²⁵ Similar expert women, also called נאמנות, appear in 4QOrdinances^a (4Q159 fr. 2–4 8–10).

¹²⁶ This evidence contradicts the conclusion of J. Taylor and P. Davies, that women were only eligible to testify about their husbands' fidelity to sexual laws ("On the Testimony of Women in 1QSa," *DSD* 3 [1996] 223–35.

¹²⁷ In *m. Sanh.* נאמן designates trustworthy witnesses (3:2), but the more common term is כשר, "eligible" (3:1, 3, 4).

num they trained other women to conduct gynecological exams. Most likely, as Wassen suggests, they were midwives who acquired their legal expertise from the regular work of delivering babies, examining vaginal discharges and non-menstrual bleeding, and so forth. If so, then their pedagogical duties included teaching these skills to others.¹²⁸ They would also have been qualified to teach other women detailed sexual laws, from prohibited forms of intercourse to methods of testing whether a menstrual cycle was beginning or completed.¹²⁹ To speculate a bit further in support of this point, I think it likely that betrothed women were tested about their knowledge of sexual laws. This would ensure that they were competent to give accurate testimony about their husbands' observance of sexual laws, as SE seems to require.¹³⁰ Such testing would, of course, require the kind of precise education that the *נאמנות וידעות* could provide.

Mothers of the Congregation: Another group of women with named rank are the Mothers of the Congregation in D's Penal Code (4QD^e fr. 7 i 13–15). These women seem to have been entrusted with sufficient authority to make decisions that occasionally aroused the angry responses that the Penal Code punishes.¹³¹ Their title and

¹²⁸ Wassen, *Women in the Dead Sea Scrolls*, 87.

¹²⁹ *M. Nid.* sheds light on what might be taught regarding menstruation: a woman manually tests for blood with a cloth (עד) (1:1, 7; the more frequently she tests, the more praiseworthy she is, 2:1). The most observant use a test cloth before and after every copulation, and provide one for her husband to examine himself (2:1–2). A woman also tests with a cloth placed beneath her during sleep (8:4). When a husband returns from a trip, his wife tests manually before and after intercourse (2:4, but note the different views of the schools of Shammai and Hillel). Other instructions include how a woman may use the timing of her regular cycles to estimate the period of her ritual uncleanness (9:8–10; cp. 1:1); how to tell whether blood found on clothing is from menstruation or another source (8:1–2); and how to clean menstrual blood from clothing before purifying it (9:6–7).

¹³⁰ Similarly Wassen, *Women in the Damascus Document*, 181–82.

¹³¹ The identity and duties of the Mothers are unstated, but their registered status suggests that they were women with advanced education. Statutes on the Camp Examiner use the term “father” to characterize his “pastoral” role, comforting members in distress, caring for their troubles (מדהויבם) like a shepherd for his sheep (CD 13:7a–10). Such comfort and care may be related to his pedagogical duties mentioned in the same passage: the knowledge of the righteous allows them to endure suffering (cf., e.g., 1QS 9:21–26a; 10:15b–20a). Perhaps the Mothers are called so for their teaching duties; they may be among those trustworthy and knowledgeable women who physically examined other women. Both roles may have required actions that provoked angry responses. It seems doubtful that the status is literal, whether designating actual mothers with children, or the title gained simply by marriage to a Father of the Congregation.

authority prove that they have official status within the Camp. Evidence that the status was formally defined comes in the Penal Code's explanation for why offenses against the Mothers are so much more lightly punished than offenses against the Fathers: the Mothers do not have רוקמה (fr. 7 i 14); presumably the Fathers do. The exact meaning of רוקמה here is obscure. Biblical usage, like that of the term elsewhere in the DSS, normally designates colorfully woven or embroidered fabric.¹³² Wassen makes a strong argument for taking the term literally: the רוקמה is a piece of fabric that only one who has attained the status of Father may wear. It signifies some accomplishment, perhaps through mystical experience or study, and authority that results from it. Thus the difference between the status of Mothers and Fathers is precisely and visually displayed by regalia.¹³³

Laws on women's oaths: Against the laws of Num 30:3–16 and the Temple Scroll (11QT 53:11–14a), D forbids a husband or father to annul a woman's oath, unless keeping it would result in transgression (CD 16:6b–12).¹³⁴ While the law's emphasis is on the sanctity of oaths, its requirements cannot be kept unless women are regarded as trustworthy to make and keep oaths properly—this requires education in sectarian halaka. The law also confirms that women swore oaths; oaths of initiation should be included, since they form the basis for all members' responsibility to keep the laws, and submission to sectarian discipline for transgression.

Registration of female births: Finally, Wassen's case for girls' and women's formal registration in the Camps is strengthened by marital laws in Cave 4 fragments of D and in MMT. Within the Camps, where priests, Levites, and lay Israelites lived as neighbors and led normal familial lives, marrying and raising children, it was extremely important to track members' lineage. 4QD^f preserves laws requiring a father disclose a betrothed daughter's status completely, lest an illicit marriage result. She must be a virgin; any physical blemishes

¹³² See Judges 5:30; Ezek 16:10, 13; 26:16; 27:16, 21; Ps 45:15. Less frequently it refers metaphorically to colorful things like an eagle's plumage (Ezek 17:3) or a stone mosaic (1 Chr 29:2). Usage in the DSS follows this pattern: for colorful clothing see 1QM 7:11; 4Q161 fr. 8 x 19; 4Q403 fr. 1 ii 1; 4Q405 fr. 23 ii 2; 4Q491 fr. 1 iii 18; 11Q17 9:7. Elsewhere it designates colorful stonework (1QM 5:6, 9, 14) or beautifully combined colors of spiritual beings or phenomena (4Q287 fr. 2 5; 4Q403 fr. 1 ii 1; 4Q405 fr. 14–15 i 3; fr. 19 5; 11Q17 4:10; 5:3; 6:6; 7:13).

¹³³ See Wassen, *Women in the Damascus Document*, 189–97.

¹³⁴ See Wassen, *Women in the Damascus Document*, 90–93.

must be disclosed, and she must be of a lineage appropriate for her future husband.¹³⁵ MMT seems to prohibit intermarriage between priestly and non-priestly families (B 75–82).¹³⁶ Given these laws, it seems likely that all births of sectarians' children were recorded, with special attention to age and lineage, and probably with a record of physical blemishes apparent at birth. Such records would have been invaluable for confirming the suitability of a bride and a groom at the point of betrothal; they also would help to verify a father's testimony about his daughter.

We do not find any hint of a move toward equal rights between women and men in the Rules—quite to the contrary, women were clearly regarded as inferior in authority, and dangerous as sources of regularly generated sexually related impurities. Precisely for these reasons, women's education was essential: in order to control them, the sect had to teach them what to do and what not to do. Indeed, sectarian women gained status as they mastered the knowledge necessary to educate, judge, and control other women. It was essential to have women swear the “oath of the sons by the curses of the covenant,” and to be initiated and enrolled formally. This served not simply to register and track them, but to compel them to discipline themselves: ideally, all who swore the oath trembled at its curses, and plotted their steps to avoid them.

3.3.2.2 *Women's Education and Authority in Plato's Republic and Laws*

The view on women's education that I find in D has a nearly perfect analogy in Plato's *Laws* and *Republic*. In the *Laws*, the Athenian criticizes Cretans and Spartans for neglecting laws concerning women. Not providing for their education, participation in communal meals, and leadership in state offices, leaves the state in grave peril, for it leaves half of a state's subjects unaccountable to the laws that ensure political stability, social unity, and the good favor of the gods. Thus:

The blessings that a state enjoys are in direct proportion to the degree of law and order to be found in it, and the effects of good regulations in

¹³⁵ 4QD^f fr. 3 4b–15 || 4QD^e fr. 5 14–21; 4QD^b fr. 7 12–14; 4QD^d fr. 9 1–8. For reconstructed text and analysis see Wassen, *Women in the Damascus Document*, 71–88.

¹³⁶ 4QD^f fr. 3 10 refers to the principle of כלאים (Deut 22:9–11; Lev 19:19), improper mixing of kinds, to indicate certain forbidden unions. MMT applies the same principle explicitly to unions between priests and non-priests. See Wassen, *Women in the Damascus Document*, 76–80, and E. Qimron's analysis, *DJD* 10, 171–75.

some fields are usually vitiated to the extent that things are controlled either incompetently or not at all in others.... It is entirely wrong of you to have omitted from your legal code any provision for your women, so that the practice of communal meals for them has never got under way. On the contrary, half the human race..., the half which is inclined to be secretive and crafty..., has been left to its own devices... Because you neglected this sex, you gradually lost control of a great many things which would be in a far better state today if they had been regulated by law. You see, leaving women to do what they like is not to lose *half* the battle (as it may seem): a woman's natural potential for virtue is inferior to a man's, so she's proportionately a greater danger, perhaps even twice as great.¹³⁷

Hence, the Athenian argues, the education of boys and girls must be identical—not only from the elementary stage, but through adulthood, including full military training.¹³⁸ They must know and be accountable to the laws, and be prepared to defend the state with devotion and skill equal to men. In his *Republic* Plato posits an even more progressive plan: women should not only be educated alongside men, but the most excellent among them should be selected for training as Guardians of the Law, with expertise and authority equal to that of their male counterparts. Alongside the men, they will enforce the laws, ensure that sexual unions are licit, and present a resplendent example of piety for their subjects.¹³⁹ The pedagogical responsibilities of the female Guardians are analogous to those that I have described for the נאמנות וידעות, and possibly also the Mothers of the Congregation, in D. Both Plato's female Guardians and the female leaders of D are responsible for supervising and investigating sexual unions, ensuring that they are licit, and participating in juridical punishment for those who transgress. The stakes in Plato's *Republic* are as high as in D, and the punishment is grave: children born of illicit sexual unions embody their parents' impiety and disregard for the laws. They are defiled, an affront to the gods and cult, unsanctioned by the sacrifices and prayers. Thus any pregnancy resulting from an illicit sexual relationship must be terminated; if it cannot be terminated, the child must be exposed.¹⁴⁰

¹³⁷ Plato, *Leg.* 780d–781b, tr. Saunders. Aristotle, perhaps depending upon Plato's *Laws*, mounts the same critique against Sparta in *Pol.* 1269b 12–1270a 34.

¹³⁸ Plato, *Leg.* 804d–806c.

¹³⁹ Plato, *Resp.* 455d–457b.

¹⁴⁰ Plato, *Resp.* 461a–c.

3.3.2.3 *Analogies in Scripture, Rabbinic Judaism, and Political Discourse*

The Mothers and Fathers of the Congregation: Archaeological evidence points to women of high status in synagogue life. Inscriptions in Greek and Latin call high-ranking women “Mothers of the Synagogue” (μήτηρ συναγωγῆς, *mater synagogarum*, *matri synagogae*), counterparts to Fathers who also appear. These titles are obviously analogous to the Mothers and Fathers of the Congregation in D’s Penal Code (4QD^e fr. 7 i 13b–14).¹⁴¹ The ranks are difficult to compare given the paucity of evidence for sectarian and synagogue Mothers and Fathers; as I have argued above, the sectarian Mothers seem to have had real authority. Whether the synagogue title was merely honorific or designated synagogue leaders is debated, but the latter seems probable, as Bernadette Brooten has shown.¹⁴²

It is not hard to find scriptural precedent for the title Fathers of the Congregation: אבות appears throughout Scripture as a title for leaders of subunits of Israel.¹⁴³ Once the term אם is applied symbolically to a female leader: Judges 5:7 states that Deborah arose to lead as an אם בישראל. Possibly this occurrence influenced the Covenanters’ choice of titles for female authorities. But it seems more likely that the term arose as a matter of practicality: what else could one call female authorities, if their male counterparts are Fathers?¹⁴⁴

The honoring of Mothers alongside fathers also fits well within the political discourse of the Covenanters’ era. Greeks and Romans texts, inscriptions, and coins show show the terms Father and Mother as honorific titles for leaders or superiors in many contexts. Members of

¹⁴¹ For discussion and inscriptional evidence see the revised Schürer, 3.101–2, 106–7; cp. 2.447–48 n. 98.

¹⁴² B. Brooten, *Women Leaders in the Ancient Synagogue* (Brown Judaic Studies 36; Chico: Scholars Press, 1982).

¹⁴³ See Num 6:25; 31:26; 32:28; 36:31; Josh 14:1; 21:2; 1 Chr 7:7; 8:6, 10, 28; 9:9, 33; 24:4, 31; 25:5; 35:2; Neh 12:22.

¹⁴⁴ In his attempt to support a thesis that the Covenanters’ sect was organized around individual households, A. Sivertzev reads “mothers” and “fathers” literally, claiming that the Fathers were sectarian leaders and the Mothers were their wives. This reading is possible, but does not account for the reason that D gives for the discrepancy in their status: the Mothers lack רוקמה, which the Fathers apparently have (4QD^e fr. 7 i 13–15). Whether acquisition of רוקמה is associated with household authority is questionable; it seems more likely to refer to education or mystical experience to which only male authorities had access. See Sivertzev, “Sects and Households: Social Structure of the Proto-Sectarian Movement of Nehemiah 10 and the Dead Sea Sect,” *CBQ* 67 (2005) 71.

the Roman senate were called *patres*;¹⁴⁵ they had the power to confer the title *pater patriae* on other leaders.¹⁴⁶ The title *mater patriae* is not uncommon: Dio Cassius remarks that Augustus' wife Livia was honored throughout Rome as *mater patriae* after her death (μητηρ πατρίδος, 58.2). Later, Marcus Aurelius' wife Faustina, and Julia Livia, wife of Septimius Severus, were both honored as *mater castrorum*, implying close association with the military; coins honoring Julia Livia also bear the grandiloquent titles *mater augustorum*, *magna mater*, and *mater senatus*, along with *mater patriae*.¹⁴⁷

Female education and authority: The education and authority of females in rabbinic Judaism is difficult to reconstruct. The Mishnah offers conflicting opinions: in *Sotah* ben Azzai insists that girls be taught the sexual laws, while R. Eliezer denounces this as teaching תפלות, "lewdness," to girls (3:4). While ben Azzai's practice is similar to that of Deuteronomy, Nehemiah, and, as I have argued, D, his reasoning differs: rather than preventing transgressions that threaten Israel, teaching the laws to girls ensures that they will understand why they are punished if they transgress.¹⁴⁸

From other tractates we may infer different practices. *M. Nid.* 5:6 requires that girls' knowledge of laws of vows—especially those pertaining to sexual fidelity in marriage—be scrutinized at age eleven,

¹⁴⁵ *Patres (et) conscripti* is the traditional title (Livy 2.1.11); it could be abbreviated *p.c.*, as in Suetonius, *Aug.* 58. For analysis of the origin see A. Momigliano, "The Rise of the Plebs in the Archaic Age of Rome," in *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders*, ed. K. Raaflaub (Rev. ed.; Oxford: Blackwell, 2005) 173.

¹⁴⁶ In the Covenanters' era the title was bestowed upon Cicero, Julius Caesar, and most of the Emperors from Augustus to Vespasian. See Plutarch, *Cic.* 23; Suetonius, *Jul.* 76; *Aug.* 58; *Cal.* 22 (*pater castrorum*); *Nero* 8; *Vesp.* 12; on Nero see also Tacitus, *Ann.* 12.96. Tiberius declined the title (Suetonius, *Tib.* 26), and the three emperors in 68–69, Galba, Otho, and Vitellius, were not offered it. For the widespread numismatic evidence for the imperial title see T. Stevenson, "Roman coins and refusals of the title Pater Patriae," *Numismatic Chronicle* 167 (2007) 119–41.

¹⁴⁷ Thus, *pace* Sivertzev, "Sects and Households," the titles Mother and Father commonly metaphorically denote political authorities who care for their subjects as parents for their children. See M. Horster, "The Emperor's Family on Coins (Third Century): Ideology of Stability in Times of Unrest," in *Crises and the Roman Empire: Proceedings of the Seventh Workshop of the International Network Impact of Empire*, ed. O. Hekster et al. (Leiden: Brill, 2007) 298–99.

¹⁴⁸ A dominant view in *m. Sotah* seems to be that fathers bear responsibility for their daughters' adherence to the sexual laws, and that female sexual activity can begin at a very early age (see, e.g., the gruesome hypothetical cases explored in 5:4). Complete control of female sexuality can pass from father to husband while the girl is still too young to be held accountable for keeping the laws of Torah.

and a pubescent girl is assumed to bear full responsibility for keeping the laws of the Torah (*m. Nid.* 6:11). Women must recite three daily prayers—the תפילה, מוֹזוּזָה, and בְּרַכַּת הַמְּזוּזָה (*m. Ber.* 3.3).¹⁴⁹ Knowledge of these laws and fluency in the daily prayers implies some degree of education, whether in the household or at school. Imposing responsibility upon women not only affirms that they are accountable to the law, but that their knowledge of the law is important enough to be tested regularly—which in turn suggests some standard curriculum of female education.

3.3.2.4 *Analogies to the Initiation Laws of D in the Associational Nomoi*
The Role of the Examiner: Initiation protocol in associational *nomoi* show important analogies to that in D; here I will focus on the rules in the Iobacchic *nomos*, since they are the most detailed and best preserved. Initiation into the Iobacchi is somewhat analogous to initiation into a Camp: an inquirer approaches the head priest, and then is inducted by the assembly of full members (*SIG*³ 1109.32–37). But the structure of authority is remarkably different: D has the Examiner decide whether an adult who wishes to join is suitable; it appears that the Many simply ratify his decision (*CD* 15:7b–11). The Iobacchic laws appear to give the assembly authority to approve or reject by vote; the priest simply registers the applicant as a candidate.¹⁵⁰

Members' children and new adult members in the nomoi: Like D, the Iobacchic code makes it easier for members' sons to join than for other applicants, including members' brothers.¹⁵¹ A father pays twenty-five *denarii* to enroll his young son, and then the son pays an additional twenty-five *denarii* to enter the society when he reaches maturity. The age is not given, but the principle of an age requirement is analogous to that of D.¹⁵² Adult members join by paying the full fifty *denarii* in addition to funds or wine for a libation. A son and father together may

¹⁴⁹ For discussion see the revised Schürer, 2.455–56.

¹⁵⁰ See below, §4.8.2, for detailed discussion. Cp. *ILS* 7212 1.17–19, which warns prospective members that they must study the associational statutes carefully and abide by them completely. For discussion see Bardtke, “Rechtsstellung,” 97–98; also San Nicolò, “Zur Vereinsgerichtsbarkeit,” 282, 298.

¹⁵¹ Members' brothers had to pay the full fifty *denarii* and were only admitted after examination and vote. Enrollment of members' sons who had been enrolled as children, on the other hand, is described without mention of examination or vote (*SIG*³ 1109.54–58).

¹⁵² *SIG*³ 1109.38–41.

contribute a single libation, but regular members must libations individually.¹⁵³ Further, while adult applicants are first scrutinized by the priest and then examined (δοκιμασθῆναι) and voted upon by the members, no examination is mentioned for members' sons.¹⁵⁴

It is worth noting that, while a scrutiny of prospective members appears in the Iobacchic *nomos*, it is far from ubiquitous in other *nomoi*. Where it is mentioned, it appears without elaboration of the qualities of the candidate to be evaluated. More often *nomoi* list general qualities that members must possess, without stating that they will be examined on them. Even such stipulations are far from universal.¹⁵⁵

Property and dues: A striking difference between the *nomoi* and D is the the absence of any mention of dues in D's initiation laws. While *dokimasiai* are rare in the *nomoi*, rules on dues are a standard component of rules on initiation; I discuss this below in more detail.¹⁵⁶ Like associational officers, the Examiner has authority over members' finances, but it is more complex than mere collection of dues. As the Rule for the Examiner indicates, he must approve all members' financial activity, including their use of privately held funds (CD 13:7b–21, esp. 14–16b). When “dues” are mentioned, it is in the Rule for the Many at the end of D: full members contribute not a set amount, as in the associations, but a sort of tax based on monthly income. They

¹⁵³ SIG³ 1109.55–58.

¹⁵⁴ Cp. SIG³ 1109.33–37 with ll. 38–41: The former requires an adult to lodge an application with the priest, after which his application is submitted to members for a vote. The latter requires a child to submit the same notice to the priest (most likely his father did this for him), pay twenty-five *denarii*, and then live outside the society until attaining maturity. Upon maturity he pays the remaining twenty-five *denarii* and enrolls as a full member.

¹⁵⁵ In the society of Diana and Antinoüs, prospective members are required to understand the statutes of the community prior to enrolling (ILS 7212 1.17–19), but the inscription gives no description of a scrutiny. I assume that members were examined in some fashion; on the other hand it is possible that they were allowed to enroll under the assumption that they were fully responsible for observing the statutes, and for any penalties that they might incur through violation.

The *nomos* of the cultic association in the house of Dionysios (SIG³ 985, late 2nd–early 1st cent. BCE) requires all members to swear to observe high standards of morality and lists several transgressions, mostly sexual, that members must avoid. While the statutes declare that evil curses from the gods will befall wrongdoers and that members who know about other members' transgressions should report them, nothing about a pre-enrollment *dokimasia* appears. For a general survey of requirements that associational members be of good moral character see Poland, *Geschichte*, 499–500.

¹⁵⁶ See below, §3.6.2.1, for discussion of dues in the associational *nomoi*.

give it not to a single treasurer (ταμίαις), as in the Iobacchic code,¹⁵⁷ but to the Examiner and the Judges, who cooperate in its application (CD 14:12b–17a; cp. the Examiner over the property of the Many in 1QS 6:20). This money is not used for recreational banquets, as in the *nomoi*, but for care of needy members.¹⁵⁸

3.3.2.5 Analogies to the Initiation Laws of D in the *Politeiai* and Political Conventions

Examination of new members, oaths, and multiple scrutinies in the politeiai: The situation is the opposite in the *politeiai*, which describe numerous *dokimasiai* throughout the lives of citizens. In Plato's *Laws* the Athenian rules that all citizens must undergo regular scrutinies from early childhood, until they are old enough to stand for election to public office.¹⁵⁹ Like D and the Iobacchic *nomos*, the *politeiai* emphasize the role of the children of members—in the *politeiai*, citizens of the state—in replenishing the society's ranks. According to the Aristotelian *Constitution of Athens*, two *dokimasiai* take place when a young man reached the age of eighteen. First he registers, presumably by coming before the official registrar, to enroll in the local *demos* to which his father belongs.¹⁶⁰ After he registers, deme members scrutinize him to make sure he is of age, freeborn, and from parents who were both Athenian citizens.¹⁶¹ The second *dokimasia* occurs in the *boulē*: after the deme assembly completes enrollment of new members, the *boulē* scrutinizes the list to ensure that all new citizens were of age. If anyone is found to be too young, the deme members who enrolled him are punished; presumably he is sent back among the youths.¹⁶² Those who

¹⁵⁷ See SIG³ 1109.146–159; cp. 97–103, 100. Note that the treasurer may appoint a scribe (γραμματέυς) if he wishes (ll. 156–159).

¹⁵⁸ See below, §3.6.2 for full discussion.

¹⁵⁹ If a citizen held office, he was subjected to numerous other scrutinies. See Plato, *Leg.* 751c–d.

¹⁶⁰ The registration process is described without mention of the registrars, but their role should be assumed. For the procedure see Arist., *Ath. pol.* 42.1; for registrars' duties in the military see 49.2.

¹⁶¹ If he was judged too young he returned to the youths; if a question about his free status arose he could appeal to the court, which appointed five prosecutors to conduct a full investigation. If he was found to be a slave he was sold; if not, he was enrolled. See Arist., *Ath. pol.* 42.1.

¹⁶² Arist., *Ath. pol.* 42.2.

are approved are enrolled as citizens and begin their military training, which lasts two years.¹⁶³

These examinations allowed Athenians to ensure that all citizens were legitimate. Citizens underwent numerous additional *dokimasiai* when they were elected or selected by lot to hold public office.¹⁶⁴ The *boulē*, the council of five hundred responsible for daily administration of the *polis*, and the *dikasteria*, jury-courts comprising forty members, conducted the scrutinies.¹⁶⁵ The most extensive *dokimasiai* were required for the nine principal officers of the *boulē*: the six *thesmothetai*, the *basileus*, *archon*, and *polemarch*. They first came before the entire *boulē* of five hundred, then before a smaller *dikasterion* that had power to make final decisions about each candidate's suitability for office. The tenth member of their cohort, the secretary, was examined only once by a *dikasterion*.¹⁶⁶ Together the nine officers and the secretary made up the "ten leading men," the *δεκάπρωτοι* of the *boulē*; these men appear throughout descriptions of cities in the Hellenistic and Roman eras.¹⁶⁷ Scrutinies of candidates for public service focused on their lineage and moral virtue. If they were determined fit for service, they faced periodic examinations of the conformity of their deeds to law as they administered public affairs, and an examination of performance after leaving office.¹⁶⁸ Once a candidate was approved for public service he swore an oath to act justly and in conformity to the laws, and to

¹⁶³ For details about military service see Arist., *Ath. pol.* 42.2–5. Note that during the two years the cadets share property and take meals together. Such communal living among military units was ubiquitous.

¹⁶⁴ There were further examinations for invalids that applied for public aid: Arist., *Ath. pol.* 49.4.

¹⁶⁵ On the *dokimasiai* of public officials by the *boulē* see Arist., *Ath. pol.* 49.1–3 (cp. 45.3; 59.4); on the *dokimasia* of the principal officers of the *boulē* see 55.3–5.

¹⁶⁶ Arist., *Ath. pol.* 55.2. The same single *dokimasia* before a *dikasteria* applied to the assistants to the *archon*, *basileus*, and *polemarch* (56.2).

¹⁶⁷ For surveys of the features of Hellenistic-Roman *boulai* see esp. A. Bowman and D. Rathbone, "Cities and Administrations in Roman Egypt," *Journal of Roman Studies* 82 (1992) 107–27; also Bowman, *The Town Councils of Roman Egypt* (American Studies in Papyrology 11; Toronto: Hakkert, 1971); A. H. M. Jones, *Cities of the Eastern Roman Provinces* (Oxford: Clarendon, 1937; repr. 1998). For the argument that Jerusalem had the status of a *polis* see L. Levine, *Jerusalem: Portrait of the City in the Second Temple Period (538 BCE–70 CE)* (Philadelphia: Jewish Publication Society, 2002) 266 and V. Tcherikover, "Was Jerusalem a Polis?" *IEJ* 14 (1964) 61–78.

¹⁶⁸ Arist., *Ath. pol.* 56.1. Periodic examinations and votes of confidence occurred throughout the tenure of generals and cavalry commanders as well (61.2, 4).

refrain from taking bribes. This oath was administered twice: first in the *dikasterion* and then at the Acropolis.¹⁶⁹

The pattern of submitting an application for citizenship to a local official or administrative body, a vote on a candidate's admission, and then ratification of his entrance with an oath, is ubiquitous in the *politeiai*.¹⁷⁰ This political practice efficiently explains why many associations adopted the habits of examining candidates, voting on admission, and enrolling with an oath: associations took for granted the familiar conventions of enrolling citizens in the state—as well as the military, as I discuss below.

Enrollment in a local subdivision: Finally, another state-like feature is that one joined the Covenanters not by enrolling directly in the association, but by enrolling in one of its local subdivisions, i.e., the Camps. Similarly, Athenian citizens did not enroll directly as Athenians, but as members of its tribes, demes and phratries; Roman citizens also enrolled in Rome's tribes.¹⁷¹ The procedure of enrollment in a subdivision of the sect distinguishes the Covenanters from ancient associations, in which members invariably enrolled directly in the main body.

Laws on status-marking regalia: If Wassen's interpretation of ריקמה is right, it fits quite well with contemporary laws and customs on clothing and status. M stipulates that priests gird themselves with brilliant, multi-colored sashes "of specially embroidered form" (צורת ריקמה) into battle (1QM 7:9–11).¹⁷² The description of priestly sash in M probably comes from Exod 28:39–40, which describes priests'

¹⁶⁹ On oaths in the *dikasteria* see Arist., *Ath. pol.* 55.5.

¹⁷⁰ See, e.g., Arist., *Ath. pol.* 55.5.

¹⁷¹ The role of the local Camp in establishing the eligibility of individuals to belong to the translocal sect seems analogous to the role played by local phratries, private "brotherhoods" in classical Attica. Membership within a phratry depended upon legitimate descent, i.e., being the son of a father who was a citizen and a "duly betrothed" mother. Without membership in a phratry, Athenian citizenship could not be obtained. Potential members underwent two examinations that involved the testimony of relatives and others; the membership rosters of the phratries were, unsurprisingly, essential records for determining whether individuals were eligible for citizenship. The Camps may have functioned similarly: membership in a local Camp was extended most easily to children of members; members were examined repeatedly to ensure their fitness for membership; finally, members of a Camp could participate in the larger social identity of the sect and acquired legal privileges available only to full members. For discussion of the Attic phratries see Jones, *Associations*, 195–220.

¹⁷² A *peshet* on Isaiah describes the Messiah's clothing with the same term (4QpIsa^a fr. 8–10 20).

sashes as *מעשי רקם*; the entirety of Exod 28 describes vestments that only priests may wear.¹⁷³ Roman law extensively prescribed particular dress and regalia to persons of specific status, and prohibited wearing regalia that did not belong to one's status.¹⁷⁴ Thus the practice of marking of authority with regalia, and forbidding those without a specific status from wearing certain items, belongs to the realm of state law, from the eschatological vision of the M to the laws of the Torah, and with the Roman laws of the Covenanters' era.

3.3.2.6 *The Status of Slaves in the Camps*

Slaves are mentioned at least three times in D. Each law imposes restrictions on their treatment: CD 11:12 forbids a master to provoke (*מרא*) a male or female slave, or a hired laborer, on the Sabbath; CD 12:10b–11a forbids selling a male or female slave to a Gentile, because “they have entered into the covenant of Abraham”; and 4QD^e fr. 4 12–21 seems to require a male master to wait for seven years before having sex with a newly acquired female slave. There is no hint in these laws that slaves have acquired status as full members of the sect. The prohibition of selling sectarians' slaves to Gentiles seems to be a halakic expansion of the law in Exod 21:8, which forbids a master from selling a female Hebrew slave with whom he has had sex to a Gentile. The act of sex is regarded as a sort of vow; selling her is dealing deceitfully with her. In CD 12:10–11, the description of slaves as having entered into the covenant suggests that they (a) are under the protection of its laws; and (b) that they are Gentiles who are

¹⁷³ For analysis of the priestly significance of embroidered clothing see G. Brooke, “Between Qumran and Corinth: Embroidered Allusions to Women's Authority,” in *The Dead Sea Scrolls as Background to Postbiblical Judaism and Early Christianity*, ed. J. Davila (STDJ 46; Leiden: Brill, 2003) 157–76.

¹⁷⁴ For essays on Roman law and customs see J. Edmondson and A. Keith, eds., *Roman Dress and the Fabrics of Roman Culture* (Toronto: University of Toronto, 2009); J. Sebesta and L. Bonfante, eds., *The World of the Roman Costume* (Madison: University of Wisconsin, 1994). Brief examples: young men gained the right to wear the white *toga virilis* upon attaining maturity and ability to participate in politics (Pliny, *Ep.* 1.9; Suetonius, *Oct.* 26; *Tib.* 54; *Cal.* 16; *Nero* 7; Ovid, *Fast.* 3.711). Officers of various ranks wore the more prestigious *toga praetexta*, which had a broad purple border: dictator, consuls, praetors, augurs, decemviri, aediles, senators, and other various magistrates (Livy 34.7; Cicero, *Phil.* 2.43; Festus, *Lexicon*, s.v. *praetexta pulla*). Various *trabea*, a toga with different colors and stripes, indicated specific ranks (Servius, *ad Aen.* 7.612). Only the emperor could wear the all-purple *trabea* (cf. Cicero, *Phil.* 2.34), and only augurs wore that of purple and saffron. The purple and white *trabea* belonged to the equestrian class (Valer. Max. 2.2; Tacitus, *Ann.* 3.2).

required to observe the laws of the Torah. Male slaves are circumcised (Gen 17:13, 27), and all must observe Sabbath rest (Exod 20:10). Within sectarian households we may assume that they had to observe purity laws. As Wassen plausibly suggests, purity concerns lie behind the period of waiting before having sex with a female slave: she must learn the laws and prove herself trustworthy before her master can own her sexually.¹⁷⁵ Nothing in these statutes, or elsewhere in the Rule Scrolls, suggests that slaves gained status in sectarians' households. They are treated in conformity with purity and Sabbath laws, and are regarded as members of the "covenant of Abraham" only insofar as they are compelled to conform their behavior to the purity standards of the sectarian household. Their status as human property remained consistent with that described in the laws of the Torah, and with practices in the Covenanters time; indeed, the biblical allowance of female slaves as sexual property is apparently unaltered (Exod 21:7–11; Lev 19:20–22).

In the next section we will examine the legal jurisdiction of the sectarian courts, which were located in the Camps. The statutes on the local courts have significant analogies in the statutes on the subdivisions of the state in the *politeiai*, esp. Aristotle's *Constitution of Athens* and Plato's *Laws*.

3.3.3 *Prohibition of Appeal to Gentile Courts in Capital Cases* (CD 9:1 || 4QD^a fr. 8 ii 8b–9; 4QD^e fr. 6 iii 16a)

The next statute prohibits prosecution of capital cases in Gentile courts. Weinfeld denies that the Rule Scrolls contain any such prohibition, but his position is untenable.¹⁷⁶ Despite discrepancies in the wording of the law in the D mss. (CD 9:1; 4QD^a fr. 8 ii, 4QD^e fr. 6 iii), its meaning seems clear enough.¹⁷⁷

¹⁷⁵ So Wassen, *Women in the Damascus Document*, 68–71.

¹⁷⁶ Weinfeld, *Organizational Pattern*, 34. Weinfeld curiously acknowledges that the original editor of CD, Schechter, found "a prohibition against acknowledging the jurisdiction of the Gentiles" in 9:1 (*Documents of Jewish Sectaries*, 78 n.2), but declines to explain his position.

¹⁷⁷ For discussion of this difficult rule see esp. C. Hempel, *Laws*, 31–32; P. Winter, "Šadokite Fragments IX,1," *RevQ* 6 (1967–69) 131–36; I. Rabinowitz, "The Meaning and Date of Damascus Document IX,1," *RevQ* 6 (1967–69) 433–35; Z. Falk, "'BHUQEY HAGOYIM' in Damascus Document IX,1," *RevQ* 6 (1967–69) 569; J. Derrett, "'BEHUQEY HAGOYIM': Damascus Document IX,1 Again," *RevQ* 11 (1982–84) 409–15. For other interpretations see Y. Yadin, *Temple Scroll* 1.382; B. Wacholder,

כל אדם אשר יחרים אדם מאדם בחוקי הגוים להמית הוא vac CD 9:1
 ואשר אמר vac 4QD^a [כול חרם אשר יחרים אדם מאדם בחוקי
 הגוואים להמית הוא] vac 4QD^e [ואשר אמר] [כל חרם אשר יחרים אדם מאדם בחוקי
 הגוואים להמית הוא]

- CD Any man who devotes (to destruction) a man from among men by the statutes of the Gentiles, he shall be put to death.
 4QD^{a,e} And as it says, "Anyone devoting": anyone who devotes (to destruction) a man from among men by the statutes of the Gentiles, he shall be put to death.

CD presents the law as an apodictic rule, i.e., without the formula introducing scriptural citation that appears in 4QD^{a,e}, "ואשר אמר," and as it says."¹⁷⁸ It is possible that the formula existed in the last lines of the immediately preceding column, which are now lost. However, this is improbable if the missing lines of col. 16 are reconstructed on the basis of parallel material in 4QD^e, since it appears that there would not be enough space in the column.¹⁷⁹ Further, CD presents a paraphrase, not a scriptural citation. The apodictic formulation of the rule in CD 9:1 differs from that of 4QD^{a,e}, which present the rule as exegetically derived from Lev 27:29.¹⁸⁰

Why the paraphrase in CD? It appears that an editor changed the direct quotation in order to clarify rules about prosecution. The wording of D and that of Lev 27:29 are quite close, especially in the original formulation (4QD^{a,e}), the former clearly depending upon the latter:

כל־חרם אשר יחרם מן־האדם לא יפדה מות יומת Lev 27:29
 ואשר אמר כל חרם אשר יחרים אדם מאדם בחוקי הגוואים 4QD^{a,e}
 להמית הוא

Lev. 27:29 Anyone devoted who has been devoted from among human beings may not be redeemed: the person must be put to death.

"Rules of Testimony in Qumranic Jurisprudence: CD 9 and 11QTorah 64," *JJS* 40 (1989) 1963–74.

¹⁷⁸ See the discussion of apodictic and exegetically derived rules in J. Baumgarten, *DJD* 18, 11–13.

¹⁷⁹ See the reconstruction of Qimron, "Text of CDC," 40–41.

¹⁸⁰ J. Baumgarten speculates that the text in 4QD^{a,e} quoted the first two words of Lev 27:29, "כל חרם" (*DJD* 18, 66). The text of the Scripture has been lost in both 4QD^{a,e}, making certainty impossible. Qimron emends "כל אדם" to "כל חרם" in CD 9:1 and suggests that the line be "understood as a biblical citation" ("Text of CDC," 27).

4QD^{a,c} And concerning what he said, “Anyone devoted”: anyone who devotes a person to destruction by the statutes of the Gentiles, he must be put to death.

In both texts the opening two words are identical, כל חרם. In Lev 27:28–29 the same phrase is repeated three times, each time designating an item that is ritually “devoted” to God. Since such property belongs only to YHWH, it may not be used, sold, or redeemed. The way to guarantee its absolute consecration is through destruction. As with property, so also with such persons: they must be killed.¹⁸¹

The law in the D presupposes, then, the practice of “consecration to the deity through destruction.”¹⁸² However, the law does not treat devoted things *per se*, but the duty of the one who did the consecrating. This is evident in the second phrase: the relative pronoun אשר is followed by the *hophal* (יחרם) in Leviticus, resulting in the phrase “whoever *is devoted*,” but the *hiphil* (יחרים) in D gives us the phrase “whoever *devotes*”: the subject of the verb in the latter is the agent, not the object, of devoting. The third phrase in D paraphrases that in Leviticus by glossing מן־האדם, literally “from among human beings,” as אדם מאדם, “a person from among human beings.”¹⁸³ Perhaps the interpreter worried that the scriptural phrase allowed that property, livestock or money might be understood as things “from among human beings.”¹⁸⁴ The law in D leaves no doubt that it refers to the devotion of a human being to death. At the same time the retention of the phrase “from men” approximates the language of the biblical text.¹⁸⁵ But D departs from Lev 27:29 with the addition of a qualifying phrase that has generated much interest: “by the laws of the Gentiles.” What does this mean? Several scholars have pointed out that the phrase may have been culled from Lev 20:23, which forbids Israelites from conducting their lives “according to the laws of the nation” (בחקי הגוי) that

¹⁸¹ For comments on Lev 27:28–29 see J. Milgrom, *Leviticus* (3 vols.; AYBC; New Haven: Yale University Press, 1998–2001) 3:2391–96; 2417–21.

¹⁸² The phrase comes from Milgrom, *Leviticus* 3.2391.

¹⁸³ *Contra* Schechter, who read מאדם as dittography (*Documents of Jewish Sectaries*) xlv.

¹⁸⁴ Note that the phrase מן־האדם is used absolutely to refer to a human being only in this passage. Elsewhere the phrase refers to the origin of an object (Gen 2:22 [Adam’s rib!]), or qualifies a substantive fraction, e.g., “one fiftieth of the (captured) humans (מן־האדם)” allocated as spoils (Num 28:30, 47; cp. v. 28). In Isa 2:22 the same phrase appears, but the preposition completes the meaning of the imperative verb חדליו, thus “turn away from man,” or “cease regarding mortals.”

¹⁸⁵ So also Rabinowitz, “Meaning and Date,” 433–34.

formerly occupied the land.¹⁸⁶ This plausible interpretation supports my position that in CD 9:1 the phrase “laws of the nations” refers to the legal courts and customs of the Gentiles.

The central issue in the statute is the protocol and jurisdiction of the court: no sectarian may appeal to the laws and courts of the Gentiles in a capital case.¹⁸⁷ Indeed, initiating such a prosecution merits the death penalty.¹⁸⁸ Put more positively, the sect claimed exclusive authority to try capital cases involving members. A later rule in the same literary unit shows that the sectarian court claimed jurisdiction in capital cases (CD 9:23b–10:2a).¹⁸⁹ The conclusion of CD 9:1, להמית הוא, loosely paraphrases the conclusion of Lev 27:29; its meaning, “it is necessary that he be put to death,” is clear.¹⁹⁰ As I show below, the agent of the capital sentence was understood to be God or a destroying angel;¹⁹¹ the sect’s “execution” of offenders took place in a rite of expulsion.

¹⁸⁶ This attractive possibility was first set forth Rabinowitz, “Meaning and Date,” 433–34; Wacholder follows Rabinowitz, pointing out that the same combination of texts also occurs in 11QT 64:6–11 (“Rules of Testimony”) 163–67. It is possible that the text of Lev 23:10 before the sectarian legal interpreter contained “laws of the nations,” since the variant is attested at an early date. The LXX translates the verse as though reading גוים: καὶ οὐχὶ πορεύεσθε τοῖς νομίμοις τῶν ἔθνων, “and do not walk according to the laws of the nations;” similarly the Vulgate has *nationum*.

¹⁸⁷ So also Wacholder, “Rules of Testimony,” 165–67.

¹⁸⁸ The suggestion of Ze’ev Falk, “‘BHUQEY HAGOYIM,’” that the phrase בחוקי הגוים refers to the Gentile practice of decapitation, must be rejected (J. Derrett argues similarly, “‘BEIUQEY HAGOYIM,’ Damascus Document IX, 1 Again,” *RevQ* 11 [1983] 409–15). His argument requires importing the precise concerns of *m. Sanh.* 7.3, methods of decapitation, into our text, which treats the general problem of legal jurisdiction in capital cases. The rabbis opposed the method of decapitating a standing man with a sword, which they described as a practice “in accordance with the method that the ‘government’ (שהמלכות) practices,” מלכות clearly being a reference to the Gentile authorities. Instead, the rabbis recommended having the condemned man kneel with his head on a chopping block, so that the executioner could sever his head with one precise blow of an axe (קופץ). While there may be certain consistencies between CD 9:1 and *m. Sanh.* 7:3—both refer to Gentile practice, and both have to do with death sentences—the passages display differences far too great to allow equating their concerns.

¹⁸⁹ *Contra* J. Derrett’s claims that the phrase “by the statutes of the Gentiles” should be taken with the concluding phrase, “he must be put to death,” i.e., “he must be put to death in accordance with Gentile law” (Derrett, “‘BEIUQEY HAGOYIM,’” 415). But turning offenders over to Gentile courts would confirm the validity of enemy authorities who lack valid legal knowledge: 1QpHab 2:15 says of the Romans, they “do not believe in the statutes [of Go]d” (בחוֹקֵי אֱלֹהִים).

¹⁹⁰ Rabinowitz rightly notes that the *hiphil* infinitive construct here has gerundive force, and the pronoun הוא resumes the subject of the first clause, “anyone who devotes.” See *idem*, “Meaning and Date,” 434.

¹⁹¹ See the reference to Mastema in CD 16:5; cp. Belial as the agent of divine wrath, 8:2; 19:14.

The law against prosecuting capital cases in the Gentile courts accomplished at least two things. First, like other rules against engagement with the enemies of the sect, it protected the sect against destructive conflict by restricting possibilities for conflict with outsiders.¹⁹² Indeed, this law suggests that the sectarians refrained from prosecution in external courts even when an opponent might have been punished.¹⁹³ The Covenanters' eschatology explains: rather than seek petty revenge against a single wrongdoer in the courts of their enemies, the sectarians invested all hope for vindication in the coming Day of Vengeance when God would destroy their opponents.¹⁹⁴

Defining the prosecution of a capital suit in the Gentile courts as a capital offense reifies the sect's claim to comprehensive legal jurisdiction over members: if their jurisdiction extends to capital cases, then surely it also obtained in lesser cases. The fact that their law forbids them from prosecuting capital cases in the Gentile courts has the effect of heightening sectarians' sense that their decisions were of ultimate consequence. This is an effective deterrent for sectarians tempted to appeal for legal relief outside of the sectarian courts, and instantiates the sect's alternative civic ideology in the form of positive law.

3.3.3.1 *Associational Analogies to the Prohibition of Appeal to Public Courts*

The laws forbidding members from seeking legal relief external courts were among the first that Bardtke compared with statutes of Greco-Roman *nomoi*.¹⁹⁵ Bardtke went further, arguing that, like the Covenanters, some Greek and Roman associations claimed comprehensive legal jurisdiction over members. As evidence he produced one example: an Egyptian association's imposition of fifty blows with a rod for failing to pay dues. This, he claimed, presupposed sovereignty over the life of

¹⁹² Cp. 1QS 9:16–18.

¹⁹³ For a similar argument see Winter, "Sadoqite Fragments," 134.

¹⁹⁴ See the *War Rule* (1QM), *passim*; also 1QS 9:21–24.

¹⁹⁵ Bardtke, "Rechtsstellung," 100. Given the common limits that associations imposed on members' access to external courts, we must reject Paul Winter's claim that 1 Cor 6:1–6 and CD 9:1 reflected peculiarly Jewish legal attitudes ("Sadoqite Fragments IX, 1," *RevQ* 6 [1967] 135). This prohibition is extremely common: e.g., P. Dem. Cairo 30605 19–21; 30606.17–19; 31179 20–21, 24; P. Lille 29.10, 22–23; P. Mich. V 243.7–8; P. Lond. 2710.16–17; *SIG*³ 1109.90–102.; Prohibitions against accusations in *CIL* 14.2112 2.25–28 may have been intended to limit members' interactions with external courts. See also Cicero, *Caes.* 26. For additional discussion see Boak, "Organization of Gilds," 217.

the transgressor.¹⁹⁶ But his conclusion is overstated: failure to pay dues hardly amounts to a capital crime, and fifty blows, while admittedly high, was not a death sentence. The Mishnah prescribes forty blows (minus one) for a wide range of non-capital crimes, and gives guidelines for avoiding injury and excessive humiliation.¹⁹⁷ Paul's claim that he received the forty blows five times (2 Cor 11:24) proves that such punishments were not intended to cause death, but public and painful humiliation.¹⁹⁸ The Egyptian association, like the synagogues, most likely used the dramatic punishment to humiliate the transgressor and to deter other members from committing the same offense.

Associations' claims to legal jurisdiction afforded sufficient control over members to ensure that they remained in good standing with the state. Most regulations aimed to ensure that members supported the aims of the association by contributing dues,¹⁹⁹ attending regular meetings²⁰⁰

¹⁹⁶ Bardtke, "Rechtsstellung," 98.

¹⁹⁷ *M. Mak.* prescribes the forty-minus-one lashes for sexual sins (3:1); breaking various laws regarding eating (3:2–4); various cosmetic transgressions (3:5–6); breaking a nazirite vow (3:7–8); and improper mixing of seed or cloth (3:8–9). Before punishment a judge assessed the health of the transgressor to make sure that death or debilitating injury would not result. In some cases a healthy person who transgressed two laws could be punished with eighty (or seventy-eight) blows (3:11). The victim was punished fully clothed (3:12); if they soiled themselves or became obviously injured the punishment had to stop, and a judge that killed a victim was liable to prosecution for manslaughter (3:14). Clearly the high number of blows were intended to produce drama, not death.

¹⁹⁸ On the forty blows see Deut 25:3, which warns that more than forty "degrades" the victim. The punishment should be administered in a way that avoids not only death or debilitating injury, but also excessive humiliation.

¹⁹⁹ Although the collection of monthly dues seems typical, significant variation in practice appears in the *nomoi*. Monthly dues appear in P. Dem. Cairo 30306.6–7 (157 BCE); 31179.6–9 (147 BCE); P. Mich. V 243.1–2 (reign of Tiberius); *ILS* 7212 1.10–13 (c. 136 CE); some *nomoi* mention both a one-time entrance fee and monthly contributions for banquets (e.g., *SIG*³ 1109.38–48 [c. 176 CE]; *ILS* 7212 1.20–21); other *nomoi* do not mention dues but require a president to furnish the goods for a monthly banquet (e.g., the κοινόν of Zeus Hysistos, P. Lond. 2710.5–8); some statutes mention nothing about how contributions are to be made, e.g., the *nomos* of a cultic society in the house of Dionysios at Lydia, c. 2nd or 1st cent. BCE, *SIG*³ 985; perhaps Dionysios himself took responsibility.

²⁰⁰ Regular associational meetings were held monthly; one meeting per year was typically devoted to celebrating the establishment of the association, and sometimes to electing new officers. See, e.g., P. Mich. V 244.2–5, 14–15 (cp. P. Mich. V 243.2); P. Lond. 2710.8; *ILS* 7212 1.10–13; *SIG*³ 985.55–59; 1109.42–46, 68–70. The Demotic *nomoi* require attendance at the "festivals and processions" and "days of session" (e.g., P. Dem. Cairo 30606.6) but do not specify how frequently these celebrations occurred.

and special events such as funerals²⁰¹ and juridical proceedings,²⁰² and taking turns holding offices.²⁰³ Other regulations aimed to keep members from disrupting meetings²⁰⁴ and from disobeying superiors;²⁰⁵ others kept members from bringing negative attention to the association by taking internal disputes before the public courts. But members who broke state laws were expected to be tried in the public courts: some *nomoi* require members to pay legal fees for a member, when the member was prosecuted unjustly. Those who had actually broken the laws for which they were tried, it seems, merited no such support. In any case, it is clear that capital crimes were far beyond the jurisdiction of associations with assimilative civic ideology.

In at least two associations with alternative civic ideology, the Roman *plebs* and the Pauline *ekklēsiai*, at least as Paul idealized them, the situation was different. In both cases, as we have seen, the associations defined themselves as commonwealths. While the *plebs* wielded authentic power to kill, Paul used expulsion, which he anticipated would result in “the destruction of [the wrongdoer’s] flesh” (1 Cor 5:1–5). The Covenanters similarly used expulsion as a substitute for capital punishment. But unlike Paul, who seems to have issued judgment on an ad-hoc basis, the Covenanters explicitly claimed capital jurisdiction, as though they already had full state authority.

²⁰¹ Some *nomoi* feature provisions for funerals and wakes prominently (P. Mich V 243.9–12; 244.16–18; *ILS* 7212 1.10–2.6; P. Dem. Cairo 30606.13–17; 31179.13–19; P. Dem. Berlin 3115 A 3.5–7; C 1.1–12; D 1.1–3); others, almost in passing (*SIG*³ 1109.160–63); and many not at all.

²⁰² A president could call special meetings (P. Mich. V 244 7–9; cp. 243.4). The purpose is unspecified in these two texts, but several events described in other texts appear likely to have required immediate attention that could not wait for the regular monthly meeting: funerals (see note above) and juridical proceedings against disruptive members: *SIG*³ 1109.90–95. Expedience in burial needs no explanation. I suspect that juridical proceedings against brawlers needed to take place swiftly in order to assure the civil authorities that the association policed its members’ behavior well.

²⁰³ Officers were required to expend significant resources on associational banquets. For this reason they were entitled, in some associations, to an extra share of the food and wine: *ILS* 7212 2.14–22 (cp. 2.29–31); *SIG*³ 1109.146–59.

²⁰⁴ P. Lond. 2710.16–17; *ILS* 7212 2.25–28; *SIG*³ 1109.63–72 (cp. 108–110, 136–46); P. Mich. V 243.6–7.

²⁰⁵ P. Lond. 2710.10–11 (cp. 19–20); P. Mich. V 244.7–12, 15–16 (cp. 19–20); *SIG*³ 1109.136–46; *ILS* 7212 2.27–28; P. Dem. Cairo 30606.19–21, 24–25; 31179.7–9; cp. *SIG*³ 985.22–25.

3.3.4 *The Rule of Reproof: Protocol and Jurisdiction of the Sectarian Court (CD 9:2–8a || 4QD^a fr. 8 ii 10; 4QD^b fr. 9 i 2–3; 4QD^c fr. 6 iii 16b–19)*

While the first statute governing the jurisdiction of the sectarian courts forbids prosecution of a capital case in a Gentile court, the second, preserved most completely in CD 9:2–8a, forbids prosecution of a fellow sectarian without “Reproof” (הוּכִיחַ). The rule of Reproof is based on Lev 19:17 and explained with reference to Nah 1:2:

9:2 ואשר אמר לא תקום ולא תטור את בני עמך
 וכל איש מביאי 3 הברית אשר יביא על רעהו דבר אשר לא בהוכח לפני
 עדים 4 והביאו בחרון אפו או ספר לוקניו להבוזתו נוקם הוא
 ונטור 5 ואין כתוב כי אם נוקם הוא לצריו ונטור הוא לאויביו
 6 אם חרש לו מיום ליום ובחרון אפו בו דבר בו בדבד מות 7 ענה בו יען אשר
 לא הקים את מצות אל אשר אמר לו הוכח 8 תוכיח את רעיד ולא תשא
 עליו חטא

9:2 And concerning that which was said, “You shall not take vengeance nor keep a grudge against the sons of your people” (Lev 19:17):

Any one of those who enter 3 the covenant who brings a charge against his neighbor without Reproof before witnesses, 4 but brings it in his burning wrath or tells it to his elders in order to shame him, is taking vengeance and bearing a grudge. 5 For nothing is written except, “He takes vengeance against his adversaries and keeps a grudge against his enemies” (Nah 1:2).

6 If he kept silent from one day to the next, and when his anger was burning inside him he charged him (i.e., his companion) with a capital charge, 7 the guilt of sin is upon him, since he did not fulfill the commandment of God that says to him, 8 “Surely you must reprove your companion, lest you bear his sin” (Lev 19:17).

Reproof is mentioned several times in the Rule Scrolls, including the Admonition, where it is listed as one of the means by which the Covenanters separate themselves from outsiders (CD 7:2b–3a).²⁰⁶ As we will see in our examination of the Laws of Testimony (9:16b–23a), Reproof was a formal juridical procedure with three conditions: 1) it took place on the same day as the transgression, 2) in the presence of an the Examiner and witnesses, and 3) was recorded in writing. A record of Reproofs survives, the so-called “Rebukes by the Overseer”

²⁰⁶ See CD 7:2b–3a; also 9:2–8, 16b–23a; 14:22; 1QS 5:24–6:1; 9:16–18; cp. 7:8–9. For analysis see Schiffman, *Sectarian Law*, 89–109, 211.

(4Q477) which, contrary to the editor's title, contains a list of the rebukes reported to the Examiner by other members of the sect.²⁰⁷

Weinfeld argues that Reproof is bringing an accusation with "proof" that convinces a jury of witnesses, but this is inaccurate.²⁰⁸ The substantive הוכח should be understood as a nominal expression of a common usage of the *hiphil* of יכח, "to reprove, rebuke, reproach, chasten."²⁰⁹ In CD 9:3, הוכח designates the formal procedure for bringing a legal charge against a fellow Covenanter. In biblical Hebrew, *hiphil* forms consistently designate making a formal accusation in a juridical context, and to acts of argumentation, arbitration, and rendering judgment. In talmudic Hebrew other usages appear, including "proof" or "evidence" produced in court by which a defendant is exonerated or convicted.²¹⁰ But the meaning in our passage is consistent with the usage in Lev 19:17, where it clearly means to bring a formal charge against another. This is supported by the detailed Laws of Testimony in CD 9:16b–23a, which require one who witnesses a transgression to report it to the Examiner of the Camp on the day it occurred, in the presence of the transgressor. I treat these laws in detail below.

Reproof prevents spurious capital charges: one member could not bring charges in order to exact vengeance upon his fellow, motivated

²⁰⁷ For discussion see E. Eshel, "The Rebukes by the Overseer," *JJS* 45 (1994) 111–22; C. Hempel, "Who Rebukes in 4Q477?," *RevQ* 16 (1995) 127–28; S. Reed, "Genre, Setting and Title of 4Q477," *JJS* 47 (1996) 147–48. The fact that this text had not been published when Schiffman wrote *Sectarian Law* explains his comment that records of reproof "did not form, as far as is known, any part of the hoard of manuscripts recovered from the Qumran caves" (95). The fact that only one was found at Qumran may be explained by the circumstance that rebukes were recorded and kept in the local Camps; the majority never came to Qumran, since judgments took place in the Camps, and the records eventually perished.

²⁰⁸ Weinfeld, *Organizational Pattern*, 38. For his full discussion see pp. 38–41 and 74–75.

²⁰⁹ See esp. Gen 21:25; Lev 19:17; Ps 50:21; Job 13:3; also Job 6:25; 32:12. Diverse juridical meanings such as "argue," "arbitrate," and "judge" are common: Gen 31:37, 42; Isa 2:4; 11:3–4; 29:21; Jer 2:19; Mic 4:3; Hab 1:12; Ps 73:14; 94:10; Job 9:33; 13:15; 16:21; 22:4; 23:4; 40:2; 1 Chr 12:17–18. Cp. similar legal usage in the *hithpaal*, Mic 6:2; *niphal*, Isa 1:18; Gen 20:16; and *hophal*, Job 33:19; Ps 73:14.

²¹⁰ *Y. Nid.* 50a describes the cloth by which an accused newlywed proves her virginity as הוכיחה, "her evidence"; similarly *b. Nid.* 16b. הוכח can also refer to the outcome of a dispute that is cited as precedent (*y. Demai* 22c; 23e). In both cases the meanings "evidence" and "precedent" depend upon the formal juridical meaning of the *hiphil* of יכח, "bring a charge": the substantive form הוכח comes to refer to evidence brought in the newlywed's countersuit, i.e., to the crucial feature of her own countercharge. It also comes to mean the outcome of the case initiated by the act of bringing a charge, i.e., "precedent."

by anger or a grudge. Bringing a capital charge against another member would have been an excellent way to get even, because capital crimes are punished by expulsion. The rule of Reproof also shows concern about charges for transgressions that had occurred more than a single day in the past. The statute reflects suspicion that such charges may not be true, along with worry that failure to report transgressions allows impurities from sin to defile the community. As the explanation of the statute states, a member who does not reprove another on the day of his transgression is as guilty as the transgressor himself (9:6–8). Those who allow others' sins to go undisciplined endanger the sect as a whole.

The rule of Reproof not only prescribes a specific sectarian juridical process, but also effectively proscribes appeal to any other court for lawsuits between members: presumably the protocol of Reproof was observed only within the sectarian courts. Prosecution at variance with Reproof, such as inevitably would have taken place in external courts, amounts to “taking vengeance and bearing a grudge” against one’s own people—i.e., harming the righteous remnant that God had created. It also compromises the sect’s claim to comprehensive juridical authority over members.

3.3.4.1 *Vengeance, Grudges, and Judgment against Outsiders*

Schiffman interprets CD 9:2–5 as an attempt to force sectarians to abandon all vengeance and grudge-bearing, since Nah 1:2 “is taken to mean that *only* God may take vengeance or bear a grudge.”²¹¹ But the aim of the statute is broader and related to that of 9:1—to limit the courts to which sectarians may bring suits against each other. It distinguishes between vengeance and grudges against insiders and outsiders. The sectarian interpretation hinges on the fact that Lev 19:17 does not forbid all vengeance and grudges, but only those against “the sons of your people.” Thus the addressee of the law, “you,” in Lev 19:17, becomes “any one of those who enter the covenant,” i.e., a member of the sect, in CD 9:2b–3a. The “sons of your people” in Lev 19:17 becomes “his neighbor” (רעהו) in CD 9:3, i.e., any fellow sectarian. Thus Covenanters must follow the rule of Reproof only for charges against each other. If outsiders transgress, sectarians allow the offense

²¹¹ Schiffman, *Sectarian Law*, 89–90.

to remain unprosecuted. The statute thus appears to allow vengeance and grudges against outsiders.

A paraphrase of Nah 1:2 provides a warrant for this interpretation of Lev 19:17: **נוקם הוא לצריו ונטר הוא לאויביו**, “He takes vengeance upon his adversaries and he bears a grudge against his enemies.” Schiffman argues that **הוא** refers to God. This is possible, given that the paraphrase places the pronoun where **יהוה** stands in the Masoretic text. However, the replacement of the divine name here departs from the usual pattern in D, which is to substitute **אל** for **יהוה**.²¹² If the interpreter of the law wished to emphasize that vengeance and grudges were a divine prerogative, he would have made God’s role explicit. As cited, the text of Nah 1:2 leaves the agent of vengeance ambiguous, inviting the reader to take **הוא** as a reference to “any man who enters the covenant” (CD 9:2–3).²¹³ Entirely unambiguous is the appropriateness of vengeance and grudges against his enemies, i.e., non-sectarians.

How would a Covenanter take vengeance and bear a grudge against an enemy? Surely not before the public courts: the sect denied their legitimacy; also, participation in external courts would have required oath-taking at variance with sectarian law. Besides, they could claim that they had already reported halakic errors to the king and high priest and been rejected (MMT; 4QpPs^a fr. 3–10 iv 7–9). Public prosecution would have violated principles of secrecy. S states that the Maskil, a leader of the *Yahad*, will refrain from “reproving and bringing a suit (להוכיח ולהתרובב) against the men of the pit”; rather, he must conceal the counsel of the Torah from the men of deceit (1QS 9:16–17). These rules of restraint and secrecy also apply to sectarians of lower rank:

²¹² D never shows the tetragrammaton, even in citations of Scripture. This may result from the law against invoking the divine name in the context of oaths (CD 15:1–2). Cp. Deut 7:8 (**מאהבת יהוה**) vs. CD 19:27–28 (**מאהבתו**); Zech 13:7 (**יראי יהוה**) vs. CD 19:8 (**נאם אל**); Mal 3:16 (**ויקשב יהוה**) vs. CD 20:18–19 (**ויקשב אל**); Mal 3:18 (**עבד אלהים**) vs. CD 20:21 (**אל עבד אל**). Nevertheless sectarian practice was not uniform: there are thirteen occurrences of **יהוה** in the text of Nahum preserved in the MT, at Nah 1:2–3, 7, 9, 11–12, 14; 2:3, 14; 3:5. Due to its fragmented state, the text of Nahum in the Nahum *peshar* lacks all but two verses in which **יהוה** occurs in the MT, and in both instances (4QpNahum fr. 3–4 ii 10; iii 5) the *peshar* preserves the tetragrammaton.

²¹³ So also D. Dimant, “The Hebrew Bible in the Dead Sea Scrolls: Torah Quotations in the Damascus Document,” *“Sha’arei Talmon”: Studies in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon*, ed. M. Fishbane, E. Tov and W. Fields (Winona Lake: Eisenbrauns, 1992) 117 (Hebrew), cited in S. Fraade, “Looking for Legal Midrash at Qumran,” n. 40.

1QS 5:10–13 requires that they abstain from discussions with outsiders about any matter of the Torah or judgment. Taking an outsider to court would have involved disputing over the Torah and judgment with him and the presiding authorities. Instead of confronting outsiders about their sins, the sectarians met in private to “decide dispute and provide judgment in order to condemn all those who transgress the statute” (1QS 5:6–7). This activity includes prosecuting insiders for transgressions, but also must include judgment upon outsiders as well. This was done by communal rituals of cursing, as in the conclusion of D and 1QS 1:22–2:18, by recounting their transgressions, as in the Admonition of D, and by studying the differences between sectarian and outsiders’ halakic laws, as in MMT. Outsiders’ judgment would be completed on the eschatological Day of Vengeance (יום הנקם).²¹⁴

3.3.4.2 *The Elders in the Rule of Reproof*

Who were the “elders” to which the rule of Reproof refers? Given the Covenanters’ negative view of the external courts, the term זקניו in CD 9:4 cannot designate non-sectarian authorities. As Charlotte Hempel points out, “elders” is a title for a sectarian body of authority drawn from Scripture.²¹⁵ But identifying the elders as sectarian authorities is only a small step toward understanding how the body functioned within the sect. Were they a high court, a local body, or something in between? How often did they meet?

Clues come in the rule of Reproof. The term “his elders” seems to reflect practices prescribed in the laws of Deuteronomy. In several places Deuteronomy refers to the practice of bringing accusations against a defendant in the presence of the elders of the defendant’s city. The elders were responsible for carrying out any appropriate

²¹⁴ See, e.g., 1QS 9:23, and 1QM, *passim*.

²¹⁵ Hempel, *Laws*, 99. The term זקן occurs in CD 5:4, which refers to the death of Joshua and the elders; in 14:14 it refers to an elderly man who is cared for by the judges of the sect. In 1QS 6:8 the “elders” are a group within the רבנים, perhaps senior members of the laity, with status immediately below that of the priests and immediately above that of “the rest of all the people.” See also my discussion of 1QS 7:22–25 below, §4.10.4, 4.10.4.1. Below I argue that the elders in D are identical to the שופטים, a court comprising both laity and priests (CD 10:4–10). The *War Rule* refers to the “elders of the military unit” (זקני הסדר, 1QM 13:1). The term זקני בית דין occurs in *m. Yoma* 1:3, 5 to designate officials who instruct the high priest as he prepares for sacrifice.

punishment upon their own citizens.²¹⁶ Ezra 10:14 depicts the judges and elders of all the towns of the land as responsible for carrying out the judicial duty of the nation. While the two groups are distinct, their duties overlapped considerably. As Philip Alexander surmises, judges were likely elders of a town who were appointed to serve on a court.²¹⁷ Schiffman's claim that in the Covenanters' sect it is "probable that the 'elders' (*zeqenim*)...constituted a court,"²¹⁸ is right. Further, the court must be that of the defendant's local residence, i.e., the Camp to which he belonged. Since it is necessary that Reproof occur on the day of the transgression, then the elders must have convened, or at least have been able to convene, daily. When we turn to the rules on judges, this inference is confirmed, along with the identification of the "elders" as judges.

3.3.4.3 *Constitutional Analogies to the Rule of Reproof*

Requirement for prosecution: The requirement that prosecution take place immediately probably comes from reflection on statutes in the Torah. Numerous laws emphasize the necessity of swift, decisive punishment upon offenders: failure to punish the wicked allows evil to remain in the land.²¹⁹ The same laws emphasize the importance of fair procedure, and impose dramatic penalties upon those who bring false charges.²²⁰

Elders as judges: By establishing sectarian courts in each Camp, the Covenanters not only monopolized juridical authority over members; they also created a legal system that rather precisely replicated that of the Judean state, which followed the pattern of provinces and city-states throughout the Hellenistic world. Josephus, the New Testament and the Mishnah confirm that βουλαί with juridical responsibilities existed throughout the towns of Judea, and all sources show the term "elders"

²¹⁶ Deut 19:11–13; 21:1–9, 18–21; 22:13–21; 25:7–10; cp. 31:28, which refers to "all the elders of your tribes."

²¹⁷ Cp. Deut 21:2; see P. Alexander's discussion in the revised Schürer, 2.183–84.

²¹⁸ Schiffman, *Sectarian Law*, 94.

²¹⁹ See esp. Lev 20:1–5: a witness who fails to accuse one who worships Molech brings the offender's punishment upon the witness. On the purgative effects of swift prosecution of a lying prophet see Deut 13:1–5; 13:6–11; single idolater, 17:2–7; idolatrous city, 13:12–18; murderer, 19:11–13; rebellious son 21:18–21; various sexual transgressors, 22:13–24; Sabbath violators, Exod 31:4–15. See also the miscellaneous lists in Exod 22:18–20; Lev 20:9–27.

²²⁰ E.g., Deut 19:16–21 imposes the death penalty on false witnesses. On the need for careful investigation see Deut 17:8–13.

for those who served.²²¹ The Covenanters' system not only made it compulsory, but, more importantly, practical, to bring a charge on the day of its transgression. This made it possible to sustain a consistent standard of behavior throughout the cells of the sect by correcting halakic transgressions and doctrinal deviance immediately. The ideal is rather like that found in Plato's *Laws*, which requires officials who take testimony about impiety to report it immediately. If they fail to do so, they are charged with the transgressor's crime (907e).

Comprehensive authority of the local courts: It is clear that the overall purpose of the law of Reproof, along with the preceding rule against prosecuting others within the Gentile courts, is to monopolize juridical authority. Requiring Reproof may have been sufficient to limit legal action to the sectarian courts, where complicated protocol could be observed easily. Additional evidence that the sectarian court claimed comprehensive jurisdiction comes in the rules for testimony in CD 9:16–10:3: there the court claims authority to mete out not only minor punishments such as temporary exclusion from the pure things of the community (9:21), but also capital punishment (9:19–20; 10:1).

The capital sentence, expulsion, may have been imposed immediately by the courts of the Camps. But its final ratification occurred at the Assembly of All Camps, a plenary assembly that met annually. Here the Covenanters' organization and regulation replicate the constitutional features and legal practices of the contemporary *poleis*: local βουλαί, headed by ten principal members, the δεκάπρωτοι, met daily to conduct the affairs of the towns and cities. They had power to decide minor cases immediately, and responsibility to prepare capital cases for the higher court, which met less frequently.²²²

²²¹ Josephus, *BJ* 2.273, indicates that the βουλή of Jerusalem had significant juridical power in the Roman period, e.g., it was able to imprison thieves; Luke 7:3 mentions πρεσβύτεροι τῶν Ἰουδαίων who apparently served under the Roman centurion (ἐκατονάρκης) in Capernaum; Mark 13:9 (|| Matt 10:17) mentions συνέδρια before which believers will be tried, which likely reflects the author's familiarity with local courts at the town level. Mark 15:1 describes a deliberation among the juridical authorities of Jerusalem, whom he calls the chief priests, elders, and scribes, καὶ ὅλον τὸ συνέδριον; cp. 8:31; 11:27; 14:43, 53. Similarly Matthew consistently describes the "chief priests and elders," under the direction of the high priest, constituting a council with juridical authority (16:21; 26:3, 47, 57; 27:1, 3, 12, 20, 41; cp. 21:23; 28:12). See the revised Schürer, 2.184–185 for discussion and sources. As Rostovtseff pointed out, the local βουλή served as an intermediary between the imperial authority and the local population, both in the Hellenistic and Roman periods (*SEHRE* 1.49).

²²² On the daily duties of the *boulē* and its relation to other officials and courts see Arist., *Ath. pol.* 45–48.

3.3.5 *Statutes on Oaths and Property*
(CD 9:8b–10:10a || 4QD^a fr. 8 iii; 4QD^e fr. 6 iv)

The jurisdiction of the courts is further illuminated by statutes regarding oaths and stolen property, to which we now turn. The statutes primarily treat the administration of oaths and cases involving members' private property. Instead of the general term "elders," used in the rule of Reproof, the statutes in this passage use the more precise term "judges" (שופטים).

3.3.5.1 *Oaths in the Presence of Judges*
(CD 9:8b–10a || 4QD^e fr. 6 iv 1–2)²²³

The first law, preserved most completely in CD 9:8b–10a, prohibits one member from causing another to swear an oath without the supervision of the judges, who are required to witness the oath or to approve it prior to its being sworn:

9:8b על השבועה אשר 9 אמר לא תושיעך ידך לך איש אשר ישיב על
פני השדה 10 אשר לא לפנים השפטים או מאמרם הושיע ידו לו

9:8b Concerning oaths: regarding what it 9 says, "Let not your hand aid you," any man who adjures (another to swear an oath) in the middle of a field 10 that is not in the presence of the judges or (who adjures) without their command, his hand has helped him.

This law bears crucial implications for the sectarian court's jurisdiction. Its prohibition of taking oaths apart from the supervision of the judges affirms the sectarian court as the only legitimate guarantor of contracts by oath. Contracts sworn with oaths that sectarian judges had not approved violates scriptural law, as the Scriptural citation shows.²²⁴ This statute, like those 15:1–5, affirms comprehensive authority for the sectarian court.

²²³ The text of 4QD^e is extremely fragmentary.

²²⁴ Previous interpretation of this law has focused on the question whether the Scripture cited, "Let not your hand aid you," derives from an otherwise unknown text used by the sectarians; the same law appears to stand behind the rule against defying the authority of senior members in 1QS 6:25–27. Whatever the passage behind this law, it is clear that the sect regarded its authority as scripturally grounded (see Schiffman, *Sectarian Law*, 39–40). For discussion of the scriptural basis of this law see J. Baumgarten, "A 'Scriptural Citation' in 4Q Fragments of the Damascus Document," *JJS* 43 (1992) 95–98; also idem, *PTSDSS* 2.43 n.142.

3.3.5.2 Oaths of Cursing in Stolen Property Cases

(CD 9:10b–12 || 4QD^e fr. 6 iv 3)²²⁵

The general prohibition against swearing oaths without oversight of the sectarian court is followed by a rule concerning stolen property and oaths:

9:10b וכל האובד 11 ולא נודע מי גנבו ממאד המחנה אשר גנב בו ישביע
בעליו 12 בשבועת האלה והשומע אם יודע הוא ולא יגיד ואשם

9:10b And anything that is lost, 11 and it is not known who stole it from the property²²⁶ of the Camp in which it was stolen, its owner shall cause 12 an oath of cursing to be sworn. If one who hears it has knowledge and does not report it, he is guilty.

A number of things about the jurisdiction and protocol of the court may be inferred from this passage. First, given that the immediately preceding law stipulates that oaths must be taken with the oversight of the judges, we must assume that the oath of cursing described here was sworn with their supervision. Second, such oaths were sworn publicly, since their effectiveness depended upon potential witnesses hearing the curse and recognizing their obligation to come forward with information. The most suitable context for such an event would be a meeting of at least one Camp.²²⁷

What role did the judges have in such sessions? They are not mentioned in this passage, nor for that matter in the next three laws, which include protocol for testimony about capital crimes (9:13–10:3). It is best to explain the omission by assuming that the judges' role was

²²⁵ 4QD^e is extremely fragmentary.

²²⁶ The use of מֵאֵד to refer to communal property seems best explained by sectarian exegesis of Deut 6:5 (cp. 2 Kings 23:25), which commands to love God בְּכָל-לִבְבְּךָ בְּכָל-נַפְשְׁךָ וּבְכָל-מְאֹדְךָ. As C. Murphy points out, מֵאֵד appears as a term for wealth in several ancient Palestinian texts that treat Deut 6:5 (*Wealth in the DSS*, 48–49). The commandment seems to underlie the language in IQS 1:11–15; 3:2–3, which name “wealth, strength, and knowledge” (הַיָּד, כּוֹחַ, דַּעַת) as those things that all members of the community were required to contribute. For detailed discussion see *ibid.*, 118–25.

²²⁷ Schiffman's suggestion that “the owner of the property would recite the oath at Qumran” (*Sectarian Law*, 112) is problematic. His conclusion depends on the claim that oaths were taken only in the presence of priests, and that the sectarian priesthood resided at Qumran. But the laws for the Camps require that judges, not priests, oversee oaths. Even if priestly oversight were a requirement, it would have been satisfied in the Camp: each panel of judges comprised four priests along with six laymen. Further, it is unlikely the the *Yahad* as a whole resided at Qumran, as discussed in chs. 1 and 4.

taken for granted: they supervised all oaths.²²⁸ If property was missing and an oath of cursing needed to be sworn, presumably the judges convened for that purpose. As Schiffman argues, the local sectarian courts need not have been permanent bodies and could assemble as needed. These courts will be discussed below in the context of the Rule for Judges (CD 10:4–10).

3.3.5.3 A Constitutional Analogy to Oaths of Cursing in Property Cases

Once again Greco-Roman constitutional law provides an interesting analogy. The Aristotelian *Constitution of Athens* states that at the Principal Assembly of Athens, which met once during each prytany, officials announced a variety of lawsuits, both private and public, in order to ensure that citizens with knowledge pertinent to various charges would be able to contribute their knowledge to the court.²²⁹ These announcements included denunciations, lists of confiscated property, and claims to inheritance. During public assemblies in the second assembly of the prytany, private citizens were allowed to address the people publicly concerning any matter. Presumably such matters included announcements about stolen or missing property.

3.3.6 Laws of Ownerless Property (CD 9:13–16a)²³⁰

Treatment of the jurisdiction of the sectarian court continues with two laws concerning the return of property whose owners cannot be found.

9:13 כל אשם מושב אשר אין בעלים והתודה המשיב²³¹ לכהן 14 והיה לו
לבד מאיל האשם
וכן כל אבדה נמצאת ואין 15 לה בעלים והיתה לכהנים כי לא ידע מוצאה
את משפטה 16 אם לא נמצא לה בעלים הם ישמרו

²²⁸ The rule allows that oaths may be sworn at the “command” (מאמר) of the judges, in lieu of their presence (CD 9:10). To what conditions this would apply is obscure; perhaps it has to do with oaths that members swore while conducting business with other members, or with outsiders. If the latter, then the judges may have instructed the sectarian in the precise protocol for oaths taken in the presence of outsiders.

²²⁹ Arist., *Ath. pol.* 43.4–5. For text and commentary see P. J. Rhodes, *Commentary on the Aristotelian Athenaiion Politeia*, 522–26.

²³⁰ The 4QD mss. retain nothing parallel to this passage in CD.

²³¹ Emending scribal errors in CD, והתורה המישוב.

9:13 Any guilt restitution for which there are no owners, the one making restitution shall confess to the priest 14 and it shall belong to him (i.e., to the priest), in addition to the ram brought as a guilt offering. Similarly anything that was lost and is found for which there are no 15 owners, it shall belong to the priests, for the one who found it does not know its judgment. 16 If its owners are not found, they shall watch over it.

The inclusion of these two property laws in a literary unit on the jurisdiction and protocol of the sectarian court, and most immediately concerning oaths, can be explained on the basis of three connections. First, the laws are linked to the immediately preceding material by the word **אשם**, which appears at the end of 9:12 and in the opening phrase of 9:13. Second, they concern property, which links them with the preceding statutes. Third, the laws in 9:12–15 probably stem from interpretation of Lev 5:20–26, which, like D, brings together laws on property and false oaths (vv. 22, 24).²³²

It seems likely that the Covenanters considered the laws in 9:13–16a to stand in thematic continuity with the rules “concerning oaths” (9:8b–12).²³³ In addition to providing guidance on ownerless stolen and found property, the first law pertains to cases in which an oath of cursing was sworn and someone returned the property so much later that the original owners had departed or died; alternatively, the property had been returned to the priests in another locality. It is possible that property stolen or lost in one local Camp was transferred to and found in another, given the sect’s habit of sharing property freely with members who were travelling.²³⁴ We may speculate further that

²³² Verbal similarities suggest D’s dependence on Leviticus: like CD 9:13–14a, Lev 5:20–26 requires that the **אשם** of a ram and the restored property be brought **אל הכהן**. See Schiffman, *Sectarian Law*, 116–17.

²³³ J. Milgrom argues persuasively that the property laws in Lev 5:20–26 were originally collected together because all treated false or broken oaths (*Leviticus* 1.365–73). Milgrom admits that his interpretation is novel among modern scholars; however, he points out, Philo, as well as some medieval Jews, understood the passage this way. (See Philo, *Spec.* 1.225; 4.31–32). Schiffman cautiously follows Milgrom on this point in his *Studies*, 117: “We do not know if the sect looked upon all the offenses of Lev. 5:21f. as involving oath violations, even if Milgrom is correct that this is the actual meaning of the biblical text. Since...so many parallels between the law of Philo, the tannaim, and the Dead Sea Scrolls have been noted, it is probable that the Dead Sea sect would have regarded the offenses of Lev. 5:21f. as all involving false oaths.” While caution is judicious, the location of D’s interpretation of Lev 5:20–26 under the rubric, **על השבועה** (CD 9:8) seems to me to settle the issue.

²³⁴ For an outsider’s view of the sect’s hospitality toward travelling members, see Josephus’ remarks about the Essenes in *BJ* 2.124–27: Those who travel carry nothing

reports of stolen or lost property circulated beyond the local Camp in which an item went missing.

3.3.6.1 *Who Received the Guilt Offering and the Ram?*

The requirement for a sectarian to bring the guilt offering of restitution and a ram to “the priest” in CD 9:13–14a provokes the question: Did members of the Camps bring guilt offerings to the temple and present them to the officiating priest? This seems unlikely for two reasons. First, the offering would have been preceded by a confession and possibly followed by a blessing, both of which may have followed formulae at variance with the sect’s oath laws.²³⁵ Second, D clearly shows that the Covenanters mistrusted non-sectarian priests with property. CD 6:14–16 accuses them of helping themselves to the wealth of the sanctuary; this alone would justify not bringing sacrifice and property to the temple. Further, the 4QD mss. include rules on priests who are disqualified from eating sacrificial offerings: no priest who has been taken captive or departed to a foreign land and returned, or has served in an apostate cult, can resume regular service in the temple, nor eat of the offerings and sacrifices.²³⁶ *Pace* J. Baumgarten, the laws on disqualified priests do not seem likely to echo “common traditional law.”²³⁷ I think it likely that these laws contain an implicit accusation against the Jerusalem priesthood: they allowed disqualified priests to serve.

with them but arms against bandits, because fellow Essenes in every town will receive them ὡς συνηθηστάτους (2.124). Josephus describes an office of “guardian of the order” (κηδεμών τοῦ τάγματος, 2.125) appointed in every town; his responsibility to provide clothing and other necessities required by travelers. Similarly, those who permanently dwell within the town “neither buy nor sell anything among themselves; each man gives what he has to whoever needs it, and receives in return whatever he himself requires. And they can even receive freely from whomsoever they like without giving anything in exchange” (2.127, tr. Vermes and Goodman, *Essenes*). But note the strict screening of guests in CD 13:12–13, “Let no one of the sons of the Camp dare to bring a man into the Congregation except by the word of the Examiner of the Camp” (tr. J. Baumgarten, PTSDSS 2, *ad loc.*).

²³⁵ On confession before sacrifice see, e.g., Lev 5:5; cp. 16:21. On priestly blessing as part of sacrifice see Lev 9:22; cp. David’s blessing of the people after his sacrifices, 2 Sam 6:18 || 1 Chr 16:2.

²³⁶ For a composite text based on fragments from 4QD^{a,d,h}, see Hempel, *Laws*, 39–40.

²³⁷ J. Baumgarten, “The Disqualification of Priests in 4Q Fragments of the ‘Damascus Document,’ a Specimen of the Recovery of pre-Rabbinic Halakha,” in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March 1991*, ed. J. Barrera and L. Montaner (2 vols.; Leiden: Brill, 1992) 2.503–14.

The possibility that such priests were serving in the temple supported the sectarians' restriction on temple worship; it may also have supported and justified their refusal to bring found property and sin offerings. Bringing the ram and ownerless property to the temple priests would amount to enabling, even participating, in their exploitation of temple wealth, and would have legitimated the service of defiled and defiling priests. I suspect that the repentant sectarian presented the restitution and ram to a sectarian priest, who guarded the property and took responsibility for the offering.²³⁸

If my reading is correct, then this restriction is consistent with another restriction on contributions to the temple authorities: 4QOrdinances^a (4Q159) defines the half-shekel temple-tax as a once-in-a-lifetime donation. While this regulation conforms to biblical law, which stipulates that a man must pay the tax at the age of twenty (Exod 30:11–16), it contradicts the later interpretation of the tax as an annual contribution for the maintenance of the temple cult (Neh 10:33).²³⁹ If the Hasmoneans collected the tax annually, then the Covenanters resisted paying it. This neatly accomplished two sectarian objectives: withholding their wealth from the corrupt priesthood, and adhering to the most precise interpretation of the Torah possible.²⁴⁰

The second law, requiring those who found lost property to hand it over to the priests until its owners are found, pertains to found property about which no report had been made. As Schiffman points out, this rule significantly alters the scriptural statute upon which it is based. Deuteronomy 22:1–3 requires one who finds a lost object to take it home with him (אֶל־תוֹחַ בֵּיתְךָ) until its owner is found.²⁴¹ The

²³⁸ We cannot be certain what happened to a ram offered to a sectarian priest. It may have been reserved for later offerings brought to the temple by sectarian priests. In any case, the law in D alters the statute in Lev 5:5–11, which requires guilt offerings to be consecrated and burnt on the altar. This was necessary: halaka for the age of evil required finding substitutions for many temple practices required by the Torah.

²³⁹ See Neh 10:33 (10:34 ET) for evidence for the reinterpretation of the one-per-lifetime tax of Exodus 30 into an annual tax. The practice apparently continued into the Hellenistic and Roman eras. The Mishnah reports that it was collected annually, on the 15th of the month of Adar (*m. Šeqal.* 1:1–3), and explains exactly which elements of the temple cult it paid for (*m. Šeqal.* 4:1–4).

²⁴⁰ For interpretation of 4Q159 in its historical context see J. Liver, "The Half-Shekel Offering in Biblical and Post-Biblical Literature," *HTR* 56 (1963) 173–98; more recently J. Magness, "Two Notes on the Archaeology of Qumran" in eadem, *Debating Qumran: Collected Essays on Its Archaeology* (Louvain: Peeters, 2004) 73–80.

²⁴¹ See Schiffman, *Sectarian Law*, 120–23.

sectarian law, however, requires that found property be handed over to the priests, as in the case of ownerless stolen property. We may be confident that the priests were those of the sect.²⁴²

It seems that the priests' stewardship of ownerless found items reflects harmonization of Deut 22:1–3 with Num 5:6–8, in which priests take possession of ownerless stolen property. This harmonization was likely motivated by the sect's concern about impure property. The warrant for the rule alludes to such concern: the priests must take possession of ownerless found property "because the one who found it does not know its judgment" (CD 9:15b). What does this mean? Schiffman suggests that

the sect must have had a complex series of rules regarding the disposition of found property.... The sect apparently was concerned that lay members would be unable to determine the proper care to be given to the objects they had found, and, hence, entrusted these items to the priests.²⁴³

Schiffman's vague phrase "proper care" can be improved: the sect was specifically concerned about the purity status of found property. In S we find rules concerning the purity status and handling of candidates' property. Thrice in a short space describing the members' obligations toward inquirers, S declares inquirers' property "unclean" (אָמֵט, 1QS 5:14, 16–17, 20) and forbids touching it. In the initiation laws of S, when an inquirer advances to the candidate stage, he is forbidden to touch the communal property for a year (6:17); if he advances to the second year of candidacy, his property is registered by the Examiner but not mingled with the communal property (6:20); only when he is admitted to full membership after the second year is his property mingled (מִתְעַרְבֵי) with that of the community (6:22).²⁴⁴ This law

²⁴² Sectarian priests are also described as having authority over property in S (1QS 9:7; 4QS^d 7:7).

²⁴³ Schiffman, *Sectarian Law*, 121.

²⁴⁴ It is remarkable that the property of full members who were expelled for transgressing sectarian law is never mentioned—instead it seems to be assumed that their property had fully become the holy possession of the holy community. Its purity status no longer had anything to do with its former owner. Commenting on 1QS 6:17, Bardtke suggests a "bookkeeping" explanation: the "services" that the member received over the course of his membership were assumed to have been paid for by his donated property. Thus the property that a postulant surrendered upon receiving full membership was like the dues that other associations collected and applied toward the activities and resources that benefited all members ("Rechtsstellung," 101–2).

likely supplies the principle underlying the law of ownerless found property in D: such property was suspect with regard to purity since it was unknown whether its owner was a full member, a postulant, an inquirer, or an outsider. Those who found and used “ownerless” property not only ran the risk of benefiting from stolen property, they also ran the risk of using property tainted by the impurities of outsiders, including postulants.

The rule in CD 9:14b–16a did not benefit sectarian priests, for it is unlikely that they used property of suspect origin. More likely they literally “guarded” it, protecting both the property, in case its owners came searching for it, and the sectarians, in case it bore impurities.

3.3.6.2 *A Constitutional Analogy to the Laws of Ownerless Property*

In Plato’s *Laws* the Athenian forbids anyone who finds buried treasure to move it, apparently under the assumption that removal of buried treasure amounts to theft from the one who buried it and his descendants.²⁴⁵ Witnesses to removal of buried treasure must report it to the wardens of the territory in which it was found. Decisions about what to do with the property and the one who unearthed it were made by the Delphic oracle. If a free citizen reports the removal of buried treasure, he is publicly commended; if he does not report it he is publicly shamed; if a slave reports found property, he is freed; if he does not he is executed.²⁴⁶ Similar laws treat removal of found property: even if not valuable, it is regarded as under divine protection and not touched. A slave who breaks the law is beaten; a free citizen is publicly shamed and required to return the object to the owner, along with a fine of ten times the object’s value. The Athenian provides detailed procedure on how deprived owners may claim property that they suspect has been picked up by others. Disputants must prove that the property is theirs by producing a record from the city registry or by calling witnesses. If such proof cannot be produced quickly, then the property must be handed over to senior officials who investigate and render a verdict within three days. The property is then returned to whomever the officials determine to be the rightful owner.

The most important insight that we may glean from Plato’s laws on ownerless property is that such laws belong to a comprehensive

²⁴⁵ Plato, *Leg.* 913a.

²⁴⁶ Plato, *Leg.* 914a.

system of state legislation. There are many differences between Plato's laws and those of the Covenanters, but both systems answered similar questions for their subjects:

May subjects take ownerless property as their own? Plato and the Covenanters both answer negatively.

What must subjects do with found property? Plato answers, leave it alone, since the owner may return; the Covenanters require that members seize it and hand it over to the sectarian priests, since its purity status is not known.

How must found property be handled if two parties disputed ownership? Both Plato and the Covenanters require that officials take custody of the property until a judgment about its status is reached.

Further, both Plato and the Covenanters claim or imply theological warrants for their judgments about ownerless property. For the Covenanters, use of found property is risky since the property might bear impurities. For Plato, use of found property amounts to theft and thus also impiety, since the thief must act on the assumption that the gods do not care about human virtue and vice, or that the gods themselves are corrupt.²⁴⁷

3.3.7 *Laws of Testimony in Capital and Property Crimes* (CD 9:16b–23a || 4QD^e fr. 6 iv 11–13a)

9:16b כל דבר אשר ימעל 17 איש בתורה וראה רעיהו והוא אחד אם דבר
מות הוא וידיעהו 18 לעיניו בהוכיח למבקר
והמבקר יכתבהו בידו עד עשותו 19 עוד לפני אחד ושב והודיע למבקר
אם ישוב וניתפש לפני 20 אחד שלם משפטו
ואם שנים הם והם מעידים על 21 דבר אחד²⁴⁸ והובדל האיש מן הטהרה לבד
אם נאמנים 22 הם
וביום ראות האיש יודיעה למבקר
ועל ההון יקבלו שני 23 עידים נאמנים ועל אחד להבדיל הטהרה

²⁴⁷ Plato, *Leg.* 941b.

²⁴⁸ Reading אחד with Schiffman, *Sectarian Law*, 72; Qimron reads אחר, "about a different matter" ("Text of CDC," 26–27.). Qimron notes that it is difficult to determine whether the Hebrew is אחד, "one/same," or אחר, "another/different." Whatever reading we take, it seems necessary to assume that the witnesses testify about a single case; whether their testimony agrees (אחד) or not (אחר), they do not meet the requirement for prosecuting the case. However, if they were considered trustworthy witnesses, their testimony was accepted as sufficient to suspend the member's access to the sect's purity.

9:16b In any case in which 17 a man transgresses the law and his neighbor sees him, if the neighbor is alone, and the matter is a capital offense, he shall report it 18 to the Examiner before his (i.e., the transgressor's) eyes, with Reproof.

And the Examiner shall record it with his hand, until he commits it 19 again in the presence of another, who turns and reports it to the Examiner.

If he repeats the offense²⁴⁹ and he is caught in the presence 20 of another, his judgment is complete.²⁵⁰

And if the witnesses are two and they testify about 21 the same thing, then the man shall be separated from the purity in solitude, provided that they are reliable 22 witnesses.

On the day that a man sees it (any offense), he shall report it to the Examiner.

Regarding property: they shall receive two 23 witnesses; if there is only one, (it is sufficient) to separate (him from) the purity.

The Laws of Testimony in capital and property offenses provide both a conclusion to the immediately preceding material, and an introduction to the detailed statutes on witnesses and judges that follow.²⁵¹ The laws systematize biblical laws on testimony: Num 35:30 requires two witnesses for prosecution of a capital crime; Deut 17:6 requires two or three, and Deut 19:15 requires two or three for prosecution of any transgression. D neatly assigns the requirement of three witnesses for capital crimes, and two for property.

Whereas the biblical laws emphasize prevention of spurious prosecution, D shows more interest in establishing the right procedure for testimony and prosecution. D also suggests a tendency to worry more about transgressions and the impurity that they generated, than about protecting the accused from spurious accusation. Thus while three witnesses are required to prosecute a capital case, the testimony of only

²⁴⁹ Lit., “if he turns”; the idiom signifies repeated action throughout the Hebrew Bible. For discussion see Gesenius §120d, g.

²⁵⁰ The same phrase appears the end of D, again with reference to the Examiner's duty to record offenses. Any member who had contact with an expelled member was reported to the Examiner, who recorded the offense, “and his judgment is complete” (ושלֵים מִשְׁפֵטוֹ, 4QD^a fr. 11 16, tr. J. Baumgarten, *DJD* 18, 77). Hempel translates, “his case is complete” (*Laws*, 176), which draws attention to the difficulty of evaluating the Examiner's role in judgment: did he only record cases for the judges to decide them, or did he issue judgments himself? The Rule for the Assembly of the Camps suggests that the Examiner had authority to decide cases, but only priests and Levites had formal authority to issue judgment (CD 13:2b–7a).

²⁵¹ For analysis see Schiffman, *Sectarian Law*, 73–88. A requirement for Reproof in S comes at 1QS 6:1.

two is sufficient to bar the accused from participating in the sect's purity. Similarly, in property cases, while two witnesses are required for prosecution, the accusation of only one suffices for exclusion. And in the Penal Codes of D and S, failure to bring a formal charge against a transgressor is mentioned three times while malicious prosecution is mentioned only once.²⁵² Such laws protect communal order and guard against impurity. This seems to indicate that while exclusion immediately follows Reproof, the exclusion lasts only as long as it takes to investigate the accusation. If the accuser is found to be lying, he is expelled. If evidence is insufficient to rule, then, we may speculate, the accused's exclusion ended once the accused proved himself trustworthy and submitted to an examination of his deeds and knowledge.

No law in D explicitly treats offenses that were witnessed by a large number of people at once. Schiffman argues that all first offenses were treated exclusively with Reproof. Prosecution was possible only the second time that an offender was cited for a particular offense.²⁵³ In his view this ensured that punishment fell only upon those who knew the law that they broke, as though ignorance of a statute could excuse a first offense. Weinfeld similarly distinguishes rebuke on the day of the transgression from formal prosecution.²⁵⁴ This approach is difficult to reconcile with the sect's strict interpretation of the law. Schiffman is forced to conclude that, in this exceptional case, the Covenanters' law was more lenient than that of the rabbis, which allows prosecution for a first offense, provided that the offender understood the law when he broke it.²⁵⁵ The statute in D provides enough detail to eliminate the possibility that Reproof was unaccompanied by prosecution in every first offense, since the law gives a condition for Reproof without prosecution: "if he [the witness] is alone" (וְהוּא אֶחָד, CD 9:17). This implies that Reproof was followed by immediate prosecution if there

²⁵² On failure to bring a charge see the three statutes in 1QS 7:4b-5a; 7:8b; 7:9. On malicious prosecution see 4QD^a fr. 10 ii 1-2.

²⁵³ "The sect saw Reproof as occurring after a first offense. Almost certainly, at least two occurrences of an offense were required for conviction in the sectarian system... The Qumran procedure required the use of record keeping, since it was necessary to be able, at any time, to determine if the reproof had occurred for a previous violation of the same law" (Schiffman, *Sectarian Law*, 97).

²⁵⁴ Weinfeld, *Organizational Pattern*, 40-41.

²⁵⁵ Schiffman, *Sectarian Law*, 97-98 and nn. 97, 98, p. 109. For a good summary of the rabbinic laws of הַתְּרָאָה, "warning" or "reproof," see Weinfeld, *Organizational Pattern*, 75-76.

were at least three witnesses to a capital offense, or two to an offense regarding property.

The Laws of Testimony define the point at which the Examiner formally brings a case to the sectarian court. An offender's "judgment is complete" (שלם משפטו) when at least three witnesses report the same capital violation, or at least two witnesses report the same property violation. The requirement to record transgressions in writing raises the possibility that prosecution for a particular offense might follow repeated instances of the same offense—e.g., three separate instances of uttering the divine name, each of which was reported by only one witness. Possibly the Examiner could impose penalties of exclusion from the communal purity based on his records, but it seems doubtful that he had authority to decide cases on his own. Instead, as Hempel suggests, he served the court by determining the point at which a case (משפט) was ready (שלם) to be brought before the judges.²⁵⁶

The law of Reproof attempts to eliminate prosecutions based on slander, as the biblical laws did, and to correct transgressive behavior immediately. *Pace* Schiffman, it was not designed to avoid prosecutions of first-time offenses that occurred through ignorance of the law. Another law in D accomplished this: CD 15:12–15a stipulates that any new member who violates a law must be rebuked and instructed by the Examiner, who then teaches him for up to a year. The Examiner's role as instructor and legal clerk here overlaps with his role in Reproof: he hears the charge, records it, and then administers the appropriate action, whether correction and instruction, probationary exclusion, or prosecution. While there was a degree of leniency for first-time offenses, CD 15:15 indicates that leniency was limited to the first year of membership. After that, members could be prosecuted immediately for any offense.

3.3.7.1 *Capital Punishment in the Sect: Trials and Execution*

The Laws of Testimony assume that the sectarian courts had authority to try capital cases. This is consistent with the sect's civic ideology, which defined the Covenanters as a state, or one in the making; a defining feature of state authority is ability to impose the death penalty. The claim to capital authority is confirmed in the law of wit-

²⁵⁶ See Hempel, *Laws*, 93–94; see also her translation of the same phrase in the conclusion of D, p. 176.

nesses, which stipulates that the judges may not receive any underage or impious witness “to put to death (a defendant) on the basis of his testimony” (CD 9:23b–10:2a).

What sectarian authority imposed capital sentences? We might suspect that the local court of the Camp did not have such power, but that capital cases would be the domain of a higher court, perhaps that which convened annually at the Assembly of All Camps. After all, a central feature of this assembly was a ceremony of expulsion (4QD^a 11 5c–16a). Josephus says that the Essenes considered serious matters of judgment in an assembly of no fewer than one hundred members, and states that the sect claimed authority in capital cases (*BJ* 2.145–46). How do we assess the evidence?

Josephus’ testimony is probably incomplete and misleading, due to his limited exposure to the workings of the sect.²⁵⁷ Capital cases were most likely heard, at least in their initial phase, by the judges of a local Camp. The rule of Reproof, after all, requires immediate prosecution of all transgressions. This requirement would have been essential in the most serious cases. Constitutional analogies support this position: the Mishnah states that capital cases were tried in local courts.²⁵⁸ Elsewhere, as in democratic Athens, cases of capital crimes and treason were first heard in the *boulē* and its subdivisions.²⁵⁹ If the *boulē* found a case actionable it convened the full *ekklēsia*, which tried and decided the case.²⁶⁰ Thus in constitutional literature from fourth-century Athens

²⁵⁷ Josephus had solid basic knowledge of the juridical proceedings of the sect, since he knew that major judgments were issued at plenary meetings. However, his testimony omits any description of the role that local courts played in the life of the sect.

²⁵⁸ According to the Mishnah, local courts of twenty-three judges were to be established in “large towns,” i.e., those with at least 120 (or 230, according to R. Nehemiah) adult male residents. Such courts had jurisdiction in major cases (דִּינֵי נַפְשׁוֹת), which included capital offenses (*m. Sanh.* 1:6). As noted in the revised Schürer, Matt 5:21–22 may suggest that “trial and condemnation of murderers did not fall exclusively within the jurisdiction of the Great Sanhedrin” (2.188). Whether the Jewish courts had authority under Persian, Greek and Roman rule to carry out capital punishment is another matter entirely. The point here is that in Jewish *legal theory* in the Second Temple period, local courts had jurisdiction in capital cases. For full discussion see B. Berkowitz, *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures* (New York: Oxford, 2006).

²⁵⁹ See Arist., *Ath. pol.* 47.1–5; also 48.1–5.

²⁶⁰ Arist., *Ath. pol.* describes the relationship between *boulē* and *ekklēsia*: “Formerly the *boulē* had full power to impose fines, to imprison and to put to death.... The people... took away from the *boulē* the right to execute, imprison and fine, and enacted a law that, if the *boulē* convicted a man of wrong-doing or wanted to punish him, its convictions and punishments should be brought before the jury-court by the

to the Mishnah, the accepted practice—at least in theory—was that lower courts or deliberative bodies heard and prepared major cases for the supreme juridical body. The Covenanters seem to have replicated this practice.

Within the sect, capital punishment entailed permanent expulsion. The Rule Scrolls and Josephus confirm this. Josephus notes that the Essenes imposed the death penalty against blasphemers: “and if anyone blasphemes against [Moses], he is sentenced to death (κολάζεται θανάτῳ)” (BJ 2.146). However, in the immediately preceding passage Josephus writes that the Essenes expel members for serious offenses, and that an expelled Essene is essentially condemned to death: “Bound by his oaths...he cannot even share the food of others. Reduced to eating grass, he perishes, his body dried up by hunger” (BJ 2.143).²⁶¹ This suggests that while the Essenes claimed authority in capital cases, they exercised this authority not by execution, but by expulsion.

The Rule Scrolls confirm Josephus’ testimony. While no prohibition against misuse of the name of Moses appears, the Rules clearly show that the sect held Moses’ name in high esteem because of its association with the covenant revealed in the Torah.²⁶² The Covenanters’ purpose was to restore fidelity to the Torah; sectarian laws amounted to rejecting the Torah of Moses, as D explicitly states (4QD^a 11 5c–6a). But the authority against which members were forbidden to speak was not that of Moses, but of the sect itself, specifically the Many: rebelling against their authority and judgment resulted in expulsion. At least at an abstract level, this is analogous to Josephus’ claim that the speaking against the supreme legal authority merited the supreme punishment. In any case, the Penal Codes in the Rule Scrolls support the argument that the sect’s form of capital punishment was expulsion: nowhere does any death sentence appear, but major violations are punished by expulsion:

thesmothetae, and whatever the jurors voted should be final... In those matters (over which the *boulē* has most authority) the *boulē* does not have final power. It presents preliminary resolutions to the people (who meet in the *ekklēsia* to decide the case), and the people are not permitted to decide anything which is not the subject of a preliminary resolution and placed on the agenda by the *prytanes* (i.e., officers of the tribal division of the *boulē* currently in charge of conducting its business)” (Arist., *Ath. pol.* 45.1, 4, tr. P. Rhodes, with slight modification).

²⁶¹ The translation is from Vermes and Goodman, *Essenes*, 45.

²⁶² The Rules repeatedly affirm that sectarian law brings members into conformity to the “Torah of Moses”; the sect received all that God commanded “by the hand of Moses and through all his servants the prophets” (1QS 1:3; see also 5:8; 8:15, 22).

failure to testify in a capital case (4QD^a 10 ii 1b–2a)
 slander against the Many (4QD^c 7 i 6–7 || 1QS 7:16b–17a)
 rejecting the judgment of the Many (4QD^c 7 i 11)
 rejecting a penalty imposed by the sectarian court (4QD^a 11 5c–8a)
 fornication (4QD^c 7 i 12b–13a)
 grumbling against the fathers (4QD^c 7 i 13b–14a)
 defiling the name of the deity (1QS 6:27b–7:2a)
 rebellion by a senior member (1QS 7:22–24a)
 breaking any laws of the Torah of Moses by a Man of Holiness (1QS 8:21–23a)
 associating with one who had been expelled (4QD^a 11 14c–16a; 1QS 7:24b–25)

The claim that the Covenanters' used expulsion as a form of capital punishment is further supported by the fact that some transgressions in the Rule Scrolls that earn expulsion are classified as capital crimes in the Mishnah: blasphemy, fornication, rebellion against the court, and a son's rebellion against his father.²⁶³

Given their status as a voluntary association, not a state, it is hardly surprising that the Covenanters did not actually kill those whom they convicted of capital crimes. Doing so would have brought the unwanted attention of state authorities, prosecution for murder, and the disbanding of the sect. However, refraining from killing was not only motivated by fear of state interference. To the contrary, in the sect's eschatology, capital punishment by human hands must have seemed puny, anticlimactic, even too merciful: the Covenanters anticipated an outpouring of terrible divine judgment upon the wicked, including sectarians who transgressed.²⁶⁴ As D states:

Such is the judgment of all who entered his covenant, who will not hold firmly to these (statutes): they will be visited unto destruction by the hand of Belial. That will be the day when God will visit upon them "the

²⁶³ On blasphemy see *m. Sanh.* 7:5; fornication, 7:4, 9; 9:1, 6; 11:1, 6; rebellion against the court, 11:1–4; rebellious son, 8:1–5. An interesting problem is the leniency extended one who broke Sabbath laws: "each man who errs and profanes the Sabbath or the holy days shall not be put to death, for he is to be guarded . . . and if he is healed of it, he shall be guarded for seven years; then he may enter the assembly" (CD 12:3b–6a, tr. J. Baumgarten, PTSDSS, *ad loc.*). The Mishnah and Torah prescribe death for some Sabbath violations (*m. Sanh.* 7:8; Exod 31:13–14; 35:2). Baumgarten suggests that D extends leniency not for transgression, but for misinterpretation of sectarian aspects of Sabbath laws (PTSDSS 2.51 n.182).

²⁶⁴ For the concept see, e.g., D, CD 19:10, 11; 4QD^a fr. 1 2; cp. CD 7:21; S, 1QS 9:23; 10:19; the *War Rule*, 1QM 1:11–12; 7:5; 15:1, 6. For a survey see M. Abegg, "Retribution," *EDSS* 2.767–70.

arrogance of the princes of Judah,” for you “will pour out upon them rage” ... (CD 8:1b–3)²⁶⁵

In the sect’s ideology, expulsion consigned transgressors to supernatural forces of evil and death. If the destroying angel Mastema turned away from a man who returned to the Torah of Moses (CD 16:5), he surely turned his gaze back upon him when he departed from the holy Congregation.

3.3.7.2 *Associational, Constitutional, and Biblical Analogies to Expulsion*

The punishment of expulsion appears in some associational *nomoi*, where it is often accompanied by a fine.²⁶⁶ Exile, the state version of expulsion, was a relatively common punishment in both Greek and Roman law, and was sometimes accompanied by deprivation of civic rights (*atimia*), and sometimes also by confiscation of property. This combination is, of course, analogous to the associations’ combination of expulsion with a fine. Expulsion was a two-step process in both Athenian and Roman law: first a lower court or deliberative body decided whether there were grounds for banishment. In Athens this was the *prytanis* of the *boulē*; in Republican Rome a *iudicium* in a lower court came first. In Athens, if the *prytanis* decided that the case should go ahead, then exile was decided by the Athenian *ekklēsia* at the Areopagus;²⁶⁷ in Rome, the Senate formalized by voting on a *privilegium*.²⁶⁸

The Covenanters’ expulsion procedure reflects this common state pattern. The accused was initially tried in the local court. If convicted, his sentence was carried out by the “supreme court” at the annual Assembly of All Camps. Formal ratification of expulsion at an annual

²⁶⁵ The translation is that of D. Schwartz, PTSDSS 2.27, with my emphasis. Cp. CD 19:5–6; 20:8b–13a.

²⁶⁶ E.g., P. Dem. Cairo 31179.22 combines expulsion with a fine of 100 *debens* for adultery with another member’s wife; the same combination of penalties occurs for falsely calling another member a leper in P. Dem. Cairo 30306.17–18; 31179.21–22 gives only the monetary fine for the same offense.

²⁶⁷ See Arist., *Ath. pol.* 43.5.

²⁶⁸ E.g., Cicero argues that his exile was illegal because no Roman citizen could be banished by a special law (*privilegium*) of the Senate without first having been convicted in a *iudicium* (*Domo* 17; 29). Cicero’s exile apparently was decided only by the Senate.

meeting is analogous to Athenian practice: once per year, during the sixth *prytany*, they ratified cases of exile.²⁶⁹ Further, in Athenian law, anyone who harbored or financially supported an exile became subject to the same punishment as the exile. This state practice parallels law in D, as well as S, which punished Covenanters who associated with those who had been expelled, with expulsion.²⁷⁰

Finally, a possible source for the Covenanters' use of expulsion as a capital punishment is the Torah. Aharon Shemesh persuasively argues that expulsion is a halakic interpretation of the punishment of כרת, being cut off from Israel.²⁷¹ This punishment is applied in the Torah for numerous transgressions.²⁷² Those who are cut off no longer participate in the covenants with God. The expectation seems to be that they will be destroyed, whether by God or by execution at the hands of faithful Israelites.²⁷³ It is notable that while D uses the same terms from Num 15 to distinguish inadvertent and intentional transgressions (שגגה, שגגה, ביד רמה),²⁷⁴ it does not use כרת, but שלח or בדל. The change may be attributed to the need to clarify the ambiguity of the biblical law: we do not have an explicit statement on how to carry out the punishment of כרת on its own. D introduces new clarity into the application of the biblical law.

²⁶⁹ Arist., *Ath. pol.* 43.5. On the details of the procedure see the Schol. *ad Aristop. Equ.* 851; Pollux 8.19; cp. Plut., *Arist.* 7.

²⁷⁰ See 4QD^a fr. 11 ll. 14–15, discussed below in detail; also 1QS 7:24b–25. See also Plato, *Leg.* 955b: φησὶ γὰρ ὁ θεὸς ὑποδοχῆς θάνατος ἔστω ζήμια; cp. also Demosth., *Polycl.* 1222 2.

²⁷¹ A. Shemesh, "Expulsion and Exclusion in the Community Rule and the Damascus Document," *DSD* 9 (2002) 44–74.

²⁷² Shemesh, "Expulsion," 59–63, argues that the Covenanters' punishment of expulsion was based on their halakic interpretation of Num 15:30–31, which imposes the penalty for those who break laws intentionally. Many of the transgressions that earn כרת are cultic: breaking the Sabbath (Exod 31:14); working on Yom Kippur (Lev 22:24); not keeping Passover (Num 9:13); eating holy food in a state of impurity and eating blood (Lev 7:20–27; 17:4–14; 19:8); bringing impurities into the holy place (Lev 22:3; Num 19:13–20); using the priests' anointing oil for common perfume (Exod 30:3–38); consumption of unleavened bread during Passover (Exod 12:15–19). Sexual transgressions, along with idolatry and worship of Molech, also earn the penalty: Lev 18:29; 20:3–6, 17–18. For כרת to designate general destruction see Gen 9:11; 41:36; Lev 26:22; Num 4:18; Deut 12:29; 19:1.

²⁷³ For the combination of being cut off and executed see, e.g., Lev 20:1–5.

²⁷⁴ For analysis of the use of Num 15 in our passage see Shemesh, "Expulsion," 60–61.

3.3.7.3 *Further Associational and Constitutional Analogies to the Law of Witnesses*

Weinfeld draws parallels to the statutes on Reproof and witnesses in D to rules in early Christian texts, but his analysis is seriously flawed. He distinguishes between rebuke on the day of the transgression, and formal accusation with witnesses: a formal charge could not be brought unless the accuser had first warned the transgressor privately.²⁷⁵ This, he argues, is similar to the procedure in Matt 18:15–17: first one warns a transgressor privately; if he does not respond, then one warns with witnesses present; and if he still refuses to repent, then the transgressor is accused before the entire church. If he remains unrepentant, he is to be treated “as a tax collector or a Gentile,” which probably means that he was expelled. (Weinfeld argues implausibly that this meant that the Church then initiated legal action in the public courts.)²⁷⁶ Weinfeld’s position is untenable: as we have seen, Reproof was, from start to

²⁷⁵ Weinfeld cites Heb 3:15 as a statute requiring “reproof” on the same day as a transgression. His interpretation requires isolating the verse from its context. In Heb 3:7–4:7 “today” (σήμερον) refers not to an individual day but to the limited period during which it is possible to attain salvation. In an allegorical interpretation of Ps 95:8–10 the writer of Hebrews identifies “today,” i.e., the period during which he and his addressees live, with the forty-year period of Israel’s wilderness sojourn. Hebrews 3:15 is about mutual exhortation during the age before the eschaton. It is not an associational statute requiring members to rebuke each other on the day of a transgression.

²⁷⁶ Weinfeld, *Organizational Pattern*, 38–41. While the Matthean requirement to warn a wrongdoer in private is dissimilar from the public reproof of the Rule Scrolls, both the Rules and Matthew share a common goal: preventing the guilt of sin which accrues to the wrongdoer (D and Matthew). D goes further by attempting to prevent guilt from accruing to the one who fails to report a transgressor.

Weinfeld argues that Matthew shows two stages in a trial and various degrees of “the gravity of the deed” (*Organizational Pattern*, 37–38). First, the transgressor stands before two witnesses and a judge; second, before the whole congregation. Weinfeld does not explain how he finds a judge in the passage; the interpretation is unlikely. Presumably his discovery of degrees of the gravity of offenses comes from the phrase “one or two witnesses” in 18:16. The number of witnesses in Matt 18:16 is drawn from the Torah: Deut 17:6; 19:5; Num 35:30. Deut 19:5 requires “two or three witnesses” for all cases, capital and other, so that no one could be prosecuted based on the testimony of a single witness. Neither in Matthew nor in Deuteronomy is there an explicit difference between the number of witnesses required to prosecute minor and major offenses. Finally, Weinfeld’s assertion that treating the unrepentant transgressor as a Gentile or tax-collector (Matt 18:17) means that it is “permissible to bring him before the civil courts” is simply wrong (p. 38). Rather the wrongdoer is to be shunned: as Matt 5:38–48 shows, the community responded to problems with outsiders and external authorities with quietism, not confrontation.

finish, a public, formal legal procedure. It included no private warning at all.

Weinfeld identifies non-Jewish associational *nomoi* as likely sources for the Covenanters' Laws of Testimony.²⁷⁷ His list of similarities includes some convincing examples; others are overdrawn. Several *nomoi*, like D, guarantee a fair hearing or formal trial for the accused. The penal code of P. Dem. Lille 29 requires that charges be proved before a transgressor is penalized.²⁷⁸ The Athenian Iobacchic *nomos* preserves specific prosecutorial guidelines: an insulted or slandered member had to support his charge against the offender before the assembled membership along with testimony of at least two witnesses who had sworn oaths. One who was physically assaulted had to submit a written accusation to the president, who immediately convened a meeting to hear the accusation.²⁷⁹

Weinfeld correctly observes that other associations' use of a written accusation to initiate juridical proceedings is similar to the Covenanters' practice. But it seems rather obvious that this protocol was copied from the state practice of submitting a written charge (γραφή; δίκη) against an individual to formalize an accusation.²⁸⁰ The *nomos* of the Iobacchi and D are similar: both require two witnesses to initiate certain cases. But the differences are just as striking: in D the Examiner, not the accuser, records a charge in writing. In the Iobacchic *nomos*, verdicts are given by vote and a convicted member was fined and temporarily excluded.²⁸¹ This practice of rendering judgment by vote resembles that of the Many in the *Yahad*,²⁸² and the penalty of exclusion is found both in D and S. However, in D, cases are initially tried before the Examiner and judges (CD 10:4–10).

Weinfeld also suggests that the Iobacchi, like the Covenanters, penalized malicious prosecution. He cites the following rule from their *nomos*: "if an accuser caused dissension, he will...be suitably

²⁷⁷ Weinfeld, *Organizational Pattern*, 38–41.

²⁷⁸ The condition that a transgressor had to be found guilty before being punished appears in P. Dem. Lille 29.9, 14, 15, 19, 22, and 25. (Weinfeld also erroneously cites line 13.) The same condition appears in SIG³ 1109.72–83; ILS 7212 1.28.

²⁷⁹ SIG³ 1109.72–83.

²⁸⁰ On the importance of written documents to juridical proceedings see Arist., *Ath. pol.* 54.1–5. For other associational requirements for written charges see SIG² 438.125–26; IG 2.1275. For discussion see San Nicolò, "Zur Vereinsgerichtsbarkeit," 290.

²⁸¹ SIG³ 1109.85–90.

²⁸² For juridical proceedings in the *Yahad* see rules for the Many in 1QS 6:7b–13b and the Penal Code in 6:24–7:25, with my analysis below.

punished.” But this is not an explicit statement about bringing false charges.²⁸³ Nor are the passages in the Rule Scrolls that Weinfeld cites laws against false testimony: grumbling against one’s neighbor in the Penal Code (1QS 7:17–18) means complaining in private, not falsely testifying, as I show in the next chapter. A law from D’s Penal Code, to which Weinfeld admittedly did not have access, is much more explicit: [עדוד] וואם בדבר מות ינטות ולו [י]שוב [עוד], “and if one bears malice in a capital case, he shall not ever return” (4QD^a fr. 10 ii 1–2).²⁸⁴

Finally, D requires the testimony of two eyewitnesses for minor transgressions and three for capital offenses, while the Iobacchic *nomos* requires two for major transgressions. These numbers are relatively insignificant in comparison with the types of transgressions that the codes cover: D’s legal code includes capital offenses, while the most serious offense that the Iobacchi could try was physical assault. Their *nomos* discourages brawling members from taking each other before the public courts. This kept the inevitable rowdiness of a drinking club under control and away from state suspicion. The Covenanters, on the other hand, claimed full state-like juridical authority. Superficial similarities should not distract us from the radical differences in intent and ideology of the statutes: D functioned as law for a state-in-the-making. Quite differently, the Iobacchic *nomos* was a brief set of rules for a group that accepted the established order and sought to define and retain its place within it.

The Laws of Testimony confirm the central role of Examiners in the local Camps. Without their local presence, it would have been impossible for witnesses to give testimony on the day of an offense, as the

²⁸³ Weinfeld, *Organizational Pattern*, 39. Weinfeld appears to take the verb *λοιδορέω*, “abuse” or “insult,” in *SIG*³ 1109.75 as a reference to bringing false charges, but neither the context nor common patterns of usage justify this interpretation. Weinfeld may infer that the reference to *ὁ αἰτίος γενόμενος τῆς μάχης* in ll. 80–81 applies to a plaintiff who lost his case, or to the defendant, but context and common usage weigh against this interpretation. A *μάχη* is not a legal dispute, but a battle of blows or words. Thus the assembly of the Iobacchi had to decide whether the *μάχη* warranted punishing the accused instigator, not whether the legal proceedings were valid. As the statute on witnesses in ll. 73–84 suggests, any charge involving a *μάχη* had to be accompanied witnesses’ testimony. The fact that disorder occurred is accepted once the charge is filed, and the legal proceedings that follow simply determine whether the defendant was guilty.

²⁸⁴ It is noteworthy that while some associational *nomoi* and most *politeiai* discuss procedures for appealing a verdict, the Rule Scrolls never do. Presumably the absence of such a statute stems from their extremely high confidence that they had the correct laws and the correct procedures for enforcing them.

rule of Reproof required (9:22; cp. 9:6–8a). Not only did they provide immediate access to the sectarian legal system, they also kept records of offenses, prepared cases for the sectarian courts, and, as the next passage indicates, determined the eligibility of witnesses to testify.

3.3.8 *Requirements for Witnesses*
(CD 9:23b–10:3 || 4QD^c fr. 6 iv 13–15)

9:23b ואל יקובל 10:1 עיד²⁸⁵ לשופטים להמית על פיהו אשר לא מלאו ימיו
לעבור 2 על הפקודים ירא את אל
אל יאמן איש על רעהו 3 לעד עובר דבר מן המצוה ביד רמה עד זכו
לשוב

9:23b And no witness shall be received 10:1 before the judges for a capital case (dependent) upon his word, who has not fulfilled his time to enter into the ranks 2 of those who are mustered; let him be one who fears God.

A man who has transgressed the commandment deliberately shall not be trusted in testimony concerning his neighbor 3 until they deem (him) legally fit²⁸⁶ to return.

The role of the Examiner in the prosecution of offenses comes into sharper focus in the rule prescribing requirements for witnesses. Witnesses must be the age of those who are mustered into military service, most likely twenty years old,²⁸⁷ “God-fearing,” and not be under penalty for any deliberate transgression of statutes. It seems likely that these requirements presuppose a system of record keeping that included the age, character assessment, and “criminal record” of all members. Responsibility for these records, as seen in the rules of initiation and Reproof, belonged to the Camp Examiner. It is likely that the Requirements for Witnesses relate directly to the Examiner’s role in the Camps.

²⁸⁵ Emended with Qimron, “Text of CDC,” and Baumgarten, PTSDSS 2, *ad loc.*; CD has עוֹד.

²⁸⁶ The verb זָכַךְ here means “be innocent” in a legal sense, or “morally pure.” See HALOT, *s.v.*

²⁸⁷ The age of mustering for battle is twenty in 2 Chr 25:5; 1QSa 1:9 gives twenty as the age at which a man may marry and witness judgments, but he cannot serve in the military or public office until age thirty (1QSa 1:13–16).

3.3.8.1 *Associational and Constitutional Analogies*

Requirements for witnesses: Such detailed provisions for admitting witnesses have little if any resemblance to statutes in other associational *nomoi*, but they do have analogies in the constitutional literature. The requirement that a witness not be under penalty for a crime appears in the Aristotelian *Constitution of Athens*, which disqualifies citizens from serving on a jury if they are currently deprived of civic rights or in debt to the state.²⁸⁸ Both disqualifications resulted from prosecution; both were temporary, and citizens who served their penalty fully could resume their service as jurors. In Plato's *Laws* the Athenian describes the obligations and qualifications of specific witnesses, such as women, minors and slaves, at length. He rules that witnesses whose testimony is unconvincing should be tried for perjury. Interestingly, a witness could be convicted of perjury twice without penalty, and could continue to give testimony in other cases. But if the citizen is convicted of perjury a third time, he or she is barred from testifying again under penalty of death.²⁸⁹ Finally, the Athenian requires judges and guardians of orphans to be irreproachably pious—indeed, “god-fearing.”²⁹⁰

The Examiner's authority: Obviously the Examiner's responsibilities and authority were extensive. In several *nomoi* of Greco-Roman voluntary associations the office of “president” bears analogies to that of the Examiner, as Bardtke and Weinfeld point out.²⁹¹ In the *nomos* of the association of the god Sebek, the “Representative of the House” is responsible for individual members' welfare. If a member is imprisoned unjustly, the Representative must visit him, make sure he has proper legal representation, provide him with rations, and help him offer prayers to Sebek.²⁹² Like the Examiner, who was expected to know the details of sectarian order and halaka thoroughly, presidents' duties involved preserving, teaching, and enforcing associational stat-

²⁸⁸ Arist., *Ath. pol.* 63.3.

²⁸⁹ After two convictions, however, the person may not be compelled to testify but can do so voluntarily (Plato, *Leg.* 937c–d).

²⁹⁰ Plato, *Leg.* 767d, judges must appear most likely to dispense justice “in the best and most holy (ὀσιώτατα) manner.” Similarly the first qualification for a guardian is to be “one who fears the gods above, those who are aware of the plight of the orphans (πρῶτον μὲν τοὺς ἄνω θεοὺς φοβείσθων, οἱ τῶν ὀρφανῶν τῆς ἐρμίας αἰσθήσεις ἔχουσιν, 927a–b).

²⁹¹ Bardtke, “Rechtsstellung,” 97. On presidents' authority see Boak, “Organization of Gilds,” 212–20.

²⁹² P. Dem. Cairo 30606.22–23; cp. 31179.16–18.

utes.²⁹³ In the cult of Diana and Antinoüs, the *quinquennalis*, its highest officer, paid for the expensive inscription of the *nomos*.²⁹⁴ Besides being a conspicuous act of patronage, erecting the monument made learning the by-laws easier, at least in theory.²⁹⁵ Further, the statutes state that the *quinquennalis*, along with the body of members (*populi*), have authority to make decisions about the burial of a member who died intestate.²⁹⁶ Thus, like the Examiner, the *quinquennalis* led his association in interpreting and applying associational laws to individual cases. Several *nomoi* mention both the president's power to enforce laws, and an associational court's authority to issue judgments. The *nomos* of the Iobacchi provides detailed protocol (SIG³ 1109.72–102): a member who was injured or wronged first lodged a complaint with the “priest,” i.e., the president of the association, or with his assistant. The priest then convened a meeting of the association to hear the case. All members had to attend; those who did not were fined and excluded from associational activities until they paid. The assembled *koinon* of the Iobacchi rendered “verdict by vote under the presidency of the priest.”²⁹⁷ Thus the president heard the initial testimony and convened and directed juridical proceedings, but the final verdict was in the hands of the “court” comprising *koinon* members. The pattern is typical: presidents decided whether accusations were actionable and then began the process of prosecution. The court, which comprised the entire membership, had authority to decide the member's fate, presumably by vote.²⁹⁸

²⁹³ E.g., in P. Mich. V 243 the *nomos* of the unnamed cultic association (Tebtynis, reign of Tiberius) identifies the president as the custodian of the statutes, as well as executor of decisions made by the society. The *koinon* as a collective body, however, retains authority to render decisions about specific cases. See ll. 2–3, 12–13.

²⁹⁴ ILS 7212 1.4–7.

²⁹⁵ Of course most members were probably not able to read, but publicly displayed laws would have been easier to learn since literate members could easily access them and read them to illiterate members.

²⁹⁶ ILS 7212 2.1–2.

²⁹⁷ καὶ ψήφῳ οἱ ἰόβακχοι κρινέτωσαν προηγουμένου τοῦ ἱερέως, SIG³ 1109.87–88.

²⁹⁸ Associational “courts” may be inferred from descriptions of inquiries to determine the validity of various claims. For example, at Lanuvium the society of Diana and Antinoüs made provisions for the burial of members who died more than twenty miles from town (ILS 7212 1.26–2.2). If the society was notified it sent three members to take care of the burial; when they returned they had to submit an account of their expenses. If members (*populi*) discovered fraud they fined the offenders. Similarly the *populi* decided compensation for a non-member who buried a member at his own expense, when immediate notification to the society was impossible. Finally, distribution of a deceased member's property was overseen by the society, which enforced

The Rule Scrolls show significant differences as well. Nowhere do we find the Examiner of the Covenanters required to provide for the society out of his own resources, but presidents of other associations did so. The *quinquennalis* at Lanuvium not only paid for the inscription of the *nomos*, but also was obligated to provide oil for worship on the birthdays of Diana and Antinoüs.²⁹⁹ A board of four *magisteri* supplied food and wine for associational banquets.³⁰⁰ In the cult of Zeus Hypsistos at Philadelphia,³⁰¹ presidents provided banquets for members by drawing on communal funds.³⁰²

members' wills. If a member died intestate the *quinquennalis* and *populi* convened to determine how to allot his property. Only in this statute do we find an explicit statement about the working relationship between the president and the associational "court." The court is implicitly distinguished from other assemblies of the society in another statute, which contrasts activities appropriate for a "business meeting" (*conventu*), i.e., complaints or business like that above, with joyous and peaceful activities appropriate for "festive days" (*diebus sollemnibus*, 2.23–24). Clearly the entire membership of the society participated in its juridical procedures.

P. Dem. Cairo 30606 (157 BCE) shows a similar pattern for the association of Sebek at Tebtynis. First, all members participated in juridical procedures. In the opening lines all pledged to enforce the statutes (ll. 5–6). While the president or "representative of the house" had authority to exact dues and fines from delinquent members (ll. 7–8), formal charges first had to be brought before the "members of the house" (ll. 17, 18–19). If judgment went against a member he could request that the society convene, at his own expense, to review the case (l. 22). P. Dem. Cairo 31179 (147 BCE) preserves statutes for the same association ten years later. Like 30606 it shows the members of the association functioning as formal prosecutors and judges, while the president carried out the practical business of collecting dues, fines, etc.

During the Principate Egyptian associations continued this pattern: the *nomos* of an unnamed cultic society at Tebtynis gave the president power to enforce statutes, but verdicts had to be rendered by the society (κοινόν) (P. Mich. V 243.2–3). The *nomos* concludes by stating that the *koinon* had authority to render verdicts in matters not covered by the statutes, and that the statutes were binding when ratified by the majority (ὑπὸ τῶν πλείστων). Once ratified, the president assumed custody of the *nomos* (ll. 12–13), along with power and responsibility to enforce its laws. Similarly in a society of *apolusimoi* the president had authority to seize delinquent members, but had to "hand him over," either to the associational court or to the state authorities, for prosecution (P. Mich. V 244.9–12, 18–20).

²⁹⁹ ILS 7212 2.29–31.

³⁰⁰ Each of the four *magisteri* was required to supply an amphora of wine, a loaf of bread for each member, four sardines (*sardanas n[u]mero quattuor*, or four per member, or ample sardines for four members), a table setting, "and warm water with service" (*caldam cum ministerio*) (ILS 7212 2.14–16).

³⁰¹ For speculation about the location of the association see Roberts, Skeats and Nock, "Gild of Zeus Hypsistos," *HTR* 29 (1936) 62, 69, and throughout the commentary in the article.

³⁰² P. Lond. 2710.5–8. The banquets of P. Mich. V 243 were funded by monetary contributions for which the president had responsibility and in whose company members dined (ll. 1–2). Members were required to bring bread and one drachma for

While the Examiner certainly exercised a considerable amount of power, his role was that of a facilitator in the overall workings of a large bureaucracy. The Examiner and associational presidents both bore responsibility for preparing lawsuits for the associational court, but the Examiner also examined witnesses to determine eligibility to testify. This duty went beyond what was required of any associational president. Unlike the duty of the president, the Examiner's responsibilities were essentially clerical, not juridical. The authority that most associations invested in their presidents was allocated differently in the Covenanters' sect: their conciliar bodies, i.e., the judges, the Many, and the priests who presided, deliberated and decided cooperatively. While the associational *nomoi* frequently punish offenses against the president,³⁰³ the Rule Scrolls never mentioned offenses against the Examiner, although offenses against many other authorities appear in the Penal Codes.³⁰⁴

The Rule Scrolls also contain little analogous to the personal authority of associational presidents. The limits of his power are obvious when we compare them to the *nomoi* from Egypt. In the Demotic statutes the president had authority not only to bring suit against transgressors, but even to enter members' homes and seize outstanding dues and fines. One Greek *nomos* gives the president authority to enter a member's home and seize him or his slaves until the member paid his debt.³⁰⁵

wine to funeral banquets (ll. 9–11). Presumably the drachma went to the president as reimbursement for wine. The *apolutsimoi* at Tebtynis required the president to prepare the banquets (P. Mich. V 244.14–15), drawing funds presumably from members' "contributions and expenses" (συμβολαί, δάπανοι, l. 19). Expenses for funeral banquets were also drawn from the associational fund (l. 18). Like the presidents of P. Mich. V 243 and 244, the priests of the Iobacchi used the funds to purchase wine and food: members were responsible to pay for, but not to prepare, the feast. Out of this fund the priests also used money for members' funerary expenses and feasts (SIG³ 1109.160–63).

³⁰³ See, e.g., P. Dem. Cairo 30606.8, 23–25; cp. 20–21; 31179.26–27; 30605 is virtually identical to 31179. Members of the guild of Zeus Hypsistos at Philadelphia were commanded to obey the president and his assistant (P. Lond. 2710.10–12).

³⁰⁴ For full discussion of the Penal Codes of D, S, and 4Q265, see §4.9–4.10.4.1, below. The following offenses against authorities appear: disregarding authority in general (S, 4Q265); verbally abusing a high-ranking priest, anger at a priest, and provoking a priest (S); slander against the Many (S, D); murmuring against the *Yahad* (S); murmuring against the Fathers and Mothers (D); despising judgment of the Many (D).

³⁰⁵ P. Dem. Cairo 30606.6–8; cp. 31179.7–9; P. Mich. V 244.9–12. It is possible that the president's unusual authority in P. Mich. V 244 stems from the fact that his

The Examiner's relationship to the larger juridical bodies and the limits on his power and status make his office analogous to that of a civil servant. His office was not, I assume, modeled after a specific state office. Rather, his responsibilities suggest that he promoted the efficiency of a comprehensive, independent legal system that was designed to function like that of a state. In order for the system to work, each Covenanter had to have knowledge of its laws, and access to its officers and courts. The Examiner provided such immediate, continuous access, as well as instruction on sectarian law and doctrine, from the day of each member's enrollment and throughout his life in the sect.

Numerous analogies from the *politeiai* may be adduced; a few from Aristotle's *Constitution of Athens* will suffice.³⁰⁶ It describes a variety of officials whose primary duty was to be easily available to hear testimony and prepare cases for the courts. The Forty comprised four representatives from each tribe. Formerly called "deme justices," they adjudicated local, private disputes. Prior to 403/2 they travelled to demes to hear cases; later they heard cases in Athens. Their earlier activity underscores their purpose: to provide timely hearings for disputes, no matter how small.³⁰⁷ Another group of Athenian officials, the ten εὔθρονοι, "examiners," played a similar role. One was appointed by lot from each tribe, and each had two assistants. Each *euthunos* and his assistants sat daily in the *agora* during market hours. They heard testimony from any citizen who wished to submit a lawsuit against an official. Once a citizen submitted his written accusation, along with a recommendation for the fine that the official should pay, the *euthunos* evaluated the charge. Some charges were dismissed outright; others were submitted to the appropriate courts.³⁰⁸ Like D's laws on the Examiner, Athenian law ensured that testimony was gathered in a timely manner, and was vetted by qualified officials who could distinguish between legitimate and spurious accusation.

association is entrusted with collection of the *laographia* from among members. As a private society formed in part to perform public service, or to help members fulfill public duties, its expansive jurisdiction may have been a result of state oversight.

³⁰⁶ Plato suggests that without immediate involvement in the ethical/legal activity of the state, citizens feel disaffected: *Leg.* 768b, "Everyone should have a part to play in private suits too, because anyone excluded from the right to participate in trying cases feels he has no stake in the community whatever" (tr. Saunders).

³⁰⁷ Arist., *Ath. pol.* 53.1–3.

³⁰⁸ Arist., *Ath. pol.* 48.4–5. For additional discussions on "examinations" of officials' conduct in office see 38.4; 39.6; 56.1; 59.2; also 4.2; 27.1.

The principle governing the establishment of these offices is simple: in order for a constitutional system to work, its bureaucratic organs and officers must be readily accessible to subjects, and it must have capacity to enforce its laws efficiently. From democratic Athens to the eastern Mediterranean cities of the Hellenistic and Roman imperial eras, the *boulē* and its various officers and organs facilitated precisely such access and oversight. While the *ekklēsiai* and other councils had ultimate authority, they did not meet frequently enough, nor have the resources to provide immediate oversight. They depended upon local *boulai* and their officers to ensure that legal systems worked efficiently, and to prepare the cases for which the superior juridical bodies bore responsibility. Similar organization obtains in D: sectarian authority was comprehensive. Local officials and councils decided minor cases; the “supreme court” that convened annually ratified, or heard and decided, capital cases and other important matters. The local Examiner, judges, priests, and Many provided immediate access to the sectarian system. This immediate access is precisely what made comprehensive authority possible. It, combined with claims to comprehensive authority, and a system designed to handle all legal matters, shows the deliberateness with which the sect’s organization and regulation was patterned in state-like fashion. Their alternative civic ideology is immediately apparent in these most practical features.

3.3.9 *The Rule for Judges of the Congregation*
(CD 10:4–10a || 4QD^a fr. 8 iii 4–9; 4QD^e fr. 6 iv 15b–19)

The Rule for Judges is an appropriate conclusion to laws dealing with sectarian juridical authority. As we have seen, the laws of testimony, oaths, property and witnesses all dealt with cases over which judges had authority (see 15:1–5; 9:10; 10:1). The rule defines this body precisely and provides scriptural legitimation for its composition. It has five components: a rubric introducing the statutes; requirements for a quorum of judges and a possible limit on their period of service; the priestly/lay composition of the court; educational qualifications; and age limits of judges.

10:4 וזה סרך לשפטי העדה
עד עשרה אנשים ברורים 5 מן העדה לפי העת
ארבעה למטה לוי ואהרן ומישראל 6 ששה מבוננים בספר ההגי וביסודי
הברית מבני חמשה 7 ועשרים שנה עד בני ששים שנה
ואל יתיצב עוד מבן 8 ששים שנה ומעלה לשפוט את העדה

כי במעל האדם 9 מעטו ימו ובחרון אף אל ביושבי הארץ אמר לסיר³⁰⁹ את
10 דעתם עד לא ישלימו את יסיהם

10:4 And this is the Rule for Judges of the Congregation:

(Let there be) ten men chosen 5 from the Congregation for the set time:

four men from the tribe of Levi and Aaron, and from Israel, 6 six, educated in the book of *Hagy* and in the foundations of the covenant, from twenty- 7 five to sixty years old.

And let no one from 8 sixty years old and older take his place to judge the Congregation. For on account of human weakness 9 his days have become few, and through the burning wrath of God against the inhabitants of the land, he decreed that their knowledge shall depart 10 when they have not completed their days.

The Covenanters' alternative civic ideology is strongly articulated in the heavily biblicized language of the Rule. Thrice the Rule refers to the community over which the judges preside as "the Congregation" (העדה). The term does not designate a body other than the Camp; instead, it elevates the rhetoric of the statutes by calling its addressees by a term drawn from the Hebrew Bible: עדה, unlike the more general term עם,³¹⁰ is a technical designation for the people of Israel, especially in the Torah. By referring to the sectarian judges as judges of the Congregation, the statutes imply at least two things. First, the Congregation of Israel, both sectarian remnant and apostate majority, are subject to sectarian law. Since only the Covenanters' remnant observe sectarian law, Israelite identity is only authentically expressed among their ranks. As if to enforce this point, the rule directs sectarians to choose judges from among "Israel" and "Aaron," i.e., laity and priests. Within the sect, the fundamental divisions of Israel persist in their most authentic forms.

³⁰⁹ Emended with Qimron, "Text of CDC"; CD has לִסִּיר. The *hiphil* form makes more sense.

³¹⁰ The term עם appears far less frequently in the Rules than the term עדה, and when it appears it has no technical sectarian meaning. In IQS it designates non-priestly members of the *Yahad* (2:21; 6:9); in CD it designates the people of Israel in general (1:21; 6:16; 7:11 [quoting Isa 7:17]; 9:2 [quoting Lev 19:18]). The term designates the wicked majority of Israelite people in 5:16; 8:8, 16 and || in 19:20, 29, 30, 35; 20:24, and the people of the sectarian remnant in 6:4, 8, in lines quoting Num 21:18. In CD 14:15 עם refers to a Gentile people. In MMT, עם designates the people of Israel in general: B 13, 27, 46, 80–81; C 7, 27.

How often did the judges meet? In the difficult phrase **לפי העת**, which I have translated “for the set time,” must lie the answer. Baumgarten suggests that it refers to interpretations of the law revealed at different times, like the phrase **עת ועת** in CD 12:21.³¹¹ However, the phrases are not identical. Schiffman, following Ginzberg, points out the similar phrase **כפי העת** also occurs in Sir 6:8 where it means “in accordance with the time,” or “situation.”³¹² Schiffman speculates that the judges “may be an *ad hoc* court of ten convened whenever its services were needed.”³¹³ This solution is attractive. Within the local Camps, maintaining a standing court of judges would have been impractical, but their presence would have been essential for certain occasions, such as the swearing of an oath of cursing, or the prosecution of a transgressive member.

The local court comprises four priestly and six lay judges (CD 10:5–6). Compared to the non-judging quorum of ten in 13:2, the priestly presence is dramatically increased: in a non-judging quorum, only a single priest is required. The increased priestly presence among the Camp judges is consistent with sectarian insistence that priests alone could pronounce judgment. As the Rule for the Assembly of the Camps (CD 12:22b–13:20, discussed below) shows, in cases of skin disease only a priest could issue a ruling, even if the only available priest was ignorant of the laws (CD 13:4–6). And as the Rule of the Assembly of All Camps at the end of D indicates, a single priest presided and issued judgments over the annual plenary, which functioned as a sort of “supreme court” (CD 14:6–8). However, both in the law of skin disease and at the court of the plenary assembly, lay members also participated in deciding judgments. The Examiner—a lay member, as I argue below—played a significant role in both contexts. The Rule for Judges is, then, consistent with other statements on jurisdiction in that it insisted on strong priestly presence but allowed significant participation by lay members.

All judges are required to be “versed in the Book of *Hagy* and the foundations of the covenant” (CD 10:6–7). While we do not know

³¹¹ J. Baumgarten, PTSDSS 2.45 n.152. The judges of the Camps apply halaka for the evil age; judges after restoration will apply a different halakic system.

³¹² Sir 6:8 reads, “For there is love in accordance with the time [or ‘occasion’] (**כפי עת**), but it does not stand in the day of distress.”

³¹³ Schiffman, *Sectarian Law*, 29–30. Hempel’s translation conveys this meaning, but without comment (*Laws*, 100).

the exact nature of Book of *Hagy*, it clearly refers to a written text that dealt with sectarian law. Its statutes differed in important ways from those of the Rule Scrolls, since they were expected to remain valid after the evil age, when Israel was restored and governed by the sect's law. This is clear from SE, which places study of the same book at the center of young men's education, from age ten until twenty (1QSa 1:7). While it is possible that the Book of *Hagy* was something like the Temple Scroll, it seems odd that no copy of such a text—one that was used so extensively, studied by every judge in every camp, is extant. An attractive possibility is that the Book of *Hagy* refers simply to the Torah.³¹⁴

SE also indicates that completion of education in the Book of *Hagy* prepared members for legal duties: men hear cases at twenty, serve the Congregation at twenty-five, and decide cases at thirty (1QSa 1:12–14). This scheme may allow us to fill in details about the members of the court in the Rule for Judges: while the ten included members as young as twenty-five, it is possible that those under thirty were not allowed to vote on the court's decisions. The rule that no sectarian over the age of sixty could judge is explained by the problem of senility (CD 10:8–10). Taken together, the exclusion of the elderly on the basis of loss of knowledge and the limited participation of younger judges on the basis of their incomplete knowledge underscores the sect's idealization of knowledge:³¹⁵ each judge must be thoroughly educated in sectarian halaka and at the peak of his intellectual prowess. The sect cultivated juridical expertise through extensive instruction in a text-centered scholastic regimen, followed by supervised experience in the local courts.³¹⁶

³¹⁴ All references to this work appear in D (CD 10:6; 13:2; 14:8 [restored]) and SE (1QSa 1:17). Meditation on the Torah is mentioned in Psalm 1:2; similar language appears in Josh 1:8. For a survey of scholarly opinions see S. Fraade, "Hagu, Book of," *EDDS* 1.327.

³¹⁵ One of the most famous and appropriable lines from D: אֵל אוֹהֵב דַּעַת, CD 2:3. For academics this should be encouraging, and may even be taken as independent, if indirect, confirmation that ὁ νοῦς γὰρ ἡμῶν ἐστὶν ἐν ἐκάστῳ θεός (Euripides in Nauck, *Trag. Gr. Frag.* 1018).

³¹⁶ On the text-centered scholastic nature and practices of the sect see Snyder, *Teachers and Texts*, 138–64.

3.3.9.1 *Constitutional Analogies to the Rule for Judges*

The quorum of ten: It is interesting that the court of each Camp comprised ten judges. One would expect that a court would need to have an odd number of judges to avoid deadlock, a problem that rabbinic law addresses in detail.³¹⁷ Schiffman asserts that the sect derived the number purely from biblical exegesis, pointing to councils of ten men appointed from among the elders of the city, as in Ruth 4:2.³¹⁸ Others, such as Louis Ginzberg, have argued that the number ten reflects the sect's assimilation of the Hellenistic δεκάπρωτοι, the councils of ten men who served as officers of the *boulai* throughout the eastern cities, including Jerusalem (Josephus, *Ant.* 20.194).³¹⁹ One of their primary responsibilities was juridical: members of the councils took testimony and prepared cases for litigation before the official court. In order to do so, they met daily along with the rest of the *boulē*. The *dekaprotoi* also oversaw legal matters besides lawsuits: in the *poleis* outside Egypt, they collected taxes on behalf of the imperial authorities.³²⁰ Collection and allocation of members' dues was among the judges' duties, as the Rule for the Assembly of All Camps (CD 14:3-end of D) indicates. While the sectarian judges probably only met as required, their number and responsibilities are analogous to those of the *dekaprotoi*.

Frequency of meetings: The Mishnah indicates that local courts, like those of the Camps, convened on an *ad hoc* basis, and their numbers differed based on the seriousness of the case.³²¹ In the Aristotelian *Constitution of Athens* various courts convened for limited and specific

³¹⁷ See esp. *m. Sanh.* 1:1–6. Depending upon the seriousness of the matter, courts could have from three to seventy-one members, but the number was always required to be odd (1:6).

³¹⁸ עשרה אנשים מזקני העיר are called to witness Boaz' marriage to Ruth. The ten men are not identified as a court or as judges in the text. However, Schiffman notes that in Jewish law a court may be convened simply to witness a legal procedure, in order to ensure that it is conducted properly (*Sectarian Law*, 24). (This is the case of the judges of the Camps, who convened to oversee oaths, as well as prosecutions.) Schiffman neglects the possibility that the quorum of ten city officials in Ruth, as well as in Qoh 7:19, which mentions העיר אשר היו העיר שליטים, may have resulted from the conventions of the Hellenistic *poleis*.

³¹⁹ See L. Ginzberg, *An Unknown Jewish Sect*, 85. For discussion of the δεκάπρωτοι in Hellenistic cities see Rostovtzeff, *SEHRW* 1.390–91. The fact that Josephus refers to such a group in Jerusalem (*Ant.* 20.194), which acted as a representative body in negotiations with the Romans, increases the historical plausibility that the quorum of ten at Qumran may reflect the assimilation of patterns of social organization in the *poleis*.

³²⁰ See A. Bowman, *City Councils*, 24–25.

³²¹ See *m. Sanh.* 1:1 for an overview of types and sizes of courts.

amounts of time, in order to hear specific cases. In Plato's *Laws* the Athenian describes local courts comprising judges "chosen by lot as occasion arises," whenever a member of a tribe brought a private suit. If litigants could not settle their dispute in the tribal court, they had to accept a verdict handed down by a higher court whose judges were seated continually for an annual term.³²²

Age qualifications: Like the statutes on witnesses, the Rule for Judges much more closely resembles laws of the *politeiai* than the *nomoi* of voluntary associations. Its system of age classes is clearly based on laws of the Torah, but laws on the ages of judges do not appear in the Torah. The sect's system is an innovation based on exegesis of Scripture, as Schiffman has shown.³²³ In my view, the impulse to devise a system for juridical age qualifications comes from an assumption that the sectarians assimilated from contemporary civic life, and which is ubiquitous in the political discourse of the *politeiai*: education, adulthood, and progression through political service must be structured around age classes.

The age qualifications in the Rule for the Judges are based on rules for Levites in Numbers. Schiffman speculates that appropriating priestly laws for judges elevates the judges' duties to a form of cultic service.³²⁴ This is eminently plausible, given that the rules for the *Yahad* in S make judgment central to cultic acts of atonement, as I discuss at length in the next chapter. Nevertheless, in order to make the Torah's laws cohere, a system must be imposed upon them. Num 8:24–25 gives twenty-five as the minimum age for levitical service, and fifty as the age at which a Levite may no longer serve. Num 4, *passim*, seems to contradict 8:24: Levites begin service at thirty, not twenty-five.³²⁵ Further, if D draws upon these levitical laws, it clearly breaks the maximum age of fifty (Num 8:25), since the judges of the Camps serve until sixty. The system of D seems to have accepted the age of twenty-five from Num 8:24 as the minimum for judges. The age of sixty is more difficult to explain, but Schiffman offers an attractive solution: while Num 8:25 forbids Levites over fifty from

³²² For the tribal court see Plato, *Leg.* 768b. The "supreme court," as Saunders terms it, sat for a year beginning on the Summer solstice. They were elected on the day before the solstice (*Leg.* 767c–e).

³²³ Schiffman, *Sectarian Law*, 30–40.

³²⁴ Schiffman, *Sectarian Law*, 31–32.

³²⁵ See Num 4:3, 23, 30, 35, 39, 47. These verses also give fifty as the age of levitical retirement.

serving, 8:26 allows them to continue to assist in the tent of meeting. No limit for this service is given. The maximum age of sixty given in D may come from Lev 27:3, which seems to define the period of adulthood as twenty to sixty.³²⁶ The full sectarian system is probably articulated in SE, which gives twenty-five not as the age for deciding cases, but for hearing judgments. One only begins to judge at age thirty (1QSa 1:12a–15a). This seems to indicate that the age twenty-five of Num 8:24 was understood as when service and training in the court begins; eligibility to sit as a judge begins at thirty, the minimum age of levitical service in Num 4. Perhaps the halaka for the evil age required younger men to judge, but restored Israel would see heightened requirements in closer conformity to the scriptural system.³²⁷

Rabbinic texts give little by way of age classes for judges, and the sources are late. *Y. Sanh.* 22b preserves an opinion that a judge in a capital case should be twenty; in property cases, younger witnesses or judges are accepted, although probably not younger than thirteen.³²⁸ No rabbinic law on the maximum age of judges appears, and members of the Sanhedrin are called “elders” in *m. Sanh.* 1:6 and *m. Yoma* 1:3, 5.

In the Greek and Roman *politeiai*, age qualifications for judges appear regularly. The Aristotelian *Constitution of Athens*, like SE, requires jurors to be thirty.³²⁹ Athenian “arbitrators,” who negotiated between litigants or, if negotiations failed, rendered verdicts, are at least sixty.³³⁰ Other *politeiai* assign offices to age classes over sixty, sometimes with explicit maximum ages: in Plato’s *Laws* the Guardians of the Law, entrusted with supervision of the laws, property registers, and trials for officials, must be between fifty, but cannot be over seventy; his Scrutineers begin their careers at fifty and retire at seventy-five.³³¹ In Sparta members of the *gerousia*, a council of thirty men that prepared legal measures for the full assembly, judged serious criminal cases, and oversaw citizens’ adherence to Spartan law, had to be at least sixty.³³²

³²⁶ Schiffman, *Sectarian Law*, 33–34.

³²⁷ See §4.7.1, 5.5.2 for full discussion of sectarian juridical education.

³²⁸ Schiffman, *Sectarian Law*, 36.

³²⁹ Arist., *Ath. pol.* 63.3.

³³⁰ Arist., *Ath. pol.* 53.4.

³³¹ Plato, *Leg.* 755b; 946a–d. Military service in the *Laws* begins at age twenty and ends at sixty (785a–b).

³³² On the Spartan *gerousia* see Xen., *Lac.* 10.2; Arist., *Pol.* 2.6; 3.1; Plut., *Agis.* 11; *Lyc.* 26.

Members of the Spartan assembly, which had far less direct juridical authority, had to be thirty years old.³³³

3.4 THE RULE FOR THE ASSEMBLY OF THE CAMPS
(CD 12:22B–13:7A || 4QD^a FR. 9 II 5–16; 4QD^b FR. 9 IV 1–3)³³⁴

12:22b וזה סרך מושב 23 [ה]מח[נו]ת המתהלכים באלה בקץ הרשעה עד
עמוד משיח³³⁵ אהרן 13:1 וישראל
עד עשרה אנשים למועט לאלפים ומיאיות וחמשים 2 ועשרות
ובמקום עשרה אל ימש איש כהן מבונן בספר ההגי על 3 פיהו ישקו
כולם
ואם אין הוא בחון בכל אלה ואיש מהלויים בחון 4 באלה ויצא הגורל לצאת ולבוא
על פיהו כל באי המחנה
ואם 5 משפט לתורת נגע יהיה באיש ובא הכהן ועמד במחנה והבינה 6
המבקר בפרוש התורה ואם פתי הוא הוא יסגירנו כי להם 7 המשפט

12:22b And this is the Rule for the Assembly 23 of [the] Ca[mp]s that walk according to these (statutes) in the age of evil, until the rising of the Messiah³³⁶ of Aaron 13:1 and of Israel:

from (a minimum of) ten men, by divisions of thousands and of hundreds and of fifties and 2 of tens.

In a place where there are (at least) ten there may not be lacking a man who is a priest learned in the Book of *Hagy*. In accordance with 3 his authority all of them shall obey.

But if he is not tested in these statutes, and there is a man from among the Levites who is tested 4 in these statutes, then let the verdict be³³⁷ for all those who enter the Camp to conduct themselves³³⁸ by his (the Levite's) authority.

And if 5 there is a judgment concerning the law of skin disease, then the priest shall come and stand in the Camp. And 6 the Examiner shall explain the precise interpretation of the law to him. And even if he

³³³ Plut., *Lyc.* 25.

³³⁴ The 4QD mss. are extremely fragmentary. Traces of the passage are also extant on 4QD^f 5 ii.

³³⁵ Emended; CD has מושח.

³³⁶ The singular noun משיח is distributive: there is a Messiah of Aaron and a Messiah of Israel. Scholarship on this phrase is extensive. For an overview see Collins, *Scepter and the Star*, 74–83; also M. Abegg, “The Messiah at Qumran: Are We Still Seeing Double?” *DSD* 2 (1995) 125–44.

³³⁷ Literally, “let the lot go forth.” In other places the idiom describes decision-making by vote, e.g., 1QS 6:16–22.

³³⁸ Literally, “to go out and to come in.” For other instances of the idiom as a reference to daily conduct see Deut 31:2; Josh 14:11; 1 Sam 29:6; 1 Kings 3:7; 2 Kings 11:8; 19:27; Isa 37:28; Ps 121:8.

(the priest) is ignorant, he shall confine him (the afflicted), for to them belongs 7 the judgment.

The Rule for the Assembly of the Camps (12:22b–13:7a) continues legislation for local Camps.³³⁹ It opens with a reaffirmation that the laws of D are temporary: they would be valid only until the end of the evil age; it also anticipates their eschatological identity as subjects of restored Israel, over which the Messiahs of Aaron and Israel will rule. This passage implicitly acknowledges discrepancies between the eschatological ideal and present reality: In the eschatological scheme, each Camp would be organized in groups of thousands, hundreds, fifties, and tens, just as Israel is organized in the Torah.³⁴⁰ But in reality some Camps comprised very few members. Ideally, for every group of ten members a priest thoroughly educated in the Book of *Hagy* would be available. In reality, not all of their priests were so well educated, and sometimes Levites had to suffice (13:1b–4a). In fact, as the concluding statute on skin disease shows, sometimes neither an educated priest nor Levite could be found, and the Examiner, who was most likely a scribal lay expert, had to provide “priestly” guidance (13:5b–7a).³⁴¹

A single town could have held several small sectarian groups that were overseen by a single Examiner. The term “Camp” most naturally

³³⁹ At first glance the rubric for the assembly of the Camps appears to treat a trans-local assembly: *וזה סרך מושב [ה]מ[חננו]ת*, “and this is the Rule for the Assembly of the Camps” (CD 12:22–23). However, its content concerns local groups. Further, the rubric may be contrasted with that of the Rule for the Assembly of *All Camps* (*מושב כל המחנות*) that begins at CD 14:3. So also Hempel, *Laws*, 107–14.

³⁴⁰ See Exod 18:21–25; Deut 1:15; cp. 1 Macc 3:55.

³⁴¹ R. Kugler has suggested that the Examiner was a Levite, since his relationship to the uneducated priests is like that of the Levites in the immediately preceding passage (idem, “Priesthood at Qumran,” 106–7). G. Vermes argues along similar lines: *The Dead Sea Scrolls: Qumran in Perspective* (2nd ed.; London: SCM, 1982) 90. Further, the office of the Examiner appears to be mentioned after the description of the Levites’ duties in 5Q13, an extremely fragmentary text that shares some language with the Rule Scrolls. Yet even if we could be absolutely confident about the placing of fragment 4, which mentions the Examiner, immediately after fragment 2, which mentions the Levites, we still lack an explicit statement identifying the Examiner as a Levite in any text. This omission is surprising, given the number of texts in which the office of Examiner is mentioned, and the detailed rules on duties and qualifications laid out in CD 13:7–19 and 14:8–12. In S, lay Covenanters take on “priestly” roles, e.g., by attaining “perfection of the way” and working to procure atonement for Israel, along with priests (1QS 8–9). In my view the Examiner was a highly educated, non-priestly scribe whose expertise allowed him to assume some priestly responsibilities, such as teaching the laws about purity. Mention of the Examiner after the Levites in 5Q13 may simply indicate his place in the hierarchy of holiness: as a non-priestly member, but as custodian of sectarian knowledge, he ranked immediately below the priests and Levites.

applies to the entire local membership within a city or village over which the Examiner and judges presided.³⁴² Within each city or village, sectarians most likely lived in typical households that differed from those of other Jews only in the degree to which members followed the sect's purity-oriented regulations. D does not describe the frequency of meetings within the Camps, but contact between members was frequent. Philo's description of the Essenes' meetings is plausible for the Camp context:

They continually instruct themselves in these laws but especially every seventh day; for the seventh day is thought holy. On that day they abstain from other work and proceed to their holy places called synagogues, where they sit in appointed places, according to their age, the young men below the old, attentive and well-behaved. One of them then takes up the books and reads, and another from among the more learned steps forward and explains whatever is not easy to understand in these books.³⁴³

Besides regular meetings on the Sabbath, sectarians convened in small "study sessions" of ten or more men, led by a priest. As we will see in S, the *Yahad* conducted its daily meetings in the manner of a juridical school, while defining their purpose and organization in constitutional and legal terms.

3.4.1 *The Law on Skin Disease as an Expression of Civic Ideology*

The law on skin disease is based on similar statutes in Lev 13, but with sectarian modification. CD 13:4b–7a requires that a "priest must come and stand in the Camp" in order to issue judgment about the disease. The afflicted member remains in his Camp to be examined, as the laws of Lev 13.³⁴⁴ While D preserves the language of Leviticus, it gives it

³⁴² Greek laws distinguish between πόλις and κώμη based on size; the Mishnah distinguishes three sizes, in descending order: כפר, עיר, כרך. See *m. Meg.* 1:1; 2:3; *m. Ketub.* 13:10; *m. Qidd.* 2:3; *m. B. Mešī'a* 4:6; 8:6; *m. 'Arak.* 6:5, discussed briefly in the revised Schürer, 2.188–89.

³⁴³ Philo, *Prob.* 81–82; the translation is from Vermes and Goodman, *Essenes*, 23.

³⁴⁴ Leviticus 13 gives the rules for examining skin disease: anyone found to have a defiling skin disease is confined for a period, and then reexamined to determine whether the condition has healed. Lev 14 prescribes purification rites. Anyone with such a disease may not enter the "Camp," i.e., the encampment of Israel in the Exodus. All confinement and examination occurs outside the Camp (14:2–3). It is possible that the sect did not regard the local Camp as holy and therefore vulnerable to the impurity communicated by skin disease. Instead it was profane, i.e., not specially consecrated for cultic use. While disease impurity had to be eliminated from the Camp, its presence was not regarded as an offense against the holy cult. Perhaps in this law we may

new meaning: the “Camp” in CD 13:5 refers not to the encampment of all the people, but to the local Camp in which the afflicted member dwells. Unlike the Levite who examines the afflicted outside of the Camp (אל-מחוץ למחנה), the sectarian priest comes into the Camp (במחנה) to conduct his examination.

The Rule for the Assembly simultaneously reiterates critique of the Judean state and promotes the Covenanters’ alternative civic ideology. In the current evil age, Judea was governed by an illegitimate Has-monean ruler who simultaneously occupied the offices of high priest and king. In the age to come, the offices of high priest and king would be separated and occupied by separate people. The extent to which the Covenanters believed themselves to be preparing to govern a restored Israel is clear in three practices visible in the Rule for the Assembly: first, they interpreted biblical Scripture as a constitutional text and based their laws on its statutes. Second, they drew priests, Levites, and experts in the interpretation of the Torah from among their own ranks: clearly they viewed their members as qualified for accession to leadership of Israel. Third, they modified laws of the Torah to provide halaka appropriate to the evil age. In restored Israel, new halaka would become the permanent law of the land.

3.5 THE RULE FOR THE EXAMINER OF THE CAMP

(CD 13:7B–21 || 4QD^a FR. 9 II 17–III 14; 4QD^b FR. 9 II 9–11)³⁴⁵

13:7b וזה סרך המבקר למחנה ישכיל את הרבים במעשי 8 אל ויבינם
 בגבורות פלאו ויספר לפני הם נהיות עולם בפרתיה
 9 וירחם עליהם כאב לבניו וישקה לכל מדהובם כרועה עדרו 10 יתר כל
 חרצובות קשריהם לבלתי היות עשוק ורצוץ בעדתו
 11 וכל הנוסף לעדתו יפקדהו למעשיו ושוכלו וכוחו וגבורתו והונו
 12 וכתבוהו במקומו כפי נחלתו בגורל האור
 אל ימשול איש 13 מבני המחנה להביא איש אל העדה זולת פי המבקר
 אשר למחנה

discern the difference between the local “Camp” and the local “Congregation” that Hempel suspects (*Laws*, 104): the Camp is the setting in which sectarians conducted everyday life; sexual intercourse, menstruation, seminal emissions, birth, skin diseases, and other defiling things regularly occurred within it. The “Congregation,” on the other hand, was the membership of the Camp as it assembled for worship, instruction, and so forth. Its holy activities required that members observe stricter purity rules when they assembled.

³⁴⁵ CD 13:17–21 is badly fragmented, but 4QD^a fr. 9 iii 4–14 preserves the text fairly well. I follow Baumgarten’s reconstructed edition, *DJD* 18, 70–71.

14 ואיש מכל באי ברית אל אל ישא ואל יתן לבני השחר כי 15 אם כף לכף
 ואל יעש איש דבר למקח
 ולממכר כי אם הודיע 16 למבקר אשר בבמחנה
 ועשה בעצה ולא יש[וגו]
 4QD^a fr. 9 iii 4b וכן לכול לוק[ח אשה] 5 והואה בעצה וכן יבן ל[מגרש]
 6 וה[ואה] ייסר את בניהם [ובנותם] 7 וטפם [ברו[ח ע[נ]וה ובא[הבת
 חסד] 8 אל יטור לה[ם] באף וע[ברה] 9 [ע]ל פשעיהם [וא]ת אשר איננו
 10 [נקשר...מ]שפטיהם
 11 [וזה מושב המחנות לכו]ל זרע 12 [ישראל ואם לו יחזיקו באלה לו] 13
 [יצליחו לשבת בארץ ולו ...] 14 ממצוקות

13:7b This is the rule for the Examiner of the Camp: Let him teach the Many about the work 8 of God, instruct them in his mighty deeds, relate to them the future events coming to the world with their interpretations.

9 Let him care for them as a father for his children, caring for their every distress as a shepherd does for his flock. Let him 10 loose all their bonds, that there be no one oppressed or crushed in his Congregation.

11 Let him examine everyone who is added to his group with regard to his deeds, his intellect, his ability, his strength, and his wealth, and let him 12 enroll him by his place according to his share in the lot of light.

No man from the Camp is permitted 13 to bring anyone into the Congregation except by permission of the Examiner of the Camp.

14 No one among all those that enter the covenant of God may receive from or give to the Sons of Dawn, 15 except hand-to-hand. And let no man make an agreement to purchase or to sell, unless he inform 16 the Examiner who is in the Camp.

And he shall act with counsel, so they do not err.

4QD^a fr. 9 iii 4b And thus shall he (the Examiner) do with one who ta[kes a wife], 5 he shall do it with counsel; and in the same way he shall teach one who divorces.

6 H[e] shall instruct their sons [and daughters] 7 and their young children [in a spi]rit of lov[ing mercy]. 8 He shall not bear a grudge against th[em] in wrath and an[ger] 9 [f]or their transgressions, [as against o]ne who is not 10 [bound...th]eir judgments

11 [And this is the Assembly of the Camps for al] the seed 12 [of Israel, and if they do not hold fast to them, they will not 13 [prosper to dwell in the land, nor (shall they be delivered?)] 14 from afflictions.

The Rule for the Examiner gives practical guidance for a leader with extensive responsibilities for a small community. It also reflects the sect's civic ideology and eschatology through its use of language carefully appropriated from Scripture, especially in the opening lines. While there is no obvious scriptural source for the title מבקר, his activity is described in language clearly drawn from Isaiah 52–53 and Dan 11–12.

These texts predict national restoration, a key component of which is the appearance of wise men who teach the people righteousness. Thus Isa 52:11 proclaims **יִשְׁכִּיל עַדִּי**, “Behold, my servant shall impart understanding!”³⁴⁶ Through his work, God’s servant will cause many to be judged righteous (**יִצְדִּיק צְדִיק עַדִּי לְרַבִּים**), 53:11).³⁴⁷ Daniel 11:33 predicts that at the End of Days, “the wise of the people will teach the many” (**מִשְׁכִּילִים עִם יְבִינוּ לְרַבִּים**); these **מִשְׁכִּילִים**, like Isaiah’s servant, will make the many righteous (**מִצְדִּיקֵי הַרְבִּים**), 12:3). Clearly the Examiner of the Camp participates in these activities as he teaches the Many (**יִשְׁכִּיל אֶת הַרְבִּים**) and instructs them (**יְבִינֵם**) about events about to unfold (13:7b–8), above all God’s judgment of the wicked and Israel’s constitutional and legal restoration.³⁴⁸ The technical term for full members of the sect—the Many—implies that sectarians were the ones about whom these “political” prophecies spoke. At the same time, as I will show at some length in my analysis of the Rule for the Many (14:12b–16 and ||), the term also fits neatly within conventional Greek constitutional discourse, in which subjects of a state are commonly called οἱ πολλοί and τὸ πλῆθος.³⁴⁹

The Examiner’s main role is, then, pedagogical. He teaches all members, from children to adults; his assessment of new members includes, as seen in the rules for initiation, a pedagogical component (CD 15:13b–15a); so also must his supervision and regulation of members’ household and economic activity.³⁵⁰ As argued above, the requirement that the Examiner treat children with leniency during their education implies that leniency ends at the point of maturity, when young men and women are initiated, swear an oath, and are enrolled

³⁴⁶ Most translations render **יִשְׁכִּיל** “succeed,” but the verses that follow indicate that the suffering servant’s work will bring understanding to the nations as they behold his miraculous recovery (Isa. 52:14–15).

³⁴⁷ Cf. Isa 53:12: the servant gains a position **בְּרַבִּים** and among the powerful because he bore the sin of **הַרְבִּים**.

³⁴⁸ On Isa 52–53 and Dan 11–12 as sources for sectarian terminology see J. Collins, *Daniel* (Hermeneia; Minneapolis: Fortress, 1993) 385. For a detailed survey of the relationship between communal language in Daniel and the Rule Scrolls see C. Hempel, “*Maskil(im)* and *Rabbim*: From Daniel to Qumran,” in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*, ed. C. Hempel and J. Lieu (JSJSup 111; Leiden: Brill, 2006) 133–56.

³⁴⁹ See §3.6.2.1, below.

³⁵⁰ His teaching duties may imply a priestly role: in Leviticus, the Levites instruct Israel in the Torah: see 10:10; 14:57; 15:31. Similarly Ezra the priest-Scribe, along with Levites, instruct the returnees from Judah in Neh 8–10.

with rank.³⁵¹ At this point they are bound by communal law and may fairly be reprovved and disciplined (4QD^a 9 iii 6–10). The Examiner also provides general pastoral care (13:9), watching after members' material welfare and safety (13:10). Additionally, as the laws on initiation stipulate (15:5b–10a), he is responsible for examining each new member who joined "his Congregation," and ranks members on the basis of this examination (13:11–12). Apart from his permission no outsider or visitor enters the Camp (13:12–13). The Examiner regulates—one might even say controls—members' economic and household affairs: only after consulting him may they conduct economic activity (13:14–16a); he also has authority regarding marriage and divorce (4QD^a fr. 9 iii 4b–5).

Presumably the Examiner's authority over marriage and divorce has to do with whether a proposed union was licit under sectarian law. The authority to instruct in matters of divorce presents a difficulty, given that the Admonition indicates that the Covenanters rejected divorce and remarriage as a species of *zenuth* (CD 4:20–5:2a). The Examiner must have counseled prospective new members who had divorced before they joined the sect: they could not remarry. But there is another possibility. If an inquirer had an illicit spouse, e.g., a Gentile (MMT B 39–49a), or if he was a priest married to a woman from a non-priestly family (MMT B 75-C 6a), or a Jew who rejected the sect's teachings, it is quite likely that the Examiner *required* divorce before the inquirer could proceed with enrollment. While D condemns divorce and remarriage, it does not condemn divorce *per se*. It would have been difficult to do so, given the law on licit divorce in Deut 24:1–4. Indeed, the heroic depiction of forced divorce in Ezra 9–10 provides ample scriptural precedent for carrying on the practice within the righteous remnant (פליטה is used in Ezra 9:8, 13–15, as well as CD 2:11). Presumably inquirers in illicit marriages were advised to divorce and told that there was no possibility of remarriage while the spouse was still alive. If the inquirer accepted this burden, he moved on to candidacy.³⁵²

³⁵¹ See my analysis of CD 15:5b–17, §3.3.2.1–3, above.

³⁵² *Contra* Sivertzev, "Households and Sects," 76, the Examiner's supervision of "private family business" does not seem to derive from "the importance of the individual household in the sectarian system of values," nor is it merely intended to uphold "'proper' family behavior and traditional family values of honor and propriety." Instead, his supervision enforces the central sectarian value of purity by guarding the community from *zenuth* that results from illicit marriage. (The same criticism applies

The Sons of Dawn were likely new members of the sect.³⁵³ The Rule for the Examiner forbids selling to or purchasing from them: rather they are to be treated as full members in the sect, able to share property freely with other members.³⁵⁴ The Examiner also regulated members' economic transactions with outsiders. This confirms that members of the Camps retained private property and lived in close proximity to non-sectarians. Trade with outsiders was risky: it could involve illegal oaths or impure items. The Examiner's supervision prevented members from bringing various forms of impurity into the community. We should note here the similarity between the Camp Examiner's economic authority, and that of the Examiner in charge of the property of the Many in the *Yahad*: with their specific duties were very different, both segments of the sect required an Examiner to supervise members' handling of wealth (cp. 1QS 6:20).

The fact that one official had such extensive duties suggests, again, that the Camps were relatively small. Some Camps may have had as few as ten members; others, a few hundred. While we have no way of judging the average size of a Camp, observation of modern religious communities over which a single leader presides, such as synagogues, churches, and mosques, may be helpful: without a full-time administrative staff, it is difficult to imagine that each Examiner was responsible for more than a hundred or so members, at most.

to Sivertzev's interpretation of CD 6:20b-7:2a [oddly cited in its fragmentary form in 4Q269, pp. 66-67]: while fidelity to kin is a virtue, proper observance of sectarian laws on familial and household affairs aims mainly to limit impurity, not to bolster family values. The Examiner's authority in economic affairs similarly prevents breaking covenantal laws, from observance of the Sabbath (CD 11:2b, 14b-15) to contributing to Gentile idolatry (12:8b-10a). Such laws bring activity ordinarily under the control of the household under direct sectarian control; they effectively diminish traditional, private household affairs and turn family units into well controlled subunits of the Camp.

³⁵³ See J. Baumgarten, "The 'Sons of Dawn' in CDC 13.14-14 and the Ban on Commerce among the Essenes," *IEJ* 33 (1983) 81-85; also S. Pfann's edition of an instructional text for new members, "4Q298: The Maskil's Address to All Sons of Dawn," *JQR* 85 (1994) 203-35, and M. Kister's comments in the same issue: "Commentary to 4Q298," 237-49. See also Pfann and Kister's more recent edition of the text in *DJD* 20, 1-30.

³⁵⁴ On the habits of hospitality and sharing among the Essenes see Josephus, *BJ* 2.127.

3.5.1 *Associational and Constitutional Analogies*

The Many: We have considered the scriptural origins of the term above. Similar terms appear among contemporary associations, as Weinfeld points out:³⁵⁵ הרבים may be compared with terms for the body of associational members such as ὁ πλῆθος, οἱ πολλοί, and the Demotic Egyptian equivalents.³⁵⁶ Weinfeld also cites rabbinic terms for public councils, e.g., שוטרי הרהים, as analogies to the Covenanters' terminology.³⁵⁷ Frustratingly, he misses the significance of the rabbinic parallels: they point to the origins of the associational terms in the state sphere. Indeed, we find numerous references to the common subjects of the state as οἱ πολλοί, a phrase that is frequently synonymous with ὁ δῆμος; the Latin equivalent is *populi*, a term that occurs in descriptions of both subjects of the state and members of voluntary associations, such as the cult of Diana and Antinoüs at Lanuvium. The term τὸ πλῆθος functions similarly.³⁵⁸ Thus associational terms for

³⁵⁵ Weinfeld asserts that the Many is identical to the *Yahad* (*Organizational Pattern*, 14), but this is wrong: "the Many" occurs several times in D, but never in the same context as the term *Yahad*. As I show in the Introduction, the term *Yahad* only designates the segment of the Covenanters governed by S. Both D and S use the term "the Many" to designate the deliberative assembly of members.

In a rather odd interpretation of 1 Cor 10:16–17 Weinfeld argues that the eucharistic formula shows the equivalence of "the Many" and "*Yahad*." He writes, "Paul declares that the bread and wine over which they bless at the meal of the κοινωνία (= ἄρτος) and the οἱ πολλοί (= רבים) are the body and blood of Jesus, and this is what makes the group 'to be one'..." (*Organizational Pattern*, 14). One obvious problem here is that κοινωνία does not designate the community *per se* but its act of "sharing," "participation," or "communion" with Christ. Thus the ἐκκλησία has fellowship (κοινωνία) with Christ, and when they do so, although they are many (πολλοί), they become "one body." Paul does not use technical language for the community, as Weinfeld would have it, but a metaphor, much like that which Livy describes in Menenius' speech to the *plebs* (Livy, 2.32.9–11, discussed above, §2.2.5.2.).

³⁵⁶ Weinfeld, *Organizational Pattern*, 14, citing Poland, *Geschichte*, 168 and de Cenival, *Associations religieuses*, 172–73.

³⁵⁷ Weinfeld, *Organizational Pattern*, 14. The term appears in *m. Qidd.* 4:5 and *y. Qidd.* 76a; *t. Sanh.* 3:9 contrasts court officials (שוטרי הדיינים) with officials who serve the people at large.

³⁵⁸ Both literature and inscriptions show the term τὸ πλῆθος for population of a city: Diodorus Siculus 5, 15, 2; Appian, *Samn.* 4.14; *SIG*³ 581.95; *SIG*³ 695.20; *IG XII/1*, 846, 10; 847, 14 [cp. *SIG*³ 765.129 n.5: τὸ πλῆθος τὸ Λινδίων]. Early Jewish and Christian texts show the same usage: *Sir* 7:7; *1 Macc* 8:20; *2 Macc* 11:16; *EpArist* 308; *Josephus, Vita* 198; *Just., Trypho* 119.4; *Luke* 8:37; *Acts* 2:6; 5:16; 14:4, 7; 25:24; *1 Clement* 53; cp. *Polyaenus* 8.47, 50.

Τὸ πλῆθος designates the membership of associations in the following texts: *IG XII/1*, 155, 6; 156, 5; *SIG*³ 1023.16–17; *OGIS* 56.71; *Lucian, Syr. Dea* 50. The usage occurs throughout early Christian literature: *Luke* 1:10; 19:37; *Acts* 4:32 6:2–5; 15:12,

general membership likely derived from conventional terms in political discourse for citizens and other subjects.³⁵⁹ It would be surprising if the Covenanters were not familiar with these political terms; their usage of רבִּים, esp. in the opening of the Rule for the Examiner (CD 13:7b–8) and in S, may be regarded as a subtle, deliberate transformation of conventional political terms into sectarian language with specific eschatological meaning.³⁶⁰

Priestly authority: Weinfeld asserts that the role of priests in the Rule Scrolls results from the Covenanters' assimilation of patterns of authority from contemporary Greco-Roman voluntary associations. He supports his claim by citing several associational statutes in which officials are called "priests" and have responsibilities analogous to those of priests in the Rule Scrolls.³⁶¹ These assertions are overstated and oversimplified. He asserts that the Rule Scrolls show a consistent hierarchy: priests have highest authority; the Examiner comes next; then other officers. As the rules for the Camps show, the office of the priest was not well defined, especially when compared with that of the Examiner. In practical affairs authority consistently fell to the Examiner, who seems to have been a lay member.

Priests and the Examiner: In the rules for the Camps specific priestly duties are not described at all, apart from the requirement that a priest pronounce the verdict on a skin disease. The requirement that a priest be present wherever ten Covenanters gathered offers little clarification about the actual role and authority of the priests. Some have speculated that the priest in the gathering of ten men acted as a supervisor, i.e., one whose expert knowledge ensured that the group conducted itself according to sectarian rules. But this role is not directly mentioned, and we have already seen that priests were not assumed to have greater expertise in sectarian law than lay authorities. Rather than assuming an authoritarian or supervisory role, it seems likely that the priests fulfilled liturgical roles as leader of the assembly's worship and

30; 19:9; 21:22; 1 Clement 54:2; *Hermas* 11:9. Also Irenaeus, *Magn.* 6:1; *Trall.* 8:2; *Smyr.* 8:2. For literature see BDAG, s.v.

³⁵⁹ Weinfeld also cites as an analogy Josephus' reference to Essenes' the practice of making decisions according to the will of the "majority" (οἱ πλείονες). It is debatable whether Essene practices should qualify as analogies to the practices of the Covenanters, since the groups seem to have been identical.

³⁶⁰ See above, §3.5, for the influence of Isaiah and Daniel on sectarian terminology.

³⁶¹ Weinfeld, *Organizational Pattern*, 19–21.

prayers, such as is described, e.g., in the rules for meals in 1QS 6:4–6 and 1QSa 2:17–20.

Where D regulates priestly activities, the emphasis is consistently on their cultic duties and the honor due them as representatives of holiness. This explains why they took the leading seats at all assemblies.³⁶² We may draw two conclusions: first, the descriptions of priestly roles in the Rule Scrolls came from biblical exegesis and were intended to conform the organization of the Covenanters to that of biblical Israel. Second, priests established something like a human boundary marking off the Covenanters' association as holy. Within this boundary, lay members wielded significant authority; indeed, those with sufficient expertise in sectarian law qualified them to make priestly judgments, even if they had to leave the pronouncement of judgments to actual priests.

Perhaps surprisingly, in light of the Covenanters' strong cultic interests and purpose, their hierarchy of authority was markedly different from that of Greco-Roman cultic associations. Unlike the Athenian *Iobacchi*, which Weinfeld takes as his prime example, the most important officer of the Covenanters—at least those who lived in Camps—was not the priest, but the Examiner. While the Examiner deferred to the priests in pronouncements of judgment, or presiding over meetings, in most practical affairs he ran the show.³⁶³

The Examiner as expert authority: The Examiner's authority in legal matters had an important analogy in a figure mentioned in texts from the Roman Republic and Empire: the *assessor*, a professional legal expert and advisor to those in power. Consuls, praetors, provincial governors, and judges consulted assessors, as did praetorian and urban prefects.³⁶⁴ While assessors sat on tribunals with magistrates and gave advice both outside of the court and during proceedings, they did not pronounce sentences: such authority was reserved for the officials in whom specific authority had been invested.

³⁶² This honor and role derives directly from biblical descriptions of the assemblies of Israel. See, e.g., 2 Chr 29:24–29; Lev 4:13–21; Num 10:7–8; 1 Kings 8:1–14.

³⁶³ Even at the annual assemblies where priests played prominent roles (e.g., 1QS 1:18b–2:23a; 4QD^a fr. 11 7–21) their duties are primarily ceremonial and cultic, not explicitly authoritative. Note that at the annual assembly the Examiner of All Camps controlled the agenda by vetting cases, controlling records, etc. (CD 14:9b–12a). See §3.6.1 for discussion.

³⁶⁴ See Cicero, *De or.* 1.37; *Verr.* 2.29; Pliny, *Ep.* 1.20; 6.11; 10.19; Gellius 1.22. On assessors' duties see Justinian's *Digest* 1.22.1; 5.1.55; 47.10.5.8.

The quorum of ten: There are other analogies between the organizational patterns of the Camp, Greco-Roman associations, and the state. The quorum of ten that appears in the Camp statutes (13:1b–3a), and at several other places in the Rule Scrolls,³⁶⁵ may have derived from biblical exegesis.³⁶⁶ But Weinfeld, like Schneider before him, rightly finds analogies in the cultic associations of the Greco-Roman era.³⁶⁷ For example, a mystery cult at Andania in the first century BCE charged a group of ten ἱεροί with oversight of members' oaths,³⁶⁸ judging matters concerned with theft of or negligence with cultic property,³⁶⁹ and a sacred meal.³⁷⁰ *Contra* Weinfeld's model of influence, the Covenanters did not borrow the convention of defining a quorum as ten men from other associations. This, instead, probably comes from the conventions of political organization of the *poleis*. In fact (and oddly), Weinfeld's only parallels to the quorum of ten in the Rule Scrolls come from descriptions of the state—including the ubiquitous *dekaprotoi*—not from associations.³⁷¹ Besides the *dekaprotoi*, there are numerous other state councils of ten men.³⁷² The assumption that an organization's

³⁶⁵ E.g., IQS 6:3b–7a contains two laws on groups of ten among *Yahad*. See §4.6.1, 5.7.2.

³⁶⁶ E.g., Schiffman, *Sectarian Law*, 24.

³⁶⁷ On the cult at Andania and Qumran, C. Schneider wrote, “Das . . . 10-Männer-Kolleg braucht nicht unbedingt eine hellenistische Entlehnung zu sein, wenn aber die Einzelheiten dieser 10 Männer nahezu wörtlich so bestimmt werden wie in Andania, wo diese 10 Männer ‘heilig’ heißen, liegen hellenistische Beziehungen näher.” See Schneider, “Zur Problematik,” 308–9. See *SIG*² 736 for the text of the inscription.

³⁶⁸ *SIG*² 736 1.1–11; 4.26–28.

³⁶⁹ *SIG*² 736 14.75–78.

³⁷⁰ For the sacred meal see *SIG*² 736 19.95–99; there was also a session of the “priests” (τοὺς γενηθέντας ἱερούς) over which a scribe of the councilors (γραμματεὺς τῶν συνέδρων) presided (1.1–11).

³⁷¹ Weinfeld overlooks Schneider's survey of parallels with the Anandian cultic society and mentions only parallels from constitutional patterns: the ten elders of the city in Ruth 4:6; “ten rulers in a city” in Qoh 7:19; the *dekaprotoi* whom Josephus cites in *AJ* 20.194; and, more generally, the *dekaprotoi* in the Greek East and the *decemprimii* and *decemviri* in the Latin provinces. See idem, *Organizational Pattern*, 18.

³⁷² A brief overview of groups of ten in Arist., *Ath. pol.*: treasurers of Athena (47.1); sellers responsible for leases for mines and tax collection, confiscation of property, etc. (47.2); receivers who keep track of funds received and outstanding debts (48.1), and also handled suits by and against tax collectors, cooperating with the Eleven, a juridical body that had oversight of capital cases (52.3); auditors who reviewed officials' accounts and heard complaints against them (48.3–4); registrars who registered cavalrymen (49.2); overseers of temple repair (50.1); overseers of payments for musicians, building repair, etc.; market magistrates (51.1); magistrates of weights and measures (51.2); formerly ten, now twenty corn-guardians (51.3); overseers of exchange (51.4); heroes of each tribe, (53.4); auditors who each worked with ten advocates to check

work should be conducted by a council of ten seems from the conventional organization of the *polieis*. Indeed, it is likely that the organization of the Andanian priesthood derived from the that of the *boulē*: the *dekaprotoi* were, after all, originally charged with oversight of mystery cults.³⁷³ Structuring their organizational patterns along familiar state lines reified the Covenanters' civic ideology: they identified themselves as a commonwealth in the making, and looked like one, too.

3.6 THE RULE FOR THE ASSEMBLY OF ALL CAMPS (CD 14:3-END OF D)

The Rule for the Assembly of All Camps concludes the laws of D and comprises four sections: the introduction, which treats general protocol at the Assembly; the Rule for the Many, which contains rules for collection of dues and the material care of needy members of the sect; a Penal Code for the local Camps; and a liturgical rite containing blessings for the righteous and, especially, curses for transgressors. The last two elements are only extant in the cave 4 mss of D. The Assembly convened annually in the third month³⁷⁴ and functioned as a great court at which important disputes were resolved and judgments were issued.³⁷⁵ We will consider the parts in turn.

accounts during trials (54.2); *hieropoiei* who performed sacrifices and administered quadrennial festivals (54.7); overseers of Great Dionysia (56.4); *athlothetai*, overseers of games (60.1); *strategoī* (61.1–2); regimental commanders; squadron commanders (61.3, 5).

In the Roman councils the habit of organizing groups of ten is abundant: in the Senate ten representatives came from each of the thirty tribes; ten Tribunes of the Plebs presided over the Council of the Plebs; they referred business to the Senate and could convene and preside over meetings of the Senate. In the *collegia* of priests the *virī sacris faciundis*, who consulted the Sibylline Oracles, comprised two, then ten, fifteen and more, hence their titles, *duoviri*, *decemviri*, and *quindecemviri*. For overviews of the priestly colleges see Beard, North and Price, *Religions of Rome* vol. 1, *A History* (New York: Cambridge University Press, 1998) 18–30; also the brief notes of J. Powell and N. Rudd in *idem.*, eds., *Cicero: The Republic; The Laws* (New York: Oxford, 1998) 173.

³⁷³ Among the *dekaprotoi* the *basileus* was the archon in charge of cults, including mysteries. See Arist., *Ath. pol.* 55–56; 63.1.

³⁷⁴ For the date of the Assembly see 4QD^a fr. 11 16b–17.

³⁷⁵ So also Schiffman, *Sectarian Law*, 25–26.

3.6.1 *General Protocol for the Assembly*(CD 14:3–12a || 4QD^a fr. 10 i 1–5; 4QD^b fr. 9 v 6–14; 4QD^c fr. 2 1–2)³⁷⁶

14:3 וסרך מושב כל המחנות
 יפקדו כלם בשמותיהם הכהנים לראשונה 4 והלויים שנים ובני ישראל
 שלשתם והגר רביע
 ויכתבו בשמותיהם 5 איש אחר אחיהו הכהנים לראשונה והלויים שנים ובני
 ישראל 6 שלושתם והגר רביע וכן ישבו וכן ישאלו לכל
 והכהן אשר יפקד 7 ברואש³⁷⁷ הרבים מבין שלושים שנה ועד בן ששים מבין
 בספר 8 ההגי ובכל משפטי התורה לדברם כמשפטם
 והמבקר אשר 9 לכל המחנות מבין שלשים שנה [ו]עד בן חמשים שנה
 בעול בכל 10 סוד אנשים ולכל לשון המ[ש]פחותם³⁷⁸
 על פיהו יבאו באי העדה 11 איש בתרו
 ולכל דבר אשר יהיה לכל האדם לדבר למבקר ידבר 12 לכל ריב ומשפט

14:3 The Rule for the Assembly of All Camps:

They shall all be mustered by their names: the priests first, 4 the Levites second, the sons of Israel third, and the resident alien fourth.

And they shall be registered by their names, 5 each man after his brother: the priests first, the Levites second, the sons of Israel 6 third, and the resident alien fourth. And thus shall they sit, and thus shall they inquire concerning any matter.

The priest who is appointed 7 at the head of the Many must be from thirty to sixty years old, learned in the Book 8 of *Hagy* and in all the judgments of the Torah, that he may pronounce them in accordance with their judgment.

The Examiner 9 for all the Camps shall be from thirty [t]o fifty years old, having mastered every 10 counsel of men and every tongue of their clans.

By his authority shall come all who enter the Congregation, 11 each man in his turn.

Regarding any matter about which any man wishes to speak, let him speak to the Examiner about any 12 dispute or judgment.

The term “Assembly of All Camps” suggests that all eligible members of the sect attended. The named attendees of the Assembly, as well as the hierarchy suggested by their order of entrance and registration—priests, Levites, Israelites, resident aliens—is clearly modeled on biblical descriptions of assemblies of Israel.³⁷⁹ We might regard such

³⁷⁶ 4QD^c contains merely a few words; the other 4QD mss. are more substantial but reconstructable only on the basis of CD.

³⁷⁷ Emended following 4QD^b fr. 9 v 7; CD reads **שא**.

³⁷⁸ Emending with Qimron, “Text of CDC,” 37 n.13. The text of CD is corrupted.

³⁷⁹ E.g., Num 3:5–13; 18:1–8; Ezra 2:40–58; Neh 7:43–60; 1 Chr 23:27–37.

assemblies, and study of rules for how to conduct them, as practice for national assemblies in restored Israel.³⁸⁰

An appointed priest presides (14:6b–7a). He must be between the ages of thirty and sixty, and fully trained in sectarian law; his primary duty at the Assembly is pronouncing judgments (14:7b–8). Presumably a priest also presides when the Many discharged its other duties, such as collecting dues and supporting vulnerable members (14:12b–17a), or inducting a new member (15:8).

During the Assembly members could inquire about any matter, especially juridical matters (14:12). This probably means that they introduced cases to be decided, or, more likely, ratified by the Assembly's "supreme court." As the concluding liturgical rite of the Rule for the Assembly indicates, a primary purpose of the meeting was to execute the capital sentence of expulsion with a curse upon transgressors (4QD^a fr. 11 17–18a). The Assembly's juridical nature is thus immediately evident in the opening and closing lines. The purpose of the Assembly mirrors that of the local Camps in significant ways: both provide opportunity for members to receive instruction; both also function as courts.³⁸¹ In the plenary assembly, as in the local Camps,

³⁸⁰ *Contra* Sivertzev, "Sects and Households," 66, the organization of the assembly here is not oriented around lineal households—nor is the organization of the sect as a whole. The reference to each man and אהיהו (CD 14:5) is not limited to fellow family members, but extends to the "fictive kinship" that comprises all members of the righteous remnant. This is evident in the frequency with which the terms אה and רעה are used interchangeably throughout the Rule Scrolls, e.g., CD 6:20b–7:1a; 8:5b–6a; 1QS 6:10; 1QSa 1:18. On the same page Sivertzev interprets תולדות in CD 3:21–4:6 too narrowly: while it may mean "genealogies," it often is used to refer to "generations." In the context of D's allegorical interpretation of the sect's history in CD 3:21–4:6, it makes more sense to read "generations" than "genealogies." The passage assigns all members of the sect a fictive priestly identity that corresponds to their role in the movement, not their genealogy: the "priests" are those who first depart; the "Levites" follow them; and the "Sons of Zadok" are all sectarians who stand at the end of days. Here we have an account of the sect's development, from origins to eschatological destiny; thus the most natural way to read תולדות is as "generations." For similar usage of תולדות see 1QS 3:13, 19; 4:15. In the Treatise on the Two Spirits, clearly תולדות are distinguished by character, not lineage. Character comes directly from the supernatural influence of the spirits of truth and falsehood, light and darkness.

³⁸¹ This conclusion fits well with the rabbis' reconstruction of the juridical system in the Second Temple period: they identified a "local court" (בית דין שבאותו מקום) that heard charges and provided witnesses to escort the parties to the great court in Jerusalem (בית דין הגדול), i.e., the מנהדרין, where serious offenses were considered, and where the decisions of the lower courts could be appealed (*m. Soṭah* 1:3–4); see the discussion in the revised Schürer, 2.184–98. Note that this responsibility corresponds to the Sanhedrin's responsibility for financial administration of Judea, as described in the Mishnah.

the Examiner controls access to the Congregation by determining the order in which members enter, according to their rank (cp. CD 15:7–15; 13:11–13; 14:10–11).³⁸² As discussed above, the system of records that he maintained would have been essential for this process.

Our passage contains qualifications both for the presiding priest and for the Examiner for all the Camps: the priest must have mastered sectarian halaka, presumably through required study of the Book of Hagya (14:6c–8a). His age qualifications, between thirty and sixty, is probably drawn from Numbers and Leviticus: Num 4, *passim*, gives thirty as the minimum age, while 8:25–26 require retirement at age fifty. As discussed above, 8:26 allows him to continue service after retirement, and the sectarians may have adduced the maximum age of sixty from Lev 27:3.³⁸³ The Examiner's qualifications appear to be more demanding: in addition to knowing sectarian halaka, he must be multilingual, a master of "every principle of men and every language of their clans" (CD 14:8b–10a). His age class, between thirty and fifty years old, seems also to come from the laws on ages for levitical service in Num 4, without the curious ten-year extension that D gives to the presiding priest. The Examiner of all the Camps, like the Examiner of each local Camp, has officiating duties, such as organizing and ushering in all members of the Congregation (14:10b–11a). Further, the Examiner is responsible for orderly presentation of individuals' concerns during the meeting: if any member wishes to introduce a case, he must to submit his request to the Examiner (14:11b–12a).

This Examiner's role as court scribe, clerk, and translator, expert in everything that had to do with the practical and theological affairs of the sect, parallels the role of the Examiner of the local Camps. In the Camps a priest must pronounce judgments, regardless of his expertise, but the local Examiner has expert knowledge. Quite similarly, in

³⁸² In CD 14:10 the phrase *על פיהו* most likely means "by his authority," as do similar phrases in 1QS 5:2–3 (e.g., *על־פי בני צדוק*, "by the authority of the Sons of Zadok"); it may also mean simply "according to," as in 1QS 5:3, *על פיהם*, "according to them," i.e., their rank. The Examiner's duties may have included his calling out the names of members as they proceeded into the assembly to sit, since CD 14:3 says that the members will be "mustered by their names" (*ויכתבו בשמותיהם*). J. Baumgarten's translation, "by his mouth," adopted here, preserves the literal meaning of the idiom and communicates the sense of authority. It also suggests the possibility that the Examiner literally called the names of members as they entered the congregation. See Baumgarten's text and translation in PTSDSS 2, 56–57.

³⁸³ See my analysis of age classes in the Rule for Judges in CD 10:4–10a above, §3.3.9.1; also 5.5.3.1.

the annual session of the Many the priest pronounces judgments, but the Examiner is expected to have expert knowledge of the issues that concerned individual cases, and also of any language in which each member gave testimony.

3.6.1.1 *Associational and Constitutional Analogies*

We have discussed the scriptural and contemporary political origins of age qualifications in this passage sufficiently above. The hierarchical order and protocols for meetings in these laws did not derive from biblical exegesis, so the question about the origin of these features naturally arises. Weinfeld suggests that they were borrowed directly from the other voluntary associations. He points to one analogy in the associational *nomoi*: the Athenian Iobacchi prohibited members from addressing the group without the priest's permission.³⁸⁴ Certainly the priest's vetting requests to speak resembled that of the Examiner. But their roles in their respective meetings differed considerably. The Iobacchic priest directly presided over meetings, while the Examiner played primarily a clerical role: he was clerk, secretary, translator, evaluator of petitions, and scribe, serving the presiding priest.

The appointed priest and the Examiner. The division of duties among officials at the Assembly of All Camps more closely resembles divisions of duties at state bureaucratic assemblies. The appointment of a presiding priest, rather than requiring that a specific high-ranking member will always assume the duty, resembles political practice in democratic Athens: a new chairman was appointed by lot to preside over the *prytanes*; he had power to convene the *boulē* and the assembly for a full day.

The chairman of the *prytanes* appointed nine councillors to aid him. They, like the Examiner in D, helped control the agenda by deciding which matters ought to be put before the entire *boulē*. They counted votes and decided to adjourn the meeting when relevant business finished.³⁸⁵ When the *boulē* convened the *ekklēsia*, other appointed officials facilitated smooth proceedings. First, the "prytany secretary" acted as resident legal expert. He kept all documents that might be consulted, such as texts of current decrees and other records. He attended meetings of the *boulē* in order to ensure that the decisions

³⁸⁴ SIG³ 1109.107–110. For Weinfeld's comparison see *Organizational Pattern*, 26.

³⁸⁵ Arist., *Ath. pol.* 44.1–3.

of the *ekklēsia* were informed by boulēuetic deliberations and actions. Another secretary who maintained records of all laws accompanied the prytany secretary to meetings of the *boulē*. These two secretaries appear to have been on hand to give immediate advice based on knowledge of the *boulē*'s deliberations, current decrees, documents, and laws. A third secretary was appointed for the sole task of reading documents: presumably after the first two were consulted on an issue and produced relevant texts, the third read them aloud.³⁸⁶ This allowed the first two to continue consulting their documents if immediate research was required.³⁸⁷ The Examiner at the Assembly of All Camps was entrusted with duties analogous to those of these secretaries. While the sectarian Assembly was large, it was probably much smaller than that of the Athenian *ekklēsia*. Thus although sectarian officials' duties were much more extensive and bureaucratized than those of contemporary voluntary associations, they were nevertheless more limited than duties of actual state officials. One presiding officer, the appointed priest, and one "master clerk," the Examiner, were able to organize and conduct all relevant business.³⁸⁸

The role of the Examiner as translator: The juridical function of the Assembly of All Camps is illuminated further by comparative material from the Mishnah. According to CD 14:9–10 the Examiner of the Assembly of All Camps must have mastered every language of all the clans in the assembly. We find a similar rule in *m. Mak.* 1:9, which stipulates that judges on the Sanhedrin must understand the language in which witnesses to a capital offense give testimony.³⁸⁹ This analogy suggests that the Examiner's fluency in all the tongues aims for fairness in the judgment of major cases. The Covenanters accepted

³⁸⁶ On the secretaries at the *ekklēsia* see Arist., *Ath. pol.* 54.3–5.

³⁸⁷ The Spartan *ekklēsia* followed similar protocol: only the public magistrates, *ephors* and kings had a right to address the assembly without prior approval. Others could speak only after having been approved. The public officials could also decide when to put a question to the vote. See Plut., *Lyc.* 25; Thuc. 1.80.87; on frequency of meetings, Plut., *Lyc.* 6; Herod. 7.134.

³⁸⁸ Compare the role of the Examiner in maintaining order in meetings of the *Yahad*: 1QS 6:11b–12a.

³⁸⁹ דבר אחר על פי שנים עדים שלא תהא סנהדרין שומעת מפּי התורגמן, "another meaning of 'By the mouth of two witnesses' is that the Sanhedrin may not hear from the mouth of an interpreter," i.e., may not receive testimony by translation (*M. Mak.* 1.9).

testimony translated by an interpreter.³⁹⁰ Admitting testimony through an interpreter in capital cases differs from the Mishnah: the sect only required that the Examiner, not the priest who issues judgment, be fluent in every tongue.

The place of the resident alien in the sect: The Covenanters' civic ideology is evident in their legislation regarding גרים, resident aliens. It has been proposed that גר in 14:4a refers to Gentiles who joined the sect. This sense of the term is difficult to avoid, given that the גר appears at the sectarian assembly.³⁹¹ However, it is doubtful that Gentiles actually joined the sect, given significant limits to their full inclusion. The fact that the description of the assembly is patterned after biblical descriptions of assemblies supports speculation that the inclusion of the גר is rhetorical, part of the sect's attempt to make sectarian law reflect that of the Torah; it does not reflect social reality.

If Gentiles did convert, they would face two major limits to their inclusion. First, it is unlikely that they could marry sectarians. As Christine Hayes has argued persuasively, the prohibition against intermarriage MMT B 75–82 depends on an absolute distinction between Gentiles and Israelites, and a further distinction within Israel. Gentile seed is profane; Israelite seed is holy; and priestly seed is most holy.³⁹² Mixing seeds through intermarriage, even in the case of Gentile converts, creates defilement due to the intrinsic and ineradicable nature of the different seeds.³⁹³ A second likely restriction is that no Gentile

³⁹⁰ The presence of scrolls in Aramaic and Greek, and Hebrew in the sect's library confirms that several languages were spoken among members.

³⁹¹ See Hempel, *Laws*, 135. P. Davies argues that the גר is a Jewish convert to the sect, but this seems unlikely: the sectarians attempted to legislate comprehensively for Israel on the basis of the Torah. The frequency with which resident aliens are mentioned in its laws, and the social fact that Gentiles lived in the holy land, makes it unlikely that the legist of D would change the meaning of a term with very specific and relevant meaning. See idem, "The 'Damascus' Sect and Judaism," in *Pursuing the Text: Studies in Honor of Ben Zion Wacholder on the Occasion of his Seventieth Birthday*, ed. J. Reeves and J. Kampen (Sheffield: Sheffield Academic Press, 1994) 70–84.

³⁹² The absolute prohibition and its principle originates in Ezra 9–10, which depicts the forced divorce and banishment of Israelites' Gentile wives and their illegitimate children.

³⁹³ Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (New York: Oxford, 2002) 82–91. Absolute prohibition of Gentile-Israelite intermarriage also appears in *T. Levi* 34:14–21 and *Jubilees* 30:7–14. Hayes' argument that MMT's principle does not extend to priestly-Israelite intermarriage is problematic. She writes that "the mixture of holy seed and most holy seed... would in no way impair the status of the holy seed (the Israelite, though it may

would be allowed to participate fully in sectarian cultic activity; this would reflect the temple law that aliens had to remain in the Court of the Gentiles. Such restrictions would surely dissuade any Gentile who considered joining: why enlist in a cultic society if its cultic activity is forbidden? It is possible that the Covenanters' eschatology anticipates that only Israelites of pure lineage will occupy the land at the End of Days: the Florilegium anticipates an age when no גר will enter the temple (4Q174 fr. 1–2, 21 i 3–4), and it is striking that no reference to resident aliens appears in the laws for restored Israel in SE.³⁹⁴

On the basis of these considerations, I speculate that the presence and registration of the גר at the Assembly of All Camps is a fiction, like the divisions of thousands, hundreds, fifties, and tens at meetings of local Camps (CD 13:1–2; cp. 1QS 2:21–22). Assigning גרים a legitimate place is important, given that the sectarians viewed themselves as the authoritative interpreters of Israelite law. Their laws had to reflect the numerous commandments on resident aliens in the Torah: גרים must observe the same laws as Israelites, and they must be treated well.³⁹⁵ Indeed, drawing upon the Torah, the Admonition insists that sectarians care for them along with poor Israelites (CD 6:20b–21a). However, in the sect's ideology, the status of the גר remains that which we find in the Torah: they are non-Israelites whose privilege of residence and limited participation in social and cultic life depends on observance of the laws of the Torah, not full "conversion."³⁹⁶

reduce the status of the most holy seed, i.e., the priests)" (p. 83). Against this stands the fact that intermarriage is defined as *zenuth*: sexual transgression generates defilement that affects both holy and most holy seed; it does not merely result in demotion of the status of the priestly seed. For rabbinic texts that discourage priestly-lay intermarriage see Qimron, *DJD* 10, 174.

³⁹⁴ Contrast 11QT 40:5–6, which describes the outer court of the גרים in the eschatological temple.

³⁹⁵ On the resident aliens' obligation to observe the laws of Torah see Exod 12:19, 49; 20:10; 23:12; Lev 16:29; 17:8–15; 18:26; 20:2; 22:18–19; 24:16; 24:22; Num 9:14; 15:14–16, 26–30; 19:10; 35:15; Deut 1:16; 5:14; 16:11, 14; 31:12. On treating aliens well see Exod 22:21; 23:9; Lev 19:10, 33–34; 23:22; Deut 10:17–19; 14:29; 24:14–21; 26:11–13; 27:19.

³⁹⁶ For full discussion see my article, "The גר Who Wasn't There: Fictional Aliens in the *Damascus Rule*," *RevQ*, forthcoming; K. Berthelot argues along similar lines in eadem, "La notion de גר dans les textes de Qumrân," *RevQ* 19 (1999) 171–216.

3.6.2 *The Rule for the Many*
 (CD 14:12b–17a || 4QD^a fr. 10 i 5b–10a)

The Rule for the Assembly of All Camps is immediately followed by further statutes on the responsibilities of the Examiner and the judges with whom he serves:

14:12b וזה סרך הרבים להכין כל חפציהם
 שכר 13 שני ימים לכל חדש לממעט ונתנו על יד המבקר והשופטים
 14 ממנו יתנו בעד [פ]צעם וממנו יחזיקו ביד עני ואביון ולזקן אשר
 15 [יכר]ע ולאיש אשר ינו[ג]ע ולאשר ישבה לגוי נכר ולבתולה אשר
 16 אין לה ג[ואל] ולנע[ר] א[ש]ר אין לו דורש כל עבודת החבר ולא 17
 יכרת בית החבר מידם³⁹⁷

14:12b And this is the Rule for the Many, in order to prepare for all their needs:

They will give the wages 13 of two days for each month, at minimum, into the hand of the Examiner and the judges,

14 and from it they will take care of their [woun]ded, and from it they will support those who are poor and destitute, and the elderly one who 15 [is be]nt, and the man who has been affli[ct]ed, and the man who has been captured by a foreign people, and the virgin for whom 16 there is no re[deemer], and the you[ng man fo]r whom there is no guardian:

any service of the association: let not 17 [the house of the association be cut off] from them!

The Rule for the Many continues discussion of the annual meeting overseen by the Examiner.³⁹⁸ As in the preceding laws on the juridical responsibility of the assembly, there important continuities with the rules for the local Camps: besides terminology—the Examiner, the Many, judges—the rules give the assembly responsibility for care of vulnerable members, and oversight of wealth (cp. CD 13:9–11, 14–16a).

It is difficult to make sense of some components of this law in the context of rules for the Assembly of All Camps: the references to the Many, the Examiner, and the judges certainly could refer councils and the Examiner at the annual meeting, but the authorities are also familiar from rules for the local Camps.³⁹⁹ More problematically, the reference to “wages of two days for each month” seems to refer to a

³⁹⁷ The text of CD 14:14–17 is corrupt and fragmented; restorations are based on 4QD^a fr. 10 i 7–13.

³⁹⁸ So also Hempel; her speculation that the rule originally the rubric in 14:2b strengthens the connection; see eadem, *Laws*, 138–40.

³⁹⁹ See CD 15:1–15a; 10:4–10a; 12:22b–13:19.

monthly collection.⁴⁰⁰ This makes more sense in the context of a local Camp, not an annual assembly. I tentatively speculate that we have a solution in the two references to the *חבר*. A similar term occurs in CD 12:8 (*חבור ישראל*), where it refers to a council with authority to regulate acts of warfare against Gentiles (see below). It is possible that the *חבר* in the Rule for the Many is a similar council with a particularly important role at the annual meeting: allocating an aggregation of funds collected in the local Camps for the support of the most vulnerable members of the sect. Presumably a portion of the money collected monthly was used for regular events in Camp life, such as meals, while a portion “from it” (*ממנו*) was set aside for support of those named in the Rule for the Many. The annual assembly would have provided a good occasion for registering the vulnerable formally, and for ensuring that each local Camp had sufficient funds for their care.

3.6.2.1 *Associational and Constitutional Analogies*

“*The Association*” (*חבר*): An authoritative body within the sect, or possibly the sect as a whole, is called *החבר* in CD 14:16–17 and 12:8. I have already discussed associational analogies in rabbinic laws on the *haverim* in Chapter 1.⁴⁰¹ Here I focus on constitutional analogies, which I think are stronger. The laws in 12:6b–8a support understanding the term as a constitutional designation. The passage reads as follows:

Let no one put forth his hand to shed the blood of a man of the Gentiles for the sake of property and wealth. And let him not take away any of their property, so that they will not blaspheme, *כי אם בעצת חבור ישראל*, (CD 12:6b–8a).

While these laws could be construed as forbidding murder and theft, it would be odd to include them since murder and theft are already forbidden by the Decalogue. The laws restrict killing and seizing property when these acts might seem acceptable and occur in tandem; thus, their most likely context seems to be warfare. Like D’s laws on capital

⁴⁰⁰ On the basis of a possibly shorter text in 4QD^a fr. 10 i 6, Hempel offers the possibility that “this regulation... originally referred to a one-off charitable contribution and later became a regular monthly collection” (*Laws*, 133, 138). The increase would be remarkably steep, from two days’ wages per year to twenty-four. If the text of 4QD^a was indeed shorter, then it seems more likely to have referred allusively to a monthly collection.

⁴⁰¹ See §1.3.2.

punishment, its laws on warfare imply a claim to state-like authority. The conclusion of the law contains language that confirms this claim: one may loot if approved by “the counsel of the association of Israel” *עצת חבור ישראל*. Here the *חבור* seems to be an authoritative body that can issue authoritative *עצה* that has the force of law for Israel. In the context of D, this *חבור* should probably be regarded as a sectarian council.⁴⁰² By locating it within Israel as a whole, D implies that the council has a rightful claim to authority over crucial state matters. I suspect that these laws on warfare look toward the future, when sectarian law will govern restored Israel, and when wars against Gentiles will occur as a matter of course. This seems to be the outlook of SE (1QSa 1:20a, 26).

As others have observed, the phrase *חבר היהודים* designates either the commonwealth of Judea or its governing body on Judean coins from the first century BCE.⁴⁰³ This usage supports reading *חבר* and *חבור ישאיל* in D as sectarian appropriation of the Jewish constitutional language of their time.

Here it is appropriate to note an analogy to the law on looting in D in Roman military codes. Aulus Gellius preserves a set of restrictions: soldiers may not loot within a ten-mile radius of the camp, nor articles in excess of one *denarius* per day; nor items besides those published on a list (*Noct. Att.* 16.4.2). Both D and Roman law confirm that looting was an expected and approved behavior during warfare, but that it needed to be controlled by military leaders. While limits on killing and looting in D may have come from exegesis of biblical laws on warfare (e.g., Deut 20; Num 31:25–30), no specific linguistic or thematic link appears. Instead, it seems likely that the principle of restriction may have been conceptualized as originating with biblical law,⁴⁰⁴ but

⁴⁰² It is possible that the laws place special strictures on sectarians in the Hasmonean or Herodian military, but this seems rather unlikely. Serving in the military would require cultic conduct, oaths, types of Sabbath labor, and other behavior at odds with sectarian halaka.

⁴⁰³ For brief discussion and bibliography see Schiffman, “Legislation Concerning Relations with Non-Jews in the Zadokite Fragments and in Tannaitic Literature,” *RevQ* 43 (1983) 383; also S. Rocca, “The Book of Judith, Queen Sholomzion and King Tigranes of Armenia,” *Materia giudaica* 10 (2005) 95–96.

⁴⁰⁴ For restrictions on the conduct of warfare in biblical law see Deut 20:10–11: only make war on an enemy city after offering terms of peace; 20:14–18: the property, livestock, and captive women and children of far-away cities may be kept as the spoils of war, but all living things in nearby cities must be slaughtered; 20:19–20: only use non-fruit-bearing trees for constructing siege works; Num 31:25–30, divide captured live-

the specific laws of warfare come from the Covenanters' purity concerns. Gentile property is defiled, like that of all outsiders (see 1QS 5:14b–20a); it is wrong to seek to acquire it, and warfare should not be motivated by the prospect of material gains. Unapproved looting not only poses the threat of property-impurity, but also generates impurities by the curses that deprived Gentiles utter. It seems likely to me that the Covenanters limited their ideal of a “just war” by applying a modified version of the laws of Deut 20:16–18 to all instances of warfare: it should only be conducted in order to punish those who practice abominations. Only in those cases may the property of conquered Gentiles be taken; then it may be regarded as a blessing of God. This is precisely how Gentile captives, livestock, precious metals, and jewelry are treated in M (1QM 12:10b–15c; 19:3–8; cp. 7: 2b–3a).

If *חבור ישראל* confers state authority upon sectarian leaders and state identity upon all members in CD 12:8, then we might suspect the same of the term *חבר* in 14:16b–17a. Again, D itself may imply this usage. The *עבודת החבר* is applied to caring for the vulnerable; the *בית החבר* contains the resources that they require. As I argue below, the Covenanters' claim of responsibility for a rather comprehensive list of vulnerable classes replicates a pattern visible in the *politeiai*: states administer public funds, collected through taxes, to care for their most vulnerable subjects. Further, the role of judges in the administration of such care has analogies in state practice.

Dues, taxes, and property classes: the Examiner and judges (*שפטים*) are named as the caretakers of the monthly contributions of each member, which were from the Many and, apparently, allocated for support of the needy by the *חבר*. One of the strongest parallels between other voluntary associations and the Covenanters, and one which Weinfeld curiously denies exists, occurs in this passage: in order to retain their good standing in the sect, members paid dues.⁴⁰⁵ Associational *nomoi*

stock between soldiers and the rest of the people; offer 1/500 of the soldiers' livestock as a sacrifice to YHWH, and donate 1/50 of the people's livestock to the Levites.

⁴⁰⁵ Weinfeld denies that the Rule Scrolls contain provisions for dues at all (*Organizational Pattern*, 46). His conclusion is based upon the assumption that S, which requires donation of personal property to a common store, governed all members of the sect. Weinfeld clearly overlooks the regular contributions of members of the Camps required by CD 14:12b–16.

show variety in the assessment of dues: some assessed a one-time entrance fee; others, an entrance fee and monthly dues;⁴⁰⁶ others, only monthly dues.⁴⁰⁷

Dues in D are treated differently than dues in the *nomoi*. Most strikingly, they are not a fixed sum, but are assessed according to income: “wages of two days” suggests that dues were calculated individually on the basis of each member’s income.⁴⁰⁸ Here we find another analogy in the *politeiai*: citizens were divided into property classes and assessed taxes according to wealth and income. The Aristotelian *Constitution of Athens* describes Solon’s division of Athenians into four classes: *pentakosiomedimnoi*, whose land produced at least five hundred measures of produce; *hippeis*, who were able to maintain a war-horse; *zeugitai*, who were able to maintain a yoke of oxen; and *thetes*, the laborers.⁴⁰⁹ The first three classes were taxed according to their wealth, which was registered by each estate through a census. Similarly in late third century BCE Rome subjects were divided into eight classes that paid different taxes: senators, equestrians, five ranks of *assidui*, and slaves, with taxes assessed according to the wealth of each class.⁴¹⁰ It is an attractive possibility that the Covenanters divided members into property classes. This not only comports well with their alternative civic ideology; it also makes the best sense of the statute in CD 14:12c–13a. The most fundamental distinction in state wealth classes, i.e., between

⁴⁰⁶ E.g., the Athenian Iobacchic society charged fifty *denarii* upon enrollment and monthly dues for wine (*SIG*³ 1109.37–46); the cult of Diana and Antinoüs at Lanuvium charged one hundred *sesterces* plus an amphora of wine upon enrollment, and dues of five *asses* per month (*ILS* 7212 1.20–21).

⁴⁰⁷ E.g., the cult of Sebek at Tebtynis in the Ptolemaic era assessed dues of ten *debens* per month (P. Dem. Cairo 31179.9–10; cp. 30606.6–7, 9); an Egyptian society from the reign of Tiberius charged monthly dues of twelve *drachmae* (P. Mich. V 243.2); the Athenian Iobacchi charged a fifty *denarii* enrollment fee (*SIG*³ 1109) and monthly dues for banquets; the association of Diana and Antinoüs at Lanuvium charged an enrollment fee of one hundred *sesterces* and monthly dues of five *asses* per month (*ILS* 7212).

⁴⁰⁸ While it might be possible to interpret “the wages of two days, at minimum,” as reference to a fixed amount, this interpretation is unlikely. All *nomoi* that mention dues specified the exact sum; D, like the *politeiai*, suggested that not all members pay the same amount.

⁴⁰⁹ Arist., *Ath. pol.* 7.3–4; cp. Plato, *Leg.* 955e.

⁴¹⁰ Cornell, *Beginnings of Rome*, 179–81.

those who paid taxes and those who did not, is analogous to the distinction between those who paid dues and those whom the sect's funds supported.

Care for the vulnerable in the society: The responsibilities of judges and the Examiner in these statutes obviously covered more than issuing rulings about transgressions of the law. They were responsible for applying the funds to support members in need of material aid. Judges were responsible to care materially for the "wounded," the poor, the elderly, prisoners, the virgin without redeemer, and the young man without guardian. The last two items refer to male and female orphans in their most vulnerable financial and legal situations, when no one assumed responsibility to safeguard their property rights. These statutes, as Weinfeld pointed out, somewhat resemble laws on mutual aid in the *nomoi* of some voluntary associations:⁴¹¹ one member must aid another if he finds him on the way to the harbor without money;⁴¹² or help members in general "strife";⁴¹³ or protect members from being imprisoned for debt.⁴¹⁴

But the Rule for the Many does not prescribe mutual aid in the same way. Responsibility for the vulnerable is assigned to officials, not general members. The rationale behind this allotment of responsibility is illuminated by the *politeiai*, which similarly assign responsibility for the needy to officials and judges. In the Aristotelian *Constitution of Athens*, the laws ensured that the vulnerable, especially orphans and widows, were not exploited or deprived of property that belonged to

⁴¹¹ Weinfeld, *Organizational Pattern*, 31–34; also Schneider, "Zur Problematik," 308–9; cp Boak, "Organization of Gilds," 217–18. Weinfeld classifies the obligation to mourn with a bereaved member by providing wine or beer for a wake among "mutual aid" statutes (pp. 32–34). This seems questionable: "mutual aid" more frequently involved monetary donations for such things as burial expenses, short-term loans, bail, etc. For mutual aid, which could include providing bail for members who were imprisoned for debt, see P. Mich. 243.6–9; 244.9–10; also the Demotic papyri, P. Cairo 30605.22–23; 30606.21; 31179.22–23; 30619 frg. a + b; P. Lille 29.14–16.

⁴¹² P. Dem. Cairo 30606.21–22; 31179.22–23. Alongside this statute, which clearly requires "mutual aid," Weinfeld cites the requirement to mourn a deceased member and to aid with retrieving bodies (e.g., 31179.13–16, which Weinfeld does not cite directly). Cp. P. Dem. Cairo 30605.22–23; 30619 fr. a+b; P. Dem. Lille 29.14–16.

⁴¹³ P. Mich. 243.6.

⁴¹⁴ P. Mich. V 243.8–9; 244.9–10.

them through inheritance, dowry, etc. At the same time, false claims about entitlement to property needed to be thwarted. The *Constitution of Athens* requires the lead *archon* of the *dekaprotoi* to hear and vet claims about the property of the vulnerable.⁴¹⁵ If he found a claim actionable he could impose a fine upon the offenders in an obvious case, or refer a more complicated case to a *dikasterion*. The claims included:

maltreatment of parents, mainly by failure to provide for the elderly
 maltreatment of an orphan or the orphan's estate by a guardian
 maltreatment of an heiress by her husband or guardian
 squandering of property by an insane man
 disputes in distribution of property
 appointment of guardianship to orphans
 public display of disputed property
 adjudication of estates and heiresses⁴¹⁶

As in D, the official worked with a court to ensure that the vulnerable were not deprived of the property due them. The *Constitution of Athens* enumerates more cases in greater detail than D, but the texts share important categories of the vulnerable: the elderly; those who were incapable of caring for themselves; females without guardians; and males without guardians.

3.6.3 Summary Statements on the Laws of D, and Introduction to the Penal Code (CD 14:17b–19 || 4QD^a fr. 10 i 10–13)

14:17b וזה פרוש מושב המ[חנות ואלה יסדות] 18 [אושי הק]הל
 וזה פרוש המשפטים אשר [ישפטו במ] 19 [עד ממוד משי]ח אהרן וישראל
 ויכפר עונם מ[נחה וחטת] ⁴¹⁷

14:17b And this is the precise regulation of the Assembly of the Ca[m]ps, and these are the foundations] 18 [the men of the ass]embly.
 And this is the precise interpretation of the judgments by which [they shall be judged] 19 [until the rising of the Mess]iah of Aaron and of Israel, and their iniquity will be atoned. M[eal and sin-offerings]

⁴¹⁵ Cp. Xen., *Ath.* 4–5, which attributes similar authority to the courts.

⁴¹⁶ Arist., *Ath. pol.* 56.5–6.

⁴¹⁷ Here I follow the reconstruction of Qimron, “Text of CDC,” 37 and Hempel, *Laws*, 141. J. Baumgarten, *DJD* 18, 72–73 and García Martínez and Tigchelaar, *DSSSE* 1.594, read מ[מנחה] in 4QD^a fr. 10 i 13, but the texts of CD and 4QD^a are too fragmentary to determine whether the additional *mem* is present.

The Rule for the Many concludes with a statement on the laws of D. It has two components. The first may summarize the laws of D as a whole or the laws for the Assembly of All Camps; in any case, it anticipates a similar summary statement at the conclusion of the D.⁴¹⁸ While the second also seems to pertain to all of the laws of D, it mentions specifically **משפטים** by which sectarians “will be judged.” The fact that this statement is followed by the Penal Code suggests that the **משפטים** specifically refers to the transgressions and punishments listed there.

Once again D emphasizes the temporary nature of sectarian life: the rules of the Camp and submission to its peculiar judgments are only necessary for the remnant during the evil age. When the Messiahs of Aaron and Israel come, the remnant will be become restored Israel, and the sectarian interpretation of the Torah will be the law of the land. We may easily guess two particular changes to covenantal **משפטים**: expulsion will no longer be used for capital crimes, as it is throughout the Penal Code and elsewhere; instead, a true death penalty will be reinstated. Also, sectarian substitutions for non-capital sin-offerings—temporary exclusion and a ration-fine—will no longer be necessary, since the temple cult will resume its proper function.

Finally, it is difficult to interpret how atonement works in this passage: is **כפר** a *pual*, as I have translated, or a *piel*?⁴¹⁹ If a *piel*, does it refer to the atoning work of the eschatological priestly Messiah, as Joseph Baumgarten proposed?⁴²⁰ Is God the agent of atonement, as throughout the Admonition (CD 3:18; 4:6b–10a; 20:34)? On the basis of the reference to meal and sin offerings in 4QD^a fr. 10 i 13, it is tempting to interpret this statement another way, as a prediction of the regular sacrifices that will take place when the Messiahs arrive and restore the temple cult. However, the regular sacrifices are also

⁴¹⁸ 4QD^a fr. 11 18b–19a and ||, analyzed below.

⁴¹⁹ García Martínez and Tigchelaar, *DSSSE* 1.595, also read a *pual*; Hempel, *Laws*, 142, 144 n.7, and J. Baumgarten, *DJD* 18, 73, read a *piel*. For brief discussion see J. Collins, *Scepter and the Star*, 79.

⁴²⁰ J. Baumgarten, “Messianic Forgiveness of Sin in CD 14:9 (4Q266 10 i 12–13),” in *Proceedings of the International Conference on the Dead Sea Scrolls, Provo, Utah, 1996*, ed. D. Parry and E. Ulrich (STDJ 30; Leiden: Brill, 1999) 537–44. Cf. his restoration of a comparative *mem* at 4QD^a fr. 10 i 13, **חַה**, **מַמְנַן**, and speculation that the atonement of the Messiahs will be more effective than traditional temple offerings (*DJD* 18, 73).

mentioned in the juridical rites that conclude rules for the Assembly of All Camps.⁴²¹ This passage explains, through scriptural exegesis, how sectarian discipline substitutes for sin-offerings; a similar motif appears in S (1QS 8:8b–9b; 9:3–5a). Whatever the relationship between the Messiahs and atonement, the statements in CD 14:17b–19 reinforce the doctrine that sectarian life is not permanent, that it will end with the advent of the Messiahs, and that atonement is available for the faithful—both during the wicked age, and in the age to come.

3.6.4 *The Penal Code of D (CD 14:20–23; 4QD^a fr. 10 i 14–ii 15; 4QD^d fr. 11 i 4–ii 2; 4QD^e fr. 7 i 1–14)*⁴²²

The Rule for the Many is followed by a Penal Code that is preserved most completely in 4QD^{a, e}, and only fragmentarily in CD and 4QD^d. The Penal Code of D very closely resembles that of S, which is much more completely preserved. A similar Penal Code appears in the enigmatic and fragmentary 4Q265. Because the Penal Code is so much better preserved in S, and because its contents are so similar to those of D (and 4Q265), I save full analysis of the codes for the next chapter. Here it will suffice to survey the contents of D's code, with brief notes about its distinctive features and the purpose of its location within the text.

First, a comment on the three types of penalties that occur in the code. The most extreme is permanent expulsion; the others are temporary separation from the “purity of the Many,” and a reduction of ½ of one's allotted rations at communal meals. Separation is almost always accompanied by the ration-fine. The least offensive transgressions earn the ration-fine alone. Separation and expulsion are imposed for greater or lesser periods, depending on the severity of the transgression.

⁴²¹ See 4QD^e fr. 7 i 15b–16a + 4QD^a fr. 11 1–5, discussed below, §3.6.5.

⁴²² While its contents are extant only in fragments of three Cave 4 mss., the fragments of 4QD^{a, e} preserve enough that we may be fairly confident about what D's Penal Code contains. 4QD^d is so fragmentary that it offers little besides confirmation that the scroll contained the Penal Code. See J. Baumgarten, “The Cave 4 Versions of the Qumran Penal Code,” *JJS* 43 (1992) 268–76; more recently Hempel, “The Penal Code Reconsidered” in *Legal Texts and Legal Issue: Proceedings of the Second meeting of the International Organization for Qumran Studies*, ed. M. Bernstein, F. García Martínez, and J. Kampen (STDJ 23; Leiden: Brill, 1997) 337–48.

Table 3a: The Penal Code of D

Transgression	Penalty
lying about property	sep. (frag.)
deliberate insult vs. comrade	sep. 1 year + ration-fine (frag.)
vengeance on own behalf	sep. 200 days + ½ ration-fine 100 days ⁴²³
malice in capital case	perm. exp.
foolish speech	sep. 3 mo. + ½ ration-fine 20 days
interrupting	½ ration-fine 10 days
sleeping at session of Many	sep. 30 days + ½ ration-fine 10 days
leaving Many with permission 3×	½ ration-fine 10 days
leaving Many while they stand	½ ration-fine 30 days
insufficiently clad	sep. 6 mo. (+ fine?)
showing penis	sep. 30 days + ½ ration-fine 10 days
audible laughter	sep. 30 days + ½ ration-fine 15 days
reclining	sep. (?) + ½ ration-fine 10 days (frag.)
slander vs. companion	sep. + ½ ration-fine 1 year (frag.)
slander vs. Many	perm. exp.
murmuring vs. Fathers	perm. exp.
murmuring vs. Mothers	½ ration-fine 10 days
despising judgment of Many	perm. exp.
fornication with wife	perm. exp.

D's Penal Code confirms that members of the Camps married and had families: a man who fornicates with his wife (לזנות לאשתו) is expelled.⁴²⁴ The possibility of such a prosecution supports the view that women's testimony was not only accepted but required for certain cases, as discussed above. The Penal Code also identifies women whose high status merits their protection: anyone who murmurs against the Mothers of the Congregation is excluded for ten days. Their rank correlates to that

⁴²³ For reconstruction and analysis of the highly fragmentary law see Baumgarten, *DJD* 18, 75.

⁴²⁴ For forms of *zenuth* that can occur within licit marriages see CD 5:6–7 (on the day prior to approaching the temple and during menstruation); 4QD^a fr. 6 ii 1–3a (during menstruation); 4QD^e fr. 2 ii 16 (during pregnancy). Another possible form is improper sex with a female slave: see 4QD^e fr. 4 12–21 || 4QD^a fr. 12 4–9, discussed in Wassen, *Women in the Damascus Document*, 68–71. Wassen plausibly suggests that fornication with one's wife also included anal sex and *coitus interruptus* (*Women in the Damascus Document*, 173–84). Other forms of *zenuth*, taking two wives in a lifetime (CD 4:20b–5:4a), and marriage between an uncle and a niece (5:7b–11a), would have disqualified one from joining the sect at all, or would have had to be dissolved by divorce prior to joining.

of their male counterparts, the Fathers of the Congregation, although the differences in penalties show that the Mothers' status was dramatically lower than that of the Fathers. Yet it was a formal status, and may have been marked by regalia that only the Fathers had a right to wear (רוקמה, 4QD^e fr. 7 i 13b–14). As discussed above, the official title Mother seems to come from the contemporary political and cultural conventions of the Covenanters' time—it does not find much precedent beyond Judges 5:7, in Scripture.⁴²⁵

Even though the Penal Code appears in the context of statutes for the annual Assembly of All Camps, it clearly regulates daily life within the local Camp. The last rule on sexual intercourse most naturally applies to this context, and the durations of the punishments—from ten days to a full year—only make sense in the life of a community that met regularly, not once annually. Since the law of Reproof requires testimony and prosecution on the day of a transgression, it would make little sense to delay punishment until the annual meeting.

Nevertheless the punishments imposed throughout the year in the local Camps had an important place in the rites of the annual assembly, as I show in the next section. The annual assembly provided a context for announcing judgments to the entire sectarian body, and for dramatically imposing the capital punishment, i.e., expulsion, upon those who broke the most serious laws. It also confirmed the rehabilitation of transgressors who had accepted their punishment willingly. The rite reinforced the Covenanters' alternative civic ideology by affirming the sect's comprehensive juridical authority, founding that authority upon the interpretation of the Torah (4QD^a fr. 11 20), and by reiterating the historical context within which the Covenanters' peculiar form of life was valid: during the “time of wickedness” (4QD^a fr. 11 10–19), until the restoration of Israel at the coming of the Messiahs of Aaron and Israel (CD 14:19; 4QD^a fr. 10 i 12).

3.6.5 *Juridical Rites at the Assembly of All Camps* (4QD^a fr. 11 1–21; 4QD^e fr. 7 i 15b–16a)

Contrary to the way it is typically presented, the conclusion to D is not simply a “rite of expulsion,”⁴²⁶ although the expulsion component

⁴²⁵ On the titles Father and Mother see above, §3.3.2.3. For extensive discussion on the Mothers see Wassen, *Women in the Damascus Document*, 184–97.

⁴²⁶ E.g., Baumgarten, PTSDSS 3.3.

constitutes the bulk of the extant text. Instead, the rite begins with an address to a transgressor who had willingly accepted his punishment, presented the appropriate offering, and, presumably, resumed full participation in the life of his Camp. This address immediately follows the Penal Code, which makes good literary sense: after a description of punishments comes a blessing for those who submitted to them. The statement on such repentant members is best preserved in 4QD^a; its opening is preserved in 4QD^c:

כל אי[ש] אשר 16 [יתים]ר⁴²⁷ יבוא וידיעהו לכוהן [המ]ופקד
 4QD^c fr. 7 i 15b [אלה המ]שפטים א[שר ישפטו] בם כל המתיםרים
 4QD^a fr. 11 1 על הרבים וקבל את משפטו מרצונו כאשר אמר ביד 2 מושה על
 הנפש אשר תחטא בשיגגה אשר יביאו את 3 חטתו [ו]את אשמו

4QD^c fr. 7 i 15b [These are the judg]ments b[y which they shall judge] all who are punished:

Any ma[n] who 16 [is punishe]d shall come and make it known to the priest [who is app]ointed

4QD^a fr. 11 1 over the Many, and accept his judgment of his own will, just as was spoken by the hand 2 of Moses concerning the one who commits a sin unintentionally, that they shall bring 3 his sin offering [o]r his guilt offering.

While the repentant one is clearly identified as a transgressor, he remains within the covenant of Moses. His righteous status is preserved in three ways, all of which shed light on the Covenanters' civic ideology. First, he makes a sacrificial offering according to the Torah. This affirms that the Covenanters' practice was understood as fulfillment of Israel's essential laws. But, second, the offerings were not, apparently, presented at the temple by the transgressor himself, as the Torah stipulates.⁴²⁸ Rather, "*they* shall bring" his offering (4QD^a fr. 11 2). The transgressor himself did not bring it. This is confirmed by a series of scriptural citations that explain the substitution of the transgressor's confession to a sectarian priest for bringing a ram to the temple:

And concerning Israel it is written, "I will bring myself to the ends of the heavens and will not smell the savor of your sweet aroma" (Lev 26:31); and in another place it is written, "To return to God with weeping and fasting" (Joel 2:12); and in (that) place it is written, "Rend your hearts, not your garments" (Joel 2:13) (4QD^a fr. 11 3b–5b).⁴²⁹

⁴²⁷ Baumgarten's reconstruction is tentative: see *DJD* 18, 163.

⁴²⁸ See, e.g., Lev 5:14–19; 6:6; 7:14–21; 19:21; Num 6:12.

⁴²⁹ Tr. J. Baumgarten, *PTSDSS* 3.67, with my modification.

The substitution of confession for sacrifice fulfills the statement from Leviticus: God does not smell the aroma of sacrifice, because confession is used instead. Confession also fulfills the requirements of Joel 2:12–13: the transgressor approaches God with full contrition, and offers a penitent heart in place of a material sacrifice.

All of this confirms sectarian innovation in temple practice: as I argued in the laws of ownerless property (CD 9:13–14a), it was unlikely that individual sectarians brought guilt offerings to the temple themselves. It is possible that the sectarian priests, instead, brought the transgressor's sacrifice to the temple on his behalf. If this is correct, then the Covenanters introduced sectarian halaka carefully designed to regulate and restrict most members' contact with regular temple activities.⁴³⁰ The third innovation was the addition of sectarian penalties to the temple sacrifices: the repentant member accepted a period of separation from the purity of the Many, a reduction in food-rations, or both. Thus halakic observance of the Torah during the evil age required adherence to the sectarian Penal Code. This halaka was provisional, required only until the end of the "time of the judgment" (4QD^a 11 18–19).

The condemnation of unrepentant transgressors, or those whose transgressions warranted expulsion, immediately follows the passage on the repentant transgressor. D first describes the transgressor, and then provides a liturgy for his expulsion:

וכול המואם במשפטים 6 האלה על פי כול החוקים הנמצאים בתורת
 מושה לו יחשב 7 בכול בני אמתו כי געלה נפשו ביסורי הצדק במרד מלפני
 8 הרבים ישתלח
 וידבר בו הכוהן המופקד] על הרבים וענה 9 [ואמר

ברוך את אנו הו הכול ובידיך הכול ועושה הכול
 אשר יסדתה 10 [עמים למשפחותיהם ולשונות לאומותם
 ותתעם בתהו ולו 11 (ולו) ⁴³² דרך
 ובאבותינו בחרתה לזרעם נתתה חוקי אמתכה 12 ומשפטי קודשכה
 אשר יעשה האדם וחיה
 וגבולות הגבלתה 13 לנו אשר את עובריהם ארותה
 ואנו עם פדותכה וצון מרעיתכה

⁴³⁰ Note Josephus' statement on the Essenes: they send burnt offerings to the temple but, on account of their concern for purity, they avoid the common areas and conduct their worship amongst themselves (ἐφ' αὐτῶν τὰς θυσίας ἐπιτελοῦσιν, *Ant.* 18.19).

⁴³¹ The text is from 4QD^a fr. 11; 4QD^e fr. 7 i–ii is reconstructed as a composite text in Baumgarten, *DJD* 18, 76–77.

⁴³² Dittography.

14 אתה ארותה את עובריהם ואנו תקימונו⁴³³
 ויצא המשתלח והאיש 15 אשר יוכל מהונם ואשר ידרוש של ומו ואשר יאות עמו
 16 ונכתב דברו על פני המבקר כחרת ושלים משפטו
 17 וכול 17 [יושב] המחנות יקהלו בחודש השלישי ואררו את הנוטה ימין
 [ושמאול] מן ה[תורה]

5c But anyone who rejects 6 these judgments, which are in accordance with the statutes found in the Torah of Moses, will not be counted 7 among all the sons of his truth, for his soul has despised the disciplines of righteousness. For rebellion, from the presence 8 of the Many let him be expelled.

Then let the priest who is appointed ov[er] the Many answer 9 [and s] peak, saying:

Blessed be God: he is the All!⁴³⁴

By your hand comes all, and you do all things—

you who established 10 [na]tions by their clans, and tongues for their tribes,

you caused them to err in emptiness and 11 without a path.

But you chose our fathers and gave the commandments of your truth to their seed, and the 12 judgments of your holiness; if a man does them, he will live.

You marked out the boundaries for 13 us, and you curse those who transgress them;

we are the people of your redemption, and the flock of your pasture.

14 You curse those those who transgress them, but you have preserved us.

And the expelled man shall depart. Anyone 15 who shares food from their property, or inquires about his welfare, or accompanies him, 16 let his deed be recorded by the authority of the Examiner with an engraving instrument,⁴³⁵ and his judgment will be complete.

And all 17 [those who dwell] in Camps shall assemble in the third month, and they shall curse the one who turns to the right 18 [or to the left from th]e Torah.

The conclusion of the rule for the Assembly of All Camps confirms the juridical nature of the occasion. The Assembly occurred each year in the third month (4QD^a fr. 11 17), and thus apparently had to do with

⁴³³ Emended; 4QD^a reads הקימונו.

⁴³⁴ As Baumgarten notes, the scribe uses a substitution for the divine name, און (DJD 18, 77). However, the substitution does not include the pronoun הו, which should be taken as the subject of the nominative phrase, הו הכול, “he is the all.” This same phrase (הוא הכל) occurs in in Sir 43:27.

⁴³⁵ Following J. Baumgarten’s suggestion in the notes, and not his transcription in the main text (בחרת, “forever”) (DJD 18, 78). As Hempel points out, the meaning of “forever” would be obscure; she adopts the alternate reading and the translation “with ink” (Laws, 176–77, 182–83).

the Feast of Weeks (Exod 19:1–15). This observance seems to imply a central claim of the sect's alternative civic ideology: their observances of festivals required by the Torah were valid; those of other Jews was not. Of course the calendrical dispute stands at the center of this claim. The sectarian version of the rites differed from that of non-sectarians, not least in that it fell at a different point in the year. As J. Baumgarten argued, the juridical rite—which other Jews did not observe—likely was part of purification rituals in preparation for festival observances, above all covenant-renewal ceremonies.⁴³⁶ Carrying out judgment purged impurity of transgression from their midst and ensured that the sectarians approached the festival in as pure a state as possible.

The explicitly stated purpose of the Assembly was to curse members who broke sectarian law (4QD^a fr. 11 17–18), but also included punishment of repentant members. Those who repented and accepted their punishment remained within the community (4QD^a fr. 11 2–3). Those who did not repent were subjected to what must have been the Assembly's climax: a florid liturgy of cursing and expulsion.

The curse is pronounced by the priest appointed over the Many (cp. CD 14:6–8). After the curse, the expelled—provided they stay for the ceremony!—depart (l. 14). Members are forbidden to share food with them, inquire about their welfare, or “to go with them” in any way (l. 15).⁴³⁷ If any violate these laws, the Examiner of the Assembly of All Camps records the offense in writing and the sympathizer's judgment is complete (ll. 14–16).⁴³⁸ The terseness of the rule's language should be attributed to the fact that it deals with familiar procedures. The Examiner's role in the expulsion rite is consistent with his role elsewhere in juridical contexts: he hears charges brought by witnesses, records them and, when sufficient testimony is given, prosecutes transgressors or provides evidence to the judges (cp. CD 9:16–20). It is likely that the judges made final decisions about guilt and punishment.

⁴³⁶ J. Baumgarten, *DJD* 18, 78, *contra* J. T. Milik, “Milkišedeq et Milkireša dans les anciens écrits juifs et chrétiens,” *JJS* 23 (1972) 135–36, who argued that the cursing rite occurred *during* the Feast of Weeks. For covenant-renewal rites among the Council of the *Yahad* see 1QS 1:18b–25a, discussed in the next chapter. For the significance of the Feast of Weeks among the Covenanters see Leaney, *Rule of Qumran*, 95–102.

⁴³⁷ J. Baumgarten translates “derives benefit from him” (*DJD* 18, 77); Hempel, “agrees with him” (*Laws*, 176). The meaning is clear: one may not have contact with any expelled member in any way.

⁴³⁸ I.e., would be ready to bring for prosecution before the judging council, whether that of the plenary session or that of the Assembly.

Although laws on juridical rites mention only the roles of the priest appointed over the Many and the Examiner, it is likely that the entire assembly partook in the drama. One explicit purpose of the annual assembly is this sentencing rite (4QD^a fr. 11:17), and the priest's prayer is in the first person plural. All who were present must have participated. Additionally, sectarians were expected to know who had been expelled and to report anyone who violated the prohibition against further contact. It is likely that the Covenanters publicized the names of those who had been expelled in two ways: first by public announcement at the Assembly; second, by recording the list of the names in writing. Lists of expelled members were probably posted at the Assembly, and then copied and disseminated throughout the Camps.

3.6.5.1 *Constitutional and Legal Analogies*

Expulsion: The details of expulsion have analogies in Hellenistic and Roman state practice. In Republican Rome Sulla published lists of "outlawed" citizens by posting them in the forum. If the proscribed citizens remained in Rome, anyone could kill them or turn them over to the authorities and collect a reward of two talents. As in D, anyone who shelters or aids an "outlaw" receives the outlaw's own penalty.⁴³⁹ Presumably like the outlaw, a conspirator could also flee to avoid death; this was the case in Athens, as Demosthenes indicates.⁴⁴⁰ In democratic Athens the full assembly on the Areopagus meted out sentences of exile, primarily to confirm ostracisms and sentences for voluntary murder. Like all other business considered by this court, the cases were vetted and prepared in the local *boulai*. This is analogous to the procedure for expulsion in D: cases of expulsion began with a trial before the judges of the local Camp; formal ratification of the sentence occurred in the public assembly. Athenian procedure for exile similarly required a preparatory hearing in a lower court, with sentencing carried out in the public assembly.⁴⁴¹

⁴³⁹ Cicero, *Verr.* 1.47; Plut., *Sull.* 31; Suet., *Caes.* 11. For general historical remarks on the two major episodes see Appian, *Bell. civ.* 4.5; Vell. Pat. 2.66; Suet., *Aug.* 27; Livy, *Epit.* 120.

⁴⁴⁰ Demosthenes, *Polycl.* 1222.2; for details of banishment see Demosthenes, *Arist.* 629. On the related penalty of *atimia*, deprivation of citizenship and civic rights, see Arist., *Ath. pol.* 8.5; 22.8; 16.10; 53.5; 63.3; 67.5.

⁴⁴¹ Numerous laws on banishment in cases of murder, manslaughter and other violent crimes appear in Plato's *Laws*. Like Athenian law, Plato's laws forbid citizens to

Aiding the transgressor: Plato's *Laws* provides an analogy to the punishment for aiding an expelled member. If one gives an impious person, whose dead body was cast unburied outside the Magnesian borders, a decent burial, he is liable to prosecution for impiety himself.⁴⁴² Similar rules apply to Magnesian citizens who aid or eat with one who assaulted his parents. Further, any companion of a transgressor is excluded from the sacred places:

If any free man eats or drinks in company with such a person, or associates with him in some other similar fashion, ... he must not enter any temple, or market-place, or any part of the city, bearing in mind that he has come into contact with a misfortune that brings a curse upon a man.⁴⁴³

A closer analogy comes in the Magnesian law on giving refuge to an exiled citizen: "The penalty for harbouring an exile should be death."⁴⁴⁴

3.7 THE CONCLUSION TO D: JUDGMENTS FOR THE CAMPS AND CITIES, IN ACCORDANCE WITH THE FINAL INTERPRETATION OF THE TORAH (4QD^a FR. 11 18B–21 || 4QD^e FR. 7 II 11–15)

4QD^a fr. 11 18b והזה פרוש המשפטים אשר יעשו בכול קץ 19 [הפקודה את אשר יפק] ידו [בכו] ל קצי החרון ומסעיהם לכול 20 [יושב מחניהם וכול יושב עריהם הנה הכו] ל [ע] ל [מ] דר [ש] התורה 21 האחרון⁴⁴⁵

18b This is the precise interpretation of the judgments that they are to perform in the entire age 19 [of visitation, that will be vis]ited upon them, [in al]l the times of wrath, and in their journeys, for everyone 20 [who dwells in their Camps, and for everyone who dwells in their cities.

Behold: al] is in [accord]ance with the [final in]terpretat[i]on of the Torah.

D ends with a summary statement on the purpose of the Rule: to provide precise and exclusively valid halaka for the time leading up to divine judgment (הפקודה), i.e., for the evil age. As stated earlier in D,

assist the banished under threat of receiving the same sentence. See the laws in *Leg.* 853b–874c.

⁴⁴² Plato, *Leg.*, 909c.

⁴⁴³ Plato, *Leg.* 881d–e, tr. Saunders.

⁴⁴⁴ Plato, *Leg.* 955b, tr. Saunders.

⁴⁴⁵ For reconstruction see Baumgarten, *DJD* 18, 76–77.

sectarian law is binding upon all Israel, from sectarians organized in Camps to all who live in the cities (cp. CD 12:19–22a), and God will judge all by fidelity to it. Only those who observe sectarian halaka will prosper in the land (4QD^a fr. 9 iii 11–14 || CD 13:20–21).

The Covenanters' alternative civic ideology is emphatic in the conclusion of D: they alone have the proper interpretation of the Torah, i.e., the Israelite constitution. The last line of the conclusion contains an extremely important phrase, "the final *midrash* of the Torah." Some have identified this term as a reference to D itself, but this is incorrect, as J. Baumgarten rightly noted.⁴⁴⁶ Rather, the conclusion asserts that the history, halaka, and rules for sectarian life during the age of wickedness—הנה הכול!—are in accordance with (על) the final interpretation of the Torah. This is to say, D prepared the remnant of the righteous to live according to the final interpretation of the Torah, when Israel and Israelite law are restored to their proper state. After restoration, the Torah itself, as interpreted by the sect, will be all that Israel needs.⁴⁴⁷

⁴⁴⁶ See Baumgarten, *DJD* 18, 79. For the view that D itself is the final interpretation of the Torah see, e.g., H. Stegemann, *Die Essener, Qumran, Johannes der Täufer und Jesus* (Frieberg: Herder, 1993) 165; the recent monograph of Ben Zion Wacholder, *The New Damascus Document: The Midrash on the Eschatological Torah of the Dead Sea Scrolls: Reconstruction, Translation and Commentary* (STDJ 56; Leiden: Brill, 2007), is devoted to defending this position.

⁴⁴⁷ D and the Florilegium show expectation that the arrival of an "Interpreter of the Law," along with the royal and priestly Messiahs, will mark Israel's restoration. See 4QFlor fr. 1–2 i 12; cp. CD 6:7–11, which distinguishes between the "Interpreter of the Law" (דורש התורה) who decrees righteousness for the age of wickedness (כול קץ הרשיע), and the יורה הצדק who arises at the End of Days (באחרית הימים).

CHAPTER FOUR

THE *COMMUNITY RULE*: STATUTES FOR THE COUNCIL OF THE *YAḤAD* (1QS || 4QS^{a-j} [4Q255–264], 4Q275, 4Q279)

4.1 INTRODUCTION: THE CULTIC CIVIC IDEOLOGY OF THE *YAḤAD*

S regulates the segment of the Covenanters' sect entrusted with its cult. This segment is called the *Yaḥad* or, as seems to have been its more technical designation, the "Council of the *Yaḥad*."¹ While it is clear that S shares the civic ideology articulated in D, the ideology and laws of S focus more on cultic matters—atonement in particular. Thus in S we find cultic civic ideology. Numerous passages in S describe the *Yaḥad*'s mission in terms that are also associated with the temple cult of Jerusalem: its work establishes a "house of holiness in Aaron" and a "house of truth in Israel" (1QS 8:9–10; 9:6). Its primary task is to procure atonement (1QS 5:5–6; 8:1–10; 9:3–6), but not in the usual way: in place of burnt sacrifices, God accepts the *Yaḥad*'s "offerings of the lips for judgment" and "perfection of the way" (1QS 9:4–6). This substitution of legal study, worship, and discipline for burnt offerings is a halakic necessity during the Dominion of Belial (1QS 1:16–18; 2:19–20; cp. 4:15–26), since deviant practices rendered the temple cult ineffective.

The *Yaḥad*'s function as a cult of atonement explains certain features. Atonement was normally procured in the temple through sacrifice and

¹ The noun *Yaḥad* is used in various ways in S. In 1QS it occurs in absolute form twenty times (1QS 1:1, 12, 16; 2:22, 24; 5:5–6, 15; 6:15, 18, 22–23; 7:6, 8, 17, 18, 23, 25; 8:19; 9:15, 19). 1QS has 16 occurrences of "Council (עצה) of the *Yaḥad*" or the equivalent (3:2, 6; 5:7; 6:3, 10, 13, 14, 16, 23; 7:2, 18, 22, 24; 8:1, 11, 22; 11:8). A similar phrase, סוד היחד (°), occurs four times in 1QS: 6:19; 7:17, 18; 8:10. עצת היחד occurs in 4QFlor fr. 1–2 i 17; 1QpHab 12:4; 1QpMic 10:6; 4QpPsa^a 1–2 ii 14. SE contains similar phrases: see 1QSa at 1:26, 27; 2:2, 11; cp. 2:9, עצת הקודש. In 1QSa 1:1–3 אנשי עצתו designates the leadership of the Congregation of Israel and seems to be identified with the *Yaḥad*. As mentioned in Chapter 1, CD-B contains one reference to the אנשי היחיד, which most scholars emend to אנשי יחד (CD 20:32), and a law in 4QD^e fr. 3 ii 19 may refer to the [יחד] משפטי היחד.

In CD there are several occurrences of עצה and סוד; most clearly mean "counsel" or "principle" (5:17; 12:8; 13:16, 17; 14:10). Two refer to a group (עם סוד, 19:35, 20:24–25; עצת הקדש).

other rites in its most holy place, with its most holy implements. These places and implements had to be kept pure—thus the biblical laws forbidding impure priests and worshippers from approaching the holy grounds and consecrated items (e.g., Lev 22:1–6). In order for their cult to work, the *Yaḥad* had to keep their members, meetings, property, and activities as pure as the temple’s cultic space. Since some of the commonest forms of impurity came from sexual activity and cycles, i.e., menstruation and childbirth (Lev 12:1–8), and seminal emission (Lev 22:4; cp. 15:1–33), celibacy was the most certain guard against bringing these impurities into the cultic space.² Other practices also safeguarded purity: wherever members of the *Yaḥad* gathered, they centralized living arrangements, restricted the property that members could use to that collected into a communal treasury, and appointed officials to supervise its use.

Unlike D, which mentions an official called the *Maskil* but seems to merge his duties with those of the Examiner, S as a whole is addressed to an official with this title.³ The address לְמַשְׁכִּיל appears at the beginning of S (1QS 1:1, reconstructed); at the beginning of the Treatise on the Two Spirits (1QS 3:13); at the beginning of the rules for communal life in 4QS^{b,d} (|| 1QS 5:1), and in rules for the *Maskil* at the end of 1QS on the Day of Vengeance, life in the pre-eschatological era, and, most extensively, communal liturgy (9:12, 21b). The *Maskil* curates the doctrines of the *Yaḥad*, especially those concerning history, eschatology, and the relationship between insiders and outsiders. He judges members’ character and prepares for the Day of Vengeance (9:12–23a). Several other sectarian texts confirm that the pedagogical and liturgical nature of the *Maskil*’s primary duties.⁴ It is not clear who

² Pace C. Wassen, *Women in the Damascus Document*, 126–27, the statement distinguishing the “men of perfect holiness” from those who marry wives and have children (CD 7:4–7) was probably not a late interpolation denigrating women’s status, but a practical expression of the purity concerns of the *Yaḥad*.

³ The *Maskil* is mentioned at CD 12:21; 13:22, in passages that primarily discuss the duties of the Examiner. The *Maskil* is also mentioned at 4QD^a fr. 5 i 17, a text without parallel in CD. For a persuasive argument that the role of the *Maskil* was merged with that of the Examiner in D see Hempel, *Laws*, 114–21.

⁴ The *Maskil* led liturgies preserved in the Hymn that concludes S in several mss.; Blessings (1QSb), preserved in the same scroll as 1QS; Songs of the Sabbath Sacrifice (4Q400–407; 11Q17), Songs of the Maskil (4Q510–511); and the fragmentary prayer in 4Q444. I speculate below that he also led the Daily Prayers preserved in 4Q503. The didactic role of the *Maskil* appears in the Words of the Maskil to All the Sons of Dawn (4Q298).

the *Maskil* was: unlike the Examiner, no text mentions qualifications for his office. It has been asserted often that there was only one *Maskil* within the sect at a time,⁵ and even that each was regarded as the successor of the Teacher of Righteousness. Shane Berg has speculated that one of his primary responsibilities was instructing the fifteen Men of Perfect Holiness within the *Yahad*.⁶ No evidence directly supports these claims; to the contrary, S as a whole is addressed to the *Maskil*, which seems to mean that his duties extend to all members of the *Yahad*. Further, if we accept that each copy or recension of S preserves statutes for an individual cell of the *Yahad*, then we meet the possibility that each cell had its own *Maskil*: the title occurs in each recension. The absence of age requirements allows the possibility that the *Maskil* was an office open to any member who demonstrated full command of sectarian knowledge and ability to lead. It is possible that it was not an office held by one man at a time in succession, but by the most learned sectarians in each *מגור* of the *Yahad*, where they were appointed to lead for a term.⁷

The fact that the sectarian term *Maskil* was drawn from Daniel 11:35 and 12:3 supports the claim that there were multiple *Maskilim* at one time: these verses refer to multiple *משכילים* who teach *הרבים*, making them righteous (cp. Isa 52:11; 53:11). Like the Examiners of the Camps who *ישכל את הרבים* (CD 13:7b–8), the *Maskil(im!)* of the *Yahad* arise at the End of Days, as predicted in Daniel, and teach the Many about the coming judgment, the Day of Vengeance, and Israel's restoration,

⁵ E.g., P. Alexander, "Redaction-History," 448.

⁶ S. Berg, "An Elite Group within the *Yahad*: Revisiting 1QS 8–9," in *Qumran Studies: New Approaches, New Questions*, ed. M. Davis and B. Strawn (Grand Rapids: Eerdmans, 2007) 174–76.

⁷ All members of the *Yahad* were, after all, expected to master sectarian knowledge and to advance in rank as they progressed. For the view that the *Maskil* could be any member with sufficient wisdom to instruct see Schofield, *From Qumran to the Yahad*, 154–55; Wernberg-Møller, *Manual*, 66; C. Newsom, *Songs of the Sabbath Sacrifice: A Critical Edition* (HSS 27; Atlanta: Scholars Press, 1985) 3; A. Lange, *Weisheit und Prädestination: Weisheitliche Ordnung und Prädestination in den Textfunden von Qumran* (STDJ 18; Leiden: Brill, 1995) 145; T. Elgvin, "Wisdom in the *Yahad*: 4QWays of Righteousness," *RevQ* 17 (1996) 215. R. Hawley argues that there was no officer called *Maskil* at all: the phrase *למשכיל* is adverbial and, as in the Psalms, means "for insight" ("On *Maskil* in the Judean Desert Texts," *Henoah* 28 [2006] 43–77). This interesting argument is undermined by the scriptural origins of the term: *משכילים* designates teachers who appear at the End of Days in Dan 11:35; 12:3. The sect appropriated this usage for their own teachers.

as well as *halaka*.⁸ Thus in S the terms for the sect's teachers, as well as its general membership, suggest that members of the sect were themselves participants in the fulfillment of ancient prophecy about Israel's restoration.⁹

The statutes of S show that the *Yahad's* activity was primarily scholastic: members studied theology and law through the interpretation of texts. The purpose of this study was quite practical: members anticipated applying their learning within the courts and cult of the eschatological state. The practical nature of their study is evident from analogies in Roman and Jewish educational curricula for students preparing for careers in law and politics, as I show in this chapter. There are also significant analogies between the practices of the *Yahad* and those of ancient armies. While from the outside the *Yahad* looked like a peaceful school, its internal discourse and activity were thoughtfully political and militaristic. Its work prepared members for eschatological war and conquest of both Jewish and Roman enemies, and for governance of restored Israel.

4.2 CIVIC IDEOLOGY IN THE INTRODUCTORY MATERIALS OF S (1QS 1–4 || 4QS^a; 4QS^b; 4QS^c; 4QS^h)¹⁰

Like D, several copies of S open with lengthy expressions of sectarian civic ideology that provide a context for the statutes that follow. Unlike the Admonition of D, the final form of which is a unified literary piece, the introductory materials of S comprise three distinct texts: an Introduction (1QS 1:1–15); a liturgy for an annual Covenant Renewal Ceremony (1:16–3:12); and the Treatise on the Two Spirits (3:13–4:26). Unlike D, which extensively criticizes the Judean state, the introductory materials of S focus more on the positive elements of sectarian civic ideology. Below, I briefly summarize the critique of the state and then survey each section, with attention to its contributions to the *Yahad's* civic ideology.

⁸ On the content of the *Maskil's* teaching see §4.12–13 and subsections.

⁹ See §3.5 for additional discussion.

¹⁰ The 4QS mss. are extremely fragmentary. They are valuable for confirming that the introductory materials of 1QS were copied on other mss., but contribute too little text to require substantive reevaluation of the redaction history of S. The text that they preserve is sufficiently consistent with that of 1QS to deter speculation that different cells of the *Yahad* developed different doctrines or practices.

4.2.1 Critique of the Judean State and Society

Improper understanding of God: The most explicit accusation comes at the conclusion of the covenant renewal ceremony: outsiders detest instruction and knowledge of “judgments of righteousness” (משפטי צדק, 1QS 3:1). This accusation must refer to the non-sectarian halakic practices of the majority of Jews. While they attempt to repent (3:2b–3a), procure atonement, and purify themselves, their guilt and impurities remain (3:4b–5a). Following improper interpretation of the Torah amounts to regarding darkness as light (3:3) and rejecting God’s laws (3:5b–6a). This emphasis on halaka is implied in the Treatise, which describes outsiders as living under the influence of the Spirit of Deceit (3:17b–19a; 4:9). This spirit leads them into the same types of sins that the Admonition of D lists: covenantal infidelity, departure from the Torah, and so forth.

Injustice, defilement, and impurity result from covenantal infidelity. As the Introduction indicates, those who join the *Yahad* leave behind evil, guilt, and “eyes of fornication (עיני זנות)” (1QS 1:6); of course those who do not join persist in defiling practices. The Covenant Renewal Ceremony describes outsiders as utterly unclean: even their repentance is defiled (3:2b–3a). According to the Treatise, outsiders commit every defiling sin (4:9–11a): inflamed with a “spirit of fornication” (רוח זנות) they submit to the “service of impurity” (עבדת טמשה, 4:10). Obviously there is no prospect for human thriving for the Sons of Darkness, since they will be destroyed (1:10–11; 2:4b–10, 14b–17; 4:11b–14; cp. 3:17b–19a; 4:18b–20a).

Improper understanding of nature: S emphasizes the *Yahad*’s proper adherence to the solar calendar at several points. In the Introduction, all who entered the *Yahad* pledge “to walk perfectly before (God), in accordance with all that was revealed concerning the festivals of his appointed times” (1QS 1:8b–9a), and “not to deviate from any of the words of God about their times, so that they will not advance their times, nor delay their festivals” (1:13b–15a). A similar statement appears in the conclusion to the covenant renewal ceremony (3:10). The Maskil’s Hymn at the conclusion of 1QS stresses the importance of worship “at the times which he decreed” (קצים אשר חקקא, 10:1a), and names key events in the solar cycle as times of special importance (10:1b–5). Similarly, the text *Otot* at the conclusion of 4QS^e reinforces the centrality of the solar cultic calendar to the *Yahad*’s identity. As argued in the previous chapter, the *Yahad* surely agreed with *Jubilees*

6:32–37: apostates who follow the lunar calendar corrupt holy days by treating them as common and by treating common days as holy, and fail to procure atonement.

Combination of the offices of high priest and king: This error is not mentioned in the opening of S, but is implied in 1QS 9:10–11: the special rules governing the *Yahad* in S will be valid “until the coming of the prophet and the Messiahs of Aaron and Israel.” Here, as in D, the Hasmoneans’ combination of the two offices is in view. At the End of Days, the offices will be separated and occupied by two righteous individuals. Mention of the prophet suggests a return to the biblical paradigm in which a prophet appoints and advises Israelite leaders, especially the king. It may also reflect rejection of John Hyrcanus’ claim to be a prophet, as Hanan Eshel and others have suggested.¹¹

The political identity of outsiders: While sectarians are righteous citizens of Israel through the covenant, outsiders are subjects of the Dominion of Belial, governed by the Angel of Darkness (2:4b–5a; 3:20b–21a; 4:19b; cp. 1:18, 23–24; 2:19). With these labels the Covenanters delegitimize the authority of the Hasmoneans and anticipate their own advent to leadership of restored Israel.

4.2.2 *Positive Civic Ideology in the Introductory Materials*

4.2.2.1 *Introduction (1QS 1:1–15 || 4QS^a fr. 1 1–6)*

The opening of 1QS provides a brief, general summary of the identity and purpose of the *Yahad* in the overall context of God’s dealings with Israel. As the division of all humanity into Sons of Light and Sons of Darkness suggests, the outlook of the text is universal. Such comprehensiveness is consistent with the constitutional nature of S. So, also, is the terminology for the *Yahad*: it is the Council of God (עצת אל), 1QS 1:8, 10), a term that we will consider at some length when we survey analogies.

Proper understanding of God: Members of the *Yahad* earnestly seek God. They discern divine will through proper interpretation of Moses and the prophets (1:1b–3). Unlike non-sectarians, members know

¹¹ H. Eshel, *The Dead Sea Scrolls and the Hasmonean State* (ET; Grand Rapids: Michigan, 2009) 80–89. See esp. K. Berthelot, “4QTestimonia as a Polemic against the Prophetic Claims of John Hyrcanus,” in *Prophecy after the Prophets? The Contribution of the Dead Sea Scrolls to the Understanding of Biblical and Extra-Biblical Prophecy*, ed. K. de Troyer et al. (Leuven: Peeters, 2009) 99–116.

divine truth (1:5, 11, 12, 15); this enables sectarians to love what God chooses and to hate what God rejects (1:3b–4).

Covenantal fidelity: The association of proper understanding of God with correct interpretation of Moses and the prophets (1:1–3) invokes the theme of covenantal fidelity. The covenant is mentioned explicitly in 1:8, and implicitly in several statements on correct observance of God’s laws (1:2–3, 5, 7, 9, 13–14). As 1:12 emphasizes, the most important knowledge of God is “the truth of God’s statutes” (אמת חוקי אל).

Cultic perfection and proper understanding of nature: While covenantal fidelity requires general observance of sectarian halaka, the most important laws of S are cultic, and those pertaining to the calendar are central. “To walk perfectly before God” means observing “all that has been revealed concerning the festivals of his appointed times” (1:8b–9a). Here the solar cultic calendar is surely meant. A more explicit reference comes in 1:13b–15, which describes the duty of the *Yahad* neither to advance nor delay observance of the festivals. An implication of the *Yahad*’s duties is, of course, that the Jerusalem priests were not fulfilling the cultic commandments. By claiming exclusive ability to perform the cultic acts central to Israel’s welfare, the *Yahad* asserts a constitutional role: its members, and not the priests in power, are the authentic custodians of the national cult.

Anthropological knowledge: In addition to proper halakic and cultic knowledge, the *Yahad* claimed unique understanding of the nature of humanity. The Introduction foreshadows the elaborate teaching of the Treatise by mentioning two of its major themes. The first is God’s predetermined arrangement of all things: God chose some things and rejected others (1:3b–4a). God’s choosing and rejecting resulted in two divisions of humanity: Sons of Light, to whom God chose to reveal truth and show mercy, and Sons of Darkness, whom God rejected and condemned to vengeance (1:9b–11a). Here Israel’s fate as a nation is at stake: the Sons of Light are the righteous remnant through which God will restore Israel at the End of Days. The Sons of Darkness who now rule Israel will perish. This, of course, is related to the constitutional theme of human thriving: the “covenant of mercy” (ברית חסד) is available only to Sons of Light (1:8); all Sons of Darkness will inherit the “vengeance of God” (נקמת אל, 1:11).

The political identity of the Yahad: The *Yahad* asserts a constitutional role as custodians of the cult of atonement. S also used constitutional language for the *Yahad*: it is “the Council of God” (1:8, 10). This

term resembles the more common “Council of the *Yahad*.”¹² As I show in more detail below, the usage of Council in S (עצה; סוד) resembles conventions of Greek and Latin political discourse, in which councils (βουλᾱί; *collegia*) of officials conduct the most important affairs of the cities. In many cases the councils oversaw the public cult—a role analogous to that of the *Yahad* within the sect. The identification of a cultic council as the leading body of a group that thought of itself in state-like terms is hardly surprising: in *poleis* organized around a temple cult, like Jerusalem, the bouleuetic council was involved in cultic matters as well as civic administration.¹³

4.2.2.2 *The Covenant Renewal Ceremony* (1QS 1:16–3:12 || 4QS^a fr. 2 1–9; 4QS^b fr. 2–4; 4QS^c fr. 1 i 1–ii 14; 4QS^h fr. 1 1–4)¹⁴

The Covenant Renewal Ceremony strongly articulates the Covenanters’ alternative civic ideology. While it addresses sectarians (“all who enter the covenant by the Rule of the *Yahad* (בסרך היחד),” 1QS 1:16), it resembles a national rite for all Israel. This is evident in the arrangement of the leaders and the people, and in the liturgy’s attention to all Israel, from the righteous to the wicked. Priests and Levites assume their scriptural roles of leading the people in worship, with Levites subordinated to priests.¹⁵ They preside over sectarians who are marshalled into the assembly according to the biblical divisions of thousands, hundreds, fifties, and tens (2:19b–22a).¹⁶ These arrangements underscore the claim that only sectarian priests and Levites wield authentic priestly authority. The appropriation of the biblical divisions of Israel is an expression both of fidelity to Scripture and of expectation that

¹² See n. 1, above.

¹³ For a survey of the Sanhedrin and the *boulē* in Judea see the revised Schürer, 2.184–226. Evidence that the Sanhedrin was a *boulē* is discussed on pp. 196–98, 206–9.

¹⁴ The 4QS mss. preserve more of the Covenant Renewal Ceremony than of any of the other introductory materials, but the amount of text is still meager and requires extensive reconstruction: 4QS^a fr. 2 || 1QS 3:7–12; 4QS^b fr. 2–4 || 1QS 1:21–23; 2:4–11; 4QS^c fr. 1–2 || 1QS 2:4–11, 26–3:10; 4Q^h fr. 1 || 1QS 3:4–6.

¹⁵ For the hierarchy of priests and Levites see, e.g., Num 3:5–14; 18:1–8; Ezra 2:40–58; Neh 7:43–60; 2 Chr 13:10.

¹⁶ See Exod 18:21, 25; Deut 1:15. In descriptions of Israelite armies the divisions appear in various configurations; e.g., thousands and hundreds (Num 31:14, 48; 1 Sam 17:18; 1 Chr 28:1; 2 Chr 25:5); see also 2 Kings 1:9–12; 11:15; 1 Chr 12:20; 2 Chr 23:1; Isa 3:3. 1 Macc 3:55 has Judas marshal the Jewish army by the same biblical divisions. Whether this detail is historical or a literary fiction is irrelevant: it shows widespread interest in replicating biblical organizational patterns as a sign of piety among Jews in the second century BCE.

God would restore Israel in its biblical form through the sect. While the *Yahad* surely did not have the numbers to marshal thousands into their ceremony, their practice of assembling according by the biblical pattern prepared them for when they would lead all Israel.

The covenant is invoked repeatedly in the liturgy, and it is clear that it designates the terms of Israel's relationship with God.¹⁷ However, the covenant is not simply that of Sinai, but a new covenant to guide the righteous of Israel for "all the days of the Dominion of Belial" (2:19; cp. 1:18). Because the institutions of Israel are compromised, Israel's relationship with God can only be maintained through the new covenant revealed to the sect—a theme that S shares with D.¹⁸

The Covenant Renewal Ceremony divides Israel into three groups: the repentant who join the sect; the unrepentant who do not join; and transgressive sectarians who are expelled. The first portion of the liturgy addresses Israel as a whole. Priests and Levites lead the assembly in praise of God's deeds, culminating in a list of his "merciful acts of love upon Israel" (1:19b–22a). Then the Levites enumerate all of Israel's sins during the Dominion of Belial (1:22b–24a). These pronouncements are intended to evoke a response from every Israelite. The next portions of the liturgy address three responses. Righteous Israelites—the assembled members of the *Yahad*—repent for Israel's sins (1:24b–2:1a). In response to their repentance, the priests bless them, promising divine gifts of knowledge, mercy, and peace (2:1b–4a). This blessing is followed by the Levites' curse upon Israelites who do not repent (2:4b–10). Priests and Levites together lead the final portion of the liturgy. Like the Covenant Renewal Ceremony of D, that of S ends with a florid curse upon a member of the sect who transgressed and was expelled, or who left voluntarily. The transgressor inherits the "curses of this covenant" (אלות ברית הזות, 2:15b–16a) and is consigned to the same fate as those who had never repented (2:17b).

Summary statements at the end of the Covenant Renewal Ceremony reiterate the liturgy's purpose and main points: the liturgy is valid during the Dominion of Belial (2:19a); the annual assembly reflects biblical patterns of Israelite social organization and hierarchy (2:19b–22a), and anticipates the restoration of Israel along these patterns. Participation in the ceremony enables each member to know his status in

¹⁷ 1QS 1:18, 20, 24; 2:10, 12, 13, 16, 18.

¹⁸ Cf. CD 6:19; 8:21 || 19:33; 20:12; also 1QpHab 2:3.

the *Yahad*, and to participate in its function as an “eternal Council” (2:22b–23a; cp. “holy Council,” 2:25). Most striking about the conclusion is its emphasis on purification and atonement: Outsiders are so polluted that even their repentance is contaminated (בשובת וגואלים, 3:2b–3a); even atoning sacrifices cannot purify them (3:4b). Sectar-ians, on the other hand, procure atonement, as the concluding lines state three times. Atonement comes through the *Yahad*: “by the Spirit of the Council of the Truth of God, the ways of man are atoned, all of his transgressions” (3:6b–7a).¹⁹ Atonement requires acceptance of divine knowledge revealed to the *Yahad* and adherence to sectarian halaka (כול חוקי אל, 3:8c). Once a person acquires proper knowledge, then the purification rituals become effective: he purifies himself with ablutions and observes God’s appointed festivals (מודעי תעודתיו) at the right times. Knowledge, purity, halakic propriety, and adherence to the proper calendar result in atonement and secure participation in the covenant (3:8b–12).

All of the major themes of the Covenanters’ alternative civic ideol-ogy appear in the Covenant Renewal Ceremony: proper knowledge of God and nature; participation in the covenant; purity; atonement; and human thriving in the form of covenantal blessings. The liturgy also affirms the anthropological knowledge and knowledge of history summarized in the Introduction: Sons of Light and Sons of Darkness now co-exist in Israel during Belial’s reign, but soon, by God’s hand, the former will reconstitute and rule Israel, while the latter will be destroyed. Knowledge of history includes eschatological knowledge: the liturgy will be performed “for all the days of the Dominion of Belial” (1QS 2:19). This statement is similar to that in 9:10–11: the regulations of S are valid “until the coming of the prophet and the Messiahs of Aaron and of Israel.” Presumably the end of Belial’s reign coincides with the restoration of Israel’s righteous leaders. These state-ments show the same eschatological expectation of D: when Belial’s reign ends, the sect’s organization and activity will change. So will their liturgy, for when Belial and the Sons of Darkness are gone, it will no longer be necessary to condemn them. Nor will it be necessary to procure atonement outside of the temple, since its festivals and sac-rificial cult will be administered in keeping with sectarian halaka.

¹⁹ The passage continues, “and by the holy Spirit that is for unity (or ‘for the *Yahad*,’ ליחד) in his truth is he cleansed from all his transgressions” (1QS 3:7b–8a).

Proper knowledge is a consistent theme in all civic ideologies. It is not surprising to find it emphasized in the Covenanters' ideology; however, the frequency with which the Rules emphasize knowledge, truth, learning, study, and similar themes is striking. Knowledge is central to the final section of the introductory materials to 1QS, the Treatise on the Two Spirits, to which we now turn.

4.2.2.3 *The Treatise on the Two Spirits (1QS 3:13–4:26 || 4QS^c fr. 2 i 1–8)*²⁰

The Treatise interweaves theology, history, eschatology, and anthropology. It explains the origin of the Sons of Light and the Sons of Darkness, their present relationship and behavior, and their eschatological destinies. The Treatise seems intended to prepare and motivate members for the *Yahad's* highly disciplined way of life.

The opening lines of the Treatise identify it as didactic: it is addressed to the *Maskil* for “instructing and teaching all the Sons of Light” (3:13). The teaching explains “the history (תולדות)²¹ of all the sons of man, each kind of their spirits according to their signs, (and) about their deeds in their generations” (3:13–14). Thus the constitutional themes of history and anthropology are presented comprehensively. The Treatise also invokes human thriving by explaining periods of suffering and peace (3:14–15). Finally, the Treatise provides proper understanding of God: from the “God of knowledge” comes all that is and will be (3:15). While times were difficult for the righteous, they could take heart in understanding that history advanced toward their victory and vindication. The three sections of the Treatise develop these themes in detail. Below is a brief summary, emphasizing elements related to civic ideology:²²

²⁰ 4QS^c fr. 2 contains very fragmentary remains of text that seems to parallel that of 1QS 4:4–10.

²¹ Charlesworth translates תולדות “nature,” arguing against the translation “history” or, more literally, “generations” (PTSDSS 1.15). He overlooks the Covenanters' emphasis on the manifestation of divine order in righteous and wicked human acts throughout the “generations” of humanity. This emphasis is evident in the Admonition of D, and also in the interpretation of history in the *pesharim*. For fuller exploration of history and time in the sectarian scrolls see J. VanderKam, *Calendars in the Dead Sea Scrolls: Measuring Time* (London: Routledge, 1998) 32–86.

²² I offer this summary with full awareness that the treatise shows signs of redaction by several editors. In its present form it nevertheless presents a coherent introduction to the statutes that immediately follow.

- 1) God's plan for humanity (3:13–4:1): The first passage of the Treatise closely associated proper knowledge of God with anthropological knowledge: God created the world, humanity to rule over it, and two rival spirits to govern humanity (3:15–19). In the Covenanters' age, the Dominion of Belial, the Spirit of Light leads the righteous, while the Angel of Darkness both rules the wicked and causes the righteous to stumble (3:21–24a). In the present, the Angel of Darkness has the upper hand. Throughout the evil age until its end, God and his Angel of Truth assist the Sons of Light (3:23–25).
- 2) The two divisions of humanity and their destinies (4:2–14): the second passage emphasizes the sectarians' covenantal fidelity through their love for God's *משפטים* (4:4). They receive proper understanding of God and cosmic order, and carefully guard the "mysteries of knowledge" (*רזי דעת*, 4:5–6). Human thriving will be their reward: eternal peace, glory, long life, and "fruitfulness of seed" (*פרות זרע*, 4:7). The wicked wantonly transgress; utterly defiled, they will perish with no remnant (4:9–14).
- 3) Summary (4:14–26): *Knowledge of God, anthropology, and eschatology*: God divided the Sons of Light and the Sons of Darkness "into equal parts until the last day," causing them to struggle with violent hatred (4:16–19). Those whom God chose for wisdom are righteous and hate injustice, but those whom God chose for folly are wicked and hate truth (4:24–25). At the divine visitation, deceit and injustice will be destroyed and truth will be established eternally among a purified people (4:19–23). Their halakic fidelity—"perfection of the way"—during the evil age will be rewarded by full knowledge, wisdom, and participation in the eternal covenant (4:22). Their knowledge assures them that injustice will end. Israel will be replete with human thriving, as a people purified of all wickedness (4:23).

In 4:14–26 we find an echo of the passage in the Introduction: members of the *Yahad* love what God chooses and hate what he rejects (cp. 4:24–25 with 1:3b–4a). While light and darkness will struggle "until the appointed end and the new creation" (4:25), the Sons of Light do not struggle blindly: God's knowledge guides them throughout the evil age.

The Treatise's didactic presentation of civic ideology supports characterizing the *Yahad* as a scholastic association. Indeed all of the introductory materials to S emphasize the centrality of proper knowledge to authentic Israelite identity. One aspect of proper knowledge is militaristic: the *Yahad* prepares for active participation in the Day of Vengeance.²³ Those who studied the Treatise, practiced the covenant

²³ See the *Maskil's* preparation for the Day of Vengeance in IQS 9:23; 10:19; cp. the War Rule's depiction of the Covenanters' participation in the Day of Vengeance

renewal liturgy, and conducted their lives according to the statutes of S, did so with expectation that they would conquer, reconstitute, and rule a nation.

4.2.2.4 *Constitutional Analogies to the “Council of the Yahad”*²⁴

Throughout S, SE, several *pesharim*, and the Florilegium, the *Yahad* is identified as a “Council” (עצה, סוד). The term only designates an authoritative body in D once, in CD–B (CD 20:24–25). This passage says that Covenanters who return to some of the “ways of the people” will be judged בקדש הַקֹּדֶשׁ, “in the holy Council.” It is tempting to take this latter phrase as a reference to the *Yahad*, which is named—albeit in the odd form יְחִיד—in the immediately following lines. They are the men who first received the interpretation of the Torah from the Teacher of Righteousness (20:27–34).²⁵ In any case, it is remarkable that, of the Rules, only S and SE consistently refer to a “Council,” and that in virtually all texts where the term “Council” appears it is applied to the *Yahad*.²⁶ What explains this usage?

An attractive possibility is that the Covenanters organized and named their major segments on the basis of a common constitutional pattern: within a *polis* the people (δημος; *populus*; עם) were governed or represented by a deliberative council (βουλή; *curia, concilium*; עצה, סוד). Among the Covenanters, the *Yahad* serves as such an authoritative council. Like the councils of the *poleis*, the Council of the *Yahad* meets

during the war against the Sons of Darkness: 1QM 7:5; 15:3 (reconstructed), 6, 15 (reconstructed).

²⁴ Weinfeld neglects the association of the term “Council” with the *Yahad* as a whole, asserting that the Council of the *Yahad* refers only to fifteen Men of Holiness in 1QS 8–9 (see idem, *Organizational Pattern*, 16–19).

²⁵ Similar language describes the Men of Holiness in 1QS 9:10: “they will be judged by the first judgments by which the men of the *Yahad* were first disciplined.” Cp. CD 20:31–32, “and they will be disciplined by the first judgments by which the אנשי תיחיד were judged” when they heard the Teacher of Righteousness.

²⁶ Elsewhere, especially in the *pesharim*, the term עצה seems primarily to refer to the counsel of leaders, both righteous and wicked, to which their followers adhered. Thus 1QpHab 5:10 refers to enemies of the Teacher of Righteousness as the “House of Absalom and the אנשי עצה”; 5:12 states that the Man of the Lie and his followers rejected the Torah in “all their עצה”; 9:10 on the other hand refers to the Teacher of Righteousness and the אנשי עצה; so also 4QpPsa^a 1–10 ii 19. Similarly 4QpNah 3–4 i 5, 11 refers to the “lion of wrath” and the אנשי עצה, and 1–2 ii 8 calls the enemies of the *Yahad* the “congregation of seekers-after-smooth-things and the אנשי עצה.” More generally 1QpHab uses עצה to refer to the deliberations of the wicked (3:5; 4:11); similarly 4QpNah ii 6,9; and iii 7, 8 claim that the “counsel” of the seekers after smooth things will perish, nor will the simple ones any longer support their עצה. For text, translation and comments see Horgan, *Pesharim*, 165.

daily and performs tasks essential for the Covenanters' welfare. Like other political councils, the duties of the *Yahad* are both legal and cultic: they study Torah, render judgment, and procur atonement.

Obviously the best analogy for *Yahad*'s activity is the "college" of priests and associated officials responsible for the cult of the Jerusalem temple, which I discuss at length in analysis of 1QS 8–9, below. Other constitutional analogies may help explain the conjoining of the terms *Yahad* and "Council." The Latin term *concilium* consistently refers to a discrete segment of a constitutional group, often of a federated body of cities within a territory.²⁷ The term *concilium* is commonly paired with the adjective *commune* to designate an assembly representing a number of cities within a region: thus there is a *commune concilium Achaeorum, Aetolorum, Boeotorum, Macedoniae*, etc.²⁸ In Greek texts such an assembly is called τὸ κοινόν, e.g., τὸ κοινόν τῶν Ἰώνων,²⁹ τῶν συμμάχων,³⁰ τῶν Βοιωτῶν,³¹ τῶν Θεσσαλῶν,³² etc.³³

Admittedly these analogies are inexact: a *commune concilium* could be a spontaneous, ad hoc affair, and its attendees could be any citizens that participated. In contrast, members of the *Yahad* met daily for highly regulated sessions to which only the fully initiated were admitted. Nevertheless the analogy has value, for it confirms that the term "communal council" was widely used to designate decision-making bodies throughout the cities and provinces. The Greek terms are more similar to the Hebrew of the Rule Scrolls. Phrases containing κοινόν and related terms frequently designate not only to the state in general³⁴ or the "common good" of its constituents,³⁵ but also the state authorities.³⁶ Public affairs regulated by law are called τὸ κοινόν, and

²⁷ Thus *concilium* throughout Livy designates various representative assemblies of the Latins, Etruscans, Hernicans, Equians and Samnians: 1.50, 51; 3.2; 4.23, 25, 61; 5.17; 6.2, 33; 7.25; 8.3; 9.42; 10.12.

²⁸ Livy, 36.31; 38.34; 42.43; 45.18; Gellius, 2.6.

²⁹ Herod. 5.109.

³⁰ Isoc. 14.21.

³¹ *SIG*³ 457.10; Polybius 20.6.1.

³² Thuc. 4.78.

³³ See W. Smith, ed., *Dictionary of Greek and Roman Antiquities* (New York: Harper and Brothers, 1843), s.v. *concilium*, for detailed discussion. For further usage see LSJ⁹ s.v. κοινός II.1–3.

³⁴ E.g., Herod. 1.67; Aristophanes, *Ec.* 208; Antiphon 3.2.3; Xen., *Cyr.* 2.2.20; Isoc. 10.36, cited in LSJ s.v.

³⁵ E.g., Thuc. 5.90; 5.37; Herod. 1.141, 170; Demosth., *Mid.* 21.45; Plato, *Leg.* 872b; cp. 724b; Arist., *Rhet.* 1354b 29.

³⁶ Thuc. 1.90; 2.12; 5.37; Herod. 3.156; 5.85; 8.135.

entry into public office is described as πρὸς τὸ κοινὸν προσελθεῖν or the equivalent.³⁷ Thus joining the *Yahad* may have been understood as serving within the council entrusted with the welfare of the Covenanters as a whole, and thus of eschatological Israel.³⁸

The bouletic and curial divisions of the Greek and Latin cities offer further analogies. The papyri preserve the phrase τὸ κοινὸν τῶν ἀρχόντων, which most likely refers to the leading members of the βουλή; thus the δεκάπρωτοι could be called a κοινὸν τῆς βουλῆς.³⁹ Further, Rome's curial class comprised several *collegia*, one of which was the *quindecimviri sacris faciundis*, the priestly college that had custody of the Sibylline Oracles. We know that this body exercised the imaginations of Jewish intellectuals from well preserved copies of Sibylline Oracles composed by Jews in Greek. It is possible that the Covenanters, as sole custodians of the "hidden things" of Scripture, saw themselves as righteous Israelite counterparts to their idolatrous imperial contemporaries. Perhaps, then, "Council of the *Yahad*" meant something like "council of the *collegium*" of Scriptural interpreters.

The conventions of Greek and Latin political discourse show that the *Yahad's* self-designation would have sounded like regular ways of describing the authoritative bodies within a state. Yet the sectarians seem to have sought out equivalent terms from Scripture. While attempts have been made to identify the exact text from which the noun יח' came, none has gained significant following, and for good reason: the texts that have been identified as bearing a nominal form of יח' may just as easily be read as containing the regular adverbial usage. Shemaryahu Talmon argued for Ezra 4:3 as the source; it summarizes the Judahites' rebuttal of the Samaritans' offer to help them rebuild their temple.⁴⁰ While interesting, the usage of יח' here seems to me to be adverbial, not nominal:

Zerubbabel, Jeshua, and the rest of the chiefs of the fathers of Israel said to them, "There is no agreement for you and us to build the house of our God, for we (Judahites) together will build it (כי אנחנו יחד נבנה)"

³⁷ Demosth., *Cor.* 18.257; Aesch. 1.165 has προστέναι.

³⁸ Here we are confronted with the question of how men joined the *Yahad*: were they first enrolled in a Camp, and then advanced to membership in the *Yahad*, or was it possible to enroll directly in the *Yahad*? The Rule Scrolls offer no direct evidence either way.

³⁹ P. Oxy. 54.12 (3d cent. CE).

⁴⁰ Talmon, "Qumran יח'."

for YHWH, the God of Israel, just as King Cyrus, the king of Persia, has commanded us.”

As my translation indicates, the passage distinguishes between “you Samaritans” and “we Judahites.” The adverb יחד emphasizes that “we, united together” are able to accomplish the task—i.e., *without you*. The idea is compressed in the Hebrew, but the sense is clear; most translators render יחד “alone.” While unusual, it seems consistent with usage in the verse. While Ezra 4:3 may have inspired the sect to coin a Hebrew equivalent to κοινόν and *collegium*, it seems unlikely to have been the ultimate source of the term. Others have pointed to Deut 33:5, which refers to a gathering of שבטי ישראל. Is there a reference to the “union of the tribes of Israel” here?⁴¹ While possible, the poetic nature of Moses’ hymn suggests that יחד should be read not as an unusual nominal form, but as an adverb in an artful composure. I read it thus:

ויהי בישרון מלך
בהתאסף ראשי עם
יחד שבטי ישראל

(God) was in Yeshurun king
when were gathered the chiefs of the people,
together, the tribes of Israel.

Again, this usage may have helped the Covenanters devise their self-designation, but was probably not the sole source. The last passage, which John Collins identifies as one more nominal usage of יחד, come in 1 Chr 12:18.⁴² David responds to Judahites and Benjamites, “If it is for peace that you come to me, to help me, then I will have for you a heart for union (ליהיה לי עליכם לבב ליחד).” The phrase ליחד is a *hapax legomenon* in the Hebrew Bible. In this passage יחד comes closest to nominal usage; it is hard to read it as adverbial. Yet it may I am tempted to read it as a form of להיחד, “to unite,” which we find in 1QS 5:20b and 9:6a. Whether an infinitive or noun, the phrase is still a long way from a technical term for a group. Like the other passages, this one may be considered among influences, but not a direct source.

⁴¹ Cp. H. Stegemann, “The Qumran Essenes—Local Members of the Main Jewish Union in Late Second Temple Times,” in *The Madrid Qumran Congress*, ed. J. Trebolle Barrera and L. Vegas Montaner (2 vols; STDJ 11; Leiden: Brill, 1992) 1.153–56.

⁴² Collins, *Beyond the Qumran Community*, 55.

There are a few other passages worth considering. They describe “taking counsel together”; interestingly, the context is always antagonistic to the writer. In Neh 6:7 the enemies of the returnees urge Nehemiah, “let us take counsel together” (וְנוֹעֲצָה יַחְדָּו) for the purpose of halting Jerusalem’s rebuilding. Similar combinations occur in Ps 71:10, where the Psalmist’s enemies נוֹעֲצוּ יַחְדָּו against him; similarly Ps 83:5. In Isa 45:21 YHWH mocks the nations of the earth, “Present your case! Let them take counsel together (יִוְעֲצוּ יַחְדָּו).” Similar phrases with סוּד occur, with the same sense: the kings of the nations יַחְדָּו נֹסְדוּ against God and his anointed (Ps 2:2), and the Psalmist’s enemies are בְּהוֹסְדֵם יַחְדָּו in 31:14. Perhaps such usage influenced the sect’s use of עֲצַת יַחְדָּו and related terms as self-designations.⁴³

In any case, I am inclined to view יַחְדָּו and עֲצַת הַיַּחְדָּו as a sectarian coinages devised, through scriptural exegesis, as Hebrew equivalents of terminology conventional to Greek and Latin political discourse.

4.2.2.5 *Associational and Constitutional Analogies to the Covenant Renewal Ceremony*

Weinfeld pointed out that the annual liturgies of S and D are analogous to annual festivals of other associations, at which members celebrated the establishment of the society and renewed their allegiance to its statutes.⁴⁴ But there are important differences: where we find detailed evidence of what happened at such festivals, the records show that members used the occasions to review and deliberate about the statutes, and then to vote on their ratification.⁴⁵ Several *nomoi* state that

⁴³ For עֲצַת הַיַּחְדָּו see 3:2, 6; 5:7; 6:3, 10, 12–13, 14, 16, 23; 7:2, 22, 24; 8:1, 11, 22; 11:8; also 4QFlor fr. 1–2 i 17; 1QpHab 12:4; 1QpMic 8–10 6; 4QpPsa^a 1–2 ii 14; 1QSa 1:26–27; 2:2, 11; cp. 2:9, עֲצַת הַקְּדוֹשׁ; for יַחְדָּו הַסוּד (*) see 1QS 6:19; 7:17–18; 8:10.

⁴⁴ Weinfeld, *Organizational Pattern*, 44–45. So also Bardtke, “Rechtsstellung,” 97, drawing on San Nicolò, *Ägyptisches Vereinswesen*, 2.20. Annual renewals of associational charters, including that of the *Yahad*, are also discussed by E. Seidl, *Ptolemäische Rechtsgeschichte* (2. Auf.; Ägyptologische Forschungen 22; Hamburg: J. J. Augustin, 1962) 152–56.

⁴⁵ The best example is SIG³ 1109.1–32, which preserves the events of the annual meeting on 8 Elaphebolion, 176 CE. The meeting appears to commemorate a fortieth anniversary of the society, or at least forty years of service by Aurelius Nikomachus, who had been vice-priest for seventeen years and priest for twenty-three (ll. 2–10). After the statutes were drawn up and reviewed by the chief officers of the Iobacchi, they were read aloud to the members, who approved their being engraved on a pillar by acclamation and then by official vote. Immediately following this record of their ratification the statutes themselves appear.

the statutes are valid only for one year; annually they were reviewed, revised if necessary, and renewed on the specific date.⁴⁶

S presents its statutes quite differently. The *Yahad's* Covenant Renewal Ceremony was not an annual review, revision, and renewal of a private contract, but a sectarian version of a national rite. Because the statutes of S are based on sectarian interpretation of God's covenant with Israel, they could be called "eternal" (1QS 4:22; 5:5–6; cp. 8:9–10; 9:3); indeed, so could the *Yahad* itself (2:22–25; 3:11–12). Not surprisingly, no copy of S provides a date of its ratification nor limits to the duration of its validity. Instead, only members' allegiance to the covenant had to be renewed.

The Covenant Renewal Ceremony was probably a sectarian version of covenant renewal rites associated with the annual Festival of Weeks. The ceremony allowed members of the *Yahad* to participate in a national rite that all Jews observed in obedience to the festival laws of the Torah.⁴⁷ The *Yahad's* private observance of state rites is analogous to a common phenomenon among Greco-Roman associations: numerous groups observed their own versions of public festivals. This was especially true among the cultic associations.⁴⁸ This analogy

⁴⁶ Several *nomoi* from Egypt limit the duration of their validity, and especially of the president's term of office, to a year: P. Lond. 2710.5–10 names the president and limits his term to one year from the date of the statutes' ratification; so also P. Mich. V 244.2–7; 245.1–10; the limit also seems implied in 243.1–2. In P. Dem. Cairo 30606 (157 BCE) members of the association of Sebek at Tebtynis pledge, "[We will enforce this from] the month Mesore in the year twenty-four until the month Mesore of the year twenty-five" (ll. 5–6). Similarly dated statutes from the same association are preserved in P. Dem. Lille 29.3–6 (223 BCE); P. Dem. Hamburg 1.1–5a (151 BCE); P. Dem. Cairo 31179.1–6 (147 BCE). The limited duration of the validity of the *nomos* explains why so many copies were produced: members produced a new contract each year. Compare the Athenian Iobacchi: while the description of Nikomachus' career in SIG³ 1109.1–10 confirms that the association flourished at least forty years, only a single copy of its *nomoi* is extant. Most likely earlier and later copies were made on papyrus each year. Only the inscription was able to survive.

⁴⁷ The annual rite most likely took place in the third month during the Festival of Weeks, at the same time as the Assembly of All Camps of D (4QD^a fr. 11 17–18). Its central rite was the Covenant Renewal Ceremony, as discussed in the previous chapter. *B. Pesah.* 68b also states that commemoration of the giving of the Torah at Sinai takes place during the Festival of Weeks. See also 2 Chr 15:10–13; *Jubilees* 6:17. For discussion see J. VanderKam, "The Festival of Weeks and the Story of Feast of Weeks in Acts 2" in Craig A. Evans, ed., *From Prophecy to Testament: The Function of the Old Testament in the New* (Peabody, MA: Hendrickson) 185–205; also Knibb, *Qumran Community*, 88–89 and Leaney's detailed survey of the evidence, *Rule of Qumran*, 95–102. Note that Deut 31:1–19 also requires a covenant renewal ceremony every seven years, during the Festival of Booths in the Autumn.

⁴⁸ For discussion see §2.1.2.4, above.

confirms the associational habit of patterning private activity after that of the state. But the Covenanters' private observances of public rites differed significantly from those of associations with assimilative civic ideology: most associations' festivals complemented their participation in the public festivals. They confirmed and enriched participants' sense of connection to the state's gods, and to the state itself. But the Covenanters' ceremony functioned as a complete substitution for a state rite that the sect judged was observed illegitimately by the public authorities, and in which they refused to participate.

4.2.2.6 *The Constitutional Significance of "The Curses of This Covenant" (1QS 2:16)*

The application of "the curses of this covenant" (אלות הברית הזות) to a transgressive member seems to be a reinterpretation of Deut 29:21, which promises that God will punish a transgressor "in accordance with all the curses of the covenant written in this Book of the Law" (ככל אלות הברית הכתובה בספר התורה הזה).⁴⁹ The Covenanters read the Torah as the most authoritative covenant between God and Israel. The Rule Scrolls give the terms of a new covenant for the Dominion of Belial. As the sectarians systematized this new covenant, they appropriated the language of the older one. This had two related effects. First, the pervasive usage of terms and themes from Scripture infused the Covenanters' texts with authoritative "biblical" language. Second, since the terms of the new covenant were written on the basis of the old, it could be claimed that adherents to the new covenant also, in fact, kept the older one as well. Indeed, the Rule Scrolls claimed this explicitly: the Covenanters keep the commandments of Moses by observing what is revealed concerning their time.⁵⁰ The curse in 1QS 2:16 provide an excellent example of this principle: just as Deuteronomy as a whole contains a covenant, laws, and blessings and curses, so also S, as well as D, contain the same elements.⁵¹ Just as Deut 29:21 invokes the curses contained in "this Book of the Law," so also S invokes curses contained in "this (new) covenant," i.e., its own text. The Covenanters took for

⁴⁹ Cp. Deut 29:20 (MT 29:19), "All the curses written in this book will come down upon them;" also Jer 11:8, "I brought on them all the curses of the covenant that I had commanded them to follow."

⁵⁰ See CD 15:8b–10a, 12–15a; 16:1b–5; 1QS 1:1b–3a; 5:8–9; 8:15, 21b–23a.

⁵¹ Deuteronomy, like S and D, contains liturgical passages with prescribed prayers (e.g., 6:20–25; 21:8; 26:3–10, 15). Like D, Deuteronomy opens with a history of the covenant (see esp. chs. 1–3).

granted that a covenant contained laws, blessings, and curses—they inferred this from the Torah itself. Finally, 1QS 2:16 supports my claim that the Covenanters read the Torah constitutionally: it provided the basis for the civic ideology, social organization, and laws of their sectarian remnant. By appropriating the contents and language of the Torah, the Covenanters demonstrate that their constitutional and legal thought is grounded upon Israel’s eternal νόμοι καὶ πολιτεία, to use Josephus’ words (*Ap.* 2.222, 264, 287; *Ant.* 4.194; cp. 4.198).

4.2.2.7 Further Constitutional Analogies

The introductory materials of S emphasize that God imposed immutable order upon the cosmos, humanity, and history, and that the Covenanters alone correctly understand it. The Covenanters’ claim that their cultic regulations conformed to the basic structures of the cosmos was hardly unique. In Plato’s *Laws*, the Athenian asserts that the bureaucratic and cultic organization of Magnesia is based upon eternal divinely established structures of the universe. He reminds his interlocutors that Magnesia’s first citizens must number 5040, and explains why:

we should go back to the figure of 5040 and reflect again how many convenient divisors we found both in this total and its subdivision the tribe....Our grand total is divisible by twelve, and so is the number of persons in a tribe (420), and in each case this subdivision must be regarded as holy, a gift of God, corresponding to the months of the year and the revolution of the universe.

The Athenian’s insistence that certain numbers and cosmic cycles have divine origin and practical constitutional implication resonates with the Covenanters’ doctrine. The divine origin of cosmic order—including the repetition of certain numbers—explains why “every state is guided by innate intuition to give these fractions the sanction of religion, *though in some cases the divisions have been made more correctly than in others.*”⁵² Magnesia’s more correct cultic system is founded upon the cycles and divisions of the universe that the gods designed. Because of this, the Athenian argues, Magnesia’s citizens will “enjoy the favor of the gods and heaven in general.” Implied here is that divine favor will not come to states whose organization and cultic

⁵² The entire discussion comes in Plato, *Leg.* 771b, tr. Saunders.

practice is out of step with divinely established order. The Covenanters would certainly concur.

The Athenian goes further in the famous theological discourse in book ten of the *Laws*. He argues that all forms of lawlessness, from violence to impiety, come from particular false beliefs about the gods. Against these beliefs the Athenian offers a lengthy, if not fully systematized, refutation. He then asserts that “No one who believes in the gods in accordance with the laws ever does an impious deed or speaks a lawless word.”⁵³ Plato’s Athenian, like the Covenanters, directly connects proper theological knowledge to pious and lawful behavior. Like the Covenanters, he attributes impiety and lawlessness to false theology. While the Athenian’s discourse lacks the eschatology of the Rule Scrolls and has a more optimistic view about the rehabilitation of errant souls,⁵⁴ its theological and cosmological contents help us better to understand the ideological introductory materials of S: they legitimated the system of positive law to which the Council of the *Yahad* adhered.⁵⁵

A Note on the Translation of 1QS

We now turn to the statutes by which the Council of the *Yahad* was governed. As noted in Chapter 1, my reconstruction of the *Yahad* is based on 1QS. As I argue below, where other recensions, in particular

⁵³ Θεοὺς ἠγούμενος εἶναι κατὰ νόμους οὐδεὶς πώποτε οὔτε ἔργον ἀσεβὲς ἠργάσατο ἐκὼν οὔτε λόγον ἀφῆκεν ἄνομον. Plato, *Leg.* 855b, my translation.

⁵⁴ As Trevor Saunders has shown, Plato based his theory of penology on a doctrine of the place of the soul in the cosmic order and on its ability to be rehabilitated over the course of its reincarnations. See idem, “Penology and Eschatology in Plato’s *Timaeus* and *Laws*,” *CQ* 23 (1973) 232–44.

⁵⁵ Other examples may be briefly adduced: The characters in Cicero’s *Republic* treat proper knowledge of cosmic order and astronomy at length before directing their energies to the organization of the state and its laws. “The Dream of Scipio” that concludes the *Republic* sets Roman history and law in the context of divinely established cosmic order, from the universe that the deity inhabits as a temple to the movements of the planets, and from the positioning of the stars to the fleshly embodiment of human souls that tend to the earthly sphere (*Resp.* 6.9–29, esp. 15–17, 24–29). It is likely that Cicero meant Philus’ statement in earnest: “Don’t you think it relevant to our homes to know what is going on and taking place in the house—not the one surrounded by our walls but this whole universe which the gods have given us to share with them as a dwelling-place and fatherland? After all, we must remain ignorant of many important things if we are ignorant of these” (*Resp.* 1.19, tr. Rudd). For further examples of history, cosmology and theology as the foundation for positive law see the “Confirmation” of Justinian’s *Institutes*, as well as the discussion of the relationship between natural and positive law in 1.1–2. Similar theological matters appear at the beginning of Justinian’s *Digest*.

4QS^{b,d}, differ, the differences are rhetorical: nothing in organization or regulation changes from one copy of S to another, nor, arguably, from one cell of the *Yahad* to another. I comment when differences between the recensions shed more light on sectarian civic ideology, organization, and regulation, than we would have with 1QS alone. For the sake of clarity, my translation of every passage visually indicates how 1QS differs from 4QS^{b,d}: material found only in 1QS is italicized, and shared material in which the language differs is underlined. Material that is identical in both recensions is given in plain text.

4.3 STATEMENT OF PURPOSE (1QS 5:1–7A || 4QS^b FR. 4 ix 1–6A;
4QS^d FR. 1A–B i 1–13)

1 וזה הסרך לאנשי היחד המתנדבים לשוב מכול רע ולהחזיק בכול
אשר צוה לרצונו להבדל מעדת 2 אנשי העול להיות ליחד בתורה ובהון
ומשובים על פי בני צדוק הכוהנים שומרי הברית ועל פי רוב אנשי 3 היחד
המחזקים בברית
על פיהם יצא תכון הגורל לכול דבר לתורה ולהון ולמשפט לעשות שמת
יחד ענוה 4 צדקה ומשפט ואהבת חסד והצנע לכת בכול דרכיהם
אשר לוא ילך איש בשרירות לבו לתעות אחר לבבו 5 ועינוהי ומחשבת יצרו
כיא אים⁵⁶ למול ביחד עורלת יצר ועורף קשה ליסד מוסד אמת לישראל
ליחד ברית 6 עולם לכפר לכול המתנדבים לקודש באהרון ולבית האמת
בישראל והנלויים עליהם ליחד ולריב ולמשפט 7 להרשיע כול עוברי חוק

1 And this is the rule for the men of the *Yahad*, those who volunteer to turn from all evil and to hold fast to all that he has commanded according to his will, and to separate from the congregation 2 of the men of iniquity, to belong to the *Yahad* in Torah and in property, and obedient to the authority of the Sons of Zadok, the priests, observers of the covenant, and to the authority of the Multitude of the men 3 of the *Yahad*, those who hold fast to the covenant:

By their authority shall go forth the determination of the lot for every matter, for Torah and for property and for judgment, so that they will perform truth together, and righteous 4 humility and judgment, and love of mercy and walking circumspectly in all their ways.

No man shall walk in the uncircumcision of his heart, with the result that he errs in his desire 5 and his eyes and the contemplations of his inclination. Rather, he shall circumcise the foreskin of his inclination in the *Yahad*, and his stiffneckedness, in order to found a foundation of

⁵⁶ Emended on the basis of 1QS^{b,d}, which have **כי אים**. The scribe of 1QS wrote **יאאים**.

truth for Israel for the *Yahad* of the eternal 6 covenant, in order to atone for all who volunteer for holiness in Aaron and for a house of truth in Israel, and those who join with them in the *Yahad*, and, both in trial and in judgment, 7 in order to condemn all those who transgress the statute.

As the translation indicates, the recension of 1QS is much longer than that of 4QS^{b,d} and contains language of significant interest. In all recensions, the Statement of Purpose is rich with the language and themes of sectarian civic ideology, but they are particularly clear in 1QS. As my analysis below shows, Scripture was the richest source of constitutional language in this passage. I pay some attention to the perennial question of whether differences between recensions reflect a shift in authority over the course of the *Yahad*'s history. I answer this question negatively, arguing that differences between the recensions are rhetorical: nothing in organization, hierarchy, or law changes.⁵⁷ However, consideration of the different recensions is useful for reconstructing the *Yahad*'s organization and civic ideology.

The Statement of Purpose introduces a number of themes that S treats in detail in subsequent passages: the identity, activity, and purpose of the *Yahad*, requirements for membership, and the authority to which members submit. Its opening lines identify members as repentant and devoted to God's commandments. Repentance and devotion require three specific things: separation from outsiders, the "congregation of the men of iniquity"; complete, collective unity with other members "in Torah and in property"; and complete obedience to sectarian authorities (5:1–5a).⁵⁸ To unite "in Torah" refers to activities

⁵⁷ A quick glance at some differences supports the claim that the peculiarities of 1QS are literary. Editorial interest in parallelism is clear: where 4QS^{b,d} only mentions the Many, 1QS adds a florid reference to priests, called בני צדוק in 5:2, as well as in 5:9. 1QS adds another parallelism here: the priests "observe the covenant," and the Many "hold fast to the covenant" (5:2–3). Where 4QS^{b,d} mentions uncircumcision of the heart, 1QS adds that members circumcise their יצר (5:5). Similarly, where 4QS^{b,d} describes the purpose of the *Yahad* as procuring atonement for the righteous, 1QS adds condemning transgressors (5:6–7).

⁵⁸ In the text parallel to 1QS 5:2, 4QS^d preserves a more syntactically simple phrase, להיות יחד, "to be united" in Torah, etc. This phrase plays upon the technical term for the *Yahad*. The addition of the lamed to יחד in 1QS transforms the punning adjective into the technical noun, introducing more forceful sectarian language into the passage. As a possessive phrase, להיות ליחד emphasizes the extent of the *Yahad*'s claim on individuals. They are now not their own, but belong completely to the group. Their will and deeds, material resources, and zeal for Torah all belong to the *Yahad*. This claim not only places limits on what individuals may do, but asserts the strength of the

described later in the laws of S: study of Scripture, active contribution to its communal interpretation, and observance and application of sectarian halaka. Communal ownership of property, like celibacy and social separation, provided a guard against impurity, and also relieved members of the *Yaḥad* of distractions related to procuring essential goods. These both were essential for the success of their cultic aims. The third requirement, obedience to sectarian authority, also relates to the *Yaḥad*'s cult. Obedience prevents individual doctrinal and halakic deviance, ensuring that no one jeopardizes the sectarian covenant and cult. The recension of 1QS underscores the *Yaḥad*'s cultic identity and purpose by stating explicitly that obedience to sectarian authority is obedience to *priestly* authority—although, as we will see, practical authority resided not in the power of individual priests, but in the Many. As the Rule for the Many indicates, priests—most likely the “Sons of Zadok” mentioned in 5:2 and 5:9—presided over these meetings, where members deliberated and voted on important matters (6:8b). Together, the Many and its presiding priests make all decisions (5:3b).

4.3.1 *Constitutional Claims: Atonement, Judgment, and Priestly Identity*

4.3.1.1 *Atonement and Judgment: the Cult and Courts of the Yaḥad*
 Besides the key requirements of separation and unity in property, Torah, and obedience, the Statement of Purpose explains what the *Yaḥad*'s activities accomplish: it establishes “truth in Israel” and “holiness in Aaron”—references to doctrinal and legal orthodoxy, and a properly functioning Israelite cult (5:5b–6b). When these things are in place, the *Yaḥad* accomplishes its purpose: to atone for the righteous and to condemn transgressors (5:6b–7a). Atonement and condemnation figure strongly in the sect's eschatology: the condemned wicked will be destroyed without remnant, and the righteous, whose sins are atoned, will inherit divine blessings (e.g., 1QS 4:6c–14). But they also have present constitutional significance: to claim authority to atone for the sins of the repentant and to condemn the guilty is to assert responsibility for a state system comprising Israel's cult and courts. It

group: collectively it stands as a mighty force of holiness against all the men of deceit from whom the members of the *Yaḥad* have separated.

simultaneously denies the legitimacy of those currently in control of these institutions.

As the statutes of S show, “judgment” is central to the *Yaḥad*’s activity. It includes reading the laws of the Torah, scholastic question-and-answer sessions about legal interpretation, and study of outsiders’ halakic transgressions.⁵⁹ All of this serves “to condemn all who transgress” (5:7a). While the *Yaḥad*’s work prepared the wicked for judgment, most judgment involved members. The *Yaḥad* studied and enforced judgments preserved in the penal codes (6:24–7:25; 8:16b–9:2) and sectarian halaka in general; they also performed judgment in rites of atonement and expulsion, such as we find in the Covenant Renewal Ceremonies of D and S.⁶⁰

The sectarian practice of judgment simultaneously protected purity and holiness in the *Yaḥad*, gave members education and practice in sectarian halaka, and prepared them to take their place among the leaders of a restored Israel. Studying judgment was not merely a scholastic exercise, but preparation for wielding real juridical authority. The same can be said for their cultivation of an alternative cult of atonement: while the substitutionary cult no longer would be needed in the restored temple, it prepared members of the *Yaḥad* for real duties.

4.3.1.1.1 *The Priestly Identity of the Yaḥad* Asserting authority and responsibility for the cult of atonement implies not only a priestly role, but also a priestly identity for the *Yaḥad*. The fact that not all members were priests presents a problem. This could be resolved by resorting to an allegorical identification of the priesthood, such as we find in D (CD 3:31–4:4), or, by a more extreme collapse of categories such as the “royal priesthood” of Christians in 1 Peter 2:9, or by the identification of each sectarian as a “holy temple of God” where God’s spirit dwells—a move that Paul makes in 1 Cor 3:16–17.⁶¹ The *Yaḥad*

⁵⁹ Several texts, such as the Admonition of D, the *peshtarim*, and MMT, contain lists of halakic transgressions. See, e.g., CD 1:18–2:1; 4:12–6:1, 15–17; 8:1–19; 1QpHab 1:1–2:10; 8:3–17; MMT B 1–C 7. See S. Fraade, “To Whom It May Concern: 4QMMT and Its Addressee(s),” *RevQ* 76 (2001) 507–26. Even the “halakic letter” addressed to an unnamed Judean king seems to have been intended for an audience of insiders.

⁶⁰ Atonement and condemnation are central to the rite of 1QS 1:16–3:12, esp. 2:25b–3:12. D preserves a rite of atonement for a repentant member see 4QD^e fr. 7 1:15–19a + 4QD^a fr. 11 1–5b; the rite of expulsion immediately follows in 4QD^a.

⁶¹ For the Cynic idea of the human body as a temple see D.L. 6.63–64, discussed above, §2.2.2.1.

could have use another of Paul's strategies and called the community a temple (2 Cor 6:17). But nowhere do we find any of these strategies, exactly, and for good reason: the Covenanters were not interested in extending the same holy status of real priests to non-priests.⁶² To the contrary, maintenance of boundaries between laity and priests, and between priests and Levites, was a high priority for the sect: note the prohibition of intermarriage between priestly and lay Israelites in MMT (B 75–82). In all cells of the *Yahad*, priests had higher status than non-priests, and special responsibilities. This is apparent in all recensions of S, which require priests to preside over meetings of ten or more members, as well as meals (cp. 1QS 5:3b–6a; 4QS^d fr. 1 ii 7b–10a), and which associate the authority of the Many with that of the priests (1QS 5:2b–3a, 9b–10a; 21b–22; 4QS^d fr. 1 ii 1–2a).

The *Yahad*'s solution seems to have been to structure the community along the lines of the temple itself. They did not call themselves a temple; instead, they invented halakic regulations that replicated temple patterns. Like the structure of the temple, the entire community is holy, but there are ranks of holiness.⁶³ The ranks are physically represented by the order of assemblies, especially that of the Many: priests, elders, and lay members sit separately (1QS 6:8b–9a; cp. 2:19b–22). At each meeting of ten or more a priest sits at the head (6:3b–6a; cp. 1QSa 2:17b–22).⁶⁴ Most importantly, the *Yahad* further separated fifteen Men of Perfect Holiness—twelve Israelites and three priests—whose advanced study and discipline set them apart for special cultic duties. These “most holy” men, regulations for whom appear in 1QS 8–9, followed halaka based on laws for the high priest's rites in the Holy of Holies on Yom Kippur, as I discuss below.

⁶² *Contra* a common view in scholarship. For bibliography see ch. 1 n. 30.

⁶³ Immediately within the temple grounds was the court of the least holy members of society, Gentiles; past the first gate was the court of women Israelites. Another gate set apart the altar of sacrifice and the court of male Israelites. While Israelite women could view the sacrificial altar from their court, they could not approach it like their male counterparts. Male Israelites could view but not approach the altar of incense, which stood at the entrance to the court of priests. Beyond the court of priests was the Holy of Holies, space separated from the court of priests by a curtain. The priests could see the veil beyond which the Holy of Holies lay, but only the high priest could enter on the most holy day of the year, Yom Kippur. See the revised Schürer, 2.296–99, and sources cited there.

⁶⁴ At assemblies of restored Israel, which SE describes, the order of holiness will be represented similarly: the first to enter is the high priest, then the rest of the priests, then the Messiah of Israel, then the lay Israelites, according to rank (1QSa 2:11–17a).

Thus the cult of the *Yaḥad*, like that of the temple, involved non-priests in its regular functions. As in temple practice, priests took the positions of prominence and physically represented a higher degree of holiness that separated them from the laity. Yet the non-priestly members of the *Yaḥad* did, in the end, carry out priestly tasks: wherever they assembled, they engaged in activity that contributed to atonement. This conferred a certain priestly identity upon all members of the *Yaḥad*. It did not make lay members priests—rather, they were *priestly*, insofar as they contributed to a priestly cultic duty. The presiding role of priests confirmed the priestly nature of all meetings and their participants. The study of the Torah was a priestly task, both due to the nature of the subject, and to the role of the priest who led discussions of its interpretation (1QS 6:3b–4b; 4QS^d fr. 1 ii 7b–8). 1QS describes sectarian authority in language that makes the relationship between priests and non-priests explicit: members submit to priests and to the Multitude, the “men of their covenant” (אֲנָשֵׁי בְרִיתָם, 1QS 5:9; 6:19; so also 1QSa 1:2). While the Multitude/Many were not all priests, by their repentance and devotion they participated in the priestly covenant.

4.3.1.1.2 *Did Priestly Authority Change? The Recensions of 1QS and 4QS^{b,d} Compared* In 1QS, at first glance authority appears to reside mainly with the priests, who are called “the Sons of Zadok, . . . observers of the covenant” (5:1–2b). No priests are mentioned in the parallel passage in the recension of 4QS^{b,d}, which states that the *Yaḥad* is “accountable to the Many about everything concerning Torah and property . . .” (4QS^d fr. 1 i 2–3a). Similarly, 1QS 5:9 requires members to swear to return to the Torah, “in accordance with all that has been revealed from it to the Sons of Zadok, the priests . . ., and in accordance with the Multitude of the men of their covenant.” In contrast, 4QS^{b,d} requires obedience “in accordance with the Multitude of the Council of the *Yaḥad*” (4QS^d fr. 1 i 5b–7a). A great deal has been written on these differences. Many scholars assume that 1QS was composed when Zadokite priests held authority in the *Yaḥad*, while 4QS^{b,d} came from a time when there were no Zadokites in the *Yaḥad*, and authority was more directly exercised by the Many.⁶⁵

⁶⁵ G. Vermes argues that 4QS^{b,d} is an earlier recension that reflects authority before a Zadokite usurpation: “Preliminary Remarks on Unpublished Fragments

A brief examination of the two recensions shows that this is untenable: the authority structures in 1QS and 4QS^{b,d} are identical. I leave aside the problem of Zadokite lineage for below, here treating the title “Sons of Zadok” simply as a clear reference to sectarian priests.⁶⁶ Comparison of the recensions sheds light on the nature of priestly authority in the *Yahad* and confirms that, as a whole, its identity was defined along priestly lines. This is hardly surprising for a group with cultic purpose. An equally important result of comparative analysis is the insight that cells of the *Yahad*, while separated geographically, were regulated identically. The ability to sustain consistent identity and practice across translocal cells is an important tool for cultivating alternative civic ideology, as noted in chapter 2.

of the Community Rule from Cave 4,” *JJS* 42 (1991) 250–55; “The Leadership of the Qumran Community: Sons of Zadok—Priests—Congregation,” in *Geschichte-Tradition-Reflexion: Festschrift für Martin Hengel zum 70 Geburtstag* (3 vols.; Tübingen: Mohr Siebeck, 1996) 1.375–84. P. Alexander argues in the opposite direction: 1QS is the earlier recension, and the later recension of 4QS^{b,d} reflects changes in authority that occurred after the Zadokite line had died out: “The Redaction History of the *Serekh Ha-Yahad*: A Proposal,” *RevQ* 17 (1996) 437–53. Similar assumptions that various titles designate specific historical groups underlie studies by J. Liver, “The ‘Sons of Zadok the Priests’ in the Dead Sea Sect,” *RevQ* 6 (1967) 3–32 and A. Baumgarten, “The Zadokite Priests at Qumran: A Reconsideration,” *DSD* 4 (1997) 137–56.

For surveys of depictions of priests in the DSS see esp. C. Hempel, “The Sons of Aaron in the Dead Sea Scrolls,” in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*, ed. A. Hilhorst et al. (*JSJSupp* 122; Leiden: Brill, 2007) 207–24 and H.-J. Fabry, “Zadokiden und Aaroniden in Qumran,” in *Das Manna fällt auch heute noch: Beiträge zur Geschichte und Theologie des Alten, Ersten Testaments: Festschrift für Erich Zenger*, ed. F.-L. Hossfeld et al. (*Herders Biblische Studien* 44; Freiburg: Herder, 2004) 201–17; also Kugler, “Priesthood at Qumran.”

⁶⁶ Despite many fascinating efforts, the evidence does not support historical distinctions between priestly groups such as the Sons of Aaron and Sons of Zadok, nor is there any direct evidence for tensions or rivalries between priestly groups (*pace* Vermes, “Leadership of the Qumran Community,” 378; more recently, Hempel, “Do the Scrolls Suggest Rivalry between the Sons of Aaron and the Sons of Zadok and If So Was It Mutual?,” *RevQ* 24 [2009] 370–87), priests and Levites (*pace* Hempel, *Laws*, 111–14 and G. Brooke, “Levi and the Levites in the Dead Sea Scrolls and the New Testament,” in *Mogilany 1989. Papers on the Dead Sea Scrolls*, ed. Z. Kapera [Kraków: Enigma, 1993] 1.105–29), or priests and the Many (Vermes, Alexander, and many others; see the note above). Hempel is surely right in her analysis of the historical development of terms for priests: Sons of Aaron is the earlier designation; Sons of Zadok, the later (“Sons of Aaron in the DSS,” 210–14, 223–24). But the development shows interest in heightening the rhetorical force of sectarian language by using terms drawn from Scripture; it does not require the appearance or disappearance of specific, competing groups. As I argue below, “Sons of Zadok” is not a genealogical designation, but an honorific title culled from Ezekiel.

4.3.1.1.3 *The Recension of IQS* While IQS elevates the status of priests rhetorically, practical authority resides not with individual priests, but with the Many, a voting assembly that met nightly, and over which priests presided.⁶⁷ The priests seated at its head conferred priestly holiness, identity, and authority upon the assembly. A survey of statements in IQS shows the consistency with which this arrangement of authority obtained:

Table 4a: References to the Many with Priests, and to the Many Alone in IQS

The Many and Priests mentioned together	The Many mentioned alone
Exercise authority over Torah and property (5:2–3)	Hear accusations of members, following the protocol of Reproof (6:1)
Custodians of divine revelations (5:9)	Hear matters approved by the Examiner over the Many (6:11c–13)
Examine members' deeds to determine rank (5:20c–24)	Examine and vote on prospective members (6:15b–23)
Convene nightly, with priests presiding, to read Scripture, study and decide judgment, and say blessings (6:7b–10a)	Examine penitent members after a period of punishment (8:18b–19a; 9:1–2)

The comprehensive juridical authority of the Many is clear: they judged cases that members brought against each other, decided whether members had been rehabilitated after a period of punishment, and examined postulants as they advanced through the stages of initiation.⁶⁸ And they conducted all of their activity as a body with priests at their head. Every one of the duties of the Many that is described without reference to priests—hearing Reproof, considering various matters brought by members, deciding about initiates' progression, and examining punished members—fall under the category of “studying judgment”

⁶⁷ Even scholars who identify Zadokites as a distinct lineage concede that they did not exercise complete authority, but cooperated with the Many and non-priestly officers. E.g., R. Kugler, “even a simple reading of the passages reveals that the Zadokites in fact shared whatever power they had” (“Priesthood at Qumran,” 98).

⁶⁸ On the juridical responsibility of the Many see A. Schofield, *From Qumran to the Yahad*, 144–47.

that took place at the nightly meetings over which priests presided (6:7b–10a).

In the laws of 1QS apart from the Penal Code, priests are mentioned three times without explicit reference to the Many. The first requires a priest to preside over any gathering of ten or more members of the *Yaḥad*, and to lead the meetings as a sort of study session (6:3b–4b). The second requires a priest to be present at communal meals, at which he blesses the bread and wine before eating (6:4c–6a). Given that the following law in 6:6b–7a requires every group of ten or more to have one man interpreting the Torah, it makes good sense that the priest's question and answer sessions were about judgment. The priest's role in leading blessings at table resembles the general blessing that occurs at sessions of the Many. Thus 1QS requires that meetings of smaller groups of the *Yaḥad* follow the same protocol as assemblies of the Many. The third mention of priests without reference to the Many comes in 9:7a: "the Sons of Aaron alone shall rule over judgment and property." This sounds as though priests wielded authority independently of the Many. But the rest of the line surely describes the work of the Many: "by their (the priests') authority the lot shall be cast (by the Many) concerning every judgment of the men of the *Yaḥad*" (9:7b). Here the references to judgment and property echo those of 1QS 5:2–3, where priests and the Many share the same oversight.

All of these passages confirm the real presence of priests in the *Yaḥad*'s routine activity and clarify their roles: they presided over meetings, led discussions, and performed rituals. Yet not one of these passages attributes decision-making authority to individual priests, nor indicate that the *Yaḥad* operated under direct priestly control. To the contrary, where specific, practical exercise of juridical authority is mentioned, it lies in the hands of the Many.

The supreme status of the Many in 1QS is confirmed by its Penal Code, which shows a remarkable discrepancy between the status of priests and the Many. Three statutes protect individual high-status priests: speaking angrily against one incurs a one-year punishment, or six months if the speech was unintentional; deliberately provoking a priest to anger also incurs a six-month penalty (7:2b–4a). In stark contrast, speaking against the Many earns permanent expulsion (7:16b–17b).

1QS confirms the supreme status of the Many in other ways. Access to the "purity of Many" (טוהרת הרבים), a term that I treat below, was at heart of communal activity. It was available only to full members

(6:16b–17a, 21c–22a) and was taken away temporarily as punishment (6:25; 7:3, 16, 19).⁶⁹ Communal property was called “property of the Many” (6:17, 20), not of the priests. Further, the language with which 1QS describes the Many puts them on par with the priests. As noted, the Many are called “men of their covenant” in 1QS 5:9; 6:19. And just as priests “observe” (שמר) the Covenant; the Many “hold fast” (חזק) and freely devote themselves to God (5:2b–3a).⁷⁰

4.3.1.1.4 *The Recension of 4QS^{b,d}* If 1QS does not elevate the status of priests above the Many, does 4QS^{b,d} reflect a situation in which the Many had more authority than the priests? The evidence cannot support this common contention. It is true that 4QS^d mentions only the Many, not priests, in the passages parallel to 1QS 5:2–3 and 5:9. But the next column of 4QS^d describes communal activity in language quite close to that of 1QS 5:20c–22: the *Yahad* examines members “under the authority of the Sons of Aaron” and acts “in accordance with the Multitude of Israel...” (4QS^d fr. 1 2:1–2a). 4QS^d, like 1QS, requires that a priest preside over meetings of ten or more members and say the blessing at meals (fr. 1 2:7–10). Like 1QS 9:7a, 4QS^d fr. 3 1:7b stipulates that “[the Sons of Aar]on [alone] shall ru[le over] judgment and property.” Unlike 1QS 9:7b, 4QS^d contains no reference to their presiding when “the lot goes forth concerning any decision of the men of the *Yahad*,” i.e., when the Many made its decisions by vote.⁷¹ In this passage the language of 1QS elevates the status of the Many more than the language of 4QS^d. The following table shows that this was not the only case; in other cases language about the Many remained consistent.

1QS not only emphasizes the status of its priests with more references and heightened rhetoric; it does the same with the Many. We should conclude that מגוריים of the *Yahad* governed by 1QS and 4QS^{b,d}

⁶⁹ See also CD 9:21, 23; cp. 1QS 5:13; 8:17.

⁷⁰ *Contra* J. Liver, who argues that the verbs indicate a hierarchy of authority: the priests who “keep” (שמר) the covenant were superior to the Many who merely “hold fast to” (חזק) or “volunteer for” (מתנדב) the covenant. See idem, “The ‘Sons of Zadok the Priests’ in the Dead Sea Sect,” 14.

⁷¹ On the basis of this passage, one could argue that 4QS^d exalts priestly authority and diminishes that of the Many—but of course this is unnecessary and implausible: the Sons of Aaron’s authority over “judgment and property” in 4QS^d fr. 3 i 7 must be the same as the authority of the Many over “Torah and property” in fr. 1 i 2–3—unless one wishes to argue that authority over Torah is superior to authority over judgment!

Table 4b: References to the Many in 1QS and 4QS^{b,d}

1QS	4QS ^d
...the Multitude of the men of the <i>Yahad</i> , who hold fast to the covenant... (5:2b–3a)	... the Many... (fr. 1 i 2b)
...the Multitude of the men of their (the priests') covenant devote themselves together in (God's) truth and to walking according to (God's) will... (5:9b–10a)	... the [Multitude of] the Council of the men of the <i>Yahad</i> ... (fr. 1 i 7a)
...the Multitude of Israel, who freely offer themselves to return to (God's) covenant in the <i>Yahad</i> ... (5:22)	... the Multitude of Israel, who freely offer themselves to return to (God's) covenant in the <i>Yahad</i> ... (fr. 1 ii 2a)
And also let no man bring against his companion a charge before the Many (לפני הרבים)... (6:1b)	And also let no man bring against his companion a charge to the Many (לרבים)... (fr. 1 ii 5b)

structured their authority identically: decisions were made by the Many, a voting assembly whose priestly identity and authority came from members' advanced knowledge of sectarian law, adherence to priestly standards of purity and holiness, cultic mission, and from the priests who presided over it. The Many wielded practical authority in all matters pertaining to judgment, and made their decisions by vote. The presiding priests pronounced and ratified their decisions. Given the practical authority vested in the Many—not in individual priests—it makes good sense that the Penal Code punishes offenses against the Many much more harshly than those against priests. While priests bore real holiness that deserved to be honored and protected, the full holy, priestly identity and authority of the *Yahad*, and the ability to accomplish its cultic purpose, was present in the Many.⁷²

⁷² My reconstruction of the relationship between priests and the Many in the *Yahad* is influenced by the law on skin disease in D (CD 13:4b–7a). This law gives the Examiner, an expert lay officer, authority to make priestly judgments about the laws of the Torah, if no knowledgeable priest was available. Yet the Examiner's judgment still must be pronounced, and thus ratified, by a real priest. I view the Many as a body of lay legal experts who cooperated with priestly experts similarly. All members of the *Yahad* were expected to study and master a system of law based on priestly ideals, and to apply it to concrete situations when the Many assembled. While the Many—like the Examiner of the Camp—rendered priestly verdicts, their decisions had to be pronounced and ratified by the presiding priests.

4.3.1.2 *Translocal Identity and Alternative Civic Ideology in the Yahad*

The consistency of actual organization and regulation between recensions with important literary differences reflects the *Yahad's* maintenance of consistent identity across several *מגורים* located in different areas. Members' identity as citizens of an alternative commonwealth was enhanced by their knowledge that teaching, ritual, and law would be the same from one cell of the *Yahad* to another. Like a territorial state with many cities, the *Yahad's* law, administration, and cultic practice remained consistent from one cell to another. If the *Yahad* was present throughout the Judean towns, then its cells stood as local representations of alternatives both to the centralized cult of the Jerusalem temple, and to the widely dispersed imperial cults of the Greeks and Romans.

In the end, some uncertainties remain. Did each cell of the *Yahad* have its own Assembly of the Many? If the Camps of D can be taken as analogous to the *Yahad's* *מגורים*, then we should suspect so: each Camp had an Examiner, an assembly of the Many, and a court of judges that could be assembled when needed.⁷³ Another problem is that not all regulations for the *Yahad* are exactly the same: in the recension represented by 4QS^e, the Penal Code differs from that of 1QS. It imposes a punishment of six months for bearing a grudge, whereas in 1QS a second scribe changed the original six-month penalty to one year (cp. 4QS^e fr. 1 1:4; 1QS 7:8b). Some practices clearly did change—albeit slightly—from cell one to another. But there is sufficient consistency to conclude that the fundamental organization of authority in every cell of the *Yahad* was uniform. Finally, it is remarkable that in every recension we find evidence that all meetings of members of the *Yahad* conformed to a set pattern of authority and activity: whether at a meal, a meeting of ten men, or an assembly of the Many, priests presided, there were blessings, and men studied judgment through close interpretation of Scripture. We may conclude that the *Yahad* required its members, wherever they were found, always to be performing the duties essential to the accomplishment of its mission: procuring atonement for the righteous during the evil age.

⁷³ See §3.3.9 for discussion. If, on the other hand, the cells of the *Yahad* were spread out over a relatively small area in the Judean desert, then perhaps assemblies of the Many brought together all members of each cell who were pure and not under punishment.

4.3.2 *Constitutional Conventions from Scripture*

4.3.2.1 מגורים, *Exile, and Restoration*

Naming cells of the *Yahad* מגורים (1QS 6:2) invokes the same scriptural themes of exile and temporary residency that D shows at several places. The “resident aliens” of the *Yahad* could point to Scripture to prove that their situation would soon change: those who followed God faithfully while estranged from the holy land could be sure that they, or their successors and progeny, would inherit the land, fill it and rule it. As noted in the previous chapter, biblical texts refer to cases of living as resident aliens in the holy land itself; M confirms that sectarians could claim to be in wilderness exile, even while dwelling in Judea—indeed, in Jerusalem itself.⁷⁴

4.3.2.2 “Sons of Zadok”: an Ezekelian Honorific

We may now consider the term for priests in 1QS, בני צדוק. In view of the preceding analysis, my view should be clear: “Sons of Zadok” is an honorary and figurative epithet, not a literal designation of a priestly lineage. Sariania Metso has demonstrated that 1QS’s longer form developed as phrases and quotations from Scripture, along with other theological material, were added to an earlier, shorter form of S. These additions provided “Scriptural legitimation” for the *Yahad*’s laws and identity.⁷⁵ The addition of “Sons of Zadok” to the text of S should be understood in this context. It comes from Ezekiel, where, as in 1QS, it designates righteous priests, not a specific lineage.⁷⁶ It should be understood as a symbolic phrase, but not in the allegorical way that it is used in D (CD 3:20–4:4):⁷⁷ in S “Sons of Zadok” designates real

⁷⁴ See CD 6:5; cp. 4:2b–6a; 6:19; 1QM 1–3. For analysis and references see §3.2.2.2.1, above.

⁷⁵ Metso, *Textual Development*, 105. See *ibid.*, 76–90, for detailed analysis of the additions to 1QS. See also eadem, “Biblical Quotations in the Community Rule,” in *The Bible as Book: The Hebrew Bible and the Judaean Desert Discoveries*, ed. E. D. Herbert and Emanuel Tov (London: The British Library, 2002) 81–92; “Qumran Community Structure and Terminology as Theological Statement,” *RevQ* 20 (2002) 429–44.

⁷⁶ Ezek 40:46; 44:15; 48:11; cp. 43:19. As W. Zimmerli argues, the Zadokites were simply the priests of the Jerusalem temple, while the Levites are the priests who served at the cultic sites throughout the land. See *idem*, *Ezekiel 2* (Hermeneia; Minneapolis: Fortress, 1983) 456–57.

⁷⁷ Indeed, it is difficult to find any evidence for concern about a Zadokite priestly lineage in ancient Jewish literature from Ezekiel to Josephus. See Hunt, *Missing Priests*. For the view the the Covenanters meant בני צדוק as “Sons of Righteousness” see J. Baumgarten, “The Heavenly Tribunal and the Personification of Sadeq in Jewish

priests, not sectarians in general. Finally, it is possible that the epithet “Sons of Zadok” was added to some recensions of S not only as an honorary title, but to dispute the Hasmonean high priests’ claim to be descended from the Zadokite line.⁷⁸ Even if the Hasmoneans did not make this claim, the language of 1QS strongly implies that the sectarian priests were rightful claimants to the holy priesthood; indeed, that those who held power were like the apostates to whom Ezekiel contrasts the righteous priests (e.g., Ezek 48:11).

4.3.2.3 המתנדבים: *Volunteers for the Temple and Army of Israel*

The description of the men of the *Yahad* resonates with Scripture: like the fighting forces in Deborah’s Song in Judges 5, members are called מתנדבים, “volunteers.”⁷⁹ The term also evokes Nehemiah’s description of the returnees from Babylon to Judah who volunteered to live in Jerusalem (המתנדבים לשבת בירושלים), despite danger and hardship (Neh 11:2). Nehemiah’s narrative invokes themes of restoration, devotion to the temple cult, and divinely-aided military success against powerful enemies. The verb is also used in Ezra 2:68 to designate returnees’ free offering of their wealth to rebuild the temple. Elsewhere in the Bible the *hithpael* of נדב commonly designates the act of making freewill offerings.⁸⁰ Thus the rather simple term המתנדבים stands as an expression of the *Yahad*’s cultic civic ideology: it comprised men fully devoted to the service of God, like their biblical predecessors. If we take the term as an allusion to Ezra and Nehemiah, its constitutional significance is clear: these men volunteered themselves and their property for the restoration of the temple, land, and people of Israel. Further, the term’s militaristic usage in Judges and Chronicles supports the possibility that the *Yahad* thought of itself as preparing for war—another assertion of state-like identity and powers.

Apocalyptic,” *ANRW* 2.19.1 (1979) 219–39. Similarly J. Collins, *Beyond the Qumran Community*, 60–65.

⁷⁸ J. Collins summarizes the evidence: “The Zadokite line was descended from Aaron’s son Eleazar. According to 1 Chronicles 23, sixteen of the twenty-four priestly courses were descended from Eleazar, so there are two chances out of three that Joiarib, the ancestor of the Hasmoneans, belonged to the same priestly house as Zadok, that of Eleazar.” See *idem*, *Beyond the Qumran Community*, 64, esp. n.42 and the bibliography there.

⁷⁹ Judges 5:2, 9; similarly 2 Chr 17:16, where volunteering to lead battalions has a cultic component: Amasiah is called a מתנדב ליהוה.

⁸⁰ See Ezra 3:5; 1 Chr 29:5–17; cp. Ezra 1:6. The related term נדבה means “freewill offering” throughout the Bible. See HALOT, s.v.

4.3.2.4 *The Cultic Courts of the Yahad: Laws in Ezekiel and Deuteronomy*

In most biblical law and narrative, authority to apply the Torah to juridical cases falls to non-priestly judges and officials (שפטים ושטררים).⁸¹ The *Yahad*'s requirement that a priestly body, and probably its presiding priests, as in D, pronounce verdicts appears to depart from this scriptural pattern. What explains this apparent departure? Two texts provide the basis. The first appears in laws on the priesthood in Ezekiel 44. They require priests, who are called Sons of Zadok in the same passage (44:15), to act as teachers and judges (Ezek 44:23–24). It is certain that the Covenanters studied this passage closely, since most of it is paraphrased in D:

Ezekiel 44:23–24
[The Sons of Zadok] shall teach... the difference between the holy and the common (בין קודש לחל), and make known to them the difference between the pure and the impure (ובין טמא לטהור) (יודעם)

In a controversy they shall act as judges, and they shall decide it according to my judgments.

They shall observe (ישמרו) my laws and my statutes regarding all my appointed festivals (בבכמותי), and they shall keep my Sabbaths holy.

CD 6:14b–19a
[The men of perfect holiness] shall... distinguish between the impure and the pure (בין הטמא לטהור) and make known the holy and the common, (בין ולהודיע בין) (הקודש לחול)

and to observe (ולשמור) the Sabbath day in its exact detail, and the appointed times (המועות), and the day of the fast...

Ezekiel's law on priestly judges, along with the Zadokite language, may have influenced the Covenanters' establishment of courts as priestly bodies. It is also likely to have provided the title Sons of Zadok for the *Yahad*'s priests in 1QS.

Another law in Deut 17:8–13 establishes a sort of supreme court at the temple: the most difficult cases must be brought there, where they are heard by priests and a judge (vv. 8–9). This court pronounced their verdict corporately, and it could not be appealed (vv. 10–11). One who contested the verdict was treated as though he had disobeyed “the priest appointed to minister there to YHWH... or the judge,” and was put to

⁸¹ See, e.g., Deut 16:18; 1 Chr 26:29; 2 Chr 19:5–8; Ezra 7:25.

death (v. 12). This law may have guided or affirmed the Covenanters' establishment of priestly courts that included lay members. It would have been an excellent justification for the centrality of juridical activity in the sect's cultic segment, and also for justifying the expulsion for members who spoke against the Many (1QS 7:16b–17a).

4.3.2.5 *Circumcision, Repentance, and Restoration: Leviticus and Deuteronomy*

1QS 5:4b–5a states that each member must repent and be “circumcised in the *Yahad*.” This association of circumcision with repentance, and conversely, apostasy with uncircumcision, comes from Scripture: Lev 26:40–42 promises that if apostate Israelites humble their uncircumcised hearts and repent, then God will reestablish the ancestral covenants with them, deliver them from exile and foreign rule, and restore them to the land. Predicting a slightly different scenario, Deut 30:1–10 promises that Israelites in exile who repent will be restored to the land and made more prosperous than before. God will circumcise their hearts (v. 6) so that they will love God and keep every commandment. Curses will fall upon their enemies (v. 7). Thus, far from denoting merely a personal degree of humility, 1QS 5:4b–5a implies that sectarians will participate in the fulfillment of the Torah's prophecies for all Israel: they had repented and humbled themselves; they had been restored to the land. Their hearts are now being circumcised, and their obedience to the law perfected. In accordance with the Torah, their exclusive claim to the land, and security and prosperity within it, and destruction of their enemies, inevitably will follow.

4.4 GENERAL RULES FOR NEW MEMBERS (1QS 5:7B–20B || 4QS^b FR. 4 6B–13; 4QS^d FR. 1 i 5B–13)

As the English translation shows, the General Rules in 1QS are significantly longer than those of 4QS^{b,d}. The additional material adds rhetorical force and scriptural support for the laws, but nothing regarding authority or legal protocol has been changed.

5:7b ואלה תכון דרכיהם על כול החוקים האלה בהאספם ליחד
 כול הבא לעצת היחד 8 יבוא בברית אל לעיני כול המתנדבים ויקם על
 נפשו בשבועת אסר לשוב אל תורת מושה ככול אשר צוה בכול 9 לב
 ובכול נפש לכול הנגלה ממנה לבני צדוק הכהנים שומרי הברית ודורשי
 רצונו ולרוכ אנשי בריתם 10 המתנדבם יחד לאמתו ולהתלך ברצונו

ואשר יקים בברית על נפשו להבדל מכול אנשי תעול ההולכים 11 בדרך הרשעה היא לוא החשבו בבריתו היא לוא בקשו ולוא דרשהו בחוקיה לדעת הנסתרות אשר תעו 12 במ לאששמה והנגלות עשו ביד רמה לעלות אף למשפט ולנקום נקם באלות ברית לעשות במ משפטים 13 גדולים לכלת עולם ואין שרית אל יבוא במים לגעת בטהרת אנשי הקודש היא לוא יטהרו 14 כי אם שבו מרעתם היא טמא בכול עוברי דבר ואשר לוא ייחד עמו בעבודתו ובהונו פו ישיאנו 15 עוון אשמה היא ירחק ממנו בכול דבר היא כן כתוב מכול דבר שקר תרחק ואשר לוא ישוב איש מאנשי 16 היחד על פיהם לכול תורה ומשפט ואשר לוא יוכל מהונם כול ולוא ישתה ולוא יקח מידם כול מאומה 17 אשר לוא במחיר כאשר כתוב חדלו לכם מן האדם אשר נשמה באפו היא במה נחשב הואה היא 18 כול אשר לוא נחשבו בבריתו להבדיל אותם ואת כול אשר להם ולוא ישען איש הקודש על כול מעשי 19 הבל היא הבל כול אשר לוא ידעו את בריתו וכול מנאצי דברו ישמיד מתבל וכול מעשיהם לנדה 20 לפניו וטמא בכול הונם⁸²

5:7b And these are the determination of their ways, in accordance with all these statutes (shall they live) when they are added to the *Yahad*:

Anyone who comes into the Council of the *Yahad* 8 shall enter the covenant of God in the presence of all those who volunteer and shall take upon his soul a binding oath to turn to the Torah of Moses, in accordance with all that he commanded, with all 9 his heart and with all his soul, to all that has been revealed from it to the Sons of Zadok, the priests, observers of the covenant and pursuers of his will, and to the Multitude of the men of their covenant, 10 those who volunteer together for his truth and to walk in his will.

Anyone who takes an oath by the covenant upon his soul shall separate from all the men of deceit, those who walk 11 in the way of wickedness, for they do not consider his covenant, for they do not seek it. And they do not inquire into his statutes in order to know the hidden things in which they have erred 12 with the result that they are guilty. They treat the hidden things with a high hand and provoke wrath for judgment and avenging vengeance by the curses of the covenant. Because they do these things there will be tremendous 13 judgments resulting in their eternal destruction, and there will be no remnant.

He shall not go into the water in order to touch the purity of the men of holiness, for they are not pure 14 unless they return from their wicked doings, for they are impure in all the transgressions of his word.

⁸² The scribe wrote הוים, then scraped lines that formed the left top corner of the ם away to yield a slightly disfigured ם. He then completed the word, הוונם. Most editors, e.g., Qimron, PTSDSS 1, and García Martínez and Tigchelaar, DSSSE, read the erasure as though a *waw* had appeared after the *nun*, i.e., הונו was corrected to הונם.

And no one will join with him in his work and in his property, lest he burden him 15 *with guilty iniquity. Rather he should keep far from him in every matter, for thus is it written, "Keep away from every matter of falsehood"* (Exod 23:7).

No man from among the men of 16 the *Yahad* (shall act) in accordance with their authority in any matter of Torah and judgment.

He shall not eat from their property anything, nor shall he drink, nor shall he take from them anything at all 17 *that has not been purchased, for as it is written, "Have nothing to do with the man whose breath is in his nostrils, for wherein can he be accounted?"* (Isa 2:22) *For 18 all who are not counted in his covenant are to be separated, they and all that belongs to them.*

And no man of holiness may rely upon any works of 19 vanity, for vain are all those who do not know his covenant. All those who spurn his word he shall exterminate from the world, and all their works shall come to nothing 20 before him, and impure is all their wealth.

The General Rules develop the theme of separation from outsiders introduced in 1QS 5:1–7a in the form of specific rules. Five rules appear here, introduced by the rubric in 5:7b. The recension of 1QS adds language that intensifies both the holy status of the *Yahad* (5:8a, 9b–10a), and the dangerous state of outsiders (5:10b–14a, 14b–15a, 17–18a). Themes from the civic ideology of the introductory materials of S recur here: outsiders do not seek God; they lack proper knowledge; they have no share in the covenant; they are impure; they will be destroyed without remnant. Conversely, the language of remnant and covenant invokes key claims of the Covenanters' civic ideology: they are (a) the only Jews who maintain a covenantal relationship with God; and (b) the remnant through which God will restore Israel.⁸³

Two warrants for avoiding outsiders seem especially important, since they are repeated twice: once in a form that 1QS adds after the

⁸³ Jer 6:9 refers to a remnant of Israel that will be virtually destroyed: children along with youths, wives with their husbands, even the defenseless elderly will be scorched with divine wrath; cp. the fate of the royal remnant in the land of Judah in 24:8, and see further the destruction of the remnant in 42:15–19; 44:7–12, 27–28. Babylon's annihilation is also described as "destruction without remnant" in 50:25–26: "there will be no remnant left for her" (אל תה ילה שארית). Ezra 9:14 implies that God will destroy Israel "so that there is neither remnant or survival" (לאין שארית ופל יטה), if they break the laws of the covenant. Similarly in 2 Kings 21:14, God destroys "the remnant of my heritage" by delivering them to their enemies. The Covenanters' status as remnant echoes many passages, e.g., 2 Kings 19:31 describes the remnant as "band of survivors" through whom Judah will be reconstituted; cp. also Isa 37:32; 46:3. Jer 31:7 offers similar hope that through a small remnant Israel will survive; similarly Micah 2:12; 5:6–7; Zeph 2:9; 3:13; Hag 1:12–14; 2:2; Zech 8:6–12.

rule on oaths (5:12b–14a), and once at the conclusion of the passage. Outsiders will be destroyed without remnant in the future; in the present their persons and property are full of impurity (5:19b–20a).⁸⁴ Obviously the threat of destruction—inheriting the curses of the covenant—motivates separation. But the problem of impurity is most important because it has everything to do with the *Yahad*'s cultic purpose: outsiders' impurity threatens the holiness essential for procuring atonement.⁸⁵

The five rules open with the requirement to swear an oath to adhere to the interpretation of the Torah that has been revealed to the sectarian authorities (5:7c–10a). Although the form of the oath is not explicitly described, it is likely that it was by the “curses of the covenant,” as in the Camps (CD 15:1–5). This is evident in the requirement that the oath be sworn “by the covenant” (בברית, 1QS 5:10), and the description of outsiders as subject to the אלוות ברית (5:12). The oath of the curses of the covenant is fitting for the *Yahad*'s entrance rite: it distinguishes insiders from outsiders both on the basis of their participation in the covenant, and on the basis of their eschatological fates. As I have noted already, the oath was tailored for the age of evil: as MMT emphasizes at its conclusion, now, at the End of Days, some of the curses of the covenant have already occurred; the rest will surely follow (C 12b–22a).⁸⁶

The other rules detail four specific ways in which members of the *Yahad* must separate. They must not: 1) share purificatory baths to approach the sect's טהורה (1QS 5:13b–14a); 2) cooperate in matters of labor or property (5:14b–15b); 3) cooperate in any matter concerning the Torah or judgment (5:15c–16a); and 4) eat or drink anything from an outsider unless it had been purchased (5:16b–18a).

The rules against sharing property are fairly precise and show that a certain amount of intercourse with outsiders was taken for granted. Members are not forbidden contact with outsiders, nor even from acquiring property from them, but only from accepting gifts.⁸⁷ Three

⁸⁴ 4QS^{b,d} expresses these same themes much less dramatically with the same language as 1QS 5:19b–20a.

⁸⁵ Murphy provides an excellent discussion of the implications of the *Yahad*'s cultic identity for its ideology of wealth: eadem, *Wealth in the DSS*, 147–53.

⁸⁶ See the discussion of CD 15:1–5, §3.3.1, 3.3.1.1; cf. 3.3.2.1.

⁸⁷ Here the Covenanters' concerns are similar to those that we encounter among the *haverim* in the Mishnah and Tosephta tractate *Demai*. When *haverim* purchased goods from outsiders, they attempted to ensure that the seller was trustworthy in tith-

warrants justify this prohibition. First, outsiders' property is impure, so their gifts may bring impurity into the *Yahad* (5:20a). Second, accepting free goods could be construed as relying on outsiders (5:18b–19a). Buying goods proves that members rely only upon the *Yahad*'s resources: the outsider becomes a neutral source of necessities.⁸⁸ The third problem is that accepting gifts implies intimate affiliation and compromises the principle of separation from outsiders.

The specificity of these rules, especially the prohibition of accepting gifts, raises a question about the identity of the “men of deceit.” One possibility is they were simply unconverted Jews who had no interest in the sect's teaching (5:10b–11). But it is striking that the outsiders seem to have been intimately associated with members of the *Yahad*: they might offer to share food or property without payment (5:16b–17), assume that they could share ritual baths and approach the *Yahad*'s טהורה (5:13b–14a), or that members should consider their opinions about interpretation of the Torah (5:15b–16a). Two groups make particularly good candidates: former members of the sect, and sectarians' unconverted family members. In both cases affectual bonds and habits of sharing would have been well established. Family members would have had difficulty recognizing the boundaries that sectarians imposed between themselves and outsiders, and sectarians might have been less vigilant about observing them. The additions to IQS may have been intended to promote vigilance in these relationships.

4.4.1 *The טהרה of the Men of Holiness and the Yahad's Cultic Ideology*

Discussion of the טהרת אנשי הקודש is in order. It is reasonable to assume that the term, which also appears in IQS 8:17, refers to the same thing as the טהרת הרבים mentioned many times in S.⁸⁹ Access

ing. If there was any doubt, the *haver* tithed the goods. The *haverim* were required not only to take precautions against consuming impure or untithed goods themselves, but were forbidden from selling to outsiders who might not tithe goods, or who might be lax in observance of purity laws. See esp. *m. Demai* 2:2–3; 4:6; 6:6, 9, 12; also *t. Demai* 2:2–3, 10–12.

⁸⁸ Because property was held in common among members of the *Yahad*, purchases likely would have had to have been approved by the Many or by officers responsible for communal wealth, as in D (CD 13:15). For a general discussion of laws on wealth in IQS 5 see Murphy, *Wealth in the DSS*, 147–53.

⁸⁹ The term טהרת הרבים appears in the rules for initiation (6:16–21) and in the Penal Code (6:24–25; 7:2–3, 15–16, 18–20, and once the term טהורה appears on its own (8:24–25).

to this purity is central to the life of the *Yahad*: it defines the boundary between insiders and outsiders; excluding insiders from it for various periods is an effective punishment. It seems to have been something that one approached at meetings of the Many. But the precise identity of the purity is difficult to determine. Some translators render it “pure-food” and contrast it to the “pure-drink” (משקה) of the Many, since the terms occur in tandem both in the rules on initiation (6:16b–17, 20c–21a) and the Penal Code (7:19b–20a).⁹⁰ Others interpret the terms along entirely different lines, whether by retaining maximal ambiguity (“purity of the Many” and “drink of the Many”), by proposing various alternatives (טהורה may be a purification rite, tools, food, and other objects, ritual meals, or the state of purity in which the Many assembled; משקה could be drink or a banquet); still others have offered maximalist interpretations (טהורה is a purification rite in preparation for a משקה, ritual banquet).⁹¹ Three questions arise: How are the terms related to the Covenanters’ concept of purity? Do they designate food and drink? And, most importantly for this study, what role does the טהורה, along with the משקה, play in the *Yahad*’s cult?

The most compelling case for interpreting the terms as references to pure food and pure drink was made by Jacob Licht, who identified analogies to the laws of IQS in rabbinic halaka on dry produce and liquids.⁹² The Mishnah and Tosefta use the plural forms of the same terms that S uses, טהרות and משקין. Access to משקין is more strictly regulated than access to טהרות because liquids always contract and transmit impurity in its strongest form, while dry goods that become

⁹⁰ E.g., García Martínez and Tigchelaar, *DSSSE* 1.81, 85, 87; Charlesworth, *PTSDSS* 1.29, 31, 33, 37, 39. Oddly, Charlesworth renders אנשי הקודש in 5:13b simply as “purity of the men of holiness,” but translates the same phrase in 8:17 as “pure-food of the men of holiness.” Cp. M. Burrows, “sacred food of the masters” and “sacred drink of the masters” in idem, *The Dead Sea Scrolls* (New York: Viking, 1956) 379–81.

⁹¹ For a survey of proposals with full bibliography see F. Avemarie, “‘Tohorat ha-Rabbim’ and ‘Mashqeh ha-Rabbim’: Jacob Licht Reconsidered,” in *Legal Texts and Legal Issues: Proceedings of the International Organization for Qumran Studies, Cambridge 1995*, ed. M. Bernstein et al. (STDJ 23; Leiden: Brill, 1997) 220–22.

⁹² Licht, *Serakim*, 294–303, summarized with critical commentary in Avemarie, “Tohorat ha-Rabbim,” 217–220. See also Licht, “Some Terms and Concepts of Ritual Purity in the Qumran Writings,” in *Studies in the Bible Presented to Professor M. H. Segal*, ed. J. Grintz and J. Liver (Jerusalem: Kiryat Sepher, 1964) 300–9, and the brief discussion by S. Lieberman, “Discipline,” 201–3.

impure transmit a diluted form of impurity.⁹³ The Covenanters' concern for the purity of liquids is confirmed by 4QHarvesting (4Q284a) and 4QTohorot A (4Q274). Both use the term *משקה* to designate liquids to be kept pure: an impure person may not "touch the liquids of the Many" (*נוגע במשקי הרבים*, 4Q284a fr. 1 3). These include pressed fruits or olives that have released juice or oil, as well as juicy vegetables like ripe cucumbers, (4Q284a fr. 1 3b–8; 4Q274 fr. 3 i 6–9; ii). The same rule applies to dry food that has been moistened by rain or dew (4Q274 fr. 3 ii 4b–9; cp. 4Q284a fr. 2 3). Contact with an impure person renders the liquid impure, which then renders impure any object or person that it touches (4Q284a fr. 1 4; 4Q274 fr. 3 i 6–9a). Similar concerns underlie the claim in MMT that streams of liquid (*לחת המוצקות*) can transfer impurity from the vessel into which they are poured to the vessel from which they are poured (B 55–58a). To these concerns with liquids we may add the rule on the impurity of oil in D (CD 12:15b–17a).

The rules of S seem to coincide neatly with this system: a prospective member of the *Yahad* gains access to the *טהרה* after one year of testing and two examinations by the Many (1QS 6:16a–20a), but cannot touch the *משקה* until he becomes a full member, at the end of two years of testing and a third examination by the Many (6:20c–23). Similarly a member who backslides and returns is excluded from the *טהרה* for one year, but from the *משקה* for two (7:18b–21). In both cases, as in the rabbinic laws, access to the *משקה* is more restricted than to the *טהרה*. The different levels of restriction confirm the Covenanters' belief that liquids were more dangerous than dry goods.

⁹³ Non-sacral dry goods and liquids that touch a direct source of impurity (*אב הטומאה*) become impure, but not as impure as the source: their impurity is *ראשון לטומאה*, weakened to the "first remove" (Avemarie, "Tohorot ha-Rabbim," 218). Pure dry goods that touch goods that are *ראשון לטומאה* become *שני לטומאה*, impure to the second remove. These are unfit for cultic meals and make one who consumes them impure to the same minor degree; however, they cannot not transfer impurity to other dry objects. Pure liquids are quite different: they always take on the full *ראשון לטומאה* whenever they touch anything impure, whether a direct source of impurity, or something impure to the first or second remove. For the key text see *t. Yom* 1:3. See J. Baumgarten's summary of principles underlying rabbinic laws, *DJD* 35, 89–91, and his several articles on the topic: "Liquids and Susceptibility to Defilement in New 4Q Texts," *JQR* 85 (1994) 91–101; "Halakic Polemics in New Fragments from Qumran Cave 4," in *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, 1984*, ed. J. Amitai (Jerusalem: Israel Exploration Society, 1985) 390–99; "The Essene Avoidance of Oil and the Laws of Purity," *RevQ* 6 (1967) 183–93.

Yet while the Cave 4 texts support Licht's argument that the Covenanters' shared ideas about purity with the rabbis, the texts reveal that טהרה and משקה refer to more than food and drink. משקה can refer to liquid from fruits, vegetables, and olives. All of these are subject to the rules of משקה; so also are juicy and water-moistened solid foods. We may assume that water for washing and oil for lamps fall under the same rules, since water and oil both appear in 4Q274 and 4Q284a.⁹⁴

Like משקה, the sectarian texts also use טהורה for a variety of things. The Penal Code of S forbids every man of the *Yahad* from sharing בטהרתו או בהונו with an expelled member (1QS 7:24b–25a). This purity and property must not be those used during sessions of the Many, since the prohibition applies to interaction with a non-member. As Avemarie argues, “his purity” must be the member's own pure state, and “his wealth” must refer to all property, presumably including food, to which a member had access.⁹⁵ Interaction with an expelled person exposes the sectarian to the transgressor's state of impurity. As the General Instructions emphasize, outsiders who have personal contact with members, whether in service, property, discussion of law, or sharing food and drink, expose members to impurity and the guilt of transgression (עוון אשמה) (1QS 5:13c–20a). The purity of the men of holiness in 1QS 5:13b is threatened not only by table fellowship, but by all forms of contact with outsiders. Thus, as in 7:25a, טהרה more likely refers to the sectarians' state of purity, not food. This usage is consistent with a law in 4Q274: during his uncleanness, a man who had a genital flux must sit twelve cubits apart from הטהרה when speaking with someone (fr. 1 i 1b–2a).⁹⁶ The purity cannot be pure food, since the impure man is separated to the highest degree, even from those who are impure for other reasons.⁹⁷ More likely the purity is the state of the one to whom the impure man speaks—perhaps a priest or Examiner who comes to instruct the man on how to manage his

⁹⁴ Water and oil are among the seven main liquids that contract and transmit impurity in the highest degree, according to the Mishnah. The others are dew, wine, blood, milk, and bees' honey. For these seven and their derivatives see *m. Makš.* 6:4–5.

⁹⁵ Avemarie, “Tohorat ha-Rabbim,” 226.

⁹⁶ J. Baumgarten's argument that the man is defiled by a genital flux is convincing (*DJD* 35, 101–2). J. Milgrom asserts that he has a skin blemish: “4QTohora: An Unpublished Qumran Text on Purities,” in *Time to Prepare the Way in the Wilderness*, ed. D. Dimant and L. Schiffman (*STDJ* 16; Leiden: Brill, 1995) 59–68.

⁹⁷ See 4Q274 fr. 1 i 1b, and J. Baumgarten's comments, *DJD* 35, 102.

impurity, and the process of purification that will follow his period of separation.

Friedrich Avemarie surveys the eight rulings on טהרה in the extant text of MMT; these confirm the variety of usages for which the term is employed. As in 1QS 7:24–25 and 5:13b, it can mean the pure state of items, such as streams of water (B 56). The term also refers to laws on purity (B 13, 52; possibly 3). Most importantly it also designates elements of temple worship. These are called טהרת המקדש (B 23 [reconstructed], 54),⁹⁸ and טהרת הקודש (B 65, 68). Anyone who touched the dead body of a clean animal may not approach the purity of the sanctuary ([מקדש] לטהרת, נגש לטהרת, 22b–23), nor may the blind or deaf enter into it (בוא לטהרת המקדש) (B 49b–54), due to their ignorance of purity laws that they have not heard, or inability to distinguish visually between pure and impure things. Here, as in B 56, purity is a quality, not a specific object.⁹⁹ The remaining two laws concern טהרת הקודש, a pure sacral object used for purification offerings. The laws in B 64b–68a forbid those who have been declared clean from a skin disease from “coming with (it) into the house” (באים ע[ם] טהרת הקודש לבית) until their seven-day purification period has been completed, i.e., on the eighth day (cp. 71–72a). This “purity of holiness” may refer to the offerings required by Lev 14:10, 21–22: two male lambs, a ewe lamb, choice flour mixed with oil, and a log of oil, or a lesser offering for the poor. The former leper brings these things to the temple (פתח אהל) מועד (14:11) on the eighth day, the same day on which MMT rules that he may enter the house with the purity of holiness. Whether the בית is the person’s own house or the “house” of the temple is irrelevant, although the former seems more likely. In either case the law protects the temple by preventing the still-impure former leper from defiling pure items intended for sacral use.¹⁰⁰

⁹⁸ Qimron and Strugnell reconstruct MMT B 23 [טהרת] הקודש, but the immediately preceding laws (B 18–22a) have to do with the purity of animal skins used for vessels to transport items—presumably offerings—to the temple (המקדש) (*DJD* 10, 48–49).

⁹⁹ Pace Avemarie, “Tohorat ha-Rabbim,” 223, who treats טהרת הקודש and טהרת המקדש very generally and without taking account of the different verbs used with each term: one “comes to the ‘house’” with the former, as though bearing a pure and holy item on their person, whereas one “approaches” or “comes in to” the latter, a pure state that existed prior to the impure person’s entry.

¹⁰⁰ For discussion of this difficult passage see Qimron’s commentary, *DJD* 10, 166–70. In any case, MMT reflects the view that, by bringing the purification offering too early, the former leper did rather the opposite of what he intended: instead

It is clear, then, that טהרה means many things in the sectarian texts. It is also abundantly clear that the Covenanters' purity laws extended to foods, as 4Q274 and 4Q284a show. *Contra* Licht, however, the usual way to refer to pure foods, as well as liquids, is to call specific items by their names, or to indicate that a pure or holy thing is food or drink by using verbs for eating and drinking. MMT mentions eating in laws on former lepers' contact with טהרת הקודש: at sunset on the eighth day of purification a former leper is allowed להאכילם להאכילם (B 71–72a). MMT names several specific foods: the דגן of Gentiles cannot be eaten by those who must remain pure (temple priests?), nor may it be brought into the sanctuary (B 3b–5b). MMT also names pure foods and liquids appropriate for offering, sacrifice, and consumption in the temple, with laws on their handling: בשר (B 7, 11, 59), מרק (8), מנחה (11), חלבים (11), האם והולד (36–37), and [עצמות המקודש] הבשר עליהם (59).¹⁰¹

of completing his purification with the holy offering, he brought impurity into the temple and the guilt of transgression upon himself. The following law in B 68b–70a explains how to atone for an inadvertent transgression, presumably that of bringing the offering too early.

¹⁰¹ The quest to find as many exact points of correspondence between Josephus' account of Essene initiation and the rite of initiation in S motivates scholars to interpret טהרה as communal food, since Josephus locates access to the common meals at the end of the initiation (*BJ* 2.137–39), precisely where 1QS puts access to the טהרה (1QS 6:16b–21a). But harmonizing Josephus' account with the laws of S obscures a more important consistency: both sources affirm that only full members know the details of sectarian doctrine and practice. We should expect incomplete, erroneous testimony from external observers.

One example of harmonization comes in Charlesworth's translation of 1QS 7:19–20, "in the first (year) he must not touch the pure-food of the Many, and in the second he must not touch the pure-drink of the Many" (PTSDSS 1.33). But the neat correlation between pure food (טהרה) and pure drink (טהרת משקה) is the result of a scribal error and correction. Qimron's transcription shows two cases of scribal ditto-graphy, erasure, and correction at 7:19–20. I offer a literal translation, with scribal corrections indicated:

19... and in the first (year) he may not touch the purity of the Many
 20 (*vacat*) Many and in the second (year) he may not touch the purity liquid of the Many...

The scribe scraped both duplicated words from the parchment; only the faintest traces of the letters remain. He corrected the first duplication by skipping a space and writing the correct word after the erasure; the second he corrected by writing משקה above the erasure. The corrected text distinguishes between טהרה and משקה in precisely the same way as in 6:16–20: the טהרה is accessible at an earlier point in initiation and in rehabilitation than the משקה. Charlesworth ignores the fact that טהרת has been erased and translates it as though it were an adjective for משקה. His translation makes it appear as though there are two occurrences of טהרת in the text, and that

Other sources from the same period confirm the pattern: the Temple Scroll (11Q19) uses טהרה to refer to a period of purification (45:15), the state of purity (47:10, 15), and pure objects (49:21; 63:14),¹⁰² but pure food and liquids are named specifically, e.g., יין ושמן וכול אוכל (47:6b–7a, 12b–13a); also זבח שלמים (63:15). It is noteworthy that in 11QT 47:17, where טהרת המקדש clearly refers to a preceding list of consumable goods brought to the temple, oil and wine are included along with dry foods. This comprehensive designation of pure food and drink seems also to apply to the term לטהרת לקדש on ceramic vessels and tags from Masada.¹⁰³

In sum, it is impossible to identify טהרה of the *Yahad* narrowly as food; similarly, משקה probably does not designate drink in particular, but liquids in general, including oil, juice, water, and wine. This is supported by the use of precise terms for food and drink in S to designate what members consume together (לחם and תירוש, 1QS 6:4c–6a, 25b; cp. 1QSa 2:17b–21a). Like MMT, S also uses verbs for eating and drinking when those actions are under consideration (אכל, שתה, 1QS 5:16b; 6:2c, 4c–6a). Two other verbal conventions in S challenge the identification of טהרה and משקה as food and drink. First, נגע means “approach,” “handle,” or “touch,” not eat or drink.¹⁰⁴ The verb distinguishes the act of handling from the act of eating in sectarian texts: food that has been touched (נגע) by an impure person may not be eaten (אכל) by one who is pure.¹⁰⁵ This makes it unlikely that the ban on approaching (נגע) the purity or liquid of the *Yahad* refers to restrictions on eating or drinking; rather, it designates physical access to certain pure things and to liquids (1QS 5:13a; 6:16, 20; 7:19–20; 8:17). Another point against taking טהרה as food is that לחם is mentioned in 1QS 6:25: “he shall be fined one-fourth of his food.” In S, as in the other sectarian texts considered above, טהרה and לחם are different things. This distinction is supported by the fact that the lesser

they occur in parallel terms: “pure-food” and “pure-drink.” But the corrected Hebrew text contains no such parallelism.

¹⁰² See Avemarie, “Tohorat ha-Rabbim,” 222–23.

¹⁰³ See Y. Yadin and J. Naveh, *Masada I: The Yigael Yadin Excavations. Final Reports* (Jerusalem: Israel Exploration Society, 1989) 34–39. Pace Avemarie, “Tohorat ha-Rabbim,” 220, the produce for which the vessels were intended probably included liquids, which would have been contained in skin vessels marked with the ceramic tags.

¹⁰⁴ See, e.g., 4Q274 fr. 1 i 3–8; fr. 2 i 3, 7–9; fr. 3 i 8; ii 8; 4Q284a fr. 1 3.

¹⁰⁵ 4Q274 fr. 3 ii 8–9; 4Q284a fr. 1 8; cp. 4Q274 fr. 1 i 8c–9a; fr. 3 i 6–9.

portion of the communal לחם given to the transgressive member was certainly a pure food—most likely the same stuff over which a priest said blessings at regular meals (6:4c–5). A member cannot simultaneously be separated from the pure food, and receive it in a reduced portion.¹⁰⁶ A final consideration has to do with the penalty of separation in the same line: 6:25 states that a transgressor will be separated מתוך טהרת רבים. The phrase מתוך would be an odd way of referring to separation from foodstuffs: in the first place, what would it mean to be in “the midst of the pure-food of the Many”?¹⁰⁷ In the Bible, to be בתוך people means to be among them. Separation מתוך people is to be excluded from them.¹⁰⁸ Thus to be בתוך טהרת רבים means to be in the immediate presence of the pure state of each member of the Many, the assembly itself, and all objects, food, implements, and liquids, that the Many used when they met.

4.4.2 Purity, Holiness, Judgment, and Atonement

The statute in 1QS 5:13 confirms that access to communal purity was central to the life of the *Yahad*. Having access defined membership. By keeping its participants, space, and objects pure, the Many curated and guarded holy things, above all their cult of atonement. As Avemarie and others have suggested, the purity system of the sect was patterned after that system of the temple.¹⁰⁹ This seems undeniable, especially in view of a hierarchy of purity that is evident in a number of passages. I find evidence for four grades of purity in the General Rules (5:7b–20b), rules on initiation (6:13c–23), the Penal Code (6:24–7:25), and the short penal code for the Men of Holiness (8:16b–9:2). The grades, from lowest to highest, are: 1) individual purity; 2) the lower purity of the Many; 3) the higher purity of the Many; and 4) the purity of the fifteen Men of Perfect Holiness. Not surprisingly, this hierarchy of purity relates directly to a hierarchy of holiness in the *Yahad*, and to a hierarchy of status and activity related to the cult of atonement. Most interesting is a corresponding hierarchy of activity related to judgment.

¹⁰⁶ Admittedly one could argue that לחם was common pure food, while טהרה was sacral pure food. But MMT calls sacral food הקודשים (B 71–72a), while the Temple Scroll calls it טהרת המקדש (47:17). An explicit reference to holiness would be expected if the טהרה was sacral food.

¹⁰⁷ The translation is from Charlesworth, PTSDSS 1.29.

¹⁰⁸ See HALOT, s.v. תוך for biblical references.

¹⁰⁹ Avemarie, “Tohorot ha-Rabbim,” 220.

S indicates a correspondence between acts of judgment and atonement in several places.¹¹⁰ The direct role that judgment plays in atonement is remarkable: along with halakic perfection, God accepts judgment, especially that rendered by the most pure and holy members of the *Yahad*, as pleasing sacrifices that atone for the land (9:4b–5a). But while all members participated in judgment and atonement, not all did so to the same degree, as the following survey of the four grades of purity shows:

1) *Individual purity*: The lowest grade of purity is that required of each individual member of the *Yahad*. It is a prerequisite for membership in the *Yahad* and for participation in all of the group's activities. Individual purification requires three things: repentance, adherence to sectarian halaka, and purificatory washing.¹¹¹ Individual purity is defiled by physical contact both with impure outsiders and objects; hence laws that guard against these things. Members may also become impure through transgression.¹¹² Laws in all Rule Scrolls anticipate that members will become impure and provide methods of purification, e.g., ritual washing and submission to punishments.

2) *The lower purity of the Many*: Access to the lower purity is granted to a candidate who has been among the *Yahad* for one full year and is approved by the Many to advance to the second year. This allows him to attend sessions of the Many and come into physical contact with people and dry objects used at the meetings.¹¹³ This suggests that he has access to some of the common property, though not yet the liquids that belong to the higher purity (6:20c–21a).

Lower purity includes access to the judging activity of the Many. I think it likely that participation was limited to witnessing, not testifying or voting on specific cases, and that those who witnessed judgment

¹¹⁰ See 1QS 3:4b–12, esp. 5b–7a; 5:6b–7a; 8:6b–10a; 9:4–5a.

¹¹¹ Without repentance, ritual washing and atoning sacrifices do not remove impurity (1QS 3:4b–6a); with repentance and submission to sectarian law, purificatory washings make one both pure and holy (3:6b–9a).

¹¹² On contact with outsiders whose sinfulness makes them impure see 1QS 5:13a, 16b–17a. On contact with impure goods or people with physical impurities see 4Q274 and 4Q284a, discussed above. The principle that transgressions defile outsiders comes in 1QS 2:25b–3:6a and 5:13a–19a. The same principle may be inferred from the punishment of separation from the *טהרה* and *משקה* of the Many, and from the *טהרה* of the Men of Holiness (6:25, 27; 7:3, 5, 16, 19–20; 8:24). An explanation for sectarians' transgressions comes in 3:21b–23a: the Angel of Darkness makes them stumble.

¹¹³ Access to the *טהרה* is clearly implied by 1QS 6:16b–21a.

did so seated apart from those who rendered it. A number of statutes support this view. At sessions of the Many, attendees sit according to rank (תכון) and are asked about judgment, counsel, and knowledge (מדע, עצה, משפט, 6:8b–9). But a new initiate does not acquire תכון until the end of the second year of initiation, when he becomes a full member. This is precisely when he joins other members “for Torah, for judgment, and for purity”; at this point “his counsel and his judgment belong to the *Yaḥad*” (עצתו ליחד ומשפטו, 6:22b–23). As a person of no rank, he seems not to sit with ranked members, nor to contribute judgment to that of the Many. Where did he sit? A rule in Penal Code probably provides the answer: a member who leaves the *Yaḥad* and returns is punished for two years. During the first he is treated as a new inquirer and has no access to the purity of the Many (7:19b). During the second year he is treated as a first-year candidate: he can handle טהרה but not משקה, has no rank, and cannot be asked about judgment (7:20–21). Further, אחר כול אנשי היחד, ישב: “he shall sit behind (or ‘after’) all the men of the *Yaḥad*” during this time (7:20b). Since the repentant backslider is treated exactly like a candidate in his second year with regard to rank, purity, liquids, and judgment, it makes good sense that he sits where the candidates sit, in space separated from full members.

The lower purity is protected by several rules. All outsiders are forbidden to approach it, and all members purify themselves with water before coming into contact with it (5:13a). Members who had committed certain transgressions are forbidden access until their punishment is complete. The property of candidates who had been in the *Yaḥad* for one year is judged pure enough to be collected and registered, but not sufficiently pure to be merged with the common store (6:18b–20b). This rule may be attributed in part to the impurity of outsiders’ property (5:19b–20a): at this early stage, his property may have been thought to retain some impurity.¹¹⁴ Inquirers beginning their first year among the *Yaḥad* are forbidden to touch the purity and property of the Many (6:16b–17), which likely means that they do not attend meetings, with one exception: they come to at least one session of the Many to be examined. Here it appears that they are still separated from the purity:

¹¹⁴ Another reason for not mingling his property was the possibility that he might not be approved for full membership and would have to leave. Sending rejected candidates away with the property that they brought protected the *Yaḥad* from accusations of theft. See analysis of initiation below, §4.8.2–3 and subsections.

while the Many sit in ranked order (6:8b–9a), the inquirer enters and stands before them, presumably at a distance from which he cannot touch persons or objects (6:15b–16a).

Since judgment was not rendered by those people in the state of lower purity, it follows that atonement was not procured there either. Those who dwelt in lower purity had been instructed in the judgments of the *Yahad* (1QS 6:14b–15a), and some were being punished and rehabilitated (7:19b–21). One might say that the lower purity was a state in which people studied acts of atonement through observation, prepared to participate in the cult of atonement, and even received atonement through submission to judgment—but they did not contribute directly to the *Yahad*'s cult.

3) *The higher purity of the Many*: Access to the higher purity is granted only to full members: those who have completed two years of candidacy among the *Yahad*, been examined twice by the Many, enrolled, and assigned a rank. Their property is no longer considered dangerous and is mingled into the communal store. They have access to all communal goods, including liquids, and contribute to the study of Torah, the cultivation and protection of purity, and judgment (6:21b–23; cp. 7:20b–21). The space in which full members sit in ranked order has the higher state of purity: inquirers and candidates are kept apart from it. This is attributable to the fact that judgment is performed here: the Many's holy work of atonement occurs in the state of higher purity.

4) *The purity of the fifteen Men of Perfect Holiness*: As I show in detail below, while the *Yahad*'s cult of atonement begins with the work of regular full members, it is completed by the work of the Men of Perfect Holiness—twelve Israelites and three priests—laws for which appear in 1QS 8–9. While there is no direct reference to the purity of the Men of Perfect Holiness, the phrase טהרת אנשי הקודש in 8:17 may designate this, not the purity of the Many as in 5:13.¹¹⁵ The rules on the Men of Perfect Holiness distinguish them from regular members of the *Yahad*. They have complete knowledge of sectarian doctrine, unique authority to render judgment, and their status as a “most holy” group (סוד/מעון קודש קודשים, 8:5b–6a, 8b) allows them to judge wickedness and to atone for the land directly; indeed, their “offering of the lips for judgment” and perfection of the way are as

¹¹⁵ See analysis of 1QS 8:16b–19, §4.11.2, below.

pleasing to God as temple sacrifices (8:6b–10b; 9:3–5a). Thus the acts of judging and atonement that begin with the higher purity of the Many are completed in the highest state holiness—that of these fifteen men. Their purity grade, like their holiness, must be higher than that of the Many.

Access to this purity can be described in two ways: how members of the *Yahad* become candidates for the Men of Perfect Holiness, and how other members gain access to their presence. In order to become a candidate, a member of the *Yahad* must undergo two additional years of instruction and discipline. This curriculum provides “complete knowledge of the covenant of judgment” (דעת כולם) (לברית משפט, 8:9a). Exactly how the Men of Holiness are elected from among those eligible is unclear, but those who join their ranks are set apart as holy within the *Yahad* (8:10c–11a). Exactly what their separation entails is also not clear, but there are intriguing clues. It is only the rules on the Men of Perfect Holiness that contain the statement on departing to the desert to prepare the way of the Lord, in fulfillment of Isa 40:3 (1QS 8:12b–14). While “preparing the way” is interpreted as the study of Scripture (8:15–16a), this hardly precludes a literal separation and decampment to the desert.¹¹⁶ We also do not know exactly what the Men of Perfect Holiness did: their duties are not administrative, but seem to be intensified, perfected forms of the regular duties of the *Yahad*: separation, rigorous obedience to sectarian law, judgment, and atonement.¹¹⁷ It is clear is that their work centered on the study of Scripture—the Men of Perfect Holiness seem to have been entrusted with curating and protecting sectarian knowledge. This brings us to one responsibility that they had vis-à-vis other members of the *Yahad*: evaluating other members’ interpretation of Scripture. Every member of the *Yahad* is expected to read Scripture in turn (דורש בתורה, 6:6b–7a), and to contribute insight (e.g., 6:2c–4b, 9b–10a; cp. 6:21c–23). We should expect that questionable interpretations arose. A rule in 8:11b–12a requires that anything revealed “to a man who studies (לאיש הדורש)” should not be hidden from the elite group out of fear. This may be evidence that the elites decided

¹¹⁶ As J. Collins notes, “symbolism does not preclude literal enactment, and the fact that [1QS] was found beside an inhabited site in the wilderness is hard to dismiss as mere coincidence” (*Beyond the Qumran Community*, 72).

¹¹⁷ On the elites as the embodiment of the *Yahad*’s ideals see Newsom, *Self as Symbolic Space*, 152–65.

whether individuals' new interpretations of Scripture were compatible with sectarian doctrine. Requiring a member to submit his insight to the Men of Perfect Holiness for evaluation provided one occasion at which ordinary members approached the elites' highest purity.

The highest purity is protected by rules. The elite group's separation to the desert removes them from contact with impure outsiders to a much higher degree than separation within a town. They are also protected from moral impurities generated by transgressive insiders: if any member of the *Yahad* deliberately (ביד רמה) transgresses any statute, then his punishment is separation from the purity of the elite group until the completion of his punishment (8:16b–19). This rule sets up a contrast with a stricter rule for the elites: if one of the fifteen transgresses ברמיה או ברמיה, he is permanently expelled (8:21b–23a). This stricter law derives from the fact that the elites have access to the most holy and pure element of the sect's cult. If one transgresses deliberately or carelessly, he brings grave moral impurity directly into contact with it.¹¹⁸ Elites' accidental transgressions (בשגגה) are also punished more strictly than those of common members: they automatically earn loss of rank, a two-year punishment of separation from the purity of the Many, judgment, and counsel (8:24b–9:1a).¹¹⁹

4.4.3 Analogies to the *Yahad*'s Purity System in the Jerusalem Temple Cult

Given that the *Yahad* conducted a cult of atonement among its ranks, it is not surprising to find strong analogies in laws pertaining to the temple cult, where atonement was normally procured. For example, the *Yahad*'s requirement to bathe before approaching the pure state required for atoning acts of judgment reflects Levitical law: Lev 16:4, 24 require priests to bathe before donning sacred vestments and approaching the altar for atonement.¹²⁰ In both the temple cult and the *Yahad*, the closer one came to the highest grade of holiness, the

¹¹⁸ Carol Newsom also finds differences in status behind the different penalties for deliberate transgression in 1QS 8:16b–9:2, but argues that the leniency in the first statute reflects the transgressor's status as a candidate; the second statute applies to full members. See eadem, *Self as Symbolic Space*, 160–65.

¹¹⁹ Possibly an elite who transgresses can regain his candidacy for the Men of Perfect Holiness by being tested for another two years (1QS 9:1b–2). See §4.11.2.1 below.

¹²⁰ If the purity of the Many included food, then the *Yahad*'s laws may have come from the requirement of Lev 22:1–6, which requires priests who contracted impurity to bathe before approaching holy donations of food.

higher one's personal state of purity had to be.¹²¹ The temple and the *Yahad* shared other principles, e.g., the highest grade of holiness and purity was located at the point at which atonement was most directly procured; some persons were absolutely barred from access to pure things associated with the cult; and other persons were temporarily barred due to temporary states of impurity generated by sin or ritual defilement.

These similarities confirm the common assumption that the *Yahad's* ideology reflected deep concern with temple affairs. Yet while the *Yahad* adapted temple principles, they did not replicate them exactly, nor did they ever claim that their cult was the authentic temple cult, nor that their group constituted a substitute for the temple. To the contrary, the sectarians were deeply concerned with the actual Jerusalem temple and the restoration of its cult. Their adaptations of temple conventions were part of a halakic system for the evil age that sustained access to the most important thing that the temple cult provided, and which it could not provide in its current state: atonement. Additionally, the *Yahad's* halaka also prepared sectarians to run the restored temple—it did not create a new temple or tabernacle or altar. This is evident in differences between the purity and holiness systems of the temple and the *Yahad*. I will discuss two: the location of purity and holiness; and the means by which atonement was procured.

The location of purity and holiness: In the system of the second temple, grades of holiness and purity are organized around permanently dedicated physical spaces separated by gates, walls, and other boundary markers, such as posted warnings and guards.¹²² This system has its origins in the Torah, e.g., in descriptions of the wilderness tabernacle in Exodus and Numbers, and in Ezekiel's vision of the restored temple.¹²³ It is indisputable that the Covenanters shared conventional

¹²¹ For grades of purity and holiness from the temple mount to the court of priests see *m. Kelim*. 1:8; similarly Josephus, from the city to the court of priests, *BJ* 5.227.

¹²² The most explicitly articulated system of the spatial hierarchy of holiness and purity comes in the Mishnah. On the ten grades of holiness, from the land of Israel to the Holy of Holies in the temple, see *m. Kelim* 1:6–9. On the architecture of the temple grounds, courts separated by grades of purity and holiness, and the officials who guarded specific areas, see *m. Mid.*, *passim*. For discussion of posted warnings, guards, and penalties for transgressors, see the revised Schürer, 2.284–87.

¹²³ On priestly positions and duties around the tabernacle, including guarding it against outsiders, see Num 3:21–38; on the construction of the tabernacle and its implements see Exod 36:8–40:33. By far the most systematic description of the temple and laws guarding its holiness come in Ezek 40–48. Cp. Solomon's temple, 1 Kings 6;

concerns about the holiness and purity of the temple, and indeed with the land of Israel as a whole, along with the belief that grades of purity and holiness defined specific spaces. MMT preserves sectarian polemics on the holiness of the city of Jerusalem as a whole as the *מחנה הקודש* (B 58–62), and seem to regard the entire temple as *קדש קדשים* (B 29–31). The Temple Scroll shares these views (e.g., 11QT 35:8–9; 47:3–4, 14–15).¹²⁴

Having identified two instances of spatial separation—that of the inquirer who stands apart from the Many during his examination, and that of the lower purity of the Many *אחר אנשי היחד*, it is tempting to infer that the hierarchy of purity applied to the physical space in which the Many met. Perhaps inquirers stood in some designated place of lowest purity when they were examined by the Many; the lower purity of the Many defined an area that provided access to observation of the Many's work, but not participation in it. The higher purity of the Many applied to the place where full members sat by rank, liquids were handled, and judgments were rendered; the highest purity of the Men of Perfect Holiness was a quality of the wilderness dwelling that they occupied.

Yet nothing in S indicates that the *Yahad* treated physical space in this way—nothing suggests any effort to create permanent physical boundaries separating profane from sacred space, and sacred space from most holy space, or even pure people from impure people, along the architectural lines of the temple system.¹²⁵ Instead, in the *Yahad*'s cult the status of a particular space is defined—even created—by the

7:13–47; 2 Chr 3–4. For succinct analysis of the laws of the Torah see H. Harrington, “Holiness in the Laws of 4QMMT,” in *Legal Texts and Legal Issues*, 111–13.

¹²⁴ See H. Harrington, “Holiness in the Laws of 4QMMT,” 112–17.

¹²⁵ H. Harrington makes this point concisely: “That the Temple remained central in principle is evidenced by the lack of an altar at Qumran. No text mentions a sanctuary at Qumran. Also the interference of the Wicked Priest... was due to a different calendar not a different altar” (*The Impurity Systems of Qumran and the Rabbis: Biblical Foundations* [SBLDS 143; Atlanta: Scholars, 1993] 52). While her assumption that Qumran was the center of the *Yahad*'s activity can no longer be taken for granted, her point remains valid: texts that discuss the sect's alternative cult lack any evidence for the creation of physical substitutes for the temple's structures. Yet her conclusions, although more nuanced than those of many other scholars, are problematic: “the sectarians... regarded themselves as living, not in the sacred status of the Temple of the present or of the future but, in the pure status incumbent by the Torah... on ordinary Israelites” (57). This is certainly not the case for the Men of Perfect Holiness, who created a state equivalent to that of the “holy of holies” in the temple. See below, §4.11 and subsections for detailed analysis.

state of the people who immediately occupy it. Cultic grades of holiness and purity apply strictly to people and objects used in cultic activity. This limit to the *Yahad's* appropriation of temple conventions is remarkable, given (a) their polemics against Jerusalem temple practice; (b) their rather fulsome appropriation of “temple rhetoric” to articulate their identity and purpose;¹²⁶ (c) other contemporary movements’ identification of pious individuals or the group collectively as a temple;¹²⁷ and (d) the existence in their own time of two alternative Jewish temples, at Leontopolis in Egypt and on Mt. Gerizim in Samaria (at least until its destruction c. 128–110).¹²⁸ The *Yahad's* restraint is not limited to refraining from creating rival physical structures: it applies to their treatment of personal purity and holiness as well. While they trained and revered priests who certainly saw those in Jerusalem as rivals, no text suggests that any official played the role of high priest in the sect’s cult.¹²⁹ Instead, as I argue below, the fifteen Men of Holiness collectively performed the high priest’s duties.

The Covenanters’ cultic system allowed them to define themselves as the only true participants in Israel’s covenant with God and to procure atonement, without establishing anything that could be construed as an alternative, rival temple. To the contrary, they upheld the sanctity of the Jerusalem temple, and prepared for a time when its cult would be governed in accordance with their laws.

Judgment and atonement: In the Jerusalem temple system, the standard offerings for atonement required animal sacrifice.¹³⁰ The sect’s

¹²⁶ See C. Newsom’s detailed analysis of the *Yahad's* rhetorical appropriation of temple language for their self-identification: *Self as Symbolic Space*, 152–65, esp. pp. 156–58. While she acknowledges that atonement and judgment for the wicked are the *Yahad's* explicit aims (pp. 158–59), Newsom speculates, with many others, that the *Yahad* saw itself as a “functional replacement of the temple” (164; see also pp. 154, 159, 165).

¹²⁷ As discussed already, see Paul (1 Cor 6:19; 2 Cor 6:19) and the Cynic Diogenes (D.L. 6.64).

¹²⁸ On the status of Samaritans as Jews in the sect’s age see A. Crown, “Samaritans,” *EDSS* 2.817–18.

¹²⁹ But see S. Pfann’s speculation that the sect did, in fact, anoint “messiahs” from among their own ranks, *DJD* 36, 545.

¹³⁰ Examples of animal sacrifices for atonement: *Unintentional sin* of the nation, bull (Lev 4:13–20); bull and male goat (Num 15:22–26); of a ruler, male goat (Lev 4:22–26); of an individual Israelite, female goat or sheep (Lev 4:27–35; cp. Num 15:27–29, female goat; cp. also *inadvertent transgression*, ram, Lev 5:16–19). *Failure to testify; touching an unclean animal or person; making a rash oath*: female sheep or goat, or lesser animals for the poor (Lev 5:1–13). *Depriving another of property*: restitution + 20% + ram (Lev 5:21–26; cp. Num 5:6–8). *Sex with another man’s female slave*: ram

cult of atonement could not be grounded on the holiness of the temple, since it was defiled and ineffective. Atonement could not be made by animal sacrifice, because sacrifice could only be made at the temple. The *Yahad* devised a halakic solution: atonement could be procured through acts of judgment carried out in a state of purity equivalent to that of the temple. Since acts of judgment required no slaughter, they did not have to be performed at the temple but could take place anywhere that full members of the *Yahad* convened in such a pure state.

While innovative, the *Yahad's* cult of atonement conformed to biblical law closely. We have already considered the requirement of purificatory bathing before approaching the pure cultic activity. Another consistency is that the laws of the Torah require that atoning sacrifices be made in a timely manner for all manner of defilements, whether from sins or unavoidable physical impurities. The temple's cult of atonement was, then, in constant operation; similarly the *Yahad's* atoning activity took place every day. Like the temple cult, the *Yahad's* purpose was to atone for every transgression or impurity as it occurred. Of course the annual Day of Atonement was the climax of the cult, but its purpose was not to remedy all sins and impurities: that was what the daily cult accomplished. Instead, Yom Kippur served to atone for those sins and impurities for which, through negligence or ignorance, no sacrifice had been made. We might view the judgments and discipline of the fifteen Men of Perfect Holiness in this way: they not only atoned for themselves and fellow sectarians, but for the impurities that filled the land. To claim this ability is remarkable, as Jonathan Klawans has pointed out, since the removal of moral impurity from the land

(Lev 19:20–22). *Dead body found in field*: heifer (Deut 21:1–9; cp. Num 35:31–33, no atonement for murder).

Minor cultic violations: ram or value in shekels + 20% (Lev 5:15–16). *Impurity of skin disease*: two birds on day of purification + isolation for seven days; on eighth day, two male lambs, one ewe lamb, grain with oil, log of oil, or lesser offering for poor (Lev 14:2–32). *Diseased house*: two birds (Lev 14:35–57). *Impurity of childbirth*: yearling lamb and pigeon or dove, or lesser offering for poor (Lev 12:2–8). *Non-semen male flux*: two doves or pigeons (Lev 15:2–16). *Impurity of menstruation*: two doves or pigeons (Lev 15:19–30). *Nazirite impurity*: 7 days isolation; two doves on eighth day; additional separation; male yearling lamb, ewe yearling, ram, unleavened bread, cakes with oil, grain and drink offerings (Num 6:5–21). *Purification and consecration of priests*: bull, two rams (Exod 29:1–33; cp. Lev 8:1–36). *Consecration of people and tabernacle*: bull calf, ram (priests); male goat, calf, lamb, ox, ram (people) (Lev 9:1–23; cp. 10:12–20). *Consecration of Levites*: two bulls (Num 8:6–19). *Yom Kippur*: two male goats, one ram, one bull (Lev 16, *passim*; cp. 23:27–32; Exod 30:10).

is not discussed in biblical law.¹³¹ Since the temple's atonement cult did not work, defilements, especially those of sin, filled the land at a potentially catastrophic rate. It seems likely that the work of the holiest men of the *Yahad* atoned for this defilement and preserved the land for its restoration under righteous governance.¹³² Participation in this most important cultic task required the highest state of purity, that of the Men of Perfect Holiness.

Grades of purity and access to judgment: The purity of the men of holiness or the Many corresponds to the high state of purity required for participation in judgment, the activity central to the *Yahad's* cult of atonement. Access to purity may have involved sharing food, but cannot have been limited to it. The full member's punishment of separation from the purity of the Many and suspension of participation in judgment, and the prospective new member's delay of participation in judgment and access to the purity, are connected by cultic halaka. Only those sufficiently pure can participate in atoning acts of judgment. This high purity is acquired by purificatory rites, and by full repentance and adherence to the Torah, the latter of which was only possible through education in sectarian halaka. We encounter similar systems in the other Rules. In D members appear to enroll in a Camp at age twenty, but are only eligible to serve as judges at twenty-five (CD 15:5b–6a; 10:4–7a). Similarly in SE, after ten years of education in sectarian law a young man becomes eligible to testify and hear judgments (1QSa 1:11b)—but not to render them. At age twenty-five he becomes eligible to serve the Congregation in various ways (1:12b–13a), but only at age thirty is he able to judge (1:13b–15a). Progression toward leadership requires education, especially in purity laws, as I show below.¹³³

¹³¹ On moral impurities that defile the land see Lev 18:25–27; Num 35:33–34; Deut 24:4; cp. Jer 2:7; Ezek 33:26; 36:18; cp. defilement of land by corpse impurity (Deut 21:23). For discussion see Klawans, *Impurity and Sin in Ancient Judaism* (New York: Oxford, 2000) 26–41.

¹³² For references to atonement for defilement (כפר מטמאה) see Lev 14:19; 15:30; 16:16. These do not refer to the defilement of the land, however—this notion seems to have been an innovation of the Covenanters. See Newson, *Self as Symbolic Space*, 155, for brief discussion and bibliography.

¹³³ See my analysis of 1QSa 1:8b–11, §5.5.1–2. At the end of a youth's education, he becomes eligible to marry. If his wife testifies positively about his fidelity to laws on sexual behavior, he becomes eligible to take his place in the hearing of judgments (להת[י]צב במשמע משפטים, 1QSa 1:11b).

4.5 GENERAL PROTOCOL (1QS 5:20B–6:1B; || 4QS^d FR. 1 II 1–6A)¹³⁴

5:20b וכיא יבוא בברית לעשות ככול החוקים האלה להיחד לעדת קודש ודרשו 21 את רוחם ביחד בין איש לרעהו לפי שכלו ומעשיו בתורה על פי בני אהרון המתנדבים ביחד להקים 22 את בריתו ולפקוד את כול חוקיו אשר צוה לעשות ועל פי רוב ישראל המתנדבים לשוב ביחד לבריתו 23 וכתבם בסרך איש לפני רעהו לפי שכלו ומעשיו להשמע הכול איש לרעהו הקטן לגדול ולהיות 24 פוקדם את רוחם¹³⁵ שנה בשנה להעלות איש לפי שכלו ותום דרכו ולאחרו כנעויותו להוכיח 25 איש את רעהו באמת ועונה ואהבת חסד לאיש אל ידבר אל רעהו¹³⁶ באף או בתלונה 26 או בעורף [קשה או בקנאת] רוח רשע ואל ישנאהו [בעור]ל[ת] לבבו כיא ביום יוכיחנו ולוא 6:1 ישא עליו עון וגם אל יביא איש על רעהו דבר לפני הרבים אשר לוא בתוכחת לפני עדים

5:20b Thus he shall enter the covenant, to act according to all these statutes, to be united to the Congregation of holiness:

They shall examine 21 their spirits in the *Yaḥad*, each man in comparison to his neighbor with respect to his knowledge and his works in the Torah, by the authority of the sons of Aaron, those who volunteer *in the Yaḥad* to establish 22 his covenant and to observe all the statutes that he commanded to do, and by the authority of the Multitude of Israel, those who volunteer to return in the *Yaḥad*, *for the sake of his covenant*.

23 And they will register them by rank, each man before his neighbor in accordance with his knowledge and his works.

Each man will be heeded by his neighbor, the lesser in relation to the greater.

They will 24 inspect their spirit and their deeds, year after year, in order to promote each man in accordance with his knowledge *and the perfection of his way*, and in order to demote him in accordance with his errors.

Each man will bear witness 25 to his neighbor *in truth and humility and with love of mercy for each one*.

Let no one speak against his neighbor in anger or with grumbling 26 *or stiff-[neckedly or with the ani]mosity of a spirit of evil*.

¹³⁴ Both 4QS^d and 4QS^s preserve parallels to the passage in 1QS; however, only 4QS^d is complete enough to shed light on the editorial process. Unfortunately 4QS^d is fragmentary at the beginning of this passage, and we do not know whether it contained the rubric in 1QS 5:20b.

¹³⁵ Note the variation in the forms: the scribe wrote רוחם in 5:21, but רוחם here.

¹³⁶ Here, with Alexander and Vermes, emending אלוהיהי to רעהו אל.

And let him not hate him [in the fore]sk[in] of his heart; rather, let him rebuke him on the same day, so that he may not 6:1 bear iniquity on his account.

Indeed, let no one bring a charge against his neighbor before the Many without Reproof in the presence of witnesses.

This section surveys the general activities of the *Yahad* around two themes: holiness and covenant. We encounter constitutional language immediately: maintaining the covenant is, of course, central to Israelite identity, and the text explicitly ties the *Yahad*'s duties to Israel as a whole: the Many/Multitude (רוב) of the *Yahad* is that of Israel itself (5:22). The *Yahad*'s role within the sect as a whole may be alluded to in 5:20b, which calls equates joining the *Yahad* with belonging to the עדת הקודש, a term that resonates with the common designation of the sect as an עדה in D. It is clear that the *Yahad* is entrusted with maintenance of the covenant on behalf of Israel, and that such requires holiness and rigorous adherence to sectarian halaka ("perfection of the way"). Thus their primary duty: continually evaluating each member for these qualities, through examination of knowledge and deeds (5:20c–22). Ongoing scrutinies provide the basis for annual evaluation, promotion and demotion. The hierarchical ranking must have provided the basis for seating arrangements at meetings, which displayed in plain view the degree to which individuals met the rigorous standards of the sect.

Priestly authority appears again in this passage, and again is paired with that of the Many (5:21b–22b). Importantly, the first time that S mentions specific duties of any group, it is the Many, and they have responsibility for hearing charges (6:1b), a key element of the judgment that is central to the *Yahad*'s cult of atonement.

Like D, S monopolizes sectarian juridical authority. The first lines imply that members must be on guard against transgressors; the concluding lines require transgressors to be prosecuted by the protocol of Reproof (5:24b–6:1). As in D, Reproof must occur on the day of the transgression; this requirement may have its origins in interpretation of laws of the Torah that require timely—and careful—prosecution of transgressors, so that evil and defilement is purged from immediately.¹³⁷ Unlike D, which requires Reproof before the Examiner (CD 9:16b–23a), S only mentions the Many (1QS 6:1b). It is possible that

¹³⁷ See §3.3.4.3 for texts and comment.

the Many only heard charges that had been filed with Reproof before the Examiner prior to the meeting, as in D. If so, the rule in S alludes to a procedure that D spells out fully. But I tend to think that the difference in language reflects difference in protocol: in each cell of the *Yahad*, the Many met daily. This allowed them to manage practical affairs, including hearing charges immediately.¹³⁸ Further, Reproof and prosecution provided the Many with opportunity to do precisely what they met to do: *דרש משפט* (1QS 6:7).

Members are ranked on the basis of their “spirits,” which authorities assess on the basis of knowledge and deeds. Low-status members must obey their superiors (5:23). However, members’ ranks are not fixed: annual scrutinies afford opportunities for promotion and demotion. Changes in rank are based on what the Many decide about each members’ success in “perfection of the way” (5:24). In order for the system to work, it seems likely that members had to testify about each other’s conduct at special sessions of the Many. They likely also consulted records of Reproof and of punishments imposed on the basis of the Penal Code.

The rules in 1QS 5:20b–6:1b imply two contexts in which the Many meted out reward and punishment. The first context is that of daily life, in which many offenses are punished immediately. The other, implied in this passage, occurs in annual scrutinies—we may imagine special sessions of the Many devoted to corporate review of each member’s successes and failures. Here we have good evidence that judgment not only centered on transgressions, but also on accomplishments: insight, purity, knowledge, and other positive traits were highly esteemed and publicly rewarded.

4.5.1 *Associational and Constitutional Analogies*

Associations offer analogies, but the details are difficult to assess. The promotion of the vice-priest to priest in the Iobacchic society, and the renewal of the associational statutes, occurred on 8 Elaphebolion, the day before the beginning of the Athenian Grand Dionysia festival.¹³⁹

¹³⁸ In support of my reading, Josephus describes the governing council of the Essenes as a decision-making body, a quorum for which requires one hundred members (*BJ* 2.145). His claim about the number of members required for decision-making is impossible to evaluate on the basis of the Rule Scrolls, but seems overly simplified and exaggerated.

¹³⁹ *SIG*³ 1109.2–10.

Annual nominations and promotions of officers, along with bestowal of honors upon patrons, took place just prior to the association's most important annual celebrations.¹⁴⁰ Similarly, the office of the *quinquennialis* in the association of Diana and Antinoüs at Lanuvium likely rotated at a fixed date every fifth year or, if the title is more honorific than literal, annually. Unlike the *politeiai* and Rule Scrolls, the associational *nomoi* do not provide for a formal annual evaluation of regular members for reassignment of rank. Instead we find the expectation that transgressors will be punished immediately, and likewise that honors due a member would be celebrated soon after the event.¹⁴¹

The practice of holding annual scrutinies, elections, and promotions has stronger analogies in the political sphere. In Athens, during the Principal Assembly of every sixth prytany officials heard cases involving malicious prosecutors and complaints against officials who broke pledges to the people. Trying such cases required testimony of witnesses, as well as consultation of records from the previous year. This seems quite like the *Yahad's* system of evaluating individuals on the basis of testimony and of records that could be consulted.¹⁴² Within the *polis* each outgoing *boulē* formally examined members of the incoming *boulē* before instating the new council.¹⁴³ Like the *Yahad*, public bodies could punish and reward immediately, as well as on annual occasions. In the armies, officers and soldiers could be rewarded or punished at any time. There were also annual scrutinies of officers for the purpose of promotion or demotion.¹⁴⁴ In the *poleis*, officials in the *boulai* reviewed civilian and military leaders annually and meted out appropriate recompense.

¹⁴⁰ SIG³ 1109.42–46 requires that the Iobacchi celebrate “the festivals of Bacchus and if there is any special feast of the god” (τὰ Βακχεῖα καὶ εἴ τις πρόσκαιρος ἑορτὴ τοῦ θεοῦ). The former refers to the major Dionysiac festivals; the latter, perhaps to the minor, or to special celebrations of the Iobacchic society.

¹⁴¹ E.g., for immediate punishment see SIG³ 1109.72–96, 136–146; for celebrations and honors, ll. 128–136; also P. Lond. 2710.21–23; P. Mich. V 243.5; ILS 7212 2.7–8.

¹⁴² Arist., *Ath. pol.* 43.5. For other annual scrutinies of officials in Athens see 45.2–46.2; 49.1–2. In the military, generals were subjected to votes of confidence each prytany (61.2).

¹⁴³ Arist., *Ath. pol.* 45.3.

¹⁴⁴ For military demotions and promotions see Watson, *The Roman Soldier*, 124–25 and nn. A *pridianum* or annual report of the *cohortes I Augustae Lusitanorum equitata* from 156 CE records the acceptance of three officers who had been transferred from superior units. The transfer included a reduction in status and pay, even if rank was not immediately affected.

Social hierarchy: The ever-present hierarchy of authority in 1QS 5:23 has an interesting analogy in Xenophon's *Politeia of the Spartans*: in Sparta, even high-ranking citizens are eager to obey the orders of their superiors.¹⁴⁵ Xenophon's point about its purpose is illuminating: when the leaders show respect for rank, the rest of society follows suit. All social relations in Sparta reinforce the system of law, rank, and authority, with ultimate deference to the authority of the Delphic oracle, by which all laws had to be approved. This rule transforms adherence to Spartan law and social hierarchy into obedience to divine authority. Similarly, in the Covenanters' civic ideology, obedience to sectarian law is presented as a necessary result of submission to God.¹⁴⁶

4.6 GENERAL RULES FOR MEETINGS (1QS 6:1C-7A; || 4QS^d FR. 1 II 5B-10A)

6:1c באלה 2 יתהלכו בכל מגוריהם
 כול הנמצא איש את רעהו וישמעו הקטן לגדול למלאכה ולמזון ויחד
 יואכלו 3 ויחד יברכו ויחד יועצו¹⁴⁷
 ובכול מקום אשר יהיה שם עשרה אנשים מעצת היחד¹⁴⁸ אל ימש מאתם
 איש 4 כוהן איש כתונו ישבו לפניו וכן ישאלו לעצתם לכול דבר
 והיה כיא יערוכו השולחן לאכול או התירוש 5 לשתות הכוהן ישלח ידו
 לרשונה להברך בראשית הלחם או התירוש לשתות הכוהן ישלח ידו
 לרשונה 6 להברך בראשית הלחם והתירוש¹⁴⁹
 ואל ימש במקום אשר יהיו שם העשרה איש דורש בתורה יומם ולילה
 7 תמיד עליפות¹⁵⁰ איש לרעהו

¹⁴⁵ The following examples from Xen., *Lac.*, could easily be multiplied: while all children were under the authority of the *paidonomos*, all citizens had authority to discipline children (2.10-11; 6.1-2); the most responsible older boys also had authority over their peers and younger children (2.11); all citizens were accountable to the *ephors*, who could inflict punishments and removal from office at will (8.3-4); the most morally virtuous elders sat on the *gerousia*, which decided capital cases (10.1-3).

¹⁴⁶ Xenophon writes that leading citizens "pride themselves on being humble, and running rather than walking in answer to a summons. They think that if they set an example of exaggerated obedience the rest will follow; this has proved to be the case" (Xen., *Lac.* 9.2, tr. Moore). On the ultimate authority of the Delphic oracle see 8.5.

¹⁴⁷ The last clause appears to draw on biblical language, where the niph'al of יצע regularly construes with יחדו: Isa 45:21; Ps 71:10; 83:6.

¹⁴⁸ Emending החיד, with Qimron, PTSDSS 1, *ad loc.*

¹⁴⁹ I have omitted the dittography from 6:5b-6a, which repeats לשתות הכוהן ישלח ידו לרשונה להברך בראשית הלחם 6:4c-5a.

¹⁵⁰ Emending with Qimron, PTSDSS 1, *ad loc.*; 1QS has על יפות. The biblical form is חליפות.

6:1c According to these (statutes) 2 they shall walk in all of their dwellings:

Wherever a man and his companion are found, the lesser shall heed the greater in matters of work and property, and together they shall eat, 3 and together they shall bless, and together they shall take counsel.

And in every place where there are ten men from the Council of the *Yahad*, there may not be lacking among them a man 4 who is a priest. Each man shall sit before him according to his rank, and thus they shall be asked about their counsel in every matter.

And when they prepare a table to eat or new wine 5 to drink, the priest shall send out his hand to the first portion 6 in order to bless the beginning of the meal or the new wine.

There may not be lacking in any place in which there are ten men a man studying the Torah day and night 7 continually, each man relieving his companion.

With this passage S begins to treat the *Yahad's* daily activity. Pace Metso, there is no indication that 1QS 6:1–7 is an interpolation.¹⁵¹ As she acknowledges, the passage is not missing from any S ms. that contains parallels to 1QS 6. Further, the passage provides a coherent introduction to the regulations that follow: in all contexts in which members of the *Yahad* gather, they must observe its hierarchy of authority and carry out its work, of which commensality, communal worship, and communal deliberation, under priestly leadership, are part (6:2–3a).¹⁵²

More than any other passage, the rules in this passage indicate that the *Yahad's* work takes place not at one centralized locale, but in several *מגורים*. Translations and interpretations of the term have varied considerably,¹⁵³ but, as discussed at sufficient length in the first chapter, the best interpretation accepts that the *Yahad's* communal way of life

¹⁵¹ Metso, *Textual Development*, 134–35; “Methodological Problems in Reconstructing History from Rule Texts Found at Qumran,” *DSD* 11 (2004) 324; “Whom does the Term *Yahad* Identify?” 218–23; similarly Leaney, *Rule of Qumran*, 180; Knibb, *Qumran Community*, 115. For critique see Schofield, *From Qumran to the Yahad*, 133–35.

¹⁵² For a new study of the origins of rules for smaller meetings of the *Yahad* see C. Hempel, “1QS 6:2c–4a—Sattelites or Precursors of the *Yahad*?” in *The Dead Sea Scrolls and Contemporary Culture: Proceedings of the International Conference Held at the Israel Museum, Jerusalem (July 6–8, 2008)*, ed. A. Roitman, L. Schiffman, and S. Tzoref (Leiden: Brill, forthcoming).

¹⁵³ Some proposals: “places of residence,” (García Martínez and Tigchelaar, *DSSSE*); cp. M. Wise, M. Abegg and E. Cook, *The Dead Sea Scrolls: A New Translation* (San Francisco: HarperCollins, 1995), “wherever they may dwell”; Knibb, *Qumran Community*, “dwelling-places.” Wernberg-Møller detects a theological element: “their exiles” means that “our pious felt themselves as strangers of the land” (*Manual*, 101). Metso prefers “temporary lodgement” where members dwelt while travelling away from

was not cenobitic monasticism, nor was it located only around Qumran.¹⁵⁴ I think it likely that cell of the *Yahad* had its own priests, Examiner, Many, and *Maskil*. While members of each cell shared property and took some meals together, nothing indicates that they shared all meals, nor living quarters. The requirement that the Many convene for one third of each evening could have been fulfilled by members living in separate domiciles as neighbors.

Clearly commensality was a daily feature of the *Yahad*'s activity, and members seem to have depended on a common food supply for a portion of their daily sustenance. Otherwise it is hard to make sense of the Penal Code, which imposes fines of one fourth of a member's food for a variety of transgressions. This simplest explanation of this punishment is that members received their חמל in the form of a ration from the communal property.¹⁵⁵ Exactly how commensality, blessing, and deliberation went together we do not know. Some claim that the *Yahad*'s meals were eaten as "sacral affairs," like the consumption of offerings in the temple. But nothing in the rules for meals suggests that they had cultic purpose.¹⁵⁶ We do not know if assemblies of the Many followed, preceded, or included communal meals. On communal blessings we may obtain some clarity: the liturgical texts found among the DSS appear to have been intended to govern independent events.¹⁵⁷ The Daily Prayers in 4Q503, for example, were to be recited

Qumran (*Textual Development*, 134–35; "Whom does the Term *Yahad* Identify?" 225–27; cp. Josephus, *BJ* 2.124–27 on travelling Essenes).

¹⁵⁴ So also J. Collins, "Forms of Community in the Dead Sea Scrolls" and "The *Yahad* and the 'Qumran Community,'" in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*, ed. C. Hempel and J. Lieu (Leiden: Brill, 2006) 81–96; A. Schofield, *From Qumran to the Yahad*, 132–35; cp. Wernberg-Møller, "The Nature of the *Yahad* according to the *Manual of Discipline* and Related Documents," *Annual of Leeds University Oriental Society* 6 (1968–1969) 56–59, 69–70; E. Regev, "The *Yahad* and the Damascus Covenant: Structure, Organization and Relationship," *RevQ* 21 (2003) 233–62. This is the plainest sense of the Greek writings on the Essenes: Philo (*Prob.* 12.76; *Apol. Iud.* 2.1) and Josephus (*BJ* 2.124) both observe that Essenes dwell in large numbers in the towns and cities of Judea.

¹⁵⁵ Josephus' description of the Essenes in *BJ* 2.129–32 states that they shared not one but two meals each day: one following morning toil and another after their afternoon labor.

¹⁵⁶ See Schiffman's argument on this point, *Sectarian Law*, 191–202, *contra*, e.g., Gärtner, *Temple and Community*, 10–13; Delcor, "Repas culturels"; Yadin, *Scroll of the War*, 200; Klinghardt, "Manual," 262.

¹⁵⁷ *Contra* Klinghardt, 1QS 6:2–3 does not spell out the order of events at meetings of the *Yahad*. Several texts present occasions specially dedicated to either eating, blessing, or deliberating. On eating see 1QS 6:4c–6a; 1QSa 2:17b–22. On blessing see 1QSB; Daily Prayers, (4Q503), Songs of the Sabbath Sacrifice; weekly days of commemoration

during communal observation of the rising and setting of the sun, an activity that seems more likely done on its own rather than combined with meals.¹⁵⁸

The more specific instructions that follow aid our understanding of the first three lines: in groups of ten or more a priest must be present (6:3b–4b); this seems to imply that where fewer than ten gathered no priest was needed, but the hierarchy of rank and the requirement to carry on the *Yahad's* activity still obtained. The statutes in 6:4b–6a govern three activities involving ten or more members.¹⁵⁹ The first two statutes mention a presiding priest. In the first, he leads deliberations of groups of ten or more (6:3b–4b). The statement, *וכן ישאלו* suggests that the priest posed questions for the rest to deliberate and answer. The second spells out similar rules for meals: a priest, presumably at the head of the table, says a blessing, after which members eat and imbibe (6:4c–6a). The third requires every group of ten to have one man actively *בתורה דורש*. While no priest is mentioned, we can assume his presence based on the first rule. Together, the presiding priest, the act of deliberating, and the constant availability of the laws of the Torah suggest that every group of ten carried on the duty of *דרש משפט* (cp. 6:7b).

Finally, the rules on deliberation and reading not only confirm the cultic and juridical nature of the *Yahad*, but also that it was a scholastic community. If each member had the responsibility to take a turn at Torah reading, all must have been literate. As we will see in analysis of the Rule for the Many, the *Yahad's* use of texts has analogies in the philosophical and rhetorical schools.

(Words of the Luminaries, 4Q504–6), and annual festivals (4Q507–9). On deliberation see 1QS 6:3b–4b, 8b–13b; 1QSa 1:25b–2:3a. See Klinghardt, *Gemeinschaftsmahl*, 229–30 and “Manual of Discipline,” 261–62. In support of my view see Schiffman, *Eschatological Community*, 57.

¹⁵⁸ Josephus offers support for this interpretation: he maintains that the Essenes rise before dawn, say communal prayers while observing the sunrise, and then hasten to their labors. Only after their morning work did they convene for the first of two daily communal meals (*BJ* 2.128–29).

¹⁵⁹ While the rule on meals does not explicitly mention a quorum of ten, it may be inferred from the quorum mentioned in the immediately preceding rule on deliberations and the immediately following rule on studying Torah (1QS 6:6b–7a).

4.6.1 Analogies to the *Yaḥad's* Common Life

Symposiastic conventions: Klinghardt argues that the rules of 1QS 6:2–3 perfectly match the order of associational banquets: first members eat, then offer a libation to the god and some form of communal prayer or blessing. They finish with a symposium devoted to wine and conversation. Deliberations led by an expert on some subject of interest is often part of the symposium; sometimes conversations include question and answer sessions similar to those described in the General Rules (1QS 6:3b–4b) and the Rule for the Many (6:7b–13).

One relatively minor problem with Klinghardt's thesis is that associational banquets did not consistently follow the fixed pattern that he describes: there was much variation in the types and sequences of activity at meetings. A major problem is that the supposed order of the banquet—first a meal, then a blessing, then symposiastic conversation—does not match the description of the banquets in S and SE. In both texts a blessing precedes the meal (1QS 6:4c–5a; 1QSa 2:17b–22), and 1QSa 2:20 clearly implies that they consume bread and wine in the same sitting. Neither set of banqueting rules mentions a deliberative component. To be sure activities could be combined: communal meals, probably like all meetings, begin with a priest's blessing (1QS 6:5b–6a; cp. 1QSa 2:17b–22). But descriptions of the deliberative and juridical sessions of the Many nowhere mention food or wine. Certainly sessions of the Many included liturgy, such as a blessing or benediction, but there is no mention of commensality in the statutes for these meetings.

The quorum of ten and daily meetings: The work of the *Yaḥad* had to be conducted whenever members of the *Yaḥad* congregated; where ten or more gathered, a priest led some sort of formal protocol. As we saw in analysis of the Rule for the Assembly of the Camps in D (CD 12:22b–13:20), this organizational pattern has its strongest analogies not in the associations, but in the organization of *boulai* in the *poleis*, where numerous committees of ten men conducted various duties. The daily meetings of the Council of the *Yaḥad* are also analogous to those of the *boulai*, but find no precedent in the associational *nomoi*.

4.6.2 Constitutional Analogies to the Common Life

The *Yaḥad's* highly regulated common life has many strong analogies in constitutional texts. I will discuss two: the need to have a member constantly available to consult the Torah, and commensality.

Constant availability of legal expert: The requirement that a member be studying Torah *ולילה ויומם* need not literally mean that someone was always awake reading. Instead, perhaps whenever an assembly occurred, one member must have had to have the Torah open for as long as it lasted, ready to consult and read laws relevant to any matter being studied, or to any charge against a member that arose. The constitutional nature of the statute is apparent from an analogy in Plato's *Laws*:

The state is just like a ship at sea, which always needs someone to keep watch night and day: as it is steered through the waves of international affairs, it lives in constant peril of being captured by all sorts of conspiracies. Hence the need of an unbroken chain of authority right through the day and into the night and then on into the next day, guard relieving guard in endless succession.... We must therefore divide the members of the council into twelve groups, one for each month, and have them go on guard by turns. They must be available promptly, whenever anyone from abroad or from within the state approaches them wishing to give information or inquire about those topics on which a state must arrange to answer the questions of other states and receive replies to its own (*Leges* 758a–d, tr. Saunders).

Whether the *Yahad* conducted twenty-four hour study sessions, or always had someone ready for duty as expert reader in Torah, the point is clear: like the Magnesian state in Plato's *Laws*, the *Yahad's* mission depended upon immediate access to and expert interpretation and application of its laws.

Commensality is one of the most consistent features of ancient civic life. In the *Politics* Aristotle describes several contexts within which this occurs: among common citizens; in military outposts and camps; among the councils of public officials; and among priests responsible for public cults.¹⁶⁰ Below I briefly survey the treatment of these four contexts in the *politeiai*. As I show, the *Yahad's* common life has most in common with ancient armies and governing bodies than with typical associations.

Common meals among citizens: Many *politeiai* praise common living for bringing about good social order and a sense of common identity among subjects of a state. Examples occur in Xenophon's *Politeia of the Spartans*, Plato's *Laws* and Aristotle's *Politics*. Aristotle writes that it is universally understood that "it is useful for well-organized city-

¹⁶⁰ Arist., *Pol.* 1331a 18–31b 16.

states to have common messes (*sussitia*).¹⁶¹ This is so because *sussitia* build friendship, trust, and the habit of sharing goods among citizens, and contribute to an integrated and stable *polis*.¹⁶² Similarly, Plato's Athenian argues that regular commensality provides opportunities for neighbors to cultivate friendship and habits of cooperation. Ideally his *sussitia* would bring what was typically private activity—dining with friends—under state scrutiny. This seems analogous to the purpose of the *Yahad*'s common meals, which also bring communal activity under priestly authority. The common meals in Magnesia are regulated by ἄρχοντες who use each *sussition* to review and scrutinize each diner's deeds before dismissing them.¹⁶³ Whether *sussitia* are voluntary and private, or compulsory and public, their value to the state, as to the *Yahad*, lies in their potential for building common identity and values among members.

One consistent feature of commensality among common citizens, both in the *politeiai* and in associational *nomoi*, is the requirement that participants furnish or pay for their share of the meal.¹⁶⁴ Even the

¹⁶¹ Arist., *Pol.* 1330a 3–5, tr. C. Reeve in Aristotle, *Politics*, tr. and ed. C. Reeve (Indianapolis: Hackett, 1998). Aristotle promises to explain the benefits of *sussitia* later, but the explanation is missing in the current form of the *Politics*.

¹⁶² See Arist., *Pol.* 1313a 41–13b 6: tyrants ban *sussitia* because they can provide opportunities for citizens to build political parties with ample power to destabilize and eventually overthrow the government. On Aristotle's approval of the habit of sharing goods see *Pol.* 1263a 21–41; 1263b 40–1264a 1.

¹⁶³ On the overseers of the σουσινία see Plato, *Leg.* 806e; also 640a–e.

¹⁶⁴ In the Egyptian cult of Sebek members took turns each month supplying resinated wine, salt, ointment, incense, thyme, and beer or wine. Members were responsible for bringing or handing over their portion to a representative of the association on the “day of delivery”; if one failed to do his duty on his turn he was fined and required to fulfill his duty in time for the banquet (P. Dem. Lille 29.3, 8–9; so also P. Dem. Cairo 30606.9–10; P. Dem. Hamburg 1.8–10; P. Dem. Cairo 31179.9–11. The Egyptian association of Amon-Ophet requires members to bring two pitchers of wine for themselves to the banquet; if they bring more they must donate the extra to the associational House (P. Dem. Berlin 3115 A 3.1–3). Members who take wine from the common store must pay one *deben* per pitcher, and then replenish two pitchers for each one purchased (A 3.12–13). The statutes seem intended to prohibit excessive drinking.

In other societies, wealthier members furnished food and drink for the banquets. In the guild of Zeus Hypsistos the president is required to prepare a banquet each month for members (P. Lond. 2710.7–10). Whether he did so at his own expense or with associational funds is not entirely clear, although some provision for collecting dues, presumably for purchasing the goods for banquets, probably appears in the fragmentary bottom lines, which mention things given “for the common fund” ([δη]-μοσιῶ[ι] and “contributions” (συμβολ[ύς]), (l. 20). Line 21 preserves the majority of a clause that suggests that each member paid some “levy”: εἰσενεγκεῖν ἕκαστος αὐτῶν.

Spartans, who allocated public funds for their *sussitia*, required private contributions. Xenophon writes,

[Lycurgus] specified a quantity of food which would not be too much nor leave them short; however, many additions come from hunting, and rich men sometimes contribute wheat cakes instead. The result is that as long as they are together their table is never without food, and yet is not extravagant.¹⁶⁵

Sparta guaranteed each citizen a minimum amount at his *sussition*, but citizens with more resources could enrich the banquet. Aristotle's notice is more to the point:

All the citizens should participate in these meals, even though it is not easy for the poor to contribute the required amount from their private resources and maintain the rest of their household as well.¹⁶⁶

The editors speculate that in the last lines further rules for contributions appeared: thus after ἐὰν δέ τις αὐτῶν πατήρ [γένηται?] (ll. 22–23) followed some amount that the happy father had to donate. Their speculation is supported by statutes in other *nomoi*: an unnamed association of Tebtynis required members to pay to celebrate marriage, the birth of children, and purchase of property or livestock (P. Mich. V 243.5); *ILS* 7212 that requires a member who becomes a freedman to donate an amphora of wine (2.7–8). Additional funds for associational expenses could be obtained through fines for various transgressions.

The banquets of P. Mich. V 243 are funded by monetary contributions, which were apparently placed at the disposal of the president, in whose company members dined (ll. 1–2). Funeral banquets required members to bring two loaves of bread and a drachma (ll. 9–11). Presumably the money went to reimburse the president for wine. The association of *apolusimoi* at Tebtynis places all responsibility for preparing the banquet on the president (P. Mich. V 244.14–15), who drew money for wine and food from a common fund to which members' "contributions and expenses" (συμβολαί, δάπανοι, l. 19) went. Expenses for funeral banquets were also drawn from the associational fund (l. 18). Members of the Athenian Iobacchi paid a "fixed monthly contribution for wine" (καταβάλλον μηνιαίαν τὴν ὀρισθεῖσαν εἰς τὸν οἶνον φοράν, *SIG*³ 45–46); those who had not paid their monthly dues were not admitted to banquets unless they claimed some approved exemption (ll. 47–53, 102–7); apparently members who had not paid their dues in advance could pay on the day of the banquet (ll. 67–72). Like the presidents of P. Mich. V 243 and 244, the priests of the Iobacchi used the funds to purchase wine and food: members were responsible to pay for, but not to prepare, the feast. Out of this fund the priests also used money for members' funerary expenses and feasts (ll. 160–63).

In the cult of Diana and Antinoüs at Lanuvium wealthier members appear to have been responsible for providing for the meals. Four *magisteri* were appointed for each dinner. Each *magister* was responsible for supplying an amphora of wine, a loaf of bread for each member, four sardines (*sardanas n[u]mero quattuor*, or four per member, or ample sardines for four members), a table setting, "and warm water with service" (*caldam cum ministerio*) (*ILS* 7212 2.14–16).

¹⁶⁵ Xen., *Lac.* 5.3, tr. J. Moore.

¹⁶⁶ Arist., *Pol.*, 1330a 5–8, tr. C. Reeve.

The *Yahad's* use of wealth contributed by members to furnish communal meals is of course analogous.

Communal life and common meals in the military: One of the most striking analogies to the common life of the *Yahad* comes in the Israelite armies: like the *Yahad*, armies comprise groups of ideally celibate men,¹⁶⁷ as the laws of the war camp in Deut 23 make clear. They live in spatial separation from the civilian population, share quarters, work together, take meals together, participate in a common cult, and practice a highly disciplined life under the authority of a hierarchy of officers. The presence of the *War Rule* among the most carefully preserved scrolls in Cave 1, and several references to the Day of Vengeance for which the Covenanters prepared themselves (1QS 9:25; 10:19; 1QM 7:5), confirm a strong militaristic component to the *Yahad's* civic ideology.¹⁶⁸

While common soldiers in the Greek and Roman armies took their meals together, each was responsible for purchasing and preparing his

¹⁶⁷ In Jewish thought the ideal of military celibacy seems clear: Deut 23 requires a soldier with impurity from a seminal emission to go outside the camp to purify himself; he must remain outside until sunset (Deut 23:10–11). The statute presupposes that seminal emission is involuntary, i.e., not a result of intercourse with a spouse. Attitudes toward sex in the Greek and Roman armies are more difficult to reconstruct. On the ideal of celibacy in the Roman army see G. R. Watson, *The Roman Soldier*, 133–36; the best discussion remains that of G. Cheesman, *The Auxilia of the Roman Imperial Army* (Oxford: Clarendon, 1914) 118–22. Cheesman points out that the scholarly view that, until Septimus Severus introduced the law allowing soldiers to marry, soldiers were expected to be celibate, is impossible to sustain. For the Roman army, “the suggestions of many critics that celibacy is a valuable military ideal... proceeds along false lines. In a short service army, like those of modern European states, in which the time of soldiers is occupied in learning their military duties, such an ideal is practical enough. In the Roman Empire the adoption of a professional army with a service of twenty-five years put it beyond the power of any government to enforce such monastic conditions, and the facts of the situation were, as we have seen, never misunderstood by the imperial authorities” (pp. 121–22). For inscriptional evidence see *ibid.*, 120–21. Yet it must be noted that Cheesman’s argument addresses the situation in permanent fortified camps, not the legions actively engaged in war campaigns, where celibacy was more likely to have been required.

¹⁶⁸ Josephus’ description of the Essenes seems to imply militaristic ideology based on Deut 23: a new initiate receives a trowel or hatchet (*BJ* 2.137). He uses it to dig a hole for defecation, and then to bury his excrement. The purpose of hiding excrement is “not to offend the rays of God” (2.148–49). This practice follows the laws of the war camp in Deuteronomy: soldiers must carry a trowel so that when they relieve themselves outside the camp they can “dig a hole and cover up [their] excrement” (Deut 23:13). The warrant for the biblical law matches that of the Essenes: “Because YHWH your God travels along with your camp... therefore your camp must be holy, so that he may not see anything indecent among you and turn away from you” (Deut 23:14).

own rations.¹⁶⁹ The case of the leaders of a military campaign is different. Xenophon writes that the Spartan king and his war council are supported at public expense: unlike common soldiers, they do not pay for their own food and drink.¹⁷⁰ Xenophon's description of the Spartan king on campaign bears striking analogies to the *Yahad's* common life. The king takes all meals with the commanders of his regiments (πολέμαρχοι). Three other officials attend to their needs, presumably including preparation of food, so that the war council may deliberate without distraction.¹⁷¹ Cultic activities are also part of Spartan military routine: at the start of each campaign, and then each morning while in the field, the king meets before dawn with regimental commanders, and officers who wished to attend, offers sacrifices to Zeus and Athena, and then assembles the army and issues the day's orders.¹⁷² The daily combination of communal meals, deliberation, and cultic activity mark the *Yahad* as a council charged with crucial leadership tasks, like those of the Spartan war council.

Plato's *Laws* prescribes a similar lifestyle for the twelve regiments of "Country Wardens" (ἄγρονόμοι) who patrol Magnesia's border and rural territories.¹⁷³ Their most important duty is to make the Magnesian juridical system available to citizens in rural areas.¹⁷⁴ The *agronomoi* and their assistants have authority to decide minor cases as soon as they are brought, but convene full trials in the local village for major cases. As they carry out their duties, the *agronomoi* and their assistants take all meals together and share common quarters. Any member who misses a meal or spends the night outside the camp without permission is harshly punished.¹⁷⁵ These strict rules ensure that those assigned to carry out justice did so without prejudice or hope for per-

¹⁶⁹ On the Greek armies esp. W. K. Pritchett's chapter, "Provisioning," in idem, *The Greek State at War* (Berkeley: University of California, 1971) 1.30–52. On the Roman armies see G. R. Watson, *The Roman Soldier* (Ithaca: Cornell, 1969) 62–69, 103–4.

¹⁷⁰ Xen., *Lac.* 13.1. For *sussitia* among Spartan military units see also Herodotus 1.65.5.

¹⁷¹ Xen., *Lac.* 13.1.

¹⁷² Xen., *Lac.* 15.2–5.

¹⁷³ In the same passage (*Leg.* 760b) Plato also calls them φρούραρχοι ("watchmen") and, in 763b, κρύπτοι ("secret police"!)). Their duties also include maintaining infrastructure such as roads. For detailed discussion see M. Davis, "How Many *Agronomoi* Are There in Plato's *Laws*?" *CP* 60 [1965] 28–29).

¹⁷⁴ Plato, *Leg.* 761d–762b.

¹⁷⁵ Plato, *Leg.* 762a–d.

sonal gain.¹⁷⁶ In purpose and in practice the *agronomoi*'s common life is analogous to that of the *Yahad*: both are devoted to vigilant, timely enforcement of laws, and use the common life to promote integrity and unity among officials with great authority.

Common life and meals among cultic officials: The most obvious analogy to the *Yahad*'s common life, and their practice of consuming food from a common store together comes in laws on priestly commensality in the Torah. According to Lev 6:25–7:6, sin and guilt offerings must be eaten by the officiating priests, garbed in holy vestments, in the court of the tabernacle (cp. Ezek 42:13). While nothing suggests that the *Yahad*'s meals were conceived as substitutes for the consumption of offerings and sacrifices, the ritualized practice of eating food from communally held resources, with a priest presiding, must have been influenced in part by conventions of the temple cult.

Priestly commensality in the Greco-Roman context was similar to that of Jerusalem. Aristotle indicates that the *sussitia* of the state priests are funded with state monies. While common citizens must furnish their own portions, "expenses relating to the gods should be shared in common by the entire *polis*."¹⁷⁷

Common meals among other public officials: According to Xenophon, the two Spartan kings dine at state expense in a public *sussition* when not at war. Each king selects two Πύθιοι as dining companions. These four men seem to play a similar role to the regimental commanders who dine with the king while on campaign. While the commanders deliberate military strategy with the king, the Πύθιοι have responsibility for consulting the Delphic oracle on state affairs in peacetime.¹⁷⁸

The Aristotelian *Constitution of Athens* describes the daily commensality of the prytany of the *boulē*:

The members of the prytany eat together in the Round House, at the state's expense. Then they convene meetings both of the *boulē* and of the *ekklēsia*: the *boulē* every day, except when there is a day of exemption, the people four times in each prytany. They describe what business the *boulē* is to deal with, what business on each particular day, and where it is to meet. Likewise they prescribe the meetings of *ekklēsia*.¹⁷⁹

¹⁷⁶ Plato, *Leg.* 761e–762a.

¹⁷⁷ Arist., *Pol.* 1330a 8–9, tr. Reeve, with my modification; see also 1331a 19–31b 5.

¹⁷⁸ Xen., *Lac.* 15.4–5. On the cultic duties of the Πύθιοι see Herodotus 6.57.

¹⁷⁹ Arist., *Ath. pol.* 43.3–4, tr. Rhodes.

Dining together ensures that the *prytanes* are familiar with each other and have ample time to deliberate. Since the state pays for meals, members do not have to worry about income and procuring sustenance while engaged in state business. This arrangement also prevents bribery, since officials do not depend upon donations from individual citizens for their sustenance.

In the Spartan, Athenian, and Magnesian states, leaders meet regularly for commensality, deliberation, and cultic duties. While prayer, deliberation, and eating together doubtless were combined—especially at the state *sussitia*—major cultic and juridical work took place at meetings and festivals devoted to these purposes. Analogies with the common life of the *Yahad* are immediately apparent. Finally, as Plato stressed, the common life of public officials has a policing function. The *Yahad's* communal living obviously has this same result: communal living renders each member's conduct subject to the scrutiny and evaluation of the entire group (1QS 5:23–24a).

4.7 THE RULE FOR THE MANY (1QS 6:7B–13B || 4QS^d FR. 1 II 10B–III 3)¹⁸⁰

The main work of the Council of the *Yahad* occurred in the daily assembly of the Many, which carried out administrative, pedagogical, juridical, and cultic tasks.¹⁸¹ As discussed briefly above, the duties of this body reflect the *Yahad's* civic ideology, in particular its claim to juridical and cultic authority. We will consider constitutional analogies below. The rule for the Many also confirms the scholastic nature of the *Yahad*. Consideration of analogies to contemporary schools suggests that it was organized more along the lines of a school of law than of

¹⁸⁰ While it is clear that 4QS^d contained the Rule for the Many, the ms. is too fragmentary to make a judgment about how the earlier recensions differed from that of 1QS.

¹⁸¹ *Contra* Metso, *Textual Development*, 134, the Many is not synonymous with the Council of the *Yahad*. The latter refers to the *Yahad* as a whole, while the former designates meetings of full members to conduct the *Yahad's* business. The role of purity in S supports this distinction: its statutes refer to the “purity of the men of holiness” twice (1QS 5:13; 8:17) and the “purity of the Many” five times (6:16–17, 25; 7:3, 16, 19; cp. 6:22; 7:25). Nowhere is there a reference to the “purity of the Council of the *Yahad*.” As argued above, purity designates the state of the Many. This explains why transgressive members of the *Yahad* are separated from it; they must also have been barred if they contracted impurity through contact with a corpse, seminal emission, etc. For further discussion see Schofield, *From Qumran to the Yahad*, 144–47.

philosophy. This makes good sense, given that the *Yahad*'s activity as a whole prepared members to govern restored Israel.

6:7b והרבים ישקודו ביחד את של ישית כול לילות השנה לקרוא בספר ולדרוש משפט 8 ולברך ביחד
 וזה הסרך למושב הרבים איש בתכוננו הכוהנים ישבו לרשונה והזקנים
 בשנית ושאר 9 כול העם ישבו איש בתכוננו
 וכן ישאלו למשלו למשפט ולכול עצה ודבר אשר יהיה לרבים להשיב איש
 את מדעו 10 לעצת היחד
 אל ידבר איש בתוך דברי רעהו טרם יכלה אחיהו לדבר וגם אל ידבר לפני
 תכוננו הכתוב 11 לפניו האיש הנשאל ידבר בתרו
 ובמושב הרבים אל ידבר איש כול דבר אשר לוא לחפץ¹⁸² הרבים וכיא
 האיש 12 המבקר על הרבים
 וכול¹⁸³ איש אשר יש אתו דבר לדבר לרבים אשר לוא במעמד האיש
 השואל את עצת 13 היחד ועמד האיש על רגלוהי ואמר יש אתי דבר לדבר
 לרבים אם יזמרו לו ידבר

6:7b The Many shall watch in unity over one third of every night of the year, reading the book, studying judgment, 8 and blessing in unity.

And this is the Rule for a session of the Many: each man (shall sit) according to his rank. The priests shall sit first, the elders second, 9 and (then) all of the people shall sit, each man according to his rank.

Thus they shall be asked about judgment and any counsel or matter that pertains to the Many, so that each man may present his knowledge 10 to the Council of the *Yahad*.

No man may speak during the words of his companion before his brother has finished speaking; additionally no one may speak before another whose rank is written 11 above his. A man who is asked may speak in his turn.

During a session of the Many a man may not say anything that does not have the approval of the *Yahad*, that is, (approval) of the man 12 who is Examiner of the Many.

If any man has something to say to the Many while the man who questions the Council of 13 the *Yahad* is not standing, then the man may stand to his feet and say, "I have a word to speak to the Many." If they address him, he may speak.

¹⁸² Emending להפצ to להפץ, with Qimron, PTSDSS 1, *ad loc*.

¹⁸³ Charlesworth reads יכול with A. Rofé, "A neglected meaning of the verb *kwl* and the text of 1QS VI: 11–13," *Sha'arei Talmon: Studies in the Bible, Qumran and the Ancient Near East*, ed. M. Fishbane and E. Tov (Winona Lake: Eisenbrauns, 1992) 315–21. The alternate reading is rather awkward: "And if the man (who is) the Examiner over the Many should restrain a man who has something to say to the Many, which is not while the one who questions the Council of the Community is standing, then the man may stand on his feet..." Charlesworth seems to find a rule by which a member may override the authority of the Examiner. I prefer Qimron's more coherent reading, וכול. For Qimron and Charlesworth's readings see PTSDSS 1, *ad loc*.

With the introductory statement at 1QS 6:7b, the statutes of S turn to the Many. As discussed above, participation in this assembly is restricted to full members, but candidates in their second year observe proceedings. The Many convene every evening for one third of the night to read Scripture, study judgment, and conduct communal liturgy (6:7b–8a). Members sit according to rank, with priests and elders in the most prominent positions. This seating arrangement reflects order found in the Bible, e.g., in Deut 31:9, Moses entrusts the Torah to the priests and elders of the people.¹⁸⁴

Study of Scripture, the first activity described, appears to have been conducted as a question and answer session that a learned member led (1QS 6:9–10). The questioner stood while the rest of the Many remained seated (6:12–13). While the statute does not say that the Many are examined by a priest, it seems likely that the protocol prescribed for smaller groups in 6:3b–4b is based on protocol of the plenary session. It is also possible that the elders also played an active role in examining members.

The statutes stress orderly procedure. No one may introduce a topic that had not been approved by the Examiner (6:11c–12a). While this might mean that the Examiner vetted new topics for the Many to consider while the meeting was underway, it seems more likely that the statute required topics to be proposed in advance; on the basis of these proposals the Examiner prepared at least part of the agenda for each night's assembly. The final statute in 6:12b–13 supports this interpretation: it describes protocol for a member to introduce a topic that had not been approved in advance. Such unplanned business could only be proposed after the presiding officer had taken his seat. Rather than approaching the Examiner in advance, the man stands and directly addresses his proposal to the Many, and they decide on the spot whether to consider it.

The second activity of the Many is **דרוש משפט**. The phrase is sufficiently ambiguous to include all manner of activities relating to judgment: teaching sectarian halaka, interpreting Scripture, examining members' knowledge, and prosecuting cases of transgression. Study

¹⁸⁴ See also Josh 8:33 where tribes of Israel, led by elders, officers and judges, assemble around priests, who carry Ark of the Covenant; 1 Kings 8:3, elders and priests escort the Ark to the Temple of Solomon; Jer 19:1; 29:1, Jeremiah addresses Israel by summoning elders and priests; cp. Lam 1:19; 4:16; Ezek 7:26, where elders and priests are named as authorities for the people of Israel, and esp. as custodians of the law.

of halaka involves something like Socratic method: the man leading the session asked members to apply specific laws of the Torah to various transgressions. It is likely that study also included the consultation of other halakic texts, such as MMT, and discussion of differences between sectarian and mainstream halaka. Studying judgment certainly included prosecution of transgressive members. The rubric for the Penal Code, **ואלה המשפטים אשר ישפטו בהם במדרש יחד על פי הדברים** (1QS 6:24a) must refer to cases tried at sessions of the Many. The verbal similarities with 6:7b–9 are telling: in both passages the *Yahad* arrives at **משפט** through **מדרש** into any **דבר**.¹⁸⁵

As I have argued on the basis of 6:1b, Reproof in the *Yahad* takes place before the Many, not, as in the Camps, before the Examiner (cp. CD 9:16b–23a). However, the Examiner may have vetted some charges in advance. The statute in 1QS 6:11c–12a may be intended to prevent improper charges, as well as digressive topics. If the Examiner approves a charge, the accuser brings Reproof as part of the prepared agenda.¹⁸⁶

In addition to trying cases of transgression, the Many decide other matters, such as assessments of prospective members as they advanced through the stages of initiation (6:13c–23). Like prosecution of transgressions, the initiation process begins with a consultation with a presiding officer (6:14). The Examiner has the same role in the Camps (CD 13:12–13).

Finally, the work of the Many includes “blessing in unity” (1QS 6:8a). While the passage does not elaborate on the blessing, the abundance of liturgical texts in the Rules and other sectarian literature confirms that communal liturgy was a common part of sectarian life, both in the

¹⁸⁵ The verb **שאל** appropriately describes the presiding officer’s initial address to a witness to a transgression. *M. Sanh.* 5.1 gives seven questions (חקירות) that a judge should pose to any witness or accuser in order to establish the basic facts of the incident: “What week? What year? What month? What date of the month? What day? What hour? What place?” The questions then focus on the character of the accused: “Do you see him (here)? Did you warn him? Is he an idolater? Whom does he worship? How does he worship?” (my translation). For further descriptions of judges’ questioning see *m. Sanh.* 5.2.

¹⁸⁶ The charges covered by this procedure were committed outside a session of the Many; if a member broke the rules of conduct during a meeting he was prosecuted immediately. As discussed below, the Penal Code of S seems to distinguish between transgressions committed at an assembly of the Many (1QS 7:9b–18a) and transgressions committed in other social contexts (6:24b–7:9a).

Camps and in the *Yahad*. It is likely that judgments of transgressors included some liturgy similar to the expulsion rite in D (4QD^a 11 17–18).

4.7.1 *Associational and Constitutional Analogies*

This passage has analogies in state and associational practices. We have already considered the origins of the term the Many in Scripture, as well as in common political designations of the subjects of a state: ὁ πλῆθος, οἱ πολλοί, οἱ πλείονες, etc. We have also surveyed the role of officers in preparing matters for deliberation and vote in political and juridical councils.¹⁸⁷ There are other important analogies:

Regulation of discussion: While the role of the questioner who controls discussion in the Many is analagous to the role of philosophical and rhetorical professors, the *Yahad's* regulation of discussion also has analogies in the deliberative and juridical bodies of the state. Cicero's comments on the law that "a senator shall speak in his turn and with moderation" indicate that discussion in the Senate was carefully controlled. He describes the power of the *actor*, an officer who presided: he "regulates and determines not only the spirit and desires, but almost the facial expressions, of those over whom he is presiding."¹⁸⁸ Similarly at each assembly of the Athenian *boulē* or *ekklēsia*, the *prytaneis* appointed an officer to review the day's business. He handed the agenda over to a panel of nine other officers. These officers submitted items on the agenda to the council for discussion and, if appropriate, a vote.¹⁸⁹ In the Athenian courts a presiding officer controlled testimony: first, those giving testimony swore to speak only on the matter at hand; second, each side's speaking time was strictly limited.¹⁹⁰ This practice corresponds to the regulation of speaking in S: the Examiner controlled the order in which members spoke, preventing them from speaking out of turn while guaranteeing that each member had opportunity to propose matters (1QS 6:10b–13).

As Weinfeld points out, in the *nomos* of the Athenian Iobacchi there are two statutes on speaking in order. Both emphasize that members must wait for the directions of the presiding officer before they address

¹⁸⁷ On the origins of the term the Many see §3.5. On regulation of discussion by an officer see §3.6.1.1; cf. 5.6.4.

¹⁸⁸ Cicero, *Leg.* 3.18.40, tr. C. W. Keyes, LCL. Cp. *ibid.* 3.19.42–43.

¹⁸⁹ Arist., *Ath. pol.* 44.1–3.

¹⁹⁰ Time allotted for discussion was measured by a water-clock: see Arist., *Ath. pol.* 67.2.

the associational assembly. The rules indicate that members may only introduce new business or address the assembly after having their proposal vetted by an officer:

one may either sing or create a disturbance or applaud at the gathering; rather each shall say and act his allotted part with all good order and quietness under the direction of the priests or the arch-bacchus.¹⁹¹

No one shall deliver a speech without the permission of the priest or vice-priest, under penalty of a fine of thirty light drachmae to the association.¹⁹²

These statutes are somewhat analogous to the statutes on orderly conduct in assemblies of the Many. But there are important differences. Perfect order was important for a juridical-cultic body like the Many, as for the Sanhedrin, the Roman Senate, and Athenian courts. But as a symposiastic society affiliated with the god of wine, the Iobacchi primarily needed to ensure that their meetings were not disruptive to civil order. Rules on behavior restrained inebriated impulses; displaying these rules in a public inscription may have been intended to promote social perception of the society as responsible and disciplined.

Sitting and questioning according to rank: Weinfeld claims that the habit of sitting according to rank is found throughout the associational *nomoi*, but this exceeds the evidence.¹⁹³ A more consistent analogy comes in rules against disturbing the order of the banquet by taking

¹⁹¹ SIG³ 1109.63–67, tr. M. Tod, *Sidelights*, with my modifications. For Weinfeld's analysis see idem, *Organizational Pattern*, 26, 57.

¹⁹² μηδεὶς δ' ἔπος φωνεῖτω μὴ ἐπιστρέψαντος τοῦ ἱερέως ἢ τοῦ ἀνθιερέως, ἢ ὑπεύθυνος ἔστω τῷ κοινῷ λεπτοῦ δρ. λ, SIG³ 1109.107–10, my translation.

¹⁹³ Weinfeld, *Organizational Pattern*, 27. Descriptions of assemblies in the Bible provide no clear precedent for sitting according to rank. Exodus mentions nothing about rank in its passages on assemblies of elders (3:16; 4:29) and Israel (Exod 12:6; 35:1). In Lev 8:3–14 Moses assembles the congregation before himself, Aaron, and Aaron's sons; apart from mention of these leaders, where rank may be implied, nothing about ranked seating appears. Numbers and Deuteronomy contain the closest thing we have to a description of assembly by rank, but even these descriptions mention only the "heads of tribes" and "officials": in Num 1:1–18, Moses assembles all Israel by clan, with heads of clans directing the assembly with Moses and Aaron; Num 10:3–4 describes two types of assemblies: one for the entire congregation of Israel (v. 3) and one for heads of tribes of Israel (v. 4), with no mention of rank in either verse; Deut 29:10–11 describes an assembly by tribe with elders at the head, along with officials, men, children, women, and alien slaves; similarly Deut 31:12 describes an assembly of all Israel. The order of those listed—men, women, children, and resident aliens—may imply status, but nothing is said about how these groups sit. The description of the assembly of tribal elders and officials (שׁטרים) in Deut 31:28 is similarly silent on ranked seating.

another member's seat¹⁹⁴ or by speaking out of turn or making enthusiastic outbursts without the direction of the presiding officers.¹⁹⁵ But the *nomoi* do not rule on how rank determines seating. In contrast, rank is central to descriptions of the seating of political bodies. *Contra* Weinfeld, the descriptions of seating by rank in SE (1QSa 2:11–17a, 17b–22) are not analogies to laws on ranked seating in associational *nomoi*:¹⁹⁶ they prescribe protocol for state assemblies and councils. Similarly Weinfeld's observation that the judges of the Sanhedrin sat by rank (*m. Sanh.* 4.2–4; *t. Ber.* 5.5–6), while correct, suggests not that the Many assembled after the fashion of a private association, but as a court exercising state powers.

The description of the Sanhedrin in the Mishnah emphasizes ranked seating quite like the rules for the Many in S. Judges sit in permanent seats arranged in a semi-circle by rank,¹⁹⁷ with the senior judges in the center and juniors on the sides.¹⁹⁸ Opinions are given by rank: in capital cases the junior judges speak first and the senior last; in minor cases the order is reversed.¹⁹⁹ Below the seated judges are three rows of

¹⁹⁴ E.g., shoving in front of another member while taking seats is forbidden in P. Mich. V 243.6–7, but rank is not mentioned. Similarly the Iobacchi of Athens recognize fixed seating, but without mentioning rank: a member who takes another member's seat and causes a disturbance can be prosecuted (SIG³ 1109.72–83). The apportionment of sacrificial meats and drinks are discussed with respect to the officers and members appointed to specific cultic roles at ll. 117–27, but distribution of goods, not seating, is the issue. ILS 7212 2.25–26 contains a statute against moving from one place to another and causing a disturbance at a banquet. This statute may be related to the habit of sitting according to rank, since offenses against the *quinquennalis* are discussed in the same passage, but ranked seating is not mentioned explicitly.

¹⁹⁵ E.g., SIG³ 1109.63–67, discussed below. For Weinfeld's analysis see *idem*, *Organizational Pattern*, 26.

¹⁹⁶ Weinfeld, *Organizational Pattern*, 27.

¹⁹⁷ *M. Sanh.* 4.3 describes the seating as עגולה גורן כחצי, "like half of a (circular) threshing floor."

¹⁹⁸ The role of scribes in the Sanhedrin is somewhat similar to that of the Examiner of the Many: two scribes keep records of testimony, one for the prosecution, the other for the defense (*m. Sanh.* 4.3). The Examiner seems to have vetted cases for formal Reproof before the Many. His role is clerical and scribal, but seems more oriented around pre-trial activity than the procedures of the trial itself.

¹⁹⁹ *M. Sanh.* 4.2, דיני הטומאות והטהרות מתחילין מן הגדול דיני נפשות מן הצד, "In cases of property or purity they begin with the most senior (judge); in capital cases with the (junior judges seated) on the side" (my translation). Presumably the order of questioning allowed expediency in the minor cases, since the junior judges would follow the opinions of their seniors; it also ensured that the more weighty opinion of the senior judges would be heard last in capital cases.

תלמידי חכמים, “students of the Sages,” who also sit by rank.²⁰⁰ Roman senators similarly appear also to have structured their discussions and votes by rank.²⁰¹

Scholastic analogies to reading the book and studying judgment: The Mishnah’s descriptions of how the Sanhedrin fills vacant seats and enlarges its ranks to hear specific kinds of cases offer further analogies to the Many.²⁰² Once a judge’s seat becomes vacant, members of the Sanhedrin below the vacancy move up, leaving the most junior seat open. The most senior of the students takes the seat of the most junior judge, leaving the most senior student’s seat open. All students then move up one seat, with the most senior member of the second row taking the most junior position on the first row, the most senior of the third row taking the most junior seat on the second row, and the most junior seat on the third row being filled by a new student selected from the congregation.²⁰³ By sitting according to rank, the Sanhedrin maintains an orderly pattern of accession to seats on the court. There is also a pedagogical component to the assembly: the court not only functions as a juridical authority, but also as a school for advanced students of Jewish law. Students’ presence is essential for two reasons: first, at times the Sanhedrin needs to be enlarged to hear certain types of cases. In such instances, advanced students sit as junior judges.

²⁰⁰ *M. Sanh.* 4.4 states explicitly that אחד מכיר את־מקומו, “each one knew his place,” i.e., his seat, which was assigned on the basis of rank.

²⁰¹ Cicero, *Resp.* 2.20, describes Lucius Tarquinius’ creation of two senatorial ranks, those of the greater and lesser families. Ancient Roman historians give evidence that strict rules on speaking according to rank fell out of use as early as the fifth century BCE (Dionysius of Halicarnassus 6.4, 16, 19, 21; cp. Livy 3.39–41), but the ideal of orderly speech in the Senate remained very much alive. Another analogy to the practice of sitting in ranked order comes from the Roman amphitheaters in the Principate, where spectators sat according to rank: the Emperor’s seat was central; senatorial and equestrian orders were separated and divided into various orders; the next section was reserved for citizens with sufficient wealth to wear the toga; above them sat the poorer citizens, alongside slaves, freedmen and foreigners. Further subdivisions obtained in each section, e.g., soldiers sat apart from civilians; married men from unmarried; young boys sat with tutors. For a survey of the evidence see Smith, *Dictionary of Greek and Roman Antiquities*, s.v. “Amphitheatrum,” p. 88. The most important source is Suetonius: *Caes.* 76; *Oct.* 44; *Nero* 12; *Dom.* 4. See also Juvenal, *Sat.* 2.143; 6.61.

²⁰² For the number of judges required for specific cases see *m. Sanh.* 1.1–6. Courts comprised three, twenty-three, or seventy-one judges, depending on the case. Additional judges were added to the Sanhedrin in capital cases in which the verdict depended on a single vote, until a majority of at least two was obtained.

²⁰³ *M. Sanh.* 4.4, ובוררין להן עוד אחד מן־הקהל ומושיבון אותו בשלישית, “and they chose for them (the תלמידי חכמים) one other from the congregation, and seated him in the third (row).”

Second, future judges gain practical experience by witnessing the procedures of the court as it tries cases.

Roman legal education, like its Jewish counterpart, required students to attend trials to become familiar with juridical procedures, methods of prosecution and defense, implications of legal precedent, use of documents pertinent to specific cases, methods of examining witnesses, and so forth. As Stanley Bonner observes, attending trials gave students opportunity to witness the challenges of declamation, and to see for themselves the difference between effective and poor advocacy.²⁰⁴

The scholastic function of witnessing juridical proceedings brings us back to the first activity mentioned in the Rule for the Many: reading the Book, which doubtless meant the Torah. The *Yahad's* communal reading and study had much in common with the practices of other ancient schools, especially those that trained students in law. But there are also similarities between the *Yahad's* scholastic habits and those of Greco-Roman philosophical schools.²⁰⁵ These similarities are worth considering, given that ancient observers regarded the Essenes as a Jewish philosophical school.

As H. G. Snyder has shown, texts played an important role in philosophical education. In Epictetus' classroom it was common practice for an individual, whether Epictetus himself or a student, to read aloud from texts to the rest of the class. A student who read also gave his own exegesis of the passage. Epictetus then posed sharp questions about the student's interpretation (*Diatr.* 2.1.30–31). Epictetus' readings of Greek philosophical texts provided his Latin-speaking students opportunity to hear an expert reading of the text in Greek, and to copy the material for their own private study and class preparation. Once Epictetus set forth the text, he engaged students in a rigorous question and answer session about the precise meanings of philosophical

²⁰⁴ See Bonner's excellent discussion on the place of attending court in a Roman advocate's education in idem, *Education in Ancient Rome* (Berkeley: University of California, 1977) 295, 324–25. Quintilian argues that advocates must be exposed to the exigencies of actual courtroom procedure and cases, lest they become enslaved to the theoretical rules of scholiasts with no practical legal experience (*Inst.* 10.5.18–20). Often the rules elaborately prescribed for speeches in "text-books composed in the calm leisure of study are sadly upset by the realities of forensic necessities" (5.8.59, tr. H. E. Butler, LCL).

²⁰⁵ Snyder, *Teachers and Texts*, 138–64.

terms (2.14.14).²⁰⁶ Sometimes he read an argument from a text and then challenged students to test its logical integrity.²⁰⁷ Detailed scrutiny of hypotheses through question and answer sessions, Epictetus argued, teaches students to discern between true and fallacious arguments. While the work may be tedious or seem irrelevant,²⁰⁸ rigorous examination of logic prevented students from being led astray by clever sophistries (1.7.12). The communal practice of reading and critically analyzing texts also allowed students to sharpen their oratorical skills, and challenged students to develop a disciplined, principled, and quick intellect.

Porphyry's *Life of Plotinus* reveals other ways in which texts could be used in philosophical schools, such as through the consultation of commentaries on the works of Plato.²⁰⁹ This suggests that students were engaged in close examination of the meaning of a difficult text that all read together. Reading aloud from texts that students had transcribed from an oral reading provided opportunity to examine precise meanings of terms, and the function of those terms in the overall argument. It also helped students catch their copying mistakes.²¹⁰ Communal interpretation of the precise meaning of texts would reveal such errors; at the same time surveys of commentaries on difficult texts enlivened class discussion by introducing a range of possible meanings

²⁰⁶ Snyder, *Teachers and Texts*, 26.

²⁰⁷ Epictetus gives an example from his own days as a student of Musonius Rufus: "This was the remark I made to Rufus when he censured me for not discovering the one omission in a certain syllogism: 'Well,' said I, 'It isn't as bad as if I had burned down the Capitol.' But he answered, 'Slave, the omission here *is* the Capitol.'" He goes on to stress the importance of question and answer sessions based on interpretation of set problems: "But to make a reckless and foolish and haphazard use of the external impressions that come to one, to fail to follow an argument, or demonstration, or sophism—in a word, to fail to see in question and answer what is consistent with one's position or inconsistent is none of these things an error?" (*Diatr.* 1.7.32–33, tr. Oldfather, LCL)

²⁰⁸ Epictetus quotes a student excusing himself for not having mastered an argument: "If, then, I err in these matters, I have not murdered my own father, have I?" His response: "Slave, pray where was there in this case a father for you to murder? What, then, have you done, you ask? You have committed what was the only possible error in the matter," i.e., not following the argument properly (*Diatr.* 1.7.31–32, tr. Oldfather).

²⁰⁹ On similar practices in Plotinus' school see Snyder *Teachers and Texts*, 115–18.

²¹⁰ Porphyry recalled that his fellow student Amelius was attempting to explain the claim that the soul *λέγει* in the *Timaeus*. Eventually it was discovered that the text was corrupt: the soul does not "cease"; rather, it "says" (*λέγει*) (Proclus, in *Tim.* 2.300.24, cited in Snyder, *Teachers and Texts*, 116 and 263 n. 115).

for students to critique and debate.²¹¹ Snyder concludes that Plotinus' classes, and those of other philosophers, included three consistent features: 1) oral reading of primary texts and interpretations of commentators; 2) the teacher's own comments on the texts; and 3) a questions-and-answer period between students and teachers.²¹²

The centrality of oral reading from texts and question-and-answer methods of communal study in the philosophical schools is strongly analogous to the study of Scripture and its sectarian interpretation in sessions of the Many. In the philosophical schools and the *Yahad*, all participants were expected to be able to read aloud; texts provided the core materials for discussion; and a teacher led communal interpretation.

Snyder's analysis is illuminating and shows that the *Yahad's* scholastic activity was very much in line with conventions elsewhere in contemporary society. But in the end, philosophical schools do not provide the best analogies to the pedagogical function of sessions of the Many. Classroom protocol in Roman legal schools is a closer match. As we have already considered, a key component of advanced Roman legal education was witnessing actual trials, a practice with analogies in both the *Yahad* and the Mishnah's description of the Sanhedrin. Legal education also required students to master analysis and use of texts. As Bonner writes,

One of the main objectives of teachers of declamation, from the Ciceronian period onwards, was to provide exercises in which both the literal wording of a document (*scripta, verba*) and its meaning and intention (*sententia, voluntas*) required to be closely examined. This was of practical value, for Quintilian says that the question of the letter and the intent was a most frequent source of discussion among jurists, and that a large part of legal disputation arose therefrom; and, he adds, 'it is not surprising that such cases occur in the schools, where they are also invented of set purpose'.²¹³

²¹¹ According to Porphyry, Plotinus invited students' questions and sometimes spent excessive amount of class time on dialogue. The more usual practice was for a teacher to read and comment on a particular text. See Porphyry, *Vit. Plot.* 3.36–37 and discussion in Snyder, *Teachers and Texts*, 117–18.

²¹² Snyder, *Teachers and Texts*, 118.

²¹³ Bonner, *Education*, 316, quoting Quintilian, *Inst.* 7.6.1. For various ways in which Roman advocates interpreted the wording and intention of laws see *ibid.*, 7.6.1–7.7.10; book 7 of the *Inst.* is devoted to detailed discussion of the interpretation of laws in legal oratory.

As Bonner notes, Quintilian required students to read aloud the masterful speeches of Cicero and others; he also had them read bad orations.²¹⁴ This allowed Quintilian to show quickly and precisely how good oratory worked and what led to failure.

Reading legal oratory taught students how to speak persuasively in the courts. As they advanced, students honed their persuasive skills through two additional practices. First, students attended and competed in *controversiae*, public contests in which orators argued one side or the other of a hypothetical legal case. As we know from the elder Seneca's accounts of declamatory contests, success depended as much on thorough knowledge of Roman law and precise the interpretation of legal documents, as on polished oratorical skills.²¹⁵ Declamations typically began with citation of a statute from Roman law, followed by a hypothetical case.²¹⁶ Students then defended either litigant, or each in turn, basing their arguments on careful interpretation of the statute's language, the circumstances of the case, interpretive precedent, and so forth.

Thus in the classroom of legal advocates we find strong analogies to the practice of "reading in the book" and "studying judgment." The Council of the *Yahad* was nothing if not an assembly of legal experts devoted to learning precise interpretation of the law and to perfecting their ability to issue judgments against transgressors. Like Roman law students, members of the *Yahad* studied in anticipation of applying their knowledge and skills to the governance of their own state when Israel was restored.

Other differences between the Many and associational assemblies: The Rule for the Many shows that the meetings of the *Yahad* and Greco-Roman associations differed both in frequency and purpose. While the Many met every evening to study law in various ways, typical associational meetings occurred once per month and centered around a banquet.²¹⁷ Meetings in addition to the banquet were held as

²¹⁴ See Quintilian, *Inst.* 10.5.18–20, discussed in Bonner, *Education*, 304–5. On the use of bad speeches see *idem*, *Decl.* 308–9; 338.

²¹⁵ For discussion of *controversiae* see Bonner's chapter on "Declamation as preparation for the lawcourts," *Education*, 309–27, esp. pp. 316–21. For the elder Seneca's *Controversiae* see the edition of M. Winterbottom in the LCL (2 vols.; Cambridge: Harvard, 1974).

²¹⁶ For further discussion of the study of hypothetical cases see Bonner, *Education*, 317–18.

²¹⁷ Weinfeld, *Organizational Pattern*, 29.

needed, e.g., when a member died or a prosecution had to be tried.²¹⁸ Indeed, many *nomoi* include prohibitions against bringing charges against other members during regular meetings: juridical assemblies were special affairs.²¹⁹ In contrast, the statutes on the Many do not even mention commensality.²²⁰ We do not know whether meals were part of the nightly sessions. We do know that assemblies of the Many were devoted to studying and applying sectarian law. In purpose and

²¹⁸ Monthly banquets are the norm for the *apolusimoi* of Tebtynis (P. Mich. V 244.14–16), but the president could convene other meetings (ll. 7–9, 16–18); the same obtains for the unnamed association of Tebtynis in P. Mich. V 243.1–2, 4. Similarly we find monthly banquets in the association of Zeus Hypsistos (P. Lond. 2710.7–10), along with “summoned meetings” (*παραγγελίαι*), “assemblies” and “outings” (*σύνλογοι, συναγωγαί, ἀποδημίαι*, ll. 10–12); the code of the Athenian Iobacchi describes monthly meetings alongside other regular cultic festivals, unspecified general assemblies, and celebrations of members’ accomplishments (*SIG*³ 1109.146–155). The cult of Diana and Antinoüs at Lanuvium was forbidden by law to meet more than once per month for the purpose of collecting dues (*ILS* 7212 1.10–13), but their banquet calendar includes two feasts in the month of August, one feast in some months, and none in others (2.11–13). Thus their society appears to have met more frequently for the business of collecting dues than for feasts—this is not surprising given the apparently low economic status of members. A third statute distinguishes between business meetings and feast days, and requires that business or complaints (most likely against other members) be reserved for the business meetings (2.23–24). It appears that the association of Sebek in second-century BCE Egypt followed a monthly cycle of meetings as well: members convened for “festivals and processions of Sebek and the gods,” and on other days designated by the House (P. Dem. Cairo 30606.6–7). Monthly collection of dues may have coincided with monthly cultic assemblies (ll. 6–8). For other calendars of meetings in the Demotic codes see P. Dem. Lille 29.3–4; P. Dem. Hamburg I 5b; P. Dem. Cairo 31179.6; 31178.4–5. The *nomos* of the association of Amenophet, on the other hand, gives a calendar of symposia that fall once every ten days (P. Dem. Berlin 3115 A 2.1–18).

²¹⁹ The association of Sebek penalized members who convened a juridical meeting without paying a required fee (P. Dem. Cairo 30606.22). This suggests that regular meetings did not include juridical matters. The association of Zeus Hypsistos forbade members from accusing each other during banquets (P. Lond. 2710.17–18): such business was reserved for meetings to which members were summoned (*παραγγελίαι*, ll. 10–12). The Athenian Iobacchi convened special juridical meetings to judge brawlers (*SIG*³ 1109.85–102). At monthly banquets members were forbidden to speak without permission of the priest or vice-priest. Presumably this vetting process kept lawsuits and complaints from disrupting the festive spirit of the banquet (ll. 107–110). The *nomos* of the cult of Diana and Antinoüs forbade bringing up complaints or business during the *diebus sollemnibus* “we may banquet in peace and good spirits” (*ILS* 7212 2.23–24).

²²⁰ The fact that statutes for common meals (1QS 6:4c–5a) appear separately from statutes on assemblies of the Many (6:7b–13b) reinforces the impression that meals, assemblies for communal worship, and deliberative assemblies were three distinct types of occasions.

frequency of meeting, the *Yahad* looks like a school dedicated to the study of governance and law.

4.8 RULES FOR INITIATION (1QS 6:13c–23)²²¹

Following procedural rules for sessions of the Many come two sets of statutes that guided the activities of the Many: rules for initiation and the Penal Code. Both describe the responsibility of the Many for deciding about the status of persons within the community or who wished to join it. These statutes provide the fullest view of what the judging activity of the *Yahad* looked like, how its holy cult was guarded against impurity, and how the *Yahad* treated communal property. The rules on initiation, along with the Penal Code, confirm that daily affairs were overseen by officers and voting assemblies, most of whom were not priests, and support my hypothesis that conformity to priestly authority entailed rigorous adherence to cultic purity laws and submission to the Many, not submission to individual priests.

6:13c וכול המתנדב²²² מישראל 14 להוסיף על עצת היחד
 ידורשהו האיש הפקיד ברואש הרבים לשכלו ולמעשיו
 ואם ישיג מוסר יביאהו 15 בברית לשוב לאמת ולסור מכול עול יהבינהו
 צול משפטי היחד
 ואחר בבואו לעמוד לפני הרבים ונשאלו 16 הכול על דבריו וכאשר יצא
 הגורל על עצת הרבים יקרב או ירחק
 ובקורבו לעצת היחד לוא יגע בטהרת 17 הרבים עד אשר ידרושהו לרוחו
 ומעשו עד מולאת לו שנה תמימה וגם הואה אל יתערב בהון הרבים
 18 ובמולאת לו שנה בתוך היחד ישאלו הרבים על דבריו לפי שכלו ומעשיו
 בתורה
 ואם יצא לו הגורל 19 לקרוב לסוד היחד על פי הכוהנים ורוב אנשי בריתם
 יקרבו גם את הונו ואת מלאכתו אל יד האיש 20 המבקר על מלאכת
 הרבים וכתבו בחשבון בידו ועל הרבים לוא יוציאנו
 אל יגע במשקה הרבים עד 21 מולאת לו שנה שנית בתוך אנשי היחד
 ובמולאת לו השנה השנית יפקודהו על פי הרבים
 ואם יצא לו 22 הגורל לקרבו ליחד יכתובהו בסרך תכונו בתוך אחיו לתורה
 ולמשפט לטוהרה ולערב את הונו ויהי עצתו 23 ליחד ומשפטו

6:13c Anyone who volunteers from Israel 14 to add himself to the Council of the *Yahad*:

the man who is appointed at the head of the Many shall examine him with regard to his understanding and his works.

²²¹ The parallel texts are too fragmentary to judge about variations.

²²² Correcting מתנדב, וכולה, with Qimron, PTS DSS 1, *ad loc.*

And if he accepts the discipline, he shall bring him 15 into the covenant, that he may turn to the truth and depart from all deceit, and he shall teach him the judgments of the *Yahad*.

And afterward, when he comes to stand before the Many, they shall 16 all be asked about his affairs. When the lot is cast by²²³ the Council of the Many, he shall approach or depart.

When he approaches the Council of the *Yahad* he shall not touch the purity of the 17 Many until they examine him with respect to his spirit and deeds, until he has completed one full year, nor shall he have any involvement with the wealth of the Many.

18 When he has completed the year in the midst of the *Yahad*, the Many shall inquire about his affairs, according to his understanding and his deeds in the Torah.

If the lot goes forth for him 19 to approach the Council of the *Yahad*, in accordance with the priests and the Multitude of the men of their covenant, they shall bring both his wealth and his property into the hand of the man 20 who is Examiner over the property of the Many, and they shall record (it) in the registry in his own hand, but he shall not put it forth for the Many.

He shall not touch the liquid of the Many until 21 he has completed a second year in the presence of the men of the *Yahad*. When he has completed the second year he shall be examined in accordance with the Many.

If the 22 lot goes forth for him to approach the *Yahad*, he shall be enrolled in the order of his rank in the presence of his brothers, with regard to Torah and judgment and purity, and in order to mingle his wealth. Then his counsel 23 and his judgment will belong to the *Yahad*.

The statutes on initiation describe a four-step procedure that requires more than two years to complete. We shall examine each step in turn.

Step one: application, instruction, and first scrutinies: As in the Camps, entry into the *Yahad* begins with a scrutiny before an official. In D this is the Camp Examiner; in S he “the man appointed at the head of the Many” (1QS 6:14). The use of the term פקיד (or פקוד, since *waw* and *yod* are indistinguishable in the mss. of S) doubtless comes from the usage of the noun פקיד for cultic, civil, and military officers, in the Bible and continues the Covenanters’ practice of drawing upon constitutional terms from the Torah for their self-description.²²⁴ Nev-

²²³ The preposition על may be translated “in accordance with”; its meaning is clear: the decision was made according to the will of the Many.

²²⁴ Most scholars read פקיד, not פקוד, but many then go on to translate term as the passive participle, “appointed,” e.g., García Martínez and Tigchelaar, *DSSSE*. The biblical noun פקיד appears in numerous places 2 Kings 25:19, “the officer who was over the men of war”; Neh 11:9, “Joel... was the officer over them”; Jer 20:1, the priest

ertheless there is good evidence for reading פקיד as a passive participle. First, the lexical form may be read as an Aramaism, the equivalent of the Hebrew *qal* passive participle פקוד.²²⁵ Second, in D the leading officer at the Assembly of All Camps is described as “the priest who is appointed at the head of the Many (הרבים הכהן) אשר יפקד ברואש²²⁶ (CD14:6b–7a).”²²⁷ Here the *niphal* of פקד clearly means “is appointed.” In both D and S, then, a passive form of פקד is immediately followed by the prepositional phrase ברואש הרבים.

This description may imply that the office was not permanently held by one man, but was one to which members were appointed in turn. The appointed officer in S is not called a כוהן, as in D, and may have been a lay member.²²⁸ As we have seen, both priests and lay elders take the leading seats at sessions of the Many (1QS 6:8c). The difference between the language of S and D may be explained by the nature of the duties: the appointed priest in D presides over an annual covenant renewal ceremony, something no lay Israelite can do. The man appointed “at the head of the Many” did not preside over cultic rites, but performed initial routine scrutiny of prospective members. Because his duties were not directly cultic, his lineage was probably not an issue: both lay and priestly members of the *Yahad* had sufficient expertise to perform the evaluation.

Whoever was appointed at the head of the Many when a man petitioned to join the *Yahad* bears responsibility for the first stage of initiation. His first duty is deciding whether the applicant is suitable.²²⁹ We cannot be certain about the next step: the prodosis ישוב מוסר ואם can mean “if he *is suited* to the discipline”; or, it may mean “if he *accepts* the discipline.” The first possibility assumes that the inquirer

Pashhur... was chief officer in the house of YHWH”; “one officer who was over the men of war.”

²²⁵ See Jastrow, *s.v.* for citations and usage.

²²⁶ Reading אשר ברואש with 4QD^b frg. 9 v 11; CD has אש, a copying error.

²²⁷ Similarly in 4QBerakot^d 14 [הפ]קיד ברואש] leads communal liturgy.

²²⁸ R. Kugler suggests that the term פקיד is technical, like מבקר. Nevertheless he admits that not all officers designated by the term can be identified as priests with confidence (“Priests at Qumran,” 107). Such lack of clarity stems, in my view, from the fact that the Covenanters did not use the term as a technical designation, but as an adjective for officers appointed to serve for a limited period of time.

²²⁹ Here I would to speculate that the examination probably also included inquiry into the man’s familial background: as SE stresses, the “hosts of the Congregation of Israel” comprise האזרח בישראל בול, 1QSa 2:6. It seems likely that the *Yahad* required members to be born to ethnically pure Israelites.

approaches the officer already having determined to join the *Yahad*. The second possibility is that the officer first evaluates the inquirer and, if he proves suitable, explains the *Yahad's* way of life to him. If the inquirer decides to accept its rigors and proceed to the next stage, he advances. It is impossible to resolve the issue on lexical grounds: the *hifil* of **נָשַׁג** can mean both “attain to” or “accept.”²³⁰ Regardless, the inquirer surely could withdraw from the process at any point. Thus the first part of initiation includes several steps:

- 1) The inquirer presents an application to join the *Yahad* to the appointed officer.
- 2) The officer examines the inquirer's knowledge and deeds.
- 3) If the inquirer proves suitable, the officer explains the *Yahad's* way of life and asks him whether he is willing to observe it.
- 4) If the inquirer accepts the discipline, then a contract is completed between the officer and inquirer: the officer agrees that the inquirer is suitable, and the inquirer agrees to abide by the *Yahad's* rules.

Once both parties assent to the terms of the contract, the officer “brings [the inquirer] into the covenant,” i.e., affirms formally that he wishes to enter the *Yahad*. At this point the officer becomes his teacher in the “judgments of the *Yahad*” for an unspecified period of time (6:14–15).

While the inquirer's separation from non-sectarian Jews was probably close to comprehensive from the beginning, his integration into the *Yahad* takes several steps. After his period of instruction, he stands before the Many for his second scrutiny. Each member is asked his opinion about the inquirer's affairs (**דבריו**). All members having spoken, the will of the Many is determined “as the lot is cast” (**כאשר יצא הגורל**). While this phrase surely designates a voting process, the language is drawn from biblical law and narratives that depict leaders of Israel discerning God's will by casting lots (**גורל**).²³¹ Once again the Covenanters' civic ideology is apparent: they cast their practices as tra-

²³⁰ For a survey of usage in the Hebrew Bible and early Jewish literature see HALOT, *s.v.*

²³¹ E.g., one goat is chosen for sacrifice to YHWH, another for Azazel, by lot, in Lev 16:8–10. The land of Canaan is apportioned to the tribes of Israel by lot in Josh 18–19; duties and are apportioned to the priestly and Levitical clans in 1 Chr 24–26; duties for supplying goods to the temple are assigned on the basis of lot in Neh 10–11. In 1 Sam 14:41–42 Saul uses the Urim and Thummim to cast lots to determine innocence or guilt. The actual use of the Urim and Thummim is unknown, but they were sewn into the high priest's breastpiece and used to discern divine will in some way: Exod 28:30; Lev 8:8; Deut 33:8; Ezra 2:63; Neh 7:65; Sir 45:10; 1 Esdras 5:40.

ditional Israelite protocol by appropriating the language of Scripture. At the same time the Many followed conventional political procedure by making decisions through conciliar deliberation and voting. This adaptation of political convention marked their practices as state-like.²³² The protocol of voting after a discussion resembles the practice of the Sanhedrin, as well as Roman voting assemblies. Finally, it seems likely that the Many, like the Jewish and Roman assemblies, cast their votes openly: this followed political convention. Further, a secret ballot would have compromised the claim that all members' counsel and judgment belonged to the *Yaḥad* (6:22b–23).

Step two: the first year of candidacy and third scrutiny: Whatever the Many decides about the inquirer is final. The rejected depart; the approved proceed to the second stage, which lasts one year.²³³ During this time the inquirer gains restricted access to the *Yaḥad*'s common life: he lives "in the midst of the *Yaḥad*" (6:18) but cannot share the purity or the wealth of the Many (6:16b–17). I have argued that purity here refers to the state of the Many—he must remain separated from the assembly. Thus during his first year among the *Yaḥad*, the candidate lives in proximity to full members of the *Yaḥad* and works alongside them, while supplying his own food, clothing, and other necessities out of the property that he brings with him.

Step three: the second year of candidacy and fourth scrutiny: After the candidate completes his first year he stands before the Many again, and each member votes on his candidacy. If he is rejected he departs, presumably taking what remains of the property that he brought with

²³² *Contra* some scholars who speculated that the Many actually made decisions by casting lots, e.g., F. Schmidt, "Gōral Versus Payis: Casting Lots at Qumran and in the Rabbinic Tradition," in *Defining Identities: We, You, and the Other in the Dead Sea Scrolls: Proceedings of the Fifth Meeting of the IOQS in Groningen*, ed. F. García Martínez and M. Popović (STDJ 70; Leiden: Brill, 2007) 175–85; J. Carmignac et al., eds., *Les textes de Qumran: traduit et annotés* (2 vols.; Paris: Letouzey et Ané, 1961–1963) 2.76. The procedure of asking each member's judgment about the inquirer's affairs is difficult to understand if it was not followed by a vote.

²³³ In P. Dem. Berlin 3115, a *nomos* for an association of embalmers, we find a curious statute on enrollment and exclusion. Underlying the statute is the assumption that any embalmer will join the association within his first ten years of work. If he does not enroll voluntarily after ten years, he will be compelled to join; if he refuses and fails to enroll after sixteen years, then all members of the association must shun him. *Contra* Weinfeld, the periods of ten and sixteen years are not "periods of trial"; instead they are deadlines for enrollment. Nor may shunning the non-joiner be taken as an analogy to expulsion from the *Yaḥad*, as Weinfeld claims: how could one who has not joined a society be expelled from it? See Weinfeld's discussion, *Organizational Pattern*, 43–44 and the text, P. Dem. Berlin 3115 A 2.1–4.

him. If he is accepted, he submits his property to the Examiner responsible for communal funds (6:18b–20b). The Examiner directs the new member to register the property that he brought בִּיָדוֹ (6:20). The most obvious purpose for the registration appears in the conditions that follow: the property of the candidate remains off limits to the rest of the *Yahad* until he becomes a full member. The registry provides information about what property is available for use and what should be left alone. Yet if this is the only purpose we might expect the Examiner to take care of the registration on his own, without requiring the new member to verify that the record is accurate. There seems to be some interest in assuring the candidate that the *Yahad* kept accurate records about what property belonged to whom.

Why? Bardtke plausibly suggested that the registry could have been used to return property to members that departed, less the value of the community's resources that they had used.²³⁴ This possibility makes the most sense for candidates in the second year, when the candidate had access to the *Yahad's* communal store. Careful recordkeeping would have been good protection against lawsuits that might entangle the *Yahad* in the external courts: if a candidate was rejected, he could not claim that his property had been stolen: the Examiner could adduce proof that the *Yahad* had taken only fair compensation. Further, such protocol conformed to the *Yahad's* rule against sharing wealth with outsiders without monetary exchange: the candidate could not claim to have shared property with the *Yahad* freely. Rather, he paid for the goods that he received during his brief sectarian career (5:16b–17a).

There are two other possibilities: one, suggested by the Penal Code, is that the registry was used if a member wasted communal property: its replacement value was deducted from ִוְיָ, i.e., his registered wealth (7:6b–8a). Another possibility is that the purity of the candidate's property remained suspect—perhaps outsiders' property, like their very persons, had to be separated for a period of time before the impurities that it bore wore off (5:19b–20a). This logic certainly applies to rules on ritual impurities from, e.g., bodily fluxes, childbirth, corpses, and skin disease. The periods of separation from the purity of the Many in the Penal Code suggest that moral impurities generated by specific transgression took various periods of time to dissipate. Purity concerns pervade the *Yahad's* rules. While I think that Bardtke is right about the

²³⁴ Bardtke, "Rechtsstellung," 102; see the related discussion on pp. 99–100.

most practical use of the property registry, I suspect that separation of the candidate's property also served as a sort of quarantine, protecting the pure property of the Many against defilement.

Access to the common life of the *Yahad* is less restricted during the second year of candidacy: the only items off limits are the *משקה*. As argued above, this probably includes all liquids, from the new wine²³⁵ to lamp oil, water, and wet produce.

The fourth step: Induction into full membership: At the end of the candidate's second year he is examined a final time. If the Many vote to accept him, he becomes a full member, is enrolled, assigned a rank, and materially united with the *Yahad*: the property that he registered with the Examiner is intermingled with the communal store (6:20–21). He also gains access to the *Yahad*'s study of Torah, rendering judgment, and cultivation of purity. Not only does the new member have a claim to the common life of the *Yahad*; the *Yahad* also has full claim to him: "his counsel and his judgment will belong to the *Yahad*" (6:22b–23).

4.8.1 *Initiation in S and D Compared*

The initiation statutes in D and S share important features; there are also significant differences that may be explained on the basis of the social setting of each text. Initiation rules in D begin with instructions on members' children (CD 15:4–6). S mentions nothing about members' children; this omission is consistent with the *Yahad*'s celibate membership. Both Rules require an adult candidate to present himself to an officer. In D the Examiner of the Camp questions the inquirer (*דרשו*, CD 15:11); in S the appointed officer has the same duty. In both texts the officers are responsible for the initial instruction of the candidate, but in different ways. In D, the Examiner scrutinizes him, verifies his suitability and approves his enrollment, and then presents him to the Many. Their only responsibility is to muster him with an oath of the covenant (CD 15:7–10). D lacks any description of progressive initiation that we find in S: instead the initiate appears able to

²³⁵ Laws on the consumption of tithed wine in Deuteronomy stipulate that the wine must be consumed within the temple grounds (12:17; 14:23), and that it be given as part of the maintenance of the priestly community in residence (18:4). It is possible that the *Yahad* treated their new wine as though it were dedicated to those who participated in their cult of atonement, i.e., full members. But *משקה* must refer to more than wine alone, as discussed at length above.

assume full participation in the Camp as soon as he is approved by the Examiner and swears the oath. Although the statutes on initiation in S do not directly mention an oath, it is clear that one was sworn, as 1QS 5:10b indicates. The oath also seems to be implied in 6:14b–15a: the appointed officer “will bring [the inquirer] into the covenant, to turn (לשוב) to truth and depart from all deceit.” This language resonates with that of the initiation laws in D (CD 15:7–12); it seems likely that new members of the *Yahad* swore the “oath of the sons,” by the curses of the Covenant, described in D.²³⁶

Obviously S prescribes an initiation process far longer and more demanding than that of the Camps. The reason must be rooted in the *Yahad*'s function: to create pure and holy space within which cultic acts of atonement may be performed. Twice the *Yahad*'s rules for initiation mention purity (1QS 6:16, 22), but at no point in the Camp's rules for initiation is purity mentioned. While the Covenanters of the Camps certainly were concerned about purity, it was clearly a much higher priority for the *Yahad*.

4.8.1.1 *Purity and Property in the Yahad and Camps*

The *Yahad*'s purity concerns stem from their cultic duties and explain many features of their way of life, from celibacy to refusal to share property with outsiders. Purity concerns are probably also behind the practice of holding property in common: property that was controlled was less likely to accrue impurities through contact with outsiders. In the Camps, where impurities were expected to arise in the course of regular familial and economic life, individuals held private property and were apparently trusted to maintain it in a regular state of purity. The *Yahad*'s supervision of property reflects their purity concerns: concentrating wealth into the local store of each cell made protecting property against defilement easier than if individuals kept their own goods. While in both the *Yahad* and the Camps the Examiner oversees communal property, the size and purpose of the property differs. In the Camps the funds appear to be exclusively monetary, formed from the collection of dues (CD 14:12b–13). In the *Yahad* the common property consists of all that members need for daily life. Pre-

²³⁶ See CD 1:1–2a, 5b–6a, 15, and discussion above, §3.3.2.1. For discussion of an initiation ritual as part of the covenant-renewal ceremony see, e.g., Leaney, *Rule of Qumran*, 123–43; Knibb, *Qumran Community*, 82–90.

sumably this includes funds to purchase necessities that individuals did not make themselves, as well as communally held goods such as food and drink, clothing, tools, and so forth. The cultic importance of communal property is clear: it ensures that members need not worry about procuring sustenance and property, nor about the purity status of goods that they used. This allowed them to devote their energies fully to the cultic work of judgment and atonement.

4.8.1.2 *Physical Examination in the Yaḥad?*

A final aspect of the Covenanters' initiation procedure should be mentioned here: the physical examination. There is no mention of exclusion on the basis of disability or age in S. Presumably this omission may be attributed to the *Yaḥad's* cultic status: while the disabled were cared for in the Camps, they, along with minors and those who had contracted impurities, were excluded from the holy convocations (4QD^a 8 i 8–9; cp. 1QSa 2:3–9; 1QM 7:3–4). It seems certain that they were also excluded from the *Yaḥad*. We may reasonably speculate that astrological physiognomies such as 4Q186 and 4Q561 were used to assess character and assign rank to new members in the *Yaḥad*. The physiognomies describe physical features without reference to disqualifying disabilities that appear in other texts. It seems assumed that the examinee is pure; what the examination determined was the proportion of light to darkness in his spirit.²³⁷ This proportion seems more likely to have been used to determine rank, not fitness for membership. Whatever the use to which the physiognomic texts were put, we may be fairly confident that physical scrutinies took place at some point in the initiation process.

4.8.2 *Associational Analogies to Initiation in S and D*

Perhaps more than any other set of statutes the rules on initiation have been compared to the statutes of Greco-Roman voluntary associations. Since the initiation rules for the Athenian Iobacchi in SIG³ 1109 are the best preserved and have received the most attention, we will use them as our example. The initiation process begins when an inquirer submits a written application to an officer, the head priest.

²³⁷ It is noteworthy that the assessment of spirit is the duty of the *Maskil* in 1QS 9:14b–18a; perhaps physical examination played a role: cf. Popović, *Reading the Human Body*; Alexander, “Physiognomy, Initiation, and Rank.”

If the officer approves the application, the assembly of full members votes on his candidacy:

No one may be an Iobacchus unless he first submit to the priest the required registration (*ἀπογράφηται τῷ ἱερεῖ τὴν νενομισμένην ἀπογραφὴν*) and be approved by a vote of the Iobacchi as being clearly a worthy and suitable member of the Bacchic society.²³⁸

If the candidate is approved, three additional steps follow: first, the candidate pays his entrance fee (*ἰσηλόσιον*, l. 61); second, the candidate's name and fee are recorded by an officer. While the rules on initiation do not explicitly describe registration, other statutes do. Thus:

If (the new member) fail to pay, he shall be excluded from the gathering, and *those whose names are recorded in the decree* shall enforce this exclusion (*καὶ εὐτονείτωσαν οἱ τῷ ψηφίσματι ἐγγεγραμμένοι*)... (ll. 48–50)

Third, the candidate receives a letter stating that he is an Iobacchus and that his dues have been paid:

When anyone has lodged his application and has been approved by vote, the priest shall hand him a letter stating that he is an Iobacchus, but not until he has first paid to the priest his entrance fee, and in the letter the priest shall cause to be entered the sums paid under one head or another.²³⁹

There are several obvious analogies between the initiation rules of the Iobacchi and the Covenanters, but also important differences. An inquirer's application to a presiding officer appears in S and *Damascus Rule*; in S the Many vote on the candidate's induction (1QS 6:16, 18–19, 21–22), like the assembly of Iobacchic members. While in D the Many muster "with an oath of the covenant" (CD 15:6–8), they do not have authority to decide on admission. Interestingly no oath is mentioned in the Iobacchic initiation rules, although other *nomoi* require them.²⁴⁰ As in the Iobacchic code, dues appear in D (CD 14:12–13), along with provisions for the enrollment of members' sons (CD 15:5–6); S mentions neither. Both Rules, like the Iobacchic code, require scrutiny of inquirers, but the scrutinies are different: D requires only one before

²³⁸ SIG³ 1109.32–37, tr. M. Tod, *Sidelights*, with modification.

²³⁹ SIG³ 1109.58–62, tr. Tod.

²⁴⁰ For discussion see E. Ziebarth, *Griechische Vereinswesen*, 141–42. Ziebarth points out that the practice of swearing oaths among associations of *eranistai* was modeled after state practice. Politically active associations were often designated *συννομοσῖαι* after their habit of swearing oaths to pursue a common cause (*ibid.*, 92–94).

the Examiner (CD 15:6b–11). The Iobacchi, on the other hand, require the priest to examine the applicant, and then for the applicant to come before the assembly of members. Presumably they also scrutinized his suitability before rendering a verdict. S is peculiar for its requirement that applicants be scrutinized four times: once before the appointed officer and thrice before the Many (1QS 6:14–22). The Iobacchic code lacks the physical examination that occurred at some point in the Covenanters' initiation process. Finally, the Iobacchic code, S, and D all mention the written registration of new members (CD 4:4–6; 1QS 6:23; cp. 1QSa 2:21). Payment of dues is somewhat analogous to the *Yahad's* practice of registering a candidate's property during the penultimate phase of the initiation process. It is noteworthy that in the *Yahad*, property is submitted and registered before one becomes a full member, not upon completing initiation. This is remarkably different from the regular monthly "tax" that D imposes, and the Iobacchic dues that seem to be paid at some point other than initiation: as the rule in SIG³ 1109.48–50 indicates, some new members registered prior to paying their dues, and were excluded from meetings until they settled their account.

The appointment of officers to oversee communal funds presents a final analogy between the Iobacchic *nomos* and S. Like the Examiner over the property of the Many in S, and the Examiner and the Judges in D (1QS 6:19b–20b; CD 14:12b–17a), the Iobacchi appointed a ταμίᾱς, who, with the assistance of a γραμματέυς if one was needed, registered, kept, and administered communal funds (SIG³ 1109.146–159).²⁴¹ He could determine whether a member had failed to pay dues or owed money to the association, and could impose suspension of privileges—i.e., ability to attend meetings—upon the transgressor (ll. 97–103). As noted in the previous chapter, the collection, purpose, and administration of funds in the Camps and *Yahad* is markedly different from that among the Iobacchi. While all three groups entrusted an officer to begin collection of communal property, the Iobacchi required that officer to oversee the use of funds more or less completely, for expenses incurred by associational banquets and other festivities. In the Camps, "taxes" were collected by the Examiner in cooperation with the Judges, for expenses related to care for needy members of the sect. And in the *Yahad*, all personal property was submitted to the Examiner. He

²⁴¹ See above, §3.3.2.4; 3.6.2.

was responsible for tracking members' contributions, keeping candidates' potentially impure property from mingling with members' pure property, and for providing for members' daily necessities out of the common store.

4.8.3 *Constitutional Analogies to Initiation in S and D*

4.8.3.1 *Initiation and Enrollment in S, D, and SE: Anticipating Protocol in Restored Israel*

Both D and S regulate initiation in a much different way than SE. The statutes in 1QSa 1:9–16 set forth a well defined progression based on age classes through which male citizens of Israel advance from childhood education to participation in the councils of the state. From age ten to twenty a young man is educated “with the youths.” From age twenty to twenty-four he hears judgments, which must mean that he attends juridical sessions. From twenty-five to twenty-nine he serves the congregation, and then from age thirty until senectitude, he decides judgments. Further, in SE citizens enroll in the clans and tribes of Israel (משפחות שבטים, 1QSa 1:15; cp. 1:8b–9a, 19b–21), not Camps or dwellings of the *Yahad*. This makes sense: the units are drawn from biblical law, and SE governs citizens of restored Israel.

But differences between SE and S and D should not obscure crucial similarities. Like SE, S requires education prior to enrollment in a local unit, and D provides for the education of children, as well as of new members who do not understand sectarian law fully (1QS 6:14b–15a; 4QD^a fr. 9 iii 6–7; CD 15:13b–15a). As in SE, education in the *Yahad* includes multiple years of observing the work of full members (1QS 6:15b–23; 1QSa 1:11b–14a). In S and D, candidates become full members not by joining the sect directly, but by registering in a local unit. As discussed in the previous chapter, enrollment in a local Camp—like enrollment in a *מגור* of the *Yahad*—anticipates the organization of eschatological Israel. In the Bible, and as in Greek and Roman law, citizens enroll not in Israel directly, but in their respective tribes and clans.²⁴²

²⁴² See §3.3.2.5 and 5.5.1.1.

4.8.3.2 *Priests in the Temple: A Biblical Precedent for the Yahad's Common Life*

There is a biblical precedent for sharing property upon which the *Yahad* may have drawn: priests and Levites serving in the temple draw food and clothing from a common fund paid for by sacrifices, tithes and other donations. Deut 18:8 stipulates that Levites who minister at the temple must all have equal portions to eat, regardless of their individual levels of income. Presumably within the *Yahad*, concerns about property, social status, background, etc. were regarded as unwelcome distractions from cultic duties. Eliminating private property eliminated numerous social statuses by which members could distinguish themselves, and forced members to focus on cultic criteria. Thus status and rank within the *Yahad* could be exclusively based on knowledge of the Torah, ability to give trustworthy counsel, and adherence to sectarian halaka.

4.8.3.3 *Analogies from the Politeiai*

The Iobacchic *nomos* is useful for understanding the *Yahad's* initiation process in its cultural context, and for classifying it among the voluntary associations of its time. But the *politeiai* and other evidence for practices in other segments of the state, above all the military, provide a more comprehensive set of analogies to initiation rules in S. In the previous chapter I analyzed the registration of citizens in the Aristotelian *Constitution of Athens* and Plato's *Laws*. I briefly recapitulate the most important analogies.

1) *Application to enroll in father's deme* took place at age eighteen.²⁴³ The registrars of the deme likely took applications. Like the statutes of D and the Iobacchic *nomos*, the *politeiai* privileged children of members. D may imply that the lineage of members' children was verified. Importantly, SE identifies "all native-born Israelites" (כול האזרח בִּישְׂרָאֵל, 1QSa 1:6) as appropriate candidates for the *cursus honorum* of eschatological Israel. Given the emphasis on lineage and marriage that we find in MMT, it seems likely that the *Yahad* scrutinized applicants' familial background.

²⁴³ The registration process is described without mention of the registrars, but their role should be assumed. For the procedure see Arist., *Ath. pol.* 42.1; for registrars' duties in the military see 49.2.

2) *Double scrutiny to determine status and eligibility*: an assembly of deme members inquired about his parentage, age, and status as free or slave. If they judged a candidate eligible, they enrolled him on a list that was submitted to the Athenian *boulē*.²⁴⁴ The *boulē* then scrutinized the candidates' age and parentage a second time.

3) *Registration as citizens; military service*: Those whom the *boulē* approved were registered as citizens and began a two-year career as military cadets.²⁴⁵ We must assume that cadets also underwent a *physical scrutiny* to ensure their fitness for military training and service.

4) *Communal living* was a standard feature of military training. Military units were arranged by tribe, each of which elected an officer called the *sophonistes* to collect funds from tribal members to pay for cadets' necessities during the training period. The *sophonistes'* duties were analogous to those of the Examiner in charge of the property of the *Yahad*: he maintained the common fund and "purchases provisions in a common stock for all (cadets), since they take meals together by tribe."²⁴⁶ Communal property was a feature of military life: cadets wore uniforms and were furnished with a shield and spear at state expense.²⁴⁷ Like the initiation statutes of S, Plato's *Laws* require citizens to register their property with state officials. Any undeclared wealth may be confiscated by the state, and charges brought against the transgressor. If found guilty,

he must be excluded from the common resources of the state, and when a grant of some kind is made, he must go without and be limited to his holding; and for as long as he lives his conviction should be recorded for public inspection by all...²⁴⁸

5) *Multiple scrutinies*: After military training, men who chose to stay in public service underwent numerous additional *dokimasiai*. The *boulē* conducted the scrutinies.²⁴⁹ The most extensive *dokimasiai* were required for the *dekaprotoi*, the principal officers of the *boulē*. They were examined first by the entire *boulē*, then before a *dikasterion*

²⁴⁴ Arist., *Ath. pol.* 42.1.

²⁴⁵ Arist., *Ath. pol.* 42.2.

²⁴⁶ Arist., *Ath. pol.* 42.3, my translation.

²⁴⁷ Arist., *Ath. pol.* 42.3–4.

²⁴⁸ Plato, *Leg.* 775a, tr. Saunders.

²⁴⁹ On the *dokimasiai* of public officials by the *boulē* see Arist., *Ath. pol.* 49.1–3 (cp. 45.3; 59.4); on the *dokimasia* of the principal officers of the *boulē* see 55.3–5.

that had authority to make final decisions.²⁵⁰ The initial scrutinies of candidates focused on lineage and moral suitability; later scrutinies, including examinations at the end of an officer's tenure, focused on adherence to Athenian law.²⁵¹

6) *Oaths of office*: any candidate elected or appointed to hold public office swore an oath to conduct himself lawfully and with absolute justice. This oath was administered first in a *dikasterion* and then at the Acropolis.²⁵²

7) *Physical examinations in Magnesian and Spartan constitutions*: Plato's *Laws* stipulate that all citizens must be scrutinized regularly from early childhood through adulthood.²⁵³ Indeed, Plato's Athenian requires that children be under state surveillance even while in the womb: pregnant women are to be monitored to ensure that they provide ample stimulation to the gestating child. Plato's *Laws* confirm that physical examinations for citizens were, in some concepts of citizenship, of paramount importance. Xenophon and Plutarch report similar concern for citizens' physical attributes among the Spartans. Spartan regulation of citizens' physical welfare began with strict regulation of sexual intercourse between husbands and wives, with the aim of limiting sexual contact as much as possible. The assumption is that rare sexual contact would be vigorous and energetic, and that this vigor will result in hearty children.²⁵⁴ Plutarch reports that once children were born they were examined closely by Spartan elders; those with defects were rejected and exposed to the elements to die.²⁵⁵ The difference between these physical examinations and those of the Covenanters is, of course, the stage of life at which they occurred: both the Magnesians and the Spartans examined infants (and the gestating!), while the Covenanters examined adults. Nevertheless we should note that the purpose of the examinations are, at least in the abstract, consistent: they

²⁵⁰ Arist., *Ath. pol.* 55.2. The tenth member of the *dekaprotoi*, the secretary, was examined only once by a *dikasteria*; the same shorter process applied to the assistants to the *dekaprotoi* (56.2).

²⁵¹ Arist., *Ath. pol.* 56.1. Periodic examinations and votes of confidence occurred throughout the tenure of generals and cavalry commanders as well (61.2, 4).

²⁵² On oaths in the *dikasteria* see Arist., *Ath. pol.* 55.5.

²⁵³ Plato, *Leg.* 751c–d.

²⁵⁴ Xen., *Lac.* 1.5–10; Plutarch, *Lyc.* 15.

²⁵⁵ Plutarch, *Lyc.* 17. As they matured, Spartan children were subjected to frequent scrutinies by the *paidonomos*; these seem to have been moral in nature. Xenophon notes that transgressive children were punished severely (*Lac.* 2.2).

aimed to gather essential anthropological data, in order to determine fitness for enrollment.

Physical examinations of children offer one interesting analogy, but a stronger one occurs in Plato's description of Magnesian priests: any man to whom the lot fell to become a priest

must be screened to see that he is healthy and legitimate, reared in a family whose moral standards could hardly be higher, and that he himself and his mother and father have lived unpolluted by homicide and all such offences against heaven.²⁵⁶

Thus scrutinies of Magnesian priests, like those of the *Yahad*, test candidates' *physical fitness, moral character, and purity*. If, as I have suggested above, the *Yahad* also scrutinized family background, then we may add a further analogy.

4.8.3.4 Further Military Analogies to Initiation in S

Here I focus on procedures in the Roman army, evidence for which is fairly good. I also discuss some features of military life in the *politeiai*, especially Plato's *Laws*.

Enlistment in the Roman army began with *application to an officer*, most often supported by a letter of recommendation from the applicant's father or a friend of his father.²⁵⁷ If the applicant was approved by the officer, he underwent a scrutiny (*probatio*) at the order of another officer, usually the provincial governor.²⁵⁸ This consisted of two parts: first, establishing the legal status of the recruit. Eligibility for certain types of service varied depending upon whether a recruit was a Roman citizen, or of the status *origo castris*, i.e., a child of an unmarried soldier. Both were of acceptable status. Unacceptable recruits included slaves and those of dubious moral status, including workers in inns and brothels, cooks, and imprisoned criminals.²⁵⁹ Thus a *moral scrutiny* was part of the soldier's enlistment process. Second, the

²⁵⁶ Plato, *Leg.* 759c, tr. Saunders.

²⁵⁷ See, e.g., P. Oxy. 1.32, which is addressed to the legionary tribune. Watson offers text and translation in his *Roman Soldier*, 38, 167 n. 74.

²⁵⁸ Watson, *Roman Soldier*, 38. Watson notes that in "Egypt, from which senatorial commands were excluded, the *probatio* was held by order of the Prefect." With certain exceptions, such as the type of officer in charge of certain stages in the recruitment process, Egyptian military enrollment was essentially the same as that of the rest of the empire.

²⁵⁹ Vegetius, *Epit. rei milit.* 1.7; *Cod. Theod.* 7.13.8. Watson gives texts and translations with discussion in *Roman Soldier*, 41–42 and 168 nn. 85–86.

soldier underwent a *physical examination* to ensure fitness for training and combat.²⁶⁰

Recruits who passed scrutinies took a *military oath* affirming loyalty to the gods, the emperor, commanding officers, and the laws of the camp.²⁶¹ This oath was renewed annually in a communal ceremony at the beginning of January.²⁶² Following the oath came a soldier's *registration* in writing. The roster included a brief physical description after each soldier's name, with age and identifying marks, especially scars.²⁶³ The governor retained a copy of the roster and sent another along with the commander of the recruits, who were sent to join their unit.²⁶⁴

Thus far the military enrollment process shows analogies to the *Yahad's* process of application, examination, oath, and registration. Unlike the Iobacchi and other voluntary associations, but like the military and other state organs, the Covenanters seem to have included a physical examination in their initiation. The *Yahad* shared one further, crucial practice with the armies: *the collection and registration of property into a common fund*. In the *Yahad* submission of property seems to have included all the resources necessary for daily life; in the Roman armies soldiers' money was kept in what Watson calls "regimental

²⁶⁰ Apart from minimum height we know little about the physical standards for a Roman soldier. For discussion and texts see Watson, *Roman Soldier*, 39–40 and nn. When a physical disability arose during a soldier's service he underwent further examinations, such as the eye exams for a soldier with cataracts stationed at Alexandria (P. Oxy. 1.39; 2.319; 12.152, cited in Watson, *Roman Soldier*, 41).

²⁶¹ General descriptions of the administration of the oath appear in Polybius 6.21.1–3; Paulus, *Epit. Festi* 250.50. For the oath's wording see Dion. Hal. 10.18.2; 21.43; Servius, *Ad Aen.* 8.614; cp. 8.1; Vegetius, *Epit. rei milit.*, 2.5; Isidore, *Etym.* 9.3.53. Watson provides texts, translation, and discussion in *Roman Soldier*, 44–50, 169–70 nn.93–95. For discussion of the history of the oath see Livy, 22.38, tr. in Watson, p. 50, with text on p. 170 n.96.

²⁶² Watson, *Roman Soldier*, 49. For Watson's review and critique of scholarship see p. 169 n. 94.

²⁶³ We may infer military influence on associational registration procedures from associational membership rosters. The prefect of Egypt listed recruits in the following way: "C. Veturius Gemellus, aged 21 years, no mark of identification; C. Longinus Priscus, aged 22 years, scar on the left eyebrow; . . . C. Julius Saturninus, aged 23 years, scar on the left hand; M. Antonius Valens, aged 22 years, scar on the right forehead" (P. Oxy. 7.1022, tr. Watson, *Roman Soldier*, 42; see text on p. 168 n.87). An unnamed cultic association at Tebtynis from the time of Tiberius registered its members in almost identical fashion: "Herakleios, son of Aphrodisios, about forty-two years old, with a scar between the eyebrows; Orses, son of Kronides, about forty-five years old, with a scar on an eyebrow; Mieus, son of Harmiusis, about forty-six years old, with a scar on his face to the left; Harmiusis, son of Phasos, about fifty-five years old, with a scar . . ." (P. Mich. V 243.13–16, tr. Boak).

²⁶⁴ For discussion and evidence see Watson, *Roman Soldier*, 42–44.

savings banks” for which the standard bearers (*signiferi*) had responsibility.²⁶⁵ While the monies and property of the *Yahad* were pooled for common use, each member’s contribution was registered “in his own hand” (1QS 6:20b). Similarly, in the Roman cohort each soldier’s deposit was recorded and remained his exclusive possession. From their deposited monies soldiers paid for their clothing, weapons, tents, and other necessities that the army furnished.²⁶⁶ While the lifestyle and distribution and usage of goods of the army was very much communal, individual soldiers formally retained private property.

In Plato’s *Laws* the country wardens (*agronomoi*), live a highly communal life. Like the Athenian *ephebes*, their career lasts two years and is intended to form young men into citizens, as much as to provide actual security. The Athenian describes their way of life thus:

...in every district of the country there should be *sussitia*, at which everyone must eat together. If a Warden fails to turn up at these meals even for one day, or sleeps away from his quarters at night, except on the express orders of his superiors or because of some unavoidable necessity, the five leaders may post his name in the marketplace as a deserter from his post; ...he will have to bear the disgrace of having turned traitor to the state...²⁶⁷

Here we find compulsory both communal meals and quarters. The Athenian further requires that the *agronomoi* “must be accustomed to a daily uncooked, humble ration” during their two years of service, and may not have servants. All energies must be devoted to public service and personal discipline.²⁶⁸ While we cannot be certain that the *Yahad* had communal living quarters, the communal meals are an obvious analogy, as is the purpose of the disciplines and communal life: perfection of personal virtue is essential for those who serve the state.²⁶⁹

²⁶⁵ For discussion and texts see Watson, *Roman Soldier*, 51–52 and 102–7.

²⁶⁶ Watson, *Roman Soldier*, 103.

²⁶⁷ Plato, *Leg.* 762c, tr. Saunders with modification.

²⁶⁸ Plato, *Leg.* 762e, my translation.

²⁶⁹ Cenobitic elements are also central to idealized descriptions of Spartan military life. From the age of twenty to thirty young men take all meals in common in *sussitia* comprising fifteen cadets, and until age sixty men must take the main meal of the day in their *sussition*. Young men share common sleeping quarters during these ten years; a man only moves in with his wife and children upon reaching the age of thirty. As in other military contexts, as well as the *Yahad*, members of the Spartan *sussitia* contribute to a common fund from which all drew sustenance. Plutarch, *Lyc.* 12, lists monthly contributions. Xenophon claims that communal property extended to slaves, food stores, dogs, horses, carriages, and wives. See idem, *Lac.* 1.6–10; 6.3–5.

A final constitutional and military analogy that is lacking in most associations is the *replication of laws throughout numerous local cells*. The laws for enrolling citizens and soldiers were, at least ideally, uniform for each state throughout all its divisions. Similarly the Covenanters attempted to establish a uniform system of law that obtained for all local cells throughout Judea, both of the *Yaḥad* and of the Camps. While uniform translocal identity is not *per se* an indicator of alternative civic ideology, it is a powerful tool for cultivating and sustaining one.

The following table summarizes common and distinctive features of initiation and enrollment in D, S, the Iobacchic *nomos*, the *politeiai*, and military practice:

Table 4c: Initiation and Enrollment in D, S

	D	S	IOB.	POLITEIAI	MILITARY
1) application to officer	x	x	x	x	x
2) moral scrutiny by officer	x	x	x	x	x
3) moral scrutiny by members	x	x	x		
4) instruction by officer	x	x		x	x
5) preference for members' sons	x		x	x	x
6) written registration	x	x	x	x	x
7) multiple scrutinies	x	x		x	x
8) physical scrutiny	(x)	(x)		x	x
9) verdict by vote	x	x	x		
10) verdict by officer	x	x	x	x	x
11) oath of entry	x	x		x	x
12) dues	(taxes)		x	(taxes)	(stoppages)
13) communally owned property		x			x
14) limited common fund	x		x		
15) private property submitted to a communal treasury	x				x
16) uniformity of practice in multiple translocal units	x	x		x	x

4.9 THE PENAL CODE FOR THE YAḤAD

(1QS 6:24–7:25; || 4QS^c FR. 1 4–FR. 2 9; 4QS^s FR. 3 1–FR. 4 6)

We now move to the Penal Code of S, a text that Weinfeld compared in detail with statutes of voluntary associations. Indeed, his comparative work on the Penal Code may be his most significant contribution

to identifying similarities between the Covenanters and contemporary associations. Nevertheless Weinfeld's conclusions must be reevaluated: as I show, many of the analogies that he finds in associational statutes also appear, and in closer form, in the statutes of the *politeiai* and laws governing the military and other organs of the state.

4.9.1 *The Literary Style and Structure of the Penal Code: Patterns of Punishment*

The opening rubric of the Penal Code introduces the statutes thus:

6:24 ואלה המשפטים אשר ישפטו במ בם במדרש יחד על פי הדברים

6:24 And these are the judgments by which they shall judge in a (juridical) inquiry of the *Yahad*, according to the cases.

As discussed above, prosecution of those who transgressed the laws of the Penal Code, as well as other sectarian halaka, took place before sessions of the Many. This is supported by the terms that the rubric shares with the opening lines of rules for the Many (esp. 1QS 6:7b–9), by the law on bringing a charge with Reproof before the Many, and by the theme of judgment that unites the rules for the Many, laws on initiation, and the Penal Code. In brief, the rules for the Many emphasize the centrality of judgment to the assembly's activity (6:7b, 9b). The rules on initiation that immediately follow open by describing an inquirer's initial education in the *היחד*, *משפטי היחד*, and conclude with this statement about a about the new member: *ויהי ועצתו ליחד* (6:22b–23) "His counsel" surely refers to his contributions to judgments at sessions of the Many, to which he now had the responsibility to contribute. After this line, the Penal Code opens with this statement: "these are the judgments by which they shall judge" (6:24). As Carol Newsom puts it, "the reader is not instructed about what he may or may not do but rather how he, as a member of the session, shall judge."²⁷⁰ At the risk of belaboring the point, the new member is now qualified to participate in such judgments as the Penal Code contains, at the judgment-oriented sessions of the Many.

Although many scholars have suggested that the Penal Code's statutes are a miscellany set down haphazardly,²⁷¹ their arrangement in

²⁷⁰ Newsom, *Self as Symbolic Space*, 148.

²⁷¹ The terms "miscellaneous" and "haphazard" come from Knibb, *Qumran Community*, 124; similarly Metso, *The Serekh Texts* (Companion to the Dead Sea Scrolls 9; London: T&T Clark, 2007) 34; Leaney, *Rule of Qumran*, 199.

1QS suggests the contrary.²⁷² This is apparent, first, in the way that transgressions with certain penalties are collected into discrete blocks. In my analysis of the laws I have attempted to describe a typology of transgressions that further explains why particular laws are grouped together.

An examination of the literary style of the laws is necessary to clarify their content, especially their penalties, many of which are written in a sort of shorthand. Schiffman persuasively argues that the compiler of the Penal Code used full descriptions of transgressions and penalties in the opening statutes, and abbreviated descriptions in the rest. Thus the full description of the transgressor, **אם ימצא במ איש אשר** (“if there is found among them a man who”) in 6:24, becomes **ואשר**, “any man who,” throughout most of the statutes that follow.²⁷³ Recognizing this pattern is helpful for understanding the abbreviated descriptions of punishments. The verb **נענש**, “he shall be fined,”²⁷⁴ followed by the duration of the punishment, occurs in twenty statutes and is implied in two. The verb **בדל**, “separate,” occurs in six statutes and may be implied in one.²⁷⁵ Pace J. Baumgarten, the rules of the Penal Code

²⁷² Schiffman speculates that the Penal Code in S is a selection drawn from a much more extensive legal code comprehensively comprising the sect’s halaka. The selection was intended above all to impress new initiates with the rigors of the lifestyle they were about to enter (*Sectarian Law*, 156–57). Schiffman is surely correct that the selected statutes in S were intended for a segment of the Covenanters already well familiar with sectarian halaka, such as the Sabbath laws found in D, or the halakic collection in MMT. Newsom persuasively identifies themes that unite the laws with the hortatory and didactic material earlier in 1QS: holy authority, deception, the proper use of wealth, undermining communal unity, and exhibiting gross lack of self control (*Self as Symbolic Space*, 150–51). Her point is well taken, that “What shows up in the rules is not necessarily the undesirable conduct most rampant in the community or even the conduct that an outsider would judge most dangerous. Rather, it is the conduct that preoccupies the attention of society as most in need of control” (*ibid.*, 150).

²⁷³ See 1QS 6:25b, 27b; 7:3b, 5b, 8b, 9b, 10b, 11, 12b, 13b, 14b. The slightly longer phrase **אשר ואיש אשר** appears at 7:13, 15c, 16b, 17b. In 7:15b only the participle is used to describe the offender: **והמוציא**. The three final statutes in 7:18b–25 resume fuller descriptions of the transgressor and his punishment.

²⁷⁴ For biblical usage of the common verb, **ענש**, “punish, pay a fine,” see HALOT, s.v. The same pattern obtains in the rabbinic literature: see Jastrow, s.v.

²⁷⁵ For **נענש** see 1QS 6:25, 27b; 7:2b, 3b, 4a, 4b, 5b, 6a, 8a, 8b, 11, 12a, 12b, 13a, 14a, 14b, 15a, 16a, 18a, 19a. The duration of the fine is given without the verb in 7:9b, 10a. For **בדל** see 6:25b, 27b (reconstructed); 7:1b, 3a, 5a, 16a, and in the penal code for the Men of Perfect Holiness (8:24b). As scholars have long recognized, the form of the verbs for punishment in the Penal Code are problematic. The opening rule exemplifies the confusion: is **והבדילו** singular (he, i.e., some official, shall separate him), or plural (they, i.e., the Many or the *Yahad*, shall separate him)? Many scholars translate the verb as passive, “he shall be separated.” While inexact, the translation conveys the meaning of the penalty satisfactorily; it also assimilates the penalty to the passive

maintain distinctions between the punishments of fine and separation.²⁷⁶ Full descriptions of both penalties appear in the opening statute: ויבדילוהו מתוך טהרת רבים שנה אחת ונענש את רביעית לחמו: “and they shall separate him from the midst of the purity of the Many for one year, and they shall fine him one fourth of his food.” As in several statutes that follow, the two punishments are imposed simultaneously and for the same period of time. Throughout the rest of the statutes we find the punishments described much more briefly: separation from the purity of the Many is denoted simply by some form of בדל; a fine, by נענש. Where either verb appears, it is followed only by the duration of the penalty. With Schiffman we may agree that the fine always refers to the penalty of one fourth of a member’s ration, and separation always refers to loss of access to the purity of the Many.²⁷⁷ Two other penalties appear in the Penal Code: permanent expulsion, and full restitution for or restoration of lost property (7:6b–8a), although it seems better to consider the latter not as a penalty but as a way to avoid the ration-fine.

Understanding the abbreviated literary style of the Penal Code allows us to distinguish four blocks of laws. In the first, which contains thirteen statutes and runs from 6:24b–7:9a, all laws but one impose the ration-fine; one imposes permanent expulsion. Four laws combine the fine with separation from the purity of the Many for one year. The

forms מובדל (7:3a, 5a) and הובדל (8:24). I have opted, following Löhse and others, to assume a long *qibbûs* where we would expect a *shûreq* and translate the *hiphil* as plural. The form ונענשו is equally problematic, as the object suffix on a *niphal* is most unexpected. See, e.g., Wernberg-Møller, *Manual*, 108 n.54, 110 n.79 for discussion.

²⁷⁶ For the view that the terms are used interchangeably, i.e., “נענש is used for suspensions corresponding to the הבודלה” when the reduction in food ration is not mentioned, see J. Baumgarten, “Cave 4 Versions of the Qumran Penal Code,” 273. Metso has sympathetic views but admits that נענש seems to designate the ration-fine (*Serekh Texts*, 34).

²⁷⁷ See Schiffman’s excellent analysis, *Sectarian Law*, 159–61. To be cut off from the purity of the Many is to be denied access to contact with full members who assembled as the Many. But one who is impure due to transgression is not necessarily barred from witnessing proceedings of the Many: he may have been allowed to sit at a specified distance from the pure area of the assembly, like the rehabilitated transgressor in 1QS 7:20a and the cured leper in 4QTohorot A. One who was excluded may even have been able to participate to a limited degree. The situation would be similar to that legislated by SE, in which impure persons are able to submit matters for the assembly to consider by speaking to an intermediary outside of the meeting space (1QSa 2:9b–11b). It is also possible that the punishment of separation would have been more humiliating, and thereby effective, if the place of separation was visible to the rest of the members.

duration of the fines is lengthy: five last one year; two, six months; one, three months; and one, sixty days. In the case of the shortest penalty, the fine may be avoided altogether if the member can restore “with his own hand” property that he had lost (7:8a).

The second block runs from 7:9b–15a and contains eleven statutes. All penalties are ration-fines without additional punishment, and their duration is shorter than in the first block. The harshest penalties are six-month and three-month fines, each of which occurs only once; the others are given in periods of days: sixty (three penalties); thirty (two); and ten (three).

The third block contains four laws on slander and murmuring and runs from 7:15c–18a. Their penalties are one six-month ration-fine, one year of ration-fine + separation, and two permanent expulsions.

The fourth block runs from 7:18b–25 and deals with two classes of traitors, i.e., members who left the *Yahad* and later wished to return. The first class comprises members who have been in the *Yahad* fewer than ten years. Upon return they are fined and separated from the purity of the Many for one year, and from the *משקה* and full participation in sessions of the Many for an additional year. At the end of their penalty period, they are re-examined, re-enrolled, and assigned a new rank. The second class comprises members who have been in the *Yahad* more ten years. If they leave, they are permanently expelled; the same punishment falls upon anyone who aids them materially.

The following table illustrates the distribution of punishments in the Penal Code:

Table 4d: Distribution of Punishments in the Penal Code of 1QS

	ration-fine	sep. from purity	expulsion	transgression
Block 1	1 year	+ 1 year		lying about property
	1 year	+ 1 year		disregarding authority
			X	pronouncing the divine name
	1 year	+ 1 year		verbally abusing priest
	6 months			unintentional anger at priest
	6 months			deliberately provoking a priest
	1 year	+ 1 year		deliberate insult vs. comrade

Table 4d (*cont.*)

	ration-fine	sep. from purity	expulsion	transgression
	6 months			deliberate fraud of a comrade
	3 months			unintentional fraud
	60 days (or restoration of item)			losing property
	1 year			anger vs. comrade without cause
	1 year			vengeance on own behalf
Block 2	3 months			foolish speech
	10 days			interrupting another's speech
	30 days			sleeping at session of Many
	10 days			leaving Many without permission
	10 days			leaving Many with permission 3x
	30 days			leaving Many while they are standing
	6 months			insufficiently clad
	60 days			spitting
	60 days			showing penis
	60 days			audible laughter
	10 days			reclining
Block 3	1 year	+ 1 year		slander vs. companion
			X	slander vs. Many
			X	murmuring vs. counsel of <i>Yaḥad</i>
	6 months			murmuring vs. companion
Block 4	2 years	+ 1 year		leaving <i>Yaḥad</i> (junior member)
	(includes sep. from משקה, access to Many only as observer, demotion to rank of candidate)			
			X	leaving <i>Yaḥad</i> (senior member)
			X	aiding an expelled senior member

This pattern of punishments undermines the claim that the rules are a miscellany cobbled together haphazardly. They also do not seem to be a sampling of rules to illustrate the sect's strictly regulated life. Instead the Penal Code appears to have been organized carefully so that rules could be consulted, discussed and applied quickly in juridical and scholastic contexts. As I argue below, the four blocks are not only distinguished by their penalties, but also by the types of transgressions that they treat: the first pertains to transgressions that can occur in any context; the second and third, to transgressions at meetings of the Many; the fourth treats the problem of deserters who wish to return.

4.9.2 *The Penal Codes of the Yahad and the Camps: S, D, and 4Q265 Compared*

Immediately following the Rule for the Many in D (CD 14:12–17) comes a Penal Code that closely resembles that of S.²⁷⁸ We have treated its laws very generally in the previous chapter, but its features, and those of the enigmatic 4Q265,²⁷⁹ deserve to be surveyed in more detail here for two reasons: first, it confirms consistent regulatory practices throughout the different segments of the sect; second, it confirms that the *Yahad* and the Camps differed in their composition and social location; third, it reveals striking differences between the Covenanters' practices and those of Greco-Roman associations.

The order of the transgressions are, as far as the fragments allow us to tell, consistent in the Penal Codes of all Rules, but each contains statutes absent in the other. The penalties also differ in the lengths of time and the proportion of rations that are fined: while S reduces rations by one fourth, D and 4Q265 reduce them by a full half. The following table provides a comparative overview. Statutes that only

²⁷⁸ While its contents are extant only in fragments of three Cave 4 mss., the fragments preserve enough that we may be fairly confident about what D's Penal Code contains. See J. Baumgarten, "The Cave 4 Versions of the Qumran Penal Code," *JJS* 43 (1992) 268–76.

²⁷⁹ The relationship of 4Q265 to the other Rules remains to be fully assessed. For recent discussion see C. Hempel, *The Damascus Texts* (Companion to the Qumran Scrolls 1; Sheffield: Sheffield Academic Press, 2000) 89–104; eadem, "The Penal Code Reconsidered." See also J. Baumgarten's critical editions, *DJD* 35, 57–68; *PTSDSS* 3.253–69 (with L. Novakovic); also J. Baumgarten, "Cave 4 Versions of the Qumran Penal Code"; "Scripture and Law in 4Q265," in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*, ed. M. Stone and E. Chazon (STDJ 28; Leiden: Brill, 1998) 25–33.

appear in S are in brackets; statutes that only appear in D and 4Q265 are italicized.

Table 4e: The Penal Codes of S, D, and 4Q265 Compared

Transgression	S	D	4Q265
lying about property	sep. + ¼ ration-fine 1 year	sep. (frag.)	
disregarding authority	¼ ration-fine 1 year		sep. (frag.) + ½ ration-fine
[pronouncing the divine name] [verbally abusing priest]	[perm. exp.] [sep. + ¼ ration-fine 1 year]		
[unintentional anger at priest] [deliberately provoking a priest]	[¼ ration-fine 6 mo.] [¼ ration-fine 6 mo.]		
deliberate insult vs. comrade	sep. + ¼ ration-fine 1 year	sep. 1 year + ration- fine (frag.)	
deliberate fraud	¼ ration-fine 6 mo.		sep. + ½ ration-fine 6 mo., then 30 days access to Many as observer + ½ ration-fine
[unintentional fraud] [losing property]	[¼ ration-fine 3 mo.] [¼ ration-fine 60 days or restoration]		
[anger vs. comrade without cause]	[¼ ration-fine 1 year]		
vengeance on own behalf	¼ ration-fine 1 year	sep. 200 days + ½ ration-fine 100 days ²⁸⁰	
<i>malice in capital case</i> foolish speech	¼ ration-fine 3 mo.	<i>perm. exp.</i> sep. 3 mo. + ½ ration-fine 20 days	
interrupting sleeping at session of Many	¼ ration-fine 10 days ¼ ration-fine 30 days	½ ration-fine 10 days sep. 30 days + ½ ration-fine 10 days	½ ration-fine 30 days
sleeping 3x when Book is read			½ ration-fine (frag.)
[leaving Many without permission]	[¼ ration-fine 10 days]		
leaving Many with permission 3x	¼ ration-fine 10 days	½ ration-fine 10 days	

²⁸⁰ For reconstruction and analysis of the highly fragmentary law see Baumgarten, *DJD* 18, 75.

Table 4e (cont.)

Transgression	S	D	4Q265
leaving Many while they stand insufficiently clad [spitting]	¼ ration-fine 30 days ¼ ration-fine 6 mo. [¼ ration-fine 30 days]	½ ration-fine 30 days sep. 6 mo. (+ fine?)	
showing penis	¼ ration-fine 30 days	sep. 30 days + ½ ration-fine 10 days	
audible laughter	¼ ration-fine 30 days	sep. 30 days + ½ ration-fine 15 days	sep. + fine (frag.)
reclining	¼ ration-fine 10 days	sep. (?) + ½ ration- fine 10 days (frag.)	
slander vs. companion	sep. + ¼ ration-fine 1 year	sep. + ½ ration-fine 1 year (frag.)	
slander vs. Many [murmuring vs. counsel of <i>Yahad</i>]	perm. exp. [perm. exp.]	perm. exp.	
<i>murmuring vs. Fathers</i>		<i>perm. exp.</i>	
<i>murmuring vs. Mothers</i>		½ ration-fine 10 days	
[murmuring vs. companion]	[¼ ration-fine 6 mo.]		
<i>despising judgment of Many</i>		<i>perm. exp.</i>	
[leaving <i>Yahad</i> (junior member)]	[¼ ration-fine 2 years + sep. 1 year]		
[leaving <i>Yahad</i> (senior member)]	[perm. exp.]		
[aiding an expelled senior member]	[perm. exp.]		
<i>fornication with wife</i>		<i>perm. exp.</i>	

The Penal Codes are so consistent in the order of their shared statutes that a common origin is obvious. Differences in the types of transgressions and the nature of the penalties preclude their applying to exactly the same group. The most obvious difference lies in the presence of prohibitions that involve women and family life, i.e., murmuring against the Mothers and fornication with one's wife in D. These may be attributed to the fact that D was written for sectarians who practiced regular family life. A second difference comes in the ration-fine, which is half of a member's ration in D and 4Q265, but only a quarter in S. The duration of the ration-fine tends to be the same in both Rules, and in all it appears in combination with separation from the purity of the Many. It is curious that the ration-fines differ so dramatically. Social context may explain the difference between the ration-fines: members of the Camps did not live a communitarian lifestyle. They took a majority of their meals at home, not with fellow sectarians; thus the one-half ration-fine would not have deprived the transgressor of sustenance. Instead it may have been intended to humiliate him at

communal meals. A half-full dish would have conspicuously signaled his status as transgressor before his fellows. Further, the heavier fine, which conserved wealth, may have served the economic interest of the Camps, whose funds depended on monthly dues. The lesser ration-fine of S reflects the *Yahad's* communitarian life. A fine of one-fourth of member's rations inflicted authentic hardship, since members relied upon communal food for sustenance. Since the *Yahad* did not rely upon limited monthly dues for communal meals, but shared the full wealth of each individual member, along with income that members earned through daily work, the *Yahad* could afford to supply transgressors, as well as full members, with a living ration.

A final noteworthy difference between the Rules: S contains three statutes on abusing priests, while D and 4Q265 appear to lack them.²⁸¹ These statutes reflect the *Yahad's* cultic purpose and the elevated status of priests within it. Yet offenses against priests are punished less severely than offenses against the Many, whether by "slandering" or "murmuring" against it (1QS 7:16b–17b; cp. 4QD^e 7 i 6b–7a) or by "despising" its judgment (4QD^e 7 i 11a). While priests represented holiness, that of the Many was of a higher order, since its activity accomplished the sect's cultic purpose.

4.9.3 *Associational and Constitutional Analogies to the Penalties*

It is difficult to find strong analogies to the penalties in associational *nomoi*. Weinfeld's comparative analysis is weakened by a faulty description of the penalties. He identifies three: absolute expulsion, temporary expulsion, and exclusion from communal activity; curiously, he only mentions the ration-fine once, and without any analysis, in the "Synopsis of Common traits," a two-page table listing the features of the Covenanters' sect and four other classes of associations.²⁸² The distinction between temporary expulsion and exclusion from communal activity is hard to understand; he seems to find the former in penalties that show בָּדֵל without explicit reference to the purity of the Many.

²⁸¹ It is possible that 4Q266 (4QD^a) originally contained these statutes in the portion of the ms. now lost to fragmentation. But the extant fragments of 4Q270 (4QD^e) and 4Q265 also lack statutes on abuse of priests. Based on column height and line width, Baumgarten speculates that neither 4Q266 nor 4Q270 contained the "missing rules" found only in S, since the mss. do not seem to have had space for them (Baumgarten, *DJD* 18, 75).

²⁸² Weinfeld, *Organizational Pattern*, 78.

But, as argued above, the reference to purity should be understood as implicit. Weinfeld rightly emphasizes that the most common penalty among Greco-Roman associations, the monetary fine, is absent in the sectarian Penal Code. This he attributes to the sect's communitarian way of life.²⁸³ His explanation is appropriate for the *Yahad*, but it is noteworthy that members of the Camps, who owned private property, are not assessed monetary fines in the Penal Code of D.²⁸⁴ Exactly where we would expect the same practice, analogies to Greco-Roman associational practice do not appear. Finally, nothing analogous to the sect's ration-fine appears in the *nomoi*.

Stronger analogies to the penalties appear in state laws. The penalties of expulsion and separation probably have come from scriptural exegesis.

Ration-fines and separation: An analogy to the ration-fine comes in Roman military practice: units of soldiers were punished by reducing the quality of their rations, i.e., by replacing wheat with coarser, less appetizing barley.²⁸⁵ As with the sect's ration-fine, this punishment could be meted out on its own or combined with the penalty of separation, i.e., forcing soldiers to camp outside the fortifications.²⁸⁶ While these punishments usually fell upon entire units, according to Vegetius the ration-fine was also imposed on recruits who failed to show competence. As Watson puts it, "what once had been a punishment associated with collective disgrace had by now become a mark of personal shame for failing to pass a proficiency test."²⁸⁷ Within the *Yahad*, of course, the ration-fine fell upon individuals, not cohorts.

Exclusion and expulsion: We have sufficiently surveyed analogies between the Covenanters' penalty of expulsion and the Greek and Roman exile.²⁸⁸ One analogy to exclusion comes in Plato's *Laws* on the crime of impiety. A Magnesian citizen who comes under the influence of impious doctrine is imprisoned for five years, during which time he

²⁸³ Weinfeld, *Organizational Pattern*, 41. See pp. 41–43 for his full treatment of penalties.

²⁸⁴ See 4Q266 10 i 14–10 ii 15 and || in *DJD* 18, pp. 72–74.

²⁸⁵ This punishment could extend for significant periods of time, e.g., seven years for one legion during the Punic wars (Frontinus, *Strat.* 4.1.25). For other descriptions of the food-penalty see Plutarch, *Marcellus* 25; Polybius 6.38.3, and the discussion in Watson, *Roman Soldier*, 126.

²⁸⁶ See Watson, *Roman Soldier*, 126.

²⁸⁷ Watson, *Roman Soldier*, 126, commenting on Vegetius 1.13.

²⁸⁸ See my treatment of analogies to laws of testimony (CD 9:16b–23a || 4QD^e 6 iii), §3.3.7.2–3.

has contact only with members of the Nocturnal Council, the supreme court of Magnesia. If at the end of five years he is rehabilitated, he may return to the population. If he repeats his offense, he is executed.²⁸⁹

While there are interesting analogies in the *politeiai* and contemporary state practice, the most likely source for the Covenanters' penalties of expulsion and exclusion is the Torah. As discussed in the previous chapter, the penalty of permanent expulsion may be sectarian halaka on כרת in Numbers 13 and other laws in the Torah.²⁹⁰ Aharon Shemesh's analysis on this point seems persuasive. I am less inclined to accept his argument that periods of separation from the purity of the Many is a halakic application of the biblical principle of exile and return. In his view, the inadvertent sins of sectarians "are punished with exile/exclusion, which atones for them," just as God punished and purified Israel and Judah with exile, and then began Israel's restoration by bringing the people back into the land.²⁹¹ Shemesh may be right about the theology behind the punishment of separation, but its practical construction and application seems more obviously derived from purity laws in the Torah. This is clearest in D and 4Q265, in which periods of separation vary: thirty days, three months, six months, two hundred days, and one year appear.²⁹² The system behind the punishment of separation seems fairly clear: all transgressions render the transgressor impure (cf. 1QS 5:13c–14a, 19b–20a), but some result in higher degrees of impurity than others. The least serious transgressions generate impurity of the lowest grade, which is non-communicable. While it defiles the transgressor, it cannot defile others—thus the ration-fine is sufficient to atone, and the transgressor retains access to the purity of the Many. More serious transgressions generate more potent sin-impurity that can defile the purity of the Many, thus requiring separation of the transgressor. The differing periods of separation in D are based on the principle that, while all impurity weakens and

²⁸⁹ The punishment is more severe for who teach impiety: they are imprisoned in isolation for life, having contact only with slaves who bring rations. When they die their bodies are thrown outside the state borders unburied. Anyone who buries them is charged with impiety (Plato, *Leg.* 908e–909d).

²⁹⁰ See Shemesh, "Expulsion," and my brief summary in §3.3.7.2.

²⁹¹ Shemesh, "Expulsion," 55. For full argument see pp. 52–59.

²⁹² See J. Baumgarten, *DJD* 18, 72–75 for reconstruction of the Penal Code in 4QD^a fr. 10 i–ii. Periods of separation appear thus: thirty days (ii 10b–12a, 12b–13a); three months (ii 5b–6a); six months (ii 9b–10a); two hundred days (ii 1a); one year (i 14–15a; ii 1b–3a; ii 14b–15).

completely dissipates with time, stronger impurities take longer to do so. This principle is, of course, found throughout the Torah regarding ritual impurities;²⁹³ it seems to have been assimilated to the Covenanters' conception of moral impurities.²⁹⁴

While D and 4Q265 impose different periods of separation for different transgressions, S only imposes the maximum period, i.e., one year. This difference may be attributed to the cultic identity and activity of the *Yahad*, and the consequently stricter purity standards required for approaching its assemblies. The maximum period of separation ensures that no traces of impurity remain when he returns. Similarly heightened concern for isolating impure people and objects for the proper amount of time may explain the "quarantine" of a candidate's property for a year (1QS 6:18b–22a).²⁹⁵

Finally, the punishments of ration-fines and separation are regarded as substitutions for the sacrifices for atonement of sin required in the Torah. At the end of its Penal Code, D quotes Leviticus and Joel to support the claim that a sectarian who accepts his penalty willingly is regarded as one who fulfills the laws on sacrifice.²⁹⁶ While it is a bit surprising that this conclusion to the Penal Code in D is not included

²⁹³ Examples of various periods of isolation required for various degrees of impurity to dissipate are concentrated in Leviticus 12–15: childbirth: after seven days the impurity of menstruation wears off; an additional thirty-three days of purification are required for a male child; sixty-six for a female (Lev 12:2–8). Skin disease: seven days (14:2–32); penile flux: seven days from last emission; one who touches the impure man or objects that he touched: until sundown (15:2–15); seminal emission: until sundown, both for the man and a woman with whom he has intercourse (15:16–18); menstruation: seven days; one who touches a menstruating woman: until sundown; one who has sex with a menstruating woman: seven days; non-menstrual discharge of blood: seven days from cessation of bleeding; one who touches her: until sundown (15:19–30).

²⁹⁴ For discussion of the assimilation of the concepts of ritual and moral impurity in the Covenanters' sect see J. Klawans, *Sin and Impurity in Ancient Judaism* (New York: Oxford, 2000) 67–91.

²⁹⁵ For laws that reflect the sect's heightened concern for the duration of ritual impurity see MMT (B 13b–16a, 64b–68a, 71–72a); also 4Q274 fr. 1 i 3–9; 2 i 2b–3; 4Q277 fr 1 ii 3b–13; 4Q284a fr. 1–2, *passim*. The Temple Scroll shows much higher standards for purity than Leviticus, e.g., a man who has a seminal emission is impure until evening in Lev 15:16–18, but for three days in 11QT 45:7b–12a.

²⁹⁶ The prooftexts are found in 4QD^a fr. 11 3b–5b: "And concerning Israel it is written, "I will bring myself to the ends of the heavens and will not smell the savor of your sweet aroma" (Lev 26:31); and in another place it is written, "To return to God with weeping and fasting" (Joel 2:12); and in (that) place it is written, "Rend your hearts, not your garments" (Joel 2:13) (tr. Baumgarten, PTSDSS 3.67, with modification). See my fuller analysis in §3.6.5.

in S, it would be hard to believe that the *Yahad* did not understand their administration of penalties in exactly the same way.

4.10 THE FOUR SECTIONS OF THE PENAL CODE

Here I argue that the laws in the four sections of the Penal Code apply to distinct situations in the life of the *Yahad*. The first set of statutes treat general transgressions that occur in any context, from work life to sessions of the Many. The second and third sets treat transgressions at sessions of the Many. The fourth treats full members who left the *Yahad* and wished to return.²⁹⁷

4.10.1 *General Transgressions of Word and Deed (1QS 6:24b–7:9a)*

The context of the actions described by this block of eight statutes, which I have designated by letters to make reference easier, appears to be outside sessions of the Many. The very general nature of the statutes is consistent with such a context, e.g., slander and angry speech against superiors, failure to bring charges, i.e., Reproof before the Many, carelessness, deceit, etc. The two statutes concerning use of the *Yahad*'s wealth are also consistent with activity outside meetings.

- (A) 6:24b אם ימצא במ איש אשר ישקר 25 בהון והואה יודע ויבדילהו מתוך טהרת רבים שנה אחת ונענש²⁹⁸ את רביעית לחמו
 (B) ואשר ישוב את 26 רעהו בקשי עורף ודבר בקוצר אפים לפרוע את יסוד עמיתו באמרות את פי רעהו הכתוב לפנויה 27 [והו]שיעה ידו ל²⁹⁹ ונענש³⁰⁰ שנה אחת ומובדל
 (C) ואשר יזכיר דבר בשם הנכבד על כול ה[...]:1 7 ואם קלל או להבעת מצרה או לכול דבר אשר לו הואה קורה בספר או מברך והבדילהו 2 ולוא ישוב עוד על עצת היחד
 (D) ואם באחד מן הכוהנים הכתובים בספר דבר בחמה ונענש שנה 3 אחת ומובדל על נפשו מן טהרת רבים ואם בשגגה דבר ונענש ששה חודשים ואשר יחס³⁰¹ במדעו 4 ונענש ששה חודשים

²⁹⁷ For a similar conclusion about the arrangement of the laws see Schiffman, *Sec-tarian Law*, 157–59.

²⁹⁸ Reading ונענשו for ונענש.

²⁹⁹ Emended: for לוא read לו.

³⁰⁰ Emended; 1QS has a confused form: ונ(א)נענש, with deletion marks over the א.

³⁰¹ I read יכחס as a form of כעס. The form is *piel* and should be translated “provokes to anger.” Qimron, *HDSS* 28–29, argues that כחס here should be read as the equivalent of כחש, “deceives.” This requires that we take the *samek* as a substitution

(E) והאיש אשר יצחה³⁰² בלו משפט את רעהו בדעהא ונענש שנה אחת 5 ומובדל
 (F) ואשר ידבר את רעהו במרום או יעשה רמיה במדעו ונענש ששה חודשים ואם 6 ברעהו יתרמה³⁰³ ונענש שלושה חודשים
 (G) ואם בהון היחד יתרמה לאבדו ושלמו 7 ברושו 8 ואם לוא תשיג ידו לשלמו ונענש ששים יום³⁰⁴
 (H) ואשר יטור לרעהו אשר לוא במשפט ונענש שנה אחת³⁰⁵ 9 וכן לנוקם לנפשו כול דבר

(A) 6:24b If a man is discovered among them who breaks the contract 25 concerning wealth, and he knew (what he was doing), they shall separate him from the midst of the purity of the Many for one year, and he shall be fined one fourth of his food.

(B) A man who answers 26 his fellow stiffneckedly or speaks with a short temper, so as to disregard the position of his fellow by defying the authority of his companion who is registered before him, 27 “his hand [has he]lped him.” He shall be fined for on[e] year [and separated].

(C) [Any]one who mentions a matter in the name that is above all, *h*[...] 7:1 and if a man blasphemes, whether because he was terrified of distress or for any other reason he may have, while he is reading in the Book or while he blesses, he shall be separated 2 and he may never return to the Council of the *Yahad*.

(D) And if against one of the priests registered in the book (he speaks) a word in anger, he shall be fined for one year 3 and separated in solitude from the purity of the Many.

But if it was an unintended word, he shall be fined for six months.

If a man provokes (a priest?) to anger intentionally, 4 he shall be fined for six months.

(E) A man who demeans his companion without bringing a charge and deliberately shall be fined for one year 5 and excluded.

(F) A man who speaks to his companion fraudulently or deceives intentionally will be fined for six months. If he acts negligently 6 against his companion he will be fined for three months.³⁰⁶

for *shin*; this occurs nowhere else in the DSS. More plausibly, the scribe substituted *het* for *ayin*, as in 1QS 6:7, where עליפות is written חליפות.

³⁰² The verb צחה occurs only here in the DSS; it appears to come from Aramaic צחי, “to curse, demean.” For full philological discussion see Wernberg-Møller, *Manual*, 114 and Licht, *Serakim*, 161.

³⁰³ The word was added superlinearly.

³⁰⁴ The duration of the penalty was omitted by the first scribe and added superlinearly by the second.

³⁰⁵ The scribe originally wrote ששה חודשים, “six months,” deleted it and wrote אחת שנה superlinearly.

³⁰⁶ Words related to the root רמה occur in four phrases in 7:5b–6: ידבר; יעשה רמיה; במרום; and the verb יתרמה which construes with ברעהו in l. 6a, and with בהון היחד in l. 6b. It is likely that the rules were collected together on the basis of their similar words, although the words have distinctive usages. The fact that a member who יתרמה

(G) If a man treats the wealth of the *Yahad* carelessly so that it is lost, its restitution (shall be) 7 at its full value. 8 But if his hand is not able to restore it, he shall be fined for sixty days.

(H) A man who maintains (anger) against his companion without bringing a charge shall be fined one year, 9 and it shall be the same for one who takes vengeance on his own behalf in any matter.

Rule (A) punishes breaking the contract concerning wealth (שקר בהון, 6:24b–25a). This covers a range of offenses that are well defined elsewhere, e.g., failing to declare and submit all property to the *Yahad* upon initiation; sharing property with outsiders (5:13b–20a), novices (6:16c–17, 19–23; cp. CD 13:14–16a) and former members who had been expelled (7:24b–25; 8:23b–24a; cp. 4QD^a fr. 11 14b–16a). Such activity was only possible outside sessions of the Many, in contexts where contact with people other than full members occurred. The second statute on wealth, rule (G), concerns wasting or losing communal property (6:6b–7). These transgressions make most sense in contexts such as labor, purchasing goods from outsiders, etc.

Statutes in (B)–(F) and (H) bring individual members' speech and behavior toward each other under the control of the *Yahad*. While their terse language does not elaborate about context, (B), (E), and (H) appear to be related to the juridical authority of the Many. All three laws have illuminating parallels in CD 9:2–10a. The first, (B), penalizes breaking rules on obedience to members of superior rank (5:23b; cp. 6:2b). But more seems to be at stake than mere deference: (B) says about one who speaks angrily to a higher-ranking member, [הו]שיעה ידו לו. This is clearly based on the (otherwise unattested) scriptural law quoted in D to justify the prohibition of swearing an oath without sectarian judges' oversight: לא תושיעך ידך לך (CD 9:8b–10a). While the laws in D and S treat different problems—oaths and defiance of a superior's authority—they reflect the same goal, namely that members submit all individual passions and ideas about what is right to sectarian authority. This means obeying laws without question: in the case of (B), an inferior member who disagrees with a superior may not pursue the disagreement, but must submit. There is, of course, an

יִתְרַמָּה avoids punishment if he restores the lost property suggests that יִתְרַמָּה here means “acts carelessly.” The stiff six-month food-ration penalty for יִדְבֵר בְּמִרוֹם and יַעֲשֶׂה רְמִיָּה suggests that the transgression is deliberate deceit, as the qualification, בְּמַדְעוֹ (IQS 7:5), indicates. The lesser three-month ration-fine for יִתְרַמָּה בְּרַעְיוֹ suggests that the transgression is carelessness, not deceit.

exception: if the disagreement arises because the superior commits a transgression, then the inferior must bring an accusation with Reproof before the Many. Thus the laws in D and S are more similar than first appears: they classify particular acts as subject to legal supervision and point to the sectarian bodies with authority to supervise. Oaths must be sworn with the judges' supervision; disagreements between members can only be pursued if transgression is involved, and must be brought before the Many.

The requirement to bring disputes before the Many is also implied in (E) and (H). While (B) treats direct speech against a superior, (E) addresses demeaning (יִצְה) another member without bringing a charge, and (H) addresses bearing a grudge (יִטֵר) against a transgressor without bringing a charge. Bearing a grudge amounts to another form of forbidden self-help: taking vengeance for one's self (לְנִקּוּם לְנַפְשׁוֹ). The problems of grudges and slander in S are clarified by their lengthier exposition in D (CD 9:2–8a): one keeps a grudge (יִטֵר) by not reporting a transgression immediately; one slanders (בִּזְה) by reporting the transgression inappropriately, either to get revenge or without Reproof. Both amount to taking vengeance (נִקָּם) against a fellow sectarian. Both D and S forbid vengeance, but D provides a scriptural warrant through exegesis of Nah 1:2.³⁰⁷ The context in which the transgressions are likely to occur may be inferred from these requirements: rather at a session of the Many, they occur elsewhere.

Thus rules (B), (E), and (H) bring conflicts between members under the jurisdiction of the Many. There are several motives. Most generally, the sect aimed to monopolize juridical authority over members; it also strove to foster common identity and sense of purpose. Interpersonal rivalries compromise the unity of the *Yahad*. More urgently, failure to prosecute transgressions allows errors to remain uncorrected, compromising the perfection at the heart of the *Yahad's* identity. Transgressions also generate impurities that threaten the *Yahad's* holy cult.

Correspondences between the transgressions in 1QS 6:24b–7:9a and other sections of S support reading the statutes as regulations for activity outside sessions of the Many. Rule (B) imposes a penalty for breaking the laws that “wherever a man and his companion are found, the lesser shall heed the greater” (1QS 6:2). The scope of activities and contexts that the law covers is comprehensive and surely

³⁰⁷ For more detailed analysis see §3.3.4.

includes sessions of the Many, but the language, “wherever a man . . . is found,” points to other contexts as well. According to rule (C), a man who utters the name of God “while reading in the book or while he blesses,” is expelled permanently from the *Yahad* (6:27b–7:2a). This statute also pertained to a variety of social settings: any group of two or more members bless and take counsel together (6:2b–3a). Whenever ten or more gather, one reads the Torah (6:5b–6a); as he reads he must be on guard against pronouncing the divine name. The three rules protecting high-status priests in (D) reinforce the principles of submission to high-status members, priests in particular. They apply to any context, from sessions of the Many, to other gatherings, such as groups of ten over which a priest presides (6:3b–7a; cp. CD 13:1b–4a). The same principle obtains for rule (F), which forbids speaking to or acting against a companion fraudulently: the transgressions could occur in any context.

4.10.1.1 *Private Property in the Penal Code?*

A note on rule (G) is in order, since it has been adduced as evidence that the members of the *Yahad* retained private property.³⁰⁸ If a member treats the property of the *Yahad* carelessly or arrogantly and loses it, “its restitution shall be at its full value. But if his hand is not able to restore it, he shall be punished for sixty days” (7:6b–7). Clearly restitution comes from “his hand” (יָדוֹ), but what does the phrase designate? As the initiation rules state, a candidate registers his property “with his own hand” (בְּיָדוֹ, 6:20). Most likely this refers to his signature on the property registry, guaranteeing that the Examiner has an accurate record of his goods and their value. This record may have been used to assess whether the member’s goods were sufficient to cover the property that he lost.³⁰⁹ If the registry revealed that his contribution was

³⁰⁸ E.g., Wernberg-Møller, “Nature of the *Yahad*,” 72, claims that לֶחֶם refers not to food but to daily wages earned from private employment. His interpretation is not philological but deductive: since, as he claims, members ate most of their meals at home with their wives and children, and since exclusion from the meals of the *Yahad* accompanied the punishment, the sect must have fined members’ income, not rations. We cannot accept his depiction of the “family life” of members of the *Yahad*, and reject his speculative assertions about the meaning of לֶחֶם, which means “food” or “bread” throughout the Hebrew literature.

³⁰⁹ Similarly Weinfeld, following Rabin, *Qumran Studies*, 22–31, agrees that “the use of property . . . was communal but the owners retained the actual ownership” (*Organizational Pattern*, 41).

insufficient (or, to speculate a bit further, if his labor did not produce sufficient income to restore it, or if he was unable to make a new item with his own hand) then the punishment of separation applied.

4.10.1.2 *Associational and Constitutional Analogies*

4.10.1.2.1 *A Military Analogy to Paying for Property with Registered Funds* The practice of paying expenses by drawing on registered funds kept in a communal treasury has an analogy in Roman military practice. Soldiers' pay was deposited into regimental treasuries for which the *signiferi* had responsibility. Payment for items such as new equipment, food, and clothing were drawn from the deposited monies.³¹⁰ This practice may parallel the *Yahad's* treatment of individual property: while it was pooled for communal use, records of individual contributions were used to assess fees, including the fine of restitution in 1QS 7:6b–7.

4.10.1.2.2 *Further Analogies*

Breaking the contract concerning wealth: On the surface, the analogies between the associational *nomoi* and Rule Scrolls are impressive: like the Covenanters' Penal Code, all *nomoi* include punishments for failure to submit appropriate fees and property. Members who do not pay are excluded from banquets and other activities.³¹¹ In some Greco-Roman associations the president has authority to seize a member's property, or even the member himself, if he persists in his refusal to pay.³¹²

³¹⁰ For discussion of the "regimental savings banks" see Watson, *Roman Soldier*, 102–7.

³¹¹ The Iobacchic code stipulates the following: "If [a member] fail to pay [his dues and fixed monthly contribution for wine], he shall be excluded from the gathering and this exclusion shall be enforced by those whose names are recorded in the decree..." (SIG³ 1109.48–50). Further, "No Iobacchus who has not paid his contributions for the monthly and anniversary meetings shall enter the gathering until the priests have decided either that he must pay or that he may be admitted" (ll. 63–72); "And if any of those who enter fail to pay the entrance fee to the priest or to the vice-priest, he shall be excluded from the banquet until he does pay, and the money shall be extracted in whatsoever way the priest may order" (ll. 102–7).

³¹² See, e.g., P. Dem. Cairo 31179.7–8, "If any one of us does not pay his dues... then the representative of the House will go to his dwelling in order to seize a guarantee of the money in question" (so also P. Dem. Hamburg I ll. 6–7; P. Dem. Cairo 30606.7–8). Similarly P. Mich. V 243.2–3: "If anyone fails to meet his obligations in these or other matters [i.e., concerning dues, other fees, and mutual aid], the president has the right to exact pledges (ἐξέστωι τῶι προστάτη ἐνεχυράζειν).

But in important ways the Covenanters' contract on wealth differs from those of most associations. We have considered how "graduated taxation" in D differs from the payment of a set sum for associational dues; in S, contribution of all property is even more different. The purpose of regulating members' wealth also differed. The *nomoi* frequently regulate wealth used in the context of life within the *polis*. Many associations used the common fund to pay money to the state on behalf of members, e.g., if a member was prosecuted or imprisoned unjustly, or by collecting members' taxes on behalf of the state.³¹³ Thus use of associational wealth often entailed well defined, regular economic interactions with the state. As when associations assumed juridical authority, when they assumed responsibility for members' financial duties to the state, they effectively became partners of the government. Such cooperation benefitted associations by formalizing a positive and enduring role for them within the socio-political system; it seems reasonable to assume that cooperation also promoted a certain sense of self-determination: within their political and legal system, members of associations voluntarily and proactively decided how to respond to their duties, and secured status and rewards for their efforts within the context of the state. Economic cooperation, in short, promoted assimilative civic ideology among most associations.

While the Covenanters regulated wealth, at least in part, around relations with the state, their laws aimed to restrict, not integrate, members into the broader society. Laws on wealth did not complement the authority of the state, but undermined it to a degree, at least insofar as they asserted the sect's comprehensive legal authority over and against it. In the Camps, D limited the extent to which members engaged in regular economic activity with outsiders, including the temple authorities (e.g., CD 13:14–16).³¹⁴ In the *Yahad*, control over financial dealings was even more comprehensive, since members had to surrender all property to the sect's control (1QS 6:20b–23).

³¹³ On debts covered by the *Apolysimoi* at Tebtynis we find the following: if a member defaulted on a loan, the president "shall have authority to seize him in the main street, or in his house, and hand over him or his slaves (ἐξίνασι τῷ Κρονίῳ [i.e., the president at the time the *nomos* was drafted] ἐνεχυράζιν αὐτοὺς ἐν τε τῇ πλατέᾳ καὶ ἐν ταῖς οἰκίαις καὶ παραδιδόνε αὐτοὺς ἢ σώματα αὐτῶν), P. Mich. V 244.11–12.

³¹⁴ As noted in the previous chapter, the Covenanters restricted members' contributions to the Jerusalem temple by regulating and mediating their presentation of guilt offerings (CD 9:13–14a; cp. 4QD^e fr. 7 i 15b–19a) and temple taxes (4Q159 fr. 1 ii 6–7). See §3.3.6.1, 3.6.5.

It is hardly surprising to find any laws on paying members' legal fees, since they were expected to avoid involvement with the courts. Yet we should acknowledge that we are missing some information about essential protocol: surely Covenanters occasionally came into conflict with outsiders or found themselves in some sort of legal trouble. What they did when such events occurred is unclear.

Speaking defiantly to a superior: Weinfeld points to statutes on speaking against priests in the Iobacchic code as close analogies to the Covenanters' rules on respecting authority. Certainly the principle that authority must be respected is similar. But the conception of authority differs from the Covenanters to the Iobacchi. Respect for individuals of superior rank in rules (B) and (D) is constitutional in nature, done with the goal of stabilizing a particular hierarchy of authority within the righteous remnant through which God would restore Israel.³¹⁵ A strict hierarchy of rank is central to the *Yahad's* rules, as is clear in the opening statutes (1QS 5:23); as discussed above, it has much in common with state rules in the *politeiai*, esp. Xenophon's *Politeia of the Spartans*.³¹⁶

Misusing the divine name or blaspheming: Rule (C), like the laws in CD 15:1–5, is based on sectarian interpretation of the third law of the Decalogue. Observation of this law was constitutional, central to the cultic practice of Israel. We should assume for S the same intensification of oath-laws that D shows. By establishing a more demanding standard for observance of the decalogue, the sect identified outsiders as transgressors of God's covenant with Israel, and members as its sole adherents.

Speech against priests: We should hardly be surprised to find analogies in the *nomoi* to the laws on speech against priests in rule (D). From Egypt to Andania, cultic societies punished offenses against priests more severely than offenses against lay members. Priests, after all, represented the divinities who safeguarded the people. It is impossible, however, to follow Weinfeld in his conclusion that veneration of priests among the Covenanters resulted from the influence of other

³¹⁵ Respect for individuals in authority may have been grounded in certain biblical passages, such as the account of Korah's rebellion against Moses and Aaron in Numbers 16. Cp. also the description of Joshua's authority (Josh 1, esp. v. 18).

³¹⁶ See §4.5.1 for brief discussion.

cultic associations: it is simply the continuation of traditional Israelite social hierarchy.³¹⁷

Three forms of speech against priests appear in rule (D): deliberately speaking in anger; unintentionally speaking in anger; and provoking a priest to anger. These offenses are constitutional in the sense that the priests embody the divine holiness necessary to engage God directly. As a body entrusted with cultic responsibility, the *Yaḥad* self-identifies as a group submitted to priestly authority. Once again, however, we must note that individual priests neither exercise nor represent this authority directly. The Penal Code offers relatively meager protection for them: the worst offense merits a one-year punishment; the lesser offenses, only six months. In contrast, speaking against the Many merits permanent expulsion. This contrast underscores the nature of priestly authority in the *Yaḥad*: it is fully realized by the Many. Priests at the head of the Many represent its priestly nature, but they do not directly confer authority onto the session. Instead, the authority of the Many comes from participants' mastery of and devotion to priestly responsibilities, esp. observance of laws pertaining to the cult of atonement.

Demeaning or harboring anger against a companion without bringing a charge: As discussed above, rules (E) and (H), as well as (B), are consistent with the Covenanters' monopolization of juridical authority, and with their attempt to eliminate immediately any impurities generated by transgression. Immediate elimination of impurity is essential for the *Yaḥad's* cultic work; as discussed in the previous chapter, it is also consistent with many laws of the Torah.³¹⁸

Careless or fraudulent speech or deeds against a fellow: It is difficult to determine what careless speech and deeds in rule (F) denote. Plato's *Laws* may shed some light: in Book 11 the Athenian describes

some people with an unfortunate natural irritability, who in any trivial quarrel will shout their heads off in mutual abuse. Such a thing is highly improper in a well-run state. So this single law should apply to all cases of defamation: no one is to defame anyone.

He then describes various situations in which Magnesians might defame each other:

³¹⁷ For analogies and comments see Weinfeld, *Organizational Pattern*, 34–35.

³¹⁸ See §3.3.4.3.

On such occasions all men are usually quick to resort to ridicule of their opponents, and no one who has indulged that habit has ever acquired the slightest sense of responsibility or remained faithful to many of his principles.

His conclusion emphasizes the most important contexts in which decorous speech is essential: assemblies for state affairs. Here we find strong analogies to the cultic and juridical concerns of the *Yahad*:

That is why no one must ever breathe a word of ridicule *in a temple or at a public sacrifice or at the games or in the marketplace or in court or in any public gathering, and the relevant official must always punish such offenses.*³¹⁹

In non-state contexts, citizens should still be on guard against abusive language. Those of high status should be prepared to punish offenders:

If in other localities someone fails to refrain from abusive language, whether he resorts to it first or by way of reply, *the passer-by*, provided that he is older than the offender, should lend his support to the law and eject by force this fellow who has shown such indulgence to anger, that bad companion. If the passer-by fails to do so, he must be liable to the appointed penalty.³²⁰

In rule (F), fraudulent speech may refer to bringing a false charge before the Many, although nothing so specific appears. Statutes against false or malicious testimony occur throughout the Torah,³²¹ not surprisingly, they also occur throughout the *politeiai*. In the Aristotelian *Constitution of Athens* the *thesmothetae* handle cases of malicious prosecution, cases against witnesses who appear before the court under false pretences, and cases of perjury.³²² As I discussed in the previous chapter, Plato's *Laws* contain elaborate statutes on the problem of untrustworthy witnesses analogous to those of the Covenanters.³²³

³¹⁹ Plato, *Leg.* 934e–935b, tr. Saunders. In 935c the Athenian offers the relevant law: If a public official fails to bring prosecution, he must be disqualified from competing for awards of merit, as being a man who disregards the laws and fails to perform the duties imposed on him by the legislator.

³²⁰ Plato, *Leg.* 935d, tr. Saunders.

³²¹ Deut 19:16–21 stipulates that one who brings a false charge shall bear the punishment of the accused. See also Exod 23:1; Lev 19:11.

³²² Arist., *Ath. pol.* 59.3–6.

³²³ The Athenian discusses the problem of witnesses whose testimony is found unconvincing: if one's testimony is rejected, the witness is tried for perjury. Interestingly, a witness may be convicted of perjury twice without penalty, and may continue

4.10.2 *Unseemly Behavior at Sessions of the Many (1QS 7:9b–15a)*

7:9b ואשר ידבר בפיהו דבר נבל שלושה חודשים ולמדבר בתוך דברי רעהו 10 עשרת ימים
 ואשר ישכוב וישן במושב הרבים שלושים ימים וכן לאיש הנפטר³²⁴ במושב הרבים 11 אשר לוא בעצה וחנם עד שלוש פעמים על מושב אחד ונענש עשרת ימים
 ואם יזקפן³²⁵ 12 ונפטר ונענש שלושים יום
 ואשר יהלך לפני רעהו ערום ולוא היה אנוס ונענש ששה חודשים
 13 ואיש אשר ירוק אל תוך מושב הרבים ונענש שלושים יום
 ואשר יוציא ידו מתוחת בגדו והואה 14 פוח ונראתה ערותו ונענש שלושים יום
 ואשר ישחק בסכלות להשמיע קולו ונענש שלושים 15 יום
 והמוציא את יד שמאולו לאוח בה ונענש עשרת ימים

7:9b A man who speaks in his mouth a foolish word: three months; a man who speaks while his companion is speaking: 10 ten days.

A man who lies down and sleeps at a session of the Many: thirty days, and the same for a man who departs from a session of the Many, who (does so) 11 without being advised and without cause; (if it happens with justification)³²⁶ three times at one session, he shall be fined ten days.

If they are standing³²⁷ 12 and he departs, he shall be fined for thirty days.

A man who walks before his companion insufficiently clad, and it is not necessary,³²⁸ will be fined for six months.

to give testimony. If the person is convicted of perjury a third time, he or she is barred from testifying under penalty of death. After two convictions, however, the person may not be compelled to testify, but may do so voluntarily (Plato, *Leg.* 937c–d).

³²⁴ The ו is written superlinearly over an erasure.

³²⁵ The ק is written superlinearly over an erasure. The original letter is impossible to determine.

³²⁶ This passage is famously difficult. I take לוא בעצה וחנם as the aggravating condition that justified the thirty-day penalty. The next statute applied to the same offense, leaving a meeting, with permission and necessarily. This explains the lesser penalty of ten days: the sect acknowledged that members may have to take breaks for legitimate reasons, but limited the number of breaks to two.

³²⁷ L. Ginsberg proposed emending to ווספו, but the emendation fails to account for the scribal correction: ק is written superlinearly above an erasure. Rabin (*Qumran Studies*, 105–6) and Leaney (*Rule of Qumran*, 206) rightly identify the verb as a *niphal* of וקף, a form well attested in Rabbinic Hebrew. Wernberg-Møller argues that the *waw* is a reflexive object suffix and translates thus: “but if he gets up and goes away” (*Manual*, 32, 117). His proposal is odd, given that leaving during regular business, during which members clearly sit (ישבו, 1QS 6:8c–9a), is treated in the immediately preceding rule (7:10c–11b).

³²⁸ The passage is difficult. First, ערום need not mean “naked” but “inappropriately clad” or “insufficiently clad,” as is common in Rabbinic literature (see Jastrow, s.v.). Charlesworth, following Ginzburg, translates “naked” for ערום and then corrects אנוש to אנוס, yielding “if one walks naked... and he is not compelled” (PTSDSS 1, *ad loc.*). The problem with this interpretation is obvious: there is no evidence that sectarians would have compelled members to parade nude before other members as punishment

13 A man who spits in the midst of a session of the Many will be fined sixty days.

A man who causes his penis to come forth from under his garment, or 14 whose garments are torn so that his nakedness is seen will be fined sixty days.³²⁹

A man who laughs foolishly so that he makes his voice heard will be fined sixty 15 days.

A man who sends forth his left hand in order to recline on it will be fined ten days.

1QS 7:9b introduces the first of two blocks of statutes on transgressions that occur during sessions of the Many. Whereas the statutes in 1QS 6:24b–7:9a mention the Many only in the context of punishments, this block and the next describe offenses against the Many. The statutes confirm the tremendous respect that the Many commanded. The opening and concluding rules address behavior disruptive to their assembly: speaking foolishly and interrupting another's speech come first (7:9b–10a; cp. 6:10b–11); laughing audibly and reclining as though at a banquet conclude the block (7:14b–15a). Recognizing that the rules safeguard solemnity at assemblies of the Many helps us make sense of the rest of the statutes.

The statutes in between those on disruptive behavior at the beginning and end of the passage fall into two blocks, the first of which treats disrespectful behavior. The first offense is falling asleep (7:10b). The next three rules deal with departure from meetings (7:10b–11). The worst forms are leaving without explanation or justification, and leaving while members are standing. The first is an arrogant act; the second interrupts some unspecified activity of obvious importance.³³⁰

or for any other reason. A community that took pains to ensure members' modesty would not have used nudity as a punishment; rather, we should understand the compulsion to be that caused by badly worn clothing or something similar. Wernberg-Møller's insistence that the Greek translation of Sir 11:12, *πτωχείᾳ περισσεύει* for *יִוְתֵר אֹנֶשׁ*, should make us translate *אֹנֶשׁ הִיָּה אֹנֶשׁ* as "not being poor" introduces an unnecessary problem: why would some members of a communitarian sect be able to purchase better clothing than others? Private property is not assumed in 1QS. See *idem, Manual*, 117–18.

³²⁹ There are three rules regarding exposing male nudity in the Penal Code. Possibly a distinct, originally unified penile code has been altered by the interpolation of the rule against spitting. On the addition of the prohibition of spitting see Hempel, "Penal Code Reconsidered," 342, 348.

³³⁰ One possibility is that the Many performed cultic rites while standing; another, that they stood to vote, as in the Roman Senate (see Taylor, *Roman Voting Assemblies*, 28–33). Cicero contrasts the Roman practice of standing with the Greek habit of sitting in *Flac.* 15–17.

A lesser violation is disrupting the meeting by leaving too many times for legitimate reasons (7:11b).

The next rules treat five transgressions that are probably related to purity concerns: attending meetings insufficiently clad (7:12b); spitting (7:13a); and letting one's penis show, whether by allowing it to slip between the folds of one's garment, or by wearing a garment full of holes (7:13b–14a). Common impurities associated with sexual organs and bodily fluids lie behind these injunctions. Those associated with genitalia are obvious; concern with saliva is found both in the Mishnah and Torah: as *m. Kelim* 1:3 indicates, it contracts and transmit impurity (cp. Lev 15:8). The rules also require dress appropriate to formal assembly, and restraint in expressions of anger: spitting appears as a sign of contempt throughout the ancient literature.³³¹

The final two statutes also (7:14b–15) also protect solemnity. Prohibiting audible laughter is easy to understand; more interesting is the rule in 7:15b: “A man who sends forth his left hand in order to recline on it (לשׁוּח בַּה) will be punished for ten days.” Vermes and many others emend לשׁוּח to לְסוּח, “in order to converse,”³³² but there is no problem with the reading as it stands: שׁוּח or שׁוּחָ can refer to a crouching or reclining posture. One reason for the prohibition is suggested in 7:10b: one who reclines is more likely to fall asleep than one who sits upright. Schiffman suggests that sectarians sat rather than reclined in order to avoid appearing like Greeks and Romans; this posture, he argues, was required at meals.³³³ Yet, *pace* Schiffman, no verb describing posture appears in descriptions of sectarian meals (1QS 6:4c–6a; 1QSa 2:17b–22): יִשְׁבּוּ only appears in descriptions of deliberative meetings (1QS 6:4b, 8c–9a; 1QSa 2:11–17a). But he bases his argument on a principle the surely undergirds the law: sitting upright and reclining are very distinctive postures. To the point: a group of men sitting upright looks like an assembly busy with important work, while a reclining group appears to be at leisure. This point comes through in Philo's description of the Therapeutae: they sit in a formal, solemn

³³¹ See, e.g., Num 12:14; Deut 25:9; Job 17:6; 30:30; Mark 10:34; 14:65; also Plutarch, *Mor.* 328c; Epict., *Diatr.* 3.12.17; Theocr. 20.11; Lucian, *Nav.* 15; *Apol.* 6; cp. D.L. 6.32.

³³² For discussion see Alexander and Vermes, *DJD* 26, 139.

³³³ Schiffman finds evidence for this in 1QSa 2:16, which says that members יִשְׁבּוּ by rank (*Eschatological Community*, 56). Charlesworth, PTSDSS 1.117, translates מוֹעֵד in 1QSa 2:13 as “feast,” but this is unlikely. The usual word for meetings to share food is שׁוֹלְחָן (1QSa 2:17b; 1QS 6:4c).

posture at their deliberative meetings, but recline when at table.³³⁴ It is quite possible that the *Yahad* did the same. In any case, the rule in 7:15b requires that when assembled as the Many, men must assume formal posture befitting a solemn and important assembly.³³⁵

4.10.2.1 *Associational and Constitutional Analogies*

Analogies to the Penal Code's prohibitions of disorderly behavior occur in associational *nomoi*, as Weinfeld has shown.³³⁶ And, as Bardtke showed, the Greco-Roman associations penalized absences from meetings. This is somewhat analogous to the statutes against leaving sessions of the Many.³³⁷ But the analogies, which are most extensively preserved in the *nomos* of the Athenian Iobacchi, focus on disorderly conduct expected from a drinking society:

No one may either sing or create a disturbance or applaud at the gathering, but each shall say and act his allotted part with all good order and quietness under the direction of the priests or the arch-bacchus (*SIG*³ 1109.63–66).

If anyone start a fight or be found acting disorderly or occupying the seat of another member or using insulting or abusive language to anyone, the person so abused or insulted shall produce two of the Iobacchi to state upon oath that they heard him insulted or abused, and he who was guilty of the insult or abuse shall pay to the Society twenty-five light-drachmas (ll. 73–84).

³³⁴ According to Philo, the Therapeutae assume a formal posture at deliberative meetings because it befits the occasion. They “sit in the proper way (καθέζονται μετὰ τοῦ πρέποντος σχήματος)” with the left hand tucked under the thigh and the right hand on the chin (*Contempl.* 30–31). If one wishes to speak he subtly gestures by moving the fingertip of his right hand (77). Elsewhere he indicates that when dining, the Therapeutae recline (κατακλίνομαι, κατάκλησις, 67, 69).

³³⁵ For full discussion see my article, “Posture or Gesture? A Note on הלשן/לשוש in the Qumran Penal Codes,” *RevQ* 94 (2009) 311–16.

³³⁶ Weinfeld, *Organizational Pattern*, 26–27. It is possible that the prohibition of “sowing discord in the House” of the society of Sebek at Tebtynis refers to similar loutish behavior (P. Dem. Lille 29.11, 223 BCE), as Weinfeld suggests, but the prohibition seems to refer to disrupting the collection of dues. The fragmentary description of the prohibited behavior is followed by the penalty, “one half of one fifth of all that which is due the House on the day in question.”

³³⁷ Bardtke, “Rechtsstellung,” 97. For mandatory meetings see, e.g., 1QS 7:10–12; also P. Mich. 243.1–4; 244.7–9, 14–15; 245.34–35; P. Lond. 2710.8–12; P. Dem. Lille 29.3–4; P. Dem. Cairo 30605.5–6; 30606.6, 24; 30619 frg. a + b 4–5; 31179.6. For discussion of the papyri see Boak, “Organization of Gilds,” 216. See also *SIG*³ 1109.96–102; cp. *ILS* 7212 2.8–13. Special meetings of the Iobacchi were called to judge assault cases between members: *SIG*³ 1109.85–90.

Brawlers faced both immediate ejection from the meeting and the imposition of a fine at a later juridical assembly, as did also any “orderly officer” who did not immediately eject them.³³⁸ The much shorter *nomos* of Zeus Hypsistos penalizes members who “abuse one another at the symposion” or in any other way “bring the drinkings to nought” (ἀ[φα]νιεῖν τὰς συμποσίας).³³⁹ Similarly the *nomos* of an unnamed association at Tebtynis fines members that “act exceedingly drunk” (ἐκπαροινήσει) or shove others as they take their seats at the banquet.³⁴⁰

Certainly the *Yahad* shared a desire for order with other associations. But the specifics of the Penal Codes are very different. Threats to order differ dramatically: in the *nomoi*, outbursts and violence due to excessive drinking appear to be consistent problems. In the assemblies of the Many, the threats to order were the sort of tame problems familiar to any who attend long meetings: telling jokes, speaking while another has the floor, falling asleep, walking out and returning, laughing, and slouching. Other threats have to do with not only with dignity, but also purity: exposing one’s genitals and spitting. The purpose of controlling behavior also differed: in the *nomoi*, order preserves associations’ ability to provide regular occasions for conviviality, drinking, and entertainment. In contrast, the solemn order of the Many is necessary for scholastic, juridical, and cultic work.

The *politeiai* provide analogies that underscore the purpose of the *Yahad*’s rules. In Cicero’s *Laws*, Marcus describes the solemnity of Roman assemblies:

The [senatorial] order shall be of unblemished behavior and shall set an example to the rest.... Proceedings with the people and in the Senate shall be conducted with decent restraint. (3.10)

This law treats sessions of the Senate that non-senators attended. At such sessions the most decorous behavior is particularly important, for senators set an example for the people. One way in which senators were expected to respect the solemnity of the assembly was by not being absent (3.11). While not exactly analogous to the rules on departing, the motive behind both laws is the same: absences or

³³⁸ *SIG*³ 1109.91–95.

³³⁹ P. Lond. 2710.15–16, 18.

³⁴⁰ P. Mich. V 243.3, 6–7.

departures undermine the seriousness and perceived importance of the meeting, as Marcus says explicitly (3.40).

4.10.3 *Slander and Murmuring at Sessions of the Many*
(1QS 7:15c–18a)

7:15c והאיש אשר ילך רכיל ברעהו 16 והבדילהו שנה אחת מטהרת
הרבים ונענש
ואיש ברבים ילך רכיל לשלח הואה מאתם 17 ולוא ישוב עוד
והאיש אשר ילון על יסוד היחד ישלחהו ולוא ישוב ואם על רעהו ילון
18 אשר לוא במשפט ונענש ששה חודשים

7:15c A man who uses slander against his companion: 16 they will separate him for one year from the purity of the Many, and he will be fined.

A man who uses slander against the Many will be sent away from them, 17 and he shall never return.

A man who murmurs against the fundamental counsel of the *Yahad*: they will send him away and he may never return. But if he murmurs against his companion 18 without just cause, he shall be fined for six months.

The laws concerning slander and murmuring punish two types of speech. Biblical usage of הלך רכיל frequently refers to gossip.³⁴¹ I speculate that this law refers to defamation spoken privately to one's immediate companions. In the Bible, to murmur against (לון על) is to complain in a way that resists authority and fosters dissent.³⁴² Possibly here we have a reference to direct dissent against an individual or group's trustworthiness or decision. These acts may have occurred in situations apart from plenary meetings, but two considerations merit placing them in the laws for the Many. First, speech crimes against fellow members in contexts outside the Many are addressed in the first block of rules, as I have argued (6:25b–7:3b). The statutes here, on the other hand, mention speech against the collective authority of the *Yahad* twice (יסוד היחד, הרבים). The first reference is to the Many itself; the second, to some form of counsel that comes from the *Yahad*—I suspect that it is a judgment about doctrine or halaka delivered in a session of the Many. Second, if I am correct that the rules

³⁴¹ See Lev 19:16; Jer 6:28; 9:3; Prov 11:13; 20:19.

³⁴² Usage of the *niphal* and *hifil* are essentially the same. For *niphal* see Exod 15:24; 16:2; Num 14:2, 36; 16:11; 17:6; Josh 9:18; *hifil*, Exod 16:2, 7–8; Num 14:27, 29, 36; 16:11; 17:20; Ps 59:16.

of the Penal Code were arranged according to social context, then the speech crimes of 7:15b–18a occurred during sessions of the Many.

It is easy to imagine the circumstances under which speech crimes would have occurred: during sessions of the Many, members bring testimony about each other's behavior. The accused may protest to those sitting by, disparaging and insulting the accuser or the Many. Such reactions are slander. Alternatively, the accused may respond with frivolous (אשר לוא במשפט) counteraccusations against the character and trustworthiness of his accuser or a witness, or with a denouncement of the law that he had transgressed, or of a fundamental sectarian interpretation of the law (יסוד היחד) that led to his conviction. These responses are murmuring. Perhaps, due to the same streak of realism that we find in the Treatise on the Two Spirits (IQS 3:21b–24a) and the Penal Code itself, the legislators allowed certain transgressive responses to verdicts of the Many to occur without severe penalty: a man could disparage his accuser or a member of the *Yahad* who had made his case more difficult, and still retain his membership under an additional six-month penalty. But challenging the Many in public or in private and speaking against the decisions and doctrines of the *Yahad* were forbidden: such speech directly affronted divinely sanctioned authority. Claiming ultimate and unassailable juridical authority belongs to the sect's claim of comprehensive juridical authority. It is a practical, potent expression of their alternative civic ideology.

4.10.3.1 *Juridical Analogies to the Authority of the Many*

It does not appear as though the juridical decisions of the Many could be appealed. This may stem from sectarian halaka on Deut 17:8–13, a passage that may stand behind the *Yahad*'s creation of cultic courts.³⁴³

If a judicial decision is too difficult for you, . . . then you shall immediately go up to the place that YHWH your God will choose, where you shall consult with the levitical priests and the judge who is in office in those days, they shall announce to you the decision in the case. Carry out exactly the decision that they announce to you, . . . diligently observing everything they instruct you. You must carry out fully the law that they interpret for you or the ruling that they announce to you; do not turn aside from the decision that they announce to you, either to the right or to the left. As for anyone who presumes to disobey the priest appointed to minister there to YHWH your God, or the judge, that

³⁴³ See analysis of IQS 5:1–7a above, esp. §4.3.2.4.

person shall die. So shall you purge the evil from Israel. All the people will hear and be afraid, and will not act presumptuously again. (NRSV, with modification)

For an association that read the Torah as a constitutional text, this law may have provoked thought about the extent of its juridical authority. The Many fulfill the requirements of this supreme court of Deuteronomy: priests sit at its head, followed by full members of the *Yahad* with authority to judge (1QS 6:8b–9a). Together, priests and lay members, experts in the sectarian interpretation of Torah, deliberate and judge. Like the decisions of the priest and judge in Deut 17, the verdicts of the Many must be accepted under penalty of death—i.e., expulsion. In keeping with the principle of Deuteronomy, expelling a member who resisted the *Yahad*'s טוֹר purges evil from Israel.

Lack of the possibility of an appeal of a verdict issued by the Many distinguishes the legal authority of the *Yahad* from that of at least one cultic association, that of Sebek in late third century BCE Egypt. A statute in their *nomos* provides a clear process for appeal if a defendant disputed the verdict of the associational court:

Any one of us who brings a grievance be[fore those of the House] . . . , and to the one who metes judgments on such matters, and who says, "Would that one would submit me to the judgment of another association, since it appears that they will not give me justice in this affair," if the judgment of the association in question is in accord with the judgment of the other association, his penalty will be four *kites*.³⁴⁴

Throughout the *politeiai* numerous processes for appeal also appear.³⁴⁵ The principle that a lower court's decision may be reviewed by higher courts until a case reaches a supreme court, is familiar from our modern legal system, and from ancient ones as well.³⁴⁶ Right to appeal was not inexhaustible: the verdicts of the highest court were binding; protesting them could be dangerous. In Plato's *Laws* the Athenian warns,

³⁴⁴ P. Dem. Lille 29.24–25.

³⁴⁵ E.g., Cicero, *Leg.* 3.6, "Commands shall be just, and citizens shall obey them quietly and without protest. Magistrates shall punish the guilty . . . citizen . . . , unless an equal or higher authority or the people forbid it. *The accused shall have the right of appeal to those quarters*" (tr. Rudd with my emphasis).

³⁴⁶ On processes of appeal in the Athenian legal system see Arist., *Ath. pol.* 42.1; 45.1–3; 53.2–6; 59.4. In Plato's *Leg.* three grades of courts are described, 956b–d.

If someone who has received an adverse verdict obstructs the bench that condemned him, the officials thus obstructed should haul him before the court of the Guardians of the Laws.³⁴⁷

If the Guardians find him guilty he is put to death for attempting to corrupt the city and the laws. This reason for the death penalty seems similar to the *Yahad's* rules against challenging the authority of the Many and the **יטוד** of the *Yahad*, both of which were essential for maintaining the stability of sectarian ideology, identity, and purpose.

Another analogy to the ultimate authority of Many comes, not surprisingly, in military practice.³⁴⁸ The Aristotelian *Constitution of Athens* states that when at war, “generals have full power to arrest a disobedient man, to cashier and to impose a summary fine...”³⁴⁹ Cicero similarly affirms officers’ authority while on campaign:

In the field there shall be no appeal against the decision of the commanding officer; whatever order is given by the officer in charge of the campaign shall be fixed and final (*Laws* 3.6, tr. Rudd).

We have covered other ways in which the *Yahad's* features were analogous to those of the Roman military. Its unquestionable juridical authority seems analogous as well: the finality of decisions of the Many may have been influenced in part by the sect’s perception that they were on the verge of war with the hosts of Belial.

4.10.4 *Treachery by Junior and Senior Members of the Yahad* (1QS 7:18b–25)

7:18b והאיש אשר תזוע רוחו מיסוד היחד לבגוד באמת 19 וללכת בשרירות
 לבו אם ישוב ונענש שתי שנים ברשונה לוא יגע בטהרת הרבים 20 ובשנית
 לוא יגע במשקה³⁵⁰ הרבים ואחר כול אנשי היחד ישב
 ובמלואת 21 לו שנתים ימים ישאלו הרבים על דבריו ואם יקרבהו ונכתב
 בתכוננו ואחר ישאל אל המשפט
 22 וכול איש אשר יהיה בעצת היחד על מלואת עשר שנים 23 ושבה רוחו
 לבגוד ביחד ויצא מלפני 24 הרבים ללכת בשרירות לבו לוא ישוב אל עצת
 היחד עוד
 ואיש מאנשי היחד [א]שר יתערב 25 עמו בטהרתו או בהונו אש[ר]...
 הרבים והיה משפטו כמוהו לשל[הו]

³⁴⁷ Plato, *Leg.* 958a–c, tr. Rhodes.

³⁴⁸ For discussion of Roman military punishments, which appear to be quite exaggerated and idealized in their severity in some sources, see Watson, *Roman Soldier*, 117–26.

³⁴⁹ Arist., *Ath. pol.* 61.2, tr. Rhodes with modification.

³⁵⁰ The scribe deleted טהרת and wrote משקה above the deletion.

7:18b A man whose spirit strays from the fundamental counsel of the *Yahad* so that he commits treachery with truth 19 and walks in the stubbornness of his heart: if he returns, he will be fined for two years. In the first year he may not touch the purity of the Many, and in 20 the second year he may not touch the liquid of the Many, and he shall sit behind all of the men of the *Yahad*.

When he has completed 21 the two years, the Many shall ask him about his affairs. If they bring him near he will be registered in his rank, and afterwards he may be asked about judgment.

22 Any man who has been in the Council of the *Yahad* for ten complete years, and whose spirit 23 turns aside so that he commits treachery with the *Yahad* and goes forth from the presence of 24 the Many so that he walks in the stubbornness of his heart: he shall not ever return to the Council of the *Yahad*.

A man from the men of the *Yaha*[d w]ho shares 25 with him his purity or his wealth wh[ich...] the Many, his judgment shall be the same as his: [he] shall be bani[shed].

The Penal Code concludes by addressing the members who leave the *Yahad* and later wish to return. Their departure is called treachery, possibly because they were thought likely to divulge the secret doctrines of the *Yahad* to outsiders, or, more generally, because they broke their oath to separate from outsiders. By leaving, they separated from the Sons of Light as they had previously separated from the men of deceit (1QS 5:10b–11a).

The statutes on treachery comprise two distinct sets of conditions and penalties, one for those who had been members fewer than ten years, one for those who had been members more than ten years. A junior member who leaves and wishes to return is accepted (7:19a). If he returns he is stripped of rank and subjected to the same scrutinies as a candidate who had completed his period of initial instruction under the appointed officer.³⁵¹ For the first year he has access to food, less the ration-fine, but cannot approach the purity of the Many (cp. 6:16a–17); during the second year his ration-fine continues and he cannot touch the liquids of the Many (cp. 6:20b–21a). Further, at sessions of the Many he must sit behind full members of the *Yahad*, likely with candidates who were completing their second year of the initiation process in the presence of full members, but without access

³⁵¹ Pace Schiffman, *Sectarian Law*, 165, the rehabilitated member does not start over “at exactly the same stages as a new member,” but assumes the status of a candidate who has already been instructed in the fundamentals of the sect.

to liquids or participation in deliberations and judgments (7:19b–20a; cp. 6:18–21a).³⁵² After two years of punishment, the Many examine him and vote about readmission. If approved he is re-enrolled, re-ranked, and joins the Many for deliberation, exactly like a new member (7:20b–21; cp. 6:21b–23a).

The second set of statutes reveals a degree of leniency toward junior members:³⁵³ The Penal Code imposes a far stricter penalty on a senior member who leaves: he is regarded as one who has been expelled permanently and takes on the status of an absolute outsider. Any member who shares his purity or wealth with him is also expelled (7:24b–25; cp. 4QD^a fr. 11 14c–16). The fact that he is a senior member seems to justify the harsher penalty: as one with more experience and knowledge, he is accountable to a higher standard of behavior and loyalty.

The text suggests that some members in good standing were tempted to share purity and wealth with the expelled senior member. This raises the possibility that some expelled members remained in close proximity to the *Yahad*. Perhaps some felt bound by their oaths not to eat any food except that provided by the sect, as Josephus dramatically writes about the Essenes. We cannot know whether expelled members actually stayed around; in any case the law aims to control the behavior of those who remain within the *Yahad*, rather than to describe the behavior of outcasts.

4.10.4.1 *The Constitutional Nature of Laws on Traitors*

There are at least three ways in which the rules on traitors are constitutional. The first appear in analogies in state laws to the penalties for aiding an expelled member; I have discussed this fully in my analysis of the expulsion rite in D. The second has to do with the prohibition of bringing the purity and property of the *Yahad* into contact with a traitor (7:24b–25). This rule reinforces the boundary between the

³⁵² Weinfeld argues out that junior members who were stripped of rank and are forced to sit behind the men of the *Yahad* (7:20–21) are analogous to members of the Roman Bacchic society from the second-century CE who are registered as *σσιγηταί*, “silent ones.” He assumes that they had not attained full membership and attended meetings to observe communal protocol. R. Herrmann (“Gemeinderegel,” 188) argues persuasively that this is incorrect: the *σσιγηταί* were more likely full members with some particular status. See my summary of Herrmann’s study in ch. 1. For text of the Bacchic inscription see A. Vogliano, “La Grande Iscrizione Bacchica del Metropolitan Museum,” *AJA* 37 (1933) 215–31. See F. Cumont’s commentary in *ibid.*, pp. 232–63, esp. pp. 262–63 for discussion of the *σσιγηταί*.

³⁵³ Cp. a similar principle in leniency toward a new member in CD 15:13b–15a.

Yahad and defiled outsiders—the expelled member is now to be reckoned among the men of deceit (5:13b–20a). Bringing the property of the *Yahad* into contact with traitors and their defilement threatens the *Yahad*'s cult and its ability to atone for the land. The penalty of banishment for those who defile the cult is drawn directly from biblical laws on כרת, as Aharon Shemesh has argued. As an interpretation of the Torah, it may be regarded as constitutional.³⁵⁴

The third way in which these statutes are constitutional requires inference but seems likely. In SE, male citizens of Israel begin their education at age ten and continue it through age twenty. After ten years of education, a young man gains status: at age twenty he can marry and begins to witness the judgments of the courts of Israel (1QSa 1:8b–11). His education continues for another ten years. During the first he witnesses judgments; during the second he serves the Congregation of Israel in its יסודות, whatever these may be (1:12b–13a). At age thirty, and after two ten-year periods of education, he is eligible to join the leaders of Israel, whether as judge, military officer, or head of a family or tribe (1:13b–15). While neither ten-year periods of training nor age classes based on ten-year patterns are mentioned in IQS, the ten-year period in which members of the *Yahad* had junior status supports the idea that the *Yahad* used some form of the system. This makes good sense if, as it seems, the sect was preparing to implement the constitutional system of SE in restored Israel.

4.11 STATUTES FOR THE FIFTEEN MEN OF PERFECT HOLINESS (1QS 8:1–9:11 AND ||)³⁵⁵

We now turn to statutes on the Men of Perfect Holiness. The *Yahad* accomplished most of its cultic work at assemblies of the Many, but these meetings were not the only way in which the *Yahad* procured atonement. Here I argue that the *Yahad* organized its membership after a cultic pattern drawn from the Jerusalem temple system: while the entire *Yahad* is holy and performs work essential for atonement, an elite group within the *Yahad*—the Men of Perfect Holiness—is set apart as most holy. This arrangement replicates the physical grounds of the holy temple, which has a most holy space set apart within

³⁵⁴ See Shemesh, “Exclusion and Expulsion,” and my discussion in §3.3.7.2, above.

³⁵⁵ For 4QS parallels see subsections of 1QS 8:1–9:11, below.

it, the Holy of Holies (קדש הקדשים).³⁵⁶ While biblical sources are inconsistent on its usage, it is clear that the Holy of Holies played a central role on the Day of Atonement, when the high priest entered it with the blood of a sacrificed bull and made atonement for Israel (Lev 16). Given the *Yahad's* mission of atonement, it makes good sense that they would replicate this hierarchical pattern of holiness within their ranks.

4.11.1 *Opening Statements on the Men of Perfect Holiness* (1QS 8:1-16a || 4QS^c fr. 2 ii 9b-iii 6a; 4QS^d fr. 3 vi 1-8)

8:1 בעצת היחד שנים עשר איש וכוהנים שלושה תמימים בכול הנגלה
מכול 2 התורה לעשות אמת וצדקה ומשפט ואהבת חסד והצנע לכת
איש אם רעהו 3 לשמור אמונה בארץ ביצר סמוך ורוח נשברה ולרצות³⁵⁷
עוון בעושי משפט 4 וצרת מצרף ולהתהלך עם כול במדת האמת ובתכון
העת
בהיות אלה בישראל 5 נכונה העצת היחד באמת למטעת עולם בית קודש
לישראל וסוד קודש 6 קודשים לאהרון עדי אמת למשפט ובחירי רצון
לכפר בעד הארץ ולהשב 7 לרשעים גמולם
היאה חומת הבחן פנת יקר בל 8 יזדעזעו³⁵⁸ יסודותיה³⁵⁹ ובל יחישו ממקומם
מעון קודש קודשים 9 לאהרון בדעת כולם³⁶⁰ לברית משפט ולקריב ריח³⁶¹
נחיות ובית תמים ואמת בישראל 10 להקם ברית לחוקות עולם
והיו לרצון לכפר בעד הארץ ולחרוץ משפט רשעה ואין עולה³⁶²
בהכון אלה ביסוד היחד שנתים ימים בתמים דרך 11 יבדלו³⁶³ קודש בתוך
עצת אנשי היחד
וכול דבר הנסתר מישראל ונמצא³⁶⁴ לאיש 12 הדורש אל יסתרהו מאלה
מיראת רוח נסוגה

³⁵⁶ Similarly Collins, *Beyond the Qumran Community*, 69-75.

³⁵⁷ Emended on the basis of 4QS^c, from לרצת.

³⁵⁸ The Targum on Isaiah 26 has the same verb (Wernberg-Møller, *Manual*, 126 n. 23).

³⁵⁹ The word was added superlinearly.

³⁶⁰ Wernberg-Møller, *Manual* and Knibb, *Qumran Community*, read עולם for כולם; Charlesworth translates the latter "all-encompassing" (PTSDSS 1, *ad loc.*). I find the emendations unnecessary. Charlesworth's translation misses the passage's emphasis on the role of the *Yahad*: their knowledge, guarded perfectly by all members (כולם) of the *Yahad*, allowed the *Yahad* to function as a substitute cult of atonement.

³⁶¹ The word was added superlinearly.

³⁶² This entire line was added to the text of 1QS superlinearly.

³⁶³ This word was added superlinearly.

³⁶⁴ Emended following 4QS^d and 4QS^c. 1QS reads ונמצאו.

ובהיות אלה ליחד³⁶⁵ בישראל 13 יבדלו בתכונים האלה³⁶⁶ מתוך מושב
 אנשי³⁶⁷ העול ללכת למדבר לפנות שם את דרך הזאהא 14 כאשר כתוב
 במדבר פנו דרך •••• ישרו בערבה מסלה לאלוהינו
 15 הזאה מדרש התורה א[ש]ר צוה ביד מושה לעשות ככול הנגלה עת
 בעת 16 וכאשר גלו הנביאים ברוח קודשו

8:1 In the Council of the *Yahad* there shall be twelve men and three priests, perfect in all that has been revealed from the entire 2 Torah, to perform truth and righteousness and judgment and love of mercy and walking humbly, each man with his companion, 3 in order to preserve faithfulness in the land with a strengthened³⁶⁸ inclination and a broken spirit, so that they may pay for guilt through works of judgment 4 and the distress of purification, and by walking with the full measure of truth and in accordance with the order of the time.

When these are in Israel, 5 the Council of the *Yahad* is established in truth as an eternal plant, a holy house for Israel and a most 6 holy Council for Aaron, witnesses of truth for judgment, men elected by (divine) pleasure in order to atone for the land and to repay 7 the wicked their retribution.

It is a "tested wall, a precious cornerstone" (Isa 26:18);³⁶⁹ neither 8 shall its foundations shake nor be dislodged from their place. It shall be a most holy dwelling 9 for Aaron through all of their knowledge of the covenant of judgment, to offer up a soothing savor, and a house of perfection and truth in Israel, 10 to establish a covenant for everlasting statutes.

In accordance with (God's) will they shall exist in order to atone for the land, and to determine judgment of wickedness, and there shall be no more injustice.

When these are fully prepared in the fundamental counsel of the *Yahad* for two years among the perfect of the way, 11 they shall be set apart as holy in the midst of the Council of the men of the *Yahad*.

And every matter that has been hidden from Israel and revealed to a 12 man who studies: let him not conceal it from these (Men of Perfect Holiness) out of fear of a spirit of disloyalty.

When these belong to the *Yahad* in Israel, 13 they shall separate, according to these regulations, from the midst of the assembly of the men of deceit to go to the wilderness to prepare there the way of the Lord, 14

³⁶⁵ The word was added superlinearly.

³⁶⁶ The phrase בתכונים האלה was added superlinearly.

³⁶⁷ Emended following 4QS^d; 1QS reads הנשי.

³⁶⁸ Here סמוך has the meaning "firmly established" or "supported." The implication seems to be that the discipline and teaching of the *Yahad* would conform each member's יצר to divine will.

³⁶⁹ The quotation is paraphrased: the scribe substituted חומת for אבן. Wernberg-Møller speculates that the author chose a word to indicate that the foundation comprises multiple members (*Manual*, 126 n. 21).

as it is written, “In the wilderness prepare the way of ••••; in the desert make straight a highway for our God” (Isa 40:3).

15 This is the study of the Torah t[ha]t he legislated through the hand of Moses, so that they may act in accordance with all that is revealed in each age, 16 and as the prophets have revealed through the spirit of his holiness.

There has been a great deal of debate about the statutes on the fifteen Men of Perfect Holiness in 1QS 8:1–9:11. The earliest studies, such as that of Preben Wernberg-Møller, assumed that they were an elite group set apart within the larger Council of the *Yahad*.³⁷⁰ But from 1959 until full publication of the S mss. from Cave 4, most scholars accepted the view that 1QS 8–9 preserves a manifesto for the founding members of the *Yahad*.³⁷¹ The manifesto was retained in S for its historical importance, but its statutes were replaced by rules for a larger community in 5:1–7:25. Originally “Council of the *Yahad*” referred only to the group in the manifesto (8:22; cp. 8:25–26); when the *Yahad* expanded the term came designate the group as a whole.

The Cave 4 mss. forced reconsideration of the manifesto theory. 4QS^e does not contain the material in 1QS 8:15b–9:11, i.e., a short penal code for the elite group and summary statements on the *Yahad* as a whole.³⁷² Some scholars, such as Hartmut Stegemann, argued that not only 1QS 8:20–9:11, but the entirety of 1QS 8:1–9:11, was added to the original form of S, a shorter version of cols. 5–7.³⁷³ Thus what had formerly been regarded as the oldest material in S was interpreted in the opposite direction.

³⁷⁰ See Wernberg-Møller, *Manual*, 122–25.

³⁷¹ See, e.g., P. Guilbert, “Le plan de la Règle de la Communauté,” *RevQ* 1 (1959) 323–44; E. F. Sutcliffe, *The Monks of Qumran* (Westminster: Newman, 1960); J. Murphy-O’Connor, “La genèse de la Règle de la Communauté,” *RB* 76 (1969) 528–49, esp. p. 531; J. Pouilly, *La Règle de la Communauté de Qumran. Son évolution littéraire* (Paris: J. Gabalda, 1976); E. Puech, “Recension: J. Pouilly, *La Règle de la Communauté de Qumran. Son évolution littéraire*,” *RevQ* 10 (1979) 103–11; C. Dohmen, “Zur Gründung der Gemeinde von Qumran (1QS VIII–IX),” *RevQ* 11 (1982) 81–96; J. Charlesworth, “Morphological and Philological Considerations: Preparing the Critical Text and Translation of the Serek Ha-*Yahad*,” *Methods of Investigation of the DSS*, ed. Wise et al., 279–81. Similarly Leaney, *Rule of Qumran*, 210; cf. p. 33; Knibb, *Qumran Community*, 129.

³⁷² For discussion see Metso, *Textual Development*, 117–18; cp. 71–73.

³⁷³ Stegemann, *Library of Qumran*, 111–12. So also Metso, *Textual Development*, 117–18; cp. 71–73; Brooke, “Isaiah 40:3 and the Wilderness Community,” *New Qumran Texts and Studies*, ed. G. Brooke and F. García Martínez (Leiden: Brill, 1994) 117–32.

Wernberg-Møller's interpretation seems best able to accommodate the evidence. Even 4QS^e retains rules for how to set the fifteen apart within the *Yahad* (4QS^e 1 ii 7b–iii 6a || 1QS 8:1–16). Other recensions show that the rules were revised and expanded, as comparison of 4QS^{b,d} with 1QS shows.³⁷⁴ Taken together, the evidence supports the view that 4QS^e contains an early version of the rules for the elite group. To these rules were added a special penal code, along with summary statements on the *Yahad* as a whole. Such expansion and revision confirms that the statutes continued to be used, and supports the view that they governed an actual group within the *Yahad*.³⁷⁵

Evaluation of the elites group's role depends on interpretation of *בהיות אלה*, “when these things exist” (1QS 8:4, 12; 9:3) and *בהכון אלה*, “when these things are established” (8:10). Proponents of the manifesto theory argued that they pertain to the future: only after the original fifteen had perfected their way could the *Yahad* be founded.³⁷⁶ Yet the phrase *בהיות אלה* just as easily denotes a present condition that explains an established situation: when, i.e., as long as, the elites exist, then the *Yahad* functions fully as a house of holiness, able to procure atonement.³⁷⁷ I assume this view in the following analysis.

Introduction to the elite group (8:1–10a): The first infinitive construct is preceded by instructions to the *Yahad* in general (8:1–4a): within their ranks there must to be an elite group of specially trained members. They perfectly observe Torah (8:1–2a), and ensure that the *Yahad*'s work is efficacious. As common members work to procure atonement and prepare for judgment (e.g., 5:2–7), the Men of Perfect Holiness guarantee that their labor is not in vain: they preserve faithfulness, atone for sin, and uphold the “full measure of truth.” In doing

³⁷⁴ After its addition to S in the short form preserved in 4QS^{b,d}, the penal code was further revised: 1QS elaborates on the role of the Many in reinstating the inadvertent transgressor (8:25b–27).

³⁷⁵ Other recent studies of the fifteen as an elite group within the *Yahad*: J. Collins, *Beyond the Qumran Community*, 69–75; “Forms of Community in the Dead Sea Scrolls,” 105–7; S. Berg, “An Elite Group within the *Yahad*: Revisiting 1QS 8–9,” in *Qumran Studies: New Approaches, New Questions*, ed. M. Davis and B. Strawn (Grand Rapids: Eerdmans, 2007) 161–77.

³⁷⁶ E.g., Knibb writes that “at the moment when this material was first set down in writing the community was still in an embryonic state. It would become a reality when the fifteen men with the qualities described in lines 1–4a existed as a group” (*Qumran Community*, 130–31).

³⁷⁷ So also Wernberg-Møller, *Manual*, 122–23, following the earlier arguments of H. del Medico, *Deux Manuscrits Hébreux de la Mer Morte* (Paris: Paul Geuthner, 1951) and J. T. Milik, “Manuale Disciplinae,” *Verbum Domini* 39 (1951) 129–58.

so, they guarantee that the *Yahad* adheres to special standards for the age (תבון העת) (8:1–4a).

Next the Men of Perfect Holiness are addressed directly: “when these exist in Israel, then the Council of the *Yahad* is established in truth” (8:4b–5). The *Yahad*’s cultic work is only accomplished when both the Council of the *Yahad* as a whole and its elite group fully engage their duties. The elites, “a Council of the Holy of Holies for Aaron,” as 8:5b–6a may be translated, complete the work of atonement. They also complete the *Yahad*’s duty “to condemn all those who transgress the statute” (5:7a) as they “repay the wicked their retribution” (8:6–7). The passage concludes with an effusive summary reiterating the elites’ cultic identity and purpose: they are a “dwelling of highest holiness for Aaron,” preserving complete knowledge of truth. Their actions go up as a soothing savor to God, actions atone for the land, determine judgment for wickedness, and prepare for an age when injustice will be forever gone (8:7b–10b).

Setting apart the elite group (8:10c–11a): The second conditional sentence follows this description of the Men of Perfect Holiness. It is difficult to interpret due to numerous erasures and superlinear corrections and additions. A clue to its meaning comes in the shift in context from the first conditional sentence to the second. The first sentence states that the elites exist in Israel without any reference to time (8:4c). The second refers to circumstances that occur in the Council of the *Yahad* for two years (8:10c). Two distinct events seem to be in view: the first sentence describes the completion of the *Yahad*’s establishment through the consecration of its most holy segment. The second sentence describes a condition for joining the elites: “when these (fifteen men) are fully prepared in the fundamental counsel of the *Yahad* (ביסוד היחד) for two years among the perfect of the way,” then they shall be set apart. The period of preparation (הבון) must refer to a special period of education and training in the foundational teachings of the *Yahad*. It is not clear how the fifteen were selected: they may have been chosen from the beginning and privately instructed, or they may have been drawn from a pool of candidates who devoted themselves to the advanced discipline. It is difficult to imagine that the fifteen were a permanent group whose membership did not change. Surely members died, grew ill or feeble; we know that some transgressed and were expelled (8:20–24a; 9:1a). I suspect that training members for candidacy in the elite group was an ongoing activity within the *Yahad*. Since the fifteen had to exist in order for the *Yahad* to function, well

trained candidates must have been prepared to take the place of any elites who departed.

The pedagogy of the Men of Perfect Holiness (8:11b–12a): After the rule for training the elites we find a rule on pedagogy: no “hidden thing” that is revealed to a certain **איש הדורש** should be concealed from the elite group “out of fear of a spirit of disloyalty.” In question is the identity of the **איש הדורש**: is he an authoritative Interpreter charged with instructing the Men of Perfect Holiness in the deepest lore of the sect? The option suits the context, since the rule falls immediately after the description of the elites’ two-year period of training.³⁷⁸ And in several texts the title **דורש התורה** designates a figure who arrives at the End of Days to deliver authoritative instruction.³⁷⁹ Yet this presents difficulties: **איש הדורש** is not the same title, and the Interpreter of the Law is an eschatological figure, not an official in the *Yahad*. To the contrary, every common member of the *Yahad* is required to take a turn as **איש דורש בתורה** wherever ten or more gather (6:6). Further, all senior members of the *Yahad* seem to have been expected to teach fundamental sectarian knowledge to inquirers (6:13c–14a).

I am inclined to regard the **איש הדורש** as any member of the *Yahad* engaged in communal study, and to take the rule in 8:11b–12a as a description of a pedagogical duty of the Men of Perfect Holiness: to assess new interpretations of Scripture that members propose.³⁸⁰ The Rule for the Many confirms that all members read and interpret Scripture together, especially for halakic purposes (**לקרוא בספר ולדרוש**, **משפט**, 6:7). While it may also have included *pesher*-style readings of the prophets and Psalms, the frequent association of “perfection of the way” with legal knowledge in S suggests that halaka was the primary topic of study.³⁸¹ While the *Yahad* did not tolerate halakic or dogmatic diversity, they expected members to contribute their own **שכל** (5:21–24; 6:14, 18), **עצה** (6:3–4, 9), **מדע** (6:9), and **משפט** (6:22–23).

³⁷⁸ Berg expresses this view: the elites “are thus privy to the full scope of the Interpreter’s special knowledge” (“An Elite Group,” 168). Other scholars who translate similarly are Collins, *Beyond the Qumran Community*, 69; Wise, Abegg, and Cook, *The Dead Sea Scrolls: A New Translation*; García Martínez and Tigchelaar, *DSSSE*.

³⁷⁹ See CD 6:7; 7:8; 4Q174 fr. 1–2 i 12; 4Q177 fr. 10 xi 5; 4Q252 5:5.

³⁸⁰ Others follow this line of interpretation: esp. Wernberg-Møller, *Manual*, 128 n. 29 and 103 n. 19; Charlesworth, *PTSDSS* 1.35; cp. Knibb, *Qumran Community*, 133. Both Knibb points to Josephus’ description of the Essenes’ pact not to keep secrets from other members (*BJ* 2.141).

³⁸¹ See 1QS 1:11b–13a; 2:1b–3; 4:22; 6:24; 8:18, 25b–27; 9:2, 5, 18–19; cp. 1:8b–9a; 3:1; 4:4; 9:8–10.

Individual knowledge, like property, belonged to the community as a whole. This required not only study of established interpretations of Scripture, but also disclosure of new insights. The Men of Perfect Holiness may have had authority to judge whether a new interpretation was correct. If it was accepted, then the elites commended the interpreter and his insight was incorporated into the *Yahad's* teachings. If it was rejected, then he was corrected and avoided error. Contributing new halakic insights is not only good, but a duty, since שכל, along with תום דרך, are the main criteria by which members are evaluated annually (5:24). Even if an interpretation is rejected, this is still good: avoiding error is essential to perfection of the way. New insights only caused problems when hidden out of fear of being accused of having a רוח נסוּגָה (8:12). Like unreported transgression, novel, privately circulating interpretations of Scripture could pollute and divide the community by promoting erroneous halaka or deviant doctrine.

The wilderness context of the Men of Perfect Holiness (8:12b–16a): In earlier scholarship the sentence “when these things exist... they shall separate from... the men of deceit to go to the wilderness” (8:12b–14) was often interpreted as referring to future, and has been cited to support the view that material was written before the *Yahad* as a whole moved to Qumran.³⁸² Two factors weigh against this reading. First, the phrase ובהיות אלה ליחד בישראל (8:12b) most naturally means “when these (men) belong to the *Yahad*,” not “exist as the *Yahad*” (cf. 6:22b–23a). Second, the imperfect verb יבדלו can just as easily refer to action in the present: “they will be separate.”³⁸³ Thus the third conditional sentence suggests protective boundaries for the elites’ most holy work, created by geographical separation from urban Judean society. The elites must be separated in the wilderness, where they prepare the way of the Lord by studying Scripture.³⁸⁴ A most attractive and most unprovable speculation is that the elites dwelt in the Qumran settlement. There they would have had relatively easy access to other members of the *Yahad* and ability to host their visits, access to goods, and an environment relatively easy to protect from impurities, and obviously maintained by an owner with concerns for ritual purity. Finally,

³⁸² Reading the condition as future is still possible. As Berg puts it, the passage as a whole describes “the creation of a special group, not yet formed, that is to serve in a unique role in the life of the larger Community” (“An Elite Group,” 165).

³⁸³ See Gesenius §159.2.

³⁸⁴ See Brooke, “Isaiah 40:3 and the Wilderness Community.”

my reading of the passage is consistent with the view that the *Yahad* did not, as a whole, dwell in the desert, but in cells throughout Judean towns. While all members of the *Yahad* separated from outsiders, only the Men of Perfect Holiness had to separate so completely.

The opening statutes for the elites conclude with emphasis on their primary activity: interpreting the Torah and prophets, and discerning revelations to guide the righteous through the evil age (8:15–16a). This work prepares the way of the Lord perhaps by hastening God's intervention, but certainly by preparing the sect for judgment: the elites' work make the righteous pure and prepares the wicked for destruction.

4.11.2 *Penal Code for the Men of Perfect Holiness*
(1QS 8:16b–9:2 || 4QS^d fr. 3 vi 8b–fr. 4 vii 3)

8:16b וכול איש מאנשי היחד ברית 17 היחד אשר יסור מכול המצוה דבר
ביד רמה אל יגע בטהרת אנשי הקודש 18 ואל ידע בכול עצתם עד אשר
יזכו מעשיו מכול עול להלך בתמים דרך
וקרבהו 19 בעצה על פי הרבים ואחר יכתב בתכוננו וכמשפט הזה לכול
הנוסף ליחד
20 ואלה המשטים אשר ילכו במ אנשי התמים קודש איש את רעהו
21 כול הבא בעצת הקודש ההולכים בתמים דרך כאשר צוה כול איש
בהמה 22 אשר יעבר דבר מתורת מושה ביד רמה או ברמיה ישלחהו
מעצת היחד 23 ולוא ישוב עוד
ולוא יתערב איש מאנשי הקודש בהונו ועם עצתו לכול 24 דבר ואם
בשגגה יעשה והובדל מן הטהרה ומן העצה ודרשו המשפט 25 אשר לוא
ישפוט איש ולוא ישאל על כול עצה שנתים ימים
אם תתם דרכו 26 במדרש ובעצה [ע]ל [פ]י [ה]רבים אם לוא
שגג עוד עד מולאת לו שנתים 27 ימים
9:1 כיא על שגגה אחת יענש שנתים ולעושה ביד רמה לוא ישוב עוד
אך השוגג 2 יבחן שנתים ימים לתמים דרכו ועצתו על פי הרבים ואחר
יכתוב בתכוננו ליחד קודש

8:16b Any man from the men of the *Yahad* of the covenant 17 of the *Yahad* who turns away from any statute in any way with a high hand shall not touch the purity of the men of holiness, 18 nor shall he know any of their counsel until his deeds have been purified from all deceit, so that he walks in perfection of the way.

Then he may approach 19 the Council, in accordance with the authority of the Many, and afterwards he may be registered according to his

³⁸⁵ Emending with Qimron, PTSDSS 1, *ad loc*; the scribe of 1QS combined the two words into במושב.

rank. According to this judgment it shall be for any man who joins the *Yahad*.

20 These are the judgments in which the Men of Perfect Holiness shall walk, each one with his neighbor.

21 Each man who enters the Council of holiness, those who walk in the perfect way, just as he commanded, each man from among them 22 who violates a law of the Torah of Moses with a high hand or negligently, they shall dismiss him from the Council of the *Yahad* 23 and he shall not return again.

No man from the men of holiness shall share in his property or in his counsel or in any 24 matter.

But if anyone should do something inadvertently, they shall separate him from the purity and from the Council, and they shall study the judgment 25 that “a man may not judge, nor may he be asked about any counsel for two years.”

If his way is perfect 26 *in them, then he shall return to study and to counsel, [b]y [the authority] of [the] Many, if he has not sinned inadvertently again when 27 two years are complete for him.*

9:1 Thus for one inadvertent transgression he shall be punished two years, but regarding the one who acts with a high hand, he shall not return again.

Indeed the one who sins inadvertently 2 shall be tested two years with regard to the perfection of his way and his counsel by the authority of the Many, and afterwards he shall be registered in his rank in the *Yahad* of Holiness.

A two-part penal code related to the Men of Perfect Holiness follows the opening description of their activities. Terminological ambiguity makes certainty about certain aspects difficult; I present my interpretation tentatively. Yet I am fairly confident about the coherence about these rules within S as a whole, *pace* Metso, who argues that this penal code conflicts with that for general members (6:24–7:25).³⁸⁶ Her argument unnecessarily complicates the units of S, which deal with different segments within the *Yahad*. These rules seem to supplement the earlier Penal Code. The first part runs from 8:16b–19b and treats men of the *Yahad* in general, as the conclusion indicates. The second runs from 8:20–9:2 and pertains to the Men of Perfect Holiness themselves, as the rubric in 8:20 explicitly states.

Rules for all members of the Yahad: The statutes in the first part forbid any member who transgresses the *Yahad*'s statutes deliberately (ביד רמה, 8:17) from approaching the *אנשי הקודש* until he has

³⁸⁶ Metso, *Textual Development*, 124–28.

been purified and walks in perfection of the way. The rule is extremely general: what deliberate transgression is in view? Is the purity of the Men of Holiness the same thing as the purity of the Many, as it appears to be in 5:13b, or is it the purity of the Men of Perfect Holiness? What is his punishment?

The first and last questions are directly related. Deliberate transgression probably refers to statutes of the Torah. This may be inferred from the next set of laws, which mention violation of the Torah of Moses *בִּיד רְמָה* explicitly (8:21–22). Further, the only other place in S that mentions violations *בִּיד רְמָה* also has to do with the Torah (5:8b–12a). But the same passage presents sectarian statutes as faithful interpretations of the Torah: submitting to the laws of the *Yaḥad* is the same thing as returning to the Torah of Moses, and transgressing the “hidden things” revealed to the *Yaḥad* is the same as breaking God’s covenantal law. Thus all sectarian halaka and community rules are probably included. Yet transgressing *בִּיד רְמָה* seems to have specific meaning in 8:17, given the succinct description of the penalty that he must undergo before having access to the purity of the men of holiness: he must be purified (presumably through punishment), examined by the Many, and then (re-)registered in his rank (8:18b–19). This process, it seems to me, briefly summarizes the punishment of a junior member who returns to the *Yaḥad* after treachery—a period of abandoning the *Yaḥad*, sectarian halaka, and the Torah upon which it is based in 7:19b–21. The law in 8:16b–19 pertains to such persons.

From what is the junior member separated? We know from the Penal Code that his separation from the purity of the Many lasts one year. After the first year he remains barred from full participation, sits behind full members as an unranked man, and cannot touch the *משקה* of the Many—and yet he has access to the purity of the Many, as an observer of their assembly (7:20a). The statute in 8:16b–19 is more strict: the transgressor cannot touch the *טהרת אנשי הקודש* until he has completed his punishment and been re-enrolled. In 7:19b–21 reenrollment happens not after the first year, but after the second. Access to the purity of the men of holiness in 8:16b–20 must be different from access to the purity of the Many in 7:19b–21. The most obvious candidate for the former is the highest purity of the Men of Perfect Holiness. Thus I venture that the rule in 8:16b–20 forbids any member of the *Yaḥad* who is in a state of punishment from contact with the elite group. Only members in good standing are able to participate in group deliberations, reading, and judgment. Only these would have

reason to consult the Men of Perfect Holiness regarding interpretation of Scripture (8:11b–12a).³⁸⁷

Rules for the Men of Perfect Holiness: A rubric in 8:20 introduces a penal code for the Men of Holiness themselves. The rules in 8:20–9:2 show that the Men of Holiness, like the senior members of the *Yahad* described in 7:18b–25, are accountable to a higher standard of behavior than members of lower status. Thus:

- 1) An elite who transgresses a statute of the Torah through negligence or deliberately is expelled permanently, and no one may associate with him (8:21–24a).
- 2) An elite who transgresses inadvertently is separated from the purity and the Council (presumably assemblies of the Many), and may not participate in judgment or counsel for two years (8:24b–25a).
- 3) During the two years of separation, the transgressive elite is examined regularly by the Many regarding his perfection of the way and counsel (9:1–2a).
- 4) At the end of two years, if approved by the Many, the rehabilitated elite is re-enrolled in the *Yahad* and possibly regains candidacy for the Men of Perfect Holiness (9:2b).

The code concludes with protocol for reinstating the inadvertent transgressor: he is stripped of rank and returns to the status of a candidate, barred from both the purity of the Many and from participation in communal deliberation for two years. Like regular members of the *Yahad*, the transgressor submits to the authority of the Many; only by their authority may he regain his rank (8:26–27, 9:2b). Thus the Men of Holiness, including the three priests among them, do not have special individual authority.

Yet the transgressive elite is not exactly treated like a common member of the *Yahad*. For the former, their period of exclusion from the Many is absolute for two years. Only at the end of the period are they examined (7:20b–21). Elites, in contrast, seem to have to appear regularly before the Many to have their perfection and counsel tested (9:1b–2a). Membership in the elite group may, in fact, confer privilege along with a higher level of accountability: if the Many approve them at the end, then they regain rank within the **יחד הקודש**. As Shane Berg has argued, this *hapax legomenon* may designate the Men of Perfect

³⁸⁷ Here I disagree with A. Shemesh that the passage presents difficulty and makes better sense with emendation. See his analysis and proposal, “Exclusion and Expulsion,” 72–74.

Holiness, not the *Yahad* in general.³⁸⁸ This possibility is weakened by the unlikelihood that a rehabilitated elite rejoined the Men of Perfect Holiness right away: during their two-year punishment, another member of the *Yahad* must have taken his place so that the fifteen men retained its quorum. Yet it is possible that, due to their advanced training, experience within the elite council, and intensified scrutiny and testing during their punishment, they regained at least their candidacy to serve with the fifteen.

4.11.2.1 *Associational and Constitutional Analogies*

Punishment and privilege: Like elite figures in Scripture, the Men of Perfect Holiness are specially accountable for their actions. In some biblical narratives, brazen transgression of cultic law is met with immediate death: consider the instant punishment of Aaron's sons Nadab and Abihu for offering unauthorized incense (Lev 10:1–2), and the deaths of Eli's sons Hophni and Phineas for abusing their access to temple offerings and women (1 Sam 2:12–4:11). In both narratives cultic authorities, indeed, sons of the high priest, are judged harshly for their sins. Yet in at least two other narratives, leaders of Israel who commit capital offenses retain their high status after repentance and punishment—David's murder and adultery result in the death of his son, but his own status as God's anointed is remarkably stable (2 Sam 11:2–12:24). Equally problematic is the high priest Aaron and the priests who lead the people in idolatry while Moses is on the mountain. Aaron is forgiven and loses no status whatsoever (Exod 32).³⁸⁹ Similarly the priests redeem themselves through the punishment of slaying a friend, relative, or neighbor (32:27–29). It is possible that, as the *Yahad* studied Scripture, they found in such narratives principles upon which to base both a higher standard of accountability for the elite group, and a certain privilege that allows the most holy members of the sect to retain their status after transgression, if their repentance is authentic.

Scrutiny and supervision of elite officials: Analogies to the intensified scrutiny of the Men of Perfect of Holiness also appear in the *politeiai*. The Aristotelian *Constitution of Athens* requires members of the

³⁸⁸ On the possibility that יחד הקודש in 1QS 9:2b designates the fifteen see Berg, "An Elite Group," 170–72.

³⁸⁹ Similarly when Aaron and his wife Miriam speak against Moses, they are rebuked and punished, but lose no status (Num 12:1–15).

boulē and *dekaprotoi* to be scrutinized before assuming office.³⁹⁰ Other officials are scrutinized after completing their terms.³⁹¹ At any point in an officer's term a citizen may bring a charge against him.³⁹² The *Yahād's* elites also had to be approved by scrutiny and remained more accountable to sectarian law than regular members. Like Athenian officials, elites of the *Yahād* remain accountable to the main juridical authority.

Authority to judge common members' piety: In Plato's *Laws* Magnesian public officials are supervised by the Scrutineers, a juridical body comprising twelve senior officers in the first year of the Magnesian constitution, with three additional officers appointed each year. The Scrutineers resemble the Men of Perfect Holiness in several ways. First, they must be scrutinized and judged as "perfect in every way" (946a). Second, they are set apart to live in the precinct of Apollo as priests, where they render judgments upon public officials. Thus, as in the case of the *Yahād's* elites, cultic and juridical roles are combined. Like the *Yahād's* elites, who judge whether members' interpretation of Scripture conforms to sectarian norms, the Scrutineers judge whether officials' conduct conforms to the standards of Magnesian law.

Precisely because the Scrutineers represent the highest standards of Magnesian virtue and piety, they are especially liable to being prosecuted. Any citizen who suspects that a Scrutineer is a law-breaker may charge that him with "disgrace to his distinctions and his office" (948a). The defendant must appear before a court of fellow Scrutineers, the Guardians of the Laws, and Select Judges. If convicted, he is removed from office stripped of all honors, and denied rights to special burial. It is rather surprising that the convicted Scrutineer is not sentenced to death; instead he returns to the status of a common Magnesian citizen. This punishment is analogous to that of the Men of Holiness who inadvertently transgress: they are not expelled, but undergo two years of rehabilitation. If they prove to be cured, they regain membership in the *Yahād*.

³⁹⁰ Arist., *Ath. pol.* 45.3; 55.2.

³⁹¹ Above all officials responsible for handling public monies were scrutinized: so Arist., *Ath. pol.* 54.2.

³⁹² For procedures see Arist., *Ath. pol.* 43.4; 45.2; 48.4–5; 54.2. Similarly in Plato's *Laws* judges sitting on the highest court were supervised whenever they heard a case by the officials that elected them and the Magnesian councillors (*Leg.* 767c–d).

The Sanctity of the Men of Perfect Holiness: The law that no member who is undergoing punishment may approach the purity of the Men of Perfect Holiness is probably drawn from biblical laws that protect the purity and holiness of the temple cult. Because the transgressor still bears the impurity of his sin, he is excluded from their pure presence, just as all impure Israelites are barred from approaching the pure and holy space of the temple.

The Holy of Holies and The Pattern of Fifteen: The strongest analogies to the elite group of fifteen come in laws on the cult of atonement in the Torah and should be regarded as constitutional. In view of the *Yahad's* aim to create a substitute cult of atonement, setting apart fifteen men as a סוד קודש קודשים was a good way to start.³⁹³ As discussed above, the elites replicate the most holy space of the holy temple, where the temple's work is completed. In Exodus, for example, God commands Moses to create an altar that is קודש קודשים; upon it, once each year, a sacrificial rite of atonement is performed (Exod 30:10). Without the most holy altar and its implements (e.g., Exod 26:33–34; 29:37; 30:29–36) the cult of the tabernacle cannot not function.

The fifteen men include three priests and twelve Israelites. This draws upon biblical precedent. In Exodus, when Aaron and his two sons—three priests—go into the most holy place to procure atonement, they carry on their vestments representations of the twelve non-priestly tribes of Israel. Aaron's vestments include twelve stones, each engraved with the name of one of the twelve tribes (Exod 28:21). By wearing them when he enters the tabernacle, "Aaron shall bear their names before YHWH upon his shoulders for remembrance" (Exod 28:12). Thus in tabernacle three priests continually present the twelve tribes of Israel to God.³⁹⁴ Twelve and three fit also fit well with the rules for the tabernacle in Numbers. Moses takes a census of the twelve non-priestly tribes, but not Levi (Num 1:20–43). He puts Aaron

³⁹³ Wernberg-Møller interprets the passage similarly in idem, *Manual*, 124–25.

³⁹⁴ Cp. Exod 24:4: Moses builds an altar at Sinai with twelve pillars representing the tribes of Israel; in 24:9 Aaron, Nadab, and Abihu, three priestly officers, go with Moses to the top of the mountain. In Num 7:84–87 the tabernacle is dedicated with representations from the twelve tribes: twelve silver plates and basins, twelve golden dishes, and twelve bulls, rams, lambs and goats (Num 7:84–87). Interestingly 4 Ezra 11:1 depicts Rome as an eagle with twelve wings and three heads. This depiction of Rome seems to present an implicit charge that the Empire is a blasphemous counterfeit of Israel.

and his two sons, Eleazar and Ithamar, in charge of the tabernacle, with the Levites serving them (Num 3:1–2). After Aaron’s death, the three Aaronide tribes, Kohath, Gershon, and Merari, perpetuate the trifold division of the Levites (Num 3:17). The War Rule shows that the Covenanters recognize these three priestly tribes: in 1QM 3:15–4:1 they are explicitly named after the twelve non-priestly tribes.³⁹⁵ Thus the Men of Perfect Holiness not only function as a kind of the Holy of Holies, but also take up the practice of the three priests’ presenting representations—or, better, representatives—of the twelve non-priestly tribes to God. As 1QS 9:4–5 states, the work of the Men of Perfect Holiness rises like the savor of burnt offerings to God, atones for guilt and faithlessness, and earns divine favor for the land. While the general activity of the *Yahad* creates holy cultic space and activity, the Men of Holiness complete the *Yahad*’s cultic work.

Other patterns of fifteen: Weinfeld treats the elite fifteen as though they were the “Council of the *Yahad*,” but this cannot be sustained, as shown above.³⁹⁶ Further, Weinfeld ignores their cultic purpose and focuses only on their juridical role, overlooking the fact that rendering judgment is portrayed as a cultic offering.³⁹⁷ While his interpretation of the role of the fifteen Men of Holiness is wrong, the analogies that Weinfeld adduces are interesting. They do not, however, support his argument that the Covenanters drew from the Greco-Roman associational conventions for this element of their organizational pattern.

Instead, with one exception, all of Weinfeld’s examples come from the state sphere. Weinfeld’s first set of analogies comes from several other Qumran scrolls and establishes that the number twelve is repeated regularly in descriptions of communal organizational patterns. In 4QOrd^a fr. 2–4 3–6, ten Israelites and two priests judge

³⁹⁵ While the text after 3:15 is badly fragmented, 4:1 refers to the “standard of Merari” (אות מררי). The standards of Kohath and Gershon were probably mentioned in the missing lines at the end of col. 3.

³⁹⁶ Weinfeld, *Organizational Pattern*, 16–19.

³⁹⁷ Weinfeld explicitly contrasts the fifteen with “a similar body, though in the cultic sphere” found in 1QM 2:1–3. See idem, *Organizational Pattern*, 17. Weinfeld points out that groups of twelve occur throughout the Qumran texts, but makes no attempt to explain why systematically. The most obvious explanation is, of course, that the appointment of twelve men symbolizes the restoration of the twelve tribes of Israel and directly drawn from the Torah. Indeed, the use of the number twelve to symbolize Israel is a common act in Jewish restoration theology and can be observed, e.g., in Jesus’ appointment of twelve disciples as an essential part of his proclamation of the “kingdom of God.”

capital cases; in 11QT 57:11–13 twelve priests, twelve Israelites, and twelve Levites sit as a council of Israel; in 1QM 2:1–3 twelve priests officiate at the sanctuary during the eschatological war; and in 4QpIsa^d 3–7 twelve priests and twelve heads of Israel's tribes form an eschatological court. All of these examples suggest that councils of twelve belonged to the organization of the state sphere in the Covenanters' alternative civic ideology.

The second set of analogies comes from non-Qurman texts: in Rev 4:4–11 the throne of God is surrounded by twenty-four elders on twenty-four thrones. The vision is clearly one of an eschatological state order over which God and the elders rule and judge.³⁹⁸ An earthly state analogy comes in the smaller Sanhedrin, which comprises twenty-three judges (*m. Sanh.* 1:5);³⁹⁹ another comes in Ezra 2:1–2 and Neh 7:7, which describe the twelve leaders of the returnees from Babylon. Targum Pseudo-Jonathan to Lev 4:15 names twelve elders of the congregation of Israel. Similarly, Jesus' appointment of twelve disciples was based on state patterns, drawn directly from hopes of a restored Israel in Jewish restoration theology.⁴⁰⁰ Finally, Weinfeld points out that Egyptian courts from the Ramesside period comprised twelve judges.⁴⁰¹

What does this survey prove? Only that the Qumran texts reflect biblical tradition, and that one Egyptian group also used a court of twelve. The strongest conclusion that Weinfeld draws is that the number of members in the Men of Perfect Holiness "is not an innovation of the sect."⁴⁰² As proof he points to fifteen men in a council of the Delphic association of Labyads.⁴⁰³ It is surprising that he does not mention the *quindecimviri sacris faciundis* of the Roman priestly college that had custody of the Sibylline Oracles, nor the Spartan *sussitia* that required

³⁹⁸ Cp. Rev 21:12–14. For text and interpretation of the "courts" and other bodies see J. Baumgarten, "The Duodecimal Courts of Qumran, Revelation, and the Sanhedrin," *JBL* 95 (1976) 59–78.

³⁹⁹ Twenty-three members constitute the ideal court of twenty-four, which must be reduced by one in order to ensure an odd number of judges. For discussion see Baumgarten, "Duodecimal Courts," 73.

⁴⁰⁰ Indeed, the Twelve are said to sit on thrones as judges of the twelve tribes of Israel in Luke 22:28–30 and Matt 19:28. Cp. Acts 1:13–15, where approximately 120 followers of Jesus receive the Holy Spirit in Jerusalem.

⁴⁰¹ Weinfeld, *Organizational Pattern*, 18.

⁴⁰² Weinfeld, *Organizational Pattern*, 19; cp. p. 18, "The institution of 'twelve' did not begin with the Qumran sect."

⁴⁰³ Weinfeld, *Organizational Pattern*, 19 and n.63.

a quorum of fifteen. But we can make a much stronger and simpler assertion about the organizational pattern of the fifteen Men of Holiness within the *Yahad*: it was drawn from the Covenanters' encounter with state patterns of organization, above all those found in biblical descriptions of Israel.

Eligibility for the elite group: I argued above that 1QS 8:10b–11a provides a condition for advancement from regular membership in the *Yahad* to candidacy for the elite group: he must be trained and tested for an additional two years. An analogous requirement for senatorial office comes in Cicero's *Laws*: "The Senate is to be made up of former magistrates" (3.27, tr. Rudd). Without a proven record of service, members of the senatorial class were ineligible for the Senate. Similarly, without two years of "perfection of the way" performing the common service of the *Yahad*, no member could advance to the elite council. Cicero's *Laws* says essentially the same thing about personal perfection required for candidacy in the Senate: "Since the law ordains totally unblemished behaviour, no one with any blemishes will even get into that order" (3.29). The *Yahad* would agree with the immediately following sentence: "[I]t is hard to achieve (such perfection) except through a special kind of education and training." Similar rules on advanced education for members of the Nocturnal Council appear in Plato's *Laws*.⁴⁰⁴

Following statements on the Men of Holiness comes a set of concluding statements on the *Yahad*, to which we now turn.

4.11.3 *Concluding Statements on the Yahad* (1QS 9:3–11 || 4QS^d fr. 4 vii 4–9)

9:3 בהיות אלה בישראל ככול התכונים האלה ליסוד רוח קודש לאמת
4 עולם לכפר על אשמת פשע ומעל חטאת ולרצון לארץ מבושר עולות
ומחלבי זבח
ותרומת 5 שפתים למשפט כניחוה צדק ותמים דרך כנדבת מנחת רצון
בעת ההיא יבדילו אנשי 6 היחד בית קודש לאהרון להיחד קודש קודשים
ובית יחד לישראל ההולכים בתמים
7 רק בני אהרון ימשלו במשפט ובהון ועל פיהם יצא והגורל לכול תכון
אנשי היחד
8 והון אנשי הקודש ההולכים בתמים אל יתערב הונם עם הון אנשי הרמיה
אשר 9 לוא הזכו דרכם להבדל מעול וללכת בתמים דרך ומכול עצת
התורה לוא יצאו ללכת 10 בכול שרירות לבם

⁴⁰⁴ Plato, *Leg.* 966c–968e.

ונשפטו במשפטים הרשונים אשר החלו אנשי היחד לתיסד במ 11 עד בוא
נביא ומשיחי אהרון וישראל

9:3 When these exist in Israel as a *Yahad* according to all these specifications, it is in order to establish a holy spirit for 4 eternal truth, to atone for the guilt of iniquity and for the infidelity of sin, and to be a cause of divine favor upon the land, more than the flesh of holocausts and the slaughtered victims of sacrifice.

For the dedication 5 of the lips for judgments is like the fragrance of righteousness, and perfection of the way is like the dedication of a pleasing offering.

In that time the men 6 of the *Yahad* shall separate a house of holiness for Aaron, to be united in utmost holiness, and a house of the *Yahad* for Israel, those who walk in perfection.

7 Only the sons of Aaron will rule, both in judgment and in property, *and in accordance with their authority the lot shall go forth for every specification of the men of the *Yahad**.

8 And the property of the Men of Holiness, those who walk in perfection, shall not be mingled with the property of the men of deceit who 9 do not cleanse their way, in order to separate from vanity and to walk in perfection of the way. And from no counsel of the Torah shall they depart, *to walk 10 in any uncircumcision of their heart*.

They shall be judged by the first judgments that the men of the *Yahad* initiated, to be instructed in them 11 *until the prophet comes, and the Messiahs of Aaron and of Israel*.

The statements in 9:3–11 provide a fitting conclusion for the laws governing the *Yahad* as a whole in 1QS 5:1–9:2. The conclusion opens with the final conditional sentence, which reiterates the conditions of the first. “When these things exist in Israel according to all these specifications” refers to the establishment of the *Yahad* in accordance with the statutes of S, from the rules governing all members in 5:1–7:25 to those for the elites in 8:1–9:2. This concluding statement reiterates principles set forth in 1QS 5: its opening statement identifies the *Yahad*’s purpose as establishing a foundation of truth in Israel and an eternal covenant in Aaron; through these they procure atonement (5:5–6). The concluding statements in col. 9:3–11 confirm that when the fifteen elites are set apart within the *Yahad*, then the *Yahad* accomplishes its goal: it atones “for the guilt of iniquity and the infidelity of sin,” and holy “houses” are established in Aaron and in Israel (9:3–6). The opening statement stressed that holiness must be guarded by separation from men of iniquity (5:10b–15), by sharing share counsel and property, and by conducting all activity in submission to priestly authority (5:1–2). The concluding statement echoes this, emphasizing that the *Yahad* must further separate, within their

own community, “those who walk in perfection” (5:5b–6). Like the *Yahad* as a whole, these elite fifteen will submit to priestly authority, “the sons of Aaron,” in all matters of judgment and property—but also, certainly implied, to the authority of the Many as they cast their votes for every decision (cp. 5:1–4a; 9:7). The requirement to separate in property is introduced in 1QS 5:14b–20a and reiterated in 9:8–9a. Just as 5:7c–10a exhorts members to swear allegiance to the Torah of Moses and to adhere to its interpretation as the priests and Many offer it, the concluding statement affirms that the elites will fulfill this goal: “from no counsel of the Torah shall they depart” (9:9b–10a). Like general members of the *Yahad*, the Men of Holiness are subject to “the first judgments that the men of the *Yahad* initiated” (9:9b–10a). This means that they obey the same statutes as the rest of the *Yahad*, from those in 5:1–7:25, to the special rules of 8:16b–9:2.

Finally, while the *Yahad* establishes “an eternal covenant” (5:5–6) and “eternal truth” (9:4), the way of life prescribed by S is explicitly limited to the time prior to the coming of the the prophet and the Messiahs of Aaron and Israel (9:10–11). Doubtless the period regulated by S is “age of evil” or “Dominion of Belial” named in the opening columns of S. The Messiahs of Aaron and Israel are, of course, understood to be the king and high priest of Israel, the appearance of whom would mark the end of the reign of Belial—its fall would be evident in the ending of the Hasmoneans’ combination of the offices of high priest and king. The eschatological figures will lead Israel’s restoration.⁴⁰⁵ While the *Yahad*’s interpretation of the Torah will persist, and while its members will participate in an eternal covenant with God, their separation from Israel ends when, through divine intervention, they reconstitute and govern a restored Israel.

4.11.3.1 *Alternative Civic Ideology in the Conclusion to the Rules*

Given the repetition of major themes of sectarian civic ideology in 9:3–11, little more may be added. Claiming ability to atone for the people and land clearly arrogates state-like cultic authority. Repeated mention of sectarian priestly authority further delegitimizes that of the Jerusalem priests. Mention of the prophet along with the royal and priestly Messiahs not only asserts a return to the biblical arrangement,

⁴⁰⁵ Steudel, “אחרית הימים,” 225–45; J. Collins, “Forms of Community,” 107–8; *The Scepter and the Star*, 74–101.

wherein a prophet chooses, advises, and even disciplines kings and priests; it also may indict the claims of John Hyrcanus I to be not only high priest, but also kingly ruler (if not actually king), and prophet.⁴⁰⁶ All of these errors would be set aright with the restoration of Israel, from its laws to its temple cult, priests, and king, all of which would be governed by the Covenanters' law.

4.12 RULES FOR THE *MASKIL* (1QS 9:12–26A || 4QS^b FR. 6 I 1–7; 4QS^d FR. 4 VIII 1–10A; 4QS^e FR. 2–4 III 6–IV 8)⁴⁰⁷

We now turn to the final statutes in S, which govern an official called the *Maskil*. While his position is of utmost importance, exactly who he is, qualifications for his office, and specific practical authority do not appear in any text. Nor do we find any evidence that limits the number of *Maskilim* that existed at any one time: each cell of the *Yahad* may have had its own. His main duties are pedagogical, as the address to the *Maskil* in the Treatise on the Two Spirits indicates, as does the description of the *Maskil's* duties in 1QS 9:13–20b (cp. also 4Q298, Words of the Maskil to All Sons of Dawn). His duties also include liturgy, as the address to the *Maskil* in 1QSb and other texts shows. Within the *Yahad*, he prepares sectarians for the Day of Vengeance. He accomplishes this primarily, it appears, by limiting their engagement with the enemy until the right time. Until this time, he keeps members of the *Yahad* focused on intensive interpretation of Scripture, history, and the cycles of the cosmos.

9:12 אלה החוקים למשכיל להתהלך בהם עם כול חי לתכון עת ועת ולמשקל
איש ואיש
13 לעשות את רצון אל ככול הנגלה לעת בעת ולמוד את כול השכל
הנמצא לפי העתים ואת 14 חוק העת להבדיל ולשקול בני הצדוק⁴⁰⁸ לפי
רוחם ובבחירי העת להחזיק על פי 15 רצונו כאשר צוה

⁴⁰⁶ On polemics against John Hyrcanus in particular see Eshel, *Dead Sea Scrolls and the Hasmonean State*, 80–89; and Berthelot, “4QTestimonia as a Polemic against the Prophetic Claims of John Hyrcanus.”

⁴⁰⁷ 4QS^e has complete || to 1QS 9:12–24, but 4QS^d only has || to 1QS 9:15b–26; it appears that 4QS^b also contained the same lines. Parallels between 1QS and the Cave 4 mss. show little variation; it seems likely that this unit was stable at an early stage.

⁴⁰⁸ While 1QS has בני צדוק, “sons of Zadok,” the original reading must be that of 4QS^e, בני צדק, “sons of righteousness.” The *Maskil* had authority over the members of the *Yahad* in general, not over the priests in particular, *pace* R. Kugler, “A Note on

ואיש כרוחו כן לעשות משפטו ואיש כבור כפיו לקרבו ולפי שכלו 16
להגישו וכן אהבתו עם שנאתו
ואשר לוא להוכיח ולהתרובב עם אנשי השחת 17 ולסתר את עצת התורה
בתוך אנשי העול
ולהוכיח דעת אמת ומשפט צדק לביחרי 18 דרך איש כרוחו כתכון העת
להנחותם בדעה וכן להשכילם ברזי פלא ואמת בתוך 19 אנשי היחד להלך
תמים איש את רעהו בכול הנגלה להם
היאה עת פנות הדרך 20 למדבר
ולהשכילם כול הנמצא לעשות בעת הזואת
והבדל מכול איש ולוא הסר דרכו 21 מכול עול
ואלה תכוני הדרך למשכיל בעתים האלה לאהבתו עם שנאתו שנאת עולם
22 עם אנשי שחת ברוח הסתר
לעזוב למו הון ועמל כפים כעבד למושל בו וענוה לפני 23 הרודה בו
ולהיות איש מקנא לחוק ועתי ליום נקם
לעשות רצון בכול משלח כפים 24 ובכול ממשלו כאשר צוה
וכול הנעשה בו ירצה בנדבה וזולת רצון אל לו יחפץ 25 [ו]בכול אמרי
פיהו ירצה
ולוא יתאוה בכול אשר לוא צוה למשפט אל יצפה תמיד
26a] ובצו]קה יברך עושיו ובכול אשר יהיה יספ[ר חסדיו

9:12 These are the statutes for the *Maskil*, that he may walk in them with every living being, according to the standard of each age, and in accordance with the wisdom of each man:

13 Let him perform the will of God according to all that has been revealed in each age, and let him study all knowledge that has been discovered, in accordance with the ages, and 14 the statute of the age. Let him separate and weigh the sons of righteousness according to their spirits, and to the elect of the age let him hold fast, in accordance with 15 his will, just as he commanded.

Let him render judgment for each man in accordance with his spirit; and let him bring near each man in accordance with the purity of his hands; in accordance with his knowledge 16 let him present (each man); and the same applies to his love along with his hatred.

Let him not rebuke or bring suit against the men of the pit, 17 so that he may conceal the counsel of the Torah in the midst of the men of deception.

Let him mediate knowledge of truth and righteous judgment with the elect 18 of the way, each man according to his spirit, in accordance with the standard of the age.

Let him lead them in knowledge, and thus let him instruct them in the mysteries of divine wonder and in truth in the midst of 19 the men of the *Yahad*, so that they may walk perfectly, each man with his companion, in all that has been revealed to them.

1QS 9:14: The Sons of Righteousness or the Sons of Zadok?" *Dead Sea Discoveries* 3 (1996) 315–320.

That is the age of “preparing the way 20 to the wilderness.”

Let him teach them everything that has been discovered to do in this time.

And let him be separated from any man who has not turned his way 21 from all deceit.

These are the standards of the way for the *Maskil* in these ages, concerning his love and his hatred: eternal hatred 22 against the men of the pit, in a spirit of concealment.

Let him abandon to him wealth and the toil of his hands, like a slave to the one who rules him, and as an oppressed man before 23 the one who tramples him.

Let him be a man zealous for the law and prepared for the Day of Vengeance.

Let him accomplish (divine) will in every work of his hands 24 and in all that he governs, just as He commanded.

In everything that befalls him he shall delight as in a freewill offering, and for the will of God alone shall he yearn, 25 [and in] all the words of his mouth he shall delight.

He does not wish for anything that he has not commanded; for the judgment of God he constantly watches.

26 [And in di]stress he praises his creator, and in every circumstance that occurs he recount[s his mercies...]

The rules for the *Maskil* neatly follow the eschatological statements in 9:1–11: he is responsible for discerning the nature of each period, and for instructing the men of the *Yahad* on what is required for the age. His instructions suit each individual member’s spirit (9:17b–18a). This means that he knows not only cosmology, eschatology, and halaka, but also the character of each person. While S says nothing about the practical activity of the *Maskil*, it is possible that he used scrutinies and assessments of members’ souls, and members’ rankings within the *Yahad*, to tailor his approach to each member.⁴⁰⁹

Above all the *Maskil* must discern the age. This reflects the Covenanters’ belief that certain statutes and activities are uniquely appropriate for certain periods. During the evil age, the *Maskil* leads the *Yahad* in the formation and conduct of a substitutionary cult of

⁴⁰⁹ On the *Maskil*’s embodiment of all the virtues of the *Yahad* see Newsom, *Self as Symbolic Space*, 165–74. Newsom points out that the *Maskil* performs the same tasks as regular members of the *Yahad*: like the Examiner and the Many he evaluates the spirits of each man (1QS 9:14–15a). Like the Many and the Men of Holiness he renders judgment (9:15b); like the Many he brings members into the *Yahad* (9:15c–16a). Like general members of the *Yahad* he avoids disputes with the “men of the pit,” with the result that the “counsel of the Torah” remains concealed from the “men of deception” (9:16b–17a).

atonement—the activity centered around study of Scripture and practicing judgment, which both the Rule for the *Maskil* and for the Men of Perfect Holiness call “preparing the way to the wilderness” (9:19–20; cp. 8:13–14). While he had to know the nature of all ages, his primary role is to teach “everything that has been discovered to do *in this time* (בעת זואת)” (9:20b).

The rules for the *Maskil* climax in 1QS 9:21b–23a, a section containing the standards of the *Maskil*’s “love and hatred” (9:21b)—his concealment of truth from outsiders, and his disclosure of truth to insiders, as he prepares for the Day of Vengeance (9:16b–23). In order to prepare for this day, the *Maskil* must separate from the men of deceit and anyone who refuses to leave them (9:20b–21a; cp. 16b–17a). He cultivates hatred and secrecy against them (9:21b–22a); the most potent weapon of vengeance is secrecy, avoiding confrontation, concealing doctrinal and halakic disagreements, and not prosecuting outsiders (cp. the license to take vengeance against outsiders in CD 9:2–8a). The *Maskil*’s enemies would enslave him (9:22); before them he is the downtrodden, and they the trampling (9:22b–23a). Separatism, secrecy, and zeal for the law prepare him, and the *Yahad* with him, for the Day of Vengeance (9:23b).

How did the *Maskil* prepare for the Day of Vengeance? As the statutes indicate, his primary activity was study of the law, discernment of the “age,” and instruction. Another important duty was leading communal liturgy, as many *Maskil* texts confirm, including the next set of statutes in 1QS. Besides confirming that the sect’s alternative civic ideology got its history and understanding of God and nature correct, the *Yahad*’s liturgy also had practical military application, as analogies in military practice suggest.

4.13 LITURGICAL STATUTES AND SCHEDULE FOR THE *MASKIL*, AND THE BEGINNING OF THE *MASKIL*’S HYMN (1QS 9:26B–10:8A || 4QS^d FR. 4 II 10B–FR. 5 IX 6)

9:26b [תְּרוֹמַת...]⁴¹⁰ שְׁפִתִים יִבְרַכְנוּ 10:1 עִם קְצִים אֲשֶׁר חִקְקָא
בְּרִשִׁית מִמְשַׁלֵּת אֹרֶךְ עִם תְּקוּפְתוֹ וּבִהֲאִסְפוֹ עַל מַעוֹן חוֹקוֹ

⁴¹⁰ The speculation that תְּרוֹמַת preceded שְׁפִתִים is based on 1QS 10:6, תְּרוֹמַת הַבְּרַכְנוּ שְׁפִתִים הַבְּרַכְנוּ. See the discussions of Wernberg-Møller, *Manual*; Leaney, *Rule of Qumran*; and Charlesworth, PTSDSS 1, *ad loc.*

ברשית 2 אשמורי חושך כיא יפתח אוצרו וישתהו עלת (הארץ)⁴¹¹ ובתקופתו
 עם האספו מפני אור
 בהופיע⁴¹² 3 מאורות מזבול קודש עם האספם למעון כבוד
 במבוא מועדים לימי חודש יחד תקופתם עם 4 מסרותם זה לזה בהתחדשם
 יום גדול לקודש קודשים ואות⁴¹³ למפתח חסדיו עולם
 לראשי 5 מועדים בכל קץ נהיה
 ברשית ירחים למועדיהם וימי קודש בתכונם לזכרון במועדיהם
 6 תרומת שפתים אברכנו⁴¹⁴ כחוק חרות לעד
 בראשי שנים ובתקופת מועדיהם בהשלם חוק 7 תכונם יום משפטו זה לזה
 מועד קציר לקיץ ומועד זרע למועד דשא
 מועדי שנים לשבועיהם
 8 וברוש שבועיהם למועד דרור

9:26b [...With the offering] of lips he shall bless him 10:1 in accordance with the times that (God) has established:

at the beginning of the dominion of light; (and) at its turning point, when it gathers itself to its established dwelling;

at the beginning 2 of the watches of darkness, when it opens its treasury and sets it over (the earth); and at its turning point, when it gathers itself from the presence of the light; at the shining forth 3 of the luminaries from their holy habitation;

(and) when they are gathered to the glorious dwelling;

at the coming of the appointed times, in accordance with the days of the month, along with 4 their turning point as 4 one succeeds another: when they are renewed it is a great day for the holy of holies, and a sign for the opening of (God's) eternal mercies;

at the beginnings 5 of the appointed times in every age of existence:

at the beginning of the moons (and) at their appointed times, and the days of holiness in their order, for remembrance of their appointed times.

6 I will bless him with an offering of the lips, according to the statute engraved forever:

at the beginnings of the years and the turning points of their appointed times, when the statute of their 7 fixed measure is completed, each day according to its rule, one after another:

the appointed time of (Spring) harvest⁴¹⁵ to the Summer, and the appointed time of (Autumn) sowing until the appointed time of (Winter) growth;

⁴¹¹ The scribe omitted a noun following the construct עלת. Most plausibly הארץ followed in the *Vorlage*.

⁴¹² Correcting באופיע, following the reading of 4QS^d, בהופע.

⁴¹³ The scribe erroneously wrote נ after אות.

⁴¹⁴ Interestingly the verb אברכנו (following 4QS^{b,d}; the scribe of 1QS erroneously wrote הברכנו) shifts the voice of the author from the third to the first person. The material from this point until the end of the hymn in 1QS 11 is in the first person.

⁴¹⁵ Most likely the harvest is that of winter wheat, at the end of Spring.

the appointed times of years until their seven-year periods;
8 and the beginning of their seven-year periods until the appointed time
of release.⁴¹⁶

This highly poetic, repetitive text provides a clear outline of the *Yahad*'s liturgical schedule, which the *Maskil* leads.⁴¹⁷ Liturgy was an essential tool for confirming that the *Yahad* had proper understanding of nature. Throughout the liturgical cycle the *Maskil* showed the *Yahad* empirically that their deeds conformed perfectly to divinely established order. Empirical demonstrations took place in the context of daily communal worship, during which he led observations of the movements of the heavenly bodies, above all those of the sun.

The liturgical schedule begins with prayers at morning and evening.⁴¹⁸

morning: "at the beginning of the dominion of light" (10:1a) and "at [the darkness'] turning point, when it gathers itself from the presence of the light" (10:2b); "when [the heavenly luminaries] are gathered to the glorious dwelling" (10:3b)

evening: "at the beginning 2 of the watches of darkness, when it opens its treasury and sets it over (the earth)" (10:1c–2a) and "at [the light's] turning point, when it gathers itself to its established dwelling" (10:1b); "at the shining forth of the luminaries from their holy habitation" (10:2b–3a)

The language of the hymn reveals strong interest in what transitions from one period of day to another actually looked like: at dawn the sun emerges, darkness retreats, and the stars and moon are collected back to "the glorious dwelling." In the evening darkness opens its treasury of stars over the earth, light retreats, and the luminaries shine forth.. Most remarkable about the text is its detailed descriptions of the movements of the celestial bodies. Such detail suggests that care-

⁴¹⁶ The time of release is the Jubilee year that concludes a forty-nine year cycle. See Lev 25:10.

⁴¹⁷ *Contra* Wernberg-Møller, who writes that the statutes "should not be taken as alluding to some festival calendar of the society" (*Manual*, 140). To the contrary, the text claims that the list of liturgical events have been "established" by God—these are the times at which the *Yahad* must engage in its holy liturgy.

⁴¹⁸ Note that the morning and evening prayers are described twice: first, in terms of the appearance and disappearance of light; second, in terms of the appearance and disappearance of darkness. The repetition is poetic: there were not two sets of morning and evening prayers. The order of the verses seems to emphasize the priority of the sun.

ful observation and tracking of the movements of celestial bodies were central to communal liturgy.⁴¹⁹

The *Maskil* also leads prayers throughout the year. The annual festivals (מוֹעֲדִים) are described twice, each time in relation both to lunar cycles and to key transitional points in the solar cycle, i.e., solstices and equinoxes. The solar transitions have clear priority. Of course some festivals are observed “in accordance with the days of the new moon” (10:3). But the text gives highest priority to the renewal of the cycle of months, i.e., the beginning of the new year. The renewal of the months is a “great day for the Holy of Holies, and a sign for the opening of eternal mercies” (10:4b). “Holy of Holies” and “eternal mercies” evokes the Day of Atonement, but the text indicates that renewal marks a new cycle of months: it must be Rosh Hashana, not Yom Kippur. Of course Rosh Hashana precedes Yom Kippur by only nine days (Lev 23:24–27). It thus introduces the most holy days of the year, at the end of which atonement is procured. For the *Yahad*’s cult, nothing was more important than proper observance of these Israelite festivals.

The second description of the festivals also affirm their relation to the commemoration of new months, as well as the holy days that are a “remembrance of their appointed times” (10:4c–5). The holy days of remembrance are the solstices and equinoxes, which *Jubilees* 6:23 also calls Days of Remembrance.⁴²⁰ The *Yahad* witnessed the position of the sun at dawn and evening during its daily prayers, so observation of the solstices and equinoxes would fit naturally within its practice. So, too, would observance of the lunar cycles legislated in the Torah. It is not surprising that the solar cycles receive priority, since calendrical disagreement was one of the sect’s main reasons for separating from the Jerusalem cult.

The Hymn of the Maskil (1QS 10:6–11:11 ||): At the conclusion of 1QS 10:5 the statutes for the *Maskil* end, and in 10:6 a hymn begins

⁴¹⁹ Josephus seems to have known about this practice. He writes about the Essenes’ observation of sunrise during morning prayers: Πρὸς γε μὴν τὸ θεῖον εὐσεβεῖς ἰδίως· πρὶν γὰρ ἀνασχεῖν τὸν ἥλιον οὐδὲν φθέγγονται τῶν βεβήλων, πατρίου δὲ τινας εἰς αὐτὸν εὐχάς, ὥσπερ ἰκτεύοντες ἀνατεῖλαι, “Their piety toward the Deity takes a peculiar form. Before the sun is up they utter no word on mundane matters, but offer certain ancestral prayers toward it, as though entreating it to rise (BJ 2.128, my translation, following J. Strugnell, “Flavius Josephus and the Essenes: *Antiquities* XVIII.18–22,” *JBL* 77 (1958) 106–15; also Beall, *Josephus’ Description of the Essenes*, 52.

⁴²⁰ Alexander and Vermes, *DJD* 26, 120.

with all verbs in the first person. Since the first line of the hymn continues and, to an extent, clarifies the statutes, it is worth analyzing. In the opening line the *Maskil* affirms that he will bless God “with an offering of the lips, according to the statute engraved forever” (10:6a). The phrase “offering of the lips” evokes atonement language earlier in 1QS (9:4c–6; cp. 8:7b–10b), and the reference to an eternal statute confirms that the *Maskil*’s worship conforms perfectly to divinely established order. The next lines explain how: the *Maskil* observes key points on the solar calendar and longer cycles of years. First, “the beginnings of the years” (10:6a); second, the four epagonal days, which are described as the “turning points” of the “appointed times” of the seasons: Spring harvest; Summer; Autumn sowing; and Winter growth (10:6b–7b). Each “turning point” is determined by “the statute of their fixed measure” (10:6c–7a), i.e., by a precise number of days established in the solar calendar. Finally, the *Maskil* leads worship on “the appointed times of years according to their seven-year periods,” which includes both commemoration of the beginnings of seven-year cycles and the climax, the Jubilee year that concludes a cycle of forty-nine years (Lev 25:10).

The *Maskil*’s hymn departs from the statutes for the *Maskil* in one important way: it does not mention lunar cycles, focusing instead on the “appointed times” central to the solar calendar: Rosh Hashana; the solstices and equinoxes; seven-year periods; and Jubilee years. Thus the liturgical activity of the *Maskil* confirms that the solar calendar correctly aligns cultic practice with immutable, divinely established cosmic order. Daily observance of the solar cycle provided powerful evidence that the sect’s cultic reasons for separating from other Jews was correct. Annual observance of the dawning of each new year proved to sectarians that their worship conformed to divinely established order visible in the regular solar cycles, not the erratic lunar cycles that the Jerusalem priests observed.⁴²¹ If Rosh Hashana matches an observable turning point in the solar cycles, then it must be the right day on which to commemorate the new year. It follows that the rest of the annual festivals—most importantly Yom Kippur—also conform to divinely established cosmic order, and thus to God’s law.

⁴²¹ As has been noted numerous times, the 364-day solar calendar always began on the fourth day of the week, the same day on which YHWH created the sun and moon to govern the day and night and to mark the seasons of the year (Gen 1:14–19).

4.13.1 *Divinely Established Order in Other Maskil Texts*

“*The Words of the Maskil to All the Sons of Dawn*” (4Q298): Texts addressed to the *Maskil* emphasize cosmic, social and historical order as aspects of a unified order established by God. The “*Words of the Maskil to All the Sons of Dawn*” (4Q298) treats his instruction as a uniquely legitimate form of knowledge.⁴²² It opens with exhortation to heed the *Maskil*’s instruction. It presents his knowledge as a summary of cosmic order, described in terms of the “portions” (תכוון) and “boundaries” (גבל) that God measured out (מדד) in creation (frgs. 3–4 1:6, 8; 2:1, 3; frg. 5 2:9–10). By juxtaposing descriptions of immutable cosmic order and the unique validity of the *Maskil*’s instruction, 4Q298 shows that the two are related: just as God established undeviating portions, paths and boundaries within creation (frgs. 3–4 2:1–3), so he also established the *Maskil*’s instruction. Those who desire true knowledge both of God and of divinely established natural order should not deviate from it (cp. frgs. 1–2 1–3). The *Maskil*’s teaching exhorts novices to advance in knowledge and virtue, and to learn about the “appointed days” (ימי תעודה), probably eschatological times discerned by studying the order of history in Scripture (frgs. 3–4 2:9–10). The text assumes a unity of historical, cosmic, and moral order. The *Maskil* was master of all—and of law and warfare besides. His ability to teach such knowledge was dependent upon his access to this “treasury of insights” (בינות אוצר) (frgs. 3–4 1:9); he demonstrated this access empirically, by leading communal observation of divinely established cosmic order.

4Q298 presents the details of divinely established order only in general terms. This instruction was, after all, introductory—the Sons of Dawn, newcomers, had to be brought along slowly. More detailed exposition of divinely established order was given to full members, perhaps along the lines of doctrinal instruction that we find most fully in the opening of 1QS, and in the Admonition of D.

1QHodayot 20: Another *Maskil* text, 1QH 20, supports the idea that the ranks within the *Yahad* led by the *Maskil* manifested God’s will. The *Maskil* thanks God that

⁴²² For text and commentary on 4Q298 see S. Pfann and M. Kister, “Words of the *Maskil* to All Sons of Dawn,” *DJD* 20, 1–30.

to the extent of their knowledge you bring them near and in accordance with their domain (ממשלתם) they will serve you, corresponding to [their] division[s...] (מפלגיהם) (1QH 20:22b–23).

The language here implies that the organization of the *Yahad* belongs to a unified order established by God. The term ממשלת is used throughout the *Maskil* texts to refer to divinely established dominions.⁴²³ God assigned dominions to Belial (1QS 2:19), the Prince of Lights, and the Angel of Darkness (3:20–21); the sun is also assigned the “dominion of light,” the portion of the day over which it rules (10:1). The divisions of the sect’s members are also divinely established, as are the divisions of God’s glory named in the Daily Prayers,⁴²⁴ and the divisions of the angels who extol God’s glory in the Songs of the Sabbath Sacrifice, another liturgical text addressed to the *Maskil* (4Q405 fr. 23 1:7). Additionally, according to the Treatise on the Two Spirits, God fixed two divisions of humanity, the Sons of Light and the Sons of Deceit, set in opposition from creation until the End of Days (1QS 4:17).⁴²⁵

Much of the order that the *Maskil* texts claim to have been established by God, such as *halaka*, the rank of members in the hierarchy of the *Yahad* and regulation of interaction with outsiders, was most likely put into effect by the instruction and command of the *Maskil* himself. His instruction and discipline require perseverance and conviction. Doubts, we may reasonably guess, could arise, and even good Covenanters surely at least questioned. The celestial rites that we encounter in the *Maskil* texts had the purpose of boosting morale and shoring up the authority of the sect. While any Son of Light may have doubted that his assigned rank actually matched the portions of light that he knew he had in his own soul, or quibbled with various *pesharim* on the prophets, no one could deny that the *Maskil* knew the design of God by which the luminaries moved. Observation of celestial phenomena

⁴²³ See, e.g., 1QS 2:19; 3:20–21 (dominions of Belial, the Prince of Lights, and the Angel of Darkness, all of which were created by God); 10:1 (dominion of light, i.e., the portion of the day over which the sun “rules”); 1QM 1:6 (dominion of the Kittim is destined to end), 15 (angels of God’s dominion); 17:5; 18:11 (God has established a day on which the commander of the dominion of wickedness will be brought low; cp. 14:10); 4Q503 frgs. 37–38 5 (“from the lot of his dominion” (מגורל ממשלתו) is all that remains; it seems to refer to something granted from an aspect of God’s rule).

⁴²⁴ See 4Q503 frgs. 1–6 2:7; לפניו בכול מפלג כבודו; cp. frg. 15 1:11, [כול מפלגו לו]. The term מפלגה occurs only once in the Hebrew Bible, in 2 Chr 35:12, where it refers to the ancestral divisions of the people of Israel.

⁴²⁵ Cp. 1QM 10:12–13, which uses the term to identify the divisions of the earth established at creation.

proved the legitimacy of sectarian understanding of God and nature—elements central to any proper civic ideology.

Daily Prayers (4Q503): The fragmentary scroll *Daily Prayers* (4Q503) preserves the liturgy of evening and morning prayers; I speculate that the *Maskil* led this worship.⁴²⁶ The evening and morning prayers in 4Q503 were recited at times marked by the positions and movements of the sun and moon. Each prayer contains two time references, one in the directions to the leader, and one in the prayer itself. Evening prayers are introduced by the day of the month on which they were recited; introductions to morning prayers refer to sunrise without naming the day of the month, since the day has been named already in the evening prayer introduction.⁴²⁷ The prayers follow set formulae, which must have been easy to remember even in bleary-eyed pre-dawn hours.

Evening

On the X of the month in the evening they shall bless; they shall recite, saying:

Morning

And when the sun rises to shine upon the earth they shall bless; they shall recite, saying:⁴²⁸

The texts of the prayers name the time of worship by observable celestial phenomena. In the evening prayers worshippers name the number of lots of light and darkness that correspond to the phase of the moon; in the morning they name the gate (שַׁעַר) on the horizon out of which the sun arises. Its number corresponds to the day of the month.⁴²⁹

⁴²⁶ 4Q503 coordinates the cycles of the sun and moon in a way that occurred one month out of every third year. See the discussions in M. Abegg, “Does Anyone Really Know What Time It Is: A Reexamination of 4Q503 in Light of 4Q317” in D. Parry and E. Ulrich, eds., *The Provo International Conference*, 398–99, 402; D. Falk, *Daily, Sabbath, and Festival Prayers in the Dead Sea Scrolls* (STDJ 27; Leiden: Brill, 1998) 49–50; J. Davila, *Liturgical Works* (Grand Rapids: Eerdmans, 2000) 209–11.

⁴²⁷ It is clear that the days in 4Q503 began with evening. For discussion see J. Baumgarten, “4Q503 (Daily Prayers) and the Lunar Calendar,” *RevQ* 12 (1986) 399–407.

⁴²⁸ Translation is from D. Falk, *Daily, Sabbath, and Festival Prayers*, 34, 41–42.

⁴²⁹ The *Astronomical Book of 1 Enoch* also uses “gate” to denote the position on the horizon at which the sun rises. There are important differences between the “gates” of *1 Enoch* and the *Daily Prayers*: in 4Q503 the term שַׁעַר refers to a single day; there are as many “gates” in a month as there are days. In 4QEnastr, on the other hand, a “gate” is a section of the eastern and western horizons out of which the sun rises and into which it sets over the course of a month; there are six gates in the *Astronomical Book of 1 Enoch* (82:4–6; for translation see Michael Knibb, *The Ethiopic Book of Enoch* [Oxford: Clarendon, 1978] 2.188). The *Daily Prayers* scroll indicates that the

As Daniel Falk has shown, the liturgy is simple and repetitive, which makes an outline of the prayers possible despite the terribly fragmentary state of the scroll:⁴³⁰

Evening

Blessed be the God of Israel, who (a deed or attribute is recounted)
 And this night (the liturgist describes a blessing)
 X lots of light/darkness
 Blessed be your name, God (attribute or deed)
 Peace be on you, Israel...⁴³¹

Morning

Blessed be the God of Israel, who...
 In the X gate of light
 Blessed be your name, God...
 Peace be on you, Israel...⁴³²

Besides observing the position of the sun and the lots of light or darkness in the moon, the worshippers anticipated and observed other astral events as they practiced their liturgy throughout the year, such as the “rotations of the heavenly bodies” and seasonal holy days and festivals.⁴³³

liturgists not only observed the movement of the sun, but also the movement of the moon and stars. The “standards of the night” (דגלי לילה) are mentioned in fr. 29–32 8:11, 19; the text also marks the “beginning of the dominion of darkness” (רוש ממשל) (חושך) (fr. 33–34 1:19) as a time commemorated in the liturgy, which includes praise to God for establishing something, presumably the courses of the stars, “in all the appointed times of night” (בבכול מועדי לילה) (fr. 33–34 1:20–21).

⁴³⁰ See D. Falk, *Daily, Sabbath and Festival Prayers*, 41–42.

⁴³¹ An example of an evening prayer for the 15th day of the month (4Q503 fr. 1–3 ll. 6–10): “On the fif[teenth] of the month in the ev[ening] they shall bless and they answer [and s]ay, Blessed be the Go[d of Israel] who closes[up...] before Him in every allotment of its glory. And tonight [...] [...]for]ever to thank Him [for] our redemption in the beginn[ing] [...] revolution<s> of vessels of light. [And t]o[da]y fourte[en] [...] the light of daytime. P[ea]ce be upon] you, Israel” (tr. Davila, *Liturgical Works*, 216).

⁴³² An example of a morning prayer for the 14th day of the month (4Q503 fr. 1–3 ll. 1–6): “And when [the sun] rises [...] the firmament of the heavens, they shall bless and they answe[er and say,] Blessed be the Go[d of Israel...] . [...] . and this day He re[ne]wed [...] in four[teen...] for us a realm [...]—teen divis[i]ons of[...] heat of the [sun...] when He passed over [...] by the stren[gth] of [H]is mighty hand [...] Peace be upon you, <Israel.>” Translation is from J. Davila, *Liturgical Works*, 216.

⁴³³ See the chart of topics in the Daily Prayers in Falk, *Daily, Sabbath, and Festival Prayers*, 44–45.

4.13.2 *Constitutional Analogies to the Rule of the Maskil*

4.13.2.1 *Liturgy and Liturgical Laws in the Politeiai and Torah*

Weinfeld claims that the Qumran Rule Scrolls are unique for their inclusion of hymns and instructions on liturgy. He attributes these literary features to “the peculiar religious fervor which the Judean Desert Sect exhibits.”⁴³⁴ It is true that nothing like regulations for communal liturgy, nor the hymns themselves, appear in the *nomoi*. However, constitutional texts contain analogous statutes on liturgy. We have considered military liturgy in Xenophon’s *Politeia of the Spartans*. Other laws on liturgy and worship appear in Plato’s *Republic* and *Laws*.⁴³⁵ The poetry of Solon is preserved in the Aristotelian *Constitution of Athens* at several points,⁴³⁶ and the Mishnah opens with and contains throughout extensive, detailed laws on prayer and liturgy.⁴³⁷

Weinfeld describes the hymn at the end of 1QS as a “spontaneous expression of religiosity,” but this misses its carefully crafted content and legal purpose. Its poetry celebrates the sectarians’ precise account of historical, cosmic, and eschatological order. Its legal and political content reflect anticipation that the sect will rule Israel: full understanding of the cosmos and God’s design leads naturally to good political leadership. This conviction is analogous to the highly poetic, moralistic, and highly rhetorical vision of cosmic order that Scipio recounts as a dream at the conclusion of Cicero’s *Republic*.⁴³⁸ The dream reveals the sublime beauty and design of the divinely established order of the cosmos, humanity’s place within it, and how humans can conform their lives to cosmic order through the discipline of the mind and the practice of statecraft. At its conclusion, Scipio’s father reveals the fates of those who sought to conform their lives to the divine order, and those who did not:

⁴³⁴ Weinfeld, *Organizational Pattern*, 47.

⁴³⁵ See esp. the discussion of how poetry and music in education should inculcate piety in Plato, *Resp.* 376e–403c. In his *Laws*. Plato discusses improper and proper worship (909e–910e; 955e–956b). The role of musical education in the formation of citizens appears in 664b–671a; 802a–e.

⁴³⁶ See Arist., *Ath. pol.*, 5.2, 3; most of ch. 12 consists of verses that Solon composed. See also the nationalistic “drinking songs” in 19.3; 20.5.

⁴³⁷ See *m. Ber.*, *passim*. For the prayers of the High Priest on Yom Kippur see *m. Yoma* 4.1–2; 6:2; 7:1. Detailed statutes on festival liturgies appear throughout the division *Mo’ed*.

⁴³⁸ See Cicero, *Resp.* 6.9–29.

Now the best concerns are for the safety of one's country. When the mind has been engaged in and exercised by those concerns it will fly more quickly to this, its dwelling-place and home. And it will do so the more readily if, when still enclosed in the body, it already ventures abroad and, by contemplating what lies ahead, detaches itself as much as possible from the body. As for the souls of those who devote themselves to bodily pleasures and become, so to speak, their willing slaves, and are impelled by the lusts that serve pleasure to violate the laws of gods and men—those souls, on escaping from their bodies, swirl around, close to the earth itself, and they do not return to this place until they have been buffeted about for many ages (6.29, tr. Rudd).

In the end, however, we should not look to the Greek and Roman sources for the most direct influence upon Covenanters' combination of literary forms in the Rule Scrolls, for what we find there is also combined freely throughout the *nomoi kai politeia* of Israel, the Torah: cosmology (e.g., Gen 1); law (*passim*); history (*passim*); prophecy (Gen 16:11–12; 25:23; 27:39–40; Num 21; 23–24; Deut 28–30); and liturgies, hymns, and blessings (e.g., Gen 49; Exod 15; Num 6:22–27; Deut 27:15–26; chs. 32–33). As they composed Israelite constitutions for their own age, the Covenanters drew upon the conventions of the Torah, Israel's eternal constitution.

4.13.2.2 *Liturgy and Military Leadership: Preparation for the Day of Vengeance*

The *Maskil's* role reflects certain military ideals. He was not, of course, a general. Yet he prepared the Covenanters for the Day of Vengeance, anticipating violent conflict between the *Yaḥad* and its enemies. In the *Maskil's* hymn in 1QS, he and, presumably, the *Yaḥad* as a whole, refrain from engaging in conflict until the Day of Vengeance (10:19). This idea also appears in 9:23, which characterizes the *Maskil* as “prepared for the Day of Vengeance.” This same phrase describes the army of the Sons of Light in the War Rule (1QM 7:5). How did the *Maskil* and the *Yaḥad* prepare for this Day, and the warfare that would ensue? Of course there is no evidence that they collected arms or conducted exercises—they did not expect to need conventional instruments and skills. Instead, in emulation of biblical heroes whose conquests came through God's direct action against Israel's enemies, the *Yaḥad's* preparation for warfare was mainly cultic; their most powerful weapon enemies, obedience.⁴³⁹ They kept a strict state of purity in obedience

⁴³⁹ For military conquests in which God does all or most of the work see Exod 14–15; Josh 6; 10:8–14; Judg 7:9–23; 2 Kings 7:3–8; 2 Chr 20:13–23; cp. 1 Sam 5. Con-

to the laws of the war camp in Deut 23; as they worshipped God, they watched for signs that the time was at hand. The *Maskil's* liturgical leadership was related, of course, to the cult of atonement, and gave the *Yahad* practical experience in observing festivals according to the correct calendar. But there are also military elements to the *Yahad's* liturgy; we conclude this chapter with a survey.

Celestial liturgies and military authority: Certain liturgical practices of the *Yahad* are analogous to those described in Greek and Roman writings on warfare. Xenophon's *Politeia of the Spartans* describes the duties of the king, who leads the army. At the outset of a campaign he offers sacrifice to Zeus and the other gods. While on campaign the Spartan king, like the *Maskil*, begins rites before dawn every morning, sacrificing to the gods in the company of his regimental commanders and other officers. All aspects of his work while on campaign are arranged so that he "is left with no duties on campaign except those of a priest in the religious field and a general in human affairs."⁴⁴⁰ Spartan kings at war lead their armies in cultic rites, including daily rites before dawn. Similarly, as he prepared sectarians for conflict, the *Maskil* led communal liturgies at dawn and dusk.

In his *Strategikos*, a treatise on military tactics, Onasander writes that before setting out on a campaign, and again immediately before battle, a good general will lead troops through cultic rites, including the interpretation of a sign that confirms that his plan has divine sanction. Among the most commonly consulted signs were the flights of birds and extispicy. But by far the most authoritative signs come from the positions of the planets and stars.⁴⁴¹ Effective interpretation of a

quests directly aided by God appear in Exod 17:8–16; Judg 4:14–16; 1 Sam 17:31–53; 1 Chr 14:14–16; 2 Chr 32:20–21.

⁴⁴⁰ Xen., *Lac.* 13.1–11.

⁴⁴¹ Extispicy is, Onasander acknowledges, but one way among several of interpreting the divine will before battle, but it is by far the most efficient: in the absence of a favorable omen the general can immediately sacrifice another victim and take a reading, repeating as necessary until the signs were positive. Onasander's account reveals conviction that the more secure knowledge about the will of the gods comes from observation and calculation of the positions of the astral bodies (*Strat.* 10.10.27). Onasander was not unique, of course, in relating interpretation of astral phenomena to extispicy. Babylonian diviners had long deciphered entrails in order to interpret eclipses. (See the discussion in F. Rochberg-Halton, "Astrology, Babylonian," *ABD* 1.504–7.) While astral signs are the superior object of divination, entrails have the advantage of being readily procurable, regardless of time of day, weather, and other uncontrollable circumstances. Further, the drama of sacrifice is more easily produced before an assembly than dramatic celestial signs. The relative value of astral knowledge over expertise in extispicy, finally, may be inferred from Onasander's remark that the latter is easy to learn in a short time. We know, on the other hand, that skill in

sign had the effect of raising soldiers' morale just before battle: if they were convinced that the gods supported the general's plan, the soldiers would "contribute a courage that is complete" to the battle.⁴⁴²

Roman literature on military topics praises generals who mastered enough astronomy to be able to interpret eclipses. In Cicero's *Republic*, Scipio argues that the study of astronomy is essential to statecraft and generalship. He claims that the physical scientists Archimedes and Anaxagoras contributed more to the preservation of the Greek states by providing accurate interpretations of solar and lunar eclipses than the politicians who concerned themselves solely with stable government.⁴⁴³ Before advances in astronomy, armies interpreted eclipses as omens of impending disaster; this destroyed soldiers' courage in battle. When generals explained and even predicted eclipses, their armies were liberated from fear and followed the general into battle with complete confidence. The generals' demonstrated knowledge of divinely established cosmic order also confirmed that they had authentic knowledge of divine will, and the gods' favor. This was confirmed by the Roman army's calm at the appearance of the portent, while the enemy army panicked. What better evidence that the general led in perfect conformity to the divine order? What better demonstration that the gods favored one army's efforts and opposed the other's?⁴⁴⁴

The Roman historian Polybius, one of Scipio's associates, also wrote a tractate on military tactics that is no longer extant.⁴⁴⁵ In his treatment of military leadership, he vigorously argues that generals must study astronomy, as well as geometry and other mathematical disciplines.⁴⁴⁶ Polybius disparages the Athenian general Nicias, who was captured along with his entire army after he superstitiously mistook a lunar eclipse a sign from the gods to abandon a sound strategy.⁴⁴⁷

interpreting the movements of the heavenly bodies required a great deal of study to master, and may have been valued more highly than extispicy for this reason.

⁴⁴² Cp. Onasander, *Strat.* 10.25.

⁴⁴³ Cicero, *Resp.* 1.20–25, 28. Scipio gives the examples of Galus, who explained a lunar eclipse to Roman soldiers in Macedonia, and Pericles, whose interpretation of a solar eclipse freed the Athenians from fear of defeat at the hands of the Spartans.

⁴⁴⁴ See also the anecdotes about Gallus and Agathocles in Frontinus, *Strat.* 1.12.8–9.

⁴⁴⁵ For discussion see A. M. Devine, "Polybius' Lost *Tactica*: The Ultimate Source for the Tactical Manuals of Asclepiodotus, Aelian, and Arrian?" *The Ancient History Bulletin* 9 (1995) 40–44.

⁴⁴⁶ Only the first portion of the tractate remains. See Polybius, 9.12.1–20.10.

⁴⁴⁷ Polybius concludes, "If only he had inquired from men experienced in such matters! Not only would he not have abandoned plans because of such unique circumstances, but also he could have consulted his co-workers regarding the ignorance

The elder Pliny reserved praises for such commanders as Sulpicius Gaius Gallus, who excelled in military leadership and astronomical knowledge. He writes that Gallus was the first Roman to publish explanations of both lunar and solar eclipses. Pliny credits him with aiding Paullus' victory over King Perseus at Pydna in 168 BCE through a public demonstration of celestial knowledge. Paullus brought Gallus, then a tribune, before the assembled army to foretell an eclipse on the eve of the decisive battle.⁴⁴⁸ Gallus' speech freed the soldiers of fear, boosted morale, and contributed to their victory.⁴⁴⁹ In Cicero's *Republic*, Scipio gives a more probable version:⁴⁵⁰ one clear night, a bright full moon suddenly darkened. The soldiers grew frightened. At dawn the next day Paullus brought Gallus before the assembled army to explain the natural process by which the eclipse occurred; it was not a negative omen.⁴⁵¹ Gallus' interpretation of the eclipse gave not only a naturalistic explanation, but also a religious interpretation: the eclipse did not signal divine disapproval, and the army should proceed with their plans.

Gallus' interpretation of the *prodigium* before the public assembly exemplifies the principle that we find in the *Maskil's* rules: one who demonstrates knowledge of natural order is a trustworthy interpreter

of their enemies. For the greatest aid to the success of skilled men is the inexperience of their neighbors" (9.19.3–4, my translation). Pliny the Elder and Plutarch similarly reproach Nicias' ignorance of astronomy. See Pliny, *Nat.* 2.9.54; Plutarch, *Nic.* 23.

⁴⁴⁸ Pliny, *NAT.* 2.9.53. Cicero identifies Gallus as a close friend of Scipio Aemilianus' adoptive father, the augur and general Lucius Aemilius Paullus (*Sen.* 14.49–50).

⁴⁴⁹ The predictive aspect of this account is probably wrong, given that full success in predicting eclipses did not come until the middle of the second century CE, with Claudius Ptolemy's advances in astronomical mathematics. For discussion, including correction of Pliny's claim that Hipparchus (mid-3rd cent. BCE) predicted eclipses for 600 years, see John M. Steele, *Observations and Predictions of Eclipse Times By Early Astronomers* (New Studies in the History and Philosophy of Science and Technology 4; Dordrecht: Kluwer, 2000) 91–93. By the 5th cent. BCE, highly educated Greeks like Thucydides (2.28) knew that solar eclipses could only occur during a new moon, and lunar eclipses during a full moon. Such knowledge led to the inference that eclipses were a regular natural phenomenon that was not yet sufficiently understood; they were not as a result of divine anger. Nevertheless lunar eclipses were not predicted with success until Hipparchus, and solar eclipses until Claudius Ptolemy.

⁴⁵⁰ Cicero, like Pliny, exaggerates Gallus' expertise: in *Sen.* 9.49 he recalls how much joy Gallus took in "telling us, long in advance, of eclipses of the sun and moon" (*Quam delectabat eum defectiones solis et lunae multo ante nobis praedicere*). It is possible, of course, that Gallus attempted to predict solar eclipses, but highly unlikely that his predictions were accurate.

⁴⁵¹ Cicero, *Resp.* 1.23–25.

of divine will.⁴⁵² The *Maskil* led communal cultic observations of celestial signs. Like the generals, the *Maskil* interpreted the positions and movements of the luminaries in a way that demonstrated that he had expert knowledge of the divine order by which they were governed. The ideologies that underlay celestial rites in both contexts lent persuasive force to the leader's interpretation of heavenly signs. Onasander, Cicero, and the *Maskil*, among many others, shared belief in a unified, divinely established order that regulated the cosmos, morality, law, piety, and political order. A morally upright leader who demonstrated knowledge of cosmic order could be trusted implicitly. Public ritual demonstrations of celestial knowledge provided empirical evidence that the leader had knowledge of divine will, and authority to lead. In the context of conflict, when low morale, doubt or fear could derail a group's efforts, proof of divine sanction could inspire heroic efforts and perseverance.

Neither too early nor too late—timing engagement with the enemy: One of the *Maskil's* obligations is to keep himself and his followers from engaging in conflict, strife, or debate with enemies until the Day of Vengeance (1QS 10:19–21; cp. 9:16–17, 21–22; 11:1–2). Avoiding debate limits conflict that could disrupt associational life; it also keeps sectarian doctrine free from outside influence. However, emphasis on secrecy until the Day of Vengeance suggests something tactical: the doctrine of the *Yahad* was kept hidden from the enemy because it contained “battle plans,” not only in the War Rule, but also in texts that predict the fates of the righteous and wicked at the time of God's judgment, e.g., the Treatise on the Two Spirits in 1QS and the Admonition of D.

Greco-Roman tactical treatises, especially Onasander's *Strategikos*, stress the necessity of secrecy in the time leading up to battle.⁴⁵³ A recurrent motive is that victory is more likely if an army conceals its plans until the moment it confronts the enemy. In the tactical treatises,

⁴⁵² Application of the interpretation of portents to civic and military affairs, before a public assembly, was precisely what the Roman *augures* (including Paullus himself) had authority to do. See Cicero, *Leg.* 2.31; *Phil.* 2.79–84.

⁴⁵³ Onasander writes that the general “must tell no one beforehand against what place or for what purpose he is leading his army, unless he considers it necessary to warn some of the higher officers in advance... Thoughtless and futile is he who communicates his plan to the rank and file before it is necessary; for worthless scoundrels desert to the foe... when, by revealing and disclosing secrets, they believe they will receive honour and reward from the enemy” (*Strat.* 10.9.22–24; tr. Tichener and Pease, LCL).

the advantage of surprise comes not only by concealing plans from the enemy, but also by timing attacks so that battle commences precisely when one's army is most prepared, and the enemy's army is most vulnerable. Onasander and others stress that entering battle too early or too late could bring disaster. In the *Maskil* texts, the need to delay engagement with the enemy until the appointed time may have been influenced by such military ideas; it also fits perfectly within deterministic eschatology of the DSS, which held that judgment and vengeance upon the enemy will only commence at the time determined by God.

Onasander exhorts Greco-Roman generals to learn to track time by the movements of the heavenly bodies, in order to time maneuvers precisely and to attack at the most advantageous time. The *Yahad* also tracked time until the conflict with their enemies. Their methods were different: they measured units of time until battle in years and jubilees, not seasonal hours. An analogy nevertheless exists: in anticipation of the eschatological age, the *Yahad* measured time until engagement with the enemy by a calendar based upon empirically verifiable astral cycles—the course of the sun throughout the 364-day year. As liturgical and astronomical texts from the caves around Qumran indicate, the *Yahad* tracked the passage of years and seasons carefully. Their liturgical activity included the empirical observation of the movement of time as indicated by astral phenomena, from the daily rising and setting of the astral bodies to the positions of the sun at the equinoxes and solstices.⁴⁵⁴ The role of celestial knowledge in establishing sectarian authority, especially that of the *Maskil*, may have been influenced by contemporary military culture. As with the *strategos* in the pagan military context, the *Maskil's* ability to interpret celestial phenomena publicly demonstrated that he acted in conformity to divine will. This secured his authority to instruct and order the *Yahad* with the full confidence and contributions of its members. To the well instructed cultic Council—we might rightly add “war council” to the *Yahad's* duties—victory and ascendancy to governance of the restored nation appeared inevitable.

⁴⁵⁴ For the astronomical and calendrical texts found at Qumran see J. T. Milik, *The Books of Enoch: Aramaic Fragments of Qumrân Cave 4* (Oxford: Clarendon, 1976) 7–22, 273–97; also M. Abegg, “Does Anyone Really Know What Time It Is?” and S. Talmon, J. Ben-Dov, U. Glessmer, eds., *Qumran Cave 4.XVI: Calendrical Texts* (DJD 21; Oxford: Clarendon, 2001); J. VanderKam, *Calendars in the Dead Sea Scrolls: Measuring Time* (London: Routledge, 1998); for tables of all the calendrical texts see E. Tov, ed., *The Texts from the Judaean Desert: Indices and An Introduction to the Discoveries in the Judaean Desert Series* (DJD 39; Oxford: Clarendon, 2002) 135–36.

CHAPTER FIVE

THE *RULE FOR THE CONGREGATION*: A *POLITEIA* FOR RESTORED ISRAEL AT THE END OF DAYS (1QSa || 4QSE^{a-1} [4Q249^{a-1}])

5.1 INTRODUCTION

SE is one of our most valuable sources for reconstructing the Covenanters' civic ideology since it is, according to its opening line, a "Rule for the Entire Congregation of Israel at the End of Days," i.e., a constitution for restored Israel. It is, however, only a sketch: the most complete extant ms. is only two columns in length. They were copied onto two sheets of parchment that were sewn to the same scroll as 1QS; the same scribe penned both texts.¹ SE was clearly important to the Covenanters: it was copied frequently, and fragments of nine papyrus mss. of SE survived in Cave 4. The fact that these mss. were written in a cryptic script suggests their importance. Unfortunately, the papyri have disintegrated so much that little may be gained from their study. Where the text is complete enough to be compared to 1QSa, the fragments confirm 1QSa and provoke no revisions in its interpretation.²

As the number of papyrus mss. suggests, the Covenanters actively studied SE, presumably as part of their legal education and preparation to govern Israel. Members of the *Yahad* obviously studied it, since 1QSa was on the same scroll as 1QS; it may also have been studied in the Camps, since it treats many of the same topics as D. SE differs from D and S in significant ways. It is much shorter, although a few

¹ H. Stegemann, "Some Remarks to 1QSa, to 1QSB, and to Qumran Messianism," *RevQ* 17 (1996) 484–86. The same scribe copied 4Q*Testimonia*. 1QSa is followed by blessings (1QSB) led by the *Maskil*.

² *Contra* S. Pfann, who argues that the papyrus fragments date to the early second century BCE, show a shorter text than that of 1QSa, and prove that SE was one of the first Rules composed by the sect (*DJD* 39, 534–43). Pfann's quite interesting speculations about the history of the sect (pp. 544–46), which he grounds on his textual history of SE, are ultimately unprovable. The paleographic foundation of the redactional history is shaky, given the difficulty of dating cryptic script.

scribal errors suggest that it was abridged from a longer *Vorlage*.³ It lacks the lengthy ideological material that preface the laws of D and S and contains no obvious critique of the Hasmonean state, nor of outsiders in general. Second, SE was not copied as a manual for the present but as an eschatological constitution.⁴ In SE the *Yahad* is no longer separated from other Jews; instead, it assumes a supreme position among the leaders of Israel. The Rule depicts Israel restored as a people walking in adherence to the Covenanters' ideology and laws.

Although SE was not composed as a set of regulations for the present, its regulations doubtless reflected the legal thinking and practices of the community that composed it.⁵ When laws in SE cover the same topics as laws in the other rules, we find general agreement. SE occasionally makes regulations stricter than those in the present, presumably since the writer anticipated that eschatological reality would be more ideal than present reality. Like D, SE uses the term Congregation⁶ and provides laws for marriage and children; like S it refers to the segment of the sect that procured atonement during the evil age as “the Sons of Zadok the priests, and the men of their covenant” (1QSa 1:2; cp. 1QS 5:9) as well as “Council of the *Yahad*” and “*Yahad*” (1QSa 1:26; 2:11, 17, 21). As in 1QS, the priests who lead both the *Yahad* and the Congregation as a whole are called Sons of Zadok and Sons of Aaron (1:2, 15b–16a, 23–24; 2:3, 13).

SE sheds some light—dim but tantalizing—on features of the sect as a whole, such as the relationship between the *Yahad* of S and the Congregation and Camps of D. In D, membership in the Congregation comes through enrollment in a local Camp (CD 15:5b–15a; 13:11–13). An analogous procedure in SE makes enrollment in a local clan (משפחה, 1QSa 1:9, 21) a prerequisite for citizenship. This supports the idea that the organization of sectarian Camps in D anticipates the organization of restored Israel. D requires officials to be educated

³ Even if 1QSa is an abridgement of a longer work, the text is more or less coherent as it stands and fulfills the purpose stated in its opening lines: to guide the Congregation of restored Israel.

⁴ See Steudel, “אחרית הימים,” 230.

⁵ For other discussion on this point see Schiffman, *Eschatological Community*, 67–71 *et passim*; Cross, *Ancient Library of Qumran*, 75–78.

⁶ SE does not support Hempel's suggestion that the term “Congregation” was used in the sectarian literature to refer narrowly to the sect when it assembled formally. Instead the term is used loosely to refer to local groups, presumably the Camps, in D (CD 13:10; 15:17), as well as the sect gathered as a whole (14:10), and Israel as a whole throughout SE. Hempel presents her thesis tentatively in *Laws*, 104.

in the Book of *Hagy* (CD 10:6; 13:2), a text that SE also identifies as essential to education (1QSa 1:7).⁷ SE goes beyond D in its description of the stages of an Israelite's educational regimen, from childhood until adulthood. Finally, SE describes how and which members of the Congregation are eligible for candidacy in the Council of the *Yaḥad* (1QSa 1:27b–2:3a). While the evidence is admittedly slight, it may clarify how members of the sect became eligible to join the *Yaḥad*—a detail that neither S nor D mentions at all.

5.1.1 Civic Ideology in SE

As a text intended to serve as an Israelite constitution, no extensive argument need be made about its constitutional nature. Its term for restored Israel, כל העדה, is drawn directly from Scripture and firmly identifies its addressees as a state.⁸ Many of the topics that SE treats are also covered in D and S, e.g., age classes; enrollment as a citizen of the state through enrollment in a local division; the authority and role of councils and officials; and so forth. I begin with a brief argument that SE was composed as a *politeia*, within a community that was likely familiar with the conventions of Greco-Roman *politeiai*.

5.2 THE LITERARY FORM OF THE RULE FOR THE CONGREGATION: A COMPARISON WITH XENOPHON'S *POLITEIA OF THE SPARTANS*

As we have seen, the purpose of the D and S was similar to that of the *politeiai*: to set forth a comprehensive civic ideology for a commonwealth-in-the-making by establishing nascent forms of its main institutions, along with its essential laws. SE accomplishes these tasks much more straightforwardly than D and S. It dispenses with elaborate civic ideology and immediately opens with standard constitutional topics: the historical context of the commonwealth; the education of citizens; laws on marriage and sex; procedures for enrolling citizens; eligibility

⁷ 4QInstruction also mentions the “vision of *hagy*, the book of remembrance” (4Q417 fr. 2 i 16), but it is unlikely that these are related to the Book of *Hagy* in D and SE. While the Book of *Hagy* seems to have been accessible for regular study, the “book of remembrance” is a book kept by God in heaven; its contents concern eschatological judgment of the righteous and wicked. For discussion and bibliography see M. Goff, *The Worldly and Heavenly Wisdom of 4QInstruction* (STDJ 50; Leiden: Brill, 2003) 92–94.

⁸ See above, §3.2.2.2.1 for the usage of העדה in D, and for scriptural references.

for candidacy in political office; protocol at juridical, military, and cultic assemblies; and provisions for the care of vulnerable citizens. It also describes the arrangement of authority within Israel, from the councils of the courts, cult, and military to the relationship between the king, priests, and the Council of the *Yahad*. SE treats all of these constitutional topics in very short order; the fact that it is explicitly addressed to all Israel underscores its constitutional nature.

Comparison of the arrangement of topics in SE with the arrangement of topics in another brief *politeia*, Xenophon's *Politeia of the Spartans*, supports my argument that SE was composed along the lines of ancient constitutions. I am not, of course, claiming that the *Politeia of the Spartans* was a source for SE. I simply wish to show that the Rule not only treated conventional constitutional topics, but that the arrangement of topics in the Rule followed conventions in other *politeiai*. The following table summarizes the literary structures of the two texts:

Table 5a: The Literary Structure of 1QSa and Xenophon's *Politeia of the Spartans*

<i>Rule for the Congregation</i>	<i>Politeia of the Spartans</i>
1:1–3, Introduction: temporal setting and segments of eschatological Israel	1.1–2, Introduction: praise of Sparta, small but mighty
1:4–5, Purpose of the Plenary Session: instruction for all Israel, including women and children	1.3–4, “Begetting of children”: education of both women and men unique among Greeks
1:6–7a, Educational and “civil service” regimens based on age classes	(cp. 4.1–7)
1:7b–9a, Educational regimen from age 10 to 20	(cp. 2.1–14)
1:9b–11a, First stage of maturity: age 20 Marriage and licit sexual intercourse	1.5–9, Laws of marriage; habitation and sexual intercourse; types of Spartan marriages
	2.1–14, Education of children up to age 20
1:11b–12a, Advanced legal study and service up to age 25	3.1–5, Education and discipline of young men
1:12b–16a, First stage of public life at age 25; eligibility for office at age 30	4.1–7, Progress through age classes and competition for honors; mature age class eligible for highest offices
1:16b–19a, Restrictions on eligibility for service	

Table 5a (cont.)

<i>Rule for the Congregation</i>	<i>Politeia of the Spartans</i>
(cp. authority rules at meals, 2:17b–22; at general meetings, 2:11–17a)	5.1–9, Public messes as contribution to lifelong learning; ration rules 6.1–2, System of authority: children and elders 6.2–7.6, Property law 8.1–5 System of authority: citizens and magistrates 9.1–6, Shame worse than death 10.1–3, <i>Gerousia</i> and competition for honors among elder citizens 10.4–8, Punishment for magistrates' ignoble behavior
1:22–2:11a, Protocol for state meetings: courts, Council of the <i>Yahad</i> , war assemblies Roles of officials; marshalling the people Qualifications for the Council Restrictions on participation in the assembly	11.1–10, Military order before and while on campaign 12.1–7, Military camps 13.1–11, Kings at war: cultic leadership; marshalling troops
2:11b–22, Protocol for meetings with the king of Israel	15.1–9, Kings at peace Meals with council (15.1–6)
Plenary meetings (2:11b–17a)	Plenary meetings (15.7–9)
Meals with the king (2:17b–22)	

The consistencies in the literary structure of these texts are striking. The introductory and concluding topics are virtually identical: both open with extended treatment of the educational system of their respective commonwealths, and both conclude with treatment of the commonwealth's relationship to its king (or kings, in the case of Sparta). The laws on education in each also govern sexual activity, although the literary placement of the sexual laws and the motives for combining them with educational laws differ. The *Politeia of the Spartans* shares the assumption that we find in other Greco-Roman *politeiai*, that a citizen's education, including the formation of character and virtue, begins at conception. In fact, the laws of the *politeiai* aim to compel the parents to have licit intercourse, i.e., with partners of appropriate citizenship status, and in a way that contributes the most health, vigor,

and virtue to their children.⁹ SE, in contrast, directs its laws on sexual activity to youths, presumably under the age of twenty, prior to marriage. SE also differs from Plato's *Laws* and Xenophon's *Politeia of the Spartans* in its placement of sexual laws: they do not appear not in the discussion of citizenship and the begetting of legitimate offspring, but after discussion of education and age classes. This arrangement most likely stems from the Covenanters' concern that unlawful sex generates impurities that threaten holiness in Israel. Only after a man completed his education in the Torah, including laws of licit sexual behavior, could he be trusted to conform his marital relationship to the Covenanters' interpretation of biblical law. Nevertheless the combination of laws on sexuality and education ought to be recognized as a convention in the *politeiai*.

SE resembles other *politeiai* in its insistence that women be educated alongside men. Like the Spartan *politeia* and SE, Plato's *Laws* stipulate that girls must be educated alongside boys (788a; 804e–806d), and that women must attend public messes with men (780a–781d). Including women as fully as possible in the life of the state ensures that they will excel in virtue, be kept from vice, and be able to teach virtue to their young children—mothers are, in Plato's *Laws* as elsewhere, children's first teachers.

Finally, the *Politeia of the Spartans* and SE both conclude with discussions of the royal leadership. Both texts juxtapose two occasions at which the kings plays an important role: major “national” assemblies of the people, and meals that the king takes with other leaders.¹⁰

⁹ See Plato, *Leg.* 771e–776b; 781e–795d: the formation of Magnesians begins with their proper conception. Education begins in the womb, advances into infancy, and carries on into young adulthood. Correct procreation, for Plato, is as essential for good citizenship as a proper education. Cp. Plato, *Resp.* 457b–466d, on selecting a licit partner for begetting children. As in the *Laws*, Plato's discussion of proper sexual unions is immediately juxtaposed to a discussion of education (445b–457b). His treatment of marriage concludes with emphasis on the implications of legitimately and illegitimately begotten children for the unity and stability of the state (461d–466d).

¹⁰ Other *politeiai* also conclude with discussions of the authorities of the state. Plato's *Laws* ends with a description of the Nocturnal Council, a body devoted to interpreting and preserving Magnesians law and ideology, and to ensuring that legislation and governance remain subject to the discipline of the philosophy. The conclusion of the Aristotelian *Constitution of Athens* ends with a rather pedestrian description of how the Athenian jury-courts work (*Ath. pol.* 63–69). While its tone is less elevated than the conclusions of Plato's *Laws* and Xenophon's *Politeia of the Spartans*, the detailed discussion enforces the principle that in democratic Athens ultimate political and juridical power lies in the hands of the people.

5.3 INTRODUCTION TO THE RULE FOR THE ENTIRE CONGREGATION
OF ISRAEL (1QSa 1:1–3)¹¹

1:1 וזה הסרך לכול עדת ישראל באחרית הימים
בהאספם¹²] ליחד (?) להתה[לך 2 על פי משפט בני צדוק הכוהנים
ואנושי בריתם אשר סר[ו מלכת ב]דרך 3 העם
המה אנושי עצתו אשר שמרו בריתו בתוך רשעה לכפ[ר בעד האר]ץ

1:1 This is the Rule for the Entire Congregation of Israel at the End of Days,

when they gather together [in unity (?) in order to walk] 2 according to the judgment of the Sons of Zadok, the priests, and the men of their covenant who have turn[ed from walking in] the way 3 of the people.

These are the men of his Council who observed his covenant in the midst of evil in order to a[ttune for the lan]d.

The opening of SE names the group under its authority as all Israel. As in D, S, and many of the *politeiai*, SE offers historical orientation for the laws that follow: they apply to the End of Days, when Israel is restored. The point of the Introduction is not, however, to state simply when and for whom the constitution of SE is intended. Rather, as 1QSa 1:1b–3 suggests, the Introduction establishes who will exercise ultimate authority in restored Israel: the Council of the *Yahad*. The formula, “the Sons of Zadok, the priests, and the men of their covenant” in 1:2 replicates language used for the *Yahad* in S (1QS 5:9; cp. 6:19), as does the reference to this group as belonging to “his (God’s) Council” (1QS 3:6; cp. **עצת אל**, 1QS 1:8, 10).¹³

From the perspective of SE, part of the *Yahad*’s mission was accomplished in the past, when they “observed the covenant in the midst of

¹¹ In general the text follows that presented by S. Pfann in “A Critical Edition of the *Serekh ha-Edah* Manuscripts from Caves 1 and 4” in idem, ed., “Cryptic Texts,” *DJD* 39, 536–41. While Pfann’s is the only edition that incorporates the cave 4 mss., it contains typographical and transcription errors, which I note below. The best edition in terms of presentation and accuracy in transcription is still Barthélemy’s *editio princeps* in *DJD* 1. Others, especially L. Schiffman’s text, philological notes, translation and commentary in *Eschatological Community* are very useful. The edition of L. Stuckenbruck and J. Charlesworth (PTSDSS 1.110–17) essentially follows the text and interpretation given by Barthélemy and Schiffman.

¹² Emended with Barthélemy; 1QSa reads **בהספם**.

¹³ The use of the term “Sons of Zadok” suggests that 1QSa obtained its final form around the same time that the recension of 1QS was composed. On the addition of the title to S see Metso, *Textual Development*, 78, 80, 122, 131–32. The 4QSE mss. do not show the title, but Pfann reconstructs it at 4QSE^b fr. 1–2 1–2 (|| 1QSa 1:2) as well as at 4QSE^c fr. 1 ii 2 (|| 1QSa 1:24).

evil in order to atone for the land” (1:3). This language emphasizes the same point made in S, that the *Yahad* served as the cultic center for the righteous remnant of Israel during the reign of Belial (e.g., 1QS 1:18; 2:19; 3:23). At the End of Days, the Council of the *Yahad* assumes a new constitutional role as the ultimate conciliar authority of Israel. This role is emphasized at the conclusion of SE, which contains three sets of laws on the Council of the *Yahad*. The first describe who is eligible to serve in the *Yahad* (1QSa 1:27b–2:3a); the second and third, protocol at meetings that the *Yahad* convenes and which the king of Israel attends (2:11–22).

5.4 PURPOSE OF THE PLENARY MEETING (1QSa 1:4–5 || 4QSE^{d,e,g})

1:4 בבואם¹⁴ יקהילו את כול הבאים מטף עד נשים וקראו בא[וזניהמה] את 5 [כ]ול חוקי הברית ול הבינם בכול משפטיהמה פן ישגו במ[שגותיהמה]ה

1:4 When they come, they (the priests and Levites) will assemble all who come, including the children and the women, and they will read out in[to their ears] 5 [a]ll the commandments of the covenant, and they will make them known by all their judgments, lest they err i[n their wandering]s.

The purpose of the plenary assembly—which may include a covenant-renewal ceremony¹⁵—is primarily instruction, which comprises two activities: first, the reading of scriptural law; second, the interpretation of the law “according to all their judgments” (בכול משפטיהמה). The fact that the pronominal suffix could refer to the priests or to the scriptural laws creates no procedural ambiguity: the priests teach the people by reading the laws of the Torah, and by explaining their practical application. How, exactly, would this occur? One possibility is that judgments upon Israelite transgressors are rendered publicly. We have already observed this phenomenon in the annual rites at the end of D. It is also possible that priests teach interpretation of laws by presenting hypothetical cases to the assembly; another, that citizens are publicly examined in their understanding of the laws. This process would have been similar to that of inquiry and study at sessions of the Many described in S (1QS 6:8b–10a; cp. 6:3b–4b).

¹⁴ Emended; 1QSa has בבואום.

¹⁵ So Schiffman, *Eschatological Community*, 13; Knibb, *Qumran Community*, 147.

But I think that the most obvious scenario comes from narratives in Scripture that depict the instruction of all Israel, specifically those Deut 26:16–30:10 and Neh 8–10. Since I have already treated the importance of these texts for sectarian education in ch. 3, I will comment only briefly here.¹⁶ The address to “all Israel,” inclusive of women and children, echoes Moses’ address to all Israel—priests, leaders, men, women, children, and resident aliens—in Deut 26:17–19. The fuller narrative context of Moses’ address includes his proclamation of all the commandments of the Torah to the assembly (Deut 1:1–26:15). A closer analogy comes in Nehemiah: chs. 8–10 describe Ezra’s reading of the statutes of the Torah to “all Israel,” men and women with their sons and daughters (8:1–3; cp. 10:28–29). As Ezra reads, Levites stationed throughout the assembly explain the laws to the people (8:7–8). The educational activity of the assembly in Nehemiah corresponds neatly with that in SE: it begins with formal reading of the words of the Torah and includes expert interpretations of exactly what the laws mean and require.¹⁷

The education of women is only mentioned explicitly in this passage. The situation is much different for men, whose formal education from childhood until adulthood SE describes in some detail. Nevertheless it seems certain that the sect anticipated an advanced curriculum for women in restored Israel. As I argue below, SE requires women not only to be instructed in biblical law, but also to participate in at least one legal procedure: testifying about their husbands’ fidelity to sexual laws (1QS_a 1:9b–12a). In order to testify, they must know the laws thoroughly. It is difficult to imagine the acquisition of this knowledge apart from a formal curriculum of advanced education. As I argued in my analysis of initiation in D (CD 15:5b–10a), the evidence for girls’ education and women’s formal enrollment with rank in the Camps is strong. While the details of women’s education are unknown, Wassen argues for reading the first statutes on the curriculum, from 1QS_a 1:6–11, as inclusive of young men and women.¹⁸ Her appealing

¹⁶ See §3.3.2.1, above.

¹⁷ A much weaker analogy to the education of women and children, but one worth noting, occurs in Plato’s *Laws*. In SE, the “pedagogical” assembly has cultic aspects, since priests and Levites preside; the cult may also be implied by the study of judgments, which played a central role in the *Yahad*’s cultic activity. Plato similarly legislates that, for pedagogical reasons, as well as for social control, mothers with young children from age three to six must congregate at the temples for structured play and discipline under elected supervisors (*Leg.* 793d–794d).

¹⁸ Wassen, *Women in the Damascus Document*, 140–43; similarly E. Schuller, “Women in the Dead Sea Scrolls,” 123–24.

Torah” about which they are asked, and that they will be able to render trustworthy testimony. How did they acquire this knowledge and status? I think it likely that the Covenanters anticipated implementing an educational curriculum for girls, parallel to that of boys, along the lines of what already existed in the Camps. It likely begins, like that of boys, at age ten and continues through age twenty. This may be inferred from the laws on requirements for witnesses to a capital crime in CD 9:23b–10:3:²⁰ they must at least the age to join those who are mustered, must be known to be “God-fearing,” and cannot be under punishment for any deliberate transgression. If these requirements apply to women who give testimony about their husbands’ fidelity to sexual laws, as seems necessary since *zenuth* is a capital offense, then the women must (a) know the laws of Torah well enough to be held responsible for keeping them; (b) have been scrutinized regarding their knowledge and piety; and (c) have passed the age at which basic education was completed, and at which women were eligible to join the full life of the Congregation. Our passage gives twenty as this age for men; it may have been the same for women. It is also likely that the Book of *Hagy* was just as central to women’s education as to men’s, since both are equally accountable to the laws of sexual good and evil.²¹ As I argue in my analysis of 1QSa 1:10–11a, below, education in the Book of *Hagy* is essential before marriage because it contains the sexual laws that guard against *zenuth*.

This constitutional nature of the passage is obvious and has analogies throughout the *politeiai*, which treat the education of males as a state responsibility.²² As noted above, female education is also a common topic in the *politeiai*, and Stanley Bonner adduces good evidence from Martial to show that it was a common thing for boys and

²⁰ See analysis in §3.3.8.

²¹ On women’s responsibility to keep sexual laws see Wassen, *Women in the Damascus Document*, 45–68, 80–95, 107–12.

²² See Xen., *Lac.* 2.1–3.5; Plato, *Leg.*, books 2 and 7, *passim*; also 729a–c. In fact Plato’s *Laws* opens and concludes with discussions of education: first, the value of *symposia* in teaching virtue (636e–649e); then the teaching duties and education of the Nocturnal Council (964b–969d). In the opening of his *Republic* Cicero praises the study of philosophy and other disciplines as an essential component of virtuous statesmanship (1.1–36); he apparently devoted a good portion of Book 4, of which only fragments remain, to the ideal system of education within the Roman Republic. Aristotle insists that unity and stability among the diverse components of the *polis* can only come by educating citizens (*Pol.* 1263b 36–37), and his *Politics* concludes with a lengthy description of the ideal educational system (7.14–8.7). Cf. also the discussion of military training of young men in Arist., *Ath. pol.* 42.1–4.

girls to attend classes together in both primary and grammar schools, typically up to mid-to-late teen years.²³ As Quintilian emphasizes, the study of tragedy and epic in grammar-school inculcates morality;²⁴ in this way, the goal of Roman childhood education is analogous to that of SE. It is clear that educating women was a major concern of the Covenanters, since female experts were needed to teach and examine other women. Prior to advanced training in the law, girls were likely educated alongside boys by the Camp Examiner, as Wassen argues.²⁵

Unlike the more general statements on instruction at the opening of SE, which provide for only informal instruction of all Israelites at assemblies, this passage introduces the curriculum for male Israelites. At least two aspects are noteworthy: first, the cornerstone of education is instruction in the Book of *Hagy*. Youths begin their studies with this work, which, I speculate along with others, was simply the Torah or a sectarian interpretation of its laws.²⁶ The centrality of the Book of *Hagy* to education is clear from passages already considered in D, which require all authorities in the Camps and at plenary meetings to have studied its contents (CD 10:4–10; 13:2). Second, education in eschatological Israel is structured around age classes. It is assumed that students will be capable of mastering specific material at ages that corresponded to stages of maturation. Most *politeiai* articulate the same principle: citizens are divided into age classes, and their education is structured around their progressions through these classes.

The material in the next passages provides more specific details about the Israelite educational regimen and age classes.

5.5.1 Primary Education and Registration as a Citizen (1QSa 1:8b–9a)

1:8b עשר שנים [י]בוא בטף²⁸ וב[ן] עשרים שנ[ה] יעבר על[²⁷] 9 הפקודים
לבוא בגורל בתוך משפ[ח]תו ליחד בעד[ת] קודש

²³ Bonner, *Education in Ancient Rome*, 135–36. He emphasizes that the age-classes for boys were more strictly observed than those for girls, who might join a grammar school to complete education that they began with a private tutor at home.

²⁴ Quintilian, *Inst.* 1.8.5–7.

²⁵ Wassen, *Women in the Damascus Document*, 164–67.

²⁶ See my analysis of the Rule for the Judges, §3.3.9.1.

²⁷ The idiom עבר על occurs some six times in 1QS and means “to cross over into the ranks of.” This usage seems based on biblical usage, e.g., Exod 30:13–14; Deut 29:11.

²⁸ Pfann, presumably following Barthélemy, misreads בטב from the photograph. The scribe corrected a misspelling of טף by writing a *medial*, not final, פ, over the

1:8b For ten years [he shall] go among the children, and at the a[ge] of twenty yea[rs he shall cross over to join] 9 those who are mustered, to go by lot in the midst of his cl[a]n to join²⁹ the Congrega[tion] of holiness.

The present passage introduces the educational system for Israelite males and described the procedure for registering as a citizen. We will treat the second portion first, and then consider the educational system and age classes of SE, since they are treated at greater length in the laws that follow.

5.5.1.1 *Registration of Israelite Citizens in a משפחה*

The clause at the end of the law raises important issues about the organization of the Congregation of Israel. New citizens are registered formally among those who are mustered, לבוא בגורל בתוך משפ[ח]תו, קודש ליחד בעד[ת] (1:9). Does משפחה designate the member's "family," i.e., his wife and children, as Schiffman argues, or a larger "clan" of relatives, as Licht and Yadin suggest?³⁰ On its own, the term suggests the latter, since common biblical usage designates a clan of relatives within a tribe that share a common territory.³¹ The prepositional phrase בתוך משפ[ח]תו suggests that Licht is correct: against Schiffman, it would be odd to translate בתוך as "with," since the preposition normally denotes position within rather than accompaniment. If the author wished to say that a young man will enter the Congregation with his wife and children, את or עם would have been clearer. The most decisive point against Schiffman's reading comes in the immediately following law, which forbids men under age twenty to marry. At

incorrect final letter. While the medial form somewhat resembles a ב, it lacks the characteristic points on the top line, and the top right corner clearly angles downward toward the center of the letter, like medial פ elsewhere in the text. The first full word in the same line, במשפטיהמה, shows the distinctive forms of medial פ and ב.

²⁹ With the exception of Barthélemy, most translators treat ליחד as a *piel* infinitive, "to join." The use of יחד as a verb occurs also in 1QS 5:20, where להיחד should probably be read להתיחד. Similar usage occurs in the Hebrew bible, e.g., Gen 49:6; Isa 14:20; Job 3:6; Psa 122:3.

³⁰ Licht, *Serakhim*, 247, cited in Schiffman, *Sectarian Law*, 67 n.21; Yadin, *Scroll of the War*, 49–53.

³¹ For the relationship between clan, tribe, and territory see the laws in Num 36:1–12. Deut 29:18 implies an order of identity like that of SE: individual, clan (משפחה), tribe (שבט); similarly Josh 7:4: tribe (שבט), clan (משפחה), household (בית); Josh 21:5; Judg 18:19; 21:24; 1 Sam 9:21; cp. Num 11:10. For an overview see C. Wright, "Family, Old Testament," *ABD* 2.761–64.

the time of his enrollment, it is unlikely that a twenty-year old already would have a wife and children.³²

Enrollment in a local clan as protocol for citizenship in the Congregation of Israel continues the enrollment procedure in D. As discussed above, in CD 15:5b–15a; 13:7–15, the local Camp has authority to enroll, instruct, prosecute, and expel members. It would be incautious to claim that a Camp is exactly the same thing as a clan, since D also uses the term *משפחה* to designate groups within the sect, specifically those defined by a distinctive dialect or language (*לשון*, CD 14:10). We may note, however, that in both D and SE, enrollment in the local group is a hereditary obligation. CD 15:5b–6a requires members' sons to take the oath of the covenant at the age of twenty-five; so also SE requires the “native-born” children of citizens to enroll in the educational and service regimens at the appropriate ages (1QSa 1:6–8a). The rules show consistency in the sect's conceptualization of membership: both in the pre-eschatological age and in the eschatological age, individuals become full members or citizens by enrolling in local groups at the local level; the children of members are compelled to be educated in community law from childhood until the age of twenty (1:7–9), and are expected to enroll as full members of the local segment of the community when they reached a mature age (SE and D). The Congregation of Israel is a translocal body comprising these local cells.

The law indicates a formal relationship between the clan and the Congregation, namely that clan membership defines citizenship in

³² Sivertzev speculates that the young man is enrolled as head of his own household (*משפחה*) at age twenty, and that “Only a head of a household could be considered a full-fledged member of the sect,” since sectarian organization was structured around households (*משפחות*) (“Households and Sects,” 70). This claim seems to be in tension with his earlier, correct observation that “entire families, not just adult males, are members of the sect” (69). “Full members” seem to be the *שרי/ראשי אבות העדה* mentioned at 1QSa 1:16, 23–24; 2:15–16; in Sivertzev's view, these are leaders of “clans (or families) of Israel” (68). He seems to equate the young man's enrollment in his “family” (1:8c–9a) as equivalent to taking his place among the other “heads of the families.” As I show below, the interpretation of *משפחה* as “family” in 1:9a is untenable: the term comes from Scripture, where it designates the tribal subunit within which Israelites enroll (e.g., Num 1:18; ch. 36, *passim*). Taking *אבות העדה* as “families of the Congregation” is also problematic: the term may refer to officers of the Congregation, as in the Penal Code of D (4QD^c fr. 7 i 13–15). Further, no twenty-year old may serve among the *ראשי אבות*: he has ten years of additional training until he is eligible (1QSa 1:11b–15a). The *ראשי אבות* cannot be ordinary heads of households, but elite officials within Israel who, with the priests and Levites, preside over the entire Congregation (1:22b–25a; 2:11b–17a). For analysis see this section, below, and §5.5.4; cf. 5.7.1.

Israel. 1QSa 1:8c–9a articulates laws from the Torah within the systematic form of a *politeia*. Most likely the legislator drew upon Numbers 1, which narrates the registration of all non-priestly Israelite males age twenty and above על משפחתם לבית אבתם, “by their clans, according to the house of their fathers.” The latter phrase seems to refer to the tribes that bear the names of the twelve patriarchs, excluding Levi; the rest of the chapter gives the numbers of the census, tribe-by-tribe, as each male registers in his clan (1:19–46). Another law from Numbers may have been brought into the longer set of laws in 1QSa 1:8c–11a, the latter portion of which concerns marriage; we will consider in the next section. Most importantly it gives twenty as the age at which a man may marry (1:9b–11a). Thus in SE we have the combination of (a) minimum age of adulthood; (b) enrollment in a clan; and (c) marriage laws, all in one succinct block. The inclusion of marriage laws in the law on registering in a clan may relate Num 36:1–10, which requires marriage to be between members of clans of the same tribe. This arrangement, which prevents the loss of tribal land through intertribal marriages, emphasizes the activity of the local clan as the center of Israelite activity. While tribes are important—indeed, concern for their territorial integrity lies behind law in Num 36—proper regulation of marriage within the clans guarantees Israelite political and social stability.

The author of SE shows interest in the tribes—they are mentioned explicitly as the first of the major divisions of Israel in 1QSa 1:29. Doubtless readers of SE anticipated the restoration of the twelve tribes as much as readers of the *War Rule*. But SE is concerned with systematizing biblical law in a way that is (a) faithful to the text of its statutes; and (b) practical to execute. A system that required registration of citizens in a large tribe would be unwieldy; how much more one that enrolled citizens directly into the Congregation of Israel. Local clans as the locus of record-keeping and marriage were both biblical and manageable. Additionally, the Covenanters’ law for citizenship in restored Israel reflects ubiquitous practice in the era, e.g., Roman citizenship required enrollment in a territorial tribe; Athenian, in a phratry within a deme. Citizenship within any commonwealth or *polis* came by registration in one of the clans or tribes that the city comprised. Any political thinker of the age knew that one became a citizen of the state through registration in a local subunit. Thus the Covenanters’ laws both drew upon Israelite constitutional norms in the Torah, and continued conventional practices throughout the Hellenistic-Roman world.

5.5.1.2 *Education and Age Classes in SE and the Politeiai*

It appears that formal education in restored Israel begins at age ten. The statement, “For ten years he shall go among the children,” refers to the first stage of formal education. This stage ends at age twenty, when a young man registers in his clan to join the Congregation (1:8b–9a). Age ten thus must mark the point at which formal education begins. Once a male turns twenty and registers as a citizen, he acquires privileges, such as ability to marry, and responsibilities, such as duty to serve as a witness in court. At the age of twenty he also begins advanced training in preparation for service to the Congregation, as later passages indicate.

While the Torah and other Scripture provide ages for military and priestly service, they say nothing about the age classes associated with education. In contrast, the *politeiai* consistently treat educational age classes. Like SE, D provides age requirements for various activities and services and, as we have seen, the *politeiai* provide numerous analogies. Above we considered age requirements for juridical service; here we will survey a few analogies in educational age classes. In Aristotle’s *Politics*, informal education begins at infancy and continues to age five in the household.³³ From age five to seven children observe the lessons of older children,³⁴ and at age seven they begin “easier gymnastic exercises,” which they complete at fourteen.³⁵ From fourteen to seventeen they study more advanced topics,³⁶ and then from seventeen to twenty-one they embark upon a rigorous program of physical training and strict diet.³⁷ The Spartan system of education similarly is based on age classes:³⁸ from infancy until they are old enough to join the *agoge*, children stay at home with their mothers during the day and attend *sussitia* with their fathers in the evening, where they learn from their elders good manners, systems of authority, and Spartan lore.³⁹ A *paidonomos* and selected *eirenes*, young men at least twenty years old,⁴⁰

³³ Arist., *Pol.* 1336a 3–1336b 35.

³⁴ Arist., *Pol.* 1336b 35–37.

³⁵ Arist., *Pol.* 1338b 40–42, tr. Reeve.

³⁶ Arist., *Pol.* 1339a 5. Aristotle vaguely alludes to a change in topics with progression to this age class, but does not describe the topics themselves.

³⁷ Arist., *Pol.* 1339a 5–7.

³⁸ The ages given below, except for that of the *eirenes*, are approximate and based on age classes known from Athens.

³⁹ For a brief overview of Spartan education based on Xenophon’s *Lac.*, *Hell.*, and Plutarch’s *Lyc.*, as well as archaeological evidence, see T. R. Harvey, “The Public School of Sparta,” *Greece and Rome* 3 (1934) 129–39.

⁴⁰ Plut., *Lyc.* 17.

supervise their discipline, and any citizen who sees a child misbehaving may punish them.⁴¹ Older boys, probably seven to sixteen years old, move up to the *agoge*, which meets in communal living quarters over which an *eiren* has authority. Around age sixteen boys graduate to a rigorous training regimen that civic officials supervise and begin to attend the *sussitia* regularly as part of their education.⁴² Then from eighteen to twenty, boys begin military training in earnest, and from twenty onwards join the company of the *eirens* to begin their military and civic duties.⁴³

Three elements consistently converge in SE and the *politeiai*: first, the state has authority over the educational process; second, education is structured around age classes; and third, education is essential preparation for male citizens to assume roles in the political life of the state, whether as soldiers, politicians and civil servants, or simply as informed citizens. In a *politeia*, then, it is quite expected that a law on registration of citizens should follow laws on education.

5.5.2 *The First Stage of Maturity, Marriage, and the Beginning of Advanced Training: Age Twenty (1QS_a 1:9b–12a)*

1:9b ולוא י' [קרב] 10 אל אשה לדעתה למשכבי זכר כי אם לפי מילואת לו
 עש[ר]ים שנה בדעתו [טוב] 11 ורע
 ובכן תקבל להעיד עליו משפטות התורא ולהת[י]צב במשמע משפטים
 12 ובמלוא בו

1:9b A man shall not ap[proach] 10 a woman to know her sexually⁴⁴ until tw[ent]y years are complete for him, when he knows [good] 11 and evil.

And then she shall be received to testify about him regarding the commandments of the Torah, so that he may [take] his place in the hearing of judgments.

12 And when completion in it *vacat*⁴⁵

⁴¹ Xen., *Lac.* 2.1–11.

⁴² Xen., *Lac.* 3.1–5; 5.1–7.

⁴³ Cp. Arist., *Ath. pol.* 42, *passim*; Plato, *Resp.* 403c–408c.

⁴⁴ The idiom **משכבי זכר** generally refers to the act of sexual intercourse with a man by a woman or another man. Its usage here is odd; there are three possible explanations: 1) it makes sex with a woman prior to the age of twenty a transgression of the same order as male-male sexual intercourse; 2) it makes sex between a husband and a wife the prerogative of fully mature male members, so that the “bed of a male” means “bed of a mature male”; 3) it is a scribal error.

⁴⁵ The first two words of 1:12 are scribal error, but an important one: as Barthélemy argues, the Vorlage of 1QS_a contained more laws, and the scribe intended only to provide a few extracts that would provide some idea of what life in the messianic age

This short, problematic passage contains important evidence for law and testimony in restored Israel. Fortunately, it is beyond dispute that the law gives the age of twenty as the minimum for marrying. Marriage is permissible at this age because a young man now was able to discern good from evil (1:10b–11a). This ability to discern naturally coincides with the young man's graduation from the first stage of education: his knowledge of good and evil is now sufficient. The content of the education surely includes full study of sexual laws: marriage, with its inevitable sexual activity, presents numerous occasions for moral and ritual defilement. Avoiding sexual defilements, one of the nets of Belial (CD 4:14b–17b), is essential for maintaining the holiness and purity of the Congregation.

After this rule we confront our first problem: did the scribe intend to write תִּקְבֹּל, which makes the man's wife the subject of the verb, or should the word be emended to יִקְבֹּל, as Joseph Baumgarten proposed in 1957, and as Schiffman maintains?⁴⁶

Evidence better supports accepting the text without emendation. The idea that a man's wife must give testimony about his fidelity to the laws fits what we know about the sect's concern for sexual purity. D identifies *zenut*, sexual impurity, as one of the three "nets of Belial" that ensnare Israel in the evil age; another, defilement of the sanctuary, is repeatedly linked to sexual impurity in the ancient Jewish literature.⁴⁷ D forbids several types of intercourse possible within licit marriages, i.e., intercourse during menstruation and pregnancy, and on the day preceding participation in cultic activity at the temple. It also seems

would be like (*DJD* 1, 114). The theory is attractive, given the difficulty of explaining the error in another way, e.g., by supposing that the scribe saw the phrase "twenty-five years" in the next line and assumed that it would be preceded by a phrase similar to that preceding "twenty years" in line 10, מִלְּוֹאֵת לִי. This explanation falters on the grounds that while the constructions are similar (מִלְּוֹאֵת followed by a preposition with masc. sing. suffix), their forms are distinctive: in line 10 the adjective has an attached preposition and a *plene* spelling, and the following preposition is ׀ rather than ׁ. It would be difficult to conflate the two. At any rate the laws not contained in 1QSa apparently continued the theme of completing periods of time in age groups.

⁴⁶ J. Baumgarten, "On the Testimony of Women in 1QSa," *JBL* 76 (1957) 266–69; he later accepted the text without emendation (*DJD* 18, 165); Schiffman, *Eschatological Community*, 18–19; *Sectarian Law*, 65.

⁴⁷ CD 4:14–19. For discussion see my article, "Jewish Laws on Illicit Marriage, the Defilement of Offspring and the Holiness of the Temple: A New Halakic Reading of 1 Corinthians 7:14," *JBL* 121 (2002) 711–44, esp. pp. 717–27.

to regulate, though not forbid, sex with a female slave.⁴⁸ Since a man's wife is the only person who could know whether he observes such laws, her testimony is essential for determining whether he is fit to serve in the holy Congregation.

Contra Baumgarten and Schiffman, it is not necessary to understand the subject of **תקבל** in 1:11 as the same as the implied subject of the infinitive **להת[י]צב** in the next clause. The infinitive is marked off by a disjunctive *waw* that suggests a shift in subject. Naturally the man about whom the woman testifies (**להעיד עליו**) is the one who takes his position in the hearing of judgments, since women do not serve as judges in the Congregation. Thus the object of the preposition **על** becomes the subject of the infinitive **להת[י]צב** in the next clause: "she shall be admitted to bear witness about him concerning the judgments of Torah so that he may take a position in the hearing of judgments." This interpretation of the rule for a wife's testimony fits well with our understanding of the sect's views on sexual purity; it does not require that we make room for an unlikely role for women in the juridical offices of the sect. Further, the rule's position immediately following the minimum age for marriage allows us to read the passage as thematically and logically unified.

Thus the law provides protocol consistent with that of D, which also requires women's testimony regarding sexual laws, i.e., that of female experts in cases of a bride charged with not being a virgin.⁴⁹ As D shows, the sect regarded sexual transgression not only as a grave personal sin, but as one that creates defilement that threatens holy Israel as a state. SE's law on women's testimony thus conforms to the general tenor of the times: Greek and Roman courts require women to give testimony or initiate charges those who commit treason.⁵⁰

⁴⁸ On sex prior to approaching the temple and during menstruation see CD 5:6–7; 4QD^a fr. 6 ii 1–3a; on sex during pregnancy see 4QD^e fr. 2 ii 16; on sex with a female slave see 4QD^e fr. 4 12–21 || 4QD^a fr. 12 4–9 and the discussion in Wassen, *Women in the Damascus Document*, 68–71.

⁴⁹ 4QD^f fr. 3 12b–14; also 4Q159 fr. 2–4 8–10. See my analysis of these passages in ch. 3, §3.3.2.1.

⁵⁰ *Contra* Schiffman, *Sectarian Law*, 62–63. Schiffman argues that because women's testimony was inadmissible in Greek and Roman courts, it would be unusual for the sect to allow women's testimony. This view is problematic. Women were not entirely excluded from testifying in court in Greek and Roman contexts. Roman law forbids women to initiate most criminal prosecutions, but allows them bring charges of treason, most types of civil suits, and to testify as witnesses to a case. See J. A. Crook, *Law and Life of Rome, 90 B.C.–A.D. 212* (Ithaca: Cornell, 1967) 276–77; Justinian,

This passage ends with a scribal error: the scribe wrote **ובמלואו בו**, a phrase difficult to translate without context, although it would be reasonable to assume that it had the completion of a period of time—perhaps of service or education, or perhaps it referred to a man’s age.⁵¹ When the scribe realized his error, he skipped a space to indicate the beginning of a new sentence and began writing again. The error is important, for it supports the claim that the laws for education, marriage, and civil service are structured around age classes. While the scribe did not finish the sentence, the two words that he left suggest its contents: it tells what happens after a young man advances to another age class. A similar error occurs in 1:27, which also appears to contain the opening words of a law concerning a man’s age, **[ובן עש]רים**,

Dig. 48.2.1–2; 22.5.18; cp. 3.1.1.1–5; 3.2.15–19; 12.2.26. Plato allows women to serve as witnesses in court and to initiate cases, provided that they are unmarried (*Leg.* 936d–937b). Women certainly had power to initiate legal actions with profound material consequences, such as were common in the management of estates, or divorce (Gaius, *Inst.* 1.137), or a lawsuit against a former husband for her dowry (Gaius, *Inst.* 4.37). However, these cases differ from that described in IQSa 1:11 because they pertain to lawsuits and not to routine examination of a man’s ritual fitness for civil service. In a similar way Schiffman’s adducing 1 Cor 11:34–35 and 1 Tim 3:11–12 as parallels is incorrect: the ability of a woman to lead community worship is an matter entirely different from a woman’s ability to testify about her husband’s observance of laws regarding sexual intercourse (*Sectarian Law*, 70 n.75).

Evidence in Jewish sources is more ambiguous. Josephus states thrice that Jewish courts did not accept women’s testimony (*Ant.* 17.64–65, 93), but also gives an account of Herod’s acting against political enemies on the basis of women’s confessions obtained through torture (*BJ* 1.584–90). Was this a case of women’s testimony being admitted in a Herodian court, as Wassen maintains (*Women in the Damascus Document*, 87–88), or of Herod simply gathering information about enemies? Josephus does not mention any formal trial, only that Herod believed the women and acted on his own initiative against those whom they identified. His statement about Salome, Herod’s sister, is unambiguous: she sat with judges appointed by Caesar to judge Herod’s sons (*BJ* 1:538).

The Mishnah is largely silent on women’s testimony, with some exceptions. The assumption that men normally serve as witnesses is obvious in the list of disqualified persons in *m. Sanh.* 3:3–5, all of whom are male. The exceptions appear, as in the DSS, in cases regarding marriage and sexual behavior: a bride accused of not being a virgin can testify (*m. Yebam.* 1:1–7); freed captive women can testify that other former captives were not raped (*M. Ketub.* 2:6); a woman can testify that her husband has died so that she can remarry (*m. Yebam.* 15–16, *passim*). Women can testify on behalf of a woman accused of adultery (*m. Sotah* 6:2); unmarried women who become pregnant can testify about the lineage of the father (*m. Ketub.* 1:8–9), but their testimony is only accepted when supported with the signed testimony of other witnesses (*m. Ketub.* 2:3–4).

⁵¹ Pfann’s attempt to translate the phrase as “and among the crowd that is there,” is far-fetched: **מלואו** does not mean “crowd,” and there is no clear antecedent to **בו** to justify translating it locatively.

“and at age twenty...” The error confirms that the Covenanters organized citizenship in restored Israel around age classes, following well-established conventions of their time.⁵²

These errors are but two of several errors in the text: depending upon whether we count **תקבל** as an error, there are two or three other misspellings. The other two come in the phrase **משפטות התורה**, “judgments of the law,” where we expect the form **משפטי התורה** (CD 14:8).⁵³ Schiffman attempts to read **משפטות** as an abstract noun, “judgment,” and Barthélemy argues that the feminine ending designate certain laws as “the great foundational precepts (**משפטות**) of the sacred ordinances (**משפטים**).”⁵⁴ Against Schiffman’s reading, such an abstract form is not attested elsewhere; against Barthélemy, neither does the feminine plural of *mishpat* occur elsewhere. Given that **התורה** is clearly an error, the substitution final *aleph* for final *he*,⁵⁵ and given the general messiness of the passage, we should accept that our scribe was, at this point, distracted and prone to err; thus for **משפטות התורה** we should read simply **משפטי התורה**.⁵⁶

Let us summarize what the passage reveals about community organization: first, at the age of twenty a man is eligible to enroll as an adult in his clan, at which point he becomes a citizen of the Congregation of Israel. At the age of twenty he may marry. A new citizen’s ability to participate in the hearing of judgments depends upon his being approved through an examination at which his wife testifies about his fidelity to the law. If her testimony is positive and approved,

⁵² These errors are not dittography nor haplography—in neither case does the phrase occur elsewhere in the scroll. Instead, as Barthélemy argued, the errors appear to have resulted from the scribe’s efforts to abridge a longer *Vorlage* of SE. See Barthélemy, *DJD* 1, 114, 116.

⁵³ The sectarian literature also cites “the words of the Torah” (**דברי התורה**): 1Q22 1 i 4; ii 9; 11QT 59:10; and calls law the “judgments of God” (**משפטי אל**), e.g., 11QMelch fr. 1 ii 13; cp. 1QS 3:1; 4:4; 6:15.

⁵⁴ Barthélemy, *DJD* 1, 113; the translation is mine. While his philological argument seems unlikely, Barthélemy’s claim that women were obligated to testify about violations of the major commandments seems right. As noted above, the principle that women testified in important cases is well-attested in many ancient sources.

⁵⁵ The *aleph* was likely written as a *mater lectionis* for the sound of the final syllable (*-ah*). It does not appear to be an aramaism, since the Hebrew definite article appears at the front of the word and the Aramaic determinate suffix *-t*, which normally precedes the definite article on feminine nouns, is absent. The same error appears in 4QSa^d fr. 1 i 1 (**מדרש למשכיל על אנשי התורה**).

⁵⁶ Having just written the similar-sounding **משפחתו** in the preceding passage (1QSa 1:9), perhaps he had a feminine paradigm in mind when he copied 1:10–11. I think it is likely that the scribe was sleepy.

the young man enters the first stage of public service as an auditor at legal proceedings.

The new citizen's activity is limited to taking a stand in the *hearing* of judgments. This doubtless meant that he could testify in court, as D indicates about twenty-year olds (CD 9:23b–10:3). From the age of twenty to twenty-nine a member may not decide judgments, since SE requires judges to be at least thirty years old. Further, in addition to giving testimony in lawsuits, a young man audits legal proceedings as part of his education. Auditing familiarizes young men with the intricacies of the law and court protocol. As we have seen in our analysis of initiation in S, auditing played an important role in the education of new members of the *Yahad*. In Xenophon's *Politeia of the Spartans*, auditing at the symposia plays a role in the education of children and young men.⁵⁷ Auditing the sessions of deliberative bodies is also central to the education of young men pursuing careers as lawyers, judges and politicians, as Quintilian, Cicero and the Mishnah indicate.⁵⁸ As we will see in the next passage, members only become eligible to perform advanced service for the Congregation at the age of twenty-five, and they are not eligible to participate in judging disputes until the age of thirty.

5.5.2.1 *Constitutional Analogies to the Law of Marriage*

As in the case of educational age classes, the Bible says nothing about ages of marriage. The case is the opposite in the *politeiai*, which contain numerous rules about the proper ages for marriage and child bearing. In his *Republic*, Plato idealizes twenty as the minimum age at which a woman should begin having children, and thirty as the minimum age at which a man should begin having sexual relations. Women should not bear children past forty, nor should men father after fifty-five, although Plato allows non-procreative love affairs for those past the prime of life.⁵⁹ In the *Laws* Plato's Athenian continues this type of legislation, with some revision: a man may marry at twenty-five and must not remain unmarried past thirty-five under penalty of law. Women must marry between sixteen and twenty.⁶⁰ As in SE, marriage must be preceded by education. In the *Laws* education

⁵⁷ Xen., *Lac.* 5.1–7.

⁵⁸ See §4.7.1; 5.5.2.

⁵⁹ Plato, *Rep.* 460d–461c.

⁶⁰ Plato, *Leg.* 772d–774c; 785b gives the age limits.

includes instruction in selecting a suitable mate⁶¹ and the philosophy and laws of procreation.⁶² Thus education, marriage and sexual conduct appear together in SE and Plato's *Laws*. Xenophon's *Politeia of the Spartans* recounts Lycurgus' laws on procreation in the context of Xenophon's description of Spartan education: couples must procreate at their physical prime and in a state of vigorous arousal, since Lycurgus presumed that the parents' health and copulatory vigor would be passed on to their children. Older husbands of young wives may select a young man to produce children for him; similarly bachelors may select healthy women from among the wives of other citizens and, with their husbands' permission, procreate with them.⁶³ These eugenic laws aim to produce the finest offspring for a society that defined itself by its physical excellence.

Aristotle's *Politics* contains perhaps the most extensive regulations of sexuality in any *politeia*. They appear in book 7.16, immediately after the introduction to his discourse on education (7.14–8.7); thus Aristotle also followed the literary pattern of combining the topics of pedagogy and procreation. Aristotle argues that a good legislator should take pains to ensure that children's bodies develop in the best possible way. In order to do this he must regulate marriage “and determine what sorts of people should have marital relations with one another, and when.”⁶⁴ His legislative goals are twofold: first, they are eugenic; second, they are political insofar as they aimed to preserve peace within the household, thereby promoting stability within the state. He rules as follows: in order to avoid domestic disputes, spouses should be chosen so that the fertility of both husband and wife ends simultaneously.⁶⁵ Since men's fertility ends around seventy and women's around fifty, husbands should be about twenty years older than their wives. In order to promote healthy offspring, couples must not have sex while still youths: women should be around eighteen; men,

⁶¹ A man learns how to select an appropriate mate through observing his elders who have successfully married; he must also have sort of a formal education in partner selection (Plato, *Leg.* 772d–773e).

⁶² For the law of procreation see Plato, *Leg.* 775b–e. Above all spouses must avoid intercourse while drunk, since the offspring produced by “clumsy and inefficient” insemination will be unbalanced, untrustworthy deviants, with physical deformities besides (σπείρειν οὖν παράφορος ἅμα καὶ κακὸς ὁ μεθύων, ὥστ' ἀνώμαλα καὶ ἄπιστα καὶ οὐδὲν εὐθύπορον ἦθος οὐδὲ σώμα ἐκ τῶν εἰκότων γεννῶη ποτ' ἄν).

⁶³ Xen., *Lac.* 1.5–11.

⁶⁴ Arist., *Pol.* 1334b 30–31, tr. Reeve.

⁶⁵ Arist., *Pol.* 1034b 30–37.

around thirty-seven.⁶⁶ Further, a man who fathers a child so deformed that it must be exposed must be forbidden to procreate; if he unlawfully impregnates any woman the fetus must be aborted.⁶⁷ Couples should strive to have children as soon as possible to promote smooth transition from one generation to the next, i.e., the child's prime of life should begin just as the parent's is ending. Observance of the ages for procreation promote political stability, since conflicts tended to arise in households both when children are still youths while their parents are very old, and when children and parents are so close in age that they are nearly peers.⁶⁸

In SE, Aristotle's *Politics*, and Xenophon's *Politeia of the Spartans*, the virtues most highly prized by the individual society determine its marital laws: Spartans, wishing to produce physically vigorous citizens of a militaristic state, passed laws promoting sex between physically excellent citizens. Aristotle's ideal citizens, valuing a well-ordered *polis*, must abide by sexual laws that promote stability and peace between husband and wife, parents and children. The Covenanters, wishing to preserve purity and holiness in Israel, passed laws that keep the generation of sexually produced impurities as low as possible.

5.5.3 *The Second and Third Stages of Maturity and Advancement to Political Life: Twenty-Five and Thirty (1QSa 1:12b–16a)*

1:12b וּבֶן חֲמִשׁ וְעֶשְׂרִים שָׁנָה יָבוֹא לְהִתְצַב בְּיָסוּדוֹת עֵדָת 13 הַקְּוֹדֶשׁ
לְעַבֹּד אֶת עֲבוּדַת הָעֵדָה
וּבֶן שְׁלוֹשִׁים שָׁנָה יִגַּשׁ לְרִיב רִיב 14 וּמִשְׁפָּט וְלִהְיוֹת צֶבֶת בְּרוֹאֵשֵׁי אֲלֵפֵי
יִשְׂרָאֵל לְשָׂרֵי מֵאוֹת שָׂרֵי חֲמֵשִׁים 15 [שָׂרֵי] עֲשָׂרוֹת שׁוֹפְטִים וְשׁוֹטְרִים
לְשִׁבְטֵיהֶם בְּכוֹל מִשְׁפְּחוֹתָם [עַל פִּי] בְּנֵי 16 [אַהֲרֹן] הַכֹּהֲנִים

1:12b When he is tw[en]ty-five years old he shall go to take his st[an]d in the Councils 13 of the Congregation of holiness, to perform the service of the Congregation.

And when he is thirty years old he shall draw near to decide a dispute 14 and jud[gm]ent, and to take his place among the chiefs of the thousands of Israel, the rulers of hundreds, the rulers of fif[tie]s, and 15 [the rulers] of tens, judges and administrators for their tribes in all their clans, [in accordance wi]th the authority of the sons 16 [of Aar]on, the priests.

⁶⁶ Arist., *Pol.* 1035a 7–35. NB: healthy offspring most frequently result from intercourse during the winter, when the wind blows north (1335a 36–1335b 1).

⁶⁷ Arist., *Pol.* 1035b 19–25.

⁶⁸ Arist., *Pol.* 1034b 38–1035a 4, 29–35.

From the age of twenty to twenty-four a male citizen hears judgments, whether as a witness or an auditor learning juridical protocol. At twenty-five he acquires new responsibility for performing the “service of the Congregation.” While the nature of this service is unspecified, it likely includes military duty. Indeed, SE identifies the literary block from 1:6–2:11 as the “Rule for All the Hosts,” a title with clear martial significance. Restrictions on those eligible to enroll in the army occur a few lines later (1:19–21), supporting the interpretation of “service of the Congregation” in 1:12–13 as inclusive of military duty. Evidence from other scrolls supports the idea that military duty begins at age twenty-five. The *War Rule* identifies “service troops” as men aged twenty-five to thirty (1QM 7:2–3), while the combat troops are thirty to forty-five (1QM 6:12–13). For the first five years of service the soldiers perform menial tasks such as despoiling the slain, collecting booty, guarding arms, cleansing the land and preparing food; only after this “training period” are they eligible to fight.⁶⁹

After five years of service of the Congregation, at age thirty, men are eligible to serve as judges (לְרִיב רִיב וּמִשְׁפֵּט) and other officers. The minimum age for judges in SE differs from that in D (twenty-five, CD 10:4–10a).⁷⁰ Above I suggested that the eschatological orientation of SE allowed the sectarians to think more idealistically about their society. While both D and SE base their age classes on Num 4 and 8:24–25, SE interprets the laws so that they are coherent: one begins hearing judgments at twenty-five, in conformity to Num 8:24, but does not begin full service until age thirty, in conformity to Num 4.⁷¹ Like SE, D idealizes thirty as the minimum age for certain senior offices, such as the priest and the Examiner of the Assembly of all Camps (CD 14:6–9). The plenary assembly in D serves as a “supreme court”; the requirements for its officers are stricter than those for officers of lower courts (CD 10:4–10). In SE the stricter age requirements are applied to all of Israel. Likely the stricter regulations may be attributed to the eschatological context for which the Rule was intended.

⁶⁹ See discussion in Schiffman, *Eschatological Community*, 20–21; Y. Yadin, *Scroll of the War*, 77–78, 280.

⁷⁰ Schiffman avoids the contradiction by translating לְרִיב רִיב וּמִשְׁפֵּט, “to struggle for the cause of justice” (*Eschatological Community*, 21), as though *continuing* to perform duties already performed. The language is too specific to allow his interpretation: instead, at the age of thirty a member *first* became eligible to decide disputes (לְרִיב רִיב) and issue judgment (מִשְׁפֵּט).

⁷¹ See above, §3.3.9.1.

SE describes the offices of senior members, primarily in terms of their juridical function, as in the Exodus narrative (Exod 18:21–25; Deut 1:15). At the same time, the heads of thousands, hundreds, fifties and tens have military duties. The numerical divisions correspond to military units in the Hebrew bible (Num 31:5, 14, 48, 52–54; Deut 33:17).⁷² The terms “judges and administrators,”⁷³ “tribes” and “clans” are thoroughly biblical; the term “tribe” (שבט) clearly conveys anticipation of the reconstitution of biblical Israel. The *War Rule* confirms anticipation that the Sons of Light would be mustered as the twelve tribes of Israel, each of which contributed soldiers for battle against the Sons of Darkness (1QM 2:1–8; 3:13–14).⁷⁴

5.5.3.1 Analogies to Age Classes, Maturity, and Political Service in Scripture and the *Politeiai*

Scriptural precedents: As I have shown at some length in my analysis of the Rule for Judges in CD 10:4–10a, the Covenanters took pains to base their age classes on scriptural law. Here I will mention another possible appropriation from Scripture: according to my interpretation of the ages of marriage and civil service, a man who marries at twenty seems to be exempt from military duty until age twenty-five. What purpose would such exemption serve? A principle may be detected in a law in Deut 20:17, which allows men who are eligible for military service to remain at home, if they are engaged and not yet married. A similar one-year exemption appears in Deut 24:5 for newly married men. It is possible that SE applies these laws to the entire age class of twenty to twenty-four: during this period men are expected to marry, have children, and establish their households. This period certainly also includes advanced education through the “hearing of judgments” (1QS_a 1:11b).

The politeiai: Above I argued that the Covenanters’ system of age classes for education and marriage also came from contemporary political conventions, not Scripture; conventions on age classes for political service also appear throughout the *politeiai*. A few examples will suffice. In Plato’s *Laws* a man enters military service at age twenty and

⁷² See also 1 Sam 8:12, 22:7; 23:23; 29:2; 2 Sam 18:1, 4; 1 Chr 12:20; 15:25; 26:26; 27:1; 28:1; 29:6; 2 Chr 1:2; 17:14; 25:5. See Yadin, *Scroll of the War*, 49ff.

⁷³ See Deut 16:18; Josh 8:33; 23:2; 24:1; 1 Chr 23:4; 26:29; 27:29.

⁷⁴ This hope puts the *Yahad* manifestly at odds with some rabbis’ conviction that the ten tribes were eternally lost and would not see the world to come (*m. Sanh.* 10:3).

serves until sixty, unless he is appointed to political office (785a–b). Within Magnesian state institutions eligibility to hold office is, in part, based on age., e.g., the minister of education must be at least fifty years old (765d); an official at least age forty supervises children's education in music, and one at least thirty judges musical competitions between youths (764e–765a). The entire legal system of Magnesia is overseen by the Scrutineers, who are elected from among citizens aged at least fifty. Those elected serve until age seventy-five (946a–d).

Xenophon describes several age-class-based civic roles in his *Politeia of the Spartans*. As we have seen, young men who have just graduated from the educational system enroll in a *sussition* where they share meals and living quarters with peers until age thirty.⁷⁵ At age thirty a man becomes eligible to live in at home with his wife and children, but is still required to take at least one meal in the *sussition*. The elders, men over sixty, are relieved of military duties and become eligible for election to the *gerousia*, a high council that, among other things, tries capital cases.⁷⁶

The Aristotelian *Constitution of Athens* describes several offices for which there are age qualifications. Under the constitution of the Four Hundred, officials were elected from among citizens over forty.⁷⁷ Ten officials from this age class were elected to draw up a register of five thousand citizens, who then elected one hundred men to draft and ratify laws. One of the most important laws of the Five Thousand created the *boulē*, whose members had to be at least thirty.⁷⁸ Throughout the remainder of the *Constitution of Athens* thirty is the minimum age for holding major public office, and some offices have stricter requirements: officials in charge of military education must be at least forty (42.2); as in Plato's *Laws* the official in charge of boys' *choregi* also must be forty; and the arbitrators who decide appeals of jury-courts' verdicts must be sixty (53.4).

The Mishnah: I conclude with *m. 'Abot* 5:21, which systematizes age classes more comprehensively and concisely than any other ancient text that I have found. The following table summarizes the tractate:

⁷⁵ Xen., *Lac.* 3.1–4.6. For analysis see Moore's commentary, *ad loc.*

⁷⁶ Xen., *Lac.* 4.7; 10.1–3. See also Plut., *Lyc.* 16 and Arist., *Pol.* 1270b 36–1271a 13.

⁷⁷ Arist., *Ath. pol.* 29.2.

⁷⁸ Arist., *Ath. pol.* 30.1–4.

Table 5b: Age Classes in the Mishnah

Stage	Age	Obligation, rights, and status
Education	5	מקרא, learning to read Torah
	10	משנה, interpretation of Torah in the Mishnah
	13	מצות, mature interpretation of laws, possibly including sexual laws
	15	תלמוד, learned commentary on משנה and מצות
Marriage	18	cp. 1QSa 1:9b–10a, where age 20 is minimum for marriage
Public service	20	לרדוף, “pursuit”: the term is ambiguous, and seems deliberately so. Twenty years of age is that of military service, but when the Mishnah was composed such was out of the question for Jews. The ambiguity of the verb רדף serves well: for insiders who know Scripture, its military implications are clear. The term can also refer to pursuit of righteousness, wisdom, and peace, and so can be taken to designate continuation of a young man’s pietistic education, not military training. ⁷⁹
	30	כוח, entering public service with full strength
	40	בינים, continuing service with mature understanding
	50	עצה, giving counsel with full authority, possibly as a teacher
	60	זקנה, the age of an elder
Old age	70	שיבה, grey hair
	80	גבורה, “strength”—this could mean that one who attains this age with full faculties has been blessed with special qualities
	90	שוח, decline
	100	באילו מת ועבר ובטל מן העולם, fully prepared for death; lit., “as though dead and passed over and ceased from the world”

The sequence of life through age classes here is remarkable for its combination of piety, practicality, and, I think, anticipation of restoration: the pursuit of knowledge will be accompanied by training for warfare at age twenty. The arrangement of educational curriculum by age class rivals that of the *politeiai*, and the description of honor along-

⁷⁹ For military pursuit see Gen 14:15; Lev 26:7, 37; Deut 30:7; Josh 2:7; 8:20; 16:22; Judges 3:28; 4:22; 7:25; 8:4–5; Isa 30:16; 1 Sam 24:14; 26:8; 2 Sam 24:13; Amos 1:11; Ps 7:5; 143:3; cp. Ps 31:16; 69:27; 83:15; Prov 28:1; Isa 14:6; Ezek 35:6; Nah 1:8. For righteousness, learning, etc.: Deut 16:20; Isa 51:1; Prov 15:9; 21:21; 34:15.

side decline in senectitude is unparalleled. It seems to me that the age classes in *m. 'Abot* are as much influenced by political conventions of the Roman imperial era as the Covenanters' age classes. The ambiguity of the verb רדף for age twenty, and the beginning of literacy at age five, point to responses to the Roman context. In the present, Jewish learning bests that of the Romans, as it begins at an earlier stage. In the future, young men will resume learning the art of pursuing enemies in warfare, as they also study righteousness by the laws of Torah.

5.5.4 *General Principles of Selection for Service, Rank, and Advancement (1QSa 1:16b–19a)*

1:16b וכול רוש⁸⁰ אבות העדה אשר יצא הגורל להתיצב]בעבודות
 17 [לצא]ת ולבוא לפני העדה ולפי שכלו עם תום דרכו יחזק⁸¹ מתניו
 למעמ[ד לצב]ואת 18 עבודת מעשו בתוך אחיו
 [בי]ן רוב למועט] זה על[זה יכבדו איש מרעהו
 19 וברובות שני איש לפי כוחו יתנו משאו בע[בוד]ת העדה

1:16b Any head of the fathers of the Congregation for whom the lot is cast to take a posi[tion] in the services 17 [and to co]me and to go before the Congregation, shall, in accordance with his knowledge and the perfection of his way, gird his loins for service, in order to perform 18 the service of his work amongst his brothers.

[Fro]m the greater to the lesser, [each in relation to] the other, each man shall be honored in comparison to his neighbor.

19 And as the years of a man increase, in accordance with his strength he shall provide his work in the se[rvi]ce of the Congregation.

⁸⁰ The reading is disputed. The scribe first erred, writing שרו. He then marked the first *shin* for deletion by placing dots beneath and above it, and wrote the *shin* supra-lineally after the *waw*. Licht correctly transcribed רוש; Schiffman follows this basic reconstruction but emends the form to [רוש]י, thus yielding “and all the head[s] of the clans of the congregation” as the conclusion of the preceding sentence (*Eschatological Community*, 21). Stuckenbruck and Charlesworth place the *shin* before the *waw* to yield רשי, which they then emend to ראשי, thus “each head of the magistrates” (PTSDSS 1.112–13). Both reconstructions require an additional correction beyond that made by the scribe. It seems preferable, with Licht, to accept רוש as the intended and correct form. This reading places the noun in agreement with the pronominal suffixes in the conclusion of the sentence, all of which are singular masculine: שכלו, “his wisdom”; דרכו, “his way”; מתנו, “his loins”; מעשו, “his work”; אחיו, “his brothers.” Allowing רוש to remain singular upholds the clarity of the text; if a plural is read, we must begin with a phrase that could be read collectively (“and all the heads of the fathers”) or distributively (“and every head of the fathers”). The pronominal suffixes that follow require that the phrase denote a singular entity; it seems simplest to allow the scribe’s singular noun to stand, since it eliminates ambiguity and is, after all, what is written.

⁸¹ Emended; 1QSa has מתנו.

The first sentence in this passage signals a change in topic: up to now SE deals with the stages of maturity through which members advance; its laws now address general principles by which senior members of the Congregation take office, and two summary statements on hierarchy and responsibility. The text first addresses the duties of **כל ריש אבות**, a phrase that seems likely to designate a high-ranking leader among the leaders (**אבות**) of local clans. This interpretation of **אבות** is consistent with usage of the same term in the Penal Code of D, where it refers to individual authorities (4QD^e fr. 7 i 13–15); it is further supported by Rabbinic usage of the term **אבות** for leaders, and by usage of similar language for leaders in synagogue inscriptions, as well as Scripture.⁸² It is of course also possible that the term **אבות** designates clans, as it sometimes does in Scripture, e.g., Josh 19:51; 1 Kings 8:1.⁸³ However one chooses to translate, it seems clear that each **ריש אבות העדה** is chosen from among a well defined group of Israelite leaders.

Senior officials are appointed by lot, most likely for a limited duration of time (1QSa 1:16–17). Once one finishes his term of service, another is chosen to replace him. Judges in D (CD 10:4–10) similarly serve limited terms. Selection by lot does not necessarily mean, however, that officials are chosen randomly: the rule stipulates that officers perform work commensurate with their understanding of and adherence to the law (1QSa 1:17–18). At the same time that our text stresses hierarchy, it refers to those among whom the officer works as his “brothers” (1:18). Whether this refers to all members of the Congregation with whom he serves or only fellow officers, it doubtless includes people of higher and lower rank. Thus we find an expression of social equality juxtaposed to descriptions of persistent, indeed, ideologically essential, political inequality. All citizens of eschatological Israel are brothers, but not all brothers have equal status.⁸⁴

⁸² See §3.3.2.3 for discussion.

⁸³ Schiffman, *Eschatological Community*, 21 and García Martínez translate **אבור** “clans”; Vermes and Pfann, “family”; Barthélemy, “anciennes”; Charlesworth and Stuckenbruck, “magistrates.”

⁸⁴ J. Ober argues that the combination of political equality and social inequality was a central feature of politics in democratic Athens. *Mass and Elite in Democratic Athens: Rhetoric, Ideology and the Power of the People* (Princeton: Princeton University Press, 1989) 293–306. We might consider how the expertise of officials of the Covenanters may have been analogous to that of the *rhetor*, the legal expert who protected the masses from the abuse of power by the elites, and simultaneously guarded the interests of the elite by upholding a “rule of law” that benefited them.

Two additional rules on status conclude our passage. The first instructs members to give appropriate honor to their fellows on the basis of their status, whether great or small (1:18b). Presumably this statement applies to distinctions based on age as well rank. As we have seen, hierarchy is central to sectarian ideology. In restored Israel, society is highly stratified. As in the *Yahad*, status distinctions significantly determine how citizens relate to each other.

The last statement, “as the years of a man increase, in accordance with his כֹּחַ he shall provide his work” (1:19a), may be read as the conclusion to this passage or as an introduction to the next, or as both. I think it best to take it as a concluding statement on status that wraps up the portion of SE devoted to citizens’ progression from childhood to maturity, through the educational and service offices of the society. The statement in 1:19a simply indicates that a citizen’s duties will change as he progresses through the age classes. כֹּחַ may refer to qualifications and skills that increase with age and experience; the same usage appears in Scripture, e.g., 1 Chr 26:8. In view of the fact that SE introduces the principle of increasing כֹּחַ immediately after discussion of the age thirty, it is significant that the Mishnah identifies age thirty as that of כֹּחַ (*m. ’Abot* 5.21). Both SE and the Mishnah seem to associate “strength” or “vigor” with the intellectual maturity required for leadership.

Given that the immediately preceding material deals with obligations incumbent upon specific age classes, and that the statement contains nothing about *limits* on duty due to old age, we should read 1QSa 1:19a as a reiteration of the two main principles of the laws thus far: 1) as men advance through the age classes, they will acquire new qualifications and status that lead to greater privileges and responsibilities; 2) the establishment of social and political hierarchy is grounded upon differences in abilities, which must be assessed through regular examinations. These principles are ubiquitous in the *politeiai*; the fact that SE and D contain them supports viewing the Covenanters’ organization and regulation as appropriations of patterns known from the state context, whether by exposure to political life, or through study of constitutions, or, as I am inclined to think, both.

The principles of this passage complement those introduced in 1QSa 1:6–7. The earlier passage treats principles governing childhood and adolescent education: youths will be instructed according to their age and understanding. This seems to suggest that certain instruction and status are given to all boys when they reach certain ages, while

more precocious youths receive more advanced or specialized training. The later passage reiterates the meritocratic principle: mature members will be given offices and duties commensurate with their abilities, or כּוּחַ. As we know from the other Rule Scrolls, members' understanding of and adherence to communal law are repeatedly scrutinized during their association with the sect. While SE is curiously silent on the matter of scrutinies, the principle of hierarchy of merit implies that regular assessments were expected to continue in restored Israel.

5.5.4.1 *A Restriction on Eligibility for Service in the Congregation*
(1QSa 1:19b–22a)

1:19b וכול איש פותי 20 אל יבוא בגורל להתיצב על עדת ישראל לר[י]ב
מ[שפט ולשאת משא עדה 21 ולהתיצב במלחמה להכניע גוים
רק בסרך הצבא יכתוב משפחתו 22 ובעבודת המס יעשה עבודתו כפי מעשו

1:19b No simple-minded man 20 shall come by lot to take a position of service for the Congregation of Israel, to deci[de ju]dgment, to perform the work of the Congregation, 21 or to take a position in war to subdue the nations.

Only his clan may be written in the register of the host, 22 and he shall perform menial labor, his service being proportionate to his ability.

This restriction continues and completes the themes of the immediately preceding passage in two ways. First, it enforces the general principle that the Congregation must be organized according to a hierarchy of status by adding a final status: those permanently excluded from service or office. This rule's exclusion of the פּוֹתִי seems to break with the laws of D, at least on the face of it: as we have observed, D allows a פְּתִי priest to serve, provided that a learned Examiner is present to instruct him on how to conduct his duty (CD 13:4–7).⁸⁵ Is there a discrepancy between the texts?

It is possible, as Schiffman maintains, that we are dealing with another case of intensified zeal for laws, as in the case of the minimum age of judges. While the sectarians allowed פְּתִי priests to serve the Camps during the pre-eschatological era, they anticipated that in restored Israel, no אִישׁ פּוֹתִי could lead in any way. But this is inconsistent with the laws of D itself, which list another class of פְּתִי alongside the אִוִּיל וּמְשׁוּגָע, along with the blind, crippled, lame, and deaf (CD 15:15b–16): clearly פְּתִי here belongs among the permanent

⁸⁵ See §3.4.1, above; Schiffman, *Eschatological Community*, 27.

disabilities, not defects in education. A more plausible interpretation is that the term פְּתִי(וֹ) meant different things in the texts: in D the פְּתִי priest is sufficiently in charge of his mental faculties to comprehend explanation and to render a judgment as the Examiner instructs him. His simple-mindedness is merely lack of education. In SE, as in CD 15:15b, the term refers to a permanent mental disability that no amount of education can remedy.

The rule concludes with a passage that suggests that he is not eligible register as a full citizen of the Congregation: “only his clan,” presumably acting on his behalf, is enrolled in the roster of the Congregation. He is permanently excluded from office, contributing labor commensurate with his abilities. Yet while the אִישׁ פְּתִי is eligible for service to the Congregation, he retains legal status within Israel. This is to say, SE does not deny those who are disqualified through no fault of their own the right to dwell within the holy nation and to perform essential services for the Congregation of Israel. Presumably they may also count on the state to guarantee their welfare: this law of exclusion simultaneously guarantees protection and support for vulnerable Israelites. It stands as a thematic parallel to the instructions regarding charity in D: CD 14:12–16 requires that the community provide not only social but also material support for members excluded from the Assembly due to impurities. As discussed in detail in my analysis of CD 14, comprehensive provisions for the vulnerable also appear throughout the *politeiai*. The provision for the פְּתִי in SE is consistent with its constitutional nature.

5.6 PROTOCOL FOR ASSEMBLIES OF THE CONGREGATION (1QSA 1:22B–2:22)

The final two sections of SE give laws on protocol for various assemblies. The first section treats four state assemblies (1:22b–2:10); the second treats two assemblies that the Messiah of Israel, i.e., the king, attends (2:11–22). While the king is not mentioned in protocol for assemblies of the entire Congregation (1:22b–25a), juridical assemblies, assemblies called by the Council of the *Yahad*, or assemblies for war (1:25b–26b), this does not necessarily mean that he is not expected to be present at meetings, or at least in Israel. After all, the restoration of Israel at the End of Days coincides with, perhaps even depends upon, the appearance of the priestly and royal Messiahs (1QS 9:11; CD

12:23–24; 14:19; 19:10–11; 20:1).⁸⁶ In the last section of SE, the king is mentioned in protocol for two other kinds of meetings: appointed times of the Council of the *Yahad* (1QSa 2:11–17a), and meals of the *Yahad* (2:17b–21a). I think it likely that these statutes mention the king's attendance for three reasons: first, at these meetings he plays an important role—albeit one that is not described explicitly; second, the Covenanters wanted the law of restored Israel to clarify definitively the hierarchy of authority between the king and high priest. As I argue below, the protocol for these meetings subjugates royal to priestly authority: while the king is essential to governance of restored Israel, his leadership depends on submission to the high priest, and to the priestly authority that the Council of the *Yahad* embodies. Finally, while the king's presence and status are main concerns of the concluding passages, both are about meetings the Council of the *Yahad* convenes. This confirms that the *Yahad* will continue to have supreme authority in restored Israel. My suspicion is that they will continue to lead regulation of the cult, now in the restored temple, and render expert judgments about Israelite law. The king will not only retain them as an advisory Council, but will be answerable to them.

The Covenanters' alternative civic ideology is fully in view in SE, and most so in its concluding passages on assemblies. These sections depict the sect's vision of restored Israel, with particular emphasis on their own role governing it: they will lead in juridical matters, in matters of war, and of course in cult. The Sons of Zadok, righteous priests as in 1QS, will take positions of prominence. The *Yahad* will remain the central authority for cultic and legal matters.

5.6.1 *Concluding Statement on Protocol at Plenary Sessions of the Congregation of Israel (1QSa 1:22b–25a)*

1:22b וּבְנֵי לֵוִי יַעֲוֹדוּ אִישׁ בְּמַעֲמָדוֹ 23 עַל פִּי בְנֵי אַהֲרֹן לְהַבִּיאַ וּלְהוֹצִיא אֶת
 כּוֹל הָעֵדָה אִישׁ בְּסִרְכּוֹ עַל יַד רֵאשִׁי 24 [א] בּוֹת הָעֵדָה לְשָׂרִים וּלְשׁוֹפְטִים
 וּלְשׁוֹטְרִים לְמַסְפָּר כּוֹל צְבָאוֹתָם עַל פִּי בְנֵי צְדוֹק הַכּוֹהֲנִים 25 [וְכוֹל] רֵאשִׁי
 אֲבוֹת הָעֵדָה

1:22b The sons of Levi shall stand, each in his place, 23 in accordance with the authority of the sons of Aaron, in order to bring in and to dismiss the entire Congregation, each man in his rank, under the command

⁸⁶ On the possibility that the two Messiahs will play key roles in atoning for the sins of Israel see J. Baumgarten's comments on 4QD^a fr. 10 i 11–12, *DJD* 18, 73.

of the heads 24 [of the fa]thers of the Congregation, the rulers, the judges and the authorities of all hosts by number, in accordance with the authority of the sons of Zadok, the priests, 25 [and all] the heads of the fathers of the Congregation.

The text shifts topics rather abruptly here, but the purpose of this passage seems clear: to provide protocol for the plenary assemblies of the Congregation of Israel mentioned in 1:4–5. I suspect that the *Vorlage* contained a rubric and additional descriptions and laws immediately prior to this material.

The laws regulate activity at the assembly—entrance, seating, and dismissal—by social hierarchy. Two forms appear here, as in S: that of priests and that of lay authorities. Both are described in constitutional language drawn from Scripture. First, as in Numbers, Ezekiel and Ezra-Nehemiah and other texts, the Levites are subordinated to non-Levite priests, who are called “sons of Aaron” and “sons of Zadok” interchangeably in the Rule Scrolls; both terms occur in the first paragraph. As it stands, our text provides no details about the duties of each group. We may infer that the priests decide the meeting’s agenda and preside, while the Levites ensure the meeting follows proper order.⁸⁷ The Levites stand during the assembly, bring in participants at the beginning, and dismiss them at the end. Most likely they are responsible for ensuring that all who attend enter, sit, and leave in accordance with their rank and clan membership. Details about the lay hierarchy are difficult to infer. It seems that the assembly sits by clan divisions under leaders called “the fathers,” who sit in prominent positions. The top office within a clan appears to be the “chief” or “head”; under him are “rulers, judges and authorities,” and the rest of the clan. The assembly is arranged “by number,” i.e., in formations of thousands, hundreds, fifties and tens. This arrangement, as noted above, has both juridical and military precedent in Scripture.

The first paragraph concludes by naming the highest-status participants in the assembly: the sons of Zadok and the chiefs of the clans. Naming priestly authorities first implies their superior status; that the priests should have higher status than the laity comes as no surprise.

⁸⁷ On the Levites’ service to the sons of Aaron see the revised Schürer, 2.250–56; Num 18:1–8; 3:5–13; Ezra 2:40–58 || Neh 7:43–60; Ezek 44:10–31; 2 Chr 13:10.

5.6.2 *Assemblies of the Ruling Councils of Israel (1QSa 1:25b–27a)*

1:25b ואם תעודה תהיה לכול הקהל למשפט או 26 לעצת יחד או לתעודה
מלחמה וקדשום שלושת ימים להיות כול הבא 27 עת[יד לע]צה⁸⁸

1:25b And if there is a determination for any assembly, whether for judgment or 26 for a Council of the *Yahad* or for a determination of war, then they shall sanctify them(selves?) for three days so that everyone who comes 27 is prepar[ed for the C]ouncil.

The remainder of SE outlines governing assemblies of Israel. These introductory lines distinguish meetings of state authorities from plenary sessions of the Congregation of Israel in two ways: first, while the Congregation as a whole convenes for instruction (1:4–5), these Councils assemble for juridical, cultic, military, and other state-oriented deliberations (1:25b–26a). Naturally the entire Congregation of Israel is not invited: only officials and experts contribute meaningfully. In the reference to a council that convenes for deliberation of war, we may detect here sectarian reflection on laws of war in Deut 20:1–9, which identifies a priest and military commanders who address the troops before venturing into battle. A similar quasi-council of high priest and officers appears in Num 31:48–54. While these groups are not called a war council, sectarians may have understood them as such.

All who are eligible to attend these meetings must purify themselves for three days in advance. The requirement that all participants must be pure fits well within the sect's ideology: the governing assemblies of Israel are holy. Indeed, as the Rule states below, holy angels are in attendance (1QSa 2:8–9).⁸⁹

⁸⁸ The reconstruction of Pfann and Barthélemy, ל[הנה, makes little sense syntactically and does not match the photograph, which shows only the left side of the penultimate letter and the final ה. The left side of the penultimate letter is a downward vertical stroke terminated by a left horizontal stroke at the bottom. In the middle of the vertical stroke there appears to be a dot just to the right, the remainder of a horizontal stroke once connected to the lost portion of the letter. The letter could not be ל, which has no horizontal stroke from the right middle. Licht and Carmignac, Schiffman and García Martínez, restore the letter as צ. The word could then be reconstructed, לע[צה, which makes good sense syntactically and thematically, as well as paleographically.

⁸⁹ This passage supports my argument that the purity of the Many in the Rule Scrolls designates not only food, but all space, persons, activities, and implements used in important deliberations. We could easily refer to the activity, persons, and implements used in these official meetings as the “purity of the assembly.” No one who was impure or, we may safely presume, under penalty, would have had access to these spheres of pure and holy activity.

5.6.3 Eligibility for Council(s) of the *Yahad* (1QSa 1:27b–2:3a)

1:27b אל ה האנשים⁹⁰ הנקראים לעצת היחד
 מבן עש[רים]⁹¹
 כול 28 ח[כמי] העדה והנבונים והידעים תמימי הדרך ואנושי החיל עם 29
 [שרי השב]טים וכול שופטיהם ושטריהם ושרי האלפים ושרי [למאות] 2:1
 ולחמשים ולעשרות והלויים בתו[ך מחל]קת עבודתו
 אלה 2 אנושי השם קוראי מועד הנועדים

1:27b These are the men who are called to the Council of the *Yahad*:
 from the age of twen[ty –] *vacat*

All 28 the w[ise ones] of the Congregation, those who have been instructed, those who have knowledge, those perfect of the way, and the men of valor, together with 29 [the rulers of the tri]bes and all the judges and their administrators, and the rulers of thousands and the rulers [of hundreds] 2:1 and fifties and tens, and the Levites in the divis[ion of his serv]ice.

These are 2 the men of renown, those called at the appointed time, who assemble for the Council of the *Yahad* in Israel 3 before the sons of Zadok, the priests.

After introducing protocol and purpose of Israelite assemblies, SE describes those eligible for service in the most important governing body: the Council of the *Yahad*. Technical terms for groups within Israel are illuminating, since their usage is consistent: “Congregation” (עדה) designates all of Israel; “assembly” (קהל) is only used for meetings of leading officials. As in S, “Council” (עצה) designates the governing body with supreme authority. It is quite likely that the usage of the terms קהל and עצה show the influence of the Greek constitutional terms, ἐκκλησία and βουλή, respectively.

We have a small problem to solve: 1QSa 1:25b–27a distinguishes between juridical assemblies, assemblies of the Council of the *Yahad*, and assemblies to deliberate warfare. Yet 1QSa 1:27b–2:2 names judges and military leaders, along with others, as those who are called to the Council of the *Yahad*. What relationship did the Covenanters envision between the Council of the *Yahad* and the other assemblies? And what is the relationship between the Congregation and the *Yahad* in SE?

⁹⁰ Emended; 1QSa has הנשים.

⁹¹ The words מבן עש are a scribal error similar to that in 1:12. Like the error in 1:12, it preserved the first words of a law about age classes. It seems likely that the *Vorlage* contained a statement on the ages at which members would become eligible to participate in the Council of the *Yahad*. Cp. notes in Schiffman, *Eschatological Community*, 33 n. 20; Barthélemy, *DJD* 1, 116.

At least two possibilities arise: first, perhaps the Council of the *Yaḥad* comprises all the leaders named in 1:27b–2:2. In 1:25b–27a “Council of the *Yaḥad*” may designate a specific purpose for which the body meets. In this scenario, since juridical and military meetings were already named, a Council of the *Yaḥad* could designate meetings at which the same officials legislate, register citizens, scrutinize officials, regulate cultic affairs, and so forth.

The second possibility, which I think more likely, is that the juridical assemblies, military assemblies, and assemblies of the Council of the *Yaḥad* are meetings convened by different bureaucratic bodies. The judges of the Congregation call an assembly for judgment to decide a case of supreme importance, such as a capital charge, or a charge against a leader. Officials who are not judges might attend, but the judges determine the agenda and preside. Similarly, an assembly called by the Council of the *Yaḥad* requires participation of officials of other bodies to hear and decide a specific issue over which the *Yaḥad* has jurisdiction. An assembly for war is called by military leaders or, perhaps, the king, and also requires the participation of all officials. In this scenario, 1QSa 1:27b–2:2 designates all who are eligible to attend a meeting convened by the Council of the *Yaḥad* called at a specific occasion (תעודה): the “wise ones,” the “perfect of the way,” tribal rulers, judges and other officials, and military leaders. Levites ensure that protocol is followed, and priests preside.

The latter scenario is consistent with what we know about the Council of the *Yaḥad* in S: it comprises non-priests, priests, and Levites; membership requires extensive education and testing; and “perfection of the way”—both perfect knowledge and action in conformity to that knowledge—is expected of all members. Further, this scenario is more plausible for a restored, fully functioning Israel in which judges and military units are located throughout the land. If the Council of the *Yaḥad* in SE continues the habits of the *Yaḥad* in S, then it meets daily. All active judges and military leaders would not be able to travel for daily meetings of the *Yaḥad*, if they were to fulfill their duties well.

Members of the Council of the *Yaḥad* embody the highest ideals of the Covenanters. They are “wise,” “instructed,” and “possessors of knowledge.” Through application of their learning they are “perfect of the way” (1:27b–28a). The leading officials of Israel are eligible for the Council: “men of valor,” i.e., military leaders; the heads of tribes; judges and officials; leaders of military divisions; and Levites (1:28b–2:1a). All of these categories are derived from Scripture; here they are used

together to describe the leaders of a nation comprehensively. The “men of renown,” a title drawn from Num 16:2, also receive the title קריאי מועד, “those called for the appointed time.” The “appointed time” is, as 2:2 indicates, whenever the men assemble for a “Council of the *Yahad* in Israel” (1QSa 2:2). This assembly thus functions as a Council conducting the juridical and cultic business of Israel. The passage concludes with emphasis on the authorities presiding over the Council of the *Yahad*: as in 1QS, they are priests, here again designated by the Ezekelian honorific, “Sons of Zadok.”

5.6.3.1 *The Congregation and the Council of the Yahad: a Link between S and D?*

The language of this passage brings together terms used independently in S and D: the latter refers to its addressees as members of the Congregation, while the former addresses members as the Council of the *Yahad*. One of the most vexing problems in scholarship on the Rule Scrolls is the relationship between S and D: how did members of the Camps and Congregation regard the *Yahad*? Some scholars, myself included, build speculative bridges across the gaps in evidence; the fact is that we have no explicit statement on simple issues such as how the *Yahad*'s atoning work was regarded by the Congregation, nor how members of the Camps might have joined the *Yahad*, let alone on more complex issues such as how members of the Camps and *Yahad* conducted, or as I would like to imagine, coordinated, their respective covenant renewal ceremonies. It is possible that this passage in SE provides a linguistic link between S and D and the segments of the Covenanters that they governed. It may help us understand how members of the Camps/Congregation became eligible for candidacy in the *Yahad*.

According to 1QSa 1:27b–2:1a, in restored Israel members of the Council of the *Yahad* will be drawn from the ranks of the Congregation. Eligibility requires extensive education and discipline, valor, and military leadership. Perhaps here we have a shadow of a clue: some members of the Camps, who were part of the larger Congregation governed by D, fulfilled their ambition to join the more prestigious *Yahad* by demonstrating leadership ability, practicing strict self-discipline, and above all, excelling in the study of sectarian law. Thus the best studied among the Congregation, and its leaders, and its most rigorously pious, were eligible for candidacy in the *Yahad*. Further linguistic support—again, only a sliver of evidence—comes in the concluding sentence of our passage, which calls member of the *Yahad* “men of renown.”

This phrase is drawn from Num 16:2, where it refers to leaders of the Congregation (עדה) of Israel. Again we find a link between the Congregation and the *Yahad*—perhaps members of the *Yahad* were drawn from the “men of renown” within the Congregation.

Neither of these linguistic links carries the same weight that a passage relating the Camps to the *Yahad* would carry;⁹² nevertheless the author of SE seems to have been familiar with technical terms used both within the Camps of D and the *Yahad* of S. The possibility that SE alludes to processes—education and evaluation—by which members of the Camps are eligible to serve in the Council of the *Yahad*, is worth considering.

In any case, this passage sketches the perfectly ordered administrative and military authorities that govern life in restored Israel. While hierarchies remain, all members of the Council of the *Yahad*, from the priests to the captains of small military units, are wise, knowledgeable, instructed. They are precisely the kind of men whom the God who “loves knowledge” (CD 2:3) would choose to lead Israel. These “men of renown,” called by God at the appointed time (1QSa 2:2), are the only suitable Council for Israel in the Covenanters’ civic ideology: a dedicated lot of learned civil servants who regard governance of Israel as a holy task, approach their duties with utmost regard for purity, and conform all activity to priestly standards.

5.6.4 *Restrictions on Participation in the Assembly and Council* (1QSa 2:3b–11a)

2:3b וכול איש מנוגע באחת מכול טמאות⁹⁴ 4 האדם אל יבוא בקהל אל⁹³
וכול איש מנוגע באלה לבלתי 5 החזיק מעמד בתוד העדה וכול

⁹² E.g., 4QRuleIWishIHad: “And if a man from the men of the Camps wishes to freely volunteer himself to join the Council of the *Yahad*, those who walk in perfection in submission to the Sons of Zadok, the priests, and the Multitude of the men of their covenant, then he shall submit himself to the Examiner of his Camp. If he attains to the discipline, then the judges shall examine his deeds and knowledge. If the lot goes forth for him to cross over into the ranks of those who walk in perfection, then he shall approach the man who is appointed at the head of the Many, who shall examine him. But if the lot goes forth for him to remain in the Camp, then he shall be separated for ten days and be fined one-half his bread.”

⁹³ Emended; 1QSa has באלה, perhaps due to parablepsis: באלה appears in the same line, four words after.

⁹⁴ Pfann incorrectly inserts the scribe’s supralinear correction, ת, before the ן to obtain טמאתו, which makes no sense syntactically. The correction should be placed

מנוגע בכשרו נכאה רגלים או 6 ידיים פסח או עור או חרש או אלם או
 מום מנוגע בבשרו 7 לראות עינים או איש זקן כושל לבלתי התחזק בתוך
 העדה
 8 אל יבו[או] אלה להתיצב [ב]תוך עדת א[נ]ושי השם כיא מלאכי
 9 קודש [בעצ]תם
 ואם יש דב[ר] לאחד מ[א]לה לדבר אל עצת הקודש 10 [ו]דורש[והו]
 מפיחו ואל תוך[ן] העדה ל[א] יבוא האיש כיא מנוגע 11 [ה]וא
 [זה] מו[שב] אנשי השם [קרואי] ⁹⁵ מועד לעצת היחד

2:3b Any man afflicted with one of the impurities 4 of a man shall not enter into the assembly of God. No man afflicted with any of these may 5 take a position in the Congregation. No man afflicted in his flesh, whether he is stricken in the feet or in 6 the hands, lame or blind or deaf or mute or spotted by an affliction of his flesh 7 visible to the eyes, or an elder who stumbles, may take a position in the Congregation.

8 These may not en[ter] to take a position in the Congregation of [the m]en of renown, for 9 holy angels [are in their Coun]cil.

But if [one of th]ese has so[met]hing to say to the Council of holiness, 10 [th]en they shall as[k it] of him from his mouth, but not in the Congregation. The man may not enter, for afflicted is 11 he.

[This is the ass]embly of the men of renown, those called at the appointed time for the Council of the *Yaḥad*.

Restrictions here pertain to members who, although otherwise in good standing, are temporarily or permanently impure and ineligible to hold office in the Congregation of Israel. In this passage the term “Congregation” refers, as elsewhere in SE, to eschatological Israel as a whole. Thus in 2:5a the act of “taking a position in the Congregation” means taking an office of any type. In 2:8 the phrase “Congregation of the men of renown” refers to a plenary assembly of Israelites over which the Council of the *Yaḥad* presides. Such plenary assemblies are holy; indeed, any such “assembly of God” (2:4) is so sanctified that “holy angels [are in] their [Counc]il” (2:9a). Because of the supreme holiness of assemblies convened by the Council of the *Yaḥad*, all with impurities or imperfections are excluded.

Nevertheless, access is not denied to the impure or disabled: if any such person wishes to address the Council at the assembly of the Congregation, he may consult an official, probably an Examiner, outside

after, as Schiffman and García Martínez correctly transcribe. Barthélemy’s transcription places the supralinear letter in the same place as the photograph, but his translation, “impuretés,” makes clear that he correctly reads the form, טמאות.

⁹⁵ Pfann has קריאי; the qal passive participle construct קרואי is more likely. The scribe’s waw and yod are virtually identical.

the Congregation, who would, if he deemed the matter worthy of consideration, relate the issue to the Council (2:9b–10). This protocol is analogous to established practice among members of the Camps: at their annual plenary assembly, members address concerns to the Examiner, not to the Many or the presiding priest (CD 14:11b–12a). The Examiner evaluates the issue and, if it warrants the Council's attention, presents it on behalf of the member.⁹⁶ In SE, the official is similarly available for Israelites whose purity status bars them from attending the assembly. The reason for this procedure in D is concern for order—at an assembly of all the members of the Camps, admitting every member who wished to speak would have created an unwieldy agenda. At the same time the procedure in D, as in SE, probably reflects concerns about purity. The Examiner's mediation between the Council and common members shields the holy Council from impurities.⁹⁷

We should note that those with temporary impurities or disabilities are not permanently barred from meetings of the *Yahad*, or even from joining it: in 1QSa 2:5 the verb הִתְחַזֵּק, like לְהִתְיַצֵּב in 2:8–9a, refers not to joining the Congregation, but to holding office. This must be the case, given that the first list of excluded persons included those stricken with temporary impurities “of a man” (טוּמְאוֹת הָאָדָם, 2:3–4) As Schiffman and Licht observe, the phrase derives from טוּמְאָת אָדָם, “human uncleanness” in Lev 5:3; 7:21. In Leviticus this type of impurity results from contact with corpses, as well as seminal emissions and other bodily fluxes.⁹⁸ Such impurities are temporary and disqualify the impure from participation in holy activities until he is pure. The second list of excluded persons in 1QSa 2:4–7 specifies those with congenital and permanent blemishes: the lame, blind, mute, deaf may be born as such or may acquire such conditions later in life. The final two impurities that warrant exclusion are a visible skin blemish, which may be permanent or temporary, and feebleness associated with old age. Since every impurity in the list is either temporary or able to occur at any stage of life, we must conclude that the persons are excluded only from leadership positions and participation in meetings of the *Yahad*. They retain their citizenship in the Congregation of Israel and are only barred from service for the duration of their impure state.

⁹⁶ Cp. the Examiner's role in gathering testimony in lawsuits in CD 9:16–22.

⁹⁷ Schiffman, *Eschatological Community*, 51–52.

⁹⁸ Schiffman, *Eschatological Community*, 38–42.

The passage concludes with a statement summarizing the preceding laws for assemblies of the authorities of Israel (1:25b–2:11a): “(Thus) the assembly of the men of renown, those called at the appointed time for the Council of the *Yaḥad*” (2:11b). This sentence signifies a transition to a new topic: protocol for meetings when the king of Israel was present.

5.7 PROTOCOL FOR MEETINGS WITH THE MESSIAH OF ISRAEL (1QSA 2:11B–22)

SE concludes with an appendix on protocol for meetings at which the “Messiah of Israel,” i.e., the king, is present. While most commentators have interpreted the rules in 1QSa 2:11b–22 as a single unit describing protocol for a “messianic banquet,”⁹⁹ I view the text as two sets of rules governing different occasions. The first treats an assembly of the entire Congregation that the Council of the *Yaḥad* convenes, and which the king attends (1QSa 2:11c–17a). The second regulates a meal at which ten or more members of the *Yaḥad* dine with the king (2:17b–22). Both passages have strong constitutional analogies: the first draws upon Biblical passages in which Israel’s king appears before the people, usually to exhort them to heed the laws of God.¹⁰⁰ The second resembles descriptions of more intimate meetings between the king and his advisory council, both in the Bible and in other texts, such as Xenophon’s *Politeia of the Spartans*. These concluding regulations refer back to two major topics in SE: first, protocol at assemblies of the entire Congregation of Israel (1:1–25a); second, protocol at assemblies of the ruling bodies of Israel, especially the Council of the *Yaḥad* (1:25b–2:11b). In both scenarios the king is treated with great honor, but it is clear that priests control procedures at the meetings and wield the highest authority.

⁹⁹ See Schiffman, *Eschatological Community*, 53–67; F. Cross, *Ancient Library of Qumran*, 75–77; Charlesworth and Stuckenbruck, PTSDSS 1.117.

¹⁰⁰ E.g., Solomon blesses the assembly of Israel at the dedication of the temple (1 Kings 8:14; cp. 2 Chr 6:3; 7:6). King Josiah stands with the elders of Israel, with all inhabitants of Jerusalem before them, and reads the Torah to them (2 Kings 23:1–3; cp. 2 Chr 34:29–32).

5.7.1 *Rule for Plenary Sessions with the Messiah (1QSa 2:11c–17a)*

2:11c אם יוליך] 12¹⁰¹ [אלה את] המשיח אתם יבוא] הכהן [רואש כול עדת
 ישראל וכול 13 א[יש מבני א]הרון הכהנים [קרואי] 102 מועד אנושי השם וישבו
 14 ל[פניו איש] לפי כבודו ואחר י[שב מש]יח ישראל
 וישבו לפניו ראשי 15 א[לפי ישראל אי]ש לפי כבודו כמ[עמדו] במחניהם
 וכמסעיהם
 וכול 16 ראשי א[בות הע]דה עם חכמ[י הקודש] יישבו לפניהם איש לפי
 17 כבודו

2:11b When 12 [God bring]s the Messiah with them, the priest shall enter at the head of the entire Congregation of Israel, and every 13 m[an from among the sons] of Aaron, the priests, those called at the appointed time, men of renown. They shall sit 14 b[efore him, each man] according to his honor, and then sha[ll sit the Mess]iah of Israel.

They shall sit before them, the heads 15 of the th[ousands of Israel, each ma]n according to his honor, by [his stand]ing in their Camps and by (the order of?) their marches.

Then all 16 the heads of the fa[thers of the Con]gregation, with the wise me[n of holiness,] shall sit before them, each man according to 17 his honor.

The language used to describe participants and protocol in this plenary assembly of the Congregation clearly reflects that of the plenary session of the Congregation of Israel in 1QSa 1:4–5 and 1:22b–2:3a. The present passage defines the situation of the assembly more explicitly: the king is present (2:12, 14). Apparently the author felt it necessary to elaborate on the priests' behavior and status in such a situation, for he follows this condition with an expanded description of the priests' roles. First, the priest (הכהן, reconstructed), most likely the Messiah of Aaron in the eschatological era,¹⁰³ enters at the head of the assembly. Following him are "his brothers the sons of Aaron, the priests, those called at the appointed time, men of renown." Next, the lesser priests enter and sit according to rank before the head priest. Only after all

¹⁰¹ For notes on reconstruction see Charlesworth and Stuckenbruck, PTSDSS 1.109. Whether we read [יוליך] or [יולי] makes little difference in meaning: the point of the passage is that God has brought a new, legitimate king to Israel. יוליך is consistent with Ps 2:7, in which God says ילדתיך to the king; cp. 2 Sam 7:14: YHWH is like a father to the sons of David. It would hardly be surprising to find the Covenanters using such biblical language to describe God's restoring the legitimate kingship to Israel. At the same time the *hifil* of הלך is commonly used in the Bible to describe God or a person bringing or leading someone (see HALOT, s.v.).

¹⁰² Pfann's transcription transposes the י and the ך, yielding קריאו, which must be a typographical error.

¹⁰³ See J. Collins, *Scepter and the Star*, 74–101.

priests have entered and been seated does the royal Messiah enter. The text implies that the high and common priests, seated with the royal Messiah, constitute the leading officers of the assembly. That the royal Messiah is not seated until after the entire body of priests suggests that he ranks below them or submits to their collective authority. Supreme authority belongs to the priest who enters the assembly first. Nevertheless the purpose of the priests' entrance and seating is to establish a most holy setting into which the honored, indeed, divinely established king of Israel makes his dramatic entrance.

Once the authorities are seated, the heads of the military divisions of the hosts take their seats. The concluding sentence describes the setting as a gathering of all the clans of the Congregation, seated together with the holy and wise men—i.e., the grand authority comprising chief priest, common priests and the royal Messiah—each man by his honor. In eschatological Israel all Israelites have some degree of honor, ranked hierarchically.

An interesting analogy to the plenary session with the king comes in Xenophon's *Politeia of the Spartans*. The ritual is described briefly and allusively; it is not clear whether it took place before all Spartans or simply before the nobles. The fact that the king regularly performs public sacrifice supports the former.¹⁰⁴

Everyone stands when the king enters except Ephors seated on their official thrones. Oaths are exchanged every month, the Ephors swearing on behalf of the city, the king for himself. The king swears to rule according to the established laws of the city, the city to maintain the royal authority unimpaired as long as the king keeps his oath.¹⁰⁵

Here we find a regular encounter between the Spartan king and his subjects, or perhaps only nobles and the Ephors. Like the priests in SE, the Ephors sit first and remain seated as the king enters. This arrangement confirms the king's supreme status, since he enters alone into space solemnly prepared by the Ephors; he is further honored as the people stand. At the same time the ritual symbolizes the king's accountability to the people of Sparta and Spartan law through the Ephors, who represent the people and enforce the laws. The Spartan king's accountability to the guardians of the laws is analogous to the king's relationship

¹⁰⁴ Xen., *Lac.* 1.2.

¹⁰⁵ Xen., *Lac.* 15.6–8, tr. Moore.

to the priests in SE: neither Spartans nor Covenanters allow that royal status affords immunity to state law and its authoritative interpreters.

5.7.2 *Rule for Meals with the Messiah (1QSa 2:17b–22)*

2:17b ו[אם לשול]חן יחד יועדו או לשתות הת[ירוש וערוך השולחן 18
היחד [ומסוך ה]תירוש לשתו[ת אל ישלח] איש את ידו ברשת 19 הלחם
ו[התירו]ש לפני הכוהן כיא [הוא מ]ברך את רשית הלחם 20 והתירו[ש]
ושלח [ידו בל חם לפנים
ואח[ר יש]לח משיח ישראל ידיו 21 בלחם [ואחר יבר]כו כול עצת¹⁰⁶ היחד
א[יש לפי] כבודו
וכחוק הזה יעשו[ו] 22 לכול מע[רכת כי יו]עדו עד עשרא אנש[ים]

2:17b And [when at the tab]le of the *Yahad* they mee[t, or to drink the ne]w wine, and prepared is the table 18 of the *Yahad*, [and poured is the] new wine to dri[nk, let no man send forth] his hand for the first portion 19 of the bread and [the new wi]ne before the priest, for [he bl]esses the first portion of the bread and 20 the new wi[ne and sends forth] his hand for the bread before them.

Aft[er this,] the Messiah of Israel [will send for]th his hands 21 for the bread, and [after they bl]ess, the entire Council of the *Yahad*, ea[ch man according to] his honor.

In accordance with this statute they shall a[ct] 22 for each prepara[tion (of the table),¹⁰⁷ when there me]et at least ten me[n].

The rule for communal meals reflects protocol for meals already established in the *Yahad*. 1QS 6:4–6 very briefly describes priestly authority at communal meals:

When the table has been prepared for eating, or the new wine for drinking, the priest shall be the first to stretch out his hand, in order to bless the first of the bread and the new wine.

Whether the sect interprets its meals as sacral (i.e., intended to function as a substitution for sacrifice, or for the post-sacrificial meals eaten in purity in the temple) or not, this passage hardly articulates a sectarian ideology of commensality *per se*.¹⁰⁸ Rather, the regular procedure

¹⁰⁶ Emended: the scribe wrote עדת, presumably since the term had been used so frequently throughout the text, and so closely resembles עצת, the technical term for the Council of the *Yahad*.

¹⁰⁷ Alternatively we could translate, “for each offering (of the bread?),” based on the usage of the term מערכת in Neh 10:34; 1 Chr 9:32; 23:29; 2 Chr 13:11; Lev 24:6–7; 2 Chr 2:3; 29:18; 1 Chr 28:16. But the situation seems not to be cultic but that of a conciliar meal.

¹⁰⁸ For possible cultic significance of the meal in SE see Delcor, “Repas cultuel”; Schiffman is surely correct in his argument that the meals were not “sacral” in the

for dining communally is elaborated only to enforce the hierarchy of the sect, which placed priests above laity, even when the laity included the king of Israel.

We do not know whether our passage originally immediately followed the discussion of the assembly in the immediately preceding material, nor whether communal meals were assumed to be a regular feature of assemblies. Clearly the meal described here is not identical to the “appointed time” described in the preceding passage. Whereas the above passage regulates plenary assemblies of the entire Congregation of Israel, the passage on meals regulates gatherings of as few as ten men, at which there may have been only a single priest. Its purpose seems to be to assert priestly authority in any conciliar context, in continuity with similar statutes in D and S (CD 13:1; 1QS 6:3–6). If the king is present, then he, too, submits to priestly authority. The highest-status priest says the first benediction; the king says the second, and then the rest of the men bless and eat by rank (1QSa 2:21). The principle that blessings are said by rank affirms priestly authority over the king. At the same time, the rule extends the king honor: the priests establish a holy and decorous setting for the king to occupy.

5.7.2.1 *A Constitutional Analogy to Meals with the King*

While Scripture offers a few descriptions of conciliar meals with kings and leaders, the references are, for the most part, very brief.¹⁰⁹ The strongest analogy to the council’s meal with the king comes in Xenophon’s *Politeia of the Spartans*. While on campaign the Spartan king dines with advisors drawn from Sparta’s full citizens, the *homoioi*. Along with the *homoioi*, the king is advised by a council comprising

sense that they substitute for normal cultic activity. In restored Israel, after all, the temple cult will be fully functioning. Delcor’s view of the pre-eschatological meals in S as cultic is overstated: while taking common meals in absolute purity is related to the *Yahad*’s cult, judgment and discipline, not commensality, substitute for the temple sacrifices (1QS 8:1–10b; 9:3–5a). See §4.4.2–3, 4.3, 4.11, and subsections.

¹⁰⁹ On Saul’s regular meals with David and others see 1 Sam 20:5, 25–27; Jeroboam’s invitation to the prophet, 1 Kings 13:7. Cf. David’s conciliar meal to negotiate with Abner, 2 Sam 3:20–21; somewhat similarly Jeroboam’s meal with Syrian enemies, 2 Kings 6:20–23. Interestingly, the most elaborate descriptions of royal meals comes in Esther, the one canonical book of the Hebrew Bible not found in the Qumran caves; nevertheless its contents show the convention that meals with the king provided opportunities for his counselors to offer advice (Esth 1:3–8; 2:18; 5:4–12; 6:14–7:7). See also Dan 5, *passim*, and compare the “messianic banquet” that YHWH hosts for the conquered nations, Isa 25:6.

prophets, doctors, musicians, regimental commanders, and others.¹¹⁰ In peacetime the Spartan kings dine in the state *sussition* with two companions and others whom he chooses. Lycurgus ruled that the kings must receive a double portion of food, that they may honor others with extra victuals. The Spartan kings' dining habits reflect the demand of governance: untroubled by the demands of obtaining food, and surrounded by trusted companions and advisors, the kings' dining habits allow for the discipline and focus required for rule, even when at table. For similar reasons, in SE the king of Israel dines intimately with the Council of the *Yahad*.

5.8 CONCLUSION: IDEAL AND REAL COMMUNITY ORGANIZATION IN THE RULE FOR THE CONGREGATION

Early consensus on SE developed around the idea that, while this Rule describes the ideal constitution of restored Israel, it reflects the actual practice of the Covenanters' association. Some scholars have argued that the rule was originally composed for a living community, and was redacted as an eschatological rule only late. I do not find this theory tenable: SE was likely composed sometime after the later forms of S; Barthélemy's interpretation of the text as an eschatological rule should stand; with him, Cross, Schiffman and others we may simultaneously agree that the rule offers good evidence about the pre-eschatological organization of the sect, and its ideology and intentions.

The label "voluntary association" does not fit the society regulated by SE, which plainly articulates the political ambition of the sect: reconstituting and ruling all citizens of Israel by a system of law generated by sectarian interpretation of the Torah. SE shows the Covenanters' ambition to become a compulsory association, an *Anstalt*, in Weberian terms, with power to impose identity and legal accountability over all who dwelt within the territory of Israel. To put it bluntly, they anticipated becoming a state. Indeed, the compulsory nature of children's membership in D shows that, even while formally a voluntary association, membership was not conceptualized entirely on the basis of volition. Children's compulsory enrollment in D anticipates compulsory enrollment in the restored Israel that SE will govern. D is, as I

¹¹⁰ Xen., *Lac.* 13.7.

have argued, a provisional constitution for the righteous remnant during the age of evil, prior to the End of Days. Its literary form is analogous to the Greco-Roman *politeia* precisely because it was composed to regulate a state-in-the-making. SE, a *politeia* for the restored state, sketches its essential organization. Sectarian halaka, more or less fully developed and, most importantly, already well practiced by members of the Camps and the *Yahad*, will provide Israel's laws.

CHAPTER SIX

CONCLUSION AND SYNOPSIS

6.1 THE COVENANTERS AMONG ASSOCIATIONS OF THE HELLENISTIC AND ROMAN IMPERIAL ERAS

In this concluding chapter I offer some closing remarks, and a few synoptic tables that will help the reader navigate through the preceding analysis. My main point here, as throughout the book, is to show the extent to which the Covenanters' civic ideology reflected its era. Doubtless the sect was very different in many ways from most other associations that appeared during the Hellenistic and Roman eras. It was of course Jewish and cultically-oriented, and defined itself by drawing heavily on its own interpretations of Israelite institutions and law in Scripture. The Covenanters were more affluent than most associations; their wealth enabled them to purchase and produce hundreds of expensive parchment scrolls and gave them leisure for regular in-depth study and interpretation of texts. Further, the Covenanters were a sectarian association that explicitly announced its separation from the rest of the people of Israel on the basis of halakic differences with the mainstream, above all in matters of the temple cult. We may also identify the Covenanters as an apocalyptic sect: they saw themselves living at the End of Days, a period predicted by the prophets hundreds of years earlier; they anticipated the imminent destruction of their Jewish rivals and the state authorities, above all those of Rome.

Yet, despite these significant peculiarities, certain features of the sect were very much like those of other associations—organization, initiation, rules for meetings, and so on. Clearly their *floruit* was part of a general proliferation of associations throughout *poleis* and territories under Hellenistic and Roman imperial rule. Against previous models, similarities between the sect and other groups cannot be explained as a result of the influence of Greek and Roman associations. Instead, as Weber's model of rationalized societies predicts, associations tend to replicate the organizational patterns, laws, and self-descriptive language of the state. Most ancient associations' organization and regulation was based on that of the local *polis*, and the empires of which they

were part. Thus associations tended to have similar state-like features, from their organization of leaders, treasurers, and councils, to their initiation procedures, protocol for meetings, rules for behavior, and discipline of transgressive members. Replication of state patterns helps to explain why groups separated by temporal, linguistic, geographical, and, we may add, ideological, gulfs, resembled each other in quite striking ways.

The proliferation of associations during the era of empires resulted in part from governing authorities' efforts to disseminate their civic ideology—arguments for the legitimacy of state authority—among subjects. As I showed in Chapter 2, civic ideologies consistently invoke the themes of piety, conformity to natural and anthropological order, justice, and human thriving; often they also include claims that a particular constitution is, by comparison, superior to others, or that it marks the end of a state's historical evolution toward maturity. State involvement in associational activity provided evidence, in particular, for authorities' concern for and ability to guarantee subjects' thriving. Patronage of local cultic activity proved authorities' piety. Granting associations authentic power to enforce their own bylaws, and entrusting them with real juridical authority over members who transgressed minor state laws, proved the state's commitment to justice. Having associations collect members' taxes, maintain records of births, deaths, and comings-of-age, and cooperate in other official affairs, invited members to associate the free pursuit of their own interests with participation in state-defined order. Most voluntary associations assimilated state civic ideology. This is abundantly clear in the epigraphic evidence; it is also evident in the *nomoi* that circulated more privately within associations.

6.2 THE COVENANTERS AMONG ASSOCIATIONS WITH ALTERNATIVE CIVIC IDEOLOGY

Within this thriving associational sphere appeared, predictably, regularly, and in a variety of forms, associations with alternative civic ideology; the Covenanters belong to this trend. Other participants, as we have considered, were Epicureans, Cynics, Stoics, and Paul's *ekklēsiai*, at least as he idealized them. Members of these associations identified themselves as citizens of a commonwealth other than and superior to the reigning state. Their alternative civic ideologies treat

the same themes as state civic ideology—piety, nature, anthropology, justice, human thriving, etc.—in two ways. First, they critique the state or society as a whole, revealing how the status quo fails to meet the ideals of these themes. Second, they offer a comprehensive, corrected interpretation of the themes. Alternative civic ideology, like that of the state, legitimates the organization and regulation of the alternative state to which members of the association belong.

Readers may consult Chapters 2–4 for descriptions of alternative civic ideologies.¹ I think it more useful to include here a synopsis of the organizational and regulatory features of associations with alternative civic ideology. The following chart provides a quick overview of varieties and consistencies in these associations' constructions of alternative states. I include the Roman *plebs*, as idealized by Roman historians. Descriptions of their movement show that contemporary political discourse included narratives about the positive effects that separatist, reformist groups can have on a state whose values and laws are awry. While I doubt that the Covenanters thought about the *plebs* in any depth, if they were familiar with them at all, their idealization in Roman thought shows that the sect's ideas about the political utility of separation and organization along state lines were rather in step with trends among other intellectuals of their time.

Three features distinguish the sect most from the other groups. The first has to do with types and uses of political literature. Paul, as noted, wrote only occasional letters, composed to address specific situations within the *ekklēsiai*; he wrote no political tractate, let alone a *politeia*. Epicureans seem deliberately to have eschewed conventional political literature; when they wrote on political topics, it was usually to dissuade readers from entering politics. Cynics wrote some political literature, including Diogenes' apparently parodic *politeia*. Stoics composed numerous political tractates, including commentaries on constitutions and laws and a few of their own *politeiai*. Yet none of the Cynic or Stoic *politeiai* were intended to govern actual states or social groups. Instead they were provocative contributions to vigorous debates among philosophers about the ideal life—thought experiments that tested what human social life lived entirely *kata physin* might look

¹ See §2.2–2.3 for the alternative civic ideology of the Epicureans, Cynics, Stoics, Pauline *ekklēsiai*, and the Roman *plebs*. On the Covenanters' civic ideology see esp. §3.1–3.2; 4.1–4.2, including subsections.

like, and the limits of what it would allow. The Covenanters, on the other hand, wrote political literature that was not intended to be speculative, nor to further debates with rival schools. They analyzed contemporary Judean political, legal, and cultic affairs in various literary forms, e.g., the *pesharim*, MMT, the Testimonia and Florilegium, and the Admonition of D. All of these show studious analysis of patterns in history, critical assessment of the present, and inferential predictions about what the near future would bring. They studied Torah and composed numerous legal texts, fully intent on implementing their halaka as the law of Israel. Liturgical texts not only aided worship in the present, but anticipated restored temple worship under the leadership of a righteous priesthood (e.g., ShirShab; Festival Prayers; 1QSb); their laws on sacrifice, temple worship, priestly courses, and festivals observed by the 364-day solar calendar (e.g., MMT; *Mishmarot*; *Otot*) were not scholastic exercises, but intended for use both in the present and in restored Israel. Like other writers on state affairs, they composed a tactical treatise (M), along with other military laws in D, to anticipate and guide actual warfare. Their Rule Scrolls were, as I have argued, real *politeiai* intended to orient, organize, and regulate the righteous remnant during evil age (S and D), and all Israel at the End of Days (SE). The few legal records that survive, e.g., 4Q477, show that the Rules were indeed applied to sectarian life. As noted at the end of Chapter 2, no other group that composed *politeiai* actually applied them as associational bylaws. The sect aimed to compose comprehensive laws for the remnant and for eschatological Israel; they studied their laws in secret, for the most part (MMT may be an exception), aiming to perfect a precise and final interpretation of the Torah that would soon govern a restored Israel.

The other two unique features of the Covenanters stand out on the chart below and are consistent with the sect's use of *politeiai* as associational bylaws. First, more than the other groups, the sect organized and regulated its members along the lines of a state. Covenanters would not settle for a "virtual commonwealth" of knowing sages scattered here and there—instead they prepared for actual governance of the people and land of Israel. The second is their conservatism: unlike Epicureans, Cynics, Stoics, and Paul, the Covenanters retained traditional boundaries between citizens and outsiders. While slaves and resident aliens were protected, they were not full members of the sect nor, presumably, would they be full citizens of restored Israel. Among full members, traditional status boundaries were enforced. At least

formally, the hierarchy of priest-Levite-Israelite was observed. While women were educated, initiated, and had formal rank and authority, even the highest in rank retained a status far below that of male leaders (cf. Table 6c, below).

Table 6a: Structure and Rules of Associations with Alternative Civic Ideology

	Epicureans	Cynics	Stoics	Paul	<i>Plebs</i>	Covenanters
Name of alt. state	<i>oikos</i> of entire earth	<i>kosmopolis</i>	<i>kosmopolis</i>	<i>politeuma</i> above; Heavenly Jerusalem; Israel of God	<i>Plebs</i>	Congregation of Israel; remnant
Terms for "citizens"	friends; "the wise"	citizens of the world; "the wise"	citizens of the world; "the wise"	children of Abraham; circumcised of the heart; "holy ones"	<i>plebs</i>	members of the covenant; penitents; Sons of Light; priests, Levites, Israelites
Translocal identity; normative	yes; norm. in <i>oikoi</i>	yes; not necc. norm.	yes; not necc. norm.	yes; norm. in <i>ekklēsiai</i>	localized in relation with Rome	yes; norm. in Camps and <i>Yahad</i> cells
Open citizenship	men, women, children, slaves	men, women, slaves, foreigners	men, women, slaves, foreigners	men, women, slaves, Jews, Gentiles	Roman plebians	native-born Israelite men and women; slaves (remain slaves); נג (remains alien)
Hierarchy	teacher; leaders; learners	the wise rule the ignorant	absolute dualism: wise and inferior	apostles; prophets; teachers; loosely defined	constitutional system based on patrician-Roman councils and officers	comprehensive constitutional system of rank and authority; division betw. laity and cultic authorities; based on Torah and state laws
Regulation	teachers correct and train	? personal <i>askesis</i> by nature's law	? study and <i>askesis</i> ; attempt to discern nature's law	moral laws of Torah; some protocol for expulsion	reformist constitutional and civil law; some capital authority	comprehensive constitutional and civil law; full juridical authority; developed penal system

Table 6a (cont.)

	Epicureans	Cynics	Stoics	Paul	<i>Plebs</i>	Covenanters
Relations with state	pay taxes; do civic duties; obedience to all laws; normal use of courts	limited withdrawal for critique; provocative transgression of social norms	vigorous engagement, when appropriate; political leadership if possible	pay taxes, obey laws; engage to evangelize; <i>no use of courts</i>	vigorous engagement for reform	limited, highly regulated engagement; restricted temple worship, taxes; <i>no use of courts</i>

6.3 THE SELF-DEFINITION, ORGANIZATION, AND PURPOSE OF THE COVENANTERS' SECT

The Rule Scrolls and other sectarian texts offer an insider's perspective on the Covenanters' self-definition and aspirations. They saw themselves as a "state within a state," a righteous remnant within apostate Israel, formed and protected by divine will at the End of Days. As they prepared for restoration, the Covenanters organized themselves along the lines of a commonwealth. They divided into two segments that reflected the traditional division of lay Israelites and priestly authorities responsible for the national cult. The Congregation of D dwelt in Camps throughout the Judean cities, carrying on regular household life: they married and raised children and held private property, including slaves. As much as possible, members of the Camps conducted their affairs independently of other Jews, limiting economic interaction, avoiding their corrupt legal system entirely, and participating in the temple cult only to a very limited degree. The Council of the *Yahad* governed by S performed the most important cultic matters for the sect as a whole; most importantly the *Yahad* accomplished what the temple cult could not, procuring atonement for the land and for the righteous of Israel through acts of worship, discipline, and judgment. And they prepared for war.

It is surprising that the Covenanters endured as long as they did—at least 170 years—given their virulent hostility toward the Judean and imperial authorities. But from the outside the Covenanters appeared to be hardly interested in political affairs at all. To the contrary, Philo and Josephus knew them as the Essenes, a Jewish philosophical school devoted to cultic perfection, purity, virtue, and esoteric knowledge.

Far from appearing as a bellicose political faction, they impressed outside observers with their tranquility, solemn gatherings, their refusal to slaughter animals for sacrifice, and their unique observations of the sun's course as part of their communal liturgy. While Josephus claims to have spent a year in the company of the Essenes, he mentions nothing about antipathy toward Judean authorities or Rome, nor about their anticipation of an imminent judgment by God upon evildoers. Instead he praises them as exemplars of piety and virtue that even the Romans should admire. The Covenanters seem to have succeeded in keeping their anti-state teachings secret from outsiders, and from earnest newcomers. By studying judgment privately and avoiding conflict with outsiders, the sect succeeded in maintaining an irenic appearance. Their apocalyptic ideology helped: since God would determine the time and manner of engagement with the enemy, the sectarians' main tasks were cultivating purity, holiness, and covenantal fidelity during the time of evil, and, through study and practice, perfecting the legal and cultic system of restored Israel.

6.4 CHANNELS OF INFLUENCE

I conclude with brief remarks about channels of influence. First, the Covenanters doubtless drew upon actual political practice within Judea and other contemporary states. Judean cities, especially Jerusalem, were organized along the lines of Hellenistic *poleis* founded prior to the Hasmonean period by the Seleucids, a process vigorously continued by the Hasmoneans and Herodians themselves. Jerusalem had a *boulē* like other *poleis*. Judeans were in close political contact with other states throughout the Hasmonean period. 1 Macc 12:1–23 contains a pair of letters exchanged between Jonathan Maccabeus and the Spartan king Arius. Arius affirmed that both the Spartans and the Jews were “sons of Abraham,” and therefore brothers (12:21). Another letter from Sparta appears in 1 Macc 15:20–23, announcing the Spartans' mourning at Jonathan's death. Hasmonean rulers cultivated good relations with Rome in the middle of the second century BCE, long before Judea became a Roman province. Indeed, 1 Macc 8:1–32 gives a brief description of Rome's constitution, from the Senate to the consul, and a lengthy letter asking for a political alliance with Rome, which, like the Hasmoneans, was having trouble with the Hellenistic kings. 1 Maccabees gives good evidence that Judean elites understood

the constitutions of Greek and Roman states and recognized differences between their own constitution and those of others. Jewish aristocratic intellectuals besides the Covenanters, but certainly including them, took time to study and compare real constitutions. Some studied historical developments, marked achievements and failures, and struggled to determine what the best one would look like. They looked to the glorious past of Israel and consulted the Torah as the ultimate source for its laws and constitution. The same type of comparative, moralistic, idealistic political study that produced *politeiai* in the Greek and Roman philosophical schools, produced the Covenanters' Rule Scrolls.

I have made much of analogies between state organization and law in the *politeiai* and the Rule Scrolls. While it is not impossible that some of the most educated Covenanters knew the Greek and Roman works that survive today, it seems implausible to me that these texts played a direct role in the formulation of the sect's alternative civic ideology. Basic familiarity with Hellenistic and Roman constitutions, laws, and political philosophy could have arisen in the course of a Jewish education in Jerusalem; the Maccabean books prove this. It is likely that as young Jewish men were groomed for leadership roles in Judean society, they studied at least a little political philosophy. Some *politeiai*, such as Xenophon's *Politeia of the Spartans*, and indeed the Covenanters' *Rule for the Congregation*, were short enough to be digested and discussed in a day. If there is any literary genre underlying the Covenanters' Rule Scrolls, it that of the *politeia*. While *politeiai* were composed in so many forms that they resist narrow definition, all contain at minimum some description of the constitutional elements of a state, its fundamental laws, and a civic ideology that legitimates these things. It is sufficient to conclude that the Covenanters wrote *politeiai* in Hebrew, following the conventions of other *politeiai* that circulated in the Hellenistic and Roman imperial eras.

It has been claimed that the communitarian lifestyle of the *Yaḥad* is a scholarly fantasy, since it has no precedent in voluntary associations until the rise of Christian monasticism. But there are other, more compelling precedents. The communitarian ideal appears in many forms in the *politeiai*. This literary ideal may have been sufficient to provoke a social experiment among a voluntary association. But there were also ample social precedents to the *Yaḥad's* way of life in state institutions, including the temple cult, but especially the military—the activity of which invariably included strong cultic elements. It was

common knowledge that armies were composed of men who applied to enlist, went through an examination process, were registered and posted to a fighting unit, underwent difficult training, lived an austere communal life on campaign, structured social relations and activities around a strictly defined hierarchy of rank and authority, and participated in communal worship that often involved observation of celestial cycles.

Organization along military lines reflects the Covenanters' militaristic ideology: they fully expected to engage in battle, aided by God and angelic hosts, against their enemies. Their preparation required no iron forges, no battle horses, no boot camp or military exercises. It required, instead, absolute cultic fidelity, purity, and discipline. The sectarians knew scriptural precedents well: throughout Israelite history God rewarded piety and obedience by destroying Israel's enemies directly. In response to obedience God brought down city walls, panicked enemy soldiers into slaughtering their fellows, slew warriors with plagues and hailstones, and brought a miraculously parted sea crashing down to drown hosts of the mightiest warriors. Often all that was left for Israelite soldiers was to despoil the slain. The Covenanters prepared themselves for similarly fantastic conquest. Some members of the *Yahad*—perhaps the fifteen Men of Perfect Holiness—literally decamped to the wilderness where, like the Israelites in the Exodus traditions, they meditated on the Torah, established a cult of atonement, and waited for God to initiate the Day of Vengeance. Yet, to outsiders who encountered their network of quietistic, purity-oriented cells, their bloodless cult, disciplined life, and zeal for the study and interpretation of sacred books, the Covenanters looked like a philosophical school.

6.5 INTRODUCTION TO THE SYNOPTIC TABLES

My attempt to locate the Covenanters' sect in its associational and political context has required surveying analogies from an admittedly expansive range of ancient sources. As I acknowledge at the beginning, such comparison might appear to leave me open to the charge of "parallelomania"; the tables below may seem to strengthen the case. However, I have tried to be very clear about the analogies' significance: with the exception of Scripture, most are not precise sources of sectarian terminology and features. Instead, analogies from other associational

and political sources support a rather modest point: the Covenanters' ideology, organization and regulation, and literature fit within the practices of their time. Its members took for granted many conventions of contemporary political discourse as normative for any civic ideology, and for the proper organization and regulation of any state. With contemporary scholastic groups, they shared assumptions about how to study texts, how to prepare for a career in law and political leadership, and how to compose constitutional and legal texts. Their system of authority, from officers to councils, their protocol for initiation and deliberative meetings, systematic correlation of age classes with stages of education and political service, and various forms of common life, reflect familiarity with and acceptance of widespread, general patterns in state practice. I intend the tables visually to imply what I have argued above: when the Covenanters incorporated a convention from contemporary political practice that had no precedent in Scripture, they usually attempted to formulate a scriptural basis for it.

I have arranged the synoptic tables that follow into the following categories: the role of the Teacher of Righteousness (6b); the organization of the communities ruled by D and S (6c–d); general cultic laws (6e); age classes and education (6f); initiation and scrutinies (6g); common meals and assemblies (6h); civil and criminal law, and the court system; (6i); and military rules and practices (6j). While I have not tried to cover sectarian organization and law, nor analogies in Scripture, associational, and state practices comprehensively, the tables should be complete enough to support my thesis: as the Covenanters viewed themselves as a state-in-the-making, they attempted to formulate a comprehensive body of law for that state. Their laws were intended first to guide the righteous remnant through the evil age, and then to regulate restored Israel at the End of Days. Indeed, central to the remnant's purpose was the development of laws that could only be enacted fully when Israel was restored.

The tables list features of the sect and its laws, the sectarian texts where the features appear, where analogies appear in Scripture, and where analogies appear in Hellenistic and Roman sources such as associational *nomoi*, *politeiai*, and other texts and practices. The final column indicates the book sections that contain detailed analysis.

Table 6b: Origins: the Teacher of Righteousness

	DSS	Scripture	Hellenistic and Roman sources, incl. Christian and rabbinic lit.	Section
TR as founder of sect	D, <i>pesh.</i>		philosophical schools; perhaps Paul, as “father” of his <i>ekklēsiai</i>	3.2.2.1; 3.2.3.4
TR as reformer and restorer of Israelite law	D, <i>pesh.</i>	Scripture, esp. Josiah in 2 Kings; Ezra in Nehemiah	Greek and Roman constitutional and legal reformers in political literature	3.2.3.4.1

Table 6c: The Common Segment of the Covenanters: D

<i>Terms for the sect</i>				
עדה, local unit of common sectarians; sect as a whole; restored Israel	D; cp. SE	Scripture		3.2.2.2.1; 3.3.9; 5.1.1
Remnant	D; cp. S	Scripture		3.2.2.2.1; 4.3.2.1; 4.4
Priests and Levites and Sons of Zadok, all members	D; cp. S	Ezekiel		3.2.2.2.3
מחנה, local subunit	D	Scripture		3.2.2.2.1
<i>General organization</i>				
Thousands, hundreds, fifties, and tens	D; cp. S, SE, M	Scripture, esp. military org.	1 Maccabees; military org. of Greek and Roman associations	3.4; 4.2.2.2; 5.5.3; 2.1.2.3
Quorum of ten	D; cp. S; SE	Scripture (?)	<i>nomoi</i> ; <i>dekaprotoi</i> of <i>poleis</i> ; councils in the <i>politeiai</i>	3.3.9.1; 3.5.1; 4.6.1; 5.7.2
Membership through enrollment in a local subdivision	D; cp. SE; S	Israelite registration in clan of a tribe	Roman tribes; Greek phratries in demes	3.3.2.5; 4.8.3.1; 5.5.1.1
<i>Officers and councils</i>				
הרבים, formal meeting of full members	D; cp. S	Isaiah, Daniel	<i>nomoi</i> ; <i>politeiai</i> ; Greek and Roman political convention; Mishnah	3.5; 3.5.1; 3.6.2.1; 4.7.1
Courts of ten Judges: oversee oaths; decide cases; help with support for needy	D	Scripture (?)	<i>politeiai</i> ; <i>dekaprotoi</i> in the <i>poleis</i>	3.3.1; 3.3.4.2–3; 3.3.5.1; 3.3.9.1; 3.6.2.1

Table 6c (cont.)

<i>Officers and councils</i>				
חבר/ישראל: council; oversees needy members, war laws	D		חבר היחודים on Hasmonean coins; cp. <i>haverim</i> in Mishnah, Tosefta	3.6.2.1; 1.3.2
Examiner of the Camp: head officer; legal expert; record-keeper; authority on household matters	D		“presidents,” treasurers, and other officers in <i>nomoi</i> ; Roman <i>assessor</i> and other legal experts in <i>politeiai</i>	3.3.2.4; 3.3.8.1; 3.5.1
Trustworthy and reliable women, aid Examiner; midwives who teach	D		Plato, <i>Rep.</i> ; <i>Leg.</i>	3.3.2.2
Priests, lead liturgy, pronounce judgments	D; S, SE	Scripture	<i>nomoi</i> ; <i>politeiai</i>	3.4.1; 3.6.5; 4.3.1–4.3.1.1.4; 4.6–7; 4.10.1.2.2
Levites, subordinate to priests; aid with ceremonies	D; S, SE	Scripture		3.4.1; 3.6.1; 4.2.2.2; 5.6.1
Fathers of the Congregation	D	Scripture	synagogue inscriptions; <i>nomoi</i> ; <i>politeiai</i> ; political discourse	3.3.2.3
Mothers of the Congregation	D	Judges 5:7?	synagogue inscriptions; political discourse; Plato, <i>Rep.</i> ; <i>Leg.</i>	3.3.2.1–3
Regalia distinguishes status of Mothers and Fathers (?)	D (?); cp. M	Torah	Roman laws on status- marking regalia	3.3.2.4
Appointed priest at Assembly of All Camps	D; cp. S	Scripture	<i>politeiai</i>	3.6.5; 4.8
Examiner of All Camps, legal expert, translator	D; cp. SE		<i>politeiai</i> ; Mishnah	3.6.1.1; 5.6.4

Table 6d: The Cultic Segment of the Covenanters: the Council of the *Yahad*

Cultic identity, purpose, and organization	S	Temple patterns from Scripture	cp. Paul; Cynics	4.2.2.4; 4.4.2–3; 4.11.2.1; 4.3.1.2
Celibacy	S	Torah, temple and war camp purity laws		4.1; 4.6.2; cp. 1.2.1
<i>Terms for regular members, councils, officials</i>				
היחד	S; SE, 4Q265, D?	nominal יחד in Scripture (?)	κοινόν; <i>collegium</i> in <i>nomoi</i> and other associational evidence; similar terms in <i>politeiai</i> and political discourse	4.2.2.4; cp. 5.6.2–3
סוד/עצת היחד	S; SE, D?, 4Q174; <i>pesh.</i>	סוד/יצע יחד verbal phrases in Scripture	Greek and Roman terms for political councils: βουλή; κοινὸν τῆς βουλῆς; <i>concilium</i> ; <i>commune concilium</i> ; <i>collegium</i>	4.2.2.4; cp. 5.6.3
מתנדבים, all members	S	Scripture		4.3.2.3
מגורים, local cells	S	Scripture		4.3.2.1
בני צדוק, priests	1QS, SE	Ezekiel		4.3.2.2
רוב, ריב, juridical and scholastic assembly	S; cp. D	Isaiah, Daniel	<i>nomoi</i> ; <i>politeiai</i> ; Greek and Roman political convention; Mishnah	4.7.1; 3.5; 3.5.1; 3.6.2.1
<i>Maskil</i> , teacher, liturgical leader, military leader	S; 1QSB; 4Q298; other <i>Maskil</i> texts; cp. D	Daniel (cp. Isaiah)	<i>politeiai</i> ; Mishnah; military literature on generals	4.1; 4.13.1; 3.6.2.1
פקיד, temporarily appointed officer	S; cp. D	Scripture	<i>politeiai</i> ; <i>nomoi</i>	4.8; 4.8.2; 3.6.5
Examiner in charge of registered property	S; cp. D		<i>nomoi</i> ; <i>politeiai</i> ; military practice	4.8.2; 4.8.3.3; 3.5; 3.6.2.1
<i>Protocol for meetings, common life</i>				
Daily meetings	S		<i>boulē</i> ; other councils of <i>poleis</i>	4.6.1
Common cult, property, close residence, councils	S	Scripture	<i>politeiai</i> ; military practice	4.6.2

Table 6d (*cont.*)

<i>Protocol for meetings; common life</i>				
Juridical proceedings as cultic	S; cp. D	Ezek; Deut		4.3.2.4; 4.4.2; 3.6.5
Constant availability of an expert in law	S; cp. D		<i>politeiai</i>	4.6.2; 3.3.8.1
Quorum of ten	S; cp. D, SE		<i>nomoi; politeiai; dekaprotoi</i> in <i>boulē</i> of <i>polis</i>	4.6.1; 3.3.9.1; 3.5.1; 5.7.2
Official leads discussion and keeps order	S; cp. D		<i>politeiai</i> ; philosophical and legal schools; cp. <i>nomoi</i>	4.7.1; 3.6.1.1; 5.6.4
“Casting lots” to vote	S	Scripture	Sanhedrin in Mishnah; Roman voting assemblies	4.8
Speaking before voting; non-secret ballot	S		Sanhedrin in Mishnah; Roman voting assemblies	4.8
Examiner vets agenda	S; cp. D		<i>nomoi; politeiai</i>	4.7.1; 3.6.1.1
Common meals paid with common fund	S	Torah	<i>nomoi; politeiai</i> ; military practice	4.6.2; 4.8.3.2
<i>The Fifteen Men of Perfect Holiness</i>				
Organization, number, and cultic responsibility	S	laws on Holy of Holies in Torah	<i>politeiai</i> ; Roman <i>quindecimviri sacris</i> ; Mishnah; NT; cp. <i>nomoi</i>	4.11.2.1
Eligibility for and training of elite council	S		<i>politeiai</i>	4.11.2.1
Higher accountability to Law	S	Scripture	Plato, <i>Leg.</i>	4.11.2.1
Leniency in discipline due to high status	S	Scripture	Plato, <i>Leg.</i>	4.11.2.1
Scrutiny and supervision of elite officials	S		<i>politeiai</i>	4.11.2.1
Authority to judge common members	S	Torah?	<i>politeiai</i>	4.11.1; 4.11.2.1

Table 6e: General Cultic Laws

364-day solar calendar for annual festivals	D, S, MMT, mishmarot		<i>Jubilees</i> ; 1 Enoch;	3.2.1.4; 3.2.2.2.4; 4.2.1; 4.2.2.1–2; 4.13; 4.13.1
Disqualified priests	D			3.3.6.1; 3.6.5
Restrictions on temple worship and sacrifice	D, MMT	Scripture	<i>nomoi</i> ; <i>politeiai</i> ; <i>Jubilees</i>	3.2.2.2.4; 3.2.3.3; 3.3.6.1; 3.6.5
Regulation of guilt offering of ram	D	Exod; Num		3.3.6.1; 3.6.5
Repentance, discipline as substitute for sacrifice	D; cp. S	Lev; Joel		3.6.5; cp. 4.3.2.5; 4.4.2; 4.11.2.1
Sectarian version of state rites	D, S	Torah	<i>nomoi</i> ; Judean cultic practice	3.6.5; 4.2.2.5; 4.5.1
Annual renewal of statutes of covenant	S, D; cp. SE	Torah	<i>nomoi</i> , <i>politeiai</i> ; <i>Jubilees</i>	3.6.5; 4.2.2.5; 5.4
Hierarchy of purity and holiness	S	Torah		4.4.2; 4.4.3
Purity of dry and liquid goods	S, D, MMT, 4Q274, 4Q284a	Scripture?	Mishnah, Tosefta	4.4.1

Table 6f: Age Classes and Education

<i>Age classes</i>				
Education and age classes, based on ten-year periods	D, SE; cp. S	Scripture	<i>politeiai</i> ; Mishnah	3.3.9; 3.6.1; 5.5.1.2; 5.5.3.1; 4.10.4.1
20 as age of enrollment	D, SE	Num; 1–2 Chr	<i>nomoi</i> ; <i>politeiai</i> ; Mishnah	3.3.2; 5.5.1; 5.5.2
20 as age of marriage	SE		<i>politeiai</i> ; Mishnah	5.5.2.1; 5.5.3.1
25 as age of advanced training (cp. D, judging)	D, SE, M	Num 8	Roman legal education; Mishnah	5.5.3; 3.3.9.1
30 as age for judging (cp. 25 in D)	SE (D)	Num 4	<i>politeiai</i> ; Mishnah	5.5.3; 3.3.9.1
Age classes for military and political service	D, SE, M	Scripture	<i>politeiai</i> ; Mishnah	5.5.3; 5.5.3.1; 3.3.9.1; 3.6

Table 6f (*cont.*)

<i>Education</i>				
Education of all Israel, incld. women and children, at assemblies	SE; cp. D	Deut; Neh; other Scripture		5.4; 3.6.1
Young girls and boys educated together	D, SE	Deut; Neh	Plato, <i>Rep.</i> ; <i>Leg.</i> ; Roman practice	3.3.2.1; 5.5
Female education of trustworthy witnesses and authorities	D, SE		Plato, <i>Rep.</i> ; <i>Leg.</i> ; Mishnah	3.3.2.2; 5.5
Sexual laws central to covenantal education	D, SE, MMT	Deut; Ezra-Neh		3.3.2.1; 5.5
Sexual laws central to female education	D, cp. SE		Plato, <i>Rep.</i> ; Mishnah	3.3.2.3; 5.5; 5.5.2
Education, esp. of males, as state responsibility	SE; cp. D		<i>politeiai</i>	5.5; 3.5; 3.3.2.1–2
Auditing trials as part of legal education	D, S, SE		<i>politeiai</i> ; Roman legal education; Mishnah	3.3.9.1; 4.7.1; 5.5.2
Communal reading and interpretation of texts	S		philosophical schools; legal education	4.7.1
Regulation of communal textual interpretation by leader	S		philosophical and legal education; political councils in <i>politeiai</i>	4.7.1

Table 6g: Initiation, Enrollment, and Scrutinies

Analysis is concentrated in §§ 4.8.2; 4.8.3.1–4.8.3.4; other relevant sections are noted				
Initiation as repentance, return, and restoration	D, S	Torah		3.3.2.1; 4.3.2.5
Membership through enrollment in a local subdivision	D; cp. SE; S	Israelite registration in clan of a tribe	Roman tribes; Greek phratries in demes	3.3.2.5; 4.8.3.1; 5.5.1.1
Preference for members' children	D; cp. SE	Scripture	<i>nomoi</i> , <i>politeiai</i> , military	3.3.2.4; 5.5.1.1
Application to an officer	D, S		<i>nomoi</i> , <i>politeiai</i> , military	
Moral scrutiny by officer	D, S		<i>nomoi</i> , <i>politeiai</i> , military	
Physical scrutiny	D, S, SE		<i>politeiai</i> , military	3.3.2
Scrutiny of age and lineage	D, S, SE, MMT	Scripture	<i>politeiai</i> , military	3.3.2.5; 3.6.1.1; 5.5.1.1
Moral scrutiny by members	D, S		<i>nomoi</i> , <i>politeiai</i>	
Instruction by officer	D, S		<i>politeiai</i> , military	
Verdict by vote	S		<i>nomoi</i> , <i>politeiai</i>	
Oath of entry	D, S	Scripture	<i>nomoi</i> , <i>politeiai</i>	3.3.2.1; 4.8.1

Table 6g (*cont.*)

Analysis is concentrated in §§ 4.8.2; 4.8.3.1–4.8.3.4; other relevant sections are noted				
Written registration	D, S, SE	Torah	<i>nomoi, politeiai</i> , military	5.5.1.1
Multiple scrutinies, esp. for leaders	D, S, SE		<i>nomoi, politeiai</i> , military, Mishnah	3.3.2.4–5; 4.5.1; 5.5.4
Dues			<i>nomoi</i>	
Taxes	D		<i>politeiai</i>	3.6.2.1
Special contributions			<i>nomoi</i> ; military stoppages	
Limited common fund	D		<i>nomoi</i>	
Private property registered and submitted to communal store	S		military	
Uniformity of practice in translocal subunits	D, S, SE	Scripture	<i>politeiai</i> , military	

Table 6h: Common Meals and Assemblies

Common meals for all members	S; cp. D		<i>nomoi, politeiai</i>	4.6.1–2; 3.6.2
Common meals for leaders	SE; cp. S	Torah	<i>politeiai</i>	4.6.1–2; 5.7.2.1
Conciliar meals with king	SE; cp. S	Scripture	Xen., <i>Lac.</i>	5.7.2.1; 4.6.2
Plenary assemblies	S, D, SE	Scripture	<i>nomoi, politeiai</i>	3.3.2.1; 3.6.1 4.2.2.2; 4.7; 5.4
Plenary assemblies with king	SE; cp. S	Scripture	Xen., <i>Lac.</i>	5.2; 5.7.2.1
Priestly leadership of meetings	D, S, SE	Scripture	<i>nomoi</i> ; state cultic practice	3.4; 3.4.1; 3.6.5; 4.6–7; 5.3–4; 5.7.1–2

Table 6i: Civil and Criminal Law

<i>Comprehensive juridical authority</i>				
Control of courts as control of state	D, S		Plato, <i>Leg.</i> ; Xen., <i>Ath.</i>	3.2.4
No appeal to external courts	D, S	Lev	<i>nomoi</i> , Paul	3.3.3–4; 4.5; 4.10.3; 2.1.2.2; 2.2.4.7
No prosecution of outsiders	D, S (implied)	Nahum	Paul	3.3.3–4; 4.10.1; 4.12; 2.2.4.7

Table 6i (cont.)

<i>Sectarian courts</i>				
Elders as judges	D	Deut; Ezra	Josephus; Luke-Acts; Mishnah	3.3.4.2; 3.3.4.3
Courts of ten judges in Camps	D	Scripture	<i>dekaprotoi</i> in Greek <i>poleis; politeiai</i> ; Mishnah	3.3.9.1
Min. and max. age for judges	D; SE	Num; Lev	Talmud; Mishnah; <i>politeiai</i>	3.3.9.1; 5.5.3– 5.5.3.1
Court convenes as needed	D	Exod; Lev	<i>nomoi; politeiai</i>	3.3.9
Protocol: Immediate prosecution with Reproof	D, S		<i>nomoi; politeiai</i>	3.3.4– 3.3.4.3; 4.5–4.5.1; 4.10.1.2.2
Written record of charge	D		<i>nomoi; politeiai</i>	3.3.4; 3.3.7.3; 3.3.8.1; 4.5
Constant availability legal experts	D, S	Torah	<i>politeiai</i>	3.3.8.1; 3.6.1.1; 4.6.2
Number of witnesses for capital and property crimes	D	Deut; Num		3.3.7
Character qualifications for witnesses	D		<i>politeiai</i>	3.3.8.1
Women's testimony, esp. regarding sexual laws	D; SE		<i>politeiai</i> ; Mishnah; Greek and Roman laws on treason; cp. G-R laws on divorce, property Mishnah	3.3.2.1–2; 5.5.2
Examiner as court translator	D			3.6.1.1
Court oversees care of vulnerable members	D; cp. SE	Scripture	<i>politeiai</i> ; cp. <i>nomoi</i>	3.6.2.1; 5.5.4.1
<i>Comprehensive juridical authority: capital and property cases</i>				
Capital cases	D	Torah	Paul; <i>plebs; politeiai</i> ; Greek and Roman law	3.3.3; 3.3.7
Capital cases tried in lower, ratified in higher courts	D		<i>politeiai</i> ; Mishnah	3.3.4.3; 3.3.7.1–2
General property cases	D, S	Torah	<i>nomoi; politeiai</i>	4.10.1– 4.10.1.2.2
Ownerless property	D	Lev; Num	Plato, <i>Leg.</i>	3.3.6– 3.3.6.2
Oath of cursing in property case	D		Arist., <i>Ath. Pol.</i>	3.3.5.2–3

Table 6i (*cont.*)

<i>Oath laws</i>				
Prohibition of uttering divine name	D, S	Torah		3.3.1; 4.10.1.2.2
Limits on oaths	D, S	Torah	philosophical schools; <i>politeiai</i> ; Mishnah	3.3.1; 3.3.1.1
Oaths by the curses of the covenant	D, S	Deut, Neh		3.3.1; 3.3.2.1; 4.2.2.6
<i>Other transgressions</i>				
Failure to bring a charge, or fraudulent speech or deeds against a member	D, S, 4Q265	Torah	<i>nomoi, politeiai</i>	3.3.4– 3.3.4.3; 4.5–4.5.1; 4.10.1.2.2
Defying a superior or priest	S, 4Q265	Torah	<i>nomoi; politeiai</i>	4.10.1.2.2
Slander or murmuring vs. sectarian authority	S, D	Deut	<i>politeiai</i> ; Greek and Roman military laws	4.10.3; 4.10.3.1
Aiding expelled members	D, S		<i>politeiai</i> ; Roman law	3.6.5.1; 4.10.4.1
Reclining at formal meetings	D, S		Jewish, Greek, and Roman postural protocol for assemblies	4.10.2– 4.10.2.1
Spitting at meetings	S	Lev	Mishnah; Jewish, Greek, Roman expression of contempt	4.10.2– 4.10.2.1
Other inappropriate behavior at meetings	S, D, 4Q265		<i>nomoi, politeiai</i> , esp. of political assemblies	4.10.2– 4.10.2.1
<i>Punishments</i>				
Expulsion as capital punishment	D, S	Torah	Paul	3.3.7.1–2; 4.9.3
Expulsion tried by lower, ratified by higher court	D		<i>politeiai</i> ; Roman exile	3.3.4.3; 3.3.7.2
Publication of expelled members	D		<i>politeiai</i> ; Roman law	3.6.5.1; 4.10.4.1
Ration-fine (with or without temp. exclusion)	S, D, 4Q265		Roman military practice	4.9.1–3
Temporary exclusion from purity	S, D, 4Q265	Torah laws on purity	<i>politeiai</i>	4.9.1–3
Paying for lost property with registered funds S	S		Roman military practice	4.10.1.2.1

Table 6i (cont.)

<i>Marriage, divorce, and sexual activity</i>				
Restrictions on marriage and divorce	D, MMT	Ezra-Neh; Torah	<i>politeiai</i> ; Paul	3.5; 2.2.4.6
Age of marriage	SE		<i>politeiai</i> ; Mishnah	5.5.2–5.5.2.1
Restrictions on sexual activity in licit marriages	D, SE	Torah	<i>politeiai</i> ; Mishnah	3.3.2.1; 5.5.2
<i>The Socially Marginalized: Israelites, Slaves, and Resident Aliens</i>				
Comprehensive care for vulnerable members	D, SE	Scripture	<i>politeiai</i> ; cp. <i>nomoi</i>	3.6.2.1; 5.5.4.1
Slaves as members of the covenant	D	Gen; Exod		3.3.2.6
Slaves as sexual property	D	Exod; Lev		3.3.2.6
Resident aliens	D	Torah		3.6.1.1
<i>Taxation</i>				
Jerusalem temple tax	4QOrd ^a	Exod vs. Neh		3.3.6.1
Sectarian taxes assessed by income	D		<i>politeiai</i> ; Greek and Roman law	3.6.2.1

Table 6j: Military rules and tactics

War council	D; SE; cp. S, M	Torah (?)	<i>politeiai</i> , state conventions	3.6.2.1; 5.6.2; 4.13.2.2
Tactical treatise	M		Hellenistic and Roman military manuals	4.13.2.2
Thousands, hundreds, fifties, and tens	D; cp. S, SE, M	Scripture, esp. military org.	1 Maccabees; military org. of other associations	3.4; 4.2.2.2; 5.5.3; 2.1.2.3
Exemption from military service for married men, age 20–25	SE	Deut		5.5.3.1
The <i>Maskil</i> as cultic and military leader	S		Xen., <i>Lac.</i> ; Cic, <i>Rep.</i> ; Onas., <i>Strat.</i> ; Polybius; Elder Pliny	4.13.1–4.13.2.2
Daily observance of celestial cycles	S, 4Q503		Xen., <i>Lac.</i> ; Onas., <i>Strat.</i>	4.13.3.1–2
Restrictions on looting during warfare	D	Deut; Num	Roman military law	3.6.2.1
Timing engagement with enemy	S, M		Onas., <i>Strat.</i>	4.13.2.2

BIBLIOGRAPHY

- Abegg, M. "Retribution." In *The Encyclopedia of the Dead Sea Scrolls*. 2 vols. Edited by L. Schiffman and J. VanderKam. New York: Oxford, 2000: 2.767–70.
- . "Does Anyone Really Know What Time It Is: A Reexamination of 4Q503 in Light of 4Q317." In *The Provo International Conference on the Dead Sea Scrolls: Technological Innovations, New Texts, and Reformulated Issues*. Edited by D. Parry and E. Ulrich. STDJ 30. Leiden: Brill, 1999: 396–406.
- . "The Messiah at Qumran: Are We Still Seeing Double?" *DSD* 2 (1995): 125–44.
- Adam, R. *Institutions et citoyenneté de la Rome républicaine*. Paris: Hachette, 1996.
- Aeneas Tacitus, Asclepiodotus, and Onasander*. Translated by the Illinois Greek Club. LCL. Cambridge: Harvard, 1923.
- Alexander, C. "Abstract of the Articles on the Bacchic Inscription in the Metropolitan Museum." *AJA* 37 (1933): 264–70.
- Alexander, L. "Paul and the Hellenistic Schools: The Evidence of Galen." In *Paul in His Hellenistic Context*, edited by T. Engberg-Pedersen. Minneapolis: Fortress, 1993: 60–83.
- . "Schools, Hellenistic." *The Anchor Bible Dictionary*, edited by D. Freedman. New York: Doubleday, 1992: 5.1005–11.
- Alexander, P. "The Redaction-History of *Serekh Ha-Yahad*: A Proposal." *RevQ* 17 (1996): 437–56.
- . "Physiognomy, Initiation, and Rank in the Qumran Community." In *Geschichte-Tradition-Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag*. Vol. 1, Judentum. Edited by H. Cancik, H. Lichtenberger and P. Schäfer. Tübingen: Mohr Siebeck, 1996: 385–394.
- Alexander, P. and G. Vermes. *Qumran Cave 4 XIX: Serekh ha-yahad and Two Related Texts*. DJD 26. Oxford: Clarendon, 1998.
- Alon, G. *Jews, Judaism and the Classical World: Studies in Jewish History in the Times of the Second Temple and Talmud*. Jerusalem: Mages, 1977.
- Alston, R. *Soldier and Society in Roman Egypt: A Social History*. London; London: Routledge, 1995.
- Amis, W. and S. Stern. "A Critical Examination of Theory and Functions of Voluntary Associations." *Journal of Voluntary Action Research* 3 (1974): 91–99.
- Anderson, J. K. *Military Theory and Practice in the Age of Xenophon*. Janet Lloyd. Berkeley: University of California Press, 1970.
- Anderson, R. and G. Anderson. "The Replicate Social Structure." *Southwestern Journal of Anthropology* 18 (1962): 365–70.
- Ando, C. *Imperial Ideology and Provincial Loyalty in the Roman Empire*. Berkeley: The University of California Press, 2000.
- Appian. *Roman History*. Translated by H. White. 4 vols. LCL. Cambridge: Harvard, 1913.
- Arendt, H. *On the Human Condition*. 2nd ed. Chicago: University of Chicago, 1998.
- Aristotle. *The Athenian Constitution*. Translated with commentary by P. J. Rhodes. New York: Penguin, 1984.
- Aristotle and Xenophon. *Aristotle and Xenophon on Democracy and Oligarchy*. Translated with introductions and commentary by J. M. Moore. Berkeley: University of California, 1975.
- Arnaoutoglou, I. "Roman Law and Collegia in Asia Minor." *Revue Internationale des droits de l'antiquité* 49 (2002): 27–44.

- Ascough, R. S. *Paul's Macedonian Associations: The Social Contexts of Philippians and 1 Thessalonians*. Tübingen: Mohr Siebeck, 2003.
- . "The Thessalonian Christian Community as a Professional Voluntary Association." *JBL* 119 (2000): 311–28.
- . "Greco-Roman Philosophic, Religious, and Voluntary Associations." *Community Formation in the Early Church and in the Church Today*, ed. Richard N. Longenecker, Peabody, MA: Hendrickson, 2002: 3–19.
- . "Translocal Relationships among Voluntary Associations and Early Christianity." *Journal of Early Christian Studies* 5 (1997): 223–41.
- Asmis, E. "Basic Education in Epicureanism." In *Education in Greek and Roman Antiquity*. Edited by Y. L. Too. Leiden: Brill, 2001: 209–39.
- Athenaeus*. Translated by C. B. Gulick and S. D. Olson. 7 vols. LCL. Cambridge: Harvard, 1951–2007.
- Aulus Gellius. *Attic Nights*. Translated by J. C. Rolfe. 3 vols. LCL. Cambridge: Harvard, 1927.
- Ausbüttel, F. M. *Untersuchungen zu den Vereinen im Westen des Römischen Reiches*. Kallmünz: M. Lassleben, 1982.
- Austin, M. "Alexander and the Macedonian Invasion of Asia: Aspects of the Historiography of War and Empire in Antiquity." In *War and Society in the Greek World*, John Rich and Graham Shipley, eds., 197–223. London: Routledge, 1993.
- . "Hellenistic Kings, War, and the Economy." *Classical Quarterly* 36 (1986): 450–66.
- Avemarie, F. "'Tohorat ha-Rabbim' and 'Mashqeh ha-Rabbim': Jacob Licht Reconsidered." In *Legal Texts and Legal Issues: Proceedings of the International Organization for Qumran Studies, Cambridge 1995. Published in Honour of Joseph M. Baumgarten*. Edited by M. Bernstein, F. García Martínez, and J. Kampen. STDJ 23. Leiden: Brill, 1997: 215–29.
- Avery-Peck, A. *Mishnah's Division of Agriculture: A History and Theology of Seder Zeraim*. Brown Judaic Studies 79. Chico, Calif.: Scholars Press, 1985.
- Baltzer, K. *The Covenant Renewal Formula in Old Testament, Jewish, and Early Christian Writings*. Revised English edition. Philadelphia: Fortress, 1971.
- Bardtke, H. "Die Rechtsstellung der Qumrân-Gemeinde." *ThLZ* 86 (1961): 93–104.
- . "4. Soziologie und Rechtsstellung der Gemeinde von Qumrân." Pp. 217–36 in idem, "Qumrân und seine Probleme." *Theologische Rundschau* 33 (1967): 97–119, 185–236.
- . "Zwischen chirbet Qumrân und 'ein feschcha.'" *ThLZ* 85 (1960): 263–74.
- Barthélemy, D. and J. T. Milik, eds. *Qumran Cave I*. DJD 1. Oxford, Clarendon, 1955.
- Bartlett, J., ed. *Jews in the Hellenistic and Roman Cities*. London: Routledge, 2002.
- Baslez, M.-F. "Recherches sur le yahad des manuscrits de Qumrân." In *Les communautés religieuses dans le monde gréco-romain*. Edited by N. Belayche and S. Mimouni. Bibliothèque de L'École des Hautes Études Sciences Religieuses 117; Paris: Brepols, 2003: 75–92.
- Bauer, W., F. W. Danker, W. F. Arndt, and F. W. Gingrich, *Greek-English Lexicon of the New Testament and Other Early Christian Literature*. 3rd edition. Chicago: University of Chicago, 1999.
- Baumgarten, A. I. "Graeco-Roman Voluntary Associations and Ancient Jewish Sects." *Jews in a Graeco-Roman World*, edited by M. Goodman. Oxford: Clarendon Press, 1998: 93–111, 261–64.
- . *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation*. Leiden: Brill, 1997.
- . Baumgarten, A. "The Zadokite Priests at Qumran: A Reconsideration." *DSD* 4 (1997): 137–56.

- . "City Lights—Urbanization and Sectarianism in Hasmonean Jerusalem." *The Centrality of Jerusalem: Historical Perspectives*, edited by M. Poorthuis and C. Safran. Kampen, 1996: 50–64.
- Baumgarten, J. "Celibacy." In *The Encyclopedia of the Dead Sea Scrolls*. Edited by L. Schiffman and J. VanderKam. 2 vols. Oxford: Oxford University Press, 2000: 1.122–24.
- . "Messianic Forgiveness of Sin in CD 14:9 (4Q266 10 i 12–13)." In *Proceedings of the International Conference on the Dead Sea Scrolls, Provo, Utah, 1996*. Edited by D. Parry and E. Ulrich. STDJ 30; Leiden: Brill, 1999: 537–44.
- , ed. *Qumran Cave 4.XIII. The Damascus Document (4Q266–273)*. DJD 18. Oxford: Clarendon, 1996.
- . "Liquids and Susceptibility to Defilement in New 4Q Texts," *JQR* 85 (1994): 91–101.
- . "The Laws of the *Damascus Document* in Recent Research." In *The Damascus Document Reconsidered*. Edited by M. Broshi. Jerusalem: Israel Exploration Society, 1992: 51–62.
- . "A 'Scriptural Citation' in 4Q Fragments of the Damascus Document." *JJS* 43 (1992): 95–98.
- . "The Cave 4 Versions of the Qumran Penal Code." *JJS* 43 (1992): 268–76.
- . "The Disqualification of Priests in 4Q Fragments of the 'Damascus Document,' a Specimen of the Recovery of pre-Rabbinic Halakha." In *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March 1991*. Edited by J. Barrera and L. Montaner. 2 vols. STDJ 11. Leiden: Brill, 1992: 2.503–14.
- . "Qumran-Essene Restraints on Marriage." *Archaeology and History in the Dead Sea Scrolls*, edited by L. Schiffman. Sheffield: JSOT, 1990: 3–24.
- . "Halakic Polemics in New Fragments from Qumran Cave 4." In *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, 1984*. Edited by J. Amitai. Jerusalem: Israel Exploration Society, 1985: 390–99.
- . "The 'Sons of Dawn' in CDC 13.14–15 and the Ban on Commerce among the Essenes." *IEJ* 33 (1983): 81–85.
- . *Studies in Qumran Law*. Studies in Judaism in Late Antiquity 24. Leiden: Brill, 1977.
- . "The Essenes and the Temple: A Reappraisal." In idem, *Studies in Qumran Law*. Leiden: Brill, 1977: 57–74.
- . "The Duodecimal Courts of Qumran, Revelation, and the Sanhedrin." *JBL* 95 (1976): 59–78.
- . "The Essene Avoidance of Oil and the Laws of Purity." *RevQ* 6 (1967): 183–93.
- . Review of C. Rabin, *Qumran Studies*. *JBL* 77 (1958): 249–57.
- . "On the Testimony of Women in 1QS^a." *JBL* 76 (1957): 266–69.
- . "Scripture and Law in 4Q265." In *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*. Edited by M. Stone and E. Chazon. STDJ 28; Leiden: Brill, 1998: 25–33.
- et al., eds. *Qumran Cave 4.XXV. Halakhic Texts*. DJD 35. Oxford: Clarendon, 1999.
- and D. Schwartz, eds. "Damascus Document (CD)." In *Damascus Document, War Scroll, and Related Documents*. Vol. 2 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*. Edited by J. Charlesworth. PTS/DSS. Tübingen: Mohr Siebeck, 1995: 4–57.
- Beall, T. *Josephus' Description of the Essenes Illustrated by the Dead Sea Scrolls*. Cambridge: Cambridge University Press, 1988.
- Beard, M., J. North and S. Price. *Religions of Rome*. Vol. 1. *A History*. New York: Cambridge University Press, 1998.

- Berg, S. "An Elite Group within the *Yahad*: Revisiting 1QS 8–9." In *Qumran Studies: New Approaches, New Questions*. Edited by M. Davis and B. Strawn. Grand Rapids: Eerdmans, 2007: 161–77.
- Berkowitz, B. *Execution and Invention: Death Penalty Discourse in Early Rabbinic and Christian Cultures*. New York: Oxford, 2006.
- Berthelot, K. "4QTestimonia as a Polemic against the Prophetic Claims of John Hyrcanus." In *Prophecy after the Prophets? The Contribution of the Dead Sea Scrolls to the Understanding of Biblical and Extra-Biblical Prophecy*. Edited by K. de Troyer et al. Leuven: Peeters, 2009: 99–116.
- . "La notion de נָאִם dans les textes de Qumrân." *RevQ* 19 (1999): 171–216.
- Bickerman, Elias. *The Jews in the Greek Age*. Cambridge: Harvard University Press, 1988.
- . "La Charte Seleucide de Jerusalem." In idem, *Studies in Jewish and Christian History Part Two*. Leiden: Brill, 1980: 44–85.
- . "Une proclamation seleucide relative au temple de Jerusalem." In idem, *Studies in Jewish and Christian History Part Two*. Leiden: Brill, 1980: 86–104.
- . "Genesis and Character of Maccabean Hellenism." In idem, *From Ezra to the Last of the Maccabees: Foundations of Post-Biblical Judaism*. New York: Schocken, 1962.
- Blackman, P. *Mishnayoth*. 7 vols. New York: Gateshead, 1983.
- Blümel, W. ed. *Die Inschriften von Iasos*. Bonn: Habelt, 1985.
- Boak, A. "The Organization of Gilds in Greco-Roman Egypt." *TAPA* 68 (1937): 212–20.
- Boeckh, A., ed. *Corpus inscriptionum graecarum*. 4 vols. Berlin: Reimer, 1828–1877.
- Bonner, S. F. *Education in Ancient Rome: From the Elder Cato to the Younger Pliny*. London: Methuen & Co., 1977.
- Bowden, H. "Hoplites and Homer: Warfare, Hero Cult, and the Ideology of the Polis." In *War and Society in the Greek World*, John Rich and Graham Shipley, eds., 45–63. London: Routledge, 1993.
- Bowman, A. *The Town Councils of Roman Egypt*. American Studies in Papyrology 11. Toronto: Hakkert, 1971.
- and D. Rathbone. "Cities and Administrations in Roman Egypt." *Journal of Roman Studies* 82 (1992): 107–27.
- Boyance, P. "Sur la vie pythagoricienne." *REG* 52 (1939): 36–50.
- Bradley, J. "Subjects into Citizens: Societies, Civil Society, and Autocracy in Tsarist Russia." *American Historical Review* 107 (2002) 1094–1123.
- Branham, R. and M.-O. Goulet-Cazé, eds. *The Cynics: the Cynic Movement in Antiquity and Its Legacy*. Berkeley: University of California, 1996.
- Brooke, G. "Between Qumran and Corinth: Embroidered Allusions to Women's Authority." In *The Dead Sea Scrolls as Background to Postbiblical Judaism and Early Christianity*. Edited by J. Davila. STDJ 46. Leiden: Brill, 2003: 157–76.
- . "Isaiah 40:3 and the Wilderness Community." In *New Qumran Texts and Studies*, edited by G. Brooke and F. García Martínez. Leiden: Brill, 1994: 117–32.
- . "Levi and the Levites in the Dead Sea Scrolls and the New Testament." In *Mogilany 1989. Papers on the Dead Sea Scrolls*. 2 vols. Edited by Z. Kapera. Krakow: Enigma, 1993: 1.105–29.
- Broshi, M. "Was Qumran a Crossroads?" *RevQ* 19 (1999): 273–76.
- . and H. Eshel. "How and Where Did the Qumranites Live?" *The Provo International Conference on the Dead Sea Scrolls*, edited by D. Parry and E. Ulrich. Leiden: Brill, 1999: 266–73.
- Brown, E. *Stoic Cosmopolitanism*. Cambridge: Cambridge University Press, forthcoming.
- . "The Stoic Invention of Cosmopolitan Politics." Unpublished paper. Forthcoming in the proceedings of the conference, "Cosmopolitan Politics: On the History and Future of a Controversial Ideal." Frankfurt am Main, December 2006.

- Brown, F., S. R. Driver, and C. A. Briggs, *A Hebrew and English Lexicon of the Old Testament*. Oxford: Clarendon, 1907.
- Brutti, M. *The Development of the High Priesthood during the Pre-Hasmonean Period: History, Ideology, Theology*. JSJSup 108. Leiden: Brill, 2006.
- Buckler, W. H. "Monuments de Thyatire." *RevPhil* 37 (1913): 299–300.
- Burkert, W. "Hellenistische Pseudopythagorica." *Philologus* 105 (1961): 16–43, 226–46.
- . *Lore and Science in Ancient Pythagoreanism*, translated by E. Minar. Cambridge: Harvard University Press, 1972.
- . "Craft Versus Sect: The Problem of Orphics and Pythagoreans." In *Self-Definition in the Greco-Roman World*. Vol. 3 of *Jewish and Christian Self-Definition*. Edited by B. Meyer and E. P. Sanders. Philadelphia: Fortress, 1982: 1–22, 183–89.
- Burrows, M. *The Dead Sea Scrolls*. New York: Viking, 1955.
- Calhoun, G. M. *Athenian Clubs in Politics and Litigation*. Austin: University of Texas Bulletin, 1913.
- Campbell, B. ed. *The Roman Army, 31 BC–AD 337: A Sourcebook*. London: Routledge, 1994.
- Carmignac, J. et al., eds. *Les textes de Qumran: traduit et annotés*. 2 vols. Paris: Letouzey et Ané, 1961–1963.
- Carroll, R. "War in the Hebrew Bible." *War and Society in the Greek World*, edited by J. Rich and G. Shipley. London: Routledge, 1993: 25–44.
- Caulkins, D. "Voluntary Associations." *Encyclopedia of Cultural Anthropology*, edited by D. Levinson and M. Ember. New York: Henry Holt and Company, 1996: 4.1351–56.
- Cenival, F. de. *Les associations religieuses en Egypte d'après les documents démotiques*. Cairo: Institut français d'archéologie orientale, 1972.
- Chalcraft, D., ed. *Sectarianism in Early Judaism: Sociological Advances*. London: Equinox, 2007.
- Charlesworth, J. "Morphological and Philological Considerations: Preparing the Critical Text and Translation of the Serek Ha-Yahad." In *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site: Present Realities and Future Prospects*. Edited by N. Golb, M. Wise, J. Collins and D. Pardee. New York: The New York Academy of Sciences, 1994: 279–81.
- and L. Stuckenbruck, eds. "Rule of the Congregation (1QSa)." In *Rule of the Community and Related Documents*. Vol. 1 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*. Edited by J. Charlesworth. PTSDDS. Tübingen: Mohr Siebeck, 2002: 108–17.
- Cheesman, G. L. *The Auxilia of the Roman Imperial Army*. Oxford: Clarendon, 1914.
- Chilton, C. W. *Diogenes of Oenoanda: The Fragments*. London: Oxford, 1971.
- , ed. *Diogeneis Oenoandensis Fragmenta*. Leipzig: Teubner, 1967.
- Chroust, A.-H. "The Ideal Polity of the Early Stoics: Zeno's "Republic." *Review of Politics* 27, 1965: 173–83.
- Cicero. *The Republic; The Laws*. Translated by N. Rudd, with Introduction and notes by N. Rudd and J. Powell. New York: Oxford, 1998.
- Cicero*. Translated by C. W. Keyes, C. Macdonald, D. R. Shackelton Bailey et al. 29 vols. LCL. Cambridge: Harvard, 1928–2002.
- Clark, P. *British Clubs and Societies, 1580–1800: The Origins of an Associational World*. Oxford: Clarendon, 2000.
- Claussen, C. *Versammlung, Gemeinde, Synagoge*. Göttingen: Vandenhoeck & Ruprecht, 2002.
- Clay, D. "Epicurus' Last Will and Testament." In idem, *Paradosis and Survival: Three Chapters in the History of Epicurean Philosophy*. Ann Arbor: University of Michigan, 1992: 3–39.
- . "Individual and Community in the First Generation of the Epicurean School." In idem, *Paradosis and Survival: Three Chapters in the History of Epicurean Philosophy*. Ann Arbor: University of Michigan, 1992: 55–74.

- . “Epicurus’ Κυρία Δόξα VII.” In idem, *Paradosis and Survival: Three Chapters in the History of Epicurean Philosophy*. Ann Arbor: University of Michigan, 1992: 32–39.
- . “The Cults of Epicurus.” In idem, *Paradosis and Survival: Three Chapters in the History of Epicurean Philosophy*. Ann Arbor: University of Michigan, 1992: 75–102.
- . “A Lost Epicurean Community.” In idem, *Paradosis and Survival: Three Chapters in the History of Epicurean Philosophy*. Ann Arbor: University of Michigan, 1992: 232–55.
- Cohen, S. *From the Maccabees to the Mishnah*. Second edition. Louisville: Westminster/John Knox, 2006.
- Cohen, S. and A. Arato. *Civil Society and Political Theory*. Cambridge: MIT, 1992.
- Collins, A. Y. “The Dream of a New Jerusalem at Qumran.” In *The Bible and the Dead Sea Scrolls* vol. 3, *The Scrolls and Christian Origins*, ed. J. Charlesworth et al. Waco: Baylor, 2006: 231–54.
- . “The Function of ‘Excommunication’ in Paul.” *HTR* 73 (1980): 251–63.
- Collins, J. J. *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls*. Grand Rapids: Eerdmans, 2010.
- . “The Yahad and ‘The Qumran Community.’” In *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*. Edited by C. Hempel and J. Lieu. Leiden: Brill, 2006: 81–96.
- . “Forms of Community in the Dead Sea Scrolls.” In *Emanuel: Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov*, ed. S. Paul et al. Leiden: Brill, 2003: 97–111.
- . “The Construction of Israel in the Sectarian Rule Books.” *Judaism in Late Antiquity* part 5, *The Judaism of Qumran* vol. 1, *Theory of Israel*, ed. A. Avery-Peck, J. Neusner and B. Chilton. Leiden: Brill, 2001: 25–42.
- . “The Expectation of the End in the Dead Sea Scrolls.” *Eschatology, Messianism, and the Dead Sea Scrolls*, ed. C. Evans and P. Flint. Grand Rapids: Eerdmans, 1997: 74–90.
- . *Jewish Wisdom in the Hellenistic Age*. Louisville: Westminster/John Knox, 1997.
- . *The Scepter and the Star: The Messiahs of the Dead Sea Scrolls and Other Ancient Literature*. New York: Doubleday, 1995.
- and Sterling, G., eds. *Hellenism in the Land of Israel*. Notre Dame: Notre Dame University Press, 2001.
- Connolly, P. “The Early Roman Army.” *Warfare in the Ancient World*, edited by J. Hackett. London: Sidgwick & Jackson, 1989: 136–48.
- . “The Roman Army in the Age of Polybius.” *Warfare in the Ancient World*, edited by J. Hackett. London: Sidgwick & Jackson, 1989: 149–68.
- Connor, W. R. “Civil Society, Dionysiac Festival, and the Athenian Democracy.” In *Demokratia*, edited by J. Ober and C. Hedricks (Princeton: Princeton University Press, 1996): 217–26.
- Cornell, T. *The Beginnings of Rome: Italy and Rome from the Bronze Age to the Punic Wars (c. 1000–264 BE)*. London: Routledge, 1995.
- . “The Foundation of Rome in the Ancient Literary Tradition.” In *Papers in Italian Archaeology* vol. I, edited by H. Blake et al. Oxford: Oxford University Press, 1978: 131–40.
- . Review of M. Capozza, *Roma fra Monarchia e Decemvirato nell’Interpretazione di Eutropio*. *JRS* 66 (1976): 260–61.
- Coser, L. *Greedy Institutions: Patterns of Undivided Commitment*. New York: The Free Press, 1974.
- Cotter, W. “The Collegia and Roman Law: State restrictions on voluntary associations, 64 BCE–200 CE.” In *Voluntary Associations in the Graeco-Roman World*. Edited by J. Kloppenborg and S. Wilson. London: Routledge, 1996: 74–89.

- Cowey, J. and K. Maresch. *Urkunden des Politeuma der Juden von Herakleopolis (144/3–133/2 v. Chr.)*. Köln: Westdeutscher Verlag, 2001.
- Cribiore, R. *Gymnastics of the Mind: Greek Education in Hellenistic and Roman Egypt*. Princeton: Princeton University Press, 2001.
- . *Writers, Teachers and Students in Graeco-Roman Egypt*. Atlanta: Scholars Press, 1996.
- Crook, J. A. *Law and Life of Rome, 90 B.C.-A.D. 212*. Ithaca: Cornell, 1967.
- Cross, F. M. *The Ancient Library of Qumran*. 3rd edition. Minneapolis: Fortress, 1995.
- Cumont, F. "La Grande Inscription Bachique du Metropolitan Museum. II. Commentaire Religieux de l'Inscription." *AJA* 37 (1933): 232–63.
- Curren, R. *Aristotle on the Necessity of Public Education*. Lanham: Rowman and Littlefield, 2000.
- Davies, P. "Judaism and the Hebrew Scriptures." In *The Blackwell Companion to Judaism*. Edited by J. Neusner et al. London: Blackwell, 2003: 31–41.
- . "The 'Damascus' Sect and Judaism." In *Pursuing the Text: Studies in Honor of Ben Zion Wacholder on the Occasion of his Seventieth Birthday*. Edited by J. Reeves and J. Kampen. Sheffield: Sheffield Academic Press, 1994: 70–84.
- . *The Damascus Covenant: An Interpretation of the "Damascus Document"*. Sheffield: JSOT Press, 1983.
- Davila, J. *Liturgical Works*. Eerdmans Commentaries on the Dead Sea Scrolls. Grand Rapids: Eerdmans, 2000.
- Douglas, M. "How Many *Agronomoi* Are There in Plato's *Laws*?" *CP* 60 (1965): 28–29.
- Dawson, D. *Cities of the Gods: Communist Utopias in Greek Thought*. New York: Oxford, 1992.
- Delatte, A. *La vie de Pythagore de Diogène Laërce: Édition critique avec introduction & commentaire*. Belgique: Academie royale, 1922.
- Delcor, M. "The Courts of the Church of Corinth and the Courts of Qumran." *Paul and the DSS*, ed. J. Murphy-O'Connor and J. Charlesworth. Reprint. New York: Crossroad 1990: 69–84.
- . "Repas culturels esséniens et thérapeutes, thiasés et haburoth." *RevQ* 6 (1967–69): 401–25.
- Demosthenes*. Translated by J. H. Vince, N. W. de Witt et al. 7 vols. LCL. Cambridge: Harvard, 1930–1949.
- Derrett, J. "'BEHUQEY HAGOYIM': Damascus Document IX,1 Again." *RevQ* 11 (1982–84): 409–15.
- Dessau, H. *Inscriptiones Latinae Selectae*. 3 vols. Berlin: Weidmannos, 1892–1916.
- Devine, A. M. "Polybius' Lost *Tactica*: The Ultimate Source for the Tactical Manuals of Asclepiodotus, Aelian, and Arrian?" *The Ancient History Bulletin* 9 (1995): 40–44.
- Dillon, J. "The Essenes in Greek Sources: Some Reflections." *Jews in the Hellenistic and Roman Cities*, edited by John Bartlett. London: Routledge, 2002: 117–28.
- . and Hershbell, J. *Iamblichus: On the Pythagorean Way of Life*. Atlanta: Scholars Press, 1991.
- Dimant, D. "The Hebrew Bible in the Dead Sea Scrolls: Torah Quotations in the Damascus Document." (Hebrew). In "*Sha'arei Talmon*": *Studies in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon*. Edited by M. Fishbane, E. Tov and W. Fields. Winona Lake: Eisenbrauns, 1992: 113–22.
- . "4QFlorilegium and the Idea of the Community as Temple." In *Hellenica et Judaica: Hommage à Valentin Nikiprowetzky*. Edited by A. Caquot et al. Leuven: Peeters, 1986: 165–89.
- Dio Cassius. *Roman History*. Translated by E. Cary, H. Foster et al. 9 vols. LCL. Cambridge: Harvard, 1914–1927.

- Dio Chrysostom*. Translated by J. Cohoon and H. Crosby. 5 vols. LCL. Cambridge: Harvard, 1932–1951.
- Diogenes Laertius. *Lives of Eminent Philosophers*. Translated by R. D. Dicks. 2 vols. LCL. Cambridge: Harvard, 1925.
- Dionysius of Halicarnassus. *Roman Antiquities*. Translated by E. Cary. 7 vols. LCL. Cambridge: Harvard, 1940.
- Dittenberger, W., ed. *Orientalis graeci inscriptiones selectae*. 2 vols. Leipzig: Teubner, 1903–1905.
- . *Sylloge inscriptionum graecarum*. 4 vols. 3rd edition. Leipzig: Teubner, 1915–1924.
- Dohmen, C. “Zur Gründung der Gemeinde von Qumran (1QS VIII–IX).” *RevQ* 11 (1982): 81–96.
- Dombrowski, B. “Hayyahad in 1QS and *TO KOINON*: an Instance of Early Greek and Jewish Synthesis.” *HTR* 59 (1966): 293–307.
- Douglas, M. “Power and Praise in the *Hodayot*: A Literary Critical Study of 1QH 9:1–18:14.” Ph.D. dissertation, the University of Chicago, 1998.
- Doran, R. “The High Cost of a Good Education.” *Hellenism in the Land of Israel*, edited by J. Collins and G. Sterling. Notre Dame: Notre Dame University Press, 2000: 94–115.
- . “Jason’s Gymnasium.” *Of Scribes and Scrolls: Studies on the Hebrew Bible, Inter-testamental Judaism, and Christian Origins*, edited by H. Attridge, J. Collins, and T. Tobin. Lanham: University Press of America, 1990: 99–109.
- Duhaime, J., ed. “War Scroll (1QM; 1Q33; 4Q491–496 = 4QM1–6; 4Q497).” In *The Damascus Document, War Scroll and Related Documents*. Vol. 2 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts With English Translations*. Edited by J. Charlesworth. PTS/DSS. Tübingen: Mohr Siebeck, 1995: 80–203.
- . “The War Scroll from Qumran and the Greco-Roman Tactical Treatises.” *RevQ* 17 (1988): 133–51.
- Dupont-Sommer, A. “Le problème des influences étrangères sur la secte juive de Qoumrân.” *Revue d’histoire et de philosophie religieuses* 35 (1955): 75–92.
- Eagleton, T., ed. *Ideology*. Longman Critical Readers. London: Longman, 1994.
- Ebel, E. *Die Attraktivität früher christlicher Gemeinden: Die Gemeinde von Korinth im Spiegel griechisch-römischer Vereine*. Tübingen: Mohr Siebeck, 2004.
- Edmondson, J. and A. Keith, eds. *Roman Dress and the Fabrics of Roman Culture*. Toronto: University of Toronto, 2009.
- Elgvin, T. “Wisdom in the *Yahad*: 4QWays of Righteousness,” *RevQ* 17 (1996): 205–32.
- Epictetus*. Translated by W. A. Oldfather. 2 vols. LCL. Cambridge: Harvard, 1925.
- Epp, E. *Junia: The First Woman Apostle*. Minneapolis: Fortress, 1995.
- Erichsen, W. *Die Satzungen einer ägyptischen Kultgenossenschaft aus der Ptolemäerzeit*. Copenhagen: Munksgaard, 1959.
- Eshel, E. “The Rebukes by the Overseer.” *JJS* 45 (1994): 111–22.
- Eshel, H. *The Dead Sea Scrolls and the Hasmonean State*. Grand Rapids: Michigan, 2008.
- , E. Eshel and A. Yardeni. “4QApocryphal Psalm and Prayer.” In E. Eshel et al., *Qumran Cave 4.VI: Poetical and Liturgical Texts, Part 1*. DJD 11. Oxford: Clarendon, 1998: 403–25.
- . “The Historical Background of the Peshier Interpreting Joshua’s Curse on the Rebuilder of Jericho.” *JJS* 44 (1993): 309–12.
- Fabry, H.-J. “Zadokiden und Aaroniden in Qumran.” In *Das Manna fällt auch heute noch: Beiträge zur Geschichte und Theologie des Alten, Ersten Testaments: Festschrift für Erich Zenger*. Edited by F.-L. Hossfeld et al. Herders Biblische Studien 44. Freiburg: Herder, 2004: 201–17.
- Falk, D. *Daily, Sabbath, and Festival Prayers in the Dead Sea Scrolls*. STDJ 27. Leiden: Brill, 1998.
- Falk, Z. “‘BHUQEY HAGOYIM’ in Damascus Document IX,1,” *RevQ* 6 (1967–69): 569.

- Feldman, L. *Jew and Gentile in the Ancient World: Attitudes and Interactions from Alexander to Justinian*. Princeton: Princeton University Press, 1993.
- Femina, J. *Gramsci's Political Thought: Hegemony, Consciousness, and the Revolutionary Process*. Oxford: Oxford University Press, 1981.
- Fernandez-Galiano, D. "Un Monasterio Pitagorico: Los Terapeutas de Alejandria." *Gerion* 11 (1993): 244–69.
- Fisher, N. "Greek Associations, Symposia, and Clubs." In *Civilization of the Ancient Mediterranean: Greece and Rome*, edited M. Grant and R. Kitzinger. New York: Charles Scribner's Sons, 1988: 2.1167–97.
- . "Roman Associations, Dinner Parties, and Clubs." *Civilization of the Ancient Mediterranean: Greece and Rome*, edited by M. Grant and R. Kitzinger. New York: Charles Scribner's Sons, 1988: 2.1199–225.
- Fontenrose, J. *Didyma: Apollo's Oracle, Cult, and Companions*. Berkeley: University of California Press, 1988.
- Forbes, C. A. *Neoi: A Contribution to the Study of Greek Associations*. Middletown, Connecticut: American Philological Association, 1933.
- Fraade, S. "Qumran Yahad and Rabbinic Hăbūrâ: A Comparison Reconsidered," *DSD* 16 (2009): 433–53.
- . "To Whom It May Concern: 4QMMT and Its Addressee(s)." *RevQ* 76 (2001): 507–26.
- . "Hagu, Book of." In *The Encyclopedia of the Dead Sea Scrolls*. 2 vols. Edited by L. Schiffman and J. VanderKam. New York: Oxford, 2000: 327.
- . "Looking for Legal Midrash at Qumran." In *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*. Edited by M. Stone and E. Chazon. STDJ 28. Leiden: Brill, 1998: 59–79.
- Fränkel, M., ed. *Die Inschriften von Pergamon*. 2 vols. Berlin: Spemann.
- Frend, W. H. "Persecutions: Some Links between Judaism and the Early Church." *Journal of Ecclesiastical History* 9 (1958): 141–58.
- Frey, J.-B., ed. *Corpus inscriptionum iudaicarum*. 2 vols. Rome: Pontifical Institute, 1936–1952.
- Frontinus*. Translated by C. E. Bennett and M. B. McElwain. LCL. Cambridge: Harvard, 1925.
- Frotscher, K. and C. Felicius, eds. *Caii Crispi Sallustii quae exstant item epistolae de republica ordinanda, declamatio in Ciceronem et pseudo-Ciceronis in Sallustium: Iul. Exsuperantius de bellis civilibus ac Porcius Latro in Catilinam*. Leipzig: Sumptibus Kuehnian Library, 1825.
- Gaetringen, F. H. von et al., eds. *Inscriptiones graecae*. Berlin: de Gruyter, 1873—von Poehlmann, R. *Geschichte der sozialen Frage und des Sozialismus in der antiken Welt*. 2 vols. 3rd ed. München, C.H. Beck, 1925.
- Gagnon, R. A. J. "How Did the Rule of the Community Obtain Its Final Shape? A Review of Scholarly Research." *Journal for the Study of the Pseudepigrapha* 10 (1992): 61–79.
- Gallo, I., ed. *La biografia dei filosofi*. Vol. 2 of *Frammenti Biografici dei Papiri*. Rome: Ateneo & Bizzarri, 1980.
- Galor, K., J.-B. Humbert and J. Zangenberg, eds. *Qumran: The Site of the Dead Sea Scrolls: Archaeological Interpretations and Debates*. Boston: Brill, 2006.
- García Martínez, F. and E. Tigchelaar, eds. *The Dead Sea Scrolls Study Edition*. 2 vols. Leiden: Brill, 1997–1998.
- Gärtner, B. *The Temple and the Community in Qumran and the New Testament: A Comparative Study in the Temple Symbolism of the Qumran Texts and the New Testament*. Cambridge: Cambridge University Press, 1965.
- Georgi, D. *Remembering the Poor: The History of Paul's Collection for Jerusalem*. Nashville: Abingdon, 1990.
- Gera, D. *Judaea and Mediterranean Politics, 219 to 161 B.C.E.* Leiden: Brill, 1998.

- Gesenius, W. *Gesenius' Hebrew Grammar*. Edited by E. Kautzsch. Translated by A. E. Cowley. 2nd edition. Oxford: Clarendon, 1910.
- Gierke, O. *Associations & Law: the Classical & Early Christian Stages*. Translated by G. Heiman. Toronto: University of Toronto, 1977.
- Gillihan, Y. M. "Posture or Gesture? A Note on לָשׁוּחַ/לְשׁוּחַ in the Qumran Penal Codes," *RevQ* 24 (2009) 291–96.
- . "Jewish Laws on Illicit Marriage, the Defilement of Offspring and the Holiness of the Temple: A New Halakic Reading of 1 Corinthians 7:14." *JBL* 121 (2003): 711–44.
- . "The גַּר Who Wasn't There: Fictional Aliens in the *Damascus Rule*." *RevQ*, forthcoming.
- Ginzberg, L. *An Unknown Jewish Sect*. Reprint edition. New York: Ktav, 1970.
- Glasson, T. F. *Greek Influence in Jewish Eschatology, with Special Reference to the Apocalypses and Pseudepigraphs*. London: SPCK, 1961.
- Glucker, J. *Antiochus and the Late Academy*. Göttingen: Vandenhoeck & Ruprecht, 1978.
- Goff, M. *The Worldly and Heavenly Wisdom of 4QInstruction*. STDJ 50. Leiden: Brill, 2003.
- Golb, N. *Who Wrote the Dead Sea Scrolls?* New York: Scribner, 1995.
- Goldstein, J. "Jewish Acceptance and Rejection of Hellenism." In *Aspects of Judaism in the Graeco-Roman Period*. Vol. 2 of *Jewish and Christian Self-Definition*. Edited by E. P. Sanders. London: SCM Press, 1981: 64–87, 318–26.
- Goodman, M. *The Ruling Class of Judaea: The Origins of the Jewish Revolt against Rome, A.D. 66–70*. Cambridge: Cambridge University Press, 1987.
- , ed. *Jews in the Graeco-Roman World*. Oxford: Clarendon, 1998.
- and Holladay, A. J. "Religious Scruples in Ancient Warfare." *Classical Quarterly* 36 (1986): 151–71.
- Gordon, A. *Album of Dated Latin Inscriptions*, vol. 2, *Rome and the Neighborhood A.D. 100–199*. Berkeley: University of California, 1964.
- Götz, N. and J. Hackmann, eds. *Civil Society in the Baltic Sea Region*. Aldershot: Ashgate, 2003.
- Goulet-Cazé, M.-O. "Religion and the Early Cynics." In *The Cynic Movement in Antiquity and Its Legacy*. Edited by R. Branham and M.-O. Goulet-Cazé. Berkeley: University of California, 1996: 45–80.
- . *L'ascèse cynique: Un commentaire de Diogène Laërce VI 70–71*. Paris: J. Vrin, 1986.
- Gramsci, A. *Selections from the Prison Notebooks*. Edited by Q. Hoare and G. Smith. New York: International Publishers, 1971.
- Grenfell, B., A. Hunt et al., eds. *Oxyrhynchus Papyri*. London: British Academy, 1898–.
- Gruen, E. *Heritage and Hellenism: The Reinvention of Jewish Tradition*. Berkeley: University of California Press, 1998.
- . Review of H. D. Slingerland, *Claudian Policymaking and the Early Imperial Repression of Judaism at Rome*, *Bryn Mawr Classical Review* 1998.07.02.
- Guilbert, P. "Le plan de la Règle de la Communauté." *RevQ* 1 (1959): 323–44.
- Habermas, J. *A Theory of Communicative Action*. Vol. 1. *Reason and the Rationalization of Society*. Vol. 2. *Lifeworld and System: A Critique of Functionalist Reason*. Translated by T. McCarthy. Boston: Beacon, 1985–1987.
- Hadas, M. *Hellenistic Culture: Fusion and Diffusion*. New York: Columbia University Press, 1959.
- Hanges, J. C. "Paul, Founder of Churches: a Study in Light of the Evidence for the Role of 'Founder-figures' in the Hellenistic-Roman Period." Ph.D. diss., University of Chicago, 1999.
- Hardtwig, W. "Verein, Gesellschaft, Geheimgesellschaft, Assoziation, Genossenschaft, Gewerkschaft." In *Geschichtliche Grundbegriffe: Historisches Lexikon zur politisch-*

- sozialen Sprache in Deutschland*. Edited by O. Brunner et al. Stuttgart: Ernst Klett, 1990: 6.789–829.
- Harland, P. “The Declining Polis? Religious Rivalries in Ancient Civic Context.” In *Religious Rivalries in the Early Roman Empire and the Rise of Christianity*. Edited by L. Vaage. Waterloo, ON: Wilfrid Laurier University Press, 2006: 21–49.
- . *Associations, Synagogues, and Congregations: Claiming a Place in Ancient Mediterranean Society*. Minneapolis: Fortress, 2003.
- Harrill, J. A. *The Manumission of Slaves in Early Christianity*. Tübingen: Mohr Siebeck, 1995.
- Harrington, H. “Holiness in the Laws of 4QMMT.” In *Legal Texts and Legal Issues: Proceedings of the International Organization for Qumran Studies, Cambridge 1995. Published in Honour of Joseph M. Baumgarten*. Edited by M. Bernstein, F. García Martínez, and J. Kampen. STDJ 23. Leiden: Brill, 1997: 109–28.
- . *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations*. SBLDS 143. Atlanta: Scholars, 1993.
- Harris, E. M. “How Often Did the Athenian Assembly Meet?” *Classical Quarterly* 36 (1986): 363–77.
- Harris, G. “The Beginnings of Church Discipline: 1 Corinthians 5.” In *Understanding Paul’s Ethics*. Edited by B. Rosner. Grand Rapids: Eerdmans, 1995: 129–51.
- Harvey, T. R. “The Public School of Sparta.” *Greece and Rome* 3 (1934): 129–39.
- Hatch, E. *The Organization of Early Christian Churches: Eight Lectures*. The Bampton Lectures. London, 1881.
- Hawley R. “On Maskil in the Judean Desert Texts.” *Henoch* 28 (2006): 43–77.
- Hayes, C. *Gentile Impurities and Jewish Identities: Inter-marriage and Conversion from the Bible to the Talmud*. New York: Oxford, 2002.
- Heger, P. *Cult as the Catalyst for Division: Cult Disputes as the Motive for Schism in the Pre-70 Pluralistic Environment*. STDJ 65. Leiden: Brill, 2007.
- Hempel, C. “1QS 6:2c–4a—Sattelites or Precursors of the Yahad?” In *The Dead Sea Scrolls and Contemporary Culture: Proceedings of the International Conference Held at the Israel Museum, Jerusalem (July 6–8, 2008)*. Edited by A. Roitman, L. Schiffman, and S. Tzoref. Leiden: Brill, forthcoming.
- . “Do the Scrolls Suggest Rivalry between the Sons of Aaron and the Sons of Zadok and If So Was It Mutual?” *RevQ* 24 (2009) 370–87.
- . “The Sons of Aaron in the Dead Sea Scrolls.” In *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*. Edited by A. Hilhorst et al. Leiden: Brill, 2007: 207–224.
- . “Maskil(im) and Rabbim: From Daniel to Qumran.” In *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*. Edited by C. Hempel and J. Lieu. JSJSupp 111. Leiden: Brill, 2006: 133–56.
- . *The Damascus Texts*. Sheffield: Sheffield Academic Press, 2000.
- . “Community Structures in the Dead Sea Scrolls: Admission, Organization, Disciplinary Procedures.” *The Dead Sea Scrolls After Fifty Years: A Comprehensive Assessment*, edited by P. Flint and J. VanderKam. 2 vols. Leiden: Brill, 1999: 2.67–92.
- . *The Laws of the Damascus Document. Sources, Traditions and Redaction*. STDJ 29. Leiden: Brill, 1998.
- . “The Penal Code Reconsidered.” In *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995. Published in Honour of Joseph M. Baumgarten*. Edited by M. Bernstein et al. STDJ 23. Leiden: Brill, 1997: 337–48.
- . “The Earthly Essene Nucleus of 1QSa.” *Dead Sea Discoveries* 3 (1996): 253–69.
- . “Who Rebukes in 4Q477?” *RevQ* 16 (1995): 127–28.
- Hengel, M. “Qumran and Hellenism.” In *Religion in the Dead Sea Scrolls*. Edited by J. Collins and R. Kugler. Grand Rapids: Eerdmans, 2000: 46–56.
- . *Judaism and Hellenism: Studies in Their Encounter in Palestine During the Early Hellenistic Period*. Translated by J. Bowden. Philadelphia: Fortress Press, 1974.

- Henrichs, A. "Changing Dionysiac Identities." In *Self-Definition in the Greco-Roman World*. Vol. 3 of *Jewish and Christian Self-Definition*. Edited by B. Meyer and E. P. Sanders. Philadelphia: Fortress, 1982: 137–60, 213–36.
- Herrmann, R. "Die Gemeinderegel von Qumran und das antike Vereinswesen." In *Jewish Identity in the Greco-Roman World*. Edited by J. Frey, D. Schwartz, S. Gripentrog. AJEC 71. Leiden: Brill, 2007: 161–203.
- Herodotus. *The Persian Wars*. Translated by A. D. Godley. 4 vols. LCL. Cambridge: Harvard, 1920–1925.
- Hicks, E. L., C. T. Newton, G. Hirschfeld, and F. H. Marshall. *The Collection of Ancient Greek Inscriptions in the British Museum*. 4 vols. Oxford: Clarendon, 1874–1916.
- Hirschfeld, Y. *Qumran in Context: Reassessing the Archaeological Evidence*. Peabody: Hendrickson, 2004.
- Honigman, S. "Politeumata and Ethnicity in Ptolemaic Egypt." *Ancient Society* 33 (2003): 61–102.
- Horbury, W. and D. Noy, eds. *Jewish Inscriptions of Graeco-Roman Egypt*. Cambridge: Cambridge University Press, 1992.
- Horgan, M., ed. "Pesharim." In *Pesharim, Other Commentaries, and Related Documents*. Vol. 6b of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*. Edited by J. Charlesworth. PTSDSS. Tübingen: Morh Siebeck, 2002: 1–201.
- . *Pesharim: Qumran Interpretations of Biblical Books*. CBQMS 8. Washington: Catholic Biblical Association, 1979.
- Hornblower, S. and A. Spawforth, eds. *The Oxford Classical Dictionary*. 3rd edition. Oxford: Clarendon, 1996.
- Horster, M. "The Emperor's Family on Coins (Third Century): Ideology of Stability in Times of Unrest." In *Crises and the Roman Empire: Proceedings of the Seventh Workshop of the International Network Impact of Empire*. Edited by O. Hekster et al. Leiden: Brill, 2007: 291–309.
- Hultgren, S. *From the Damascus Covenant to the Covenant of the Community: Literary, Historical, and Theological Studies in the Dead Sea Scrolls*. STDJ 66. Leiden: Brill, 2007.
- Hunt, A. *Missing Priests: The Zadokites in Tradition and History*. JSOTSup 454. London: T&T Clark, 2006.
- . "Rights and Social Movements: Counter-Hegemonic Strategies." *Journal of Law and Society* 17 (1990): 309–28.
- Husselman, E. M., A. E. R. Boak and W. F. Edgerton, eds. *Michigan Papyri* vol. 5. *Papyri from Tebtunis*, Part II. Ann Arbor: University of Michigan, 1944.
- Isidore of Seville. *Etymologiae*. Edited by W. M. Lindsay. Oxford: Clarendon, 1911.
- Isocrates. Translated by G. Norlin and L. R. van Hook. 3 vols. LCL. Cambridge: Harvard, 1929–1945.
- Jastrow, M. *Dictionary of the Targumim, the Talmud Babli and Yerushalmi, and the Midrashic Literature*. 2 vols. New York: Putnam, 1886–1903.
- Jaubert, A. "Le Calendrier des Jubilés et les Jours Liturgiques de la Semaine." *Vetus Testamentum* 7 (1957), 35–61.
- . "Le Calendrier des Jubilés et de la Secte de Qumrân. Ses Origines Bibliques." *Vetus Testamentum* 3 (1953), 250–64.
- Jokiranta, J. "'Sectarianism' of the Qumran 'Sect': Sociological Notes," *RevQ* 20 (2001): 223–39.
- Jones, A. H. M. *The Cities of the Eastern Roman Provinces*, revised by M. Avi-Yonah et al. Oxford: Clarendon, 1971.
- Jones, N. *The Associations of Classical Athens: The Response to Democracy*. Oxford: Oxford University Press, 1999.
- . *Public Organization in Ancient Greece*. Philadelphia: American Philosophical Society, 1983.

- Josephus*. Translated by H. St. J. Thackeray et al. 10 vols. LCL. Cambridge: Harvard, 1926–1965.
- Judge, E. A. *Social Pattern of the Christian Groups in the First Century: Some Prolegomena to the Study of New Testament Ideas of Social Obligation*. London, Tyndale Press, 1960.
- Julian, C. “Fabri.” *Dictionnaire des antiquités grecques et romaines d’après les textes et les monuments*. Paris: Hachette, 1919: 2.947–59.
- Kahn, C. H. *Pythagoras and the Pythagoreans: A Brief History*. Indianapolis: Hackett, 2001.
- Kalinka, E., R. Heberdey, et al., eds. *Tituli Asiae Minoris collecti et editi auspiciis Academiae Litterarum Austriacae*. Vindobonae: Academiam Scientiarum Austriacam, 1920–.
- Kapfer, H. “The Relationship between the Damascus Document and the Community Rule: Attitudes toward the Temple as a Test Case.” *DSD* 14 (2007): 152–77.
- Keaney, J. J. *The Composition of Aristotle’s Athenaion Politeia: Observation and Explanation*. New York: Oxford, 1992.
- Kearsley, R. “A Leading Family of Cibyra and Some Asiarchs of the First Century.” *Ancient Studies* 38 (1988): 43–46.
- Keenan, J. G. “A Papyrus Letter about Epicurean Philosophy Books.” *J. Paul Getty Museum Journal* 5 (1977): 91–94.
- Keil, J., W. H. Buckler, and W. M. Calder, eds. *Monumenta asiae minoris antiqua*. London: JRS Monographs, 1928–.
- Kennell, N. *Ephebeia. A Register of Greek Cities with Citizen Training Systems in the Hellenistic and Roman Periods*. Hildesheim: Olms–Weidmann, 2006.
- Kerri, J. “Studying Voluntary Associations as Adaptive Mechanisms: A Review of Anthropological Perspectives.” *Current Anthropology* 17 (1976): 23–47.
- Kirchhoff, A., U. Köhler, W. Dittenberger, eds. *Corpus Inscriptionum Atticarum*. 4 vols. Berlin, 1877–1892.
- Kister, M. “Commentary to 4Q298.” *JQR* 85 (1994): 237–49.
- Kittel, G. and G. Friedrich, eds. *Theological Dictionary of the New Testament*. 10 vols. Translated by G. W. Bromiley. Grand Rapids: Eerdmans, 1964–1976.
- Klauck, H.-J. *Herrnmahl und hellenistischer Kult: Eine religionsgeschichtliche Untersuchung zum ersten Korintherbrief*. Münster: Aschendorff, 1982.
- . “Gütergemeinschaft in der klassischen Antike, in Qumran und im Neuen Testament.” *RevQ* 11 (1982): 47–80.
- Klawans, J. *Impurity and Sin in Ancient Judaism*. New York: Oxford, 2000.
- Klinghardt, M. *Gemeinschaftsmahl und Mahlgemeinschaft: Soziologie und Liturgie frühchristlicher Mahlfeiern*. Texte und Arbeiten zum neutestamentlichen Zeitalter. Tübingen und Basel: Francke Verlag, 1996.
- . “The Manual of Discipline in the Light of Statutes of Hellenistic Associations.” In *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site: Present Realities and Future Prospects*. Edited by N. Golb, M. Wise, J. Collins and D. Pardee. New York: The New York Academy of Sciences, 1994: 251–70.
- Klinzing, G. *Die Umdeutung des Kultus in der Qumrangemeinde und im Neuen Testament*. Göttingen: Vandenhoeck & Ruprecht, 1971.
- Kloppenborg, J. “Collegia and Thiasoi: Issues in Function, Taxonomy and Membership.” In *Voluntary Associations in the Graeco-Roman World*. Edited by J. Kloppenborg and S. Wilson. London: Routledge, 1996: 16–30.
- , and S. Wilson, eds. *Voluntary Associations in the Graeco-Roman World*. London: Routledge, 1996.
- . “Edwin Hatch, Churches and Collegia.” In *Origins and Method: Towards a New Understanding of Judaism and Christianity: Essays in Honour of John C. Hurd*. Sheffield: Sheffield Academic Press, 1993: 212–38.

- Knibb, M. A. *The Qumran Community*. Cambridge Commentaries on Writings of the Jewish and Christian World, 200 BC to AD 200. Cambridge: Cambridge University Press, 1987.
- . "Exile in the Damascus Document." *JSOT* 25 (1983): 99–117.
- . *The Ethiopic Book of Enoch*. Oxford: Clarendon, 1978.
- Koehler, L., W. Baumgartner, and J. J. Stamm. *The Hebrew and Aramaic Lexicon of the Old Testament*. 4 vols. Translated and edited under the supervision of M. Richardson. Leiden: Brill, 1994–1999.
- Koffmahn, E. "Die staatsrechtliche Stellung der essenischen Vereinigungen in der griechisch-römischen Periode." *Biblica* 44 (1963): 46–61.
- . "Rechtsstellung und hierarchische Struktur des קה"ל von Qumrān: eine juristische Person und einen religiöse Gemeinschaft nach dem mosaischen Gesetz." *Biblica* 42 (1961): 433–42.
- . "Die Selbstbezeichnungen der Gemeinde von Qumrān auf dem Hintergrund des Alten Testaments." Ph.D. diss., Wien, 1959.
- Kraut, R. *Aristotle: Political Philosophy*. Founders of Modern Political and Social Thought. New York: Oxford University Press, 2002.
- Kruse, C. "Community Functionaries in the Rule of the Community and the Damascus Document: A Test of Chronological Relationships." *RevQ* 10 (1979–81): 543–51.
- Kugler, R. "Rewriting Rubrics: Sacrifice and the Religion of Qumran." In *Religion in the Dead Sea Scrolls*, ed. J. Collins and R. Kugler. Grand Rapids: Eerdmans, 2000: 90–112.
- . "Priesthood at Qumran." In *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment*. 2 vols. Edited by P. Flint and J. VanderKam. Leiden: Brill, 1999: 2.93–116.
- . "A Note on 1QS 9:14: The Sons of Righteousness or the Sons of Zadok?" *Dead Sea Discoveries* 3 (1996): 325–30.
- Kuhn, H.-W. "A Legal Issue in 1 Corinthians 5 and in Qumran." In *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995. Published in Honour of Joseph M. Baumgarten*. Edited by M. Bernstein et al. STDJ 23. Leiden: Brill, 1997: 489–99.
- Lajtar, A., ed. *Die Inschriften von Byzantion*. Bonn: Habelt, 2000.
- Lange, A. *Weisheit und Prädestination: Weisheitliche Ordnung und Prädestination in den Textfunden von Qumran*. STDJ 18. Leiden: Brill, 1995.
- Laperrousaz, E.-M. "Notes sur l'évolution des conceptions de 'Guerre Sainte' dans les manuscrits de la mer Morte." *RevQ* 46 (1986): 271–78.
- Lapin, H. "The Origins and Development of the Rabbinic Movement in the Land of Israel." In *The Late Roman-Rabbinic Period*. Edited by W.D. Davies et al. Vol. 4 in *The Cambridge History of Judaism*. Cambridge: Cambridge University Press, 2006: 206–29.
- Leaney, A. R. C. *The Rule of Qumran and Its Meaning*. London: SCM Press Ltd., 1966.
- Le Bas, P. and W. H. Waddington. *Inscriptions grecques et latines recueillies en Grèce et Asie Mineure*. Paris: Didot, 1870.
- LeFebvre, M. *Collections, Codes, and Torah: The Re-Characterization of Israel's Written Law*. London: T & T Clark, 2006.
- Lefkowitz, M. and M. Fant, eds., *Women's Life in Greece and Rome: A Sourcebook*. Revised ed. Baltimore: Johns Hopkins, 1992.
- Leon, H. *The Jews of Ancient Rome*. Revised edition. Peabody: Hendrickson, 1995.
- Levine, L. *Jerusalem: Portrait of the City in the Second Temple Period (538 B.C.E.–70 C.E.)*. Philadelphia: Jewish Publication Society, 2002.
- . *The Ancient Synagogue: The First Thousand Years*. New Haven: Yale University Press, 2000.

- . "Synagogue Leadership: The Case of the Archisynagogue." *Jews in a Graeco-Roman World*, edited by M. Goodman. Oxford: Clarendon, 1998: 195–213, 271–74.
- Lévy, I. *La légende de Pythagore de Grèce en Palestine*. Paris: Librairie Ancienne, 1927.
- . *Pythagoreanism: recherches sur les sources de la légende de Pythagore* (Paris: Leroux, 1926).
- Licht, J. "Some Terms and Concepts of Ritual Purity in the Qumran Writings." In *Studies in the Bible Presented to Professor M. H. Segal*. Edited by J. Grintz and J. Liver. Jerusalem: Kiryat Sepher, 1964: 300–9.
- . (Hebrew) *The Rule Scroll: A Scroll from the Wilderness of Judaea, 1QS 1QSa 1QSB. Text, Introduction, and Commentary*. Jerusalem: Bialik Institute, 1965.
- Liddell, H. G., R. Scott, H. S. Jones. *A Greek-English Lexicon*. 9th edition with revised supplement. Oxford: Clarendon, 1996.
- Liebenam, W. *Zur Geschichte und Organisation des römischen Vereinswesens: Drei Untersuchungen*. Leipzig: Teubner, 1890.
- Lieberman, S., ed. *The Tosefta according to Codex Vienna, with Variants from Codices Erfurt, Geniza Mss. and Editio Princeps (Venice 1521). Together with References to Parallel Passages in Talmudic Literature and a Brief Commentary*. 3 vols. Reprint. New York: Jewish Theological Seminary of America, 1995–2002.
- . *Greek in Jewish Palestine; and Hellenism in Jewish Palestine*. Reprint. New York: The Jewish Theological Seminary of America, 1994.
- . "The Discipline in the So-Called Dead Sea Manual of Discipline." *Journal of Biblical Literature* 71 (1952): 199–206.
- Lifschitz, B. *Donateurs et fondateurs dans les synagogues juives, répertoire des dédicaces grecques relatives à la construction et à la réfection des synagogues*. Paris: J. Gabalda, 1967.
- Little, K. *West African Urbanization: A Study of Voluntary Associations in Social Change*. Cambridge: Cambridge University Press, 1965.
- . "The Role of Voluntary Associations in West African Urbanization." *American Anthropologist* 59 (1957): 579–96.
- Liver, J. "The Sons of Zadok the Priests" in the Dead Sea Sect." *RevQ* 6 (1967–69): 3–30.
- . "The Half-Shekel Offering in Biblical and Post-Biblical Literature." *HTR* 56 (1963): 173–98.
- Livy. *The Early History of Rome: Books I–V of The History of Rome from Its Foundations*. Translated by A. de Sélincourt. New edition. New York: Penguin, 2002.
- . *Ab urbe condita*. Edited by C. F. Waters, R. Ogilvie, P. G. Walsh et al. OCT. 6 vols. 1961–1999.
- Long, A. A. and D. Sedley, eds. *The Hellenistic Philosophers*. 2 vols. New York: Cambridge University Press, 1987–1989.
- Lord, C. *Education and Culture in the Political Thought of Aristotle*. Ithaca: Cornell, 1982.
- Lucian. Translated by A. M. Harmon and M. D. MacLeod. 8 vols. LCL. Cambridge: Harvard, 1913–1967.
- Luderitz, G. "What is the Politeuma?" In *Studies in Early Jewish Epigraphy*, ed. J. W. van Henten, P. W. van der Horst and J. Price. Leiden: Brill, 1994: 183–225.
- MacMullen, R. *Roman Social Relations*. New Haven: Yale, 1974.
- Magness, J. "Two Notes on the Archaeology of Qumran." In eadem, *Debating Qumran: Collected Essays on Its Archaeology*. Louvain: Peeters, 2004: 73–80.
- . *The Archaeology of Qumran and the Dead Sea Scrolls*. Grand Rapids: Eerdmans, 2002.
- Main, E. "For King Jonathan or Against? The Use of the Bible in 4Q448." In *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*. Edited by M. Stone and E. Chazon. STDJ 28. Leiden: Brill, 1998: 113–35.

- Malherbe, A. "Self-Definition among Epicureans and Cynics." In *Self-Definition in the Greco-Roman World*. Vol. 3 of *Jewish and Christian Self-Definition*. Edited by B. Meyer and E. P. Sanders. Philadelphia: Fortress, 1982: 46–59, 192–97.
- Marrou, H.-I. *Histoire de l'éducation dans l'antiquité*. 6th ed. Vol. 1, *Le Monde Grec* and vol. 2, *Le Monde Romain*. Paris: Éditions du Seuil, 1981.
- Martinez, D. "An Order for Payment from a Cult Association." *ZPE* 118 (1997): 263–66.
- . and M. Williams. "Record of Loan Receipts from a Guild Association." *ZPE* 118 (1997): 259–63.
- Mason, S. "Pharisees in the Narratives of Josephus." In idem, *Josephus, Judea, and Christian Origins: Methods and Categories*. Peabody, MA: Hendrickson, 2009: 185–215.
- . "The Importance of the Latter Half of Josephus's *Judaean Antiquities* for His Roman Audience." Unpublished paper delivered at the Workshop on the Study of the Pentateuch. Tokyo, August 8–31, 2007.
- . "Essenes and Lurking Spartans in Josephus' *Judean War*: From Story to History." In *Making History: Josephus and Historical Method*, ed. Zuleika Rodgers. Leiden: Brill, 2006: 219–61.
- . "What Josephus Says about the Essenes in His *Judean War*." In *Text and Artifact in the Religions of Mediterranean Antiquity: Essays in Honor of Peter Richardson*, edited by S. Wilson and M. Desjardins. Waterloo: Wilfrid Laurier University Press, 2002: 434–67.
- . "*Philosophiai*: Graeco-Roman, Judean and Christian." In *Voluntary Associations in the Graeco-Roman World*. Edited by J. Kloppenborg and S. Wilson. London: Routledge, 1996: London: Routledge, 1996: 31–58.
- McCready, W. "Ekklesia and Voluntary Associations." In *Voluntary Associations in the Graeco-Roman World*. Edited by J. Kloppenborg and S. Wilson. London: Routledge, 1996: 59–73.
- Méautis, G. *Recherches sur le pythagorisme*. Neuchatel: Paul Attinger, 1922.
- Meeks, W. *The First Urban Christians: The Social World of the Apostle Paul*. New Haven: Yale University Press, 1983.
- Medico, H. del. *Deux Manuscrits Hébreux de la Mer Morte*. Paris: Paul Geuthner, 1951.
- Millar, F. *The Crowd in Rome in the Late Republic*. Ann Arbor: University of Michigan, 1998.
- Metso, S. *The Serekh Texts*. London: T&T Clark, 2007.
- . "Whom Does the Term Yahad Identify?" In *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*. JSJSupp 111. Edited by C. Hempel and J. Lieu. Leiden: Brill, 2006: 213–35.
- . "Qumran Community Structures and Terminology as Theological Statement," *RevQ* 20 (2002): 429–44.
- . "Biblical Quotations in the Community Rule." In *The Bible as Book: The Hebrew Bible and the Judaean Desert Discoveries*. Edited by E. D. Herbert and E. Tov. London: The British Library, 2002: 81–92.
- . "The Relationship between the Damascus Document and the Community Rule." In *The Damascus Document: A Centennial of Discovery*. Edited by J. Baumgarten et al. STDJ 34; Leiden: Brill, 2000) 85–93.
- . "Constitutional Rules at Qumran." *The Dead Sea Scrolls After Fifty Years: A Comprehensive Assessment*, edited by P. Flint and J. VanderKam. 2 vols. Leiden: Brill, 1999: 1.186–210.
- . *The Textual Development of the Community Rule*. Leiden: Brill, 1997.
- Milgrom, J. *Leviticus*. 3 vols. Anchor Yale Bible Commentaries. New Haven: Yale University Press, 1998–2001.
- . ed. "Florilegium: A Midrash on 2 Samuel and Psalms 1–2 (4Q174 = 4QFlor)." In *Pesharim, Other Commentaries, and Related Documents*. Vol. 6b of *The Dead*

- Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*. Edited by J. Charlesworth. PTS/DSS. Tübingen: Morh Siebeck, 2002: 248–63.
- . “4QTohora: An Unpublished Qumran Text on Purities.” In *Time to Prepare the Way in the Wilderness*. Edited by D. Dimant and L. Schiffman. STDJ 16. Leiden: Brill, 1995: 59–68.
- Milik, J. T. *The Books of Enoch: Aramaic Fragments of Qumrân Cave 4*. Oxford: Clarendon, 1976.
- . “Milki-šedeq et Milki-reša.” *JJS* 23 (1972): 95–144.
- , ed. “Lettre de Šim'on fils de Kosba à Yešua' fils de Galgula.” *Les Grottes de Murabba'at*. DJD 2. Oxford: Clarendon, 1961: 1.160–61.
- . “Manuale Disciplinae.” *Verbum Domini* 39 (1951): 129–58.
- Mitford, T. B. and I. Nicolaou, eds. *The Greek and Latin Inscriptions from Salamis*. Cyprus: Nicosia, 1974.
- Moles, J. “Cynic Cosmopolitanism.” In *The Cynic Movement in Antiquity and Its Legacy*. Edited by R. Branham and M.-O. Goulet-Cazé. Berkeley: University of California, 1996: 105–20.
- . “The Woman and the River: Diogenes' Apophthegm from Herculaneum and Some Popular Misconceptions about Cynicism.” *Apeiron* 17 (1983): 125–30.
- Momigliano, A. “The Rise of the *Plebs* in the Archaic Age of Rome.” In *Social Struggles in Archaic Rome: New Perspectives on the Conflict of the Orders*. Edited by K. Raaflaub. Revised edition. Oxford: Blackwell, 2005: 168–84.
- Mommsen, T., P. Krueger, and A. Watson, eds. *Digest of Justinian*. 4 vols. Philadelphia: University of Pennsylvania, 1985.
- Mommsen, T. *De collegiis et sodaliciis Romanorum*. Kiliae, Libraria Schwersiana, 1843.
- Moretti, L., ed. *Inscriptiones graecae urbis romae*. 4 vols. Rome: Istituto Italiano per la Storia Antica, 1968–1991.
- Murphy, C. M. *Wealth in the Dead Sea Scrolls and in the Qumran Community*. Studies on the Texts of the Desert of Judah. Leiden: Brill, 2001.
- Murphy-O'Connor, J. “Damascus.” In *The Encyclopedia of the Dead Sea Scrolls*. 2 vols. Edited by J. VanderKam and L. Schiffman. New York: Oxford, 2000: 1.165–66.
- . “La genèse littéraire de la Règle de la Communauté.” *RB* 76 (1969): 528–49.
- Musial, D. “*Sodalitium Nigidianum*: Les pythagoriciens à Rome à la fin de la République.” *Revue de l'histoire des religions* 218 (2001): 339–67.
- Naudé, J. “Holiness in the Dead Sea Scrolls.” In *The Dead Sea Scrolls after Fifty Years*. 2 vols. Edited by P. Flint and J. VanderKam. Leiden: Brill, 1999: 2:171–99.
- Neusner, J. *The Tosefta: Translated from the Hebrew with a New Introduction*. 2 vols. Peabody: Hendrickson, 2002.
- . *The Mishnah: Social Perspectives*. Leiden: Brill, 1999.
- . *Fellowship in Judaism: The First Century and Today*. London: Vallentine, Mitchell, 1963.
- . “HBR and N'MN.” *RevQ* 5 (1964–1966): 119–27.
- Newsom, C. *The Self as Symbolic Space: Constructing Identity and Community at Qumran*. STDJ 52. Leiden: Brill, 2004.
- . Newsom, C. *Songs of the Sabbath Sacrifice: A Critical Edition*. HSS 27. Atlanta: Scholars Press, 1985.
- Nielsen, Eduard. “La Guerre Considérée comme une Religion et la Religion comme une Guerre: Du Chant de Débora au Rouleau de la Guerre de Qoumran.” *Studia Theologica* 15 (1961): 93–112.
- Nijf, O. M. van. *The Civic World of Professional Associations in the Roman East*. Amsterdam: J.C. Gieben, 1997.
- Obbink, D. “The Stoic Sage in the Cosmic City” In *Topics in Stoic Philosophy*. Edited by K. Ierodiakonou. Oxford: Clarendon, 1999: 178–95.

- Ober, J. *Political Dissent in Ancient Athens: Intellectual Critics of Popular Rule*. Princeton: Princeton University Press, 2001.
- . "Civic Ideology and Counter-Hegemonic Discourse: Thucydides on the Sicilian Debate." In *Athenian Identity and Civic Ideology*. Edited by A. Boegehold and A. Scafuro. Baltimore: Johns Hopkins, 1994: 102–26.
- . *Mass and Elite in Democratic Athens: Rhetoric, Ideology and the Power of the People*. Princeton: Princeton University Press, 1989.
- Oppenheimer, A. "Haverim." In *The Encyclopedia of the Dead Sea Scrolls*. Edited by L. Schiffman and J. VanderKam. 2 vols. New York: Oxford University Press, 2000: 1.333–36.
- . "Benevolent Societies in Jerusalem at the End of the Second Temple Period." In *Inter testamental Essays in Honor of Józef T. Milik*, edited by Z. Kapera. Kraków: Enigma Press, 1992: 149–65.
- . *The 'Am Ha-arets: A Study in the Social History of the Jewish People in the Hellenistic-Roman Period*. Translated by I. H. Levine. Leiden: Brill, 1977.
- Pfann, S., ed. "Cryptic Texts." In idem et al., eds., *Qumran Cave 4.XXVI, Cryptic Texts and Miscellanea, Part 1*. DJD 39. Oxford: Clarendon, 2000: 515–702.
- . "The Character of the Early Essene Movement in the Light of the Manuscripts Written in Esoteric Scripts from Qumran." Ph.D. diss., Hebrew University, 2001.
- . "4Q298: The Maskil's Address to All Sons of Dawn." *JQR* 85 (1994): 203–35.
- and M. Kister, eds. "Words of the Maskil to All Sons of Dawn." *Qumran Cave 4.XV: Sapiential Texts, Part 1*. Edited by T. Elgvin et al. DJD XX. Oxford: Clarendon Press, 1997: 1–30.
- Philip, J. A. *Pythagoras and Early Pythagoreanism*. Toronto: University of Toronto Press, 1966.
- Philodemus. *On Frank Criticism*. Edited and translated by D. Konstan, C. Glad et al. Atlanta: Scholars Press, 1998.
- Philostratus. *The Life of Apollonius of Tyana*. Translated by F. C. Conybeare. LCL. Cambridge: Harvard University Press, 1912.
- Plato. *The Laws*. Translated by T. Saunders. Revised edition. New York: Penguin, 1975.
- . *The Republic of Plato*. Translated with an Introduction and notes by F. M. Cornford. New York: Oxford, 1958.
- Platonis. *Opera*. Vols. 1–5. Edited by I. Burnet et al. Oxford: Clarendon, 1907–1995.
- . *Respublica*. Edited by S. R. Slings. Oxford: Clarendon, 2003.
- Pliny the Younger. Translated by B. Radice. 2 vols. LCL. Cambridge: Harvard, 1969.
- Ploeg, J. van der. "La guerre sainte dans la "Règle de la guerre" de Qumran." *Melanges bibliques rédigés en l'honneur de Andre Robert*. Paris: Bloud & Gay, 1957: 326–33.
- Plutarch. Translated by B. Perrin, F. Babbit, et al. 27 vols. LCL. 1914–2004.
- Poland, F. *Geschichte des Griechischen Vereinswesens*. 1909. Reprint. Leipzig: Zentral-Antiquariat der DDR, 1967.
- Poljakov, F., ed. *Die Inschriften von Talleis und Nysa*. Bonn: Habelt, 1989.
- Pollux. *Onomasticon*. Edited by E. Bethe. Stuttgart: Teubner, 1967.
- Popović, M. *Reading the Human Body. Physiognomics and Astrology in the Dead Sea Scrolls and Hellenistic-Early Roman Period Judaism*. STDJ 67. Leiden: Brill, 2007.
- . "Reading the Human Body and Writing in Code: Physiognomic Divination and Astrology in the Dead Sea Scrolls." In *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*. Edited by A. Hilhorst, É. Puech and E. Tigchelaar. SJSJ 122. Leiden: Brill, 2007: 271–84.
- Porphry. *La vie de Plotin*. 2 vols. Edited by L. Brisson. Paris: J. Vrin, 1982–1992.
- Pouilly, J. *La Règle de la Communauté de Qumran. Son évolution littéraire*. Paris: J. Gabalda, 1976.
- Pritchett, W. K. *The Greek State at War*. 4 vols. Berkeley: The University of California Press, 1971–74.

- Proclus. *Commentary on the Timaeus of Plato*. Translated by T. Taylor. Somerset: Prometheus, 1998.
- Puech, E. "Recension: J. Pouilly, La Règle de la Communauté de Qumran. Son évolution littéraire." *RevQ* 10 (1979): 103–11.
- Putnam, R. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon and Schuster, 2001.
- . *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton: Princeton University Press, 1993.
- Qimron, E. and J. Charlesworth, eds. "Rule of the Community (1QS)." In *Rule of the Community and Related Documents*. Vol. 1 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*. Edited by J. Charlesworth. PTS DSS. Tübingen: Morh Siebeck, 1994: 1–51.
- , J. Strugnell, et al. *Qumran Cave 4.V. Miqsat Ma'ase ha-Torah*. Oxford: Clarendon, 1994.
- . "Further Observations on the Law of Oaths in the Damascus Document 15." *JQR* 85 (1994): 251–57.
- . "The Text of CDC." In *The Damascus Document Reconsidered*. Edited by Magen Broshi. Jerusalem: Shrine of the Book, 1992: 9–49.
- . "שבועת הבנים" in the Damascus Covenant 15.1–2." *JQR* 81 (1990): 115–18.
- Quintilian. *Institutio Oratoria*. Translated by H. E. Butler. 4 vols. LCL. Cambridge: Harvard, 1920–1922.
- Rabin, C. *The Zadokite Documents*. Oxford: Clarendon, 1958.
- . *Qumran Studies*. Oxford: Oxford University Press, 1957.
- Radin, M. *Legislation of the Greeks and Romans on Corporations*. New York: Morehouse and Taylor, 1910.
- Rabinowitz, I. "The Meaning and Date of Damascus Document IX,1." *RevQ* 6 (1967–69): 433–35.
- Rajak, T. *The Jewish Dialogue with Greece and Rome: Studies in Cultural and Social Interaction*. Leiden: Brill, 2001.
- . "The Against Apion and the Continuities in Josephus's Political Thought." In *Understanding Josephus: Seven Perspectives*. Edited by S. Mason. Sheffield: University of Sheffield Press, 1998: 222–46.
- , and D. Noy, "Archisynagogoi: Office, Title and Social Status in the Greco-Roman Synagogue." *JRS* 83 (1993): 75–93.
- Ramsay, W. M. *The Social Basis of Roman Power in Asia Minor*. Aberdeen: Aberdeen University Press, 1941.
- Raubitschek, A. E. "A New Attic Club (ERANOS)." *The J. Paul Getty Museum Journal* 1981: 93–98.
- Reed, S. "Genre, Setting and Title of 4Q477." *JJS* 47 (1996): 147–48.
- Regev, E. *Sectarianism in Qumran: A Cross-Cultural Perspective*. Berlin: de Gruyter, 2007.
- . "The 'Yahad' and the 'Damascus Covenant': Structure, Organization, and Relationship." *RevQ* 21 (2003): 233–62.
- Rhodes, P. J. *A Commentary on the Aristotelian Athenaion Politeia*. Revised edition. Oxford: Clarendon, 1992.
- Richardson, P. "Early Synagogues as Collegia in the Diaspora and Palestine." In *Voluntary Associations in the Graeco-Roman World*. Edited by J. Kloppenborg and S. Wilson. London: Routledge, 1996: 90–109.
- , and H. Valerie. "Jewish Voluntary Associations in Egypt and the Roles of Women." In *Voluntary Associations in the Graeco-Roman World*. Edited by J. Kloppenborg and S. Wilson. London: Routledge, 1996: 226–51.
- Robertis, F. M. de. *Il fenomeno associativo nel mondo romano: dai collegi della repubblica alle corporazioni del basso impero*. Roma: L'Erma di Bretschneider, 1981.

- Rocca, S. "The Book of Judith, Queen Sholomzion and King Tigranes of Armenia: A Sadducee Appraisal." *Materia giudaica* 10 (2005): 85–98.
- Rofé, A. "A neglected meaning of the verb *kwl* and the text of IQS VI: 11–13." In *Sha'arei Talmon: Studies in the Bible, Qumran and the Ancient Near East*, edited by M. Fishbane and E. Tov (Winona Lake: Eisenbrauns, 1992): 315–21.
- Rost, L. "Gruppenbildungen im Alten Testament." *ThLZ* 80 (1955): 1–8.
- . "Zur Struktur der Gemeinde des Neuen Bundes im Lande Damaskus." *VT* 9 (1959): 393–98.
- Rostovtzeff, M. *The Social and Economic History of the Roman Empire*. 2 vols. Oxford: Clarendon, 1957.
- . *The Social and Economic History of the Hellenistic World*. 3 vols. Oxford: Clarendon, 1941.
- Roussel, P. et al., eds. *Supplementum epigraphicum graecum*. Lugduni Batavorum: Sijthoff, 1923–.
- Ste.-Croix, G. E. M. de. "Why Were the Early Christians Persecuted?" *Past and Present* 26 (1963): 6–38.
- Saldarini, A. J. *Pharisees, Scribes and Sadducees in Palestinian Society: A Sociological Approach*. Wilmington: Michael Glazier, 1988.
- Saller, R. P. *Personal Patronage Under the Early Empire*. Cambridge: Cambridge University Press, 1982.
- Sanders, E. P. *Judaism: Practice and Belief, 63 B.C.E.–66 C.E.* London: SCM, 1992.
- Sandmel, S. "Parallelomania." *JBL* 81 (1962): 1–13.
- San Nicolò, M. *Ägyptisches Vereinswesen zur Zeit der Ptolemäer und Römer*. 2 vols. Zweite Aufl. mit Nachträgen von J. Herrmann; München: C. H. Beck, 1972.
- . "Zur Vereinsgerichtsbarkeit im hellenistischen Ägypten." In *EIIITYMBION Heirreich Swoboda dargebracht*. Reichenberg: Gebrüder Stiepel, 1927: 255–300.
- Sarason, R. S. *A History of the Mishnaic Law of Agriculture Section Three: A Study of Tractate Demai*. Studies in Judaism in Late Antiquity. Leiden: Brill, 1979.
- Saunders, T. "Penology and Eschatology in Plato's *Timaeus* and *Laws*." *Classical Quarterly* 23 (1973): 232–44.
- Schechter, S., ed. *Documents of Jewish Sectaries* vol. 1, *Fragments of a Zadokite Work*. Reprinted with a prolegomenon by Joseph A. Fitzmyer, S.J. New York: Ktav, 1970.
- Schiffman, L. "Community without Temple: The Qumran Community's Withdrawal from the Jerusalem Temple." In *Gemeinde ohne Tempel/ Community Without Temple: Zur Substituierung und Transformation des Jersalemer Tempels und seines Kults im Alten Testament, antiken Judentum und frühen Christentum*. Tübingen: Mohr Siebeck, 1999: 267–84.
- . *The Eschatological Community of the Dead Sea Scrolls: A Study of the Rule of the Congregation*. Atlanta: Scholars Press, 1989.
- . "The Laws of War in the Temple Scroll." *RevQ* 13 (1988): 299–311.
- . *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code*. Chico: Scholars Press, 1983.
- . "Legislation Concerning Relations with Non-Jews in the Zadokite Fragments and in Tannaitic Literature." *RevQ* 43 (1983): 379–89.
- Schmeller, T. *Hierarchie und Egalität: Eine sozialgeschichtliche Untersuchung paulinischer Gemeinden und griechisch-römischer Vereine*. Stuttgart: Katholisches Bibelwerk, 1995.
- Schmidt, F. "Góral Versus Payís: Casting Lots at Qumran and in the Rabbinic Tradition." In *Defining Identities: We, You, and the Other in the Dead Sea Scrolls*. Edited by F. García Martínez and M. Popović. STDJ 70. Leiden: Brill, 2007: 175–85.
- Schneider, C. "Zur Problematik des Hellenistischen in den Qumrântexten." In *Qumrân-Probleme: Vorträge des Leipziger Symposions über Qumrân-Probleme vom 9 bis 14 Oktober 1961*. Edited by H. Bardtke. Berlin: Akademie, 1963: 299–314.
- Schneider, J. ὄρκος κτλ. In *The Theological Dictionary of the New Testament*. Edited by G. Kittel et al. 10 vols. Grand Rapids: Eerdmans, 1976: 458–59.

- Schniedewind, W. "Qumran Hebrew as An Antilanguage." *JBL* 118 (1999): 235–52.
- Schofield, A. *From Qumran to the Yahad: A New Paradigm of Textual Development for the Community Rule*. STDJ 77. Leiden: Brill, 2009.
- . "Rereading S: A New Model of Textual Development in Light of the Cave 4 Serekh Copies." *DSD* 15 (2008): 96–120.
- Schofield, M. *The Stoic Idea of the City*. Cambridge: Cambridge University Press, 1991.
- Schuller, E. "Petitionary Prayer and the Religion of Qumran." *Religion in the Dead Sea Scrolls*, ed. J. Collins and R. Kugler. Grand Rapids: Eerdmans, 2000: 29–45
- . "Worship, Temple, and Prayer in the Dead Sea Scrolls." *Judaism in Late Antiquity*, ed. Alan J. Avery-Peck and Jacob Neusner, 5 (1). Leiden: Brill, 2001: 125–43.
- Schürer, E. *The History of the Jewish People in the Age of Jesus Christ*. Revised by G. Vermes, M. Goodman, F. Millar, and P. Vermes. 3 vols. London: T & T Clark, 1973–1987.
- Schwartz, S. "The Hellenization of Jerusalem and Shechem." *Jews in a Graeco-Roman World*, edited by M. Goodman. Oxford: Clarendon Press, 1998: 37–45, 254–55.
- Sebesta J. and L. Bonfante, eds. *The World of the Roman Costume*. Madison: University of Wisconsin, 1994.
- Seidensticker, P. "Die Gemeinschaftsform der religiösen Gruppen des Spätjudentums und der Urkirche." *Studii Biblici Franciscani* 9 (1958/59): 94–198.
- Seidl, E. *Ptolemäische Rechtsgeschichte*. 2. Auf. Ägyptologische Forschungen 22. Hamburg: J. J. Augustin, 1962.
- Seneca the Elder. *Controversiae*. Translated by M. Winterbottom. 2 vols. LCL. Cambridge: Harvard, 1974.
- Sexti Pompei Festi. *De verborum significatione quae supersunt cum Pauli epitome*. Edited by K. O. Müller. New York: G. Olms, 1975.
- Shemesh, A. "Expulsion and Exclusion in the Community Rule and the Damascus Document." *DSD* 9 (2002): 44–74.
- Sivertzev, A. "Sects and Households: Social Structure of the Proto-Sectarian Movement of Nehemiah 10 and the Dead Sea Sect." *CBQ* 67 (2005): 59–78.
- Slingerland, H. D. *Claudian Policymaking and the Early Imperial Repression of Judaism at Rome*. Atlanta: Scholars Press, 1997.
- Smallwood, M. *The Jews under Roman Rule from Pompey to Diocletian: A Study in Relations*. Second edition. Leiden: Brill, 1981.
- Snyder, H. G. *Teachers and Texts in the Ancient World: Philosophers, Jews and Christians*. London: Routledge, 2000.
- Sophocles*. Edited and translated by H. Lloyd-Jones. 3 vols. LCL. 1998.
- Sottas, H. *Papyrus démotiques de Lille*. Paris, 1921.
- Spiro, S. J. "Who Was the Haver? A New Approach to an Ancient Institution." *JSJ* 11 (1980): 186–216.
- Stegemann, H. *The Library of Qumran: On the Essenes, Qumran, John the Baptist, and Jesus*. ET Grand Rapids: Eerdmans, 1998.
- . "Some Remarks to IQSa, to IQSb, and to Qumran Messianism." *RevQ* 17 (1996): 479–505.
- . *Die Essener, Qumran, Johannes der Täufer und Jesus*. Freiburg: Herder, 1993.
- . "The Qumran Essenes—Local Members of the Main Jewish Union in Late Second Temple Times." In *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March 1991*. 2 vols. Edited by J. T. Barrera and L. V. Montaner. STDJ 11. Leiden: Brill, 1992: 1.83–166.
- Steiner, R. "The Mbqr at Qumran, the Episkopos in the Athenian Empire, and the Meaning of Lbqr' in Ezra 7:14: On the Relation of Ezra's Mission to the Persian Legal Project." *JBL* 120 (2001): 623–46.
- Stuedel, A. "אחרית הימים in the Texts from Qumran." *RevQ* 16 (1993) 225–46.
- Stevenson, T. "Roman Coins and Refusals of the Title Pater Patriae." *Numismatic Chronicle* 167 (2007): 119–41.

- Stowers, S. "Social Status, Public Speaking and Private Teaching: The Circumstances of Paul's Preaching Activity." *Novum Testamentum* 26 (1984): 59–82.
- Strugnell, J. "Flavius Josephus and the Essenes: *Antiquities* XVIII.18–22," *JBL* 77 (1958): 106–15.
- Suetonius. *The Lives of the Caesars*. Translated and edited by J. C. Rolfe. 2 vols. LCL. Cambridge: Harvard, 1914.
- Sutcliffe, E. F. *The Monks of Qumran*. Westminster: Newman, 1960.
- . "The First Fifteen Members of the Qumran Community." *Journal of Semitic Studies* 4 (1959): 134–38.
- Tacitus. *The Histories and the Annals*. Translated by C. H. Moore and J. Jackson. 4 vols. LCL. Cambridge: Harvard, 1937.
- Talmon, S. "The Qumran ׀׀"—A Biblical Noun." In idem, *The World of Qumran from Within*. Jerusalem: Magness, 1989: 53–60.
- , J. Ben-Dov and U. Glessmer, eds. *Qumran Cave 4.XVI: Calendrical Texts*. DJD 21. Oxford: Clarendon, 2001.
- Taylor, Joan *Jewish Women Philosophers of First-Century Alexandria: Philo's 'Therapeutae' Reconsidered*. New York: Oxford, 2006.
- Taylor, Justin *Pythagoreans and Essenes: Structural Parallels*. Paris: Peeters, 2004.
- Taylor, L. *Party Politics in the Age of Caesar*. Berkeley: University of California, 1971.
- . *Roman Voting Assemblies from the Hannabalic War to the Dictatorship of Caesar*. Ann Arbor: University of Michigan, 1966.
- Tcherikover, V. *Hellenistic Civilization and the Jews*. Revised edition. Peabody: Hendrickson, 1999.
- . "Was Jerusalem a Polis?" *Israel Exploration Journal* 14 (1964): 61–78.
- Teixidor, M. J. "Le thiase de Bêlaster et de Beelshamèn d'après une inscription récemment découverte à Palmyre." *Comptes Rendus de l'Académie Des Inscriptions* 1981: 306–14.
- Theissen, G. *The Social Setting of Pauline Christianity: Essays on Corinth*. Translated by J. Schütz. Philadelphia: Fortress Press, 1982.
- Thom, J. C. "Don't Walk on the Highways: the Pythagorean *Akoumata* and Early Christian Literature." *JBL* 113 (1994): 93–112.
- Thucydides. *History of the Peloponnesian War*. Translated by C. F. Smith. 4 vols. LCL. Cambridge: Harvard, 1928–1930.
- Tod, M. *Ancient Inscriptions: Sidelights on Greek History*. Oxford: Clarendon, 1932.
- Tönnies, F. *Community and Civil Society*. Edited by Jose Harris. Cambridge Texts in the History of Political Thought. Cambridge: Cambridge University Press, 2001.
- Tov, E. ed. *The Texts from the Judaean Desert: Indices and An Introduction to the Discoveries in the Judaean Desert Series*. DJD 39. Oxford: Clarendon, 2002.
- Treuer, John. *The Dead Sea Scrolls: A Personal Account*. Rev. ed. Grand Rapids: Eerdmans, 1977.
- Troeltsch, E. *The Social Teaching of the Christian Churches*, translated by O. Wyon. 2 vols. London: Allen & Unwin, 1931.
- VanderKam, J. *The Dead Sea Scrolls Today*. Revised edition. Grand Rapids: Eerdmans, 2010.
- . "The Festival of Weeks and the Story of Pentecost in Acts 2." In Craig A. Evans, ed., *From Prophecy to Testament: The Function of the Old Testament in the New* (Peabody, MA: Hendrickson, 2004): 185–205.
- . *Calendars in the Dead Sea Scrolls: Measuring Time*. London: Routledge, 1998.
- . "The Origin, Character, and Early History of the 364-Day Calendar: A Reassessment of Jaubert's Hypothesis." *CBQ* 41 (1979): 390–411.
- Vattioni, F. *Ecclesiastico*. Napoli: Instituto Orientale, 1968.
- Vaux, R. de. *Archaeology and the Dead Sea Scrolls*. Revised English ed.; London: Oxford University Press, 1973.
- Vegetius, *Epitoma rei militaris*. Edited by M. D. Reeve. Oxford: Clarendon, 2004.

- Vermes, G. "The Leadership of the Qumran Community: Sons of Zadok—Priests—Congregation." In *Geschichte—Tradition—Reflexion: Festschrift für Martin Hengel zum 70 Geburtstag*, Bd 1: *Judentum*, edited by P. Schäfer. Tübingen: Mohr Siebeck, 1996: 375–84.
- . "Preliminary Remarks on Unpublished Fragments of the Community Rule from Qumran Cave 4." *JJS* 42 (1991): 251–55.
- . "Qumran Forum Miscellanea I." *JJS* 43 (1992): 300–1.
- . *The Dead Sea Scrolls: Qumran in Perspective*. Second edition. London: SCM, 1982.
- and M. Goodman, eds. *The Essenes according to the Classical Sources*. Sheffield: JSOT, 1989.
- Vogliano, A. "La Grande Iscrizione Bacchica del Metropolitan Museum AJA 37 (1933): 215–31.
- Vogt, K. M. *Law, Reason, and the Cosmic City*. New York: Oxford, 2008.
- Wacholder, B. Z. *The New Damascus Document: The Midrash on the Eschatological Torah of the Dead Sea Scrolls: Reconstruction, Translation and Commentary*. STDJ 56; Leiden: Brill, 2007.
- . "Rules of Testimony in Qumranic Jurisprudence: CD 9 and 11QTorah 64." *JJS* 40 (1989): 63–74.
- Walker-Ramisch, S. "Graeco-Roman Voluntary Associations and the Damascus Document: A Sociological Analysis." In *Voluntary Associations in the Graeco-Roman World*. Edited by J. Kloppenborg and S. Wilson. London: Routledge, 1996: 128–45.
- Waltzing, J.-P. *Étude historique sur les corporations professionnelles chez les Romains*. 4 vols. Louvain: Peeters, 1895–1900.
- Wassen, C. *Women in the Damascus Document*. Atlanta: SBL, 2005.
- Weber, M. *Economy and Society: An Outline of Interpretive Sociology*, edited by G. Roth and C. Wittich. 2 vols. Berkeley: University of California Press, 1978.
- Webster, G. *The Roman Imperial Army*. 3rd ed.. Totowa: Barnes & Noble, 1985.
- Weinfeld, M. *The Organizational Pattern and the Penal Code of the Qumran Sect: A Comparison with Guilds and Religious Associations of the Hellenistic-Roman Period*. NTOA 2. Göttingen: Vandenhoeck & Ruprecht, 1986.
- Wernberg-Møller, P. "Nature of the YAHAD according to the Manual of Discipline and Related Documents." In *Dead Sea Scrolls Studies 1969*, ed. J. Macdonald. *The Annual of Leeds University Oriental Society* 6 (1966–68): 56–81.
- . *The Manual of Discipline, Translated and Annotated with an Introduction*. STDJ 1. Leiden: Brill, 1957.
- White, L. M. *The Social Origins of Christian Architecture* vol. 1, *Building God's House in the Roman World: Architectural Adaptation Among Pagans, Jews, and Christians*. London: Trinity, 1996.
- Wilken, R. *The Christians as the Romans Saw Them*. New Haven: Yale, 1984.
- . "Collegia, Philosophical Schools, and Theology." *The Catacombs and the Colosseum: The Roman Empire as the Setting of Primitive Christianity*, ed. S. Benko and J. O'Rourke. Valley Forge: Judson, 1971: 99–120.
- Williams, M. "The Structure of the Jewish Community in Rome." In *Jews in a Graeco-Roman World*. Edited by M. Goodman. Oxford: Clarendon, 1998: 215–28, 274–76.
- Wilson, B. *The Social Dimensions of Sectarianism: Sects and New Religious Movements in Contemporary Society*. Oxford: Clarendon Press, 1990.
- Wilson, S. "Voluntary Associations: An Overview." In *Voluntary Associations in the Graeco-Roman World*. Edited by J. Kloppenborg and S. Wilson. London: Routledge, 1996: 1–15.
- Winter, B. "Civil Litigation in Secular Corinth and the Church: The Forensic Background to 1 Corinthians 6:1–8." *Understanding Paul's Ethics*, ed. B. Rosner. Grand Rapids: Eerdmans, 1995: 85–103.
- Winter, P. "Šadokite Fragments IX,1." *RevQ* 6 (1967–69): 131–36.

- Wise, M. "Dating the Teacher of Righteousness and the *Floruit* of His Movement." *JBL* 122 (2003): 53–87.
- . "An Annalistic Calendar from Qumran." In *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site: Present Realities and Future Prospects*. Edited by N. Golb, M. Wise, J. Collins and D. Pardee. New York: The New York Academy of Sciences, 1994: 389–408.
- Wise, M., M. Abegg, and E. Cook, *The Dead Sea Scrolls: A New Translation*. San Francisco: HarperCollins, 1995.
- Witt, N. W. de. "Organization and Procedure in Epicurean Groups." *Classical Philology* 31 (1936): 205–11.
- Wolf, G. "Roman Peace." *War and Society in the Greek World*, edited by J. Rich and G. Shipley. London: Routledge, 1993: 171–94.
- Xenophon. *Scripta Minora*. Translated by E. C. Marchant and G. W. Bowersock. LCL. Cambridge: Harvard, 1968.
- Yadin, Y. and J. Naveh. *Masada I: The Yigael Yadin Excavations. Final Reports*. Jerusalem: Israel Exploration Society, 1989.
- . *The Temple Scroll*. 3 vols. Jerusalem: Israel Exploration Society, 1983.
- . *Bar-Kokhba*. New York: Random House, 1971.
- . *The Scroll of the War of the Sons of Light Against the Sons of Darkness*. Oxford: Clarendon, 1962.
- Youtie, H. C. "The Kline of Sarapis." *HTR* 41 (1948): 9–49.
- Zanker, P. *The Power of Images in the Age of Augustus*. Ann Arbor: University of Michigan, 1990.
- Ziebarth, E. *Das Griechische Vereinswesen*. Leipzig: Teubner, 1896.

INDEX OF MODERN AUTHORS

- Abegg, M. 219, 238, 340, 421, 445, 453
 Alexander, C. 64
 Alexander, P. 15, 16, 203, 279, 304, 335, 406, 441
 Amis, W. 70
 Anderson, G. 77
 Anderson, R. 77
 Ando, C. 77, 79
 Arato, A. 77
 Arnautoglou, I. 41
 Ascough, R. S. 2, 41, 94, 124
 Asmis, E. 101, 102, 103, 104, 157
 Avemarie, F. 318, 319, 320, 321, 323, 324
 Avery-Peck, A. 4, 31, 150

 Bardtke, H. 20, 37, 38, 39, 40, 41, 42, 43, 44, 55, 57, 66, 67, 185, 195
 Barthélemy, D. 461, 466, 467, 471, 475, 484, 490
 Baslez, M.-F. 2, 56, 57, 58
 Baumgarten, A. I. 23, 53, 54, 55, 332
 Baumgarten, J. 9, 11, 29, 134, 135, 148, 149, 155, 162, 167, 170, 178, 192, 205, 209, 214, 219, 225, 233, 245, 264, 265, 266, 267, 268, 269, 270, 271, 272, 274, 275, 310, 320, 383, 384, 387, 388, 390, 392, 393, 431, 445, 472, 473
 Beall, T. 21, 155, 441
 Beard, M. J. 250
 Ben-Dov, S. 453
 Berg, S. 279, 419, 421, 422, 426, 427
 Berkowitz, B. 217
 Berthelot, K. 257, 282, 435
 Boak, A. E. R. 1, 7, 39, 88, 195, 226, 263, 379, 407
 Bonfante, L. 190
 Bonner, S. F. 358, 360, 361, 465, 466
 Bowman, A. 188, 235
 Bradley, J. 69, 71
 Branham, R. 105, 109
 Brooke, G. 190, 304, 418, 422
 Broshi, M. 20, 135
 Brown, E. 112, 118
 Brutti, M. 149
 Buckler, W. H. 85
 Burkert, W. 33, 34
 Burrows, M. 318

 Carmignac, J. 367, 490
 Cenival, F. de. 246
 Chalcraft, D. 65
 Charlesworth, J. 42, 138, 287, 318, 322, 324, 351, 404, 406, 416, 418, 42, 438, 461, 483, 484, 497, 498
 Cheesman, G. L. 347
 Chroust, A.-H. 113
 Clark, P. 70
 Clay, D. 99, 100, 101, 102, 103, 104, 157
 Cohen, Shaye 47
 Cohen, Susan 77
 Collins, A. Y. 125
 Collins, J. J. 4, 10, 11, 14, 17, 19, 41, 134, 139, 143, 144, 145, 149, 156, 238, 243, 265, 292, 311, 328, 341, 416, 419, 421, 434, 498
 Cook, E. 340, 421
 Cornell, T. 126, 127, 128, 129, 130, 262, 348, 473
 Cotter, W. 41, 52
 Cowey, J. 121
 Crook, J. A. 473
 Cross, F. M. 456, 497, 502
 Cumont, F. 64

 Davies, P. 9, 31, 47, 178, 256
 Davila, J. 190, 445, 446
 Davis, Michael 279, 419
 Davis, Morris 348
 Dawson, D. 49, 111, 112
 Delcor, M. 42, 125, 341, 500
 Derrett, J. 191, 194
 Devine, A. M. 450
 Dimant, D. 14, 201, 320
 Dombrowski, B. 42, 57
 Douglas, M. 158
 Duhaime, J. 8
 Dupont-Sommer, A. 33

 Eagleton, T. 75
 Ebel, E. 30
 Edmondson, J. 190
 Elgvin, T. 307
 Epp, E. 123
 Eshel, E. 23, 24, 199
 Eshel, H. 20, 23, 143, 282, 435

- Fabry, H.-J. 304
 Falk, D. 445, 446
 Falk, Z. 191, 194
 Femina, J. 76
 Fernandez-Galiano, D. 33
 Forbes, C. A. 33
 Fraade, S. 24, 29, 30, 31, 32, 201, 234, 301

 Galor, K. 48
 García Martínez, F. 40, 172, 264, 265, 266, 304, 314, 318, 340, 364, 367, 418, 421, 484, 490, 495
 Gärtner, B. 14, 341
 Georgi, D. 122
 Gesenius, W. 242, 422
 Gierke, O. 37, 66, 67
 Gillihan, Y. M. 257, 407, 472
 Ginzberg, L. 23, 233, 235
 Glasson, T. F. 33
 Glessmer, U. 481
 Glucker, J. 104
 Goff, M. 457
 Golb, N. 104
 Goodman, M. 53, 209, 218, 240
 Gordon, A. 93, 94
 Götz, N. 71
 Goulet-Cazé, M.-O. 105, 107, 109
 Gramsci, A. 76
 Guilbert, P. 418

 Habermas, J. 105
 Hackmann, J. 99
 Hadas, M. 33, 34
 Hanges, J. C. 122
 Hardtwig, W. 67
 Harland, P. 2, 56, 84, 85, 86
 Harrill, J. A. 126
 Harrington, H. 331
 Harris, G. 125
 Harvey, T. R. 470
 Hawley R. 279
 Hayes, C. 256
 Heger, P. 148
 Hempel, C. xviii, 10, 17, 19, 134, 137, 191, 199, 202, 209, 214, 216, 239, 241, 243, 256, 258, 259, 264, 265, 266, 271, 272, 278, 304, 341, 387
 Hengel, M. 36, 172, 304
 Henrichs, A. 94
 Herrmann, R. 2, 61, 62, 63, 64, 66, 414
 Hirschfeld, Y. 14, 15, 19, 20
 Honigman, S. 121
 Horgan, M. 11, 289

 Horster, M. 184
 Hultgren, S. 9
 Humbert, J.-B. 20
 Hunt, Alan 76
 Hunt, Alice 3310

 Jastrow, M. 365, 383, 404
 Jokiranta, J. 65
 Jones, A. H. M. 188
 Jones, N. 69, 189

 Kapfer, H. 9
 Keaney, J. J. 7
 Kearsley, R. 86
 Keenan, J. G. 101
 Keith, A. 190
 Kennell, N. 59
 Kerri, J. 70
 Kister, M. 443
 Klauck, H.-J. 49
 Klawans, J. 333, 334, 393
 Klinghardt, M. 47, 48, 49, 50, 61, 65, 155, 156, 341, 342, 343
 Klinzing, G. 42
 Kloppenborg, J. 41, 50, 69, 85
 Knibb, M. A. 17, 145, 243, 294, 340, 341, 370, 382, 416, 418, 419, 421, 445, 462
 Koffmahn, E. 1, 37
 Kugler, R. 150, 155, 156, 239, 304, 305, 365, 435
 Kuhn, H.-W. 153

 Lange, A. 279
 Lapin, H. 31
 Leaney, A. R. C. 33, 272, 340, 370, 382, 404, 418, 438
 LeFebvre, M. 180
 Levine, L. 188
 Lévy, I. 32
 Licht, J. 318, 322, 395, 467, 483, 490, 496
 Lieberman, S. 23, 25, 26, 27, 28, 318
 Little, K. 71
 Liver, J. 238, 304, 307, 318
 Long, A. A. 22, 96, 99, 103, 116, 117
 Luderitz, G. 121

 MacMullen, R. 90
 Magness, J. 14, 15, 19, 21, 37, 41, 210
 Main, E. 23, 143
 Malherbe, A. 133
 Maresch, K. 121
 Martinez, D. 88, 89

- Mason, S. 69, 146, 152
 Meeks, W. 90, 123, 124
 Medico, H. del. 419
 Metso, S. 9, 13, 17, 310, 340, 341, 350,
 382, 384, 418, 424, 461
 Milgrom, J. 193, 208, 320
 Milik, J. T. 272, 419, 453
 Moles, J. 105, 107, 109, 110
 Momigliano, A. 184
 Mommsen, T. 126
 Moore, J. M. 154, 160, 339, 346, 481
 Murphy, C. M. 165, 206, 316, 317
 Murphy-O'Connor, J. 17, 42, 145, 418
 Musial, D. 34

 Naudé, J. 14
 Naveh, J. 323
 Neusner, J. 25, 28, 47
 Newsom, C. 158, 279, 328, 329, 332,
 382, 383, 437
 Nijf, O. M. van. 86
 North, J. 250
 Noy, D. 84

 Obbink, D. 112
 Ober, J. 77, 484
 Oppenheimer, A. 25, 27, 28

 Pfann, S. 19, 245, 332, 443, 455, 461,
 466, 474, 484, 490, 494, 495, 498
 Philip, J. A. 34
 Poland, F. 40, 91, 157, 158, 186, 246
 Popović, M. 12, 172, 367, 371
 Pouilly, J. 418
 Price, S. 250
 Pritchett, W. K. 348
 Puech, E. 172, 418
 Putnam, R. 71

 Qimron, E. 162, 163, 167, 181, 192, 213,
 225, 232, 251, 257, 264, 314, 321, 322,
 339, 351, 363, 394, 423

 Rabin, C. 25, 28, 29, 398, 404
 Rabinowitz, I. 191, 193, 194
 Radin, M. 41, 91
 Rajak, T. 84, 152
 Ramsay, W. M. 86, 91
 Rathbone, D. 188
 Reed, S. 199
 Regev, E. 10, 341
 Rhodes, P. J. 7, 153, 207, 218, 349, 412
 Richardson, P. 85
 Rocca, S. 260

 Rofé, A. 351
 Rost, L. 1
 Rostovtzeff, M. 40, 204, 235

 San Nicolò, M. 38, 39, 40, 43, 55, 66, 87,
 88, 157, 185, 223, 293
 Sanders, E. P. 94, 105
 Sandmel, S. 5
 Saunders, T. 162, 167, 182, 230, 236,
 274, 296, 297, 344, 348, 376, 378, 380,
 403
 Schechter, S. 191, 193
 Schiffman, L. 1, 11, 14, 46, 60, 150, 162,
 163, 164, 169, 171, 198, 199, 200, 201,
 203, 205, 206, 207, 208, 210, 211, 213,
 214, 215, 216, 233, 235, 236, 237, 249,
 250, 260, 320, 340, 341, 342, 383, 384,
 394, 406, 413, 456, 461, 462, 467, 472,
 473, 474, 475, 479, 483, 484, 486, 490,
 491, 495, 496, 497, 500, 502
 Schmeller, T. 30
 Schmidt, F. 12
 Schneider, C. 41, 42, 43, 54, 74
 Schneider, J. 164, 165
 Schniedewind, W. 249
 Schofield, A. 11, 15, 16, 17, 279, 305,
 340, 341, 350
 Schofield, M. 112, 113, 114, 115, 117,
 119
 Schuller, E. 150, 463
 Schürer, E. 183, 185, 203, 204, 217, 240,
 252, 284, 302, 330, 489
 Schwartz, D. 61, 139, 149, 220
 Schwartz, S. 89
 Sebesta, J. 190
 Seidensticker, P. 1
 Seidl, E. 39, 40, 293
 Shemesh, A. 221, 392, 415, 426
 Sivertzev, A. 183, 184, 244, 245, 252,
 468
 Snyder, H. G. 100, 234, 358, 359, 360
 Spiro, S. J. 25
 Stegemann, H. 19, 62, 275, 292, 418,
 455
 Stern, S. 70
 Steudel, A. 19, 434, 456
 Stevenson, T. 184
 Strugnell, J. 321, 441
 Sutcliffe, E. F. 418

 Talmon, S. 57, 138, 201, 291, 351, 453
 Taylor, Joan 173, 178
 Taylor, Justin 33, 59, 60
 Taylor, L. 433

- Tcherikover, V. 188
 Thom, J. C. 32
 Tigchelaar, E. 172, 265, 314, 318, 340,
 364, 421
 Tod, M. 90, 355, 372
 Tönnies, F. 66
 Tov, E. 19, 201, 310, 351, 453

 VanderKam, J. 14, 287, 294, 453
 Vaux, R. de. 14, 15, 19
 Vermes, G. 15, 16, 209, 218, 239, 240,
 303, 304, 335, 406, 441, 484
 Vogliano, A. 64, 414
 Vogt, K. M. 112, 113

 Wacholder, B. Z. 136, 137, 191, 256,
 275
 Walker-Ramisch, S. 50, 51, 52, 53, 65
 Waltzing, J.-P. 90, 91
 Wassen, C. 134, 169, 170, 171, 174, 179,
 180, 181, 189, 191, 267, 268, 278, 463,
 464, 465, 466, 473, 474
 Weber, M. 66, 67, 68, 69, 75, 76, 502,
 505
 Weinfeld, M. 42, 43, 44, 45, 46, 47, 49,
 50, 53, 57, 59, 60, 61, 63, 64, 65, 66,
 155, 157, 161, 162, 170, 171, 174, 191,
 191, 199, 215, 222, 223, 224, 226, 246,
 247, 248, 249, 254, 261, 262, 263, 289,
 293, 354, 355, 356, 361, 367, 381, 382,
 390, 391, 398, 401, 402, 407, 414, 430,
 431, 447
 Wernberg-Møller, P. 18, 279, 340, 341,
 384, 395, 398, 404, 405, 416, 417, 418,
 419, 421, 429, 438, 440
 White, L. M. 84
 Wilken, R. 90
 Williams, M. 88, 89
 Wilson, B. 69
 Wilson, S. 41, 50, 69, 85, 175
 Winter, B. 125
 Winter, P. 191, 223
 Wise, M. 24, 41, 47, 144, 340, 418,
 421
 Yadin, Y. 93, 191, 323, 341, 467, 479,
 480
 Youtie, H. C. 64

 Zangenberg, J. 20
 Zanker, P. 83
 Ziebarth, E. 40, 69, 372

INDEX OF ANCIENT SOURCES

DEAD SEA SCROLLS

<i>Damascus Rule</i> (D)		3:1	141
CD-A (CD 1-16)	8-9	3:2-4	141
1-8	44, 443, 452, 508	3:2-6	136
1:1	149	3:4-10	141
1:1-2	370	3:8	144
1:1-17	152	3:9	9
1:3	135	3:10	140
1:3-4	140, 141	3:10-11	151
1:4	145	3:10-12	141
1:4-5	13, 151	3:10-4:10	152
1:5-6	370	3:12-13	151
1:5-10	93	3:12-16	137, 140
1:7-8	151	3:12-20	151
1:8-10	144	3:17	136
1:8-11	63	3:18	265
1:10-17	144	3:18-19	156
1:11-2:1	141	3:18-20	14, 140, 147
1:12	9	3:20-4:4	148, 310
1:14-21	142	3:21-4:7	140, 252
1:15	370	3:31-4:4	301
1:16-17	162	4:2-6	145, 310
1:16-20	151	4:4-6	373
1:17	140	4:6-7	156
1:18-21	136	4:6-10	14, 147, 265
1:18-2:1	301	4:7-10	151
1:20	136	4:8	160
1:21	232	4:9-12	137
1:21-2:1	140	4:12-6:1	301
2:1	9	4:14-17	472
2:2-5	140	4:14-18	136, 140
2:2-16	151	4:14-19	472
2:3	234	4:16-17	136
2:4-5	14	4:17-18	136
2:5-13	152	4:20-5:2	244
2:6	136, 151	4:20-5:4	267
2:6-7	140	4:20-5:11	177
2:11	13, 244	5:1-6	140
2:11-12	145, 151, 152	5:4	202
2:12	140	5:6	136
2:13	135	5:6-7	473
2:15	136	5:6-8	176
2:15-16	151	5:6-11	267
2:16	162	5:11	136
2:16-3:12	140, 141	5:11-13	141
2:17-21	141	5:11-19	140
2:18-21	136	5:16-17	135

5:17	277	8:16-18	151
5:17-18	140	8:19	136
5:20-6:2	136, 140	8:21	285
5:20-21	141	9:1	160, 161, 191-97
6:2-11	152	9:2	232
6:2-13	151	9:2-3	200-1
6:4	232	9:2-5	200
6:5	145, 310	9:2-8	150, 160, 198, 397, 438
6:7	160, 421		
6:7-10	144	9:2-10	396
6:7-11	275	9:3	199-200
6:8	45, 232	9:4	202
6:10	18	9:6-8	200, 225
6:11-20	13	9:8	208
6:13-14	149	9:8-12	161, 208
6:14	160	9:9-10	13
6:14-16	209	9:10	207, 231
6:14-19	312	9:10-16	149, 155
6:14-20	155	9:11	10, 133
6:15-16	136	9:12-15	208
6:15-17	151, 301	9:13-14	13, 208-9, 270, 400
6:16	232	9:13-16	32, 208
6:16-17	136	9:13-10:3	206
6:17-20	149	9:14-16	212
6:18-20	137	9:15	211
6:19	145, 149, 285, 310	9:16-18	195
6:20-21	257	9:16-20	272
6:20-7:1	151, 252	9:16-22	496
6:20-7:2	245	9:16-23	150, 161, 198-99, 353, 391
7:2-3	150, 198		
7:3	151	9:16-10:3	204
7:3-4	136	9:17	215
7:4-7	11, 278	9:18-22	12, 13
7:4-9	150, 151	9:19-20	204
7:5-8:21	133	9:20-23	178
7:6	10, 11, 45, 133	9:21	204, 307
7:6-9	136	9:22	225
7:8	45, 421	9:22-23	29
7:9-15	141	9:23	307
7:9-8:1	151	9:23-10:2	178, 194, 217
7:11	232	9:23-10:3	161, 465, 476
7:14-20	141	10:1	204, 231
7:18	160	10:4	45
7:18-21	159	10:4-7	334
7:19-8:1	141	10:4-10	13, 161, 202, 207, 223, 253, 258, 466, 479-80, 484
7:20	10, 133		
7:21	219		
8:1-3	220	10:5-7	233
8:1-19	301	10:6	234, 457
8:4	194	10:8-10	234
8:5-6	252	10:13	151
8:8	232	10:23	10, 133
8:13	9	11:2	12, 245
8:16	232	11:12	12, 190

11:14-15	12, 245	13:9-16	244
11:17-18	137	13:10	133, 456
11:17-21	13	13:10-13	9, 147
11:17-23	149, 155	13:11	28, 133
11:20-22	151	13:11-13	253, 456
11:21-23	13	13:12-13	209, 353
12:1	151	13:13	10, 25, 133
12:1-2	177	13:14	25
12:3-6	219	13:14-16	27, 396, 400
12:4	151	13:15-16	12
12:6-11	12	13:16	10, 133
12:6-8	259	13:17	277
12:7-8	25	13:20	10, 133
12:8	28, 259, 261, 277	13:20-21	134, 275
12:8-10	245	13:22	12, 278
12:10-11	190	14	487
12:11	151	14:1-2	151
12:15-17	319	14:3	10, 45, 133, 239,
12:18	151		253
12:19	45	14:3-end of D	235
12:19-20	161	14:3-8	12
12:19-22	134, 275	14:3-12	26
12:21	12, 233, 278	14:3-23	133
12:22	45	14:4	256
12:22-23	239	14:5	252
12:22-13:1	139	14:6-7	365
12:22-13:7	238-41	14:6-8	233, 252-53, 272
12:22-13:19	258	14:6-9	479
12:22-13:20	343	14:7	12
12:22-13:21	133, 233	14:8	12, 13, 234
12:23	10, 133	14:8-12	239, 253
12:23-24	487	14:9	10, 133
13:1	501	14:9-10	255
13:1-2	257	14:9-12	248
13:1-3	249	14:10	9, 133, 147, 253,
13:1-4	239, 399		277, 456, 468
13:2	233, 234, 457, 466	14:10-11	253
13:2-5	12	14:11	9, 133, 147
13:2-7	214	14:11-12	496
13:4	133	14:12	12, 252
13:4-5	10	14:12-13	12, 262, 370, 372
13:4-6	232	14:12-16	151, 161, 171,
13:4-7	308, 486		243, 261, 487
13:5	12, 133, 241, 317	14:12-17	187, 252, 373,
13:5-7	239		387
13:6	160	14:13	12, 13
13:6-16	12, 13	14:14	202
13:7	10, 12, 45, 133	14:15	232
13:7-8	170, 243, 247, 279	14:16-17	25, 259, 261
13:7-10	179	14:17-19	266
13:7-15	468	14:18	475
13:7-19	239	14:18-19	139
13:7-21	26, 173, 187	14:19	14, 147, 268, 487
13:8	160	14:22	198

15:1-2	169, 170, 201	19:10-11	139, 219, 488
15:1-5	160, 316, 401	19:13-14	151
15:1-10:10	133	19:14	194
15:1-12:20	161	19:20	11, 232
15:1-15	258	19:27-28	201
15:4-11	369	19:29-30	232
15:5	25, 173	19:32-20:1	139
15:5-6	169, 334, 372, 468	19:33	285
15:5-10	173, 244, 463	19:35	232, 277
15:5-15	456, 468	20:1	144, 488
15:5-17	26, 244	20:2	11
15:6	169	20:5	11
15:6-8	372	20:6	160
15:6-11	170, 373	20:7	11
15:6-15	169	20:8-13	218
15:7	28, 176	20:12	285
15:7-10	170, 369	20:13-14	144
15:7-11	185	20:18-19	201
15:7-12	370	20:21	201
15:7-15	26, 253	20:24	232
15:8	12, 13, 252	20:24-25	277, 289
15:8-9	173	20:26	10, 133
15:8-10	295	20:27-28	144
15:9	28, 176	20:27-33	159
15:9-10	176	20:27-34	289
15:10	173	20:31-32	10, 289
15:11	12, 13, 369	20:32	277
15:12	25, 28, 176	20:34	14, 147, 265
15:12-15	216, 295		
15:13	176	4QD ^{a-h} (4Q266-273)	9, 48
15:13-14	170		
15:13-15	137, 243, 374, 414	4QD ^a	390
15:14	12, 13, 25	1-2	135
15:15	160, 170, 171, 216, 487	1 1	11, 12
		1 2	219
15:15-16	486	1 14, 16, 21	136
15:15-17	169	2 i 2	137
15:17	9, 133, 147, 456	5 i 17	278
16:1	25, 28	6 ii 1-3	267, 473
16:1-5	136, 163, 295	8 i 1-9	167-68
16:4	25	8 i 8-9	37, 371
16:4-5	128	8 ii 8-9	191-97
16:5	194, 220	9 iii 4-10	244
16:6-12	180	9 iii 1-7	170, 177, 374
16:7-9	165	9 iii 11-14	134, 275
16:10-12	165	10 i 1-ii 15	12
16:13-14	13	10 i 1- 11 21	133
		10 i 3-4	9, 133, 147
CD-B (CD 19-20)	8-9, 133	10 i 6	259
19:1-2	151	10 i 12	268
19:2	10, 133	10 i 13	264, 265
19:2-4	45	10 i 10	25
19:5-6	220	10 i 11-12	488
19:8	201	10 i 14-15	392

10 i 14–ii 15	391, 392	7 i 15–16	32, 171, 266, 269
10 ii 1–2	215, 219, 224	7 i 15–19	301, 400
10 ii 1–3	392	7 ii 11–15	134
10 ii 5–6	392		
10 ii 9–13	392	4QD ^f	
10 ii 14–15	392	3 4–15	180–81
11 1–3	149, 155	3 12–14	178, 473
11 2–3	272	5 i 3–6	137
11 2–5	269		
11 3–5	393	<i>Community Rule (S)</i>	
11 1–5	266, 301	1QS	9, 48, 50, 303–8, 493
11 1–21	32, 171		
11 5–6	218	1–4	15, 44
11 5–8	219	1:1	12, 45, 277, 278
11 5–16	217	1:1–3	282, 295
11 5–18	270–73	1:1–15	15, 280, 282–84
11 7–21	161, 248	1:3	218
11 8	12	1:4–17	13
11 8–21	12, 134	1:5	283
11 10–20	268	1:6	281
11 14–16	170, 219, 221, 272, 414	1:7	25, 28
		1:8	11, 282, 461
11 16	12, 13, 214	1:8–9	281, 421
11 16–17	12, 250	1:8–11	334
11 17–18	252, 271–73, 294, 354	1:9	11
		1:10	282, 461
11 18–19	265, 270	1:10–11	281
12 4–9	267, 473	1:11	28
		1:11–12	160
4QD ^b		1:11–13	421
7 12–14	181	1:11–15	206, 334
9 v 11	365	1:11–17	164
		1:12	277
4QD ^d	266	1:13–15	137, 281
2 2–4	144	1:16	25, 45, 277
9 1–8	181	1:16–18	277
		1:16–3:12	12, 14, 280, 284–87, 301
4QD ^e	390		
2 ii 15–17	177	1:17	28
2 ii 16	267, 473	1:18	12, 18, 282, 462
3 ii 9	10	1:18–25	272
3 ii 19	277	1:18–2:23	248
4 12–21	190, 267, 472	1:21	12
5 14–21	181	1:22–2:18	202
6 iii	391	1:23–24	282
6 iii 16	191–97	2:1	12
7 i 1–21	12	2:1–3	421
7 i 6–7	219, 390	2:2	11
7 i 11	219, 390	2:4–5	282
7 i 12–13	177	2:4–10	281
7 i 13–14	183, 219, 268	2:11	12
7 i 13–15	179, 183, 468, 484	2:11–14	139
		2:14–17	281
7 i 14	9, 133, 147, 180	2:12	25

2:16	163, 295–96	5–7	15
2:19	12, 18, 282, 444, 462	5–9	16
2:19–20	277	5:1	28, 278
2:19–22	302	5:1–2	18, 28, 303, 433
2:21	232	5:1–4	434
2:20–21	45	5:1–5	299
2:21–22	257	5:1–7	315, 410
2:22	277	5:1–6:7	15
2:22–25	294	5:1–7:25	418, 433, 434
2:24	277	5:1–9:2	433
2:25	28	5:1–9:11	15
2:25–6	325	5:2, 9	299–300
2:25–3:6	13	5:2–3	12, 252, 299–300, 302, 305–8
3:1	28, 281, 421, 475	5:2–7	419
3:1–2	160	5:3	339
3:2	277, 293	5:3–6	302
3:2–3	206	5:4–5	313
3:2–6	280	5:5	299
3:4–12	325	5:5–6	277, 294, 300, 433, 434
3:5–6	170		14, 28
3:6	277, 293, 461	5:6	202, 299–300
3:6–7	140	5:6–7	277, 293, 301, 420
3:9	11	5:7	26, 28, 29
3:10	281	5:7–8	316, 324, 434
3:11–12	293	5:7–10	26, 324
3:13	11, 12, 252, 278	5:7–20	25, 28, 218, 315
3:13–4:26	15, 280, 287–89, 443, 452	5:8	295
		5:8–9	425
3:17–19	281	5:8–12	12, 18, 299, 303, 305, 307, 315, 456, 461
3:19	252	5:9	302, 308
3:20	149		25, 27, 28, 316, 370
3:20–21	140, 282, 444		317, 413
3:21–23	18, 325	5:9–10	202
3:21–24	410	5:10	315
3:23	462		433
3:24	11, 140	5:10–11	13
4:3	140	5:10–13	151, 163, 316
4:4	421, 475	5:10–14	316
4:5	151	5:10–15	307, 318, 323–27, 350, 425
4:5–6	140	5:10–20	317, 392
4:6–8	11	5:12	325
4:6–14	300	5:12–14	27, 396, 414
4:9	140, 281	5:13	151, 211
4:9–14	281		28, 315–16
4:14	151	5:13–14	261, 434
4:15	252	5:13–19	277
4:15–26	277	5:13–20	170, 316–17
4:17	444	5:14	323
4:18–20	281	5:14–15	
4:19	282	5:14–20	
4:21	140	5:15	
4:22	11, 294, 421	5:15–16	
4:26	160	5:16	

5:16-17	27, 211, 317, 325, 368	6:8-10	462
5:16-18	316	6:8-13	342
5:17	307	6:9	232, 421
5:17-18	315	6:9-10	328
5:18-19	317	6:9-12	352
5:19-20	316, 326, 368, 392	6:10	252, 277, 293
5:20	10, 133, 151, 211, 317	6:10-11	405
5:20-6:1	335-39	6:10-13	354
5:20-22	307, 336	6:11-12	255, 353
5:20-24	305	6:11-13	305, 352
5:21	12	6:12	12
5:21-22	302, 336	6:12-13	293
5:21-23	28	6:13	28
5:21-24	421	6:13-14	28, 277, 293, 421
5:21-26	160	6:13-15	26
5:22	12, 28, 308	6:13-23	15, 170, 324, 353
5:23	45, 396, 401	6:14	12, 25, 160, 293, 364, 421
5:23-24	337, 350	6:14-15	26, 327, 366, 370, 374
5:24	422	6:14-22	372
5:24-6:1	198, 336	6:15	26, 277, 475
6:1	12, 215, 305, 307, 336, 353	6:15-16	170, 327
6:1-7	340	6:15-23	171, 305, 374
6:2	310, 323, 396, 397	6:16	277, 293, 323, 370, 372
6:2-3	340, 341-43, 398	6:16-17	307, 318, 326, 350, 396
6:2-4	328	6:16-18	367
6:3	277, 293	6:16-20	319, 322
6:3-4	303, 306, 342-43, 352, 421, 462	6:16-21	317, 325
6:3-6	302, 501	6:16-22	238
6:3-7	249, 398	6:17	211, 307
6:4	406	6:17-18	367
6:4-5	12, 324, 343, 362	6:18	160, 277, 421
6:4-6	13, 248, 306, 323, 339, 341-42, 406, 500	6:18-19	170, 372
6:5-6	343, 398	6:18-20	326, 368
6:6	421	6:18-20	414
6:6-7	160, 306, 328, 343, 396	6:18-22	393
6:7	337, 421	6:18-23	27
6:7-8	13, 352	6:19	12, 277, 293, 303, 307, 461
6:7-9	353, 382	6:19-20	373
6:7-10	305-6	6:19-22	13
6:7-13	15, 16, 223, 343, 362	6:19-23	396
6:7-21	12	6:20	12, 187, 211, 307, 323, 378
6:7-18	353	6:20-21	318, 325, 369, 413
6:7-25	26	6:20-23	319
6:8	12, 45, 202, 300, 353, 365	6:21-22	307, 372, 421
6:8-9	302, 326, 404, 406, 411	6:21-23	170, 327, 328, 414
		6:22	350, 370
		6:22-23	45, 160, 211, 277, 293, 326, 367, 369, 382, 422

6:23	373	7:18–20	317
6:24	11, 277, 353, 382, 383, 421	7:19	350, 413
6:24–25	317, 396	7:19–20	318, 322, 323, 324, 414
6:24–7:9	353, 384, 397, 405	7:19–21	12, 326, 327, 425
6:24–7:25	12, 15, 223, 301, 324, 381–415, 424	7:20	384, 425
6:25	12, 307, 323, 324, 325, 350, 383	7:20–21	414, 426
6:25–27	205	7:22	293
6:25–7:3	409	7:22–24	219
6:27	328	7:22–25	202
6:27–7:2	163, 219, 398	7:23	277
7:1	28, 383	7:24	277, 293
7:2	293	7:24–25	12, 219, 221, 396, 414
7:2–3	12, 317	7:25	277, 350
7:2–4	306	8–9	20, 239, 289, 290, 302, 327, 418
7:2–6	383	8:1	11, 277, 293
7:3	307, 325, 350, 383, 384	8:1–2	419
7:4–5	215	8:1–4	419–20
7:5	325, 383, 384, 395–95	8:1–10	277, 419, 501
7:6	277	8:1–9:2	433
7:6–8	368, 384	8:1–9:11	15, 331; 414–35
7:6–7	399	8:1–16	416–23, 419
7:7–8	18	8:4	419, 420
7:8	16, 277, 309, 383, 385	8:4–5	420
7:8–9	198, 215	8:5–6	327, 420
7:8–14	383	8:6	14, 28, 147
7:9	405	8:6–7	420
7:9–10	383, 405	8:6–10	328
7:9–15	385, 404–9	8:7–10	420, 442
7:9–18	353	8:8	327
7:10	12, 405, 406	8:8–10	14
7:10–11	403, 405	8:9	11
7:10–12	407	8:9–10	294
7:11	406	8:10	11, 155, 277, 293, 419–20
7:11–15	383	8:10–11	328, 420–21, 432
7:12–14	406	8:11	277, 293
7:13	12	8:11–12	328, 421–22, 426
7:14–15	405, 406	8:12	160, 419, 422
7:15	407	8:12–14	422
7:15–16	317	8:12–16	328, 422–23
7:15–17	383	8:13–14	438
7:15–18	385, 410	8:15	160, 218, 295
7:16	12, 307, 325, 350, 383	8:15–16	423
7:16–17	219, 306, 313, 390	8:15–9:11	15, 418
7:17–18	224, 277, 293	8:16	140
7:18–19	383	8:16–19	327, 329, 424–25
7:18–21	319	8:16–20	425
7:18–25	27, 383, 385, 412–15, 426	8:16–9:2	26, 301, 324, 329, 423–32, 434
		8:16–9:11	16
		8:17	307, 317–18, 323, 350, 424–25

8:18	11, 421	9:16-23	438
8:18-19	305, 424	9:17-18	437
8:19	12, 28, 277, 424	9:18-19	421
8:20	424	9:19	11, 277
8:20-9:2	424	9:19-20	438
8:20-9:11	418	9:20-21	438
8:20-24	420	9:21	12, 278, 438
8:21	11	9:21-22	170, 438, 452
8:21-22	425	9:21-23	438
8:21-23	219, 295, 329	9:21-24	195
8:21-24	426	9:21-26	179
8:22	218, 277, 293, 418	9:22-23	438
8:23-24	170, 396	9:23	202, 219, 288,
8:24	325, 383, 384		448
8:24-25	317, 426	9:25	347
8:24-26	160	9:26-11:22	15
8:24-9:1	329	10:1	444
8:25-26	418	10:1-3	440
8:25-27	419, 421	10:1-5	281
8:26	12	10:3-5	441
8:26-27	426	10:6	438, 442
9:1	420	10:6-7	442
9:1-2	160, 305, 329, 426	10:6-11	441
9:1-11	437	10:8-11:22	15
9:2	11, 12, 421, 426,	10:15-20	179
	427	10:19	219, 288, 347,
9:3	140, 294, 419		448
9:3-5	14, 328, 501	10:19-21	452
9:3-6	14, 433	11	439
9:3-11	432-35	11:1-2	452
9:4	155, 434	11:8	277, 293
9:4-5	325, 430		
9:4-6	277, 442	4QS ^{a-j}	9, 48
9:5	421		
9:5-6, 8	11	4QS ^a	16
9:7	12, 211, 306, 307	2	284
9:8-9	434		
9:8-10	421	4QS ^b	15-17, 278
9:9-10	434	2-4	284
9:10	289		
9:10-11	14, 139, 282, 286,	4QS ^{b,d}	299, 303-8, 316,
	434		419
9:11	139, 487		
9:12	12, 278	4QS ^c	16
9:12-23	278	1-2	284
9:12-25	15	2	287
9:12-26	435-38		
9:13-20	435	4QS ^d	15-17, 278, 435
9:14	149	1 i 1	12, 475
9:14-17	437	1 i 2	308
9:14-18	370	1 i 2-3	303, 307
9:15	160, 277	1 i 5-7	303
9:15-18	160	1 i 7	308
9:16-17	170, 201, 438, 452	1 ii 1-2, 7-10	302, 307
9:16-18	198	1 ii 2	308

1 ii 5	308	1:12-14	234
1 ii 7-8	303	1:12-15	237
3 i 7	307	1:12-16	478-83
7:7	211	1:13-16	225
		1:15	374
4QS ^c	15-17, 281, 418, 435	1:15-16	456
		1:16	468
1 i 4	16, 309	1:16-18	484
1 ii 7-iii 6	419	1:16-19	483
		1:17	234
4QS ^s	16	1:18-19	252, 485
		1:19-21	374, 479
4QS ^h	16	1:19-22	171, 486-87
1	284	1:20	260
		1:21	45
4QS ^j	16	1:22-25	468, 487, 488-89
		1:22-2:3	498
<i>Rule for the Congregation</i> (SE)	15, 18-19, 508, 512	1:22-2:10	487
1QS ^a (1Q28 ^a)	48, 457-60	1:22-2:22	487-502
1:1	45, 14	1:23-24	456, 468
1:1-25	497	1:24	461
1:2	456, 461	1:25-26	487, 490
1:1-3	277, 461-62	1:25-27	490-92
1:2	18, 303	1:25-2:3	341-42
1:3	18, 147	1:25-2:11	497
1:4-5	171, 462-64, 489-90, 498	1:26	260, 456
		1:26-27	277, 293
		1:27-28	492
1:5	464	1:27-2:1	18, 493
1:6	45, 375, 464	1:27-2:2	491-92
1:6-7	485	1:27-2:3	457, 462, 491-94
1:6-8	464-66, 468	1:28-2:1	493
1:6-11	463	1:29	469
1:6-19	169	2:2	277, 293, 493
1:6-2:11	464, 479	2:2-3	494
1:7	234, 457	2:3	456
1:7-9	468	2:3-9	371
1:8-9	169, 171, 374, 466-71	2:3-10	171
		2:3-11	494-97
1:8-11	414, 469	2:4, 5	495
1:9	225, 456, 467-68, 475	2:4-7	496
		2:5	496
1:9-11	469	2:6	365
1:9-12	463, 471-78	2:8	171, 495
1:9-16	374	2:8-9	490, 496
1:10-11	465, 472, 475	2:9	277, 293, 495
1:11	29, 464, 473-74, 480	2:9-10	496
		2:9-11	384
1:11-14	374	2:11	277, 293, 456, 497
1:11-15	468		
1:11-16	464	2:11-14	139
1:12	471-72, 491	2:11-17	302, 356, 406, 468, 488, 497, 498-500
1:12-13	479		
1:12-15	414		

2:11–22	462, 487, 497	6:14	45
2:12	498	6:16	146
2:13	406, 456	7:1	45, 146
2:14	498	7:2–3	261
2:15–16	468	7:3	146
2:16, 17	406	7:3–4	171, 371
2:17	456	7:5	219, 289, 347, 448
2:17–20	18, 248, 343	7:5–6	395
2:17–21	139, 302, 323, 488	7:7	146
2:17–22	341–43, 356, 406, 497, 500–2	7:9–11	189
2:20	343	7:11	180
2:21	373, 456, 501	7:17	45
4QSE ^{a-i}	18	8:14	45
4QSE ^c		9:10	45
1 ii 2	461	10:1	146
4QSE ^s		10:12–13	444
1–2 1–2	461	11	144
1QSb (1Q28b; 1QBlessings)	15, 278, 341–42, 435, 508	12:10–15	261
<i>War Rule</i> (1QM; 4QM1–6 = 4Q491–496)	8, 49, 195, 202, 469, 508	13:1	45, 202
1QM		13:8	145
1	144	13:10	149
1–3	310	14:2	146
1:2	145	14:8–10	145
1:3	145	14:10	444
1:6	151, 444	14:19	146
1:8	149	15–19	144
1:11–12	219	15:1	219
1:15	444	15:3	289
2:1–3	430, 431	15:4–5	45
2:1–8; 3:13–14	480	15:6	219, 289
3:3	45	15:15	289
3:13	45	16:3	45, 146
3:15–4:1	430	17:5	444
4:2	151	18:2–3	151
4:6	45	18:6	45
4:9	45	18:11	444
5:3–4	45	18:14	146
5:6	180	19:3–8	261
5:9	180	19:9	146
5:14	180	4QM1 (4Q491)	
6:7	395	1 iii 18	180
6:10–11	45	8–10 i 17	45
6:12–13; 7:2–3	479	4QM6 (4Q496)	
		10 2	45
		<i>Hodayot</i> (1QH ^s)	
		14:11	145
		14:35	151
		20	443–45
		20:22–23	443–44

<i>Pesher Habakkuk</i> (1QpHab)	23–24	4QCatena A/Eschatological Midrash B (4Q177)	
1:1–2:10	301		
2–4	144	10 xi 5	421
2:3	285		
2:15	194	4Q181 (4QAgos of Creation B)	
3:5	289	1 i 2, 4	45
4:9–13	144		
4:10–11	24	4Q186 (4QHoroscope)	172, 371
4:11	289	1 ii 5–9; iii 3–6	172
5:10, 12	289	2 i 1	45
6	144	2 i 2–8	172
8:3–17	301		
9	144	4QAstronomical Enoch ^{a-d} (4Q208–211)	445
9:8–10	143		
9:10	289		
11:2–8	24, 143	4QCommentary on Genesis ^a	(4Q252)
11:5–8	149	5:5	421
12:14	277, 293		
1QpMicah (1Q14)		4Q265	229, 266,
8–10 8	277, 293	(4QMiscellaneous Rules)	387–90
1Q22 (<i>Apocryphon of Moses</i> ^{a?})			
1 i 2; ii 9	475	4QTohorot A (4Q274)	319–20, 322–23, 325, 384
4QOrdinances ^a (4Q159)	48, 210		
2–4 3–6	430	1 i 3–8; 2 i 3, 7–9; 3 i 6–9; ii 8–9	323
2–4 8–10	178, 473	1 i 3–9; 2 i 2–3	393
4QpIsaiah ^a (4Q161)		3 i 6–9; ii 4–9	319
8–10 20	189		
4QpIsaiah ^d (4Q164)		4QTohorot B ^b (4Q277)	
3–7	431	1 ii 3–13	393
4QpNahum (4Q169)		4QHarvesting (4Q284a)	319–20, 322–23, 325
1–2 ii 8; 3–4 i 5, 6–9, 11; iii 7–8	289	1–2	393
3–4 ii 10; iii 5	201	1 3, 8	323
		1 3–8; 2 3	319
4QpPsalms ^a (4Q171)		4QBerakot ^{a-c}	(4Q286–290)
1–2 ii 14	277, 293	4Q287 2 5	180
1, 3, 4 iii 1–2	11	4Q289 1 4	365
3–10 iv 7–9	143, 201		
8 x 19	180	4QWords of the <i>Maskil</i> to All Sons of Dawn (4Q298)	278, 435, 443
4QFlorilegium/Eschatological Midrash A (4Q174)	508	1 i 1	2
1–2, 21 i 3–4	257	1–2 1–3; 3–4 i 6, 8, 9;	443
1–2, 21 i 10–12	159	ii 1–3; 5 ii 9–10	
1–2, 21 i 12	144, 160, 275, 421		
1–2, 21 i 17	277, 293	<i>Otot</i> (4Q319)	16, 138, 281, 508
1, 3 ii 1–3	145		
4QTestimonia (4Q175)	23, 139, 508	4QMishmarot (4Q320; 321; 321a; 322–324; 324a, c; 325; 328–330)	508

4Q320–330	138	C 9–21	151
		C 12–22	164
4Q332 (4QHistorical Text D)	24	C 12–32	140
2 4–6	143	C 27	232
4Q333 (4QHistorical Text E)	143	<i>Songs of the Sabbath Sacrifices</i> (4Q400–407; 11Q17)	180, 278, 341–42, 508
4Q337 (4QCalendrical Document E?)	138	4Q403 1 ii 1; 4Q405 14–15 i 3; 19 5; 23 ii 2; 11Q17 4:10; 5:3; 6:6; 7:13; 9:7	180
4QMMT ^{a-f} (4Q394–399)	24, 49, 136, 138, 145, 155, 180–81, 201–2, 323, 353, 383, 508	4Q405 20 i 7	444
		4Q417 (4QInstruction ^c) 2 i 6	457
		4Q444 (4QIncantation)	278
4Q394 1–2 (4QCalendrical Document D)	138	4Q448 (4QApocryphal Psalm and Prayer)	23, 143
4Q394 (4QMMT ^a) 3–7 i	138	4Q468e (4QHistorical Text F)	144
MMT composite text (<i>DJD</i> X)		4Q477 (4QRebukes Reported to the Overseer)	198–99, 508
B 1–C 7	301	<i>Songs of the Maskil</i> ^{a-b} (4Q410–411)	278
B 3	136	<i>Daily Prayers</i> (4Q503)	278, 341–42, 445–47
B 3–5	322	1–3 1–6, 6–10	446
B 7, 8, 11	322	1–6 ii 7	444
B 13, 27	232	15 i 11	444
B 13–16	393	29–32 viii 11, 19	446
B 18–23	321	33–34 i 19, 20–21	446
B 29–31, 58–62	331	37–38 5	444
B 36–37	322	4Q504–506 (<i>Words of the Luminaries</i>)	341–42
B 39–49	244	<i>Festival Prayers</i> (4Q507–509)	341–42, 508
B 42–46	136	4Q561 (4QPhysiognomy/ Horoscope Aramaic)	172, 371
B 46	232	4QRuleIWishIHad	494
B 48–49	177	5Q13 (5QRule)	239
B 53–54	136		
B 55–58	136, 319		
B 59	322		
B 64–68	393		
B 67–68	136		
B 68–70	321–22		
B 71–72	136, 322, 324, 393		
B 75–82	177, 181, 256, 302		
B 75–C 6	244		
B 80–82	136, 232		
C 6–8	136		
C 7	232		
C 7–8	145		

6Q17 (6QpapCalendrical Document)	138	45:7-12	393
		45:15	323
		47:6-7, 10, 12-13, 15;	323
		49:21; 63:13, 14	
11QMelchizedek (11Q17)			
1 ii 13	475	47:17	323, 324
		53:11-14	180
Temple Scroll (11QT ^a ; 11Q19)		57:11-13	431
35:8-9; 47:3-4, 14-15	331	64:6-11	194
40:5-6	257		

HEBREW BIBLE, APOCRYPHA, AND PSEUDEPIGRAPHA

Genesis		28	190
1; 16:1-11; 25:23;		28:30	366
27:39-40; 49	448	28:39-40	189
1:14-19	442	29:1-33; 30:10	331
2:22	193	29:14	146
9:11; 41:36	221	30:3-38	221
12:10; 17:18; 20:1;		30:11-16	210
26:3; 28:4; 35:27;		30:14-14	466
36:7; 37:1; 47:9	145	31:4-15	203
14:15	482	31:10	37
17:13, 27	191	31:13-14	219, 221
20:16; 21:25; 31:37, 42	199	32; 32:27-29	427
32:7, 9, 11, 22; 33:8;		32:17, 19, 26-27;	
50:9	146	33:7, 11; 36:6	146
49:6	467	34:31; 35:1, 4	147
		35:2	219
Exodus		35:19	37
3:16; 4:29; 12:6	355	35:20; 38:25	147
6:4	145	39:1, 41	37
6:13; 14:19-20, 24;		40-48	330
19:16-17	146		
12:3, 6, 47, 16:1-2,		Leviticus	
9-10, 16; 17:1	147	4:12, 21; 6:4; 8:17;	
12:15-19	221	9:11; 10:4-5; 13:46;	
12:19	147, 257	14:3, 8; 17:3;	
12:49	257	16:26-28; 24:10,	
14-15; 17:8-16	448	14, 23	146
15	448	4:13; 8:3-5; 9:5; 10:6,	
15:24; 16:2, 7-8	409	17; 16:5; 19:2	147
18:21-25	239, 480	4:13-20, 22-26,	
18:21, 25	284	27-35; 5:1-30;	
19:1-15	272	8:1-36; 9:1-23;	
20:7	166	10:12-20; 12:2-8;	
20:10	191, 257	14:2-32, 35-57;	
21:7-11	191	15:2-16, 19-30; 16;	
21:8	190	19:20-22; 23:27-32	332-33
22:18-20	203	4:13-21	248
22:21; 23:9, 12	257	5:3; 7:21	496
23:1	403	5:5; 9:22; 16:21	209
24:4, 9; 26:33-34;		5:5-11	210
28:12, 21; 29:37;		5:14-19; 6:6; 7:14-21;	
30:10, 29-36	429	19:21	269

5:20-26	163, 208	20:1-2, 8, 11, 22;	
6:25-7:6	349	31:16, 27, 43; 32:2,	
7:20-27; 17:4-15;	221	4; 35:12, 24-25	
18:29; 19:8, 10;		1:3-45; 14:29; 26:2, 4	169
20:3-6, 17-18; 22:3,		1:18	468-69
24; 26:22		1:19-46; 36:1-10	469
8:3-14	355	1:20-43; 7:84-87	429
8:8; 16:8-10	366	1:52-53; 2:3, 9-10,	146
10:1-2	427	16-18, 24-25, 31-32;	
10:10; 14:57; 15:31	243	4:5, 15; 10:2, 5-6, 14,	
12:2-8; 14:2-32;	393	18, 22, 25, 34; 11:1,	
15:2-30; 26:31		9, 26-27, 30-32;	
13; 14:2-3	240	12:14-15; 13:19;	
14:19; 15:30; 16:16;	334	14:44; 19:3, 7;	
18:25-27		31:19, 24	
15:8	406	3:1-2, 17	430
16:4-24	37	3:5-13	251, 489
16:4, 24; 22:1-6	329	3:5-14; 31:14, 48	284
16:29; 18:26; 19:10,	257	3:21-38	330
33-34; 20:2; 23:10;		4	236-37, 253,
24:16, 22			479
18:24-28; 20:22-26	140	4:18; 9:13; 15; 15:30-31;	221
19:11	403	19:13-20	
19:16	409	5:5-8	163
19:17	198-201	5:6-8	211
19:1	232	5:6-8; 6:5-21; 8:6-19;	332-33
19:19	181	15:22-29; 35:31-33	
19:20-22	191	6:12	269
12:1-8; 15:1-33; 22:1-6	278	6:22-27; 21; 23-24	448
20:1-5	203, 221	6:25; 31:26	183
20:9-27	203	8:24-26	236-37, 253
20:22-26	140	8:24-25	479
20:23; 27:28-29	193	9:14; 15:14-16, 26-30;	257
22:18-19; 23:22	257	19:10; 35:15	
23:10 (LXX)	194	10:7-8	248
23:24-27	441	11:10; 36:1-12	467
24:6-7	500	12:1-15	427
24:24	147	12:14	406
25:10	440, 442	13	392
26:7, 37	482	14:2, 27, 36; 16:11;	409
26:31	269-70	17:6, 20	
26:40-42	313	15	221
27:3	237, 253	15:35-36; 19:9; 31:12-13	146, 147
27:29	192-94	16	401, 416
		16:2	493
Numbers		18:1-8	252, 284, 489
1:1-18; 10:3-4	355	20:24	232
1:2, 16, 18; 3:7; 4:34;	147	28:28, 30, 47	193
8:9, 20; 10:2-3;		30:3-16	180
13:26; 14:1-2, 5, 7,		31:5, 14, 48, 52-54	480
10, 27, 35-36;		31:25-30	260
15:24-26, 33;		31:48-54	490
16:2-3, 9, 19, 26,		32:28	183
41-42, 45-46;		35:30	214, 222

35:33-34	334	26:5	145
36	468	26:16-30:10	173-77
36:31	183	27:15-26	174, 176, 177
Deuteronomy		27:15-26; 28-30; 32-33	448
1-3; 6:20-25; 21:8;	295	27:20-23	177
26:3-10, 15		29:10-11; 31:12, 28	355
1:1-26:15; 26:16-30:10	463	29:11	466
1:15	239, 284, 480	29:18	467
1:16; 5:14; ; 14:29;	257	29:20-21	295
16:11, 14; 24:14-21;		30:1-10	174, 312
26:11-13; 27:19; 31:12		31:1-19	294
2:14-15; 23:10-13;	146	31:2	238
23:15; 29:10		33:5	292
4:29; 10:12; 11:13, 18;		33:8	366
13:3; 26:26; 29:10-12,	176		
29; 30:2, 6, 10		Joshua	
5:11	166	1:8	234, 401
5:31; 7:8-9, 21; 9:29;	174	1:11; 3:2; 5:8; 6:11, 14,	146
12:11; 26:17-19;		18, 23; 8:13; 9:6;	
29:1-21, 22-29;		10:5-6, 15, 21, 43;	
30:1-5		11:4; 18:9	
6:5	176, 206	2:7; 8:20; 16:22	482
7:8	201	6; 10:8-14	448
12:17; 14:23; 18:4	369	7:4; 21:5	467
12:29; 19:1	221	8:33; 23:2; 24:1	480
13:1-18; 17:2-13;	203	8:83	352
19:11-13; 21:2,		9:15, 18-19, 21, 27;	147
18-21; 25:7-10; 31:28		18:1; 20:6, 9;	
16:18	312, 480	22:16-18; 22:20, 30	
16:20; 30:7	482	14:1; 21:2	183
17:6	214, 222	14:11	238
17:8-13	312; 410-11	18-19	366
18:8	375	19:15	484
19:5	222		
19:15	214	Judges	
19:16-21	203, 403	3:28; 4:22; 7:25; 8:4-5	482
20:1-9	490	4-5; 4:17-22	464
20:10-11, 14-20	260	4:14-16	449
20:16-18	26	4:14-16; 7; 8:10-12;	146
20:17; 25:5; 33:17	480	21:8, 12	
21:1-9	203, 332-33	5:2, 9	311
22:1-3	210-11	5:7	183, 268
21:23; 24:4	334	5:30	180
22:9-11	181	7:9-23	448
22:13-24	178, 203	18:19; 21:24	467
23	449	20:1; 21:10, 13, 16	147
23:10-11, 13-14	347		
23:12-15	58	Ruth	
24:1-4	244	4:2	235
24:4; 28:15-25, 36-52,		4:6	249
62-68	140		
25:3	195	1 Samuel	
25:9	406	2:12-4:11	427

4:3-7; 11:1; 13:17; 14:15, 19, 21; 17:1, 4, 17-18, 46, 53; 26:6; 28:1, 5, 19; 29:1, 6	146	12:17-18 12:18 12:20; 28:1 15:25; 23:4; 26:26, 29; 27:1, 29; 28:1; 29:6	199 292 284, 480 480
5; 17:31-53		14:14-14	449
8:12; 22:7; 23:23; 29:2	480	16:2	209
9:21	467	16:19	145
14:41-42	366	23; 29:5-17	311
20:5, 25-27	501	23:27-37	251
24:14; 26:8	482	24-26	366
29:6	146, 238	26:8	485
		26:29	312
2 Samuel		27:23	169
1:2-3; 5:24; 23:16	146	29:2	180
3:20-21	501		
6:18	209	2 Chronicles	
7:14	498	1:2; 17:14; 25:5	480
11:2-12:24	427	2:3; 13:11; 29:18	500
18:1, 4	480	3-4	331
24:13	482	5:6; 7:8; 24:6	147
1 Kings		6:3; 7:6; 34:29-32	497
3:7	238	13:9-10; 23:1; 25:5	284
6; 7:13-47	330-31	13:10	489
8:1	484	14:12; 18:33; 22:1; 31:2; 32:21	146
8:3	352	15:10-13	294
8:5	147	17:16	311
8:14	497	19:5-8	312
13:7	501	20:13-23; 32:20-21	449
16:16; 22:34, 36	146	25:5	169, 225
22:4	57	29:24-29	248
		35:12	444
2 Kings		Ezra	
1:9-12; 11:14	284	1:4	145
3:7	57	1:6; 2:68; 3:5	311
3:9, 24; 5:15; 6:24; 7:1, 4-16; 19:35	146	2:1-2	431
6:20-23	501	2:40-58	251, 284, 489
7:3-8	448		
8:1-4	248	2:63	366
11:8; 19:27	238	4:3	57, 291-93
19:30-31	145	6:18	159
19:31; 21:14	315	7:25	312
22:8-20; 23:21-25	159	9-10	244, 256
23:1-3	497	9:8, 13-15	145, 244
23:25	206	9:14	315
25:19	364	10:8	147
		10:14	203
1 Chronicles		Nehemiah	
7:7; 8:6, 10, 28; 9:9, 33; 24:4, 31; 25:5; 35:2	183	1-7; 1:5-11; 10	174
9:18-19; 11:15, 18; 12:23; 14:15-16	146	1:6; 8:2-3, 14; 9:2-3, 26-29; 10:28	176
9:32; 23:29; 28:16	500	6:7	293

7:7	431	Qoheleth	
7:43-60	251, 284, 489	7:19	235, 249
7:64-65; 13:1-3, 23-29	177		
7:65; 10-11	366	Song of Songs	
8-10	173-76, 243, 463	7:1	146
8:1-3	176, 463	Isaiah	
8:1-8, 9-18; 9:3; 13:4-9, 10-14, 15-22	159	1:18; 2:4; 11:3-4; 29:21	199
8:1-12, 13-18; 9:1-3, 9-37, 38-10:27; 11-13	175	2:22	193
8:7-8	463	3:3	284
10:28-29	175, 176, 463	7:17	232
10:33	210	10:19-22; 11:11, 16; 28:5-6; 37:4, 31-32; 52:4	145
10:34	500	14:6; 30:16; 51:1	482
11:2	311	14:20	467
11:9	364	25:6	501
12:22	183	37:28	238
13:1	159, 176	37:32; 46:3	315
Esther		37:36	146
1:3-8; 2:18; 5:4-12; 6:14-7:7	501	40:3	20
Job		45:21	339
3:6	467	45:21	293
6:25; 9:33; 13:3, 15; 16:21; 22:4; 23:4; 2:12; 40:2	199	52-53	242
17:6; 30:30	407	52:11; 53:11	279
Psalms		52:11, 14-15	243
1:2	234	2:2-3; 56:7; 60:5-11; 61:6; 66:10-12	122
1:5; 22:2, 5; 26:2; 35:18; 40:9-10; 68:26; 74:2; 107:32; 111:1	147	Jeremiah	
2:2; 31:14; 45:21	293	2:7	334
2:7	498	2:19	199
7:5; 31:16; 69:27; 83:15; 143:3	482	6:9; 24:8; 31:7; 42:15-19; 44:7-12, 27-28; 50:25-26	315
27:3; 78:26; 106:16	146	6:18; 30:20	147
45:15	180	6:28; 9:3	409
50:21; 73:14; 94:10	199	11:8	295
59:16	409	16:9; 35	57
71:10; 83:5	293	19:1; 29:1	352
95:8-10	222	20:1	364-65
105:12; 119:54	145	23:3; 31:7-8; 35:7; 42:1-22; 43:2, 5; 44:8, 12, 14, 28; 50:20	145
121:8	238	71:10; 83:6	339
122:3	467	Lamentations	
Proverbs		1:10	147
5:14	147	1:19	352
11:13; 20:19	409	4:15	145
15:9; 21:21; 28:1; 34:15	482	Ezekiel	
		1:24; 4:2	146

7:26	352	13:7	201
8:15-16	33	14:15	146
16:10, 13; 17:3; 26:16; 27:16, 21	180		
20:38	145	Malachi	
33:26; 36:18	334	3:16, 18	201
35:6	482		
40:46; 43:19; 44:15; 48:11	310	1 Maccabees	5, 511-12
42:3	349	3:55	239, 284
44:10-31	489	8:1-32	511-12
44:15	148, 312	8:20	246
44:17-19	37	10:15-45	139
44:23-24	312	12:1-23	139, 511
48:11	311	12:21; 15:20-23	511
		2 Maccabees	5
Daniel		11:16	246
5	501		
11-12	242	Ben Sira	
11:33; 12:3	243, 279	4:7; 41:18; 44:15; 46:7, 14	147
		6:8	233
Joel		7:7	246
2:11	146	11:12	405
2:12-13	269-70, 393	23:9	165
2:16	147	43:27	271
		45:10	366
Amos		1 Esdras	
1:11	482	5:40	366
4:10	146	5:47-48	33
5:15	145		
6:7	57	4 Ezra	
		11:1	429
Micah		1 Enoch	138-39,
2:12; 5:6-7	315		445
4:3; 6:2	199	8:3; 72-82	139
4:7; 5:7-8; 7:18	145	82:4-6	445
Nahum		<i>Epistle of Aristeas</i>	
1:2	198, 200-1,	308	246
	397		
1:2-3, 7, 9, 11-12, 14; 2:3, 14; 3:5	201	<i>Jubilees</i>	138-39,
1:8	482		163-64
Habakkuk		6:17	294
1:12	199	6:23	441
		6:32-37	138,
Zephaniah			282-83
2:7-9; 3:13	145, 315	10:8-9; 11:9-6; 17:16; 48:2-12; 49:2	164
Haggai		20	256
1:12-14; 2:2-9	145, 315		
Zechariah		<i>Testament of Levi</i>	
8:6-12	145, 315	34:14-21	256
9:7-10	145		

CLASSICAL SOURCES

Literature

Aeschines		49.1-3	376
<i>Tim.</i> 1.165	291	49.2	187, 249, 375
Appian, <i>Roman History</i>		53.4	237, 249
<i>Bell. civ.</i> 4.5	273	54.1-5	223
		54.2	259-50, 424
<i>Samn.</i> 4.14	246	54.3-5	255
		54.7; 55-56; 61.1-5; 63.1	250
Antiphon		55.2	377, 424
3.2.3	290	55.2-5	18
		55.3-5	376
Aristophanes		55.5; 56.1-2; 61.4	188, 377
<i>Eccl.</i> 208	290	56.5-6	264
		59.3-6	403
Aristotle		59.4	188, 376,
<i>Ath. pol.</i>	7, 153, 158,		411
	235-36,	61.2	188, 338,
	447, 460		377, 412
1-41	78, 153	63-69	460
3-4; 5-12; 12.1-5;	158	63.3	226, 237,
20-22; 25-28; 36-37			273
4.2; 27.1; 38.4; 39.6;	230	67.2	354
53.1-3; 56.1; 59.2			
5.2-3	158, 447	<i>Eth. Nic.</i>	
7.3-4	262	1115a21-22	118
7.14-8.7	465		
8.5; 16.10; 22.8; 53.5; 67.5	273	<i>Hist. an.</i>	
9.1	160	611a7	22
12; 19.3; 20.5	447		
29.2; 30.1-4; 42.2; 53.4	481	<i>Metaph.</i>	
29.5	153	985b4	22
42	471		
42.1	375, 411	<i>Pol.</i>	7, 8,
42.1-2	187		344-45,
42.1-4	376, 465		470, 477-78
42.2-5; 49.1-4	188	Bk. 2	8
43.4; 45.2	428	Bk. 2.6, 3.1	237
43.4-5	207, 349	Bk. 7.14-8.7	465, 477
43.5	220, 221,	1034b38-1035a4, 7-35;	478
	338	1035a36-1335b1	
44.1-3	254, 354	1263a21-41;	345
45-48	204	1263b40-64a1;	
45.1-3; 53.2-6	411	1313a41-b6; 1330a3-5	
45.1-4	217-18	1263b36-37	465
45.2-46.2; 49.1-2	338	1269b12-1270a 34	182
45.3	188, 338,	1270b36-1271a13	481
	376, 428	1271a33; 1272a1;	22
47.1-2; 51.1-4	249	1274a28; 1305b32;	
47.1-5	217	1314a10; 1330a3	
48.1-5	217, 249	1272b34	22, 62
48:4-5	230, 428	1278b6-14	121

1330a5-8	346	<i>Phil.</i>	
1330a8-9	349	2.34; 43	190
1331a18-b16	344	2.79-84	452
1331a19-b5	349		
1334b30-37	477	<i>Red. quir.</i>	
1336a3-b35, 35-37; 1338b40-42; 1339a5	470	5.13	91
<i>Rhet.</i>		<i>Resp.</i>	7, 50, 447, 450-52
1354b29	290	1.1	77
		1.1-36	465
Arius Didymus <i>ap.</i> Eusebius, 114 <i>PE</i> 15.3-5		1.13	20
		1.19	297
		1.20-25, 28	450
Athenaeus, <i>Deipnosophistae</i>		1.23-25	451
8.345c	157	1.33-2.51	8
		1.39-71	77-78
Cicero		1.69; 2.12-63; 5.7-8	78
<i>Att.</i>		2.1.3; 2.34-2.39	127
14.20.5	98	2.20	357
		2.58	127, 128
<i>Cael.</i>		2.59	128
26	39, 195	3.33	114, 115, 117
		6.9-29	77, 297, 447
<i>Domo</i>		6.13	117
17, 29	220	6.29	117, 447-48
<i>Fam.</i>		<i>Sen.</i>	
7.12	98	38	35
		9.49; 14.49-50	451
<i>Fin.</i>		<i>Tim.</i>	
1.65	157	1:1	34
3.62, 65	118		
<i>Flac.</i> 15-17	405	<i>Tusc.</i>	
		4.6-7	101
<i>Leg.</i>	7, 50, 354, 408-9	<i>Vat.</i>	
1.13-39	98	6	34
1.16-35	77, 78		
1.58-63	77	<i>Verr.</i>	
2.31	452	1.47	273
3.6	411, 412	2.29	248
3.10, 11, 40	408-9		
3.18.40, 3.19.42-43	354	Demosthenes, <i>Orations</i>	
3.27, 29	432	10 (<i>4 Philip.</i>) 259; 21	22
		(<i>Mid.</i>) 20, 139; 22	
<i>Nat. d.</i>		(<i>Andr.</i>) 31	
1.93	101	18 (<i>Cor.</i>) 257	291
		21 (<i>Mid.</i>) 45	290
<i>Off.</i>		23 (<i>Arist.</i>) 629	273
1.51-52	118	50 (<i>Polycl.</i>) 1222 2	221, 273
<i>Or.</i>			
1.37	248		

Dio Cassius, <i>Roman History</i>		<i>Ench.</i>	
37.57	22	33.5	165
66.12; 67.13	119		
		Epicurus	
Dio Chrysostom, <i>Orations</i>		<i>Key Doctrines</i>	
36.20	114, 115	7	96, 98
		17	103
Diodorus Siculus, <i>Library of History</i>		31–35	96
5.15.2	246	32, 36–37	97
		40, 48, 70	98
Diogenes Laertius, <i>Lives of Eminent Philosophers</i>		<i>Vatican Sayings</i>	
2.120	157	79	103
3.9, 20, 41–42; 5.13–16	20		
5.27–28	8	Eupolis	
6.20–21, 74	110	8.6	22
6.21, 72–73	106		
6.27–28	107	Euripides	234
6.29–30, 32, 36, 38, 45–46,	109		
50, 51–52, 58, 60, 63, 68,		Festus, <i>Lexicon</i>	190
74, 75, 76, 80, 82, 84			
6.32	109, 406	Frontinus, <i>Strategemata</i>	
6.36	106, 109	1.12.8–9	451
6.37	108, 110	4.1.25	391
6.38	106,		
	109–10	Gaius, <i>Institutes of Roman Law</i>	
6.44	108–9	1.137; 4.37	474
6.44, 51, 72–73, 104	108		
6.63–64, 71	106, 301	Gellius, <i>Attic Nights</i>	
6.64	332	1.22	248
6.71	106–7	2.6	290
6.74	109–10	16.4.2	260
7.32–33	113, 115		
7.33, 91	116	Herodotus, <i>Histories</i>	
7.32–34	112, 117	1.65; 5.71	22
7.32–34, 36, 129, 131	112	1.67, 141, 170; 3.156; 5.85,	290
7.87–89, 121	118	109; 8.135	
7.121–22	115, 116		
7.127	115	Isidore, <i>Etymologia</i>	
8:13, 22	35	9.3.53	377
8.46	34		
10.6, 28–29, 119	98	Isocrates, <i>Orations</i>	
10.120, 139–40	103	3.54 (<i>Nic.</i>); 4.79 (<i>Paneg.</i>)	22
		7.134 (<i>Areop.</i>)	255
Dionysius of Halicarnassus		10.36 (<i>Hel. enc.</i>); 14.21 (<i>Plat.</i>)	290
6.4, 16, 19, 21	357		
10.8.2, 21.43	377	Josephus	5, 62,
			203
Epictetus	358–59	<i>Against Apion</i>	
<i>Diatr.</i>		2.165, 295	152
1.2.19–21	119	2.222, 264, 287, 295	152, 296
1.7.12, 31–33; 2.14.14	359		
2.1.30–31	358	<i>Antiquities</i>	
3.2.1–5	22	4.194, 198	152, 296
3.12.17	406	4.223–24; 14.41	152

13.409–11	142	<i>Oxyrhynchus Epitome</i>	
15.371	21	120	273
17.64–65, 93	474		
18.19	155	Lucian	
20.97	57	<i>Apol.</i> 6	407
20.194	235, 249	<i>De syria dea</i> 50	246
<i>Jewish War</i>			
1.538, 584–90	474	<i>Nav.</i> 15	407
2.124, 129–32	341		
2.124–27	208–9, 341	Lucretius <i>De rerum natura</i>	
2.127	245	5.925–38; 5.953–61	97
2.128	441	5.1011–57	97, 98
2.128–29	342		
2.137, 148–49	347	Lysias, <i>Funeral Oration</i>	
2.141	421	2.43, 55	22
2.143, 146	218		
2.145	337	Marcian	
2.148–49	58	1 (<i>SVF</i> 3.314)	114, 118
2.160–61, 164–65	21		
2.273	204	Marcus Aurelius, <i>Meditations</i>	
3.11	146	3.5	165
5.227	330	Numenius, <i>ap.</i> Eusebius, <i>PE</i> 114.5	100
<i>Life</i>			
12	21		
198	246	Onasander, <i>Strategikos</i>	449–54
		10.9.22–24	452–53
Justinian, <i>Institutes</i>	81–83, 297	10.10.27	449–50
Confirmation 1.1–2	297	10.25	450
Incipit-1.2.1	81–82		
<i>Digest</i>	297	Ovid	
1.22.1; 5.1.55; 47.10.5.8	248	<i>Fast.</i> 3.711	190
3.1.1.1–5; 3.2.15–19;	473–74	<i>Metamorphoses</i>	35, 83
12.2.26; 22.5.18;		13–15	83
48.2.1–2		15	35
Juvenal, <i>Satires</i>		Paulus, <i>Epit. Festi</i>	
2.143, 6.61	357	250.50	379
Livy, <i>Ab urbe condita</i>		Philo	
1.50, 51; 3.2; 4.23, 25, 61;	290	<i>Apol.</i> 5 (= Euseb., <i>PE</i> 8.6)	22
5.17; 6.2, 33; 7.25; 8.3;			
9.42; 10.12; 36.31;		<i>Conf.</i>	
38.34; 42.43; 45.18		190	152
2.1.11	184		
2.32	128	<i>Contempl.</i>	
2.32.9–11	129, 246	25–28, 32–33, 68–69, 83	173
3.39–41	357	30–31, 67, 69, 77	407
22.38	377	78	152
34.7	190		

<i>Dec.</i>		625e	22
93	165	636e-649e; 729a-c; 964b-969d	465
<i>Deus</i>		640a-e; 806e	345
51-69	152	664b-671a; 802a-e; 909e-910e; 955e-956b	447
<i>Flacc.</i>		718a-724d	78
49	85	724b; 872b 736d-737d; 741b-745b; 915e	290 162
<i>Leg. All.</i>		751c-d	187, 377
3.207	165	755b; 946a-d	237
<i>Mos.</i>		758a-d	344
2.2	152	759c	378
<i>Prob. (Q.o.p.)</i>		760b, 763b; 761d-762d	348
12.75	155	761e-762a	349
81-82	240	762c	22, 380
83	8, 21-22	762e 764e-765a, d; 785a-b; 946a-d	380 481
<i>Spec.</i>		766d	160
1.225; 4.31-32	208	767c-d	428
2.5	165	767c-768b 767d; 927a-b; 937c-d	236 226
Philodemus		768b	230
<i>On Frank Speech (Lib.; PHerc. 1471)</i>		771b	296
fr. 40	102-3	771e-776b; 780a-781d;	460
fr. 45	102	781e-795d; 788a;	
fr. 88	101	804e-806d 772d-773e; 775b-e	477
<i>On the Stoics (Index Stoicorum;</i>		772d-774c; 785b	476
PHerc. 1018)		775a	376
C. 6 cols. 15-17	112	793d-794d 780d-781b	463 181-82
<i>Rhetoric</i>		785a-b	237, 481
1.7.27	102, 157	804d-806c 804e-806d	182 460
Plato		853b-874c; 881d-e; 909c;	274
<i>Apology</i>		955b	
22a	165	855b	297
<i>Leg.</i>	7, 8, 42,	907e	204
	77, 274-75,	908c-d; 936e; 949b-c	167
	344-45,	908e-909d	391-92
	402-5,	913a; 914a	212
	411-12,	934e-935b	402-3
	432, 447,	935c-d	403
	460, 476-77,	936d-937b	474
	480-81	937c-d	226, 403-4
Bk. 1, 3	77-78	941b	213
Bk. 2, 7	465	948b-949c, d	166
Bk. 2-3	8	955b	221, 274
Bk. 11	402	955e 956b-d	262 410

958a-c	411-12	<i>Lyc.</i>	
966c-968e	433	6	255
		12	380
<i>Resp.</i>	7, 42, 77,	15	377
	132, 447	16	481
327a-374e; 576b-594e;	78	17	377, 470
612a-620e		25	238, 255
376e-407c	447	26	237
403c-408c	471		
445b-457b	460	<i>Lys.</i>	
455d-457b	182	5	22
457b-466d	460		
460d-461c	476	<i>Marc.</i>	
461a-c	182	25	391
Pliny the Elder	415	<i>Mor.</i>	
<i>Natural History</i>		328c	406
2.9.53, 54	451		
35.160	34	<i>Nic.</i>	
		23	451
Pliny the Younger			
<i>Epistles</i>		<i>Numa</i>	35, 59, 83
1.9	190	1.2; 8.1-8; 11.1; 14.2-4	35
1.20; 6.11; 10.19	248		
7.19	119	<i>Quaest. rom.</i>	
		44	165
Plutarch			
<i>Adol. poet. aud.</i>		<i>Stoic rep.</i>	142
33d	117	1034b, 1044f-1045a	112, 113
		1034f	112
<i>Adv. Col.</i>	142	1038b	118
1124d	97	1043b-d	116, 117, 118
1125c, 1127a, 1127d	98		
		<i>Suav. viv.</i>	142
<i>Agis.</i>		1095c	98
11	237		
		<i>Sull.</i>	
<i>Alex. fort.</i>		31	273
329a-b	116		
		<i>Virt. prof.</i>	
<i>Arist.</i>		75c	115
7	221		
		<i>Tu. San.</i>	
<i>Cic.</i>		135b-c	98
22	158		
		Pollux, <i>Onomasticon</i>	
<i>Comm. not.</i>	142	4.45	22
1062b-1063b	115	8.19	221
1076a	117		
		Polyaenus, <i>Strategmata</i>	
<i>Exil.</i>		8.47, 50	246
600e	115		
602e	113	Polybius, <i>Histories</i>	450-51
		6.11.1	127

6.21.1-3	379	Sextus Empiricus	
6.38.3	391	<i>Math.</i>	142
9.12.1-20.10	450	11.192-94	112
9.19.1-4	450-51	<i>Pyr.</i>	
20.6.1	290	1.160; 3.205, 246-48	112
Porphyry		3.247-48	113
<i>Abst.</i>		Sophocles	
1.7.1-9.4	98, 99	<i>Oed. col.</i> 650	165
1.10.1-12.7	98	<i>Phil.</i> 811-12	165
3.19	118	Stobaeus, <i>Anthology</i>	
<i>Vit. Plot.</i>	359-60	2.65.8	116
3.36-37	360	2.75.11-76; 2.121.4-4	118
Proclus, <i>In. Tim.</i>		2.103.14-15	114
2.300.24	359	2.109.10-110.4	117
Quintilian		4.4.28	110
<i>Institutes</i>		Suetonius, <i>Lives of the Caesars</i>	
1.8.5-7	466	<i>Aug.</i>	
5.8.59	358	27	273
7.6.1-7.10	360	58	184
9.2.98	165	<i>Caes.</i>	
10.5.18-20	358, 361	11	273
<i>Decl.</i>		76	357
308-9, 338	361	<i>Cal.</i>	
Seneca the Elder,		16	190
<i>Controversiae</i>	361	22	184
Seneca the Younger		<i>Dom.</i>	
<i>Ben.</i>		4	357
4.29.2-3	118	<i>Jul.</i>	
<i>Ep.</i>		76	184
25.5	102	<i>Nero</i>	
76.9-10	118	7	190
124.13-14	116	8	184
<i>Ira</i> 3.36.1	34	12	357
<i>Lucil.</i> 90.35	98	<i>Oct.</i>	
<i>Otio</i>		26	190
3.2	98	44	357
4.1	115	<i>Tib.</i>	
Servius, <i>Ad Aen.</i>		26	184
7.612	190	54	190
8.1, 614	377		

<i>Vesp.</i>		Xenophon	
14	184	<i>Ath.</i>	7, 50, 78, 154
15	119	1.1, 5, 7-9, 13, 16-19;	154
		2.17, 19; 3.8-9	
Tacitus		1.6-10	380
<i>Ann.</i>		1.16, 18; 3.1-9	160
3.2	190	2.1-3:5	465
12.96	184	4-5	264
		6.3-5	380
<i>Hist.</i>		13.1; 15.2-5	348
4.5	119		
<i>Dial.</i>		<i>Cyr.</i>	
5	119	2.2.20	290
		<i>Hell.</i>	470
Theocritus, <i>Idylls</i>		<i>Lac.</i>	7, 42, 50,
20.11	406		344-46, 348-50,
			401, 447, 449,
Thucydides, <i>History of the Peloponnesian War</i>			457-60, 470,
1.80, 87	255		476-78, 481;
1.90; 2.12; 4.78; 5.37, 90	290		497, 499-502,
2.28	451		512
3.82; 8.48	22	1.2; 15:6-8	499
		1.5-10; 2.2	377
Valerius Maximus, <i>Memorable Deeds and Sayings</i>		1.5-11	477
2.2	190	2.1-11; 3.1-5; 5.1-7	471
		2.10-11; 6.1-2;	
		8.3-5; 9.2; 10.1-3	339
Vegetius, <i>Epitoma rei militaris</i>		3.1-4.6, 7; 10.1-3	481
1.7	378	5.1-7	476
1.13	391	5.3	346
2.5	379	10.2	237
		13.1-11	449
Velleius Paterculus,	273	13.7	502
<i>Hist. Rom.</i> 2.66		<i>Mem.</i>	
Vita Philonides	100	2.8.1	22
		<i>Inscriptions and Papyri</i>	
AE (1977) 802	86	Bacchic Inscription of	63-64, 414
<i>CIJ</i> 766 = <i>MAMA</i> VI 264	84	the Metropolitan	
		Museum of Art	
<i>CIL</i> 14.2112 see <i>ILS</i> 7212		<i>IAssos</i>	
		13	86
Diogenes of Oenoanda		<i>IByzantion</i>	
fr. 1.2; 25 2.6-11;	99	34	85
new fr. 21 1.4-14;			
2.10-14		<i>IEgJud</i>	
fr. 3.1.4-7	104	13, 24, 27-28, 125	85
Ein Gedi Synagogue	43		
Inscription			

<i>IEph</i>		<i>MAMA VI</i>	
719; 2037; 2061; 2063; 3329	86	263; 264 (= <i>CIJ</i> 766)	84
727; 728; 3075; 3079	87		
		<i>OGIS</i>	
<i>IG</i>		56.71	246
2 986; 1663	22		
2 1275	223	573.1	22
2.1 1177	22		
7 685; 686; 689	91	P. Dem. Berlin 3115	7, 367
12.1 155.6; 156.5; 846.10, 14	246	A 2.1-18	362, 367
12.3.330	158	A 3.1-3, 12-13	345
		A 3.5-7; C 1.1-12; D 1.1-3	197
<i>IGR</i>		A 3.8; D 1.5-7	88
III 114; 292; 360	85		
IV 643; 816 (= <i>IHierapJ</i> 42);	86	P. Dem. Cairo 30605; 30606;	
883; 907; 909		30619; 31178; 31179	
<i>IHierapJ</i> 42 = <i>IGR</i> IV 816	86	30605	7, 229
		5-6	407
<i>Ilasos</i>		19-21	39, 195
90	85	22-23	263
<i>ILS</i>		30606	7, 93
7212	6, 7, 50,	1-4	93
	87, 93	5-6	294
1.1, 14-15	93	5-8, 22	228
1.4-7; 1.26-2.2	227	6	92, 156,
1.10-2.6, 14-22, 29-31	197	6-7	196, 407
1.10-13	89, 196,	6-8	196, 262
	362	7-8	229, 362
1.11-13	92, 94	8, 23-24	88, 399
1.17-19	185, 186	9-10	229
1.20-21	262	10	345
1.26-2.6	89	13-17, 19-21, 24-25	262
1.28	223	14-17	197
2.7-8	338, 346	17-19	89
2.8-13	407		88, 195,
2.11-13	362	20-21	220, 228
2.14-16	228, 346	21-22	88, 229
2.23-24	88,	22-23	263
	227-28,	24	226
	362	24-25	407
2.25-26	356		88, 197
2.25-28	88, 195,	30619	
	197	fr. a-b 4-5	7, 263
2.29-31	197, 228		407
		31178	6
7784	104	4-5	362
<i>ITrall</i>		31179	7, 228
74	85	1-6	93, 294
		6	362, 407
<i>Leges Gortynensium</i>	22	6-9	196
		7-8	399

7-9	88, 197, 229	18	408
9-10	261	21-23	338, 345-46
9-11	345		
11-12	92, 156	P. Mich. V 243; 244;	
13-16	89, 263	245; 247; 248	
13-19	197	243	1, 7, 93, 346
16-18	88, 226	1-2	196, 228,
20-21	39, 88, 195		294, 346, 362
21-22	220	1-4	407
22	88, 362	2, 6-9, 9-10	263
22-23	263	2-3, 6-9	88
24	195	2-3	88, 227, 228,
24-26	88		399
26-27	229	3	408
		4	197, 362
P. Dem. Hamburg I	7	5	89, 338, 346
1-5	294	6-7	197, 356, 408
5	362	6-9	88, 263
6-7	88, 399	7-8	195
8-10	345	9-10	263
		9-11	229, 346
P. Dem. Lille 29	6, 7	9-12	89, 197
3-4	362, 407	12-13	227, 228
3-6	294	13-16	377
3, 8-9	345	28, 33-34	55
9, 14-15, 19, 22, 25	223		
9-10	88	244	1, 7, 93, 346
10, 22-23	39, 195	2-5, 14-15	196
11	407	2-7	294
13-14, 14-17, 21-22, 22-25, 25-26	88	6-7, 9-12, 16-18	89
14-16	263	7-9	362, 406
17-21	50, 89	7-12, 14-18	197
22-23	39, 195	9-10, 10-12, 18-20	88
24-25	411	9-12	89, 228-29
		11-12	400
P. Dem. Prague	7	14-15	196, 229,
17	39		346, 406
		14-16	22, 197
		14-18	362
P. Erasmus I		16-18	89, 197
10	89	18-19	346
		18-20	88, 197, 228,
			229
P. Lond. 2710	7		
5-8	196, 228	21-46	55
5-10	294		
7-10	345-46, 362	245	7
8-12	407	1-10	294
9-10	92, 156	5-9	89
10-11, 19-20	197	34-35	407
10-12	229, 362	34-37	22
12	89		
15-16	88, 408	247; 248	55
16-17	39, 195, 197		
17-18	362		

P. Oxyrhynchus		1108	22
1.32	378		
1.39; 2.319; 7.1022	379	1109	6, 7, 41,
7.1029	86		43, 87,
54.12	291		371-74,
			401, 407-8
P. Texas Inv. 8	88, 89	1-10	294
		1-32	293
<i>PIR</i> ³		2-3, 42-46	92
C 963	86	2-10	337
		32-37	185, 186,
<i>SEG</i>			372
2.839; 848; 871; 4.539; 540;		37-46	262
541; 7.827	87	32-37, 38-41, 54-58	185, 186
		38-48, 68-70	196
<i>SIG</i> ² 736	41, 249	42-46	92, 196,
1.1-11; 4.26-28; 14.75-78;	249		338
19.95-99		45-53, 67-72, 102-7,	346
		160-63	
<i>SIG</i> ³		42-53, 127-36	22
229.1, 10	22	48-50	372-73,
			399
438.125-26	223	58-62	372
		63-66, 73-90	407
457.10	290	63-67	354-56
		63-72	197, 399
527.120	22	72-83	223, 356
		72-96, 128-46	338
581.95	246	72-102	88, 227
		73-84	224, 407
695.20	246	85-90	223, 407
		85-102	362
765.129	246	87-88	227
		90-95	39, 197
834	104	90-102	195
		91-95	407-8
921	22	92-96	88
		96-102	407
985	41, 186,	97-103	187, 373
	196	102-7	346, 399
22-25	197	107-110	254, 355,
55-59	196		362
		108-110	197
1000.5	22	117-27	356
		128-36	90, 338
1010	22	136-46	197, 338
		146-55	362
1023.16-17	246	146-59	187, 197,
			373
1035	22	160-64	89, 197,
			229
1044	22, 41		
		1116	87
1098	22		
		1119	91
1103	22		

1268	165	986	86
TAM V		987	86
933	85		
		1098	86
1002	85		

NEW TESTAMENT AND EARLY CHRISTIAN LITERATURE

Matthew		3:16-17	123, 301
5:21-22	217	4:15; 15:9-10	122
5:38-48; 18:15-17	222	4:17; 6:4; 7:17; 10:32; 11:16,	121
10:17; 16:21	204	18, 22; 12:28; 14:4-5, 12,	
19:28	431	19, 23, 28, 33-35; 15:9;	
21:23; 26:3, 47, 57; 27:1, 3,		16:1, 19	
12, 20, 41; 28:12	204	5:1-5	124-25,
			128
Mark		5:9-13; 6:1-8; 7:10-16	125
8:31; 11:27; 14:14, 53	203	6:1-2, 19; 11; 12:28-30;	123
13:9; 15:1	204	14:33; 15:1-11; 16:1, 15	
10:34; 14:65	406	6:1-6	195
		6:2-3	122, 126
Luke		6:19	123, 332
1:10; 8:37; 19:37	246	7:12-22, 29-31; 15:50-55	126
7:1-5	85	7:17	121, 124
7:3	204	10:16-17	246
22:28-30	431	11:14; 15:24-26, 37-55	120
		11:33-34	474
Acts		16:1	121, 123
1:13-15	431		
2:6; 4:32; 5:16; 6:2-5; 14:4,		2 Corinthians	
7; 25:24	246	1:1	121-23
5:1-11	58	1:16-2:5; 7:5-7; 8:16-24;	124
15:12, 30	246-47	9:3-5; 11:4-10; 13:10	
19:19; 21:22	247	2:1-8; 11:24; 13:1-10	125
		6:16-18; 8:4; 9:1, 12; 11:22;	123
Romans		13:12	
1:1, 7; 2:29; 8:14, 16-17, 19,	123	6:19	332
21, 27; 9:6-8; 11:26; 12:13;		6:17	301-2
15:25-26, 31; 16; 16:7, 15		8:1, 18-19, 23-24; 11:8, 24,	121
1:17-18, 18-31	120	28; 12:13	
1:23-31; 2:14-15	121	11:24	125, 195
4:1-17; 10:12-11:2, 13-32;	122	13:10	124, 125
15:16-19, 20			
12:14, 17-21; 13:1-7, 11-12	126	Galatians	
13:1-7	120,	1:2	121-22
	125-26	1:13, 22; 4:26	121
15:16-19, 20	122	1:15; 3:26, 28; 4:5, 27-28,	123
15:22-29; 16:3-4	124	31; 6:16	
16:1, 4-5, 16, 23	121-22	1:18-2:3; 2:11-12; 4:12-15	124
1 Corinthians	48	Philippians	
1:2	121-23	1:1; 2:15; 4:22	123
1:11; 14:21-25; 16:1-2	124	1:12-20	120, 125

2:19–24; 4:15–18	124	Revelation	
3:5	122	4:4–11; 21:12–14	431
3:6; 4:15	121–22	1 Clement	
3:20	121	53	246
1 Thessalonians		54:2	247
1:1	121, 122	Clement, <i>Stromata</i> 4.26	114
2:9–12; 3:6–7	124	<i>Didache</i>	48
2:11	122	Eusebius, <i>PE</i> 12.16	152
2:14	121	Epistle of Peter to James	43
3:13; 5:5	123	Irenaeus	
4:10–12, 13–5:10	126	<i>Magn.</i> 6:1; <i>Traill.</i> 8:2;	247
Philemon		<i>Smyrn.</i> 8:2	
2	121, 122	Justin Martyr, <i>Dialogue</i>	
5, 7	123	<i>with Trypho</i> 119.4	246
12, 22	124	Shepherd of Hermas 11:9	247
19	122		
1 Timothy 3:11–12	474		
Hebrews 3:7–4:7	222		
1 Peter 2:9	301		

RABBINIC LITERATURE

Mishnah	6, 24, 46–47, 203–4, 356–60, 447, 476	<i>Kelim</i>	
		1:6–9	330
		1:3	406
'Abot	38, 481–83	<i>Ketubbot</i>	
1:1	46–47	1:8–9; 2:3–4, 6	474
2:14	21	13:10	240
5:10	57	<i>Makširin</i>	
5:21	481, 485	3–6; 6:6	25
'Arakin		6:4	26
6:5	240	<i>Makkot</i>	
<i>Baba Meš'i'a</i>		1:9	255
4:6; 8:6	240	3:1–14	196
<i>Berakot</i>	447	<i>Megillah</i>	
1:1–2	33	1:1; 2:3	240
3:3	185	<i>Middot</i>	330
<i>Demai</i>		<i>Mo'ed</i>	447
2:2–3	25, 27, 317	<i>Niddah</i>	179
2:3	30	1:1, 7; 2:1–4; 8:1–4; 9:6–10	179
4:6; 6:6, 9, 12	317		
<i>Ḥagigah</i>			
2:5–6, 7; 3:2–4	25		

5:6	183	<i>Berakot</i>	
5:11	184	5:5-6	47
<i>Pe'ah</i>		<i>Demai</i>	
1:1	46	2:2	25, 86, 32
<i>Qiddušin</i>		2:2-3, 10-12	317
2:3	240	2:2-5, 9-12, 13-14	25
4:5	46, 246	2:9	27, 47
<i>Sanhedrin</i>		2:11-12	26
1:1-6	235, 357	2:12	30
1:5	431	2:13	25-26
1:6	237	2:14	26, 47
3:1-4	178	2:14-15	27
3:3-5	474	2:16-17, 18-19, 20-22;	29
4:2-3	356	3:1-3, 6-7, 9	
4:4	357	3:2-3	32
5:2	353	6:6	30
7:3	194	<i>Pe'ah</i>	
7:4, 5, 8, 9; 8:1-5; 9:1, 6;	219	4:21	47
11:1-4, 6		<i>Sanhedrin</i>	
10:1	21	4:9	246
10:3	480	<i>Tebul Yom</i>	
<i>Šebu'ot</i>		1:3	319
3:1-11; 4:1-13; 6:1-7	165	Talmud	
<i>Šeqalim</i>		Babylonian	
1:1-3; 4:1-4	210	'Abodah Zarah 7a	47
<i>Soṭah</i>		<i>Baba Meši'a</i> 58b	47
1:3-4	252	<i>Baba Qamma</i> 117a	47
3:4; 5:4	184	<i>Bekorot</i> 31a	47
6:2	474	<i>Berakot</i> 31a	47
<i>Sukkah</i>		<i>Ḥagigah</i>	
5:4	33	6b	47
<i>Tehar.</i>		<i>Hullin</i>	
1:5-3:5	25	137b	47
<i>Yebamot</i>		<i>Megillah</i>	
1:1-7; 15-16	474	26a	46-47
<i>Yoma</i>		28b	47
1:3, 5	202, 237	<i>Niddah</i>	
3:11	47	16b	199
4:1-2; 6:2; 7:1	447		
Tosefta	6, 24,		
	46-47		

<i>Pesaḥim</i> 68b	294	<i>Qiddušin</i> 76a	46, 246
<i>Qiddušin</i> 40a	47	<i>Sanhedrin</i> 22b	237
<i>Šabbat</i> 127a	47	<i>Šeqalim</i> 48d	47
<i>Yebamot</i> 86b	46	<i>Yoma</i> 41a	47
<i>Yoma</i> 38a	46	<i>Targum</i> <i>Targum Pseudo-Jonathan</i> Lev 4:15	46, 431
Jerusalem <i>Bekorot</i> 23a	47	Isa 26	416
<i>Demai</i> 22c, 23e 22d, 23a, 24c	25–26 199 26	<i>Pesiqta de Rab Kahana</i> 7	47