The Dead Sea Scrolls at 60

*Scholarly Contributions
of New York University Faculty
and Alumni*

Edited by

LAWRENCE H. SCHIFFMAN

AND SHANI TZOREF

BRILL

The Dead Sea Scrolls at 60

Studies on the Texts of the Desert of Judah

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Dedicated to the Memory of Professor Hanan Eshel ז"ל
Scholar, Colleague, Friend
ויחונכה בדעת עולמים
וישא פני חסדיו לכה לשלום עולמים
(1QS 2:3–4)

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PREFACE

This volume of studies constitutes the proceedings of the March 7, 2008 Ranieri Colloquium on Ancient Studies at New York University, dedicated to "The Dead Sea Scrolls at 60: The Scholarly Contributions of NYU Faculty and Alumni." The conference was co-sponsored by the New York University Center for Ancient Studies and the Skirball Department of Hebrew and Judaic Studies. We thank Dean Matthew Santirocco, Director of the Center for Ancient Studies, for his help and support in organizing this event.

The conference was intended to mark the sixtieth anniversary of the discovery of the Dead Sea Scrolls and to emphasize the contribution of NYU to scrolls research. The speakers were drawn from NYU faculty, emeritus faculty, and former students who had contributed to research on the Dead Sea Scrolls over a period of some forty years. Faculty and graduate students have worked intensively in this field and former doctoral students have gone on after receiving their degrees to make major contributions to Qumran Studies and to the study of the Judean Desert documents. The introductory paper surveys the field as a whole and highlights these contributions.

Taken as a whole this volume also symbolizes the linking of the generations of scholars as it spans three albeit overlapping generations. Further, it emphasizes the fruitful cooperation and development of new ideas that takes place among faculty, among teachers and their students, among fellow students, and among former students who are now colleagues. We are truly proud of this collective achievement and are pleased to present these studies to the wider scholarly community as a representative sample of what New York University has contributed to this important area of research.

Lawrence H. Schiffman
Shani Tzoref

LIST OF ABBREVIATIONS

AB	Anchor Bible
ABD	*Anchor Bible Dictionary.* Edited by D. N. Freedman. 6 vols.; New York, 1992
ABRL	Anchor Bible Reference Library
AbrN	*Abr-Nahrain*
AbrNSup	Abr-Nahrain: Supplement Series
AGJU	Arbeiten zur Geschichte des antiken Judentums und des Urchristentums
ALD	*Aramaic Levi Document*
ALUOS	*Annual of Leeds University Oriental Society*
AOS	American Oriental Series
APOT	Robert H. Charles, *Apocrypha and Pseudepigrapha of the Old Testament in English.* Oxford: Clarendon, 1913
ASOR	American Schools of Oriental Research
BASOR	*Bulletin of the American Schools of Oriental Research*
BETL	Bibliotheca ephemeridum theologicarum lovaniensium
Bib	*Biblica*
BibOr	Biblica et orientalia
BJS	Brown Judaic Studies
BZAW	Beihefte zur Zeitschrift fór die alttestamentliche Wissen- schaft
CBQ	*Catholic Biblical Quarterly*
CBQMS	Catholic Biblical Quarterly Monograph Series
CHANE	Culture and History of the Ancient Near East
CJA	Christianity and Judaism in Antiquity
CQS	Companion to the Qumran Scrolls
CRINT	Compendia Rerum Iudaicarum ad Novum Testamentum
CSCO	Corpus scriptorum christianorum orientalium. Edited by I. B. Chabot et al. Paris, 1903–
CSJH	Chicago Studies in the History of Judaism
DJD	Discoveries in the Judaean Desert
DDD	*Dictionary of Deities and Demons in the Bible.* Edited by K. van der Toorn, B. Becking, and P. W. van der Horst. Leiden, 1995

DSD	*Dead Sea Discoveries*
EDSS	*Encyclopedia of the Dead Sea Scrolls.* Edited by L. H. Schiffman and J. C. VanderKam. 2 vols.; New York: Oxford University Press, 2000
EncJud	*Encyclopaedia Judaica.* 16 vols.; Jerusalem, 1971–1972.
ErIsr	*Eretz Israel*
FAT	Forschungen zum Alten Testament
HdO	Handbook of Oriental Studies
HSM	Harvard Semitic Monographs
HSS	Harvard Semitic Studies
HTR	*Harvard Theological Review*
HUCA	*Hebrew Union College Annual*
IEJ	*Israel Exploration Journal*
IES	*Israel Exploration Society*
JANESCU	*Journal of the Ancient Near Eastern Society of Columbia University*
JAOS	*Journal of the American Oriental Society*
JBL	*Journal of Biblical Literature*
JDS	Judean Desert Studies
JJS	*Journal of Jewish Studies*
JNES	*Journal of Near Eastern Studies*
JQR	*Jewish Quarterly Review*
JSIJ	*Jewish Studies, an Internet Journal*
JSJ	*Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods*
JPS	Jewish Publication Society
JSJSup	Supplements to the *Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods*
JSNTS	Journal for the Study of the New Testament. Supplement Series
JSOT	*Journal for the Study of the Old Testament*
JSPSup	Journal for the Study of the Pseudepigrapha: Supplement Series
JTS	*Journal of Theological Studies*
LCL	Loeb Classical Library
LSTS	Library of Second Temple Studies
NAB	New American Bible
NIDB	*New International Dictionary of the Bible.* Edited by J. D. Douglas and M. C. Tenney. Grand Rapids, 1987

NRSV   New Revised Standard Version
NTOA   Novum Testamentum et Orbis Antiquus
NTS   New Testament Studies
OBO   Orbis biblicus et orientalis
OTL   Old Testament Library
OTS   Old Testament Studies
RB   *Revue biblique*
RevQ   *Revue de Qumran*
RlA   *Reallexikon der Assyriologie.* Edited by Erich Ebeling et al.
           Berlin, 1928–
SAOC   Studies in Ancient Oriental Civilizations
SBLDS   Society of Biblical Literature Dissertation Series
SBLEJL   Society of Biblical Literature Early Judaism and Its Litera-
           ture
SBLMS   Society of Biblical Literature Monograph Series
SBLRBS   Society of Biblical Literature Resources for Biblical Study
SBLSCS   Society of Biblical Literature Septuagint and Cognate
           Studies
SBLSP   Society of Biblical Literature Seminar Papers
SDSSRL   Studies in the Dead Sea Scrolls and Related Literature
SJ   Scripta Judaica
SJLA   Studies in Judaism in Late Antiquity
SJOT   *Scandinavian Journal of the Old Testament*
SJSJ   Supplements to the Journal for the Study of Judaism
SSN   Studia semitica neerlandica
StPB   Studia post-biblica
STDJ   Studies on the Texts of the Desert of Judah
SVTP   Studia in Veteris Testamenti pseudepigraphica
TAD   Bezalel Porten and Ada Yardeni, *The Textbook of Aramaic
           Documents from Ancient Egypt*, 4 vols.; Jerusalem, 1986–
           1999
TSAJ   Texte und Studien zum antiken Judentum
VT   *Vetus Testamentum*
VTSup   Vetus Testamentum Supplements
WO   *Die Welt des Orients*
WUNT   Wissenschaftliche Untersuchungen zum Neuen Testament
ZDMG   *Zeitschrift der deutschen morgenländischen Gesellschaft*

THE JUDEAN DESERT SCROLLS AND THE HISTORY OF JUDAISM AND CHRISTIANITY

Lawrence H. Schiffman
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The task before me is not an easy one. I am called on, simultaneously, to introduce a volume of studies of the Dead Sea Scrolls and at the same time to highlight the contribution of New York University faculty and alumni to the study of the Dead Sea Scrolls. This contribution has been varied, substantial and of great significance. Indeed, I have had the opportunity at NYU to learn much from the work of my colleagues and students. For this reason, I felt that the most appropriate introduction would be to offer a survey of the vast field of Judean Desert text studies, including materials from Qumran and elsewhere in the Judean Desert, highlighting central themes and issues that run through these corpora, while at the same time highlighting the contribution of NYU to their study. It is hoped that readers will understand that much of my synthesis would not have been possible without the contribution of these colleagues and former students from whom I continue to learn so much. What follows, then, is an overall presentation of a small amount of what the Dead Sea Scrolls contribute to our understanding of the history of Judaism and Christianity, concentrating on what has been researched by those who have taught and studied at New York University. In accordance with the work that we have done, we follow here a wide definition of the term "Dead Sea Scrolls," using it to refer to the entire corpus of documents of Late Antiquity recovered in the Judean Desert.[1]

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[1] The substance of this paper represents a revision and expansion of remarks made in "The Judean Scrolls and the History of Judaism," in *The Dead Sea Scrolls: Fifty Years after their Discovery: Proceedings of the Jerusalem Congress, July 20–25, 1997* (ed. Lawrence H. Schiffman, with Emanuel Tov and James C. VanderKam; Jerusalem: Israel Exploration Society in cooperation with The Shrine of the Book, Israel Museum, 2000), 542–57.

1. *The Linguistic Situation*

The discovery of such a large corpus of materials—Hebrew, Greek and Aramaic—certainly has stimulated discussion about the linguistic situation in the Land of Israel in Late Antiquity.[2] The discovery of the collection of Judean Desert texts allows us to sketch a much more accurate picture than we had before. The Wadi Daliyeh Papyri show that Imperial Aramaic was certainly in use in Palestine in the 4th century B.C.E., right up to the onset of the Hellenistic period.[3] Yet the rise of Hellenism did not lead to a decline in the use of Aramaic. The evidence of the Qumran scrolls clearly shows that in the fourth through early second centuries there was a great flowering of Aramaic literature.[4] This material has been the subject of much of Erik Larson's research.[5] From a religious and cultural point of view, the richness of this literature is much greater than would ever have been guessed based on the texts known before the discovery of the Qumran scrolls. These texts include occasional Persian loan words (as is the case also in Second Temple Hebrew material)[6] and clearly stem from the Achaemenid era and from the early Hellenistic era in which Persian influence

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[2] Cf. Jonas C. Greenfield, "The Languages of Palestine, 200 B.C.E.–200 C.E.," in *Jewish Languages: Theme and Variations* (ed. H. H. Paper; Cambridge: Association for Jewish Studies, 1978), 143–54; Chaim Rabin, "Hebrew and Aramaic in the First Century," in *The Jewish People in the First Century* (ed. Shmuel Safrai and Menahem Stern; 2 vols.; CRINT I.2; Philadelphia: Fortress, 1976), 2:1007–39; Gerald Mussies, "Greek in Palestine and the Diaspora," in idem, 1040–64.

[3] Douglas M. Gropp, *Wadi Daliyeh II: The Samaria Papyri from Wadi Daliyeh* in Moshe J. Bernstein et al. (eds.), *Qumran Cave 4.XXVIII: Miscellanea, Part 2* (DJD 28; Oxford: Clarendon, 2001).

[4] Ben Zion Wacholder, "The Ancient Judeo-Aramaic Literature (500–165 B.C.E.): A Classification of Pre-Qumranic Texts," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. Lawrence H. Schiffman; JSPSup 8; JSOT/ASOR Monographs 2; Sheffield: JSOT Press, 1990), 257–81; Florentino García Martínez, *Qumran and Apocalyptic: Studies on the Aramaic Texts from Qumran* (STDJ 9; Leiden: Brill, 1992); Devorah Dimant, "Apocalyptic Texts at Qumran," in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls* (ed. Eugene Ulrich and James C. VanderKam; CJA 10; Notre Dame: University of Notre Dame Press, 1994), 175–91.

[5] Erik W. Larson, "The Translation of Enoch: From Aramaic into Greek" (Ph.D. diss., New York University, 1995); idem, "The LXX and Enoch: Influence and Interpretation in Early Jewish Literature," in *Enoch and Qumran Origins: New Light on a Forgotten Connection* (ed. Gabrielle Boccaccini; Grand Rapids: Eerdmans, 2005), 84–89.

[6] On loan words in Hebrew, see Elisha Qimron, *The Hebrew of the Dead Sea Scrolls* (HSS 29; Atlanta, Ga.: Scholars Press, 1986), 116; Yigael Yadin, *The Scroll of the War of the Sons of Light against the Sons of Darkness* [hereafter *War Scroll*] (trans. B. and C. Rabin; Oxford: Oxford University Press, 1962), 260; on Aramaic, see also Jonas C.

in the Land of Israel was still strong.[7] By the time we reach the second century B.C.E. we again encounter a rich Hebrew literature. The earliest material from this period, such as Ben Sira and *Jubilees*,[8] as well as other pre-Qumranian texts found among the scrolls, is all preserved in a form of late Masoretic Hebrew. These works come from circles for which biblical Hebrew was very much a living literary language, even if we cannot be sure what languages were spoken in daily life.

When we reach the Hasmonean and Herodian periods, during which the Qumran sectarian literature was composed, Hebrew writing occurs in at least two observable dialects. One is the same dialect as that of Ben Sira and *Jubilees*, a sort of early post-biblical Hebrew that is found in texts composed outside of the Qumran sect but preserved in their collection. The other is what we may term Qumran Hebrew, with the strange endings and grammatical forms that typify this dialect.[9] This system of writing is found only in the sectarian writings.[10] These features of orthography and morphology, along with certain specific use of terminology, are actually evidence of sectarian composition, primarily between 150 B.C.E. and the turn of the era. This dialect is largely judged to be an archaizing remnant of pre-Masoretic Hebrew. It seems more likely, however, that we are dealing here with a dialect invented by a group of hyper-sectarians, who chose to separate themselves even by developing their own linguistic system, at least for written material.[11] This point is argued thoroughly by Gary Rendsburg in the present volume.

Greenfield and Shaul Shaked, "Three Iranian Words in the Targum of Job from Qumran," *ZDMG* 122 (1972): 37–45.

[7] Ephraim Stern, "The Persian Empire and the Political and Social History of Palestine in the Persian Period," in *The Cambridge History of Judaism, vol. 1, Introduction; The Persian Period* (ed. William D. Davies and Louis Finkelstein; Cambridge: Cambridge University Press, 1984), 70–87.

[8] James C. VanderKam and Józef T. Milik, "Jubilees," in Harold Attridge, et al. (eds.), *Qumran Cave 4, VIII: Parabiblical Texts, Part 1* (DJD 13; Oxford: Clarendon, 1994), 1–185.

[9] The fullest description of this dialect is Qimron, *Hebrew of the Dead Sea Scrolls.*

[10] Emanuel Tov, "The Orthography and Language of the Hebrew Scrolls Found at Qumran and the Origin of these Scrolls," *Textus* 13 (1986): 32–57.

[11] Lawrence H. Schiffman, "The *Temple Scroll* in Literary and Philological Perspective," in *Approaches to Ancient Judaism* (5 vols.; ed. William S. Green; BJS 9; Chico, Calif.: Scholars Press, 1980), 2:143-58. This same point has been more effectively and thoroughly argued by William M. Schniedewind, "Qumran Hebrew as an Antilanguage," *JBL* 118 (1999): 235–52. Cf. also Steve Weitzman, "Why did the Qumran Community Write in Hebrew?" *JAOS* 119 (1999): 35–45.

Two texts, the MMT document[12] and the *Copper Scroll*,[13] on which Judah Lefkovits has written the definitive work,[14] have often been said to be in Mishnaic Hebrew.[15] Thorough studies of these texts show this not to be the case.[16] Although these texts, like the Temple Scroll, include features of what we later encounter as Mishnaic vocabulary as well as some common grammatical elements, nevertheless, these texts evidence many of the usual features of Qumran dialectology.[17]

In any case, we need to remember that the two Hebrew dialects we are discussing represent written dialects of Jews whose spoken language we cannot pin down. Gary Rendsburg has worked extensively on these issues for biblical and post-biblical Hebrew. It is possible that those texts tending toward Mishnaic Hebrew are indeed evidence for spoken dialects, as had been suggested by some.[18] It may even be that many spoke Aramaic, if the evidence of the New Testament can be accepted.[19] After all, the New Testament puts Aramaic words into the mouth of Jesus and others repeatedly, and his final words on the cross represent a Targum (Aramaic translation) of a verse from the Psalms. The Qumran corpus includes texts like the *Genesis Apocryphon* that give us a sense of what Aramaic was like in the period of Jesus and his followers. That some Jews, even in the Land of Israel, were more at home in Greek than in Hebrew or Aramaic is clear from the presence of some manuscripts of Greek translations of the

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[12] Elisha Qimron and John Strugnell (eds.), *Qumran Cave 4.V:* (DJD 10; Oxford: Clarendon, 1994), 44–56. Cf. "The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect," Chapter 6.

[13] Maurice Baillet, Józef T. Milik, and Roland de Vaux (eds.), *Les 'Petites Grottes' de Qumrân* (DJD 3; Oxford: Clarendon, 1962), 210–302.

[14] Judah K. Lefkovits, *The Copper Scroll (3Q15): A Reevaluation, a New Reading, Translation, and Commentary* (STDJ 25; Leiden: Brill, 2000).

[15] See E. Y. Kutscher, "Hebrew Language, Mishnaic," *EncJud* 16:1590–1607.

[16] Qimron and Strugnell, DJD 10, 65, 107–8.

[17] Qimron, DJD 10, 65–108 concludes that the grammar of MMT is closer to Biblical Hebrew than to Mishnaic Hebrew, although the vocabulary is closer to that of Mishnaic Hebrew. Cf. Lawrence H. Schiffman, "The Architectural Vocabulary of the Copper Scroll and the Temple Scroll," in *Copper Scroll Studies* (ed. George J. Brooke and Philip R. Davies; JSPSup 40; London: Sheffield Academic Press, 2002), 180–95.

[18] Cf. Gary A. Rendsburg, *Diglossia in Ancient Hebrew* (AOS 72; New Haven: American Oriental Society, 1990), 151–76. See also Elisha Qimron, "Observations on the History of Early Hebrew (1000 B.C.E.–200 C.E.) in the Light of the Dead Sea Documents," in *The Dead Sea Scrolls: Forty Years of Research* (ed. Devorah Dimant and Uriel Rappaport; Leiden: Brill; Jerusalem: Magnes Press, Hebrew University and Yad Izhak Ben-Zvi, 1992), 349–61.

[19] Joseph A. Fitzmyer, *A Wandering Aramean: Collected Aramaic Essays* (SBLMS 25; Missoula: Scholars Press, 1979), 1–27.

Bible at Qumran[20] and in the Bar Kokhba corpus.[21] But certainly Hebrew was being used, and it is important to realize that this cannot be explained simply as a revival in the Maccabean period under nationalistic aegis, since the so-called revival was already in full force in the first half of the second century, at what is supposed to be the height of the Hellenistic cultural onslaught.[22]

The Masada documents show the nature of the Hebrew used outside the confines of the Qumran sectarians (or others who may have followed them). At Masada we have Masoretic Hebrew biblical texts,[23] and other apocryphal-type texts in either Aramaic—that is, those composed centuries earlier—or in Hebrew of a type similar to Masoretic Hebrew.[24] The Ben Sira Scroll from Masada is the most notable text, and its late Masoretic Hebrew is typical of the fragmentary materials as well, such as the *Joshua Apocryphon*.[25]

By the time we reach the collection of Bar Kokhba documents,[26] at least to the extent that we can observe it in the limited corpus of evidence we have, Hebrew dialectology has taken a decided turn. These documents, stemming from a number of sites in the Judean Desert, represent the archives of some Jews who perished in hiding during

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[20] Baillet, DJD 3, 142–43; Patrick W. Skehan, Eugene Ulrich, and Judith E. Sanderson (eds.), *Qumran Cave 4.IV: Palaeo-Hebrew and Greek Biblical Manuscripts* (DJD 9; Oxford: Clarendon, 1992), 161–97.

[21] Emanuel Tov, *The Greek Minor Prophets Scroll from Naḥal Ḥever (8ḤevXIIgr) (The Seiyâl Collection I)* (DJD 8; Oxford: Clarendon, 1990).

[22] On the Hellenization of Palestine, see Victor Tcherikover, *Hellenistic Civilization and the Jews* (Trans. S. Applebaum; Philadelphia: JPS, 1966), 139–74.

[23] Shemaryahu Talmon, "Hebrew Fragments from Masada," in *Masada VI*, 31–97; idem, "Fragments of a Psalms Scroll from Masada, MPs^b (Masada 1103–1742)," in *Minhah Le-Nahum: Biblical and Other Studies Presented to Nahum M. Sarna in Honour of his 70th Birthday* (ed. Marc Brettler and Michael Fishbane; JSOTSup 154; Sheffield: JSOT Press, 1993), 318–27; idem, "Fragments of Two Scrolls of the Book of Leviticus from Masada," *ErIsr* 24 (1993): 99–110.

[24] Shemaryahu Talmon, "Hebrew Written Fragments from Masada," *DSD* 3 (1996): 168–77.

[25] Shemaryahu Talmon, "A Joshua Apocryphon from Masada," in *Shai Le-Chaim Rabin: Studies on Hebrew and Other Semitic Languages Presented to Professor Chaim Rabin on the Occasion of his Seventy-Fifth Birthday* (ed. M. Goshen-Gottstein, S. Morag, and S. Kogut; Jerusalem: Akademon, 1991), 147–57 [Hebrew].

[26] See the Hebrew texts in Pierre Benoit, Józef T. Milik, and Roland de Vaux, *Les Grottes de Murabba'at* (DJD 2; Oxford: Clarendon, 1960); Hannah M. Cotton and Ada Yardeni (eds.), *Aramaic, Hebrew and Greek Documentary Texts from Naḥal Ḥever and Other Sites: With an Appendix Containing Alleged Qumran Texts* (DJD 27; Oxford: Clarendon, 1997).

the Bar Kokhba Revolt.[27] Only a small number are actually related to the rebel leader Shimon bar Kosiba and to the revolt. A major collection of these documents was published by Baruch Levine, and Andrew Gross assisted in the project.[28] While Aramaic is represented in letters, contracts and other documents, it was no longer used for literary texts. Surprisingly, there remain many lines of contact between the Aramaic legal formulary of the Elephantine Jewish materials, Wadi-Daliyeh, and the legal documents in the Bar Kokhba caves. This is because the Aramaic legal tradition was a continuous one, and it remained in force even as the increasing hegemony of the tannaitic legal system placed its decided imprint on the legal documents, especially on marriage and divorce documents. Some of these patterns are even observable in later Arabic legal Papyri which draw also on the common Semitic legal tradition.[29] This has been the focus of the research of Andrew Gross.[30]

At the same period, Greek was used extensively for legal documents.[31] By this time, direct Roman rule had brought the use of Greek into prominence, and especially among those Jews who resided in the Roman province of Arabia, founded in 106 C.E.[32] The implication of these documents must also be considered in the context of religious history, since they indicate that Greek and Roman legal principles and practices, even in matters of personal status, were in use side by side with those known from rabbinic halakhah.[33] Hebrew biblical texts were by this time represented only by the Masoretic

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[27] Cf. Hanan Eshel and David Amit, *Refuge Caves of the Bar Kokhba Revolt* (Tel-Aviv: Eretz; Jerusalem: The Israel Exploration Society, the College of Judea and Samaria, and C. G. Foundation, 1998) [Hebrew].

[28] Yigael Yadin, *The Documents from the Bar Kokhba Period in the Cave of Letters: Hebrew, Aramaic, and Nabatean-Aramaic Papyri* (2 vols.; Judean Desert Studies; Jerusalem: Israel Exploration Society; Institute of Archaeology, Hebrew University; Shrine of the Book, Israel Museum, 2002)

[29] Cf. Geoffrey Khan, "The Pre-Islamic Background of Muslim Legal Formularies," *Aram* 6 (1994): 193–224.

[30] Andrew D. Gross, *Continuity and Innovation in the Aramaic Legal Tradition* (SJSJ 128; Leiden: Brill, 2008).

[31] DJD 27, 133–279 and *The Documents from the Bar Kokhba Period in the Cave of Letters: Greek Papyri* (ed. Naphtali Lewis; Jerusalem: Israel Exploration Society, Hebrew University, The Shrine of the Book, 1989), 35–133.

[32] Cf. Fergus Millar, *The Roman Near East, 31 B.C.–A.D. 337* (Cambridge: Harvard University Press, 1993), 414–36 and Glen W. Bowersock, *Roman Arabia* (Cambridge: Harvard University Press, 1983).

[33] Lawrence H. Schiffman, "Reflections on the Deeds of Sale from the Judean Desert in Light of Rabbinic Literature," in *Law in the Documents of the Judaean Desert* (ed. Ranon Katzoff and David Schaps; JSJSup 96; Leiden: Brill, 2005), 185–203.

type. The so-called Bar Kokhba collections do not preserve post-biblical Hebrew literary materials. But the free and easy use of Hebrew for letters indicates that for some Jews Hebrew was very much still a living language, although others must have felt much more at home in Aramaic (perhaps especially in the north) and in Greek. Comparison with Talmudic literature, inscriptions and Targumim indicates that this was a period in which Aramaic was on the rise, and was most probably the spoken language of the Jews of the Galilee, outside of the Hellenistic cities where *koine* Greek was spoken.

It is important to emphasize, however, that the Hebrew in use in these texts is much closer to Mishnaic Hebrew, a situation that extends even beyond the legal formulary and technical language that is to be expected in some of these documents. It is certain, though, that Hebrew continued to be developed and to function as one of the languages of Palestine. Indeed, Talmudic evidence shows the same thing.[34]

The Khirbet Mird (Hyrcania) materials, in their linguistic profile, testify to profound changes that came over the country much later. These documents date from the fifth through ninth centuries, and are in Greek,[35] Christian Palestinian Syriac[36] and Arabic.[37] From our point of view here, in discussing the history of Judaism and

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[34] See James Barr, "Hebrew, Aramaic and Greek in the Hellenistic Age," in *Cambridge History of Judaism,* vol. 2, *The Hellenistic Age* (ed. William D. Davies and Louis Finkelstein; Cambridge: Cambridge University Press, 1989), 79–114.

[35] None of these texts has been published. For a listing, see *The Dead Sea Scrolls Catalogue: Documents, Photographs and Museum Inventory Numbers* (comp. Stephen A. Reed, with Marilyn J. Lundberg and Michael B. Phelps; SBLRBS 32; Atlanta: Scholars Press, 1994), 223–24; Emanuel Tov with Stephen J. Pfann in Emanuel 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), 96–97.

[36] Józef T. Milik, "Une inscription et une lettre en araméen christo-palestinien," *RB* 60 (1953): 526–39, pl. XIX; update with photo in G. R. H. Wright, "Archaeological Remains at el Mird in the Wilderness of Judea, with an appendix by J. T. Milik," *Biblica* 42 (1961): 21–27; Charles Perrot, "Un fragment christo-palestinien découverte à Khirbet Mird (Actes des apôtres, X, 28–29; 32–41)," *RB* 70 (1963): 506–55 (+ pls. XVIII, XIX); Maurice Baillet, "Un livret magique en christo-palestinen à l'Université de Louvain," *Muséon* 76 (1963): 375–401; Christa Müller-Kessler and Michael Sokoloff (eds.), *A Corpus of Christian Palestinian Aramaic, vol. 1, The Christian Palestinian Aramaic Old Testament and Apocrypha Version from the Early Period* (Groningen: Styx, 1997); *vols. 2A and 2B, The Christian Palestinian Aramaic New Testament Version from the Early Period* (Groningen: Styx, 1998). For additional texts, see Reed, *The Dead Sea Scrolls Catalogue,* 225 and Tov, DJD 39, 95–96. Tov's list indicates that some texts have been published since the Reed catalogue.

[37] Adolf Grohmann, *Arabic Papyri from Ḥirbet el-Mird* (Bibliothèque du Muséon 52; Louvain: Publications universitaires, 1963).

Christianity, it is enough to observe that even with the onset of Arab rule in the seventh century, Jews and Christians were still living in a multilingual society. Christians continued to write in Christian Palestinian Aramaic (CPA) as well as in Greek in the Byzantine period. It is no wonder that while Hellenistic Judaism had died out by this point, rabbinic Jews continued to write in Hebrew, Jewish Aramaic, both Palestinian and Babylonian, and in the new vernacular—Arabic, as evidenced in the manuscripts from the Cairo genizah.[38]

2. *The Biblical Canon and Text*

The term "canon" is borrowed from debates that took place in the fourth century on the subject of which books should be included in the New Testament. It is a Greek word, derived probably from Sumerian, meaning "reed" or "rod;"[39] in other words, a rule, standard, or limit. It has come to mean the list of authoritative scriptural books.[40] The only Jewish discussions of canonicity appear in rabbinic sources. The Mishnah debates the sanctity of Song of Songs and Ecclesiastes.[41] By this time, the contents and authoritative status of the Torah and Prophets were fixed, so debate was only possible regarding the books of the Writings. The Qumran texts reveal much about the status of the biblical canon in the sect itself and in the Second Temple period at large.[42]

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[38] Stefan C. Reif, *A Jewish Archive from Old Cairo: The History of Cambridge University's Genizah Collection* (Richmond, Surrey: Curzon, 2000), 214–24.

[39] Julio Trebolle Barrera, "Canon of the Old Testament," *NIDB* 1.548.

[40] Nahum M. Sarna, "Canon," *EncJud* 4: 816–36; Sid Z. Leiman, *The Canonization of the Hebrew Scripture: The Talmudic and Midrashic Evidence* (Transactions 47; Hamden, CT: Published for the Connecticut Academy of Arts and Sciences by Archon Books, 1976); Roger T. Beckwith, *The Old Testament Canon of the New Testament Church* (Grand Rapids: Eerdmans, 1985). See also, Nahum M. Sarna, "The Order of the Books," *Studies in Jewish Bibliography History and Literature, in Honor of I. Edward Kiev* (ed. Charles Berlin; New York: Ktav, 1971), 407–13.

[41] *m. Yad.* 3:5. The debate over the canonicity of Esther continued into the amoraic period (*y. Meg.* 1:5 [1:7, 70d]; *b. Meg.* 7a).

[42] James A. Sanders argues for an open canon at Qumran in "Cave 11 Surprises and the Question of Canon," in *New Directions in Biblical Archaeology* (ed. David N. Freedman and Jonas C. Greenfield; Garden City, NY: Doubleday, 1971), 113–30 and *Torah and Canon* (Philadelphia: Fortress Press, 1972). Cf. Eugene Ulrich, "The Canonical Process, Textual Criticism, and Latter Stages in the Composition of the Bible," in *"Sha'arei Talmon": Studies in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon* (ed. Michael Fishbane and Emanuel Tov; Winona Lake, IN: Eisenbrauns, 1992), 267–91.

In fact, all of the biblical books are represented at Qumran with the exception of Esther.[43] A number of scholars have argued that the sectarians would not have considered Esther to be authoritative (and therefore would not have celebrated the holiday of Purim; it is not mentioned in the sectarian calendrical texts). It is also possible that the book's absence is purely coincidental. Indeed, some other books of the Writings have only been found in one or two copies. It seems that the sectarians had read the Book of Esther. They employ expressions from it;[44] additionally, an apocryphal book found at Qumran called Proto-Esther is clearly related to it.[45]

However, the mere presence of these books does not indicate that either the sect or other Second Temple groups considered them to be authoritative. To investigate this further, we have to determine whether the concept of a canon existed at all in this period, and, if it did, whether that canon was recognized by the sectarians.

From evidence found in Ben Sira 39:1 (about 180 B.C.E.), 2 Macc. 2:2–3, 13 and Luke 24:44 it can be concluded that the division of the Bible into three parts, the tripartite canon, had already been accepted at the time. Some scholars have assumed that because the canon was not yet complete or because it contained some works not part of our Bibles there was no specific corpus of authoritative works. This is not true as can be seen from the use of certain texts—what we call canonical works—to generate new writings. This was only done with those texts considered authoritative. The Qumran texts clearly attribute canonical authority to the Torah and the Prophets, but do not mention the Writings in this context.

The *Halakhic Letter* does allude to "the Book of Moses, [and the words of the Pro]phets, and Davi[d, and the chronicles of each] and

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[43] For a complete list of these books, see Emanuel Tov, "The Biblical Texts from the Judaean Desert: Categorized List of the 'Biblical Texts,'" in DJD 39, 165–83 and Eugene Ulrich, "The Biblical Texts from the Judaean Desert: Index of Passages in the 'Biblical Texts,'" DJD 39, 185–201.

[44] Shemaryahu Talmon, "Was the Book of Esther Known at Qumran?" *DSD* 2 (1995): 249–67; idem, "Was the Book of Esther Known at Qumran?" *ErIsr* 25 (1996): 377–82 [Hebrew]; Sidnie A. White Crawford, "Has 'Esther' been found at Qumran? 4QProto-Esther and the 'Esther' corpus," *RevQ* 17/65–68 (1996): 307–25.

[45] Józef T. Milik, "Les Modèles araméens du livre d'Esther dans la grotte 4 de Qumrân," *RevQ* 15 (1992): 321–99, plates I–VII.

every generation" (*Halakhic Letter* C 9–11).[46] The "words of David" probably refer to the Psalms and "the chronicles" to the Books of Chronicles, and possibly Ezra and Nehemiah as well. So it would seem that the sectarians recognized a tripartite canon, and that this was standard amongst most Jews of the period.

It is possible to identify canonical books by the method used to quote them. In the Qumran texts, a biblical passage is usually preceded by "as He (or it) said."[47] If we accept this as an indication of canonicity, we would include the *Testament of Levi* and the *Book of Jubilees* in the Qumran canon.[48] However, rabbinic sources quote the Book of Ben Sira in the same manner in which they quote biblical passages,[49] yet they prohibit public reading of the book.[50] Since the Book of Ben Sira had obviously attained near-canonical status (and therefore such extreme measures were taken to exclude it), we may still maintain that the method of quotation indicates whether a work was considered authoritative.

Another way to determine canonicity is by examining the use of texts in liturgical works, as liturgy of the Second Temple period and of later Judaism is typically composed through reuse of biblical passages. The Qumran liturgy uses all books of the canonical Hebrew Bible in this way, but none of the other books found at Qumran were used for liturgy. Therefore, we can conclude that the sectarian Bible was more or less identical in content to that of the later rabbis, which the Pharisees and Sadducees[51] of the Second Temple period also accepted, as well as to the Hebrew canon that is assumed in the New Testament.[52]

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[46] The reading of this passage from MMT and its reconstruction has been disputed. See, e.g., Eugene Ulrich, "The Non-attestation of a Tripartite Canon in 4QMMT," *CBQ* 65 (2003): 202–14.

[47] See Moshe J. Bernstein, "Introductory Formulas for Citation and Recitation of Biblical Verses in the Qumran Pesharim: Observations on a Pesher Technique," *DSD* 1 (1994): 30–70.

[48] CD 4:5 (Levi), CD 16:4 (*Jubilees*).

[49] Moshe Z. Segal, *Sefer Ben Sira ha-Shalem* (2d ed.; Jerusalem: Bialik Institute, 1971/2), 40–44.

[50] Segal, *Ben Sira,* 45–46.

[51] The notion that the Sadducees accepted only the Torah as canonical is based on a confused report from the Church Fathers that mixes up the Sadducees with the Samaritans.

[52] Note that *1 En* 1:8 is quoted in the Epistle of Jude 14–15. On the canon of the Old Testament in the New Testament, see E. Earle Ellis, "Biblical Interpretation in the New Testament Church," in *Mikra: Text, Translation, Reading and Interpretation of*

Although the Qumran corpus of biblical books does not differ from other biblical corpuses as far as basic content, there is some fluidity in the nature of the texts. This factor helps us to explain the character of quotations from the Hebrew Scriptures in the New Testament. Often, these quotations may differ from our Hebrew Bibles because they rest on a Hebrew or Greek text that varied from the proto-Masoretic. Alternatively, the New Testament writers may have made use of Greek texts that were at odds with those of our Septuagint. Finally, at times the New Testament authors modify the Hebrew Bible quotations in order to create support for their particular views.

Most of the Qumran biblical texts are closely related to the proto-Masoretic text, which was apparently the dominant text in the land of Israel outside the sect during this period. This is true despite the large number of "mixed" or "unaligned" biblical manuscripts.[53] The sectarians modified this text with their own spelling (orthography) and grammatical forms (morphology). The process of standardization of the consonantal text had already begun by this time, and was completed by the time of the Bar Kokhba Revolt (132–135 C.E.).

Based on the evidence presented here, it is clear that the concept of a biblical canon existed at Qumran, and that, although standardization of the text had not yet been perfected, the process was well under way inside and outside of the sect.

3. *Ancient Jewish Literature*

Open virtually any book dealing with the literature of the Jews in Second Temple times and you will encounter such designations as "Apocrypha," "Pseudepigrapha," and "Dead Sea Scrolls." Behind these designations are indications not of the nature of the literature itself, but rather of the provenance, or of the manner in which the material was transmitted from antiquity to the present. The Apocrypha (with a capital A) are those books from the Second Temple period handed down in Greek, first by the collector(s) of the canon of the Septuagint

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the Hebrew Bible in Ancient Judaism & Early Christianity (CRINT II,1; ed. Martin J. Mulder and Harry Sysling; Assen/Maastricht: Van Gorcum; Minneapolis: Fortress 1988), 691–725.

[53] Cf. Emanuel Tov, "Hebrew Biblical Manuscripts from the Judaean Desert: Their Contribution to Textual Criticism," *JJS* 39 (1988): 5–37 who, however, emphasizes the large number of "mixed" or "unaligned" biblical manuscripts.

Greek Bibles and later by the Catholic Church.[54] The Pseudepigrapha is an uncanonized collection of writings of varied provenance, for the most part passed down to us by Eastern Christian churches that regarded these books as canonical.[55] The term "Dead Sea Scrolls," whether defined narrowly as the Qumran documents or more widely as the entire corpus of Judean Desert texts, designates the place of discovery of the collection. None of these designations says anything about the period in which the documents were authored, copied, and read. At that time, readers would have been aware of the nature of the texts, perhaps of their non-canonical status and their relationship to what we call biblical literature, their literary structure, perhaps their real provenance (in the Land of Israel or the Diaspora), and hopefully of the content of their messages. None of the "corporeal" designations that we use would have had any meaning to the ancient Jewish reader.

The discovery of the Qumran texts should have finally put an end to the use of the provenance-based categories for the academic study of the literature of Jews in the Greco-Roman period. When we successfully set them aside, we have before us a vast panoply of texts, of many different kinds, that allow us to gain a much more realistic picture of the literature being read by Jews in this period, much of which was read as well by early Christians as evidenced by the quotation of *Enoch* in Jude.

The Judean Desert corpus has presented us with a variety of Hebrew and Aramaic texts that, from a literary point of view, present new genres or marked differences from previously known exemplars of the same genres. In the area of legal texts the scrolls materials include a number of elements. Perhaps the most important materials here are the first post-biblical codes of Jewish law known to us. In one case, the *Temple Scroll*, the task of creating a post-biblical code is performed by rewriting the canonical law texts from the Torah into a new document.[56] This, and other legal texts, are discussed below in section 4.

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[54] Robert H. Charles, ed., *APOT*, vol. 1: *Apocrypha* (Oxford: Clarendon, 1913; Repr. Oxford: Oxford University Press, 1968).

[55] Robert H. Charles, ed., *APOT*, vol. 2: *Pseudepigrapha* (Oxford: Clarendon, 1913; Repr. Oxford: Oxford University Press, 1968); James H. Charlesworth, ed., *The Old Testament Pseudepigrapha* (2 vols.; Garden City, N. Y.: Doubleday, 1983–1985).

[56] Yigael Yadin, *The Temple Scroll* (3 vols.; Jerusalem: Israel Exploration Society and the Shrine of the Book, 1983), 1:71–88; cf. Lawrence H. Schiffman, "The Deuteronomic

In the area of biblical interpretation, to which Moshe Bernstein has made so great a contribution,[57] the Pesher literature presents us with a new genre from several points of view. This is not the place to discuss the nature of the contemporizing exegesis found in these texts. What I want to concentrate on is the character of these documents as commentaries. In this regard, the work of Shani Berrin Tzoref on these exegetical texts has been path breaking.[58] In these texts, for most of the minor prophets, Isaiah and some Psalms, we have line by line commentary arranged in the form of lemma and comment, running for the most part in scriptural order.[59] Specific terms are used, like "its interpretation is concerning," "the interpretation of the matter is," which clearly separate the biblical from the non-biblical, interpretive material. These are, from the literary point of view, the earliest commentaries as we know them.[60] This genre of contemporizing biblical exegesis, in which prophetic texts are interpreted as if referring to the interpreter's era and not to that of the prophet, has much in common with the fulfillment passages in the Gospels. After all, these

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Paraphrase of the *Temple Scroll*," *RevQ* 15 (1992): 543–68; "Codification of Jewish Law in the Dead Sea Scrolls," Chapter 9.

[57] For example, Moshe J. Bernstein, "Pentateuchal Interpretation at Qumran," in *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment* (ed. Peter W. Flint and James C. VanderKam; 2 vols.; Leiden: Brill, 1998–1999), 1:128–59; idem, "Interpretation of Scriptures," "Pesher Habakkuk," "Pesher Hosea," "Pesher Isaiah," "Pesher Psalms," "Scriptures: Quotations and Use," *EDSS* 1:376–83; 2:647–50, 650–51, 651–53, 655–56, 839–42; idem, "4Q159 Fragment 5 and the 'Desert Theology' of the Qumran Sect," in *Emanuel: Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov* (ed. Shalom M. Paul, Robert A. Kraft, Lawrence H. Schiffman, and Weston W. Fields, with the assistance of Eva Ben-David; VTSup 94; Leiden: Brill, 2003), 43–56.

[58] Shani L. Berrin, *The Pesher Nahum Scroll from Qumran: An Exegetical Study of 4Q169* (STDJ 53; Leiden: Brill, 2004); idem, "The Use of Secondary Biblical Sources in *Pesher Nahum*," *DSD* 11/1 (2004): 1–11; idem, "*Pesher Nahum, Psalms of Solomon* and Pompey," in *Reworking the Bible: Apocryphal and Related Texts at Qumran: Proceedings of a Joint Symposium by the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature and the Hebrew University Institute for Advanced Studies Research Group on Qumran, 15–17 January, 2002* (ed. Esther G. Chazon, Devorah Dimant, and Ruth A. Clements; STDJ 58; Leiden: Brill, 2005), 65–84; idem, "Qumran Pesharim," in *Biblical Interpretation at Qumran* (ed. Matthias Henze; SDSSRL; Grand Rapids: Eerdmans, 2005), 110–33.

[59] The pesher texts are collected in Maurya P. Horgan, *Pesharim: Qumran Interpretations of Biblical Books* (CBQMS 8; Washington, D.C.: Catholic Biblical Association of America, 1979).

[60] Devorah Dimant, "Pesharim, Qumran," *ABD* 5:244–51; George J. Brooke, "Qumran Pesher: Toward the Redefinition of a Genre," *RevQ* 10 (1979–1980): 483–503; Moshe J. Bernstein, "Introductory Formulas for Citation and Re-citation of Biblical Verses in the Qumran Pesharim," *DSD* 1 (1994): 30–70.

New Testament passages assert that the words of the Hebrew biblical prophets were indeed fulfilled in the career and crucifixion of Jesus.[61]

At the same time we should note the attempt of the so-called *Genesis Commentary* to provide plain sense commentary on the Bible.[62] Such interpretations, perhaps never recorded, lay behind many of the complex exegetical passages in our texts. No such commentaries are known from the other corpora of texts.

In the area of poetry the scrolls texts offer a rich selection. Some of these texts are actually prayers or hymns, meant for liturgical use. The scrolls provide us with the earliest post-biblical Hebrew and Aramaic poetry[63] and this material clearly constitutes a bridge between the poetry of the Bible and that of the early *paytanim*, the Jewish liturgical poets of the Byzantine period and perhaps to the Greek poetry found in Maccabees and also to a limited extent in the Gospels. The poems in the scrolls are of varied character. The *Hodayot*[64] offer introspective religious poetry that expresses the deepest longings of a sectarian author, thought by many to be the teacher of righteousness, the leader of the sect, and at the same time presents the theological beliefs of the Qumran sect.[65] These texts follow the sectarian notions of determinism and dualism that may have their origins in

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[61] Lawrence H. Schiffman, "Biblical Exegesis in the Passion Narratives and the Dead Sea Scrolls," in *Biblical Interpretation in Judaism and Christianity* (ed. Isaac Kalimi and Peter J. Haas; Library of Hebrew Bible/OTS 439; New York and London: T&T Clark, 2006), 117–30.

[62] George J. Brooke, et al. (eds.), *Qumran Cave 4.XVII: Parabiblical Texts, Part 3* (DJD 22; Oxford: Clarendon, 1996), 185–212. Moshe J. Bernstein and George J. Brooke conducted a long debate about issues relating to this text that can be found in the bibliography in George J. Brooke, "Genesis, Commentary on," *EDSS* 1:301–2.

[63] For a detailed study of the Hebrew poetry from Qumran, see Bilhah Nitzan, *Qumran Prayer and Religious Poetry* (STDJ 12; Leiden: Brill, 1994). On the liturgical texts, see Daniel K. Falk, *Daily, Sabbath, and Festival Prayers in the Dead Sea Scrolls* (STDJ 27; Leiden: Brill, 1998). For Aramaic, see James C. VanderKam, "The Poetry of 1QApGen XX, 2–8a," *RevQ* 10 (1979): 57–66; A. S. Rodrigues Pereira, *Studies in Aramaic Poetry (c. 100 B.C.E.–c. 600 C.E.): Selected Jewish, Christian and Samaritan Poems* (SSN 34; Assen, Netherlands: Van Gorcum, 1997), 10–26; Esther G. Chazon, "Hymns and Prayers in the Dead Sea Scrolls," in *The Dead Sea Scrolls after Fifty Years* (ed. Peter W. Flint and James C. VanderKam; Leiden: Brill, 1998), 244–70; Eileen Schuller, "Prayer, Hymnic, and Liturgical Texts from Qumran," in Ulrich and VanderKam (eds.), *The Community of the Renewed Covenant,* 153–71.

[64] Jacob Licht, *The Thanksgiving Scroll from the Scrolls of the Judean Desert* (Jerusalem: Bialik Institute, 1957 [Hebrew]); Eileen Schuller, in Esther G. Chazon et al., *Qumran Cave 4.XX: Poetical and Liturgical Texts, Part 2* (DJD 29; Oxford: Clarendon, 1999), 69–254; H. Stegemann and E. Schuller (eds.), *1QHodayot^a* (DJD 40; Oxford: Clarendon, 2009).

[65] Jacob Licht, "The Doctrine of the Thanksgiving Scroll," *IEJ* 6 (1956): 1–13, 89–101.

Iran. In the present volume Yaakov Elman discusses the influence of Zoroastrianism on the scrolls, after previously making important contributions to the study of the halakhah of the scrolls.[66] The *Songs of the Sabbath Sacrifice*, that play so prominent a part in the research of Joseph Angel on priesthood in the scrolls,[67] describe the beauty of the innermost sancta of the heavens and have intimate links to the later hekhalot mystical poetry.[68] Elliot Wolfson has discussed aspects of this and other sectarian texts in order to determine whether they actually constitute mystical experiential texts or simply literary creations.[69] The Daily Prayers set out morning and afternoon benedictions[70] and the Festival Prayer texts[71] are for the various Jewish holidays. All of these poems, and many more, testify to a general loosening up of the rigid rules of biblical parallelism, and show the burst of creativity which Hebrew poetry experienced in the Second Temple period.

Closely linked to the poetry is the wisdom literature, since some of the wisdom texts are poetic in character. Ben Sira, found at Masada and in small fragments at Qumran, is a prime example of this

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[66] Yaakov Elman, "Some Remarks on 4QMMT and the Rabbinic Tradition: Or, When is a Parallel Not a Parallel?" in *Reading 4QMMT: New Perspectives on Qumran Law and History*, ed. John Kampen and Moshe J. Bernstein (SBLSym 2; Atlanta, Ga.: Scholars Press, 1996), 99–128; idem, "MMT B 3–5 and Its Ritual Context," *DSD* 6 (1999): 148–56; idem, "Mishnah and Tosefta," *EDSS* 2:596–74; idem, "Talmudim," *EDSS* 2:913–15.

[67] Joseph L. Angel, *Otherworldly and Eschatological Priesthood in the Dead Sea Scrolls* (STDJ 86; Leiden: Brill, 2010).

[68] Carol Newsom, "Shirot ʿOlat Hashabbat," in Esther Eshel et al. (eds.), *Qumran Cave 4.VI: Poetical and Liturgical Texts, Part 1* (DJD 11; Oxford: Clarendon, 1998), 173–401; cf. Lawrence H. Schiffman, "*Merkavah* Speculation at Qumran: The 4Q *Serekh Shirot ʿOlat ha-Shabbat*," in *Mystics, Philosophers and Politicians: Essays in Jewish Intellectual History in Honor of Alexander Altmann* (ed. Jehuda Reinharz, Daniel Swetschinski, with Kalman P. Bland; Duke Monographs in Medieval and Renaissance Studies 5; Durham, N. C.: Duke University Press, 1982), 15–47; Joseph M. Baumgarten, "The Qumran Sabbath Shirot and Rabbinic Merkabah Traditions," *RevQ* 13 (1988): 199–214; Bilhah Nitzan, "Harmonic and Mystical Characteristics in Poetic and Liturgical Writings from Qumran," *JQR* 85 (1994): 163–83; Elliot R. Wolfson, "Mysticism and the Poetic-Liturgical Compositions from Qumran," *JQR* 85 (1994): 185–202.

[69] Elliot R. Wolfson, "Hekhalot Literature," "Kabbalah," *EDSS* 1:349–50, 461–62; idem, "Seven Mysteries of Knowledge: Qumran Esotericism Recovered," in *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel* (ed. Hindy Najman and Judith H. Newman, JSSSup 83; Leiden: Brill, 2004), 177–213.

[70] Maurice Baillet (ed.), *Qumrân Grotte 4.III (4Q482–4Q520)* (DJD 7; Oxford: Clarendon, 1982), 105–36; Falk, *Prayers,* 21–57.

[71] Baillet, DJD 7, 175–215; Falk, *Prayers*, 155–215.

literature.[72] The previously unknown Sapiential Texts[73] are in reality
an entirely new genre.[74] They seem by their linguistic character and
content not to be specifically sectarian texts. Rather, like the biblical
wisdom texts, they give good advice to the typical family of the
period. They are set in the agrarian setting of the typical farmer of
the period yet speak also of hidden wisdom which one is to probe.
Their acceptance of family life and small farms reflects the kind of
society studied by Alexei Sivertsev and seen by him as a major factor
in Second Temple period history.[75] Further, these wisdom texts share
certain features with the New Testament parables of Jesus. These texts
are linked to Mysteries texts[76] that in reality are also wisdom litera-
ture. Mysteries and secrets play a prominent role in early Judaism
and Christianity.[77] The Qumran corpus shows the extent to which
this wisdom literature continues to be a major genre in Jewish circles
and help as well to explain the strong wisdom trends evident in both
the New Testament and rabbinic literature.[78]

   The genre of apocalyptic literature—however that term might be
defined—has been greatly enriched by the new discoveries. The scrolls
are replete with descriptions of revealed secrets and depictions of the

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   [72] James A. Sanders, *The Psalms Scroll of Qumrân Cave 11 (11QPsᵃ)* (DJD 4;
Oxford: Clarendon, 1965), 79–85 discusses an excerpt from Ben Sira included in the
Psalms Scroll.
   [73] John Strugnell, Daniel J. Harrington, and Torleif Elgvin (eds.), *Qumran Cave
4.XXIV: Sapiential Texts, Part 2* (DJD 34; Oxford: Clarendon, 1999). Cf. Eibert J. C.
Tigchelaar, *To Increase Learning for the Understanding Ones: Reading and Recon-
structing the Fragmentary Early Jewish Sapiential Text 4QInstruction* (STDJ 44;
Leiden: Brill, 2001).
   [74] Daniel J. Harrington, *Wisdom Texts from Qumran* (London and New York:
Routledge, 1996).
   [75] Alexei M. Sivertsev, *Households, Sects, and the Origins of Rabbinic Judaism* (JSJ-
Sup 102; Leiden: Brill, 2005), especially 94–142.
   [76] Dominique Barthélemy and Józef T. Milik (eds.), *Qumran Cave I* (DJD 1;
Oxford: Clarendon, 1955), 102–7; Lawrence H. Schiffman, in Torleif Elgvin et al. (eds.),
Qumran Cave 4.XV: Sapiential Texts, Part 1 (DJD 20; Oxford: Clarendon, 1997),
31–123; Armin Lange, *Weisheit und Prädestination: Weisheitliche Urordnung und
Prädestination in den Textfunden von Qumran* (STDJ 18; Leiden: Brill, 1995), 93–109.
   [77] For the role of secrecy in religions, see Elliot R. Wolfson (ed.), *Rending the Veil:
Concealment and Secrecy in the History of Religions* (New York: Seven Bridges Press,
1999). For the role of mysteries in the Dead Sea Scrolls, see Torleif Elgvin, "The Mys-
tery to Come: Early Essene Theology of Revelation," in *Qumran between the Old and
New Testaments* (ed. Frederick H. Cryer and Thomas L. Thompson; JSOTSup 290;
Sheffield: Sheffield Academic Press, 1998), 113–50.
   [78] Cf. Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls* (Philadelphia: Jewish
Publication Society, 1994; Pbk. ed., ABRL; New York: Doubleday, 1995), 197–210.

end of days.[79] Apocalyptic is only one of the forms of extended prophecy and revelation represented in the scrolls that have been studied in detail by Alex Jassen.[80] We also hear descriptions of the eschatological war in the various versions of the *War Scroll*[81] and the associated texts,[82] and of the works of the messiah.[83] From a literary point of view the *War Scroll* points to the existence in this period of religious poetry from which the author derived the liturgical sections, as well as of military manuals which he used to pattern the military sections.

In general, then, the scrolls provide us with an entire collection of texts of varied genres, showing us how the major types of literature found within the biblical collection developed in the Hasmonean period. In fact, Mark Smith's work on pseudo-biblical literature[84] shows the extent to which we cannot be certain whether we deal with the biblical text, an interpretive text, or what we call "rewritten Bible."[85] The one major element missing from the scrolls, presaging the situation in rabbinic literature, is historical writing. One of the greatest disappointments about this collection is the absence of 1 Maccabees, a Hebrew text composed in this period but preserved

[79] On apocalypticism at Qumran, see, John J. Collins, "Apocalyptic and the Discourse of the Qumran Community," *JNES* 49 (1990): 135–44; idem, "Was the Dead Sea Sect an Apocalyptic Movement?" in *Archaeology and History in the Dead Sea Scrolls,* 25–51; idem, *The Scepter and the Star: The Messiahs of the Dead Sea Scrolls and other Ancient Literature* (ABRL; New York: Doubleday, 1995); idem, *Apocalypticism in the Dead Sea Scrolls* (London and New York: Routledge, 1997); idem, *The Apocalyptic Imagination* (2d ed.; Grand Rapids: Eerdmans, 1998), 145–76.

[80] Alex P. Jassen, *Mediating the Divine: Prophecy and Revelation in the Dead Sea Scrolls and Second Temple Judaism* (STJD 68; Leiden: Brill, 2007), idem, "The Presentation of the Ancient Prophets as Lawgivers at Qumran," *JBL* 127 (2008): 307–37.

[81] Yadin, *War Scroll*; Baillet, DJD 7, 12–72.

[82] Jean Duhaime, *The War Texts: 1QM and Related Manuscripts* (London: T & T Clark International, 2004), esp. 23–44.

[83] 4Q521 has been labeled by its editor "4QApocalypse messianique." See Émile Puech (ed.), *Qumrân Grotte 4.XVIII: Textes hébreux (4Q521–5Q528, 4Q576–4Q579)* (DJD 25; Oxford: Clarendon, 1998), 1–38.

[84] Mark S. Smith, "384. 4QpapApocryphon of Jeremiah B?" "391. 4QpapPseudo-Ezekielᶜ," "462. 4QNarrative C," "463. 4QNarrative D," in Magen Broshi et al. (eds.), *Qumran Cave 4.XIV: Parabiblical Texts, Part 2* (DJD 19; Oxford: Clarendon, 1995), 137–52, 153–93, 195–209, 211–14.

[85] "Rewritten Bible" may be defined as "any representation of an authoritative scriptural text that implicitly incorporates interpretive elements, large or small, in the retelling itself." Cf. George J. Brooke, "Rewritten Bible," *EDSS* 2:777–81. The definition is on p. 777.

only in Greek, which may be absent because of the strong anti-Hasmonean stance of the Qumran sectarians.

Even this corpus, when analyzed as a whole, without the distinctions inherent in the old fashioned approach, is no doubt only a fraction of the material that was being read in Late Antiquity even in the Palestinian Jewish community. Some sense of the widespread popularity of the kind of material found in the Qumran scrolls, which is not Hebrew Bible or literature of the sect—what we can term apocryphal texts with a small A—can be gleaned from the Masada finds. We should note in passing that rabbinic polemics against such books testify to the same phenomenon.

In all, parts of 15 biblical and apocryphal scrolls were found in the Masada excavations.[86] Fragments of two scrolls of Leviticus, one each of Deuteronomy and Ezekiel, and two of Psalms were included in this lot. The general character of these biblical materials is almost identical to the Masoretic Text. In other words, they testify to the ascendancy of this text among Jews as virtually the only recognized biblical text by the period of the revolt.

Yet the same community, whose biblical texts were by this time standardized, made use of apocryphal compositions as well. Very substantial portions of the book of Ben Sira were found at Masada,[87] which proved beyond a doubt that the medieval fragments preserved in the Cairo genizah[88] were derived from the original Hebrew and that the text had been composed in Hebrew. A small fragment of *Jubilees* was also found, as were a number of miscellaneous texts, one perhaps paralleling the *Genesis Apocryphon*.[89]

These texts show that in Second Temple times, apocryphal literature was the widespread heritage of the Jewish people. The attempt to root out these non-biblical texts, undertaken by the rabbis somewhat later, had not yet occurred, and such books were widely read. This accounts for their being present at Qumran where they are approximately one-third of the collection and also for being found at Masada. When we remember that the bulk of the apocryphal-type

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[86] See above, n. 23.

[87] Yigael Yadin, *The Ben Sira Scroll from Masada*, Masada VI: Yigael Yadin Excavations 1963–1965 Final Reports (Jerusalem: Israel Exploration Society and The Hebrew University of Jerusalem, 1999).

[88] See n. 49 and *Sefer Ben Sira: ha-Makor, Qonqordanṣiyah ve-Nituaḥ Oṣar ha-Millim* (Jerusalem: Academy of the Hebrew Language, the Shrine of the Book, 1973).

[89] See above, n. 23.

texts present in the Qumran caves were probably copied elsewhere, we can see that these texts were indeed widespread. Despite the proto-Masoretic Bibles in their possession, the defenders of Masada still read apocryphal and, most probably, apocalyptic texts. Indeed, it is probable that the apocalyptic tradition, with its sense of immediate messianism, would have helped to drive the revolt, as it did the emergence of Christianity some 40 years earlier.

4. *Jewish Law*

As noted above, the Qumran collection yielded several major scrolls with halakhic (Jewish legal) content, albeit mixed in with sectarian teachings.[90] The Rule of the Community provides, among its initiation rites, information on the purity system of the sectarians[91] as well as about their understanding of the theology of Jewish law. The Rule of the Congregation, a messianic document, sets out a kind of eschatological *halakhah*.[92] The *War Scroll* contains an entire version of the Deuteronomic laws of war as understood by the sectarians.[93] In addition, the *War Scroll* alludes to sacrificial law and rules of ritual impurity. It was Cave 4 that yielded manuscripts of the Zadokite Fragments[94] and other halakhic works[95] describing an entire system of Jewish law concerning Sabbath, marriage, purity, priestly status, etc. The now

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[90] On the intersection of Jewish law and sectarian regulations, see L. H. Schiffman, "Legal Texts and Codification in the Dead Sea Scrolls," in *Discussing Cultural Influences: Text, Context, and Non-text in Rabbinic Judaism* (ed. Rivka Ulmer; Studies in Judaism; Lanham, Md.: University Press of America, 2007), 28–29. Cf. Sarianna Metso, *The Serekh Texts* (CQS 9; LSTS 62; London and New York: T & T Clark, 2007), 65–70.

[91] Jacob Licht, *The Rules Scroll from the Judean Desert* (Jerusalem: Bialik Institute, 1965), 294–303 and Lawrence H. Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony, and the Penal Code* (BJS 33; ed. Jacob Neusner; Chico, California: Scholars Press, 1983), 161–68.

[92] Lawrence H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls: A Study of the Rule of the Congregation* (SBL Monograph Series 37; Atlanta: Scholars Press, 1989).

[93] Lawrence H. Schiffman, "The Law of Conscription in the War Scroll" in *Qumran Cave 1 Revisited. Texts from Cave 1 Sixty Years after Their Discovery: Proceedings of the Sixth Meeting of the IOQS in Ljubljana* (ed. Daniel K. Falk, Sarianna Metso, Donald W. Parry, and Eibert J. C. Tigchelaar; STDJ 91; Leiden: Brill, 2010), 179–89.

[94] Joseph M. Baumgarten, *Qumran Cave 4.XIII: The Damascus Document (4Q266–273)* (DJD 18; Oxford: Clarendon, 1996).

[95] Joseph M. Baumgarten et al. (eds.), *Qumran Cave 4.XXV: Halakhic Texts* (DJD 35; Oxford: Clarendon, 1999).

famous or infamous MMT document provided, in a sectarian context, even Pharisee-Sadducean disputes regarding sacrificial and purification laws.[96] The caves also yielded phylacteries and mezuzot,[97] and the biblical scrolls revealed much information on the scribal *halakhah* of the times.[98] Cave 11 yielded the *Temple Scroll*,[99] a rewriting of the Torah designed to put forward the author's views on a variety of topics of Jewish law, most notably relating to the Temple, sacrifices, and purity.[100] Interestingly, the author of this text, finishing his work in about 120 B.C.E., had the benefit of previously existing sections of such a text which constituted rewrites of sections of the Torah for the purpose of gathering and explaining the law on various topics.[101]

But the Qumran corpus is not the sum total of the material discovered in the Judean Desert. Exceedingly important for the study of Jewish law are the Samaria papyri from Wadi el-Daliyeh, providing

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[96] DJD 10, 142–77; Yaakov Sussman, "The History of 'Halakha' and the Dead Sea Scrolls: Preliminary Observations on *Miqṣat Maʿaśe ha-Torah*," *Tarbiz* 59 (1989/90): 11–76 [Hebrew]; idem, "The History of the Halakha and the Dead Sea Scrolls: Preliminary Talmudic Observations on *Miqṣat Maʿaśe ha-Torah* (4QMMT)," in DJD 10, 179–200; Lawrence H. Schiffman, "The Place of 4QMMT in the Corpus of Qumran Manuscripts," in Kampen and Bernstein (eds.), *Reading 4QMMT*, 81–98; idem, *Reclaiming*, 83–95; Elman, "Some Remarks on 4QMMT."

[97] Józef T. Milik (ed.), *Qumrân Grotte 4.II, Part 2: Tefillin, Mezuzot et Targums (4Q128–4Q157)* (DJD 6; Oxford: Clarendon, 1977). Cf. Emanuel Tov, "Tefillin of Different Origin from Qumran?" in *A Light for Jacob: Studies in the Bible and the Dead Sea Scrolls in Memory of Jacob Shalom Licht* (ed. Yair Hoffman and Frank H. Polak; Jerusalem: Bialik Institute and Tel Aviv: Tel Aviv University, Chaim Rosenberg School of Jewish Studies, 1997), 45*–54*.

[98] Emanuel Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert* (STDJ 54; Leiden and Boston: Brill, 2004). See the index, 393–94, s.v. Rabbinic literature.

[99] Yadin, *Temple Scroll* (above, n. 56); Elisha Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (JDS 131; Beer Sheva: Ben Gurion University of the Negev and Jerusalem: Israel Exploration Society, 1996); Florentino García Martínez, Eibert J. C. Tigchelaar, and Adam S. van der Woude, *Qumran Cave 11.II (11Q2–18, 11Q20–31)* (DJD 23; Oxford: Clarendon, 1998), 357–414.

[100] Lawrence H. Schiffman, *The Courtyards of the House of the Lord: Studies on the Temple Scroll* (STDJ 75; Leiden: Brill, 2008).

[101] Andrew M. Wilson and Lawrenc Wills, "Literary Sources of the Temple Scroll," *HTR* 75 (1982): 275–88; Michael O. Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11* (SAOC 49; Chicago: The Oriental Institute of the University of Chicago, 1990). These latter texts proceeded in the manner of the Torah itself, using its language for the most part. This differs from the trend that is visible in the sectarian codes of the *serakhim*, in which the language of the Bible can be detected behind the legal formulary of the new texts, but there are virtually no direct quotations of the Bible or reworkings of its actual text. See Lawrence H. Schiffman, *The Halakhah at Qumran* (SJLA 16; Leiden: Brill, 1975), 84–133.

numerous legal documents from the fourth century B.C.E.[102] as well as the so-called Bar Kokhba documents[103] which include a large number of legal documents pertaining to marriage and divorce and economic transfers, most notably land transfers and loans of various sorts.[104] Most of the legal documents presented in the Bar Kokhba texts are written in Aramaic, used from time immemorial by Jews for such purposes. The few extant Hebrew legal documents from that corpus show us that Mishnaic legal terms, some of which are already in evidence in some sectarian texts as well, were in use in the legal practice of Jews from Judea. These contracts are, for the most part, the earliest examples of the various legal usages preserved, predating the Mishnaic legal formulations to which they are parallel.[105]

One of the profound issues that has divided scholars of the history of halakhah (Jewish law) was the intractable question of which came first Midrash or Mishnah? Did exegesis of the scriptures generate general, abstract halakhic statements or did halakhic statements requiring explanation generate a literature of secondary scriptural justification? Or, possibly, did a complex interactive process allow the simultaneous creation of both genres of tradition?[106]

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[102] Above, n. 3.

[103] Above, nn. 26–28, 31.

[104] Hannah M. Cotton, "Deeds of Gift and the Law of Succession in the Papyri from the Judean Desert," in *Eretz-Israel: Archeological, Historical and Geographical Studies* (Jerusalem: Israel Exploration Society, 1996), 410–15; idem, "The Guardian ('epitropos') of a Woman in the Documents from the Judaean Desert," *Zeitschrift für Papyrologie und Epigraphik* 118 (1997): 267–73; idem, "The Law of Succession in the Documents from the Judaean Desert Again," *Scripta Classica Israelica* 17 (1998): 115–23; idem, "Women and Law in the Documents from the Judaean Desert," *Studia Hellenistica* 37 (2002): 123–47; Ranon Katzoff, "Oral Establishment of Dowry in Jewish and Roman Law: *'devarim ha-niknim be-'amirah'* and *'dotis dictio'*," in *Semitic Papyrology in Context: A Climate of Creativity. Papers from a New York University Conference Marking the Retirement of Baruch A. Levine* (ed. Lawrence H. Schiffman, CHANE 14; Leiden: Brill, 2003), 145–64; Ranon Katzoff and David Schaps (eds.), *Law in the Documents of the Judaean Desert* (JSJSup series 96; Leiden: Brill, 2005); Lawrence H. Schiffman, "Witnesses and Signatures in the Hebrew and Aramaic Documents from the Bar Kokhba Caves," *Semitic Papyrology in Context*, 165–86.

[105] Asher Gulak, *Legal Documents in the Talmud in Light of Greek Papyri and Greek and Roman Law* (Ranon Katzoff, ed. and suppl.; Jerusalem: Magnes Press, The Hebrew University, 1994), 11–45 [Hebrew].

[106] Jacob Z. Lauterbach, "Midrash and Mishnah: A Study in the Early History of the Halakah," in *Rabbinic Essays* (Cincinnati: Hebrew Union College Press, 1951), 163–256; Ephraim E. Urbach, "The *Derasha* as a Basis for Halacha and the Problem of the Soferim," *Tarbiz* 27 (1957/8): 166–82 [Hebrew].

The discovery of the Zadokite Fragments presented scholars with a Mishnah-like document in which apodictic legal statements dominated, in which some casuistic statements were included as well, and in which a small number of justificatory scriptural proof-texts also appeared. This actually led some scholars to conclude that the Mishnaic type was the earliest form.[107] Now, however, the *Temple Scroll* shows how the very words of the Torah were rewritten to express the legal traditions and polemics of the author(s).[108] The very same laws are sometimes found both in this "midrashic" text and in "mishnah" form in the Zadokite Fragments, MMT, or other texts. It is clear, therefore, that at least for some Jews already in the second century B.C.E., both forms coexisted among students of the Torah just as they coexisted in tannaitic circles by the second century C.E.

Throughout Yadin's commentary on the *Temple Scroll*, he alluded to the polemical nature of the text. A casual reader of the scroll, however, would have been impressed by the irenic tone of the author or compiler who chose to build his polemics into positive statements of his own views. But this text is correctly seen as a reformist document, calling for changes in the Temple structure, sacrificial practice, even government and military practices in the Hasmonean state in which the author lived.[109] So Yadin was correct in observing that numerous statements of the author constituted polemics against what he termed "the solidified law" of the Sages.

The polemics against views inherent in late rabbinic literature were later to be understood by scholars in light of the MMT document. Based on a short allusion to this document and a brief quotation which had been earlier published under the title of 4QMishnique,[110] it had already been proposed that this document as well as the *Temple Scroll* included some Sadducean laws.[111] The only real information on the halakhic differences between the Pharisees and the Sadducees

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[107] Cf. Chaim Rabin, *Qumran Studies* (Scripta Judaica 2; Oxford: Clarendon, 1957), 95–99.

[108] Yadin, *Temple Scroll* 1.77–81; Dwight D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT* (STDJ 14; Leiden: Brill, 1995).

[109] Cf. Lawrence H. Schiffman, *In the Courtyards of the House of the Lord: Studies on the Temple Scroll* (ed. F. García Martínez; STDJ 75; Leiden: Brill, 2008), 3–18, 33–51.

[110] Józef T. Milik in DJD 3, 225.

[111] Joseph M. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980): 157–70.

available was that contained in early rabbinic literature.[112] Josephus had reported only theological differences between the Pharisees and Sadducees,[113] not mentioning any specific halakhic disputes. Now, for the first time, in MMT, a Second Temple text was available that, as its editors showed,[114] discussed numerous halakhic disputes, some of which were directly parallel to the Pharisee-Sadducee disputes of tannaitic texts.[115] Further, other disputes in this document easily lent themselves to interpretation along the same lines for they clearly involved differences of opinion that would be understood as arising from the hermeneutical assumptions of the Sadducees or as a result of their priestly and Temple-centered piety. Clearly, in this document and in the rabbinic tannaitic material, we were dealing not with Sadducees bent on Hellenization, but rather with highly committed Jews whose homiletical and legal tradition differed from those of the Pharisees.

It now became clear that the polemics of the *Temple Scroll* and other halakhic documents from Qumran represented the views of this group whose traditions and interpretations were already to some extent crystallized before the Maccabean Revolt. But perhaps, more surprisingly, the aggregate of all such polemics in the halakhic material in the scrolls, whether direct or indirect, pointed toward the existence, certainly by about 150 B.C.E., of a considerably developed Pharisaic system of laws against which these particular priestly sectarian circles were arguing. This pre-destruction dating is confirmed likewise by evidence from the Gospels.

This indeed constitutes a major conclusion for the history of Jewish law. For not only was direct evidence for the Sadducean approach recovered, but, more importantly, it was established conclusively that the Pharisaic-rabbinic tradition is deeply rooted in the Hasmonean period. In fact, these conclusions are in marked contrast to the claim of radical discontinuity between the pre- and post-70 period that had been put forward by some scholars.

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[112] Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.–A.D. 135)* (Rev. ed.; 3 vols. in 4; ed. Geza Vermes, Fergus Millar, with Pamela Vermes and Matthew Black. Edinburgh: T & T Clark, 1973–87), 2:384–86, 409–11.

[113] Josephus, *Ant.* 13.171–73; *War* 2.119–66; *Ant.* 18.11–17 in *Texts and Traditions: A Source Reader for the Study of Second Temple and Rabbinic Judaism* (Hoboken, N.J.: Ktav, 1998), 266–69.

[114] Qimron and Strugnell, DJD 10, 123–77.

[115] Cf. the articles of Sussman and Schiffman, above, n. 96.

The Qumran materials have provided us with what we now know to be an entirely alternative system of Jewish law from Second Temple times, dating at least from the Hasmonean period, and in the case of some laws and even texts, to the pre-Maccabean period. These documents point to the Sadducean priestly heritage as the locus from which these traditions originate and have allowed us to understand an entirely different system of biblical interpretation which was previously not available.

When we now step back to evaluate the cumulative effects of the study of the various corpora of legal texts—proscriptive and documentary—that we have at our disposal, we are able to trace a process of development and to some extent progressive standardization. In the Wadi-Daliyeh texts, representative of Samarian legal usage in the fourth century B.C.E., we see a strong dose of common Aramaic legal formulary, similar to that found in the Elephantine papyri and deeply rooted in Mesopotamian usage. To the extent that this usage shares elements with late Jewish usages displayed in the documents from the so-called Bar Kohkba caves, this results from the common influence of these earlier Near Eastern usages. Little is parallel in any case to the legal systems of Qumran or the early rabbis, and it is not enough to assert the Samarian or Samaritan character of this material as an explanation. Rather we must see many of these elements as later Jewish developments from the Hellenistic period.

But the somewhat later Qumran material testifies to the existence of much of what was apparently the Sadducean trend in Jewish law—that of the Sadducees of rabbinic literature, the Boethusians,[116] the Qumranites, and the author of *Jubilees*—in the second and first centuries B.C.E. The polemical material in these texts—in the Zadokite Fragments (*Damascus Document*), *Temple Scroll*, and *Miqṣat Maʿase ha-Torah*—further proves the existence of the Pharisaic legal system which underlies tannaitic literature, and of its exegetical underpinnings, in the same period, long before the destruction of the Temple. We even find terms like תלמוד and מדרש used here. But in these centuries, we do not yet find standardization. Competing approaches coexisted among Torah observant Jews.

When we reach the period of Masada and its texts, we seem to be close to halakhic standardization of Pharisaic practice, to the exclu-

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[116] Cf. Raymond Harari, "Boethusians," *EDSS* 1:100–102.

sion of the Sadducean trend. But here we must extrapolate from the synagogue, the mikva'ot, and the almost exclusively Masoretic form of the biblical texts found at the site. Yet even in this "Pharisaic halakhic" atmosphere, the wide range of Second temple literature was still being read.

By the era of the Bar Kokhba documents, we find that Jewish legal practice is essentially Pharisaic-rabbinic although not exclusively. Contracts for land sales, marriage, and divorce written in Aramaic and Hebrew follow more or less procedures of the Pharisaic-rabbinic approach. However, even in this legal context, procedures are not always up to the tannaitic standards (to make a value judgment) as in the case of the method of setting aside the Sabbatical year solely on the basis of agreement in the loan document.[117] Yet here we find a competing legal system that must not have been limited to a few Jews in the Dead Sea area of Judea or in Arabia.[118] One has to assume that reliance on Greco-Roman legal forms, often alongside Jewish legal usages, was common even in the earlier days of the Second Commonwealth. What this shows is that as formative halakhah gained undisputed ascendancy in the domain of Jewish practice, the Greco-Roman system of the eastern Roman Empire continued to play a vital role in Jewish life at least into the first two centuries C.E., if not later, since the Byzantine period in Palestine was an era of increased Hellenization. Taken together, all these legal texts, admittedly of very disparate character, allow us to trace aspects of the history of Jewish law.

Conclusion

We have tried to touch on just a few areas where the consideration of not only the Qumran corpus, but also of the other Judean Desert texts, can help us to reassemble the fragmentary scroll that was once ancient Judaism, in all its approaches and periods. The task of bridging the gaps—restoring the lacunae—will more than justify itself as these

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[117] Mur 18:7 in Milik, DJD 2, 100–104. Such a procedure later developed in medieval Jewish law (Maimonides, *Hilkhot Shemitta ve-Yovel* 9:10) in an effort to encourage the investment of capital.

[118] Lawrence H. Schiffman, "Jews in the Dead Sea Area in the First Two Centuries of the Common Era," in *Center and Diaspora. Eretz Israel and the Diaspora in the Second Temple, Mishnaic, and Talmudic Periods* (ed. Isaiah Gafni; Jerusalem: Zalman Shazar Center, 2004), 107–23 [Hebrew].

recently published materials continue to be analyzed. The challenge we face is the ability to integrate this disparate evidence with that we already have, and with the continued findings of textual and archaeological research. But this, indeed, is the task of the historian, whether the goal be political, social, economic or religious history.

Clearly, the Dead Sea Scrolls refer directly to the history of Jewish language, religious thought and law. In this respect, they are sources for the study of the history of Judaism. Yet at the same time, they provide a unique insight into the nature of the Judaism that constitutes the background for early Christianity. It is only when this is fully realized and the scrolls are studied as central Jewish documents that their relevance to Christianity can be realized.

The scrolls have truly forged for us a new path, enabling us to restore more and more of the religious tapestry of ancient Judaism in the centuries preceding and following the development of rabbinic Judaism from the biblical and Second Temple heritage and the emergence of Christianity. The scrolls call on us to complete the academic task of our century—restoring the lost scroll of ancient Judaism, understanding how it developed into the Judaism of the rabbis of the Talmud, and how it served as the background for the rise of Christianity.

We have tried, as we have surveyed the various contributions that the Qumran scrolls and the Judean Desert documents have made to our understanding of early Judaism and formative Christianity, to highlight the significant contributions of members of the New York University faculty, present and emeritus, as well as the doctoral alumni of whom we are so proud. I cannot measure how much I have learned from colleagues and students here at NYU and the extent to which the intellectual atmosphere that we created together has nourished my own work as it has nourished theirs. We have in turn been privileged to participate in the larger world of Dead Sea Scrolls research and together we may be justly proud of the contribution of New York University to the rediscovery of the ancient Jewish past and its interpretation in the contexts of the ongoing traditions of Judaism and Christianity.

THE TRADITIONAL ROOTS OF PRIESTLY
MESSIANISM AT QUMRAN*

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1. *Introduction*

It is well known that some of the sectarian documents from Qumran express the expectation of the arrival of a priestly messiah in the end of days.[1] According to 1QS 9:11, the *locus classicus* for the discussion of Qumran messianism, the "messiah of Aaron," (משיח אהרון) was to be accompanied by two additional eschatological figures: a quasi-messianic prophet (נביא) and a lay, presumably royal, messiah (משיח ישראל). Other sectarian works such as the *War Scroll*, the *Rule of the Congregation*, and the so-called "pierced-messiah text" or 4Q*Sefer ha-Milḥamah* (4Q285), also mention eschatological priestly figures, but never refer to them as "messiahs." Alternative titles for end-time priests found in the scrolls likely include "the interpreter of the law" (דורש התורה; CD 7:18; 4Q*Florilegium* [4Q174] 2 I, 11), the "one who will teach righteousness in the end of days" (יורה הצדק באחרית הימים; CD 6:11), and, simply, "the priest" (הכוהן; 1QSa 2:19; 1QM 10:2).

The variety of epithets attributed to these eschatological celebrities has led to a certain amount of confusion among scholars. Should these figures be identified with the priestly messiah, the messiah of Aaron? According to the minimalist school of thought, such identifications will lead only to more confusion, and the study of Qumran messianism should be limited to those few texts which expressly

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[1] With the phrase "sectarian documents" I refer to those texts likely composed by the Qumran sectarians themselves, as opposed to "non-sectarian documents" composed by predecessors and outsiders, which also found their millennia-long resting place in the caves of Qumran.

mention the word "messiah" (משיח).[2] However, restricting the investigation of messianic figures on the basis of terminology results in the exclusion of several key texts which may be said to pertain to a messiah, in the sense of a future leader who plays a liberating role in the end-time.[3] Accordingly, the correlation of the various epithets is to be seen as "an essential step in the interpretation of the scrolls."[4] As such, I utilize the word messiah as a functional term referring to a grand leader of the end-time, regardless of whether or not the character in question is actually described as "anointed." However, it is advisable to remain cognizant of the possible variety implied by terminological differences.

The present study primarily seeks to shed light on the traditional roots of Qumranite representations of priestly messianic figures. Research has shown that such representations envision the priestly messiah as associated with four, or possibly five, different general roles or characteristics: (1) teaching and the proliferation of the law for the new age, (2) leadership of the eschatological military camp, (3) leadership of the reconstituted cultic community, and, possibly, (4) atonement on behalf of the people. (5) At times he appears alongside another figure of authority often identified as the lay or royal messiah.[5]

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[2] James H. Charlesworth, "Challenging the *Consensus Communis* Regarding Qumran Messianism (1QS, 4QS MSS)," in *Qumran-Messianism: Studies on the Messianic Expectations in the Dead Sea Scrolls* (ed. James H. Charlesworth, Hermann Lichtenberger, and Gerbern Oegema; Tübingen: Mohr [Siebeck], 1998), 124. See also Joseph A. Fitzmyer, "Qumran Messianism" in *The Dead Sea Scrolls and Christian Origins* (Grand Rapids: Eerdmans, 2000), 73.

[3] The definition is Oegema's. See the survey of definitions of the term messiah in idem, *The Anointed and His People: Messianic Expectations from the Maccabees to Bar Kochba* (JSPSup 27; Sheffield: Sheffield Academic Press, 1998), 22–27.

[4] John J. Collins, *The Scepter and the Star: The Messiahs of the Dead Sea Scrolls and Other Ancient Literature* (ABRL; NY: Doubleday, 1995), 60. On the correlation of messianic titles, see idem, "Messiahs in Context: Method in the Study of Messianism," in *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site: Present Realities and Future Prospects* (ed. Michael O. Wise et al.; N.Y.: New York Academy of Sciences, 1994), 213–27. See also the comments of John C. Poirier, "The Endtime Return of Elijah and Moses at Qumran," *DSD* 10 (2003): 222.

[5] Teaching and the proliferation of the law for the new age: 1QS 9:11; CD 12:23–13:1; 14:18–19; 4Q175 14–20; cf. 4QpIsaᵃ; 4Q541 9; CD 6:11; 7:18; 4Q174 2 I, 11. Leadership of the eschatological military camp: 1QM, passim; 4Q285 7 5–6; cf. CD 19:10–11. Leadership of the reconstituted cultic community: 1QM 2:1–6; 1QSa 2:11–21. Atonement on behalf of the people: CD 14:19; cf. 4Q541 9 2; 11Q13 2:6–8. Appearance alongside another figure of authority often identified as the lay or royal messiah: 1QS 9:11; CD 7:18–21; 4Q174 2 I, 11; 1QSa 2:11–21; 4Q161 8–10 III, 18–25;

The precursors to these roles and characteristics are to be found throughout the Hebrew Bible. Indeed, in several biblical passages, we learn of the didactic, judicial, cultic, martial, and atoning functions of priests.[6] Moreover, the split reflected in the Qumran texts between lay and sacerdotal eschatological authority is prefigured by the diarchy of Zerubbabel and Joshua, the "two sons of oil" of the early restoration community mentioned in Zechariah 4.[7] As for the phenomenon of anointing, in Leviticus, various cultic acts are assigned to הכהן המשיח (4:3, 5, 16; 6:15). In addition, the book of Daniel likely refers to historical high priests with the word משיח (9:25–26).

However, none of the above biblical texts refer to a priest in the sense of a *future* messianic figure. To be sure, the Qumranites did apply Num 24:17 and Deut 33:8–11 to such a personage;[8] but exegesis of these verses alone cannot account for the invention of the notion of a priestly messiah. Indeed, the Qumranites show themselves perfectly capable of interpreting "obvious" messianic passages non-messianically.[9] It is therefore clear that such interpretation was not required by a close reading of the text but rather involved a conscientious choice and reflects the attitudes and perceptions of the interpreters.

It is often noted that beyond the Hebrew Bible, the most fertile grounds for the purpose of illuminating the traditional origins of Qumran's priestly messianism are to be found in the so-called "authoritative pseudepigraphic" traditions, so popular at Qumran, which employ intricate biblical exegesis in order to portray the patriarch Levi as an ideal figure of priestly wisdom, zealotry, and purity.[10]

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cf. 4Q175; 11QT 58:18–19. For a full discussion of these sources, see Angel, *Otherworldly and Eschatological Priesthood*, 171–208.

[6] For numerous significant citations, see Menahem Haran, "Priests and Priesthood," *EncJud* 13:1076–80.

[7] Scholars also point to such passages as 1 Chr 29:22, where Solomon and Zadok are anointed simultaneously, and Jer 33:14–26, where priests are elevated beside the king.

[8] Num 24:17: CD 7:18–21. Deut 33:8–11: 4Q175 14–20.

[9] For example, in CD 7:16–17, the "king" of Amos 5:26 is interpreted as the "congregation." In 4Q174 1 19, the "anointed one" of Ps 2:2 is interpreted as the plural "chosen ones." See further, John J. Collins, "The Nature of Messianism in the Light of the Dead Sea Scrolls," in *The Dead Sea Scrolls in their Historical Context* (ed. Timothy H. Lim; Edinburgh: T & T Clark, 2000), 216–17.

[10] See, for example, Collins, *The Scepter and the Star*, 83–95; James C. VanderKam, "Jubilees and the Priestly Messiah of Qumran," *RevQ* 13 (1988): 353–65. For the term "authoritative pseudepigraphy," see Moshe J. Bernstein, "Pseudepigraphy in the

These traditions appear mainly in *Jubilees* and the *Aramaic Levi Document*, both of which were certainly of great interest to, and perhaps even authoritative for, the Qumranites.[11] Before turning to these and other texts, it will be helpful to consider some historical developments relevant to the discussion.

2. *Historical Background*

Second Temple period Judah witnessed a dramatic paradigm shift with respect to political structure. With the dissolution of the Davidic dynasty, power swung from the royal palace toward the rebuilt Jerusalem temple, which became the command center of the restored Judahite community.[12] The Persian period saw the rise of a diarchic form of government, in which power was granted to a lay governor and a high priest, both of whom, of course, were subordinate to foreign rule. Although the evidence is sparse for this period, it appears that the lay leader governed civil affairs while the priest attended to cultic matters.[13] By the early Hellenistic period however, there is evidence that the high priest was exercising political power without the assistance of a civil governor.[14] Since the Hellenistic empires did not appoint gov-

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Qumran Scrolls: Categories and Functions," in *Pseudepigraphic Perspectives: The Apocrypha and Pseudepigrapha in Light of the Dead Sea Scrolls* (ed. Esther G. Chazon and Michael E. Stone; STDJ 31; Leiden: Brill, 1999), 1–26.

[11] Indeed, the *Damascus Document* cites the book of *Jubilees* as an authoritative source (CD 16:3–4) and quotes the "words of Levi" from an unknown Levi apocryphon similar to *ALD* (CD 4:15–18). The fundamental importance of these compositions for the Qumranites is further demonstrated by the large numbers of copies of each work discovered at Qumran (at least fourteen copies of *Jubilees* and seven copies of *ALD*).

[12] To be sure, the first two governors of Yehud, Zerubbabel and Sheshbazzar, were Davidides, but the Persians appear to have discontinued this policy for fear of arousing the nationalistic hopes of the Judahite community. For the early government of the province of Yehud in the early Persian period, see Lester L. Grabbe, *Judaism from Cyrus to Hadrian* (Minneapolis: Fortress Press, 1992), 73–79.

[13] See the discussion of Deborah W. Rooke, *Zadok's Heirs: The Role and Development of the High Priesthood in Ancient Israel* (Oxford Theological Monographs; Oxford: Oxford University Press, 2000), 120–22.

[14] See Uriel Rappaport, "The Coins of Judea at the End of the Persian Rule and the Beginning of the Hellenistic Period," in *Jerusalem in the Second Temple Period: Abraham Schalit Memorial Volume* (ed. Aharon Oppenheimer, Uriel Rappaport, and Menahem Stern; Jerusalem: Yad Izhak Ben-Zvi, Ministry of Defense, 1980), 7–21 [Hebrew]; James C. VanderKam, *From Joshua to Caiaphas: High Priests after the Exile* (Minneapolis: Fortress Press, 2004), 122–24.

ernors alongside the high priests, the power and prestige of the high priestly office rose to unprecedented heights.[15] Eventually under the Hasmoneans, who were independent from foreign rule, the originally separate offices of high priest and king were unified by a succession of individual rulers. These days saw the advent of the Qumran community. The Qumranite expectation of an ideal priestly figure who would arrive in the future reflects the community's expressed dissatisfaction with the exercise of the sacerdotal office in Jerusalem from the time of the Hasmonean priest-kings and its dismay with what it perceived as the pollution of the temple. With the arrival of the priestly messiah who would teach the new law to, preside over, and possibly atone for the purified cultic community, this situation would be rectified.[16]

Another notable shift in the Second Temple period was brought about by the emergence, under the Persians, of the Torah as the law of the land (see Ezra 7:25–26). The unparalleled authority of the written word of God necessarily gave rise to a new type of power; that of the scribe trained in the close reading and interpretation of the Torah.[17] In order to become a scribe one needed both natural intelligence and a good education. As Ben Sira pointed out in the second century B.C.E., such education required the opportunity of leisure, and by inference, plenty of money (38:24–33). Naturally, priests were top candidates for this position as the temple and its leadership enjoyed the backing of the foreign imperialistic powers. However, the scribal office certainly did not require priestly lineage.[18] The

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[15] David M. Goodblatt, *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity* (TSAJ 38; Tübingen: Mohr [Siebeck], 1994), 7–23.

[16] See Collins, *The Scepter and the Star*, 84.

[17] For Jewish scribalism in Second Temple times, see Joachim Jeremias, *Jerusalem in the Time of Jesus: An Investigation into Economic and Social Conditions during the New Testament Period* (trans. F. H. Cave and C. H. Cave; Philadelphia: Fortress Press, 1969), 233–45; David E. Orton, *The Understanding Scribe: Matthew and the Apocalyptic Ideal* (JSNTSup 25; Sheffield: JSOT Press, 1989); Elias Bickerman, *The Jews in the Greek Age* (Cambridge: Harvard University Press, 1988), 161–76; Meir Bar-Ilan, "Scribes and Books in the Late Second Commonwealth and Rabbinic Period," in *Mikra: Text, Translation, Reading and Interpretation of the Hebrew Bible in Ancient Judaism and Early Christianity* (ed. Martin J. Mulder; CRINT 2.1; Maastricht: Van Gorcum, Assen; Philadelphia: Fortress Press, 1988), 21–24.

[18] Indeed, several influential scholarly accounts posit a shift of scribal power from priests to elite laymen in the Second Temple period. See for example, Emil Schürer, *The History of the Jewish People in the Age of Jesus Christ (175 B.C.–A.D. 135)* (rev. and ed. Geza Vermes, Fergus Millar, and Matthew Black; Edinburgh: T & T Clark, 1979) 2:322–23; Elias Bickerman, *From Ezra to the Last of the Maccabees: Foundations of Postbiblical Judaism* (NY: Schocken, 1962), 67–71; Shaye J. D. Cohen, *From the*

concurrent rise of these two offices, priest and scribe, as well as the disappearance of Davidic authority in the Second Temple period provides important historical background for the understanding of the traditional roots of priestly messianic expectation at Qumran.

3. *The Magnetic Quality of Priesthood in Second Temple Literature*

In light of the magnified political and religious importance of the priesthood in the Second Temple period and the critical eyes under which it operated, it is no surprise to encounter a variety of texts from that era reflecting a range of fervent opinions regarding the proper behavior and role of priests in society. With the support of scriptural exegesis, these compositions craft ideal patterns of priestly conduct and exemplary priestly figures. In doing so, they often expand the traditional biblical portrait of the priest, which includes mostly cultic, but also judicial, instructional, and other responsibilities,[19] and attribute to him the key social roles of external figures (such as king, sage, or scribe)—a literary phenomenon that may be termed "priestly magnetism."[20] It is safe to assume that this literary practice reflects the value systems of the authors, as well as their polemical or apologetic reactions to

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Maccabees to the Mishnah (Philadelphia: Westminster, 1987), 102, 160–161, 218; idem, "The Temple and the Synagogue," in *The Temple in Antiquity: Ancient Records and Modern Perspectives* (ed. Truman G. Madsen; Provo: Brigham Young University, 1984), 151–74, esp. 161–62; Martin Hengel, *Judaism and Hellenism: Studies in their Encounter in Palestine during the Early Hellenistic Period* (trans. John Bowden; Philadelphia: Fortress, 1974), 1:78–83; Victor Tcherikover, *Hellenistic Civilization and the Jews* (trans. S. Applebaum; Philadelphia: Jewish Publication Society, 1966), 124–25, 197, and notes on 456–57. However, a number of scholars have challenged the assumption that a class of popular lay scribes arose in Second Temple times. See, e.g., Rebecca Gray, *Prophetic Figures in Late Second Temple Jewish Palestine: The Evidence from Josephus* (N.Y.: Oxford University Press, 1993), 53–58; Anthony J. Saldarini, *Pharisees, Scribes and Sadducees in Palestinian Society: A Sociological Approach* (Wilmington, Delaware: Michael Glazier, 1988), 241–76, esp. 273–76; E. P. Sanders, *Judaism: Practice and Belief 63 B.C.E.–66 C.E.* (London: SCM Press, 1992), chaps. 18, 21; Steven D. Fraade, "'They Shall Teach Your Statutes to Jacob': Priest, Scribe, and Sage in Second Temple Times" (unpublished paper). I thank Professor Fraade for sharing his work with me.

[19] See Haran, "Priests and Priesthood," 1076–80.

[20] Michael E. Stone, "Ideal Figures and Social Context: Priest and Sage in the Early Second Temple Age," in *Ancient Israelite Religion: Essays in Honor of Frank Moore Cross* (ed. Patrick D. Miller, Paul D. Hanson, and S. Dean McBride; Philadelphia: Fortress Press, 1987), 582, defines the literary phenomenon of magnetism generally as "the tendency of certain ideal figures to attract broad and significant characteristics."

their particular historical settings. Therefore the study of instances of priestly magnetism serves as a good basis "for discovering which ideals were considered central to people's world views."[21]

In attempting to clarify the traditional roots of priestly messianism at Qumran, it will thus be instructive to investigate the priestly magnetism of the *Aramaic Levi Document* and *Jubilees*. To be sure, the portraits of Levi in these works do not necessarily have eschatological import. However, they do provide idealized paradigms of priestly leadership that are far closer to Qumranite notions of priestly messianism than the biblical texts. The Qumranites were surely interested in these paradigms, and, even if they were not utilized consciously, they constituted an important element of the Qumranite religious imagination responsible for the propagation of the notion of priestly messianism. In addition, it will be illuminating to compare the priestly magnetism of these works with that of a roughly contemporary non-sectarian document which was also known at Qumran, Hebrew Ben Sira. All three of these compositions, the *Aramaic Levi Document, Jubilees*, and Hebrew Ben Sira date from the middle of the second century B.C.E. and earlier, prior to the establishment of the community at Qumran.[22]

3.1. *Hebrew Ben Sira*

Ben Sira is clearly a non-sectarian text, originally composed by the Jerusalemite sage Jesus ben Sira between the years 190 and 175 B.C.E. Ben Sira was a steadfast proponent of the Jerusalem temple establishment and an avid supporter of the Zadokite priesthood. In this regard, his work differs from many of the blistering criticisms of the Jerusalem establishment discovered at Qumran.[23] In the "Praise of the Fathers,"

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[21] On this methodological assumption, see Stone, "Ideal Figures and Social Context," 575–86. For several examples of its application, see the collection of essays in *Ideal Figures in Ancient Judaism* (ed. John J. Collins and George W. E. Nickelsburg; SBLSCS 12; Chico: Scholars Press, 1980).

[22] For discussions of the dating of the composition of *ALD, Jubilees*, and Hebrew Ben Sira respectively, see Robert A. Kugler, *From Patriarch to Priest: The Levi-Priestly Tradition from Aramaic Levi to Testament of Levi* (SBLEJL 9; Atlanta: Scholars Press, 1996), 134–35; James C. VanderKam, *The Book of Jubilees* (Guides to Apocrypha and Pseudepigrapha; Sheffield: Sheffield Academic Press, 2001), 17–21; Richard J. Coggins, *Sirach* (Guides to Apocrypha and Psuedepigrapha; Sheffield: Sheffield Academic Press, 2001), 18–20.

[23] See, e.g., Benjamin G. Wright, "'Fear the Lord and Honor the Priest,' Ben Sira as Defender of the Jerusalem Priesthood," in *The Book of Ben Sira in Modern Research: Proceedings of the First International Ben Sira Conference 28–31 July 1996*

the long panegyric dedicated to the patriarchs of Israel at the end of the work, Aaron receives more attention than Moses, David, or any other figure from Israel's past (45:6–22). The attention devoted to Aaron is surpassed only by the verses describing Simon, the high priest of Ben Sira's own days (50:1–21).

Although it has been argued that Ben Sira advocates a diarchic model of government,[24] it is more likely that the book envisions the priesthood as the ideal governing authority, while demoting the importance of the royal monarchy. This view is substantiated by the fact that in addition to normal cultic functions, royal qualities are consistently and deliberately attracted to the idealized high priestly figures. For example, as John Snaith observes, the reference to a "golden crown" (עטרת פז) in addition to Aaron's high priestly head-dress (מצנפת) in 45:12 recalls the עטרת פז of Ps 21:4. There, the crown is placed by God on the head of the king, not the priest.[25] According to 45:15, Aaron "and his seed" (וזרעו) will enjoy an eternal covenant "as the days of heaven" (כימי שמים). The phrases זרעו and כימי שמים also appear in the context of a covenantal blessing in Ps 89:30, but there the subject is the Davidic dynasty. The fact that the context of the Psalm is a lament about the failure of the promise of an eternal Davidic dynasty makes Ben Sira's use of this language for Aarons' descendants all the more pointed.[26]

It has been noted that the high priest of Ben Sira's day, Simon, likewise attracts royal qualities.[27] Indeed, in 50:21, Simon receives the same royal blessing earlier granted to Aaron: "May his love abide upon Simon and may he keep in him the covenant of Phinehas; may one never be cut off from him; and as for his offspring, (may it be) as

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Soesterberg, Netherlands (ed. Pancratius C. Beentjes; BZAW 255; Berlin: Walter de Gruyter, 1997), 189–222; idem, "Putting the Puzzle Together: Some Suggestions Concerning the Social Location of the Wisdom of Ben Sira," *SBLSP* 35 (1996): 133–49.

[24] See for example, Saul M. Olyan, "Ben Sira's Relationship to the Priesthood," *HTR* 80 (1987): 283–286, and, more cautiously, Goodblatt, *The Monarchic Principle*, 60–61. Cf. J. Priest, "Ben Sira 45, 25 in the Light of the Qumran Literature," *RevQ* 5 (1964–66): 111–18.

[25] John G. Snaith, "Biblical Quotations in the Hebrew of Ecclesiasticus," *JTS* 18 (1967): 7, n. 3.

[26] So Martha Himmelfarb, *A Kingdom of Priests: Ancestry and Merit in Ancient Judaism* (Philadelphia: University of Pennsylvania Press, 2006), 35.

[27] Burton L. Mack, *Wisdom and the Hebrew Epic: Ben Sira's Hymn in Praise of the Fathers* (CSHJ; Chicago: University of Chicago Press, 1985), 35–36; Himmelfarb, *A Kingdom of Priests*, 36.

the days of heaven" (לו ולזרעו כימי שמים).[28] Like kings before him, especially Hezekiah, Simon is responsible for fortifying the city from the enemy and digging a reservoir. In addition, he renovates and fortifies the temple, which is termed, strikingly, "the temple of the king" (היכל המלך; 50:1–4). In the concluding hymn of blessing, the author prays that "wisdom" (חכמה) and "peace" (שלום) will permeate society (50:23). In the Hebrew Bible, these two qualities are mentioned as present in Israel only during the time of King Solomon (see, e.g., 1 Kgs 5:26). It is thus clear that Ben Sira intended for his readers to recognize that the primary functions of the king were to be associated with the high priest.[29]

A further notable example of priestly magnetism appears in 45:25, where the praise of Phinehas is interrupted with references to David and Aaron:

וגם בריתו עם דוד בן ישי למטה יהודה
נחלת אש לפני כבודו נחלת אהרן לכל זרעו

Admittedly, the passage is difficult to render and many scholars detect textual corruption, especially in the second half of the verse.[30] Helge Stadelmann translates, "Und auch Sein Bund mit David, dem Sohne Isais vom Stamme Juda, ist das Erbe eines Mannes vor dem Angesicht Seiner Herrlichkeit, das Erbe Aarons für all seine Nachkommen." He argues that the "Mannes vor dem Angesicht Seiner Herrlichkeit" must refer to the high priest, who is so closely associated with God's glory in Ben Sira 45 and 50. Moreover, he claims that this passage reflects the transfer of the Davidic covenant to the seed of Aaron.[31] While this

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[28] The translation is from the notes of the *Oxford Annotated Apocrypha, Expanded Edition Containing the Third and Fourth Books of the Maccabees and Psalms 151* (ed. Bruce M. Metzger; NY: Oxford University Press, 1977), 196.

[29] Mack, *Wisdom and the Hebrew Epic*, 35. Cf. the comments of Menahem Kister on the description of Samuel in Sir 47:31 in "Metamorphoses of Aggadic Traditions," *Tarbiz* 60 (1991): 205 [Hebrew].

[30] For various proposals and bibliography, see Olyan, "Ben Sira's Relationship to the Priesthood," 285–6.

[31] Helge Stadelmann, *Ben Sira als Schriftgelehrter: eine Untersuchung zum Berufsbild des vor-makkabäischen Sofer unter Berücksichtigung seines Verhältnisses zu Priester-, Propheten- und Weisheitslehrertum* (WUNT 2,6; Tübingen: Mohr [Siebeck], 1980), 159: "Das zeigt an, dass er auch für die zukunft keinen Davididen an der Spitze des Volkes erwartet, sondern diese Position als bleibendes Privileg der Hohenpriester betrachtet."

interpretation is questionable on many grounds,[32] it remains compelling in light of the above examples of priestly magnetism as well as the literary context of the verse. The verse appears just after the praise of Phinehas and his eternal covenant of high priesthood (vv. 23–24), and just before a hymn in which Ben Sira prays for other high priests, especially the contemporary Simon (vv. 25–26), who, as we have seen, is portrayed in royal terms.[33] The introduction of David here may indeed indicate that Ben Sira views monarchic rule by high priests as the ideal. At the very least, we may conclude that Ben Sira sees the ruling power of the high priesthood as comparable with that of the Davidic dynasty.

Further support for this hypothesis may be adduced from Ben Sira's penchant to downplay the monarchy. Indeed, kingship is portrayed as a flawed institution: "Besides David, Hezekiah, and Josiah, they were all corrupt. They abandoned the law of the Most High; the kings of Judah until their end" (49:4). As Stadelmann points out, in Ben Sira's praise of David, there is no reference to an eternal covenant, like that guaranteed for Phinehas. Rather, God only gives David "the law of kingship" (חק ממלכת), and it is only David's *power* that is deemed eternal (וירם קרנו לעולם).[34] Martha Himmelfarb has recently noted that the prestige of the monarchy is demoted also in Ben Sira's discussions of the only other kings mentioned by name in the Praise of the Fathers—Solomon, Hezekiah, and Josiah. Josiah is praised highly, but in cultic terms that recall the power of the priesthood: "The memory of Josiah is like a blending incense (כקטרת סמים) prepared by the art of the perfumer" (49:1). Hezekiah's acts are largely overshadowed by those of Isaiah (48:20–25), who is given credit for the failure of Sennacherib's siege. Solomon is a particularly important case because as the ideal biblical figure of wisdom, he might have been thought to

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[32] For one, as Leo G. Perdue (*Wisdom and Cult: A Critical Analysis of the Views of Cult in the Wisdom Literature of Israel and the Ancient Near East* [SBLDS 30; Missoula: Scholars Press, 1977], 193) notes, the word אש should most likely be translated "fire," since Hebrew Ben Sira usually utilizes plene orthography. Cf. the vocalization of Moshe Z. Segal, *Sefer Ben Sira ha-Shalem* (Jerusalem: Mosad Bialik, 1976), 312. But with either reading, the Hebrew remains extremely difficult.

[33] Patrick W. Skehan and Alexander A. Di Lella, *The Wisdom of Ben Sira* (AB 39; Garden City: Doubleday, 1987), 514.

[34] Stadelmann, *Ben Sira als Schriftgelehrter*, 161. Cf. Himmelfarb, *A Kingdom of Priests*, 36.

illustrate the correctness of the notion of rule by kings. This is especially true considering Ben Sira's belief that more than anyone else, the sage possesses the tools necessary to govern society (see 38:24–39:11). However, echoing Deuteronomy's Law of the King (Deut 17:17), Ben Sira criticizes Solomon as a sinner whose wisdom was corrupted by his royal powers (47:18–21).[35]

As we might expect, it is rather the idealized high priestly figure whose personality attracts the ideal quality of wisdom. Since Ben Sira emphatically identifies wisdom with Torah (see esp. 24:23),[36] Aaron's position as arbiter of statutes and judgment in Israel (45:17) is to be viewed not only as an expression of the instructional role of the priesthood known from such scriptural passages as Deut 33:8–11 and Mal 2:6–7, but also as an outgrowth of his role as sage. The priestly connection with wisdom is even stronger in the case of the high priest of Ben Sira's day, Simon. This is made clear by a comparison of the description of the service of personified wisdom in the temple (chapter 24) with that of Simon's service in the temple (chapter 50). As C. T. R. Hayward has shown in detail, there is a deliberate parallelism in the accounts that aims to identify Simon with wisdom.[37] It follows that according to Ben Sira, the high priest, not the king, possesses the authority of wisdom which best suits a political governor.

We may thus speak of two aspects of priestly magnetism in Ben Sira, the attraction of the king's qualities and the attraction of the sage's qualities to the figure of the high priest. Although Israel had been a monarchy in the past, this certainly was not the ideal. Rule by high priest was preferable and, indeed, scripturally supported. The idealized high priest's possession of wisdom also made him an authority in matters concerning God's law. There is no doubt that in

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[35] See Himmelfarb, *A Kingdom of Priests*, 36–37.

[36] For Ben Sira's identification of wisdom with the Torah, see Gerald T. Sheppard, "Wisdom and Torah: The Interpretation of Deuteronomy Underlying Sirach 24:23," in *Biblical and Near Eastern Studies: Essays in Honor of William Sanford LaSor* (ed. Gary A. Tuttle; Grand Rapids: Eerdmans, 1978), 166–76. See also A. A. Di Lella, "The Meaning of Wisdom in Ben Sira," in *In Search of Wisdom: Essays in Memory of John G. Gammie* (ed. Leo G. Perdue, Bernard B. Scott, and William J. Wiseman; Louisville: Westminster/John Knox, 1993), 133–48.

[37] C. T. Robert Hayward, "Sacrifice and World Order: Some Observations on Ben Sira's Attitude to the Temple Service," in *Sacrifice and Redemption: Durham Essays in Theology* (ed. Stephen W. Sykes; Cambridge: Cambridge University Press, 1991), 23–24; idem, "The New Jerusalem in the Wisdom of Jesus ben Sira," *SJOT* 6 (1992): 127.

making these assertions, Ben Sira reflects the historical circumstances of the early second century B.C.E. As noted above, in the wake of the dissolution of the monarchy, the local power vacuum in the Second Temple period was filled by the concurrent rise of priestly and scribal authority. By Ben Sira's day the priestly establishment certainly held temporal authority. Since many, if not most, scribes were priests at this time,[38] the establishment also exercised a good measure of control over the interpretation of the Torah. Ben Sira thus represents a powerful endorsement of the status quo when he argues, by means of reworking Scripture, that both royal authority and the authority of the Torah most naturally rested in the idealized high priestly figure of his day, Simon.

Before moving forward, it is worth noting that Ben Sira was not alone in his sentiments regarding the priesthood. In an excerpt preserved by Diodorus Siculus, the Hellenistic ethnographer Hecataeus of Abdera describes the religious and political status of Judean priests and high priests as follows:

> He [Moses] picked out the men of most refinement and with the greatest ability to head the entire nation, and appointed them priests; and he ordained that they should occupy themselves with the temple and the honors and sacrifices offered to their God. These same men he appointed to be judges in all major disputes, and entrusted to them the guardianship of the laws and customs. For this reason (διό) the Jews never have a king, and authority over the people is regularly vested in whichever priest is regarded as superior to his colleagues in wisdom and virtue. They call this man the high priest, and believe that he acts as a messenger to them of God's commandments. It is he, we are told, who in their assemblies and other gatherings announces what is ordained, and the Jews are so docile in such matters that straightway they fall to the ground and do reverence to the high priest when he expounds the commandments to them. And at the end of their laws there is even appended the statement: "These are the words that Moses heard from God and declares unto the Jews."[39]

Despite the obvious influence of Greek ethnographical tradition and political utopianism on this passage, most scholars agree that it is

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[38] Fraade ("'They Shall Teach Your Statutes to Jacob,'") points out the lack of evidence for the existence of non-priestly scribes in Second Temple period sources.

[39] Diodorus, *Bibliotheca Historica* XL 3; translation from Francis R. Walton in the LCL edition, reproduced in *Greek and Latin Authors on Jews and Judaism, Volume One: from Herodotus to Plutarch* (ed. Menahem Stern, Jerusalem: The Israel Academy of Sciences and Humanities, 1976), 1.26–29.

historically reliable.[40] Since it cites two biblical verses, it appears that Hecataeus is using information supplied by Jewish informants.[41] The broad correspondence of this passage with the ideology of Ben Sira is noteworthy. The high priest is a figure of supreme wisdom and virtue. Priests not only govern the nation, but also hold the authority of sages/scribes as judges of "all major disputes" and guardians of "the laws and the customs." Furthermore, it is *because* (διό) of the priestly leadership that the Jews do not have a king. This state of affairs is viewed as stemming from Moses, and thus as God ordained. Since Hecataeus may be dated to the late fourth century B.C.E.,[42] we may conclude that the attraction of royal and scribal qualities to the priesthood in Judahite thought preceded Ben Sira by at least a century.

A famous passage from Josephus indicates that this perspective remained popular for centuries:

> Some peoples have entrusted the supreme political power to monarchies, others to oligarchies, yet others to the masses. Our lawgiver, however, was attracted by none of these forms of polity, but gave to his constitution the form of what—if a coerced expression be permitted—may be termed a "theocracy," placing all sovereignty and authority in the hands of God. (*Against Apion* 2.164–65)[43]

A few lines later he describes this "theocracy" in further detail:

> Could there be a finer or more equitable polity than one which sets God at the head of the universe, which assigns the administration of its highest affairs to the whole body of priests, and entrusts to the supreme high-priest the direction of the other priests? These men, moreover, owed their original promotion by the legislator to their high office, not to any superiority in wealth or other accidental advantages. No; of all his companions, the men to whom he entrusted the ordering of divine worship as their first charge were those who were pre-eminently gifted with persuasive eloquence and discretion. But this charge further embraced a strict superintendence of the Law and of the pursuits of everyday life; for the appointed duties of the priests included general supervision, the trial of cases of litigation, and the punishment of condemned persons. (*Against Apion* 2.185–87)[44]

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[40] See Goodblatt, *The Monarchic Principle*, 11, and bibliography in nn. 19–20.

[41] Goodblatt, *The Monarchic Principle*, 11, 32–33; Henryk Drawnel, *An Aramaic Wisdom Text from Qumran*, (JSJSup 86; Leiden: Brill, 2004), 72.

[42] See Stern, *Greek and Latin Authors*, 20.

[43] Translation from Henry St. J. Thackeray, *Josephus: Against Apion*, (LCL; Cambridge: Harvard University Press; London: William Heinemann, 1927), 359.

[44] Ibid., 367.

As David Goodblatt has illustrated, it appears that Josephus' testimony is independent from that of Hecataeus.[45] Once again, priests are portrayed as virtuous sages exercising royal authority and custodianship of the law. This form of government is traced back to Moses, and thus to the will of God himself. The testimonies of Josephus and Hecataeus thus provide evidence that the characteristics of king and sage continued to be viewed as appropriate to the priesthood throughout the Second Temple period. But in altogether ignoring the existence of monarchy in Israel, these two witnesses go beyond Ben Sira, who felt obliged to deal with the undeniably entrenched tradition of the monarchical covenant.

3.2. *The Aramaic Levi Document*

It has often been observed that the *Aramaic Levi Document* (henceforth, *ALD*) takes an extreme position with regard to the centrality of the priesthood.[46] As in Ben Sira, the idealized priest attracts the characteristics of the king and the sage. But more in line with the passages from Hecataeus and Josephus cited above, there is no acknowledgement of a separate royal governmental paradigm. *ALD* differs from all of these sources in removing its ideal priest far from contemporary times and placing him even before the time of any of the great priestly figures of the Bible. Indeed, it expends considerable exegetical effort in order to justify the elevation of the patriarch Levi to the high priesthood.[47] When the author of *ALD* does appear to refer to the priestly establishment of his own day, his judgment is far from positive:

> You will darken…and upon whom will be the guilt…is it not upon me and you, my sons, for they will know it…w]ays of truth you will abandon and all the paths of…you will be lax and you will walk in

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[45] Goodblatt, *The Monarchic Principle*, 34.

[46] See, for example, Jonas C. Greenfield, Michael E. Stone, and Esther Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary* (SVTP 19; Leiden: Brill, 2004), 20–21.

[47] Of course, this portrait differs considerably from the rather ill-tempered and violent character presented by Genesis. For an exemplary demonstration of the exegetical strategies employed in the rehabilitation of Levi by both *ALD* and *Jubilees*, see James L. Kugel, "Levi's Elevation to the Priesthood in Second Temple Writings," *HTR* 86 (1993): 1–64.

> it…that d[ar]kness will come upon you…now, at ti[mes] you will be lowly. (4QLeviᵃ frg. 4)[48]

According to some scholars, this prophetic warning delivered by Levi to his sons is aimed at a group of priests contemporary with the author with whom he was at odds. The sentiment expressed in this passage has helped convince them that *ALD* arose in anti-temple establishment priestly circles.[49] However, there are reasons to doubt this conclusion (see below).

At any rate, there are several examples of the attraction of royal roles to the priesthood in *ALD*. Unfortunately, the fragmentary state of the text does not allow for certainty in all of the following cases:

First, in *ALD* §§99–100, Levi tells his children that they will be chiefs, judges, priests, and kings (4QLeviᵃ 2 13–15). The same fragment also contains a tantalizing reference to "[Levi's children's] kingdom" (מלכותכן; l. 16).[50]

Second, according to a passage preserved only in the Greek Mt. Athos manuscript, Levi's son Qahat and "his seed, will be the beginning of kings, priesthood for Israel." Greenfield, Stone, and Eshel make a compelling argument that this passage originally existed in the Aramaic text.[51]

Third, the application of the title, "priest of God Most High" (כהין לאל עליון), to Levi in §9 and §13 is most likely a deliberate allusion to Melchizedek, the priest-king of Gen 14:18–20.[52]

Fourth, another mysterious Qumran fragment, 1QLevi 1, claims that "the kingdom of the priesthood is greater than the kingdom[…" (מלכות כהונתא רבא מן מלכות). Based on thematic and linguistic

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[48] Text and translation follow Michael E. Stone and Jonas Greenfield, in George J. Brooke et al., *Qumran Cave 4.XVII: Parabiblical Texts, Part 3* (DJD 22; Oxford: Clarendon, 1996), 21–23.

[49] Kugler, *From Patriarch to Priest*, 130, 136–37; Gabriele Boccaccini, *Beyond the Essene Hypothesis: The Parting of the Ways between Qumran and Enochic Judaism* (Grand Rapids: Eerdmans, 1998), 74.

[50] See Stone and Greenfield, DJD 22, 16–18.

[51] Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 186–87.

[52] See VanderKam, "Jubilees and the Priestly Messiah of Qumran," 364–65; Robert Doran, "The Non-Dating of Jubilees: Jub 34–38; 23:14–32 in Narrative Context," *JSJ* 20 (1989): 3–4; Anders Aschim, "Melchizedek and Levi," in *The Dead Sea Scrolls Fifty Years after Their Discovery: Proceedings of the Jerusalem Congress, July 1997* (ed. Lawrence H. Schiffman, Emanuel Tov, and James C. VanderKam; Jerusalem: Israel Exploration Society, Israel Museum, 2000), 776.

similarities, J. T. Milik placed this fragment next to §§4–6,[53] which refers to two kingdoms, an unnamed positive kingdom and a negative "kingdom of the sword" (מלכות חרבא), characterized by fighting, battle, chase, toil, conflict, killing, and hunger. By contrast the former kingdom is characterized by, "*peace*, and all choice *first-fruits* of the whole earth for food." If the references to "peace" and "first-fruits" refer respectively to Phinehas' covenant of peace (Num 25:12) and the first fruits owed to priests (Num 18:13),[54] then it is possible that the kingdom of priesthood in Milik's fragment is the one here being contrasted with the kingdom of the sword.[55] Indeed, this passage may represent a unique understanding of the notion of ממלכת כהנים found in Exod 19:6. However, since the text is fragmentary this conclusion remains speculative.[56]

Fifth, and finally, perhaps the best known example of the priesthood assuming royal qualities concerns the naming of Levi's second son Qahat in §§66–67:

[וקרא]תי שמה ק[הת וחזי]ת די לה [תהו]ה כנשת כל[עמא וד]י לה
תהוה כהנותה רבתא[לכל יש]ראל

[And I cal]led his name Qa[hat. And] I [sa]w that to him [would] be an assembly of all [the people and that] he would have the high priesthood for [all Is]rael.[57]

As Greenfield and Stone have shown, this "name midrash" transfers Jacob's royal blessing of Judah in Gen 49:10 to Qahat, the second son of Levi through whom the high priestly line passed.[58] It does this by deriving the name קהת from the strange Hebrew word יקהת of Gen. 49:10 (ולו יקהת עמים). In *ALD*, as in several other ancient Jewish

[53] Józef T. Milik, *Qumran Cave 1* (DJD 1; Oxford: Clarendon, 1955), 88–89.

[54] Suggested by Himmelfarb, *A Kingdom of Priests*, 49. Cf. Drawnel, *An Aramaic Wisdom Text*, 242–43.

[55] Assumed by Drawnel, *An Aramaic Wisdom Text*, 213, 242–43.

[56] On the ambiguous import of this verse in the proposed context of *ALD* in which it appears, see Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 139–40.

[57] Text, translation, and reconstruction basically follow Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 94–95.

[58] Jonas Greenfield and Michael E. Stone, "Remarks on the Aramaic Testament of Levi from the Geniza," *RB* 86 (1979): 223–24.

traditions, the word יקהת is interpreted in the sense of "assembly."[59]
Thus *ALD* explains of Qahat, "to him) [would] be an assembly of all
[the people]" (לה [תהו]ה כנשת כל] עמא). Since Gen 49:10 was used
as a prediction of the Davidic messiah in antiquity,[60] some scholars
believe that *ALD* is here attributing to the priesthood the role of the
royal messiah.[61] This view might be thought to gather support from
ALD's employment of another biblical text classically used to predict
the arrival of the royal messiah, Isaiah 11.[62] In his prayer, Levi asks that
God show him "the holy spirit" (τὸ πνεῦμα τὸ ἅγιον) and grant him
"counsel and wi]sdom and knowledge and strength" (עטה וח[כמה
ומנדע וגבורה; *ALD* supp. 8). As several scholars have noted, this
echoes Isa 11:2, רוח ה' רוח חכמה ובינה רוח עצה וגבורה.[63] However,
since in the context of *ALD* the allusion to Isaiah 11 is not utilized
to refer to a future messianic figure, it cannot be said with certainty
to possess eschatological import. This same judgment applies to the
application of Gen 49:10 to Qahat, also an idealized figure from the
distant past.[64] However, it is worth noting that a non-sectarian Ara-
maic composition lying very close to the tradition of *ALD*, known as
4QApocryphon of Levi[b]? (4Q541), does provide a tantalizing portrait
of a grand, unnamed future figure who is to be identified as a priestly
messiah. According to the relevant fragment (4Q541 9), this figure
will possess and teach supernal wisdom and "atone for all the children
of his generation" (ויכפר על כול בני דרה). His teaching will be "like
the will of God" (ואלפונה כרעות אל) and "his eternal sun will shine"

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[59] Michael E. Stone ("The Axis of History at Qumran," in *Pseudepigraphic Perspec-
tives*, 134) cites Aquila's translation (σύστημα λαῶν), 4Q252 5:6, and *Gen. Rab.* 99 as
examples of this interpretive tradition. See also Greenfield and Stone, "Remarks,"
223; Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 184–86.

[60] For an example from the Dead Sea Scrolls corpus, see 4Q252 5. For further
examples, see Onkelos to Gen 49:10; *Gen. Rab.* 98:8; *b. Sanh.* 98b. As Collins (*The
Scepter and the Star*, 62) points out, in these instances, the word שילה is interpreted
as a name for the messiah.

[61] Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 20–21, 186.

[62] For example, 4QpIsa[a] 8–10 III, 15–29; 4Q285 7; *Pss. Sol.* 17:21–25; 18:6–8; cf.
Rom 15:12; *4 Ezra* 13:2–10.

[63] See David Flusser, "Qumran and Jewish 'Apotropaic' Prayers," *IEJ* 16 (1966):
196; Michael E. Stone and Jonas Greenfield, "The Prayer of Levi," *JBL* 112 (1993):
261. Drawnel, *An Aramaic Wisdom Text*, 214–15, points out an additional parallel
with Solomon's prayer for wisdom in 1 Chr 1:9. See also Kugler, *From Patriarch to
Priest*, 73, n. 48, who sees a reference here to Prov 8:10–14 as an equally attractive
possibility.

[64] See Collins, *The Scepter and the Star*, 87–88.

(שמש עלמה תניר). If he is indeed a priestly messiah, then we have evidence that the notion was not far off in this branch of non-sectarian Aramaic literature.

Regardless of whether Levi and Qahat attract messianic qualities in *ALD*, it is clear that they attract royal ones. In my opinion, the evidence cited above is enough to illustrate at least that like Ben Sira, the author of *ALD* envisioned priestly monarchy as the ideal governmental form.[65]

ALD also shows a pronounced tendency to associate the wisdom of the sage and scribe with the priesthood. This is most evident in Levi's parenetic speech to his children, which was appended to the end of *ALD*:[66]

> And in the [hundred and ei]ghteenth ye[ar] of my life, that is the ye[ar] in which my brother Joseph died, I called my child[ren and] their children and I began to instruct them concerning all that was on my mind. I spoke up and said to my chil[dren, "List]en to the word of your father Levi and pay attention to the instructions of God's friend. I instruct you, my sons, and reveal the truth to you, my beloved. May truth be the essence of all your acts and it will be with you forever. If you s[o]w righteousness and truth, you will bring in a blessed and good harvest…And now, my sons, teach reading and writing and teaching of wisdom to your children (וכען בני ספר ומוסר וחוכמה אליפו לבניכון) and may wisdom be eternal glory for you (ותהוי חכמתא עמכון ליקר עלם). For he who learns wisdom will (attain) glory through it, but he who despises wisdom will become an object of disdain and scorn. Observe, my children, my brother Joseph [who] taught reading and writing and the teaching of wisdom, for glory and for majesty; and kings he advised…do not be lax in the study of wisdom…a man who

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[65] See Drawnel, *An Aramaic Wisdom Text*, 71; Greenfield and Stone, "Remarks," 219, 223–24; Marinus de Jonge, *The Testaments of the Twelve Patriarchs: A Study of Their Text, Composition, and Origin* (Van Gorcum's Theologische Bibliotheek 25; Assen: Van Gorcum, 1953), 42.

[66] Scholars have long noted that a natural ending for *ALD* appears at the end of the autobiographical section in §81, where Levi announces, "and all the days of my life were one hundred [and thir]ty-seven years and I saw my thi[rd] generation before I died." See Jürgen Becker, *Untersuchungen zur Entstehungsgeschichte der Testamente der Zwölf Patriarchen* (AGJU 8; Leiden: Brill, 1970), 94–95; Jarl Henning Ulrichsen, *Die Grundschrift der Testamente der zwölf Patriarchen: Eine Untersuchung zu Umfang, Inhalt und Eigenart der ursprünglichen Schrift* (Acta Universitatis Upsaliensis, Historia Religionum 10; Uppsala: Almqvist & Wiksell, 1991), 186. However, as Kugler (*From Patriarch to Priest*, 129) points out, it is not necessary to assume that the appended speech was an external written source. Rather, it could well be "a fresh composition constructed from existing resources by the author of Aramaic Levi." Cf. Drawnel, *An Aramaic Wisdom Text*, 324–25.

studies wisdom, all [h]is days are l[ong] and hi[s reputa]tion grows great…And now, my sons, reading and writing and the teaching of wi[sdo]m which I lea[rned]…(§§82–98)[67]

In this passage, which is among the best-preserved Aramaic poems from the Second Temple period, Levi exhorts his children to act right-eously (§§85–87) and strongly emphasizes their charge to teach read-ing, writing,[68] and instruction (§§88–89; cf. 90; 98). The poem also details the benefits of teaching and seeking wisdom (§§90–93; 97) and describes the priceless and eternal nature of wisdom (§§94–96), two well-known motifs in early Jewish sapiential material.[69]

Greenfield, Stone, and Eshel maintain that the attribution of the vocation of wisdom instruction to Levi and his descendants may be traced to the instructional role attributed to priests in Deut 33:10 and Mal 2:7.[70] The biblical instructional aspect of the priesthood is thus imbued with sapiential motifs.[71] In the case of *ALD*, this assumption is unconvincing. Deuteronomy 33 and Malachi 2 portray the teach-ing of Torah by priests to all of Israel. By contrast, the teaching of wisdom in *ALD* is directed to Levites alone: "And now, my sons, teach reading and writing and teaching of wisdom to *your* children and may wisdom be eternal glory *for you*" (§88). This "selfish" con-cern is mirrored by the fact that the priestly instructions transmitted by Isaac, which comprise about one-third of the extant document (§§14–61),[72] are exclusively connected to Levi and his descendants. Additionally, whereas Deuteronomy 33 and Malachi 2 refer to the Torah as the subject of instruction, *ALD* never comes close to identi-fying wisdom with the Torah.[73] Rather, the wisdom in Levi's speech

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[67] Following the composite text and translation of Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 104–7.

[68] Following Greenfield, Stone, and Eshel's translation of ספר. Drawnel (*An Ara-maic Wisdom Text*, 329–31) prefers to translate "scribal craft" since the term also probably included "all the aspects of Levitical education in the document…linked to, and dependent upon, the knowledge of writing," including metrological and mathematical instruction.

[69] For parallels in Jewish and Mesopotamian literature, see Drawnel, *An Aramaic Wisdom Text*, 333–41.

[70] Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 34.

[71] See Stone, "Ideal Figures and Social Context," 580.

[72] For this figure, see Kugler, *From Patriarch to Priest*, 93 and n. 115.

[73] Interestingly enough, the Christian redactor of *T. Levi* does associate the Torah with wisdom. Adapting the word חוכמה in *ALD*, he renders it "law of God": "And do you, too, teach your children letters that they may have understanding all their life, reading unceasingly the law of God. For everyone who knows the law of God

is more akin to the "recipe wisdom" of the book of Proverbs.[74] This
contrasts strikingly with Sir 45:17, where Aaron teaches God's law
[=wisdom] to all of Israel. It thus appears that rather than sapiential
motifs being attracted to the priestly role of instruction, the author of
ALD "began with an interest in sapientalizing the priesthood."[75] This
conclusion seems to be substantiated by the fact that it is Joseph, not
Levi, who is held up as the paradigmatic wise man in a poem
addressed to priests. This surprise indicates that the author did not
view the qualities of the sage/scribe as inherent to the priesthood, but
rather as an ideal that required effort to attain—Levi's descendants
were to follow the example of a layman, Joseph, in their quest to
acquire wisdom. Just as Joseph's wisdom brought him to the height
of power in Egypt, the acquisition of wisdom by priests would put
them in proper position to govern, and to sit on a "throne of glory"
(כורסי די יקר).[76]

   One final role attributed to the priesthood in *ALD* should be not-
ed—that of the warrior. In §78, Levi admits that he "was eighteen
when he killed Shechem and destroyed the workers of violence." In
the very next line he announces that "he was nineteen when he
became a priest." The juxtaposition of these two statements does not
necessarily illustrate a causative relationship, but in light of the vio-
lent zeal for purity associated with the covenant of the priesthood in
the Hebrew Bible and in Second Temple times, it is certainly sugges-
tive.[77] Levi's passion for righteousness and purity is explicitly stated
in Levi's prayer: "End lawlessness from the face of the earth, purify

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will be honored, and he will not be a stranger wherever he goes" (*T. Levi* 13:2–3). It
remains a mystery why a supposedly Christian redactor would place such an empha-
sis on the law.

   [74] Consider for example, *ALD* §87: "If you s[o]w righteousness and truth, you will
bring in a blessed and good harvest. He who sows good brings in a goodly (harvest),
and he who sows evil, his sowing turns against him." For the phrase "recipe wis-
dom," see Skehan and Di Lella, *The Wisdom of Ben Sira*, 32.

   [75] So Kugler, *From Patriarch to Priest*, 129, n. 234.

   [76] See Himmelfarb, *A Kingdom of Priests*, 48–49.

   [77] See, e.g., Exod 32:26–29; Num 25:7–8, 13; cf. Ps 106:29–31. See further John J.
Collins, "The Zeal of Phinehas: The Bible and the Legitimation of Violence," *JBL* 122
(2003): 12–13. In the Second Temple period, both *ALD* and *Jubilees* share a positive
assessment of Levi's violent acts in Shechem, connecting them to his ordination as
priest. Cf. *T. Levi* 5, where Levi is first appointed to the priesthood and then imme-
diately given the charge to wage revenge against Shechem.

my heart, Lord, from all impurity" (*ALD* supp. 5).[78] By killing Shechem, Levi eradicates doers of lawlessness (וגמרת לעבדי חמסא) and shows just how far his passion for justice and purity goes. When it comes to matters of justice and purity, the ideal priest of *ALD* takes to the sword.[79]

In summary, the portrayal of Levi and his descendants in *ALD* may be said to attribute the roles of king, sage, and warrior to the ideal priesthood. Unlike the case of Ben Sira, the *Sitz im Leben* underlying this depiction remains unclear. Of particular interest for our purpose is the debate whether the document derives from a group friendly to the temple establishment or from an opposition group of some kind. Robert Kugler takes the latter opinion and claims that *ALD* was crafted with two aims in mind, "to polemicize against a priesthood that its author perceived to be inadequate, and to promote a more pure model of the office."[80] He finds support for his first assertion not only in the bitter condemnation of Levi's descendants cited above, which he takes as directed against the priests of the author's own day, but also in the narrative and thematic patterns of *ALD*. He points out that rooting the ideal priesthood in a figure more ancient than Aaron who was heir to authoritative ancestral priestly tradition predating the cultic rules given to Moses implicitly undermines the sons of Aaron currently in power.[81] Moreover, he detects in the cultic laws transmitted from Isaac to Levi, especially those pertaining to cleansing ablutions, an intentional intensification of the standards of purity

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[78] The correspondence of the ideal of purity with Levi and the priesthood is underscored when Isaac finds out about Levi's appointment to the priesthood. There (*ALD* §§13–16), he emphasizes the ideal of priestly purity by warning against impurity and sexual sin.

[79] Noting this motif, Pierre Grelot ("Notes sur le Testament araméen de Lévi [Fragment de la Bodleian Library, colonne a]," *RB* 63 [1956]: 396) suggests that the kingdom of the sword mentioned above should be attributed to Levi. He is followed by Klaus Beyer, *Die aramäischen Texten vom Toten Meer* (Göttingen: Vandenhoeck & Ruprecht, 1994), 188–209. As we have seen, this does not fit the evidence. It is interesting to note that in ancient Babylonia, the role of destroying evildoers was assigned to the king. See Moshe Weinfeld, *Justice and Righteousness in Israel and the Nations: Equality and Freedom in Ancient Israel in Light of Social Justice in the Ancient Near East* (Jerusalem: Magnes Press, 1985), 25–31 [Hebrew].

[80] Kugler, *From Patriarch to Priest*, 110. Followed by Boccaccini, *Beyond the Essene Hypothesis*, 74.

[81] Kugler, *From Patriarch to Priest*, 110. Compare the Christian use of Melchizedek in Hebrews 7. Contrast Ben Sira's extended praise of Aaron.

found in the Pentateuch. Kugler thus concludes that *ALD* speaks of two types of priests, those

> who do not realize the ideal evinced by Levi with his passion for purity and attachment to the roles of scribe and sage…and…priests who accept the norms established in Levi, the most ancient priest of all; they are the adherents to the author's views, those who prize purity, wisdom, and learning as traits proper to the priesthood. *Aramaic Levi* is a rejection of the former kind of priest, and a plea for acceptance of the latter type.[82]

Against Kugler, many scholars do not detect a polemic against the contemporary priesthood in *ALD*. As Henryk Drawnel points out, Levi's prediction of a dark future for his sons is addressed to all of them, and does not exclude any particular group. Thus, we cannot simply assume that *ALD* pits one group of priests against another.[83] Himmelfarb has shown that where Isaac's cultic instructions differ from those of the Pentateuch they do not represent intentional diversions but rather supplementation to the rather sparse rules of the Torah.[84] Supporting her hypothesis, analysis of *ALD*'s sacrificial halakhah has shown that it does not fit the proto-sectarian legal mold of 4QMMT, the *Temple Scroll*, and the *Damascus Document*. Rather, the laws of *ALD* "are as close to rabbinic laws as they are to sectarian ones."[85] Greenfield, Stone, and Eshel likewise detect no polemical characteristics in *ALD* and remain undecided as to whether the document derives from a group friendly to or opposed to the temple.[86]

Whatever the original purpose of the document, it is clear that when it was brought to and studied at Qumran, it was incorporated into an ideological environment hostile to the temple. The clearest evidence of this conclusion is found in CD 4:15–18, which, as noted above, quotes words of Levi that derive from a Levi apocryphon similar to *ALD* in a context highly critical of the temple establishment.

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[82] Kugler, *From Patriarch to Priest*, 136–37.

[83] Drawnel, *An Aramaic Wisdom Text*, 84.

[84] Martha Himmelfarb, "Earthly Sacrifice and Heavenly Incense: The Law of the Priesthood in *Aramaic Levi* and *Jubilees*," in *Heavenly Realms and Earthly Realities in Late Antique Religions* (Cambridge: Cambridge University Press, 2004), 103–22.

[85] Lawrence H. Schiffman, "Sacrificial Halakhah in the Fragments of the Aramaic Levi Document from Qumran, the Cairo Genizah, and Mt. Athos Monastery," in *Reworking the Bible: Apocryphal and Related Texts at Qumran* (ed. Esther G. Chazon, Devorah Dimant, and Ruth A. Clements; STDJ 58; Leiden: Brill, 2005), 202.

[86] Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 22.

3.3. *Jubilees*

It is widely held that *ALD* or something very close to it served as a source for the accounts pertaining to Levi in the book of *Jubilees* (30:1–32:9).[87] It is therefore unsurprising to find comparable instances of priestly magnetism.[88] For instance, the warrior-like role of Levi at Shechem is mentioned in tandem with the elevation of Levi and his descendants to the priesthood. In contrast with *ALD*, the author of *Jubilees* makes clear that Levi's violent zeal for purity and justice is related to his reception of the gift of the priesthood:

> Levi's descendants were chosen for the priesthood and as levites to serve before the Lord as we (do) for all time. Levi and his sons will be blessed forever because he was eager to carry out justice, punishment, and revenge on all who rise against Israel. (30:18)[89]

The phrase "revenge on all who rise against Israel" hints at the paradigmatic nature of Levi's warrior role—his wrath is not only properly directed at Shechem but at all of Israel's enemies, the doers of injustice and impurity. For the author then, this violent passion for purity underscores Levi's ideal candidacy for the sacerdotal office.

In addition, the biblical instructional and judicial roles of the priesthood are emphasized in Isaac's blessing of Levi in *Jub.* 31:15. Relying especially on Deut 33:9–11 and Mal 2:5–7, this passage envisions Levi's descendants as "judges and leaders" of the nation, who are to "declare the word of the Lord" and instruct Israel in the ways of God. Moreover, *Jub.* 45:16 mentions the transmission of "books" in connection with Levi and his children: "[Israel] gave all his books and the books of his fathers to his son Levi so that he could preserve them and renew them for his sons until today." Presumably, these books were filled with the primordial priestly instructions passed first in oral form, and then, from the time of Noah, in written form from

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[87] However, James L. Kugel has made a case for the priority of *Jubilees*. See idem, "Levi's Elevation," esp. 52–58; and, more recently, idem, "How Old Is the 'Aramaic Levi Document'?" *DSD* 14 (2007): 291–312.

[88] For the unique aims of the book of *Jubilees*, see James C. VanderKam, "The Origins and Purposes of the Book of *Jubilees*," in *Studies in the Book of Jubilees* (TSAJ 65; ed. Matthias Albani, Jörg Frey, and Armin Lange; Tübingen: Mohr [Siebeck], 1997), 3–24.

[89] All translations of *Jubilees* are from James C. VanderKam, *The Book of Jubilees* (CSCO 511; *Scriptores Aethiopici* 88; Louvain: Peeters, 1989).

father to favorite son.[90] These written instructions may have resembled those passed from Isaac to Levi in *ALD* §§14–61. The *Testament of Qahat* (4Q542) also makes tantalizing mention of "writings" passed from Levi to Qahat to Qahat's children, which "contain great value in their being carried on with you" (בהון זכו רבה באתהילכותהון עמכון; 1 II, 11–13). While it is difficult to ascertain the precise nature of these writings, it is clear that the transmission of written tradition by Levi and his descendants assumes a priestly scribal function. This association is evident also in *Jubilees*' linking of priestly and scribal roles in the figure of Enoch. Enoch is both the inventor of writing, the first man to "learn writing and knowledge and wisdom" (4:17) and a cultic functionary who burnt "incense of the sanctuary" before God (4:25).[91]

Finally, like *ALD* and Ben Sira, *Jubilees* attributes political responsibilities to the priesthood. As in *ALD*, *Jub.* 32:1–2 intentionally refers to Levi and his children with language echoing that used for the priest-king Melchizedek in Gen 14:18 (cf. Ps 110:4): They have been "appointed and made into the priesthood of the Most High God forever." Returning to 31:15, Isaac refers to Levi's descendants as "princes, judges, and leaders of all the descendants of Jacob's sons." The fact that Isaac goes on to curse any "nation" that curses Levi (31:17) reinforces the view of the priesthood as an ideal governing institution in Israel. However, throughout, *Jubilees* keeps the royal and priestly offices distinct. *Jub.* 16:18, playing on Exod 19:6, divides the descendants of Jacob into "a kingdom, a priesthood, and a holy people" (cf. *Jub.* 33:20).[92] Moreover, while in *ALD* Isaac blesses Levi alone, in *Jubilees* 31 he blesses both Levi and Judah, giving primacy to the former.[93] The descendants of Judah are granted "an honorable throne that is rightly theirs" (31:20), but strikingly, they are never called "kings." In fact, the word translated by VanderKam as "princes"

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[90] See *Jub.* 7:38–39; 10:14; cf. 12:27; 21:10; 39:6–7.

[91] Enoch's role as priest-scribe appears in the *Book of the Watchers* as well. For further instances of Enoch's scribal activities, see *2 En.* 53:2, and *T. Abr.* B 11:3, where, as in *Jub.* 4:24, he records human deeds for the purpose of the final judgment.

[92] See Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 37, n. 147. For an alternate view of the use of Exod 19:6 in *Jubilees*, see Himmelfarb, *A Kingdom of Priests*, 53.

[93] Just as Jacob illustrates the primacy of Ephraim over Menasseh by taking the former by his right hand and blessing him first (Genesis 48), Isaac illustrates Levi's primacy over Judah (*Jub.* 31:12).

with reference to the children of Levi is applied also to the descendants of Judah in 31:18. This equation of political power shows that, in its present form at least, *Jubilees* argues for a Levi-Judah diarchy.[94] The exalted position of Levi, the priority of his blessing, and his association with Isaac's right hand all indicate that supremacy in this diarchy was granted to the priesthood.

One is led to wonder why the author of *Jubilees*, who utilized the same solar calendar as the author of *ALD* and many of his traditions idealizing Levi, did not also follow *ALD*'s view of the priest as the ideal ruler of the Jewish polity. Considering the later dating of the book of *Jubilees* (mid-second century B.C.E.), we may relate its diarchic ideology to the rise of the Hasmonean state. The call for the separation of powers in *Jubilees* is best seen as a response to the combination of priestly and royal power in a single Hasmonean figure.[95] A similar *Sitz im Leben* most likely underlies the *Temple Scroll*'s marked interest in the division of royal and priestly powers and its attribution of primacy to the priesthood.[96] Although both *Jubilees* and

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[94] Goodblatt (*The Monarchic Principle*, 47–48) speculates that in its original context Isaac's blessing of Levi (*Jub.* 31:13–17) expressed the notion of priestly monarchy similar to that found in *ALD*. Later on, a redactor inserted a blessing for Judah which left the division of labor between the Levi "princes" and the Judah "princes" unclear.

[95] The first Hasmonean to take the title "king" was either Aristobulos I or his brother Alexander Jannaeus at the end of the second century B.C.E. See Schürer, *The History of the Jewish People*, 1:216–17. Even though these figures came to rule decades after the composition of *Jubilees*, various sources indicate that prior Hasmonean rulers possessed monarch-like authority. See, e.g., 1 Macc 13:42; Josephus, *War* 1.68; *Ant.* 13.299.

[96] See Yigael Yadin, *The Temple Scroll* (3 vols.; Jerusalem: Israel Exploration Society, the Shrine of the Book, 1983), 1:345–46; Mathias Delcor, "Le Status du roi d'après le Rouleau du Temple," *Henoch* 3 (1981): 47–68; Martin Hengel, James H. Charlesworth, and Doron Mendels, "The Polemical Character of 'On Kingship' in the Temple Scroll: An Attempt at Dating 11QTemple," *JJS* 37 (1986): 28–38; Lawrence H. Schiffman, "The King, His Guard and the Royal Council in the Temple Scroll," in *The Courtyards of the House of the Lord: Studies on the Temple Scroll* (ed. Florentino García Martínez; STDJ 75; Leiden: Brill 2008), 487–504; idem, "Utopia and Reality: Political Leadership and Organization in the Dead Sea Scrolls Community," in *Emanuel: Studies in the Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov* (ed. Shalom Paul et al.; VTSup 94; Leiden: Brill, 2003); Steven Fraade, "The Torah of the King (Deut 17:14–20) in the Temple Scroll and Early Rabbinic Law," in *The Dead Sea Scrolls as Background to Postbiblical Judaism and Early Christianity: Papers From an International Conference at St. Andrews in 2001* (ed. James R. Davila; STDJ 46; Leiden: Brill, 2003), 31.

the *Temple Scroll* are pre-Qumranite[97] and are not necessarily speaking in an eschatological sense, their ideal visions of leadership represent the polemical seedbed out of which Qumranite conceptions of dual messiahship grew. Among the sectarian texts, this is best illustrated by 4QTestimonia, which has been convincingly interpreted as a polemic against the Hasmoneans, who merged royal and priestly (and perhaps prophetic)[98] roles in single figures.[99]

4. *Conclusions*

In the above survey we have observed several examples of the tendency of Second Temple literature to craft ideal patterns of priestly conduct and exemplary priestly figures. In addition to the traditional cultic, judicial, instructional, and other responsibilities of the priesthood known from the Hebrew Bible, the literature variously attributes the characteristics of king, sage, scribe, and warrior to the model priest. Since these ideal portrayals occur in such a wide variety of sources as Ben Sira, Hecataeus, Josephus, *ALD, Jubilees*, 4QApocryphon of Levi[b]?, and the *Temple Scroll*, it is clear that they are not a product of sectarian imagination. Rather, they must be related in general to the rise of priestly and scribal powers in Second Temple society described above. The differing pictures of ideal priestly figures in the above texts must be seen either as attempts to legitimize the contemporary roles of priests (as in Ben Sira, Hecataeus, and Josephus) or as polemics which present an alternative to the present establishment (as in *Jubilees*, the

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[97] For the dating of *Jubilees*, see the work of VanderKam cited in n. 22. For the pre-Qumranite origins of the *Temple Scroll*, see, e.g., Florentino García Martínez, "Temple Scroll," *EDSS* 2:927–33; idem, "The Temple Scroll and the New Jerusalem," in *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment* (ed. James C. VanderKam and Peter W. Flint; 2 vols.; Leiden: Brill, 1998–1999), 2:441–42. Cf. the opinion of Lawrence H. Schiffman, "The Law of the Temple Scroll and Its Provenance," in *The Courtyards of the House*, 3–18.

[98] See *War* 1.68; *Ant.* 13.299, where, along with the government of the nation and the privilege of the high priesthood, Josephus attributes the gift of prophecy to John Hyrcanus.

[99] The correspondence between Josephus' description of John Hyrcanus cited in the previous note with the biblical verses cited in 4QTestimonia has been noted by numerous scholars. See for example, André Dupont-Sommer, *The Essene Writings from Qumran* (trans. G. Vermes; Cleveland: Meridian Books, 1962), 318; David Flusser, *The Spiritual History of the Dead Sea Sect*, (trans. C. Glucker; Tel Aviv: MOD Books, 1989), 87–88; Hanan Eshel, *The Dead Sea Scrolls and the Hasmonean State* (Grand Rapids/Jerusalem: Eerdmans; Yad Izhak Ben-Zvi, 2008), 63–87.

Temple Scroll, and perhaps *ALD*). It is striking that even in the polemi-
cal cases, priestly powers and abilities are expanded far beyond bibli-
cal parameters. This indicates that, in general, the association of the
priesthood with the realms of civil government and wisdom/scribalism
was deemed as a given and indeed as scripturally authorized by most
if not all of Jewish society in the Second Temple period.

Qumranite notions of priestly messianism are best understood
within this intellectual milieu. In most general terms, they may be
said to reflect the inflated significance of the priesthood. To narrow it
down, we might expect the proto-sectarian texts, so close to the
hearts of the Qumranites, such as *ALD, Jubilees*, and the *Temple Scroll*
to be most influential in this regard. The models of priesthood con-
tained in them provided the world of ideas which nurtured Qumran-
ite visions of the future priest. This is readily seen in sectarian texts
such as 1QSa, 4QFlorilegium, and 4QSefer ha-Milḥamah, which envi-
sion a diarchic eschatological leadership that gives priority to the
priest. These texts are to be related with the anti-Hasmonean polem-
ics of *Jubilees* and the *Temple Scroll*, which insist on the separation of
priestly and royal powers, and the primacy of the former.[100] The mar-
tial role attributed to Levi in *ALD* and *Jubilees* may also have had
reflexes in the Qumran community. In 11QMelchizedek, the celestial
high priest Melchizedek is pictured as leading his armies, violently
administering justice and exacting God's vengeance on Belial and his
lot. According to the *War Rule*, the eschatological war effort is to be
led by priests. However, unlike Levi and Melchizedek, these priests
are not to participate directly in the carnage for fear of corpse impu-
rity. Apparently the purity concerns of the community made the

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[100] From the almost complete lack of reference in *Jubilees*, the *Temple Scroll*, and
the sectarian corpus to the relevant passages in the books of Haggai and Zechariah,
the diumvirate of Joshua and Zerubbabel apparently did not serve as an important
biblical model for the Qumranite expectation of a priestly messiah accompanied
by a royal counterpart. See Vanderkam, "*Jubilees* and the Priestly Messiah," 365.
Shemaryahu Talmon ("Types of Messianic Expectation at the Turn of the Era," in
King, Cult and Calendar in Ancient Israel: Collected Studies [Jerusalem: Magnes Press,
1986], 214–15, 220–21) explains this phenomenon as a result of the community's
self-identification with the returnees from Babylonian captivity. Since they them-
selves were the returnees, they could not make use of Zechariah's or Haggai's proph-
ecies. However, with the publication of 4Q*Commentary on Genesis C* (4Q254),
which does contain a reference to Zech 4:14 in an extremely broken context (frg. 4),
these suggestions must be reevaluated. George J. Brooke (DJD 22, 224) tentatively
suggests that the Zechariah verse may have been utilized in this case as a messianic
interpretation of Gen 49:8–12.

attribution of such a bloody role to its own priesthood unthinkable. Finally, the important judicial and didactic roles ascribed to the priests in *ALD, Jubilees*, and the *Temple Scroll* are mirrored by the association of Qumran's eschatological priest with teaching and the proliferation of the law for the new age. However, it should be noted again that no literary dependence can be shown in these cases, and while conceptual influence is probable, it is not possible to demonstrate direct influence.

Finally, 4QApocryphon of Levi[b]? (4Q541 9) contains the only straightforward reference to a priestly messiah in a non-sectarian text. This exception is of utmost importance for it indicates that the notion existed before the formation of the Qumran community. Based on the fragment's discovery at Qumran and its close relationship to the Levi tradition-complex so popular there, we may assume that it exerted some influence on the way in which the Qumranites imagined the priestly messiah. Indeed, the overall dualistic framework of the fragment and the report that its unnamed figure will possess wisdom, atone for all the children of his generation, and teach the will of God aligns quite nicely with sectarian pictures of the eschatological priest as teacher and interpreter of the law, and perhaps as making atonement in the age to come.

Ultimately, the flourishing of priestly messianic speculation in sectarian literature may be said to reflect the unique historical circumstances and apocalyptic worldview of the Qumran community. The Qumranites were profoundly disturbed by what they perceived as the corruption of the contemporary priestly leadership in Jerusalem and the pollution of the temple. Marginalized and isolated at their settlement in the desert, they yearned for the day when they would come to power and return to a restored Jerusalem temple. In this context, they crafted the image of a grand future priest who would rise to power, purge the temple, and enforce the community's utopian vision of the new age. For the pious traditionalists of Qumran, this expectation was not perceived as an innovation, but as a reflection of the true meaning of traditional written sources.

THE DEAD SEA SCROLLS AND JEWISH BIBLICAL INTERPRETATION IN ANTIQUITY: A MULTI-GENERIC PERSPECTIVE*

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1. *Introduction*

One of the most striking features of Qumran biblical interpretation is the range and variety of the genres in which the interpretation is expressed. My goal in this paper is to survey the field of biblical interpretation at Qumran from a generic perspective, to demonstrate, within a somewhat limited framework, the range of contributions that the Qumran discoveries have made to our understanding of diverse forms of biblical interpretation in antiquity. When I shall employ the expression "Qumran biblical interpretation," I mean "biblical interpretation found in the scrolls from the Qumran caves," with no assertion or implication that all these texts were products of the Qumran community.

Despite my choosing not to follow an historical orientation for this discussion, one historical observation must be made, and that is the fact that the discovery and publication of the Qumran scrolls virtually created, and certainly reshaped, the very subdiscipline of Jewish

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* This essay is a synthesis of several papers that were presented at different venues during commemorations of the 60th anniversary of the discovery of the Dead Sea Scrolls: "Three Ways of Interpreting the Bible at Qumran" delivered at the Society of Biblical Literature Annual Meeting in San Diego, CA in November 2007; "The Dead Sea Scrolls and Jewish Biblical Interpretation in Antiquity," two lectures with identical titles, but somewhat diverse content, presented at the Association for Jewish Studies Annual Conference in Toronto, Canada in December 2007 and at "The Dead Sea Scrolls at 60: The Scholarly Contributions of NYU Faculty and Alumni," NYU's 60th anniversary celebration of the Scrolls in March 2008. The cross-section of Qumran texts (and genres) analyzed below consists of the sum of those discussed in those lectures, but is by no means intended to be a comprehensive overview of Qumran biblical interpretation. I believe that the pattern that it depicts, nonetheless, is representative of the broader picture. The SBL lecture was one of three presented at the Annual Meeting in conjunction with an exhibit of some of the Scrolls in the San Diego Natural History Museum at the same time, and therefore focused on three of the manuscripts (4QpIsa[b] [4Q162], 4Q *Genesis Commentary A* [4Q252] and 11QtgJob [11Q10]) in that exhibit.

biblical interpretation in antiquity.[1] Before the Qumran discoveries, syntheses of Jewish biblical interpretation during the Second Temple simply were not written, and in the area of biblical interpretation as in so many others, the Qumran texts have been responsible for a paradigm shift in the way that we approach Second Temple Jewish history and literature.

What had caused this area of ancient Jewish intellectual endeavor to be ignored as an independent unit or element worthy of consideration? The apparent scholarly neglect of the discipline of early Jewish biblical interpretation in the period before the Qumran discoveries was due in part to the paucity of relevant primary material to analyze. More significant, however, was probably the failure to recognize the variety of generic forms which biblical interpretation could adopt; as I noted earlier, one of the most important features of Qumran biblical interpretation is the pluriformity which it exhibits, but in the pre-Qumran era the conception of what constituted a biblical commentary was very constricted—only works which looked like what we thought commentaries should look were considered to belong to the genre. This led to the classification of a variety of works which are basically exegetical or interpretive under a variety of generic rubrics, thus placing in diverse pigeonholes material which should have been juxtaposed for analysis. Definition by arbitrary or artificial collection, such as the Apocrypha, and according to hypothetical sectarian source, such as Pharisaic, Judeo-Christian, or the like, rather than by literary category, also hindered the emphasis on biblical interpretation as a category worthy of investigation.

The form of biblical commentary with which we are most familiar and which is most recognizable as commentary, i.e., the lemmatized type which cites a biblical text and supplies a comment upon it, appeared to be lacking, on the whole, from Jewish antiquity. To be sure, it existed in Philo and, later on, in rabbinic midrash, but each of these had a quality which allowed it to be further discounted or ignored. Philo's interpretations of scripture, written in Greek in the Diaspora from an Hellenistic perspective, could easily be considered

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[1] The following section borrows heavily from my earlier, more historically oriented, presentation in "The Contribution of the Qumran Discoveries to the History of Early Biblical Interpretation," in *The Idea of Biblical Interpretation* [Festschrift for James L. Kugel] (ed. Hindy Najman and Judith H. Newman; JSJSup 83; Leiden: Brill, 2004), 215–38.

idiosyncratic and atypical because they were aimed at superimposing a philosophical system on the text, not the elucidation of its basic meaning. Rabbinic material, in addition to often being eisegetical rather than exegetical, also had the obvious disadvantage of being later, and often in final form *much* later, than the Second Temple period on which we are focusing. Although it has much stronger links than Philo to the earlier documents of biblical interpretation from this period, as has been repeatedly demonstrated by scholars from Vermes to Kugel, rabbinic midrash nevertheless appeared to stand much more in virtual isolation before the Qumran discoveries.[2]

Much of the biblical interpretation in late antiquity achieved its goal by rewriting the biblical story, introducing along the way solutions to real or perceived exegetical difficulties, and sometimes giving an ideological twist to the narrative. In his classic definition of the genre "rewritten Bible," Geza Vermes wrote

> In order to anticipate questions, and to solve problems in advance, the midrashist inserts haggadic development into the biblical narrative—an exegetical process which is probably as ancient as scriptural interpretation itself. The Palestinian Targum and Jewish Antiquities, Ps.-Philo and Jubilees, and the recently discovered 'Genesis Apocryphon'…, each in their own way show how the Bible was rewritten about a millenium [*sic*] before the redaction of Sefer ha-Yashar.[3]

The significant insight which perhaps generated this term was the observation that much early biblical interpretation achieved its goal by rewriting the biblical story rather than by writing lemmatized commentaries. The rewriting or retelling of the biblical narrative—and note that Vermes's initial formulation applies to narrative only—in order to contain within it the commentary, must rewrite the whole story. The interpretation is inseparable, in a sense, from the text which it interprets. The literary form named by Vermes "rewritten Bible" thus constituted one of the major pieces in the uncomplicated puzzle of early biblical interpretation that existed before the Qumran discoveries

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[2] Geza Vermes, *Scripture and Tradition in Judaism* (2d ed.; Leiden: Brill, 1973) and James L. Kugel, *In Potiphar's House: The Interpretive Life of Biblical Texts* (San Francisco: HarperSanFrancisco, 1990); idem, *The Bible as It Was* (Cambridge: Belknap Press, 1997); and idem, *Traditions of the Bible: A Guide to the Bible As It Was at the Start of the Common Era* (Cambridge: Harvard, 1998).

[3] Vermes, *Scripture and Tradition*, 95.

(although Vermes's use of the terminology actually postdates the Qumran discoveries).[4]

What representatives of this genre did pre-Qumran scholars have? Josephus in *Jewish Antiquities* 1–11 retells in detail virtually the whole of the narrative of the Hebrew Bible, and is thus probably the most extensive example of this form of biblical commentary. In the collection called the Apocrypha, which is scriptural or canonical for certain Christian churches, the Greek version of Esther with its additions similarly shapes and revises our understanding of the story as told in the Hebrew text. The story is given a more Jewish cast, in an attempt to override the "unjewish" atmosphere of the Persian court which prevails in the original. In a somewhat different way, the *Wisdom of Solomon*, in its second half, retells the Exodus from a sapiential perspective which can be seen as commentary on or interpretation of the Hebrew (or Greek) text of the book of Exodus.[5] It should be stressed that all these were preserved in their Greek originals, and that only Josephus can be said to have a connection with the center of Jewish life in Eretz Yisrael, even though his *Jewish Antiquities* were written in Greek.

Pre-Qumran scholarship also had available two other works that are generally assigned to the same genre of rewritten Bible: *Jubilees*, which survives completely only in Ethiopic, but now known from the Qumran texts to have been written originally in Hebrew, and the less

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[4] On the genre "rewritten Bible," see (among many others): Philip S. Alexander, "Retelling the Old Testament," in *It is Written: Scripture Citing Scripture: Essays in Honour of Barnabas Lindars, SSF* (ed. D. A. Carson and H. G. M. Williamson; Cambridge: Cambridge University Press, 1987), 99–121; George J. Brooke, "Rewritten Bible," *EDSS*: 777–81; my "'Rewritten Bible': A Generic Category Which Has Outlived Its Usefulness?" *Textus* 22 (2005): 169–96; Daniel K. Falk, *The Parabiblical Texts: Strategies for Extending the Scriptures among the Dead Sea Scrolls* (LSTS 63; CQS 8; London: T & T Clark International, 2007), 2–17; and Sidnie White Crawford, *Rewriting Scripture in Second Temple Times* (Grand Rapids: Eerdmans, 2008), 9–15. Although there are some scholars who forbear to use this term because of the implications it appears to have regarding the canonicity and authority of the "Bible" during this period, I believe that it is too useful to give up provided that it is used with care. I also think that we probably ought to expand Vermes's definition beyond narrative works, in order to include within it a non-narrative work like the *Temple Scroll* (11QT).

[5] Cf. Peter Enns, *Exodus Retold: Ancient Exegesis of the Departure from Egypt in Wis 15–21 and 19:1–9* (HSM 57; Atlanta: Scholars, 1997) and Samuel Cheon, *The Exodus Story in the Wisdom of Solomon: A Study in Biblical Interpretation* (JSPSup 23; Sheffield: Sheffield Academic Press, 1997).

well known *Liber Antiquitatum Biblicarum* (Book of Biblical Antiquities), whose author goes by the name pseudo-Philo and which survives only in Latin but is generally also held to have had a Hebrew original, and to have been written in Palestine.[6] Each of them covers less ground than Josephus does, but more than any of the apocryphal material mentioned earlier, but neither of them attracted much attention at all.

In the pre-Qumran period of scholarship, therefore, there was no impetus to integrate the study all of these disparate documents under the single rubric of biblical interpretation. Philo and rabbinic midrash, Josephus and *Jubilees* were points on a plane which did not beg to be connected. The phenomenon of biblical interpretation, if we may so describe it, was simply too multi-dimensional to be perceived easily. The discovery of the Qumran texts, therefore, had far broader implications for the literary history of the Second Temple period, particularly in the area we are discussing, than merely the availability of the documents preserved in the caves per se.

In the ensuing presentation, I shall demonstrate the richness of the Qumran contribution to this field by examining six works of different sorts from the Qumran caves that interpret the Bible. We shall be able to see, even from this very limited and selective survey, the variety in the forms that Qumran biblical interpretation takes. After this discussion, we shall touch briefly on the question of the continuity and discontinuity of interpretive genres beyond the boundaries of Qumran.

2. *Rewritten Bible (a): The Reworked Pentateuch Texts*

The first set of works that I should like to address confront the modern scholar with a dilemma that was probably unknown to previous generations, that of determining whether a text that looks biblical really is biblical. The Qumran caves contained a variety of recensions or editions of some biblical books, particularly of the Pentateuch, as

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[6] Cf. Howard Jacobson, *A Commentary on Pseudo-Philo's* Liber Antiquitatum Biblicarum *with Latin Text and English Translation* (AGJU 31; Leiden: Brill, 1996; 2 volumes) and Daniel J. Harrington, tr., "Pseudo-Philo," in *The Old Testament Pseudepigrapha* (ed. James H. Charlesworth; Garden City: Doubleday, 1985), 2:297–378.

Mark Smith discusses in his paper in this volume.[7] Regarding much of this material that diverges from the Masoretic Text, there is no disagreeing with the fact that it is biblical. There exists, however, a small group of manuscripts that appear biblical to some scholars and non-biblical to others, and they posed for me the question of whether I should include them in this survey. These are the texts which have been designated 4QReworked Pentateuch, five manuscripts which diverge from the standard Pentateuch in various ways and to various degrees.[8] Recently, Professor Emanuel Tov, the editor-in-chief of the DSS publication project, has revised his earlier view of these texts and has decided that they are indeed biblical manuscripts. He thus joins a small group of scholars with whom he has disagreed in the past over the generic identification of these documents.[9]

I, for one, am not willing to concede that anything which remotely resembles a biblical text *was considered* a biblical text at Qumran, and I think that we should conceive of a spectrum of texts, ranging from

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[7] Mark S. Smith, "What is a Scriptural Text in the Second Temple Period? Texts between Their Biblical Past, Their Inner-Biblical Interpretation, Their Reception in Second Temple Literature, and Their Textual Witnesses," 271–98.

[8] Official publication of 4QRP$^{b–e}$ (4Q364–67): Emanuel Tov and Sidnie White (Crawford), "Reworked Pentateuch," in *Qumran Cave 4.VIII: Parabiblical Texts, Part I* (DJD 13; ed. Harold W. Attridge et al., in consultation with James C. VanderKam; Oxford: Clarendon, 1994): 187–351. 4QRP^{a} (4Q158) was first published with the nomenclature "Biblical Paraphrase: Genesis, Exodus" by John M. Allegro, in *Qumrân Cave 4.I (4Q158–186)* (DJD 5; Oxford: Clarendon, 1968): 1–6, but has since been renamed. In addition to the debate over whether they are biblical or not, there has also been considerable discussion of whether they are copies of a single text or not; in my opinion, they are not. It is generally agreed that the expansive textual tradition to which (at least some of) these manuscripts belong is the one which in a later form becomes familiar as the Samaritan Pentateuch.

[9] Professor Tov was kind enough to share with me an as yet unpublished article, "Reflections on the Many Forms of Hebrew Scripture in Light of the LXX and 4QReworked Pentateuch" (delivered at a conference in Vienna in 2006) documenting his new position in which he suggests that 4QRP$^{a–e}$ may have to be renamed 4QTorah$^{a–e}$. Earlier, Eugene C. Ulrich, "The Qumran Biblical Scrolls—The Scriptures of Late Second Temple Judaism," in *The Dead Sea Scrolls in Their Historical Context* (ed. Timothy H. Lim et al.; Edinburgh: T & T Clark, 2000), 76, wrote "it is possible that yet a third edition [other than MT and SP] of the Pentateuch was circulating within Judaism in the late Second Temple period. It is arguable that the so-called '4QRP' (4Q364–367 plus 4Q158) is mislabelled and should be seen as simply another edition of the Pentateuch." Likewise, Michael Segal, "4QReworked Pentateuch or 4QPentateuch?" in *The Dead Sea Scrolls Fifty Years After their Discovery: Proceedings of the Jerusalem Congress, July 20–25, 1997* (ed. Lawrence H. Schiffman et al.; Jerusalem: Israel Exploration Society/Shrine of the Book, 2000), 395, claimed "4Q364–5 should also be viewed as a biblical text, entitled 4QPentateuch, and not characterized as a parabiblical composition."

biblical–to maybe biblical–to definitely not biblical. There must have been a point at which any copyist or scribe (and the point need certainly not have been the same for all copyists) would have conceded that he was not copying a biblical text, but was writing down something else. One of the tasks which remains most difficult in the study of some of the biblical and similar texts from Qumran is the attempt to determine where that line may have been. For the purpose of this argument, that line is the demarcation of where "biblical" ends, and something else begins. To put the matter most crassly, how much changing, adding, subtracting, and rearranging do you have to do to a biblical text before it starts being something else?[10] And does it matter what the scribe/editor is thinking as he writes? I do not know the answers to these questions, but I stress that they lie at the most fundamental level of the issues we are discussing. Although I think that the 4QRP texts are not biblical, I confess that I cannot tell you what they are or what the purpose of extensively rewriting texts with only minimal changes from the Bible would have been.[11]

I should like to examine two kinds of handling of the biblical text which characterize 4QRP and which can be considered "interpretive": juxtaposition of like material and gap-filling. The former technique "improves" upon the organization of material, either narrative or legal, in the Pentateuch, by placing passages that are related, but that appear in the Pentateuch in diverse locations, in proximity to one another. Thus in 4Q366 frg. 4 i, the laws of Sukkot from Deut 16:13–14 immediately follow the passage from Num 29 which describes at length the daily sacrifices for that holiday, as follows:

> These are what you shall offer to the Lord on your festivals, aside from your vows and freewill offerings, your burnt offerings and grain offerings, your libations and your peace offerings. And Moses said to the Israelites according to all that the Lord had commanded Moses.

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[10] In my opinion, the excessive freedom with which the scribes or editors of these texts treated the legal material in the Pentateuch, apparently omitting some substantial sections of it, makes me fairly certain that either these are not biblical texts or that we must conceive of scribes or editors who felt free to treat the Pentateuch in a far more cavalier fashion than we could have heretofore imagined. See my discussion in "What Has Happened to the Laws? The Treatment of Legal Material in 4QReworked Pentateuch," *DSD* 15 (2008): 24–49.

[11] Even if they are biblical, they demonstrate interpretation of the earlier form of the biblical text which underlies them.

> The Festival of Tabernacles shall you make for yourself for seven days, when you harvest from your threshing floor and winepress. And you shall rejoice in your festival, you and your son....

This passage is virtually unique, even in 4QRP, because it collocates with one another two sets of laws pertaining to the same festival, as opposed to juxtaposing narrative material.

The same technique is applied in another 4QRP manuscript, 4Q365, to a combination of narrative and legal material. In frg. 36, we find the laws of inheritance, generated in the biblical narrative by the claims of the daughters of Zelophehad in Num 27, juxtaposed to the request by the leaders of their tribe, which in the Pentateuch is recorded in Num 36, that those laws not diminish the size of their tribal inheritance.[12] In this instance, it is likely that the juxtaposition of the two narrative incidents engenders the rearrangement, but in both cases the association of like with like appears intended to create a more coherently arranged text.[13]

Gap-filling can be of different sorts. Thus Exod 15:20–21 reads, "And Miriam the prophetess, sister of Aaron, took the tambourine in her hand, and all the women followed her out, drumming and dancing. And Miriam sang out to them, 'Sing to the Lord for He is indeed exalted, horse and driver He has cast into the sea.' The following verse, Exod 15:22 continues, "And Moses made Israel set out from the Sea of Reeds, and they went forth into the desert of Shur." One of the Reworked Pentateuch texts, 4Q365, frg. 6a ii + 6c, supplies an insert between those two verses:

> Miriam the prophetess, sister of Aaron, took the tambourine in her hand, and all the women followed her out, drumming and dancing. And Miriam sang out, '[   ] *You have despised...For the arrogance of...You are great, delivering...The hope of the enemy has perished and come to an end (?)...have perished in mighty waters. The enemy...Extol the one who is exalted; [you] have given [re]demption...performing gloriously.*' And Moses made Israel set out from the Sea and they went into the desert of Shur...

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[12] It is possible that this handling of the material in 4Q365 is indebted to the biblical text on which it is based because there appears to be insertion of material from Numbers 27 into Numbers 36 in 4QNum[b] which is a biblical manuscript, thus pointing to a text-type which could have served as a *Vorlage* for 4Q365.

[13] 4Q365 frg. 28 similarly presents a juxtaposition of Num 4:49, concluding the assignment of the Levites to their tasks in the tabernacle, to Num 7:1, the offerings of the heads of the tribes on the occasion of its dedication.

The italicized text furnishes something which the author of this manu-
script or its *Vorlage* felt was apparently lacking, namely the song sung
by Miriam and the women (beyond the language which they repeat
from Moses's song). If Miriam sang a song, the author/scribe/editor
of this 4QRP manuscript felt that his text should include it, even if the
"Bible" omitted it. The language of the song is biblical, drawing upon
a variety of passages throughout the Bible. White Crawford calls this
"scribal exegesis," demonstrating "the skilful [*sic*] use of other texts to
create something new."[14]

    The same Reworked Pentateuch manuscript, after the equivalent of
Lev 24:2a, diverges from the biblical continuation found in all other
texts and versions of Leviticus, and inserts in frg. 23 a commandment
to the Israelites to bring a wood offering regularly, upon their entry
into the land, for use upon the altar:

> And the Lord spoke to Moses, saying. "Command the Israelites as fol-
> lows, 'When you arrive in the land which I am giving you as an inheri-
> tance, and you dwell upon it securely, you shall bring wood for burnt
> offering and for all the wor[k] of the house which you shall build for
> me in the land, to arrange it on the altar of the burnt offering…for
> paschal sacrifices and peace offerings and thanksgiving offerings and
> freewill offerings and burnt offerings, day by [day]…and for the doors
> and for all the work of the house they shall brin[g]….the festival of
> (New) Oil they shall bring the wood, two…who bring on the first day,
> Levi…'"

It is virtually certain that this text comes to "justify" the passage in
Neh 10:35 "And we cast lots over the wood-offering (קרבן העצים), the
priests, the Levites, and the people, to bring to the house of our God,
the house of our ancestors, at specified times, year by year, to burn
on the altar of the Lord our God, *as it is written in the Torah*."[15] This
is probably the most anomalous legal text in 4QRP, but the rationale
for it is fairly easy to understand. The passage in Nehemiah asserts that
something was written "in the L/law;" understanding "Law" to mean
"the Torah," *the* law par excellence. The tradition in 4QRP backrefer-
ences on a large scale, writing the passage into the Pentateuch, and

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[14] White Crawford, *Rewriting Scripture*, 49. Kugel, *Traditions*, 597, classifies this
passage under the motif-heading "Miriam's Separate Song."
[15] This suggested sequence of events is far more likely than the assumption that
the passage was found in the version of Leviticus that the author of the passage in
Nehemiah read.

prefacing it with the standard "the Lord spoke to Moses saying." The gap that it fills would not be visible to a reader of the Pentateuch in the way that he would notice Miriam's missing song, but would be to the reader of Nehemiah, and we therefore suggest that both are employing the same technique.

3. *Aramaic Translation*

Turning to our survey of the texts from Qumran which are certainly not biblical and which contain biblical interpretation, I should like to touch upon, at least briefly, a text which is often overlooked in discussions of Qumran biblical interpretation, the Aramaic version of Job from cave 11, 11QtgJob.[16] This translation can best be described as a fairly literal one, and it is in this way that it diverges most of all from the later Aramaic versions. The Qumran Job targum lacks large interpretive expansions, and also differs from the later Aramaic versions by not having a strong anti-anthropomorphic tendency. It furnishes us, however, with an Aramaic translation closer to the period of the Septuagint than any other and offers us one more point on the spectrum of Jewish biblical translation. We should not forget that all translations are interpretations, and this text is therefore fair grist for our mill.

What is probably most surprising about the Aramaic version of Job found in Cave 11 is the very fact that it exists at all; if we had asked scholars to guess what texts were likely to be discovered at Qumran, this one would not have ranked high on their list of possibilities. There are only three manuscripts with Aramaic translation of the Bible at Qumran: a very fragmentary one from Cave 4 with a little bit of Leviticus (4Q156), a very fragmentary one with a few words of Job from Cave 4 (4Q157), and the very substantial remains of the text under discussion, covering, it has been estimated, about fifteen

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[16] The *editio princeps* is J. P. M. van der Ploeg and A. S. van der Woude, *Le Targum de Job de la Grotte XI de Qumrân* (Leiden: Brill, 1971); DJD edition: Florentino García Martínez et al., "11Q10. 11QtargumJob," *Qumran Cave 11, II.11Q2–18, 11Q20–31* (DJD 23; Oxford: Clarendon, 1998), 79–180. Other important studies are Michael Sokoloff, *The Targum of Job from Qumran Cave 11* (Ramat Gan: Bar Ilan University, 1974), Bruce E. Zuckerman, "The Process of Translation in 11QTGJOB: A Preliminary Study" (Ph.D. diss.; Yale University, 1980), and David Shepherd, *Targum and Translation: A Reconsideration of the Qumran Aramaic Version of Job* (Studia Semitica Neerlandica 45; Assen: Royal Van Gorcum, 2004).

percent of the book of Job (11Q10).[17] From the paucity of these remains, it is reasonable to surmise that Aramaic translations were not a major component of the scroll collection of the group which lived at Qumran, and that there was certainly no systematic attempt to preserve or re-create Scripture in Aramaic form. And yet two of the three targum texts to survive from the caves are of the book of Job!

The book of Job is certainly one of the most challenging, if not the most challenging, in the Hebrew Bible, and not the least challenging aspect of Job is the one which immediately confronts its student when s/he sits down to study it—its language. That difficulty may indeed be the reason that we find a translation of Job into Aramaic in the Qumran caves, and not translations of works of greater significance and, probably, popularity, such as the Pentateuch. And it may be the very same phenomenon which makes Job the only book of the Hagiographa whose Aramaic translation is mentioned in tannaitic sources in rabbinic literature.[18] The book is that hard to master in the original. But, when all is said and done, we still may wonder what is it which possessed the men of Qumran to translate the book of Job, or, at least, to have it in their "library"? We know of no liturgical circumstances, either at Qumran or in later Judaism, which utilized the book of Job and which might have demanded some familiarity with its meaning, so a liturgical employment of the Aramaic versions such as that with which we are familiar from later rabbinic tradition and practice appears to be precluded in the case of this Aramaic text.[19]

A translation, especially an ancient translation, could not present its reader with a text as obscure as its original or as full of rare and peculiar grammatical forms or lexical elements as its original. Modern translators have the advantage of annotations and marginal notes,

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[17] Shepherd, 3, citing the *editio princeps*, 2.

[18] Cf. *t. Shab.* 13:2; *b. Shab.* 115a; *y. Shab.* 16:1 (15c). From the initial announcement of the discovery of this targum onward, there has been much scholarly speculation regarding the possibility that the Qumran Aramaic text is the one referred to in those talmudic passages, and, if it was, whether its Qumran connection could have been the reason for its harsh treatment by R. Gamliel.

[19] For rabbinic rules on the practice of targum, cf. *m. Meg* 4:4,5,9–10; Anthony D. York, "The Targum in the Synagogue and in the School," *JSJ* 10 (1979): 74–86; and Ze'ev Safrai, "The Targums as Part of Rabbinic Literature," in *The Literature of the Sages: Second Part. Midrash and Targum, Liturgy, Poetry, Mysticism, Contracts, Inscriptions, Ancient Science and the Languages of Rabbinic Literature* (ed. Shmuel Safrai et al.; CRINT 2.3b; Assen/Minneapolis; Van Gorcum/Fortress, 2006), 245–49.

which can inform the reader that the text is hopelessly corrupt, or intractable for some other reason, or that emendation yields a superior reading, or that an alternative rendering is possible. None of these options were available to a translator in antiquity. These limitations lead to a dilemma for the student of any of the ancient translations, especially the earliest ones into Greek and Aramaic; we often cannot tell whether the translator had a different Hebrew text in front of him or whether he was doing the best he can with the Hebrew text that we have, struggling to make sense of it in Aramaic for his readers.

Since studying translations of translations is both a hazardous and not terribly exciting activity, the best way for us to gain access to the Job targum is to observe some of the ways in which it deviates from a literal rendering of our Hebrew text, while acknowledging that at times such deviation may be due to the translator's following a different text, a phenomenon which is of somewhat greater interest to textual critics than to historians of interpretation. What we shall observe is that in some ways this Aramaic version adopts many of the same techniques with which we are familiar from the later rabbinic targumim, while in others it takes a very different path.

Like the later Aramaic versions of both biblical prose and poetry, this Job targum adds words to the translation which are perhaps implicit in the original, relieving the reader of the responsibility of knowing where the text needs to be supplemented. Many of these are quite trivial, but they are typical of the targumic attempt to present a more complete and improved text to the reader. At times the targum inserts a word which creates balance between the clauses, something which the later targumim do very frequently; thus Job 38:7 ברן יחד כוכבי בקר ויריעו כל בני אלהים, "when the morning stars sang together, and all the celestial beings shouted," lacks the adverb יחד, "together," in the second half line, so the targum adds it. In the same verse, we note, the targum renders בני אלהים as מלאכי אלהא, "angels of God," showing that it stands in the same broad tradition of Jewish translation as the Septuagint to Gen 6:2, as well as Job 1:6, 2:1 and our passage, that interpreted "sons of god" as "angels."[20]

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[20] For a brief discussion of this issue, cf. Philip S. Alexander, "The Targumim and Early Exegesis of 'Sons of God' in Genesis 6," *JJS* 23 (1972): 60–71.

Sometimes ancient translators of Hebrew poetry ignore the parallelistic structure which characterizes the poetry and turn the poetry into what we would call prose. For example, Job 38:26 reads להמטיר על ארץ לא איש מדבר לא אדם בו, "to rain on land without man, a desert with no person in it;" in column 31:3–4, the Job targum renders להנחתה על ארע מדבר די לא אנש בה, "to bring down [rain] on desert land which has no man in it," compressing the two parallel clauses of the Hebrew original into one. On the other hand, however, there are instances in which the targum presents more than the Hebrew text had, as in 36:26 where the Hebrew reads "Behold God is greater than we can know; the number of His years is incalculable." This Aramaic translation apparently adds a clause to the Hebrew: "God is great and His [ma]ny days [we do not kn]ow; and the number of His years which do not end." Similarly perhaps, and once again like the later Aramaic versions, the Job targum sometimes will translate a single Hebrew word with a pair of synonyms in Aramaic, such as 39:20 אימה, "fear," which is rendered אימה ודחלה, "fear and terror."

The textual difficulties of Job have left their mark on the Aramaic version in a variety of ways. At times it seems to have vocalized the Hebrew differently from MT, as in 37:11 יפיץ ענן אורו, "He scatters His light-cloud," where the translation (29:1) וינפק מן ענן נורה, "He shall bring forth His fire from a cloud," indicates that the first noun has been read as an absolute, not a construct, form, and the second as 'ûrô, and not 'ôrô.[21] This necessitated the insertion of the preposition מן before ענן in order to integrate it into the syntax of the sentence.

In the following verse, 37:12 והוא מסבות מתהפך בתחבולתו לפעלם כל אשר יצום על פני תבל ארצה, the first four words of the extremely difficult first half are rendered by the targum in a way which resembles neither the Hebrew of MT nor any other ancient version.[22] It would appear that his translation והוא אמר ישמעון לה ואזלין לעבדיהון

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[21] The targum may also have felt that the object "cloud" is not apt for the verb יפיץ.

[22] Cf. Sokoloff's note ad loc., 143, "until *lpˁlm* is translated in a completely free manner, and…corresponds neither to MT nor to any of the ancient versions." García Martínez, 147, on the other hand, suggests that והוא מסבות is represented by מתהפך and ואזלין לעבדיהון and והוא אמר ישמעון לה "gives a free rendering of" בתחבולתו לפעלם.

על כל די ברא, "He says, 'let them obey Him;' and they go about their tasks over all that He created," is merely filler to get to the first word that he can handle, לעבדיהון which corresponds to לפעלם. It also seems, although this is less certain, that the translator has punctuated differently from MT which has its major break in the sentence at לפעלם. In the Job targum, על כל די ברא must modify לפעלם, and not יצום על פני תבל which corresponds to יפקדנון על אנפי תבל (note that the targum does not render ארצה).[23] It is difficult to be certain of all the factors which impelled the translator to adopt the approach to the verse that he did, beyond the intractability of the first few words, but it is fairly clear that the combined issues of vocabulary and syntax have led him to a rendering which diverges in several ways from the Hebrew text.

In the renowned answer to Job out of the whirlwind, the Hebrew text of Job 38:4–8 contains a series of rhetorical questions addressed by God to Job, while verses 9–11 present God speaking of His own deeds in the first person, and verse 12 returns to a rhetorical question addressed to Job. It appears that 11QtgJob has turned those first person statements by God into further rhetorical questions for Job, thus presenting an unbroken sequence of questions from 4–12. Assuming that the targum is not based on a divergent text here, we can explain its choices as an attempt to "improve" the flow of the original and to avoid presenting the reader with a divine speech which lacks the coherence and smoothness which the targumist is able to furnish in his translation.

One of the issues which has concerned students of the manuscript which we call 11Q10 is whether it deserves the appellation "targum," or whether it should just be called a translation into Aramaic.[24] The

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[23] This reading diverges from the translations in both Sokoloff's and García Martínez's editions which end the first clause with לפעלם. But cf. Dhorme's comment "It has long been noted that לפעלם belongs not to the first, but to the second part of the verse. The complement of the verb is כל אשר יצום, with which it forms one whole" (Edouard Dhorme, *A Commentary on the Book of Job* [tr. H. Knight; London: Thomas Nelson, 1967], 566). The presence of this rendition in the targum indicates that the resolution of the Hebrew was probably recognized even longer ago than Dhorme thought, even though the Aramaic version separates it from its translation of כל אשר יצום. García Martínez translates as he does because he thinks that the targum "rendered two variant readings of M[T]: צור יצום and יצום."

[24] For example, Shepherd's concluding sentence, 286, is "the Qumran Aramaic translation of Job is no more deserving of the title 'targum' than is its counterpart in the Syriac translation tradition."

term "targum," after all, is generally employed for the Aramaic translations of Scripture that we find in the rabbinic tradition, and the Aramaic translation of Job which we have discussed briefly does not manifest a variety of the qualities which are said to typify the rabbinic form, as we have noted. In my view, however, distinguishing artificially between the types of Aramaic translation in this fashion is not an appropriate reaction to the differences between versions which are separated by hundreds of years as well as cultural and sociological divides. What should be stressed, I think, by those of us like myself who are interested in both the Qumran texts and the later Aramaic versions are the points of similarity between them, as we locate them as points on a spectrum representing the history of Jewish biblical translation and interpretation. It is the good fortune of the student of the later Aramaic targumim that he or she now has a collateral ancestor to study in the form of the targum of Job from Cave 11 at Qumran.

4. *Rewritten Bible (b): The Genesis Apocryphon*

Turning from this anomalous targum text back to texts which are more typical of the Qumran "library," we note that two of the paradigmatic examples which satisfy Vermes's initial and fairly tight characterization of "rewritten Bible" are found at Qumran, *Jubilees* and the *Genesis Apocryphon*. The former, represented at Qumran by the remains of more than fifteen copies, covers the whole of Genesis and the beginning of Exodus, supplementing the retold biblical story with details that flesh out the biblical narrative, sometimes clearly motivated ideologically and sometimes not, but in all instances presenting a fuller version of the story than is found in the Bible. Although some of the substantial inserted sections may appear to digress from the narrative of Genesis, the fundamental story-line never does, and the biblical framework can be seen to govern its direction at all times.

We should note in passing that at the other end of the narrative spectrum at Qumran is Enoch, the Aramaic equivalent of 4/5 of the work known as *1 Enoch*, which is also represented in the caves by the remains of more than 10 manuscripts. Works like *1 Enoch*, in my opinion, are not to be included under the rubric of "rewritten Bible," if that heading is to remain meaningful. I prefer the term "parabiblical" for works like Enoch which use the Bible only as a starting point,

in this case the narrative about Enoch and the "sons of god" at the end of Genesis 5 and the beginning of Genesis 6. Its story-line and contents bear little real connection to the Bible. Such works, nevertheless, certainly include biblical interpretation in the narrow sense wherever they are in close proximity to the biblical narrative, and although their expansions of the biblical story are not interpretation in the technical sense, they typify one of the prominent approaches to the Bible which characterize Second Temple Jewish literature.

The *Genesis Apocryphon* does not have the very broad scope of *Jubilees*, and in its surviving fragmentary form encompasses only Genesis 5 through 15, but it clearly covered more material both before and after those points.[25] The first segment (hereafter, Part I), dealing with Lamech, Noah and the aftermath of the Flood, clearly is closely related to the Enoch literature both in style and content, while the last four columns (hereafter, Part II), dealing with Genesis 12 through the beginning of 15, remains much more closely tied to the biblical text and story, and might be said to resemble a *Jubilees*-like treatment in that regard.[26] But throughout the surviving columns, even in the Lamech-Noah section, we can observe the many ways in which the author or redactor grapples with the biblical text and rewrites it.

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[25] Fragments of 23 columns survive, customarily numbered 0–22, but there is no reason to assume that column 0 was the first column; column 22 breaks off in the middle of a sentence and the sheet that follows it was cut off in antiquity so that we do not know how far beyond its current end point it extended. The first publication, limited, more or less, to columns 2 and 19–22, is Nahman Avigad and Yigael Yadin, *A Genesis Apocryphon: A Scroll from the Wilderness of Judaea* (Jerusalem: Magnes Press and Heikhal Ha-Sefer, 1956), and the rest of the readable textual material was published by Jonas C. Greenfield and Elisha Qimron, "The Genesis Apocryphon Col. XII," in *Studies in Qumran Aramaic* (ed. E. M. Cook et al.; AbrNSup 3; Louvain: Peeters, 1992), 70–77 and Matthew Morgenstern, Elisha Qimron, and Daniel Sivan, "The Hitherto Unpublished Columns of the Genesis Apocryphon," *Abr-Nahrain* 33 (1995): 30–54. The standard commentary is Joseph A. Fitzmyer, *The Genesis Apocryphon of Qumran Cave 1 (1Q20): A Commentary* (3rd edition; BibOr 18/B; Rome: Pontifical Biblical Institute, 2004).

[26] I have argued in "Divine Titles and Epithets and the Sources of the Genesis Apocryphon," *JBL* 128 (2009) 291–310, that the two parts of the *Genesis Apocryphon*, the Lamech-Noah material and the Abram material, ultimately derive from two sources. Despite the apparent generic mismatch between these segments which I have claimed in "The Genre(s) of the Genesis Apocryphon," *Aramaica Qumranica: The Aix-en-Provence Colloquium on the Aramaic Dead Sea Scrolls* (ed. Daniel Stoekl Ben Ezra and Katell Berthelot; STDJ; Leiden: Brill, forthcoming), I should still maintain the unity and integrity of the final form of the work on a certain level, as I indicate in "Is the Genesis Apocryphon a Unity? It Depends on What Unity Means," *Aramaic Studies* (forthcoming).

In fact, one of the striking features of the *Genesis Apocryphon* is the very variety of techniques that it employs in rewriting and interpreting the Bible, ranging from virtual translation of the Hebrew text to the sort of gap-filling that we saw in the Reworked Pentateuch manuscripts to creative exegesis of the Hebrew text to rearrangement of textual details to insertion of material which is freely composed and only loosely connected to the biblical original. These techniques clearly do not all serve the same goals. The material that I have selected to demonstrate the approaches of the *Apocryphon* to biblical material is taken from both parts of the composition, but with a greater emphasis on Part II since it is both more complete and stands closer to the biblical original.[27]

It is unsurprising that in a work that retells the biblical story we should find phrases and sentences which resemble translations of the biblical text, and there are far more of those in Part II than in Part I. Some of them blend the translation with extra-biblical supplementation in a way that might remind of us of some of the later Palestinian targumim.[28] In the following lengthy citation, the italicized words represent the Hebrew text of Gen 14:13–19:

> *There came to Abram one* of the shepherds whom Abram had given to Lot *who had escaped from the captivity, and Abram was then dwelling in* Hebron, *and he told him that Lot his nephew had been captured* with all his flocks, but had not been killed, and that the kings had set forth by way of the Great Valley to their country, taking captives, plundering, destroying and killing, and that they were on their way to the city of Damascus. Abram then wept for Lot his nephew, and summoned up his courage and arose *and chose from his servants three hundred eighteen* selected for war. Arnem, Eshkol and Mamre set forth with him. *And he was pursuing them until he reached Dan,* and he found them

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camped in the valley of Dan. *And he attacked them at night from four sides, and he was killing among them by night; and he smashed them and was pursuing them,* and all of them were fleeing from him *until they reached Helbon which is north of Damascus. And he retrieved from them* everything that they had captured and everything that they had plundered and *all their goods*; *and also Lot his nephew he saved* and all his flocks. *And he brought back all the captives whom they had captured. And the king of Sodom* heard that Abram had brought back all the captives and all the booty and he *went up to meet him* and came to Shalem which is Jerusalem while Abram was encamped in *Emeq Shaveh which is the Valley of the King*, the Valley of Bet Ha-Kerem. *And Melchizedek, king of Salem, being priest to God Most High, brought out food and drink* for Abram and all his men. *And he blessed Abram and said "Blessed is Abram to God Most High* Lord *of heaven and earth."* (*Genesis Apocryphon* 22:1–14)

The biblical text can be seen here to serve explicitly as the framework for the expansion of the details of the narrative by the *Apocryphon*. And the expansion is of a fairly minimal nature, staying within the boundaries of that biblical framework.

A fine combination of narrowly focused exegesis and broad expansions is found in the *Apocryphon*'s version of Gen 9:20–21. The single biblical verse about Noah's planting a vineyard becomes in the *Apocryphon*'s rewriting a story about his observing the laws pertaining to the drinking of the first wine, found in Lev 19:23–25 regarding fruit trees; he does not drink from the wine until the beginning of the fifth year, following a Qumran interpretation of that law.[29] The family celebration which is depicted is reminiscent of *Jub.* 7:3 "On that day he made a feast with rejoicing." The story of Noah's drunkenness which follows that single verse is transformed into a positive experience through a clever piece of exegesis. After the feast Noah lies down and sleeps, according to the best reading of 12:19, and the divine revelation which he then experiences is probably linked to the author's exegesis of Gen 9:21 ויתגל, which in context means "he was uncov-

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[29] See the discussion by Menahem Kister, "Some Aspects of Qumran Halakhah," in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March 1991* (ed. J. Trebolle Barrera and L. Vegas Montaner; STDJ 11; Leiden: Brill, 1992), 2:576–86. Cf. also 4QMMT B 62–64 and *Jub.* 7:1–2. Rabbinic law demands that the owner take the fourth-year produce and consume it in Jerusalem. Kister suggests that there are two different legal traditions reflected in *Jubilees*, one of which matches the one in the *Genesis Apocryphon* and the other that in 4QMMT.

ered," as "he was revealed," i.e., he was the recipient of the extra-biblical revelation which covers columns 13–15.[30] His waking afterward is partially preserved in the text ‏[ואתעירת אנא] נוח מן שנתי‎ (15:21) and is probably based on Gen 9:24 "Noah woke from his sleep."

Gap-filling in the *Apocryphon*, too, is of various sorts; on the one hand it can respond to a marked omission in the text, and, on the other, to a "perceived" omission. Both sorts are to be found in the Abram story just when he and Sarai enter Egypt. First Abram has a dream about a palm tree and a cedar in which the palm saves the cedar from being cut down by crying out that they stem from one root (19:14–17). He interprets the dream as foretelling an impending threat to him and Sarai, with an attempt on his life which only she can avert by declaring that he is her brother. This creativity on the part of the author of the *Apocryphon* is most likely directed at resolving one or more exegetical difficulties ("perceived" gaps) in the biblical story: first, how does Abram know that the Egyptians will seize Sarai, and second, why does he adopt the amoral solution of lying in order to save the situation?[31] The interpretation is not derived from the text, but is consonant with the method of rewritten Bible to tell the story in such a fashion as to avoid questions which could arise from a reading of the biblical text itself.

The other sort of gap-filler responds to an "omission" in the biblical text of the sort that texts like the Samaritan Pentateuch (and 4QRP) and exegetes like the rabbis noticed frequently, but which in this instance seems not to have been noticed and responded to except by the author of the *Apocryphon*.[32] Gen 20:13 reads "And it was when God made me wander from my ancestral home that I said to her 'This be the kindness that you do with me, wherever we arrive, say regarding me "He is my brother."'" Nowhere earlier in the adventures of Abra(ha)m and Sarai/Sarah do we find this quotation; how could

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[30] This interpretation, which I find quite convincing, was first suggested by Daniel Machiela. See Daniel A. Machiela, *The Dead Sea Genesis Apocryphon: A New Text and Translation with Introduction and Special Treatment of Columns 13–17* (STDJ 79; Leiden: Brill, 2009).

[31] For a discussion of this and other ancient "solutions" to these problems, see James L. Kugel, *Early Biblical Interpretation* (Philadelphia: Westminster, 1986), 76.

[32] I discussed this example in detail in "Re-Arrangement, Anticipation and Harmonization as Exegetical Features in the Genesis Apocryphon," *DSD* 3 (1996): 50–55 where I refer to it as a "constructive harmonization."

that be? The author of the *Apocryphon* therefore skillfully integrates this verse into his equivalent of Gen 12:12–13 "When the Egyptians see you, they will say, 'She is his wife,' and they will kill me and let you live. Please say that you are my sister so that it will go well with me on your account, and my soul will live because of you," as follows: "They will seek to kill me and leave you alone. *But let this be the whole kindness which you shall do with me, wherever we are, say regarding me that 'he is my brother.'* And I shall live because of you and my soul shall escape for your sake" (19:19–20). Now the later statement by Abraham is vindicated by a passage earlier in Genesis.

Several examples of the *Apocryphon*'s rearranging the details of the biblical narrative of Part I can be seen in the following major deviations from the sequence of events in Genesis 8 and 9–11. First, the *Apocryphon* seems to have omitted (or to have displaced) the contents of Gen 8:5–14, including the sending out of the birds to see whether the earth has dried up.[33] Second, and perhaps more significant, according to the *Apocryphon*, Noah offers sacrifices while he is still on the ark, as we can see from the sequence: the ark rests in 10:12, the sacrifices follow in 10:13, and in the opening line of column 11 Noah is still at the entrance of the ark.[34] In the Bible, he exits from the ark (Gen 8:15–19) and then offers sacrifices (8:20–21).[35] In Genesis, the descendants of Noah are listed in chapter 10, but the *Apocryphon* shifts the position of that section to column 12 before presenting the story of Noah's vineyard which appears in Genesis 9:20–27. The change is probably made to create a smoother, more

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[33] *Jubilees* omits this element of the story as well, while 4Q252, *Genesis Commentary A*, includes the dove, but omits the raven.

[34] The possibility that these sacrifices on the ark are not parallel to the ones in Genesis, and that those took place later in the *Apocryphon*, is precluded by the fact that there is no room for the sacrifices of Genesis 8 in column 11 which is parallel to Genesis 9.

[35] I have suggested ("From the Watchers to the Flood: Story and Exegesis in the Early Columns of the Genesis Apocryphon," in *Reworking the Bible: Apocryphal and Related Texts at Qumran, Proceedings of a Joint Symposium by the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature and the Hebrew University Institute for Advanced Studies Research Group on Qumran, 15–17 January, 2002* [STDJ 58; ed. Esther G. Chazon, et al.; Leiden: Brill, 2005], 59–60) that the reason for the displacement of the sacrifices was to accomplish the purification of the earth before Noah leaves the ark so that he and his fellow survivors would not immediately be rendered impure upon exit.

seamless, narrative.[36] So while the *Apocryphon* on the whole follows the biblical narrative, both displacement and omission appear to be acceptable to it.

Finally, the author of the *Apocryphon* shows a broad knowledge of the Bible in at least two ways: First, in retelling the story, he employs phrases which appear in passages other than the one that he is interpreting; he appears to have biblical idiom at his fingertips. The following text makes use of biblical phraseology from at least three passages other than the one being retold:

> On that night, God Most High *sent against him [Pharaoh] a pestilential spirit to afflict him and all the men of his household, an evil spirit*, and it was afflicting him and all the men of his household. *He was unable to approach her*, and did not know her, although he was with her for two years. And at the end of two years, the afflictions and plagues against him and all the men of his household grew more intense, and *he sent and called all the wise men of Egypt and all the magicians* with all the doctors of Egypt, if they might cure him and the men of his household from this affliction. *And* all the doctors and *the magicians* and wise men *were unable to stand* to heal him *because* the spirit was afflicting all of them, and they ran away.

The first italicized words derive from Gen 12:17, but they are followed (in order) by borrowings from Gen 20:4 and 41:8, and Exod 9:11. The first of those citations, from the story of Sarah and Avimelekh, could be attracted to the context in order to highlight the fact that Sarai remained untouched in this incident as in the later one. We cannot know whether the other "virtual citations" are introduced into the narrative by an author who has consciously or unconsciously used another biblical text as a model for his own, or whether in a subtle manner he means to hint that there are links between what happens to this Pharaoh and later Pharaohs. The latter option would suggest a very sophisticated level of composition.

Another indicator of the detailed knowledge of the Bible by the author of the *Apocryphon* is the embedding of its exegesis in such a fashion that only a reader who knows the Bible broadly will recognize it as such. Thus Abram says that he then reached Hebron which had just been built, and remained there for two years (19:9–10). Later

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[36] I have analyzed this rearrangement in "Re-Arrangement, Anticipation and Harmonization" (above n. 32), 40–44, suggesting a number of ways in which it might have made the story flow better.

on (19:23) we are told that he was in Egypt for five years before Sarai was taken from him by Pharaoh Zoan. Only by putting these two texts together and recalling a text in Numbers, do we realize that we have here an interpretation founded on Numbers 13:22 "Hebron had been built seven years before Zoan of Egypt."[37] Or, to put it differently, the author of the *Apocryphon* (or his source) sees the passage in Numbers as related to the chronology of the Abram narrative, and indicates it as such.

Our emphasis to this point has been on the various ways in which the *Apocryphon* deals with the Bible when it remains relatively close to it. In order to give a fuller picture of how it operates, however, we need to point out the substantial passages, almost exclusively in Part I, where the *Apocryphon* moves away from close adherence to the biblical narrative of Genesis by introducing expansions which are virtually unconnected to the biblical text. The dialogue between Lamech and his wife Bitenosh in column 2, the ensuing conversation of Methuselah and Enoch in 3–5, and most of the Noah material leading up to the missing flood narrative are all inserted freely into, or superimposed upon, the Hebrew narrative. The revelation to Noah in 13–15, mentioned above, and the detailed description of the division of the earth among his sons (16–17) are also independent compositions with little or no exegetical link to the text of Genesis. In the Abram section, on the other hand, almost all the non-biblical supplements to the narrative, such as the description of Sarai's beauty in column 20 and Abram's viewing and circumambulation of the Land in column 21, can be said to grow organically from it, and this, of course, marks one of the most substantial dichotomies between these two segments.

That *Enoch, Jubilees* and the *Genesis Apocryphon* are related to each other is virtually indubitable, although the precise nature of the relationship, particularly between the latter two works, is still debated.[38] They share both interpretive and ideological traditions, but

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[37] Provided we make the very reasonable assumption that Pharaoh built the city named after him at this time.

[38] Avigad and Yadin, the original editors of the *Apocryphon*, wrote (*A Genesis Apocryphon*, 38) "We may confidently emphasize the close connection between the scroll and many parts of the *Book of Enoch* and the *Book of Jubilees*, leading at times to the conclusion that *the scroll may have served as a source for a number of stories told more concisely in those two books*" [emphases in the original]. This position had been largely rejected as regards both *Enoch* and *Jubilees*, but there has recently been

the pictures which they paint are hardly identical. They thus enrich the student of Second Temple biblical interpretation both with their agreements, which present a common tradition that can be contrasted with other Second Temple or rabbinic approaches, and with their disagreements, which demonstrate the divergences and dichotomies that developed even within a single tradition of interpretation in antiquity.

5. *Commentaries*

Turning from the "rewritten Bible" mode of interpretation to the commentary form, we find at least two different models at Qumran. The pesher form is certainly far better known, being represented by *Pesher Habakkuk* (1QpHab), one of the first seven scrolls to be discovered, and about a dozen other texts, while the form represented by *Genesis Commentary A* (4Q252) is rarer and less well-known. We shall, nevertheless, begin with the latter because it is more accessible as a commentary, and resembles better what we used to expect a commentary to look like.

5.1. 4QGenesis Commentary A

In its coverage *Genesis Commentary A* is selective; it does not rewrite or comment on every line of Genesis, but moves through the book from Chapter 6 to Chapter 49, remarking at will, briefly or at length, on individual passages, but omitting the large majority of the text from its coverage. Not all of its comments are of the same nature; some appear to be addressing questions which the biblical text would pose to any interpreter, while others seem to be motivated by particularly Qumranic interests, while yet others do not respond to any exegetical difficulty, but superimpose a Qumranic theological reading on the text. Finally, because of the very divergent nature and styles of the comments, it is very possible that we do not have here a commentary written by an "author," but one selected by a collector of remarks from several earlier works of possibly differing genres. If that is correct, a

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a revival of the view that places the *Apocryphon* before *Jubilees* by scholars such as Esti Eshel, Daniel Machiela, and Cana Werman. James Kugel, Daniel Falk and I are among those arguing for the priority of *Jubilees*.

variety of further interesting questions are raised, but that is beyond the scope of this paper.[39]

One of the goals of any commentary, ancient or modern, is to clarify biblical passages which are ambiguous or which can be understood in more than one way. Such a verse is Genesis 6:3 לא ידון רוחי באדם לעולם בשגם הוא בשר והיו ימיו מאה ועשרים שנה, "My spirit shall not abide (?) in man forever, inasmuch as he is flesh, *and his days shall be one hundred and twenty years*." Putting aside the problem of the very difficult Hebrew word ידון, for which this Qumran text actually reads the much simpler ידור, "shall dwell,"[40] to what do the 120 years of the verse refer? Already in antiquity there were at least two interpretations of the verse circulating: either man's lifespan would be in the future limited to 120 years, or the flood would take place in 120 years.[41]

The Qumran interpreter chose the latter interpretation, writing, "in the 480th year of Noah's life, their time came to Noah, seeing that God had said, 'my spirit shall not dwell in man forever, and their days shall be determined at 120 years until the time of the waters of the flood'" (4Q252 1 i 1–3). Perhaps the commentator adopts this reading because he knows that later in the Pentateuch we find individuals living longer than 120 years, but his choice presents yet another difficulty. The text has already told us in Genesis 5:32 that Noah was 500 years old when he began to have children, and the flood begins in Noah's six hundredth year (Gen 7:6). The Qumran

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[39] Official publication in *Qumran Cave 4.XVII: Parabiblical Texts, Part 3* (DJD 22; ed. George J. Brooke et al.; Oxford: Clarendon, 1996), 185–207. For two slightly differing, but complementary, approaches to 4Q252, cf. George J. Brooke, "The Thematic Content of 4Q252," *JQR* 85 (1994): 33–59 and "4Q252 as Early Jewish Commentary," *RevQ* 17 (1996): 385–401, and my "4Q252: From Re-Written Bible to Biblical Commentary," *JJS* 45 (1994): 1–27 and "4Q252. Method and Context, Genre and Sources (A Response to George J. Brooke, 'The Thematic Content of 4Q252')" *JQR* 85 (1994): 61–79. The crux of my disagreement with Brooke (as well as with Ida Frohlich, "Themes, Structure and Genre of Pesher Genesis," *JQR* 85 [1994]: 81–90) is whether *Genesis Commentary A* can be said to manifest thematic unity of some sort. More recent general treatments of 4Q252 are White Crawford, *Rewriting*, 130–43, and Falk, *Parabiblical*, 120–39.

[40] For discussion of the text-critical value of ידור, compare my discussion in "4Q252 i 2 לא ידור רוחי באדם לעולם: Biblical Text or Biblical Interpretation?" *RevQ* 16/63 (1994): 421–27 with George J. Brooke's in "Some Remarks on 4Q252 and the Text of Genesis," *Textus* 19 (1998): 8–9.

[41] Life span of man: *Genesis Rabbah* 26:7; pseudo-Philo, *LAB* 3; Josephus, *Ant.* 1.75. Time until flood: all the Jewish Aramaic versions; *Mekhilta de-Rabbi Yishmael* Shirta 5; *Genesis Rabbah* 30:7; *b. Sanh.* 108a; ARN A 32.

exegete therefore highlights the problem which his interpretation raises, and notes explicitly that this message from God to Noah came in Noah's 480th year! He shows that he, like the rabbis of the midrash later on, is willing to postulate that the biblical text does not always present its information in chronological order.

Later on in 4Q252, we find a very brief lemma plus comment which anticipates later commentary form in a striking manner. Gen 9:24–25 reads "Noah woke from his sleep and realized what his youngest son had done to him. Then he said, 'Cursed be Canaan, may he be the lowliest slave to his brothers.'" Every reader should be puzzled by the fact that it is Ham's son whom Noah curses, rather than Ham who has done the dastardly deed, whatever that may have been. *Genesis Commentary A* (1 ii 5–7) therefore writes, "And he did not curse Ham, but rather his son, because God had blessed the sons of Noah." It sees a reasonable solution to the question within the text biblical text itself—Noah cannot curse his son Ham because Ham is included in the blessing which God had bestowed on Noah and his sons in Genesis 9:1, "The Lord blessed Noah and his sons." Noah's curse could not trump God's blessing, so he does the next best thing and curses Canaan. This text, which is unusual at Qumran, nevertheless furnishes us with an example of what later commentaries would look like.

Now the very same plausible interpretation is found several hundred years later in the rabbinic midrash *Genesis Rabbah* 36:7, "Ham sins and Canaan is cursed—how can that be?…Because it is written 'God blessed Noah and his sons,' and there is no curse in the place of blessing, therefore 'he said "cursed be Canaan etc."'" The tantalizing question which remains is whether the rabbinic commentary knew and shared the Qumran tradition, which, if it were provable, would be a very significant datum for the history or development of biblical interpretation, or whether the two independent exegetical sources have arrived at such a common reading independently.

The penultimate column of this scroll, and the last one with much text on it, was first published by Allegro in 1956 by itself, and the whole text was therefore given the premature name *4QPatriarchal Blessings* because of those contents.[42] The text under discussion is the

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[42] John M. Allegro, "Further Messianic References in Qumran Literature," *JBL* 75 (1956): 174–76. I should note here that some of the text earlier in 4Q252, such as the exegesis in columns 1–2 which puts the chronology of the Flood at exactly 364 days,

blessing of Judah by Jacob in Gen 49:10 לא יסור שבט מיהודה ומחקק מבין רגליו עד כי יבא שילה ולו יקהת עמים, "the scepter shall not depart from Judah nor the ruler's staff from between his feet, until tribute shall come to him and the homage of peoples be his."[43] The commentary starts slowly, not giving away its Qumran origins, "A ruler shall not depart from the tribe of Judah while there is dominion to Israel, [and there shall not be c]ut off one sitting on David's throne. For the מחקק (ruler's staff) is the covenant of the kingdom, [and the th]ousands of Israel are the standards (reading דגלים, rather than MT רגליו)." Until this point, there is nothing to indicate a Qumran context for the commentary, for we are reading an interpretation of the first half of Gen 49:10 which might be found in a variety of Jewish interpreters in antiquity.

But then the author reveals his local loyalties, and we find ourselves placed clearly in a Qumran milieu as he continues, "until the righteous messiah, the branch of David (צמח דוד) comes, for to him and his seed was given the covenant of the kingdom of his people for eternal generations because he kept [....] the Law with the men of the community (יחד) because [........] is the assembly of the men of....." The term צמח דוד occurs in at least three (and perhaps four) other places in eschatological or messianic contexts at Qumran, and appears to be a term which the Qumran group employed for a future figure whom they awaited. יחד, needless to say, is the name by which the group referred to themselves. The biblical text under scrutiny in this portion of the commentary is a prophetic blessing, and we can understand quite well why it might attract the kind of interpretation which it does, unlike the kind of comments which we find in the earlier portions of this text. If it had not been found at Qumran, but elsewhere, we might have been drawn to suggest Qumran origins because of its final passage, but we also might have wondered about the very "unqumranic" straightforward reading of the biblical text which precedes it. We see that not all biblical interpretation at Qumran, even in a single manuscript, is necessarily cut from the same cloth.

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the solar year favored in many Qumran works, would also be particularly conducive to a Qumran context.

[43] I follow the NJPS translation for the moment, knowing that no translation of this verse will satisfy everyone, not least because of its employment in messianic exegesis in both Judaism and Christianity.

5.2. *Pesher: 4QpIsa^b*

As we noted above, in the history of the Qumran discoveries the first commentary published was the pesher on the book of Habakkuk from Cave 1, and its firstness has perhaps given it and its form an undue primacy in discussions of Qumran commentaries. In the pesher form, the interpreter is not necessarily interested in the simple meaning of the verses in the prophetic text, but only in what they have to say about his own times. The form which the pesher adopts is the familiar lemma plus interpretation, but the nature of the commentary is completely different from what we are accustomed to recognize as commentary.

The pesharim tell us more about the author, his group, his opponents and the history of their times than they do about the meaning of the biblical text. Unfortunately, the pesher technique conceals almost all of the specific characters behind code names and sobriquets, like Ephraim and Manasseh, "seekers after smooth things," "the wicked priest," "the man of the lie," and "the preacher of lies," so we cannot identify the specific cast of characters in many, if not most, cases. Qumran scholars would willingly pay dearly for an ancient text which contained the solution to the coded names. For the author of the pesher, the true message of the prophetic text, or the texts from Psalms which were treated the same way, did not pertain to the world of the prophet or poet who wrote them, but referred to him and the world around him. Even the prophets themselves could not understand the meaning of their own prophecies as well as the Teacher of Righteousness (or Righteous Teacher) from Qumran.

An interesting and somewhat unusual example of the pesher form is represented by the single fragment of the manuscript named 4Q162 or 4QpIsa^b.[44] As we expect of a pesherist, the interpreter is not necessarily interested in the simple meaning of the verses in Isaiah, but only in what they have to say about his own times. It is unfortunate that the best-surviving column of this text seems to have more biblical quotation than commentary, but we can nonetheless get a sense for how the author is applying the words of Isaiah to his own day.

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[44] Originally published by Allegro in DJD 5 (above n. 8) 15–17, my text and translation are based on my edition of this text with commentary that will hopefully appear in the revision of Allegro's edition of DJD 5 which I am preparing with George Brooke and a number of other co-operating scholars.

The opening of column 2, the least fragmentary section of the document, seems to be an interpretation of Isa 5:8–10, which was presumably quoted at the end of the previous column that is no longer extant. The prophet there describes greedy land acquisition, "joining house to house and field to field" which will then be followed by the desolation of great estates and a catastrophic decline in the productivity of the land. Although the prophet Isaiah is speaking of his own day in this passage, the Qumran interpreter, or perhaps better "employer," of these verses attaches them to his own era. The commentary is introduced by one of the standard pesher formulas, פשר הדבר לאחרית הימים, "the interpretation of the matter," continuing לחובת הארץ מפני החרב והרעב והיה בעת פקדת הארץ, "it refers to the end of days at the destruction of the land because of sword and famine. It shall take place at the time of the visitation of the land."[45]

The pesher applies the words of the prophet to "the end of days," an expression which must carry some eschatological weight, although its exact sense in Qumran literature has been the subject of some discussion.[46] "Sword and famine," then, are the pesherist's interpretation of 5:10 which describes a precipitous decline in agricultural productivity. All this will take place, according to the pesher, at the time of the visitation of the land. The term פקדה is one which is often employed in Qumran Hebrew, and we can probably consider an idiom such as this one to be analogous to קץ הפקודה, "the period of visitation" which is found in the *Damascus Document* (7:21 and

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[45] Although the word חובת appears to mean "guilt" or "debt" (and this would be its first appearance with this meaning in Hebrew), I follow the interpretation originally suggested by Allegro that it here means "destruction" (although for philological reasons differing from his), and that it serves as the pesher of לשמה, "for desolation" in Isa 5:9b. The omission of the *resh* of חובת is not a scribal error, but a feature of Qumran phonology; cf. Elisha Qimron, *Hebrew of the Dead Sea Scrolls* (Atlanta: Scholars, 1986), 200.14, pp. 26–27 and the literature cited in n. 8. He notes, "Such omissions occur for the most part near gutturals," and the proximity of *ḥet* fulfills that criterion. Although I believe that this reading is likely to be the correct one, an alternative pointed out by Shani Tzoref in the course of editing this essay ought to be mentioned. Following Gary Anderson's discussion of the metaphor of sin as debt ("From Israel's Burden to Israel's Debt: Towards a Theology of Sin in Biblical and Early Second Temple Sources," *Reworking the Bible: Apocryphal and Related Texts at Qumran,* [above n. 35] 1–30, esp. 9–18), she suggested a link between this phrase in the pesher and Lev 18:25 ותטמא הארץ ואפקד עונה עליה ותקא הארץ את ישביה; the possible link between the uses of פקד strengthens the possibility that חובת is to be taken as synonymous with עונה and to have the later meaning of "guilt" or "sin."

[46] Cf. Annette Steudel, "אחרית הימים in the Texts from Qumran," *RevQ* 16 (1993): 225–46.

19:10–11) and דור הפקודה, "the generation of visitation," found in 4QpHos^a (4Q166 1 10). The author thus assigns Isaiah's prophecy to a time described by the following combination of terms—"the end of days," "the destruction of the land," and "the visitation of the land."

The pesher then continues with Isa 5:11–14, parts of which verses have often perplexed modern commentators, and writes, "they are the Scoffers who are in Jerusalem, the ones who 'despised the Torah of the Lord and rejected the word of the Holy One of Israel,'" linking the previous citation of Isaiah with verses somewhat distant from it, Isa 5:24–25. The term "Scoffers" is typical of the pesharim which often characterize their opponents by a variety of sobriquets, giving the opportunity to modern scholars to exercise their ingenuity in guessing at just whom the author of the pesher has in mind. The full phrase itself is borrowed from Isa 28:14, and is used in the *Damascus Document* 20:10–11, also in the context of those who reject the law. One of the opponents of the Qumran group referred to at the opening of the *Damascus Document* (1:14) is the איש הלצון, the "Scoffer" who could very well be the leader of those pointed at in this passage.

Although the phrase "who 'despised the Torah of the Lord and rejected the word of the Holy One of Israel'" is part of the citation from Isa 5:24, it appears that the author of this pesher employs the citation as part of his characterization of his opponents. A similar idiom is found in 1QpHab 1:11 and 5:11 where it is said of opponents of the group and of the man of the lie that "they rejected the law of God." We know that at the root of much of the conflict between the Qumranites and their opponents are their divergent approaches to the practice of Jewish law. This is perhaps made clearest in 4QMMT which is an attempt to sway the addressee of the so-called "halakhic letter" to follow the religious and legal practices of the Qumran group and not those of their opponents. So the interpretation of this historically oriented commentary on Isaiah's prophecies coincides well with what we know to have been the view of the Qumran community as reflected in their other writings. Even in this brief fragment of a pesher which contains more biblical text than interpretation we can see how the Qumran exegete manipulates the prophetic text in order to derive from it a message which is pertinent to his group and its opponents in the circumstances of the present, not the future.

6. *Legal Interpretation: 4Q159—Ordinances[a]*

Legal biblical interpretation in antiquity before the Qumran discoveries was virtually limited to the rabbinic tradition, and it was this fact that led some early readers of the *Damascus Document*, and *even of the book of* Jubilees to presume that they derived from some sort of Pharisaic or proto-rabbinic group, so deeply was the bias ingrained that only Pharisees or rabbis were engaged in the interpretation of biblical law.[47] Once the fuller corpus of legal texts from Qumran was published, however, including the *Damascus Document*, the *Community Rule* and other Rule texts, the *Temple Scroll*, MMT or the *Halakhic Letter*, and others, the place of legal biblical interpretation in the Qumran world became more prominent.

It is my view that we can characterize the modes of legal exegesis at Qumran employing the terminology of rabbinic legal exegesis, even though a good deal of the exegesis is inferential and not explicit.[48] The methodology employed by the Qumran legists is similar enough to that of the rabbis that such analogies are appropriate with the proper caveats. Even in the *Temple Scroll*, which employs the literary form of rewritten Bible, we can often discern the organizational and exegetical principles which underlie the particular rewriting of the biblical text. The legal sections of the *Damascus Document* do not resemble rewritten Bible, and even a text such as 4Q159 Ordinances[a], which bears some resemblance to rewritten Bible, forces us to pay closer attention to the way in which biblical material has been rewoven into a new form. It is not rewritten Bible, but biblical legal material reshaped and reformed under exegetical and interpretive constraints.

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[47] Robert H. Charles writes ("The Book of Jubilees," in *APOT*, 2:1), "The Book of Jubilees was written in Hebrew by a Pharisee between the year of the accession of Hyrcanus to the high-priesthood in 135 and his breach with the Pharisees some years before his death in 105 B.C." Louis Ginzberg asserts in the "Preface" (dated 1916) to his study of what we now call CD, *An Unknown Jewish Sect* ([tr. R. Marcus et al.]; New York: Jewish Theological Seminary, 1976), xviii, "The results of these detailed investigations of the Halakah in the fragments can be summarized in the following words. The Halakah of the sect represents the Pharisaic view in all essential questions of law…."

[48] For a broad preliminary discussion of legal exegesis at Qumran, see Moshe J. Bernstein and Shlomo A. Koyfman, "The Interpretation of Biblical Law in the Dead Sea Scrolls: Forms and Methods," in *Biblical Interpretation at Qumran* (ed. Ma Henze; Grand Rapids: Eerdmans, 2005), 61–87.

For our discussion, I choose a passage from 4Q159 frg. 2–4 8–10 which is fairly clear despite the somewhat fragmentary manuscript.[49] The final law which survives in this fragment is that of the bride accused of pre-marital unfaithfulness (Deut 22:13–21):[50]

8   Should a man malign an Isra[e]lite virgin, if on th[e day] of his taking her he says it, then there shall examine her

9   reliable [women]. If he has not lied regarding her, she shall be put to death, but if he has testified against her fals[ely], he shall be fined two minas [and his wife] he shall [not]

10   divorce all of his days.

It is clear that this passage is an exegetical rewriting of the passage in Deuteronomy, even though it is quite selective in which details of the biblical text to include in its composition, beginning by compressing the opening two verses of the pentateuchal account into the words "should a man malign an Israelite virgin."[51] The formulation is extremely strange unless the reader is expected to understand the full implication of these words from his familiarity with the biblical account. Further reduction is evident in the almost total omission of Deut 22:15–17 which indicate the actions of the parents of the bride; in this Qumran composition, in fact, it is not clear whether the parents have any role at all. Just in case there was any doubt, in light of the omission of the introductory details found in the Pentateuch, that this law deals with a bride, the author expands the biblical law with the introduction of a time-frame for the accusation, ב[יו]ם קחתו אותה,

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[49] Originally published by Allegro in DJD 5 (above n. 8), 6–9, this translation, too, is based on my edition of this text with commentary that will appear in the re-edition of DJD 5. I discuss 4Q159 at considerably greater length, and from a broader perspective, in "The Re-Presentation of 'Biblical' Legal Material at Qumran: Three Cases from 4Q159 (4QOrdinances^a)," in *Shoshanat Yaakov: Ancient Jewish and Iranian Studies in Honor of Professor Yaakov Elman* (ed. Steven Fine and Shai Secunda; Leiden: Brill, forthcoming) and in "4Q159: Nomenclature, Text, Exegesis, Genre," in *Qumranica Hafniensia. Selected Texts from Discoveries in the Judaean Desert 5 Revisited* (ed. Jesper Høgenhaven; STDJ; Leiden: Brill, forthcoming).

[50] The *Temple Scroll* (11QT) 65:7–66:??, also presents the same law, although unsurprisingly, it contains virtually no interpretation of the law, and its language is modeled completely on the language of the biblical text.

[51] We note that the law preceding this one in 4Q159, lines 6–7, is an expansion of the biblical prohibition on cross-dressing (Deut 22:5), coming from earlier in the same chapter, but modeled more closely on its biblical original: "Let there not be male garments upon a woman, any [nor shall a man] [7] cover himself with woman's outer clothing, nor shall he wear the tuni[c] of a woman for it is an abomination."

"on the day he marries her." The time when the husband has a right to charge his wife is limited to that immediately following the marriage, and is of course reminiscent of later rabbinic discussions in mishnah Ketubbot 1:1 and related texts.

Once the husband has made this accusation, our document demands some objective testimony about the status of the woman. Whereas the Bible places the obligation of demonstrating the virginity of the bride on her parents, with the words ופרשו השמלה לפני זקני העיר, "they shall spread the garment before the elders of the city," 4Q159 moves it to נשים] נאמנות], "reliable women," according to the reading proposed by Jeffrey Tigay and probably confirmed by a similar passage in several of the Cave 4 copies of the *Damascus Document* (4Q271 3 12–14; cf. 4Q269 9 6–8 and 4Q270 5 20–21). "Let no one marry any woman regarding whom an evil rumor circulated while she was in her unmarried state in her father's house, *except after examination by trustworthy, reliable and knowledgeable women* at the command of the *mebaqqer* over the Many."[52]

On the one hand, this clause aids in our comprehension of how the Qumran legist understood the biblical text. The time-frame for the husband's bringing these charges is limited, since such trustworthy women would be able to determine whether the bride had been virgin at the time of the marriage only immediately after the wedding. Furthermore, Menahem Kister has made the insightful suggestion that the author of 4Q159 found support for his legal "innovation" in his exegesis of the very words ופרשו השמלה of Deuteronomy, interpreting it to mean that the garment worn by the accused woman is to be spread so that the women can examine her.[53] On the other hand, if we consider what it is that this text tells us about the social group for which it was composed, we can infer, as we do regarding the parallel passage in 4QD, that it was a society which not only was

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[52] Jeffrey H. Tigay, "Examination of the Accused Bride in 4Q159: Forensic Medicine at Qumran," *JANESCU* 22 (1993): 129–34. Aharon Shemesh offers two further significant discussions of this passage in "4Q271.3: A Key to Sectarian Matrimonial Law," *JJS* 49 (1998): (244–63), 252–61 and "Two Principles of the Qumranic Matrimonial Law," in *Fifty Years of Dead Sea Scrolls Research: Studies in Memory of Jacob Licht* (ed. Gershon Brin and Bilhah Nitzan; Jerusalem: Yad Izhak Ben Zvi, 2001), 181–203 [Hebrew]. The latter article discusses in detail the divergences in exegesis and law between the Qumran text and later rabbinic halakha.

[53] M. Kister, "Studies in 4QMiqṣat Maʿaśe Ha-Torah and Related Texts: Law, Theology, Language and Calendar," *Tarbiz* 68 (1999): 332–33, n. 69 [Hebrew].

not celibate and male only, but even included women who were trained for or expert at this sort of evaluation.

The author of this Qumran text continues in his not very close adherence to the biblical text of this section by compressing and inverting the two options which the Bible presents. In Deuteronomy, the first case presented is that where the husband is lying (22:18–19), and the second where he is truthful (22:20–21). In 4Q159, they are reversed, and a single line (9–10) suffices for four biblical verses. The penalties are equivalent to those in the Bible—death if his claim is correct, and a fine (expressed in the monetary terms of the Second Temple period) if he is lying. Once again, there is no reference to the parent(s) of the woman as the recipient(s) of the fine paid by the lying husband.

As we noted earlier, the law would make no sense as formulated if the reader was unaware of the passage in Deuteronomy, but the author appears to avoid modeling it too closely on that text. We are reading an interpretation of the law in Deuteronomy, once the passage has been stripped of some of its details. The distance between the pentateuchal text and the Qumran law, however, is not so great that we cannot easily recognize that the latter is the rewriting of the former. And from our perspective in this essay, that is all we need to observe to be able to assert that what we have before us is a Qumranic interpretation of a piece of pentateuchal legislation. I think that all legal texts from Qumran need to be examined in this fashion, with an eye to understanding how the biblical text which underlies them has been handled. Judicious analysis of this sort will be of value to the student of both Qumran law and Qumran biblical interpretation (and, not infrequently, to students of rabbinic law as well).

7. *Conclusion*

We have examined in the preceding discussion six texts, which belong to at least four genres, depending on how narrowly we define our genres. Let us consider for a moment what these forms of Qumran biblical interpretation might contribute to a history of the development of biblical interpretation. It is fairly clear that the reworked Pentateuch form, with its comprehensive rewriting of the biblical text with minimal interpretive insertions does not survive beyond the era of the Qumran texts. Whether or not it was biblical for its composer,

it did not furnish a model for similar extensive rewritings later on in either Judaism or Christianity. The less-biblical rewritten Bible form like the *Genesis Apocryphon* is also quite rare in extant rabbinic literature, with its only real representative being the much later (8th or 9th century C.E.) *Pirqei de-Rabbi Eliezer*. It has recently been suggested by a distinguished scholar of early Christianity, Lucas van Rompay, that the *Genesis Apocryphon* may have descendants in the Syriac biblical commentaries of Ephrem (d. 373 C.E.).[54] If this tentatively expressed hypothesis could be verified, it would fill in another piece in the largely empty jigsaw puzzle that depicts the development of early biblical interpretation, and we should then have new questions to ask, both historical and literary.

Biblical translation, of which Qumran furnishes a substantial example only in the Aramaic version of Job, existed before Qumran in literary form in the Septuagint, and continued afterward in the various rabbinic Aramaic translations of the Bible, the Syriac Peshitta, and early Christian biblical versions. In this case, the Qumran text need not be seen as, and probably was not, a major link in the chain, but, as noted earlier, furnishes us with a chronologically significant piece of the larger picture. Its value lies primarily in what it can offer to comparative studies.

The two sorts of commentary forms that we looked at would seem to have had different fates. The pure pesher form, with its technical vocabulary and employment of sobriquets, appears to have been unique to Qumran. When Qumran ends, it appears that the pesher genre as a Jewish mode of interpretation terminates as well, although there have been suggestions that pesher forms of interpretation are to be found in Christian Scripture.[55] Perhaps pesher could only exist in

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[54] Lucas van Rompay, "Between the School and the Monk's Cell: The Syriac Old Testament Commentary Tradition," in *The Peshitta: Its Use in Literature and Liturgy. Papers Read at the Third Peshitta Symposium* (Monographs of the Peshitta Institute Leiden 15; ed. Bas ter Haar Romeny; Leiden: Brill, 2006), 41–42 and nn. 37–40. I am grateful to Professor van Rompay for pointing out to me this confluence of our diverse research activities.

[55] Speaking of Qumran interpretation of prophecy, George J. Brooke writes, "[T]his controlling influence of Scripture in the *pesharim* needs to be stressed, not least because many New Testament commentators have been tempted to describe the interpretative activity of many of the New Testament authors as *pesher*-like. It can be put quite simply: in *pesher* the primary or base scriptural text always precedes the interpretation; in the New Testament, such as in Matthew's infancy narrative or in the use of the Psalms in the passion narratives, the scriptural text, in the way the narrative is presented, follows after the event" ("Biblical Interpretation in the Qumran Texts and in the New Testament," in *The Dead Sea Scrolls and the New Testament*

a community which believed that it was living on the verge of the eschaton and led by a leader who had inspired interpretive gifts.[56]

The *Genesis Commentary A* form, if my view that it is a sort of selective commentary is accepted, would seem to stand in the tradition of later Jewish and Christian scriptural commentaries which blended side-by-side simple sense interpretations of the text with ideologically driven ones and all sorts in between. From the standpoint of actual literary-historical connections, we must ask, once again, whether this form of commentary that we find at Qumran was discovered or developed there, or whether Qumran simply preserves for us a form which was shared by a variety of Jewish groups in the late Second Temple period. Did later employers of this literary form inherit a Qumran model or a pan-Jewish Second Temple one? This question must unfortunately remain unanswered, barring the availability of further evidence, but the possibility remains that the shared formal qualities of these texts were not merely coincidental.

[Minneapolis: Fortress, 2005], 60). For a critique of the view that sees a Qumran genre, "midrash pesher," in Paul, see Timothy H. Lim, "Midrash Pesher in the Pauline Letters," in *The Scrolls and the Scriptures: Qumran Fifty Years After* (ed. Stanley E. Porter and Craig A. Evans; JSPSup 26; Sheffield: Sheffield Academic Press, 1997), 280–92.

[56] Naphtali Wieder claimed in *The Judean Scrolls and Karaism* (East and West Library; London: Horovitz, 1962) and several earlier studies that the Karaites employed a pesher-type of exegesis. Meira Polliack, however, has argued ("On the Question of the Pesher's Influence on Karaite Exegesis," in Gershon Brin and Bilhah Nitzan [eds.], *Fifty Years of Dead Sea Scrolls Research*, 275–94 [294 and n. 48] [Hebrew]) that the "connection between the two exegetical approaches—that of the pesher and that of [the Karaite] Al Kumisi—to which Wieder and other scholars drew attention is fundamentally external." She introduces a recent, considerably lengthier, discussion as follows:

> this article questions the long-held thesis concerning the existence of a viable connection between Qumranic pesher and the early Karaite model and method of interpreting biblical prophecy and some other biblical texts, as argued primarily by N. Wieder, and later adopted in other studies. The hypothesis proposed here is that while the parallels identified in the exegetical texts of both groups reflect a similar orientation in the history of Jewish Bible interpretation, this should not be confused with Qumranic sources actually influencing early Karaite literature.... The following analysis of three major aspects of the comparative sources (the conceptual framework of interpretation, its methodology, and its terminology), shows that there is no substantive continuity between the interpretive systems of the Qumranites and Karaites ("Wherein Lies the Pesher? Re-questioning the Connection Between Medieval Karaite and Qumranic Modes of Biblical Interpretation," *JSIJ* 4 (2005): 154 (151–200) (http://www.biu.ac.il/JS/JSIJ/4-2005/Polliack.pdf).

For Qumran and the Karaites more generally, see now Albert I. Baumgarten, "Karaites, Qumran, the Calendar, and Beyond: at the Beginning of the Twenty First Century, in *The Dead Sea Scrolls and Contemporary Culture: Proceedings of the International Conference held at the Israel Museum, Jerusalem (July 6–8, 2008)* (ed. Adolfo Roitman, Lawrence H. Schiffman, and Shani Tzoref; STDJ; Leiden, Brill, 2010), 603–19.

Finally, our brief glimpse at a text containing biblical interpretation in a legal context gave us a glimpse at a post-biblical formulation of laws that differs, on the one hand, from the style of the *Temple Scroll* which remains closer to biblical idiom, but is also quite unlike the style that we find in rabbinic literature in the mishna and the tosefta. It is difficult to speak of a strict line of development in this area, since even at Qumran we find a variety of ways in which legal material is being rewritten in diverse legal texts. It is much easier to compare the contents and the methods of the legal analysis of the biblical material at Qumran and in rabbinic literature than the literary forms in which they survive. We may certainly surmise, however, that even the literary form of 4Q159 may have resembled biblical style too much for the rabbis to have integrated something like it into an Oral Law which could not resemble the Written.

So it appears that the importance of Qumran biblical interpretation, beyond its intrinsic significance, cannot be shown to lie in any major direct impact that it had on the development of subsequent Jewish biblical interpretation. In those areas, such as Aramaic translation and non-pesher commentary, where we can point to similarities between Qumran and later material, the similarity is not likely to be the product of direct development or influence. The significance of the Qumran interpretive corpus from an historical perspective can therefore be said to lie in its filling in another blank section of the jigsaw puzzle described above, as well as in preserving for us remnants of interpretive lineages and forms which died out and did not survive antiquity.

ZOROASTRIANISM AND QUMRAN

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Historians of religion are intellectuals by definition, and as intellectuals they naturally tend to overestimate the importance of the life of the mind in the histories they write. Ideas are the coin of the realm in intellectual life and intellectual history, and as the coin of the realm they are traded and exchanged, clipped, and even melted down. But in our fascination with the coins we sometimes lose sight of another relevant factor: the uses to which they are put, and the amount of avarice by which their possessors are animated. In other words, ideas are sometimes effective and influential for reasons far removed from their intellectual power.

Coins may not be the best metaphor for ideas, but, like ideas, they are valuable, and their use depends on their owner, as does the desire to possess them. In that sense, intellectuals may be avaricious, but they constitute only a small minority of the human race. Indeed, even intellectuals themselves often get along with very few ideas; one might look at the humanities in Academia as an example. Most people get along with very few abstract ideas that they have not already absorbed from their birth culture, and feel no need to acquire new ones. As intellectuals we tend to look down on those people, even when we actually share their view.

The idea I wish to discuss today is dualism, its supposed expression in the doctrine of the Two Spirits at Qumran, and the relationship of Qumran/Second Temple Judaism and Zoroastrianism. And more broadly, I would like to make some pertinent points about intellectual history in general.

Let me begin with a short discussion that is now more than a generation old, that of F. F. Bruce in an article published in Leeds in 1968.[1] In it he makes the following comment in passing:

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[1] F. F. Bruce, "Holy Spirit in the Qumran Texts," *ALUOS* 6 (1966/68): 49–55.

In 1QS 3:18–4:26 we have the well-known passage about the two spirits who between them have received all mankind as their lot. The one is the spirit of truth, of light, of holiness; the other is the spirit of false-hood, of darkness, of impurity. There is a formal parallel here with such a passage as 1 Cor 2:12, where Paul says, "Now we have received not the spirit of the world, but the Spirit which is from God"—but the par-allel is more formal than material, because Paul does not think in terms of a predestined division and because he has in mind the ability to understand spiritual truth which the Spirit of God imparts. To this last idea there are certainly parallels in Qumran thought, as we shall see below, but hardly in the passage where the two spirits are contrasted. To this passage there is a notable parallel in the War scroll, where the priests, Levites and elders bless God and curse Satan, expressing their gratitude to God for appointing the Prince of Light to come to their support against the Angel of Hostility (mastēma) who governs the realm of darkness and is destined for the Pit (1QM 13:1 ff.).[2]

Bruce is trying on the Qumran passage for size and fit. Can Paul have gotten his idea from Qumran? No, because he does not include the idea of predestination. On the other hand, the doctrine of the Two Spirits does have a parallel in another Qumran text, the *War Scroll*. And, of course, other forms of Christianity do have this idea, though I am not suggesting any connection between Calvinism and Qumran, though the expression does have a ring to it.

Around the same time that F. F. Bruce was trying on 1 Cor., David Winston was doing another fitting: that of Iran and Judaism in a famous article that lays out the argument for a connection between the two: "The Iranian Component in the Bible, Apocrypha, and Qum-ran: A Review of the Evidence."[3] Indeed, so thoroughly does Winston lay out the evidence that one may well wonder why so accomplished, erudite and perspicacious an Iranist as Shaul Shaked expresses hesita-tion over the matter, as he does in a number of articles.

A hint may be found both in Bruce's treatment and in Winston's own. I quote from the latter:

The dualism of the Manual is marked by three distinctive characteris-tics. It moves within a monotheistic framework; it is predestinarian; and it uses the imagery of light and darkness.[4]

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[2] Ibid., 51.
[3] David Winston, "The Iranian Component in the Bible, Apocrypha, and Qumran: A Review of the Evidence," *History of Religions* 5 (1966): 183–216.
[4] Ibid., 202.

Since the Gathas, the earliest layer of Zoroastrian teaching, often attributed to Zoroaster himself, but now called into question by P. O. Skjaervo,[5] have only the first element but not the others, Winston suggests that the origin of the Qumran doctrine is from a heterodox form of Zoroastrianism, called Zurvanism. Now, since Shaked himself has argued against the existence of a Zurvanist "heresy" in his classic *Dualism in Transformation*,[6] it is clear that he cannot accept this suggestion, especially so in light of the fact that our sources for his "Zurvanism" are later than Qumran! Thus, he notes that

> There is no reason to suppose that Zurvanism was an organized body of religion, comprising, besides mythology, also theology, ritual, or a church structure. Nothing like that is ever present in any of the texts on which we base our knowledge of the Zurvanite myth.[7]

But there is a still deeper problem; according to Shaked, Zoroastrianism became more dualistic in its encounter with Judaism and Christianity. And so, while not denying dualistic elements in the earliest stages of Zoroastrianism, he notes that

> It does not seem at all certain that Zoroaster regarded himself as a dualist, not only because the word, or any equivalent to it, does not occur in the Gathas or elsewhere in the Avesta, but also because the conflict of two divine figures is not very prominent in the Gathas or in much of the Younger Avesta, with the clear exception of the *Vendidad*. The question as to the dualistic consciousness of the Zoroastrians is not identical with the question as to how we ought to describe the religion of Zoroaster. The religious message of Zoroaster was without hesitation a dualism, for it is founded on the existence of two antagonistic powers. It may however be argued that there is no attestation of a declared dualistic stand before the Sasanian period.... It is possible to assume that the proud declaration of Zoroastrianism as a dualistic faith, and the assertion that dualism is the only satisfactory form of religion, may have come about at the end of a long period of contacts and polemics with Jews and later with Christians, and under the impetus of rivalry with other dualistic ideologies, such as Manichaeism.[8]

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5 See Prods Oktor Skjaervo, "Zarathustra: First Poet-Sacrificer," in *Paitimāna: Essays in Iranian, Indo-European, and Indian Studies in Honor of Hanns-Peter Schmidt* (Costa Mesa, CA: Mazda Pubishers, 2003), 157–94.

6 Shaul Shaked, *Dualism in Transformation: Varieties of Religion in Sasanian Iran* (London: University of London, 1994).

7 Ibid., 53.

8 Ibid., 24–25.

Indeed, as he notes in the conclusion to his chapter on "Cosmogony and Dualism":

> Typologically, dualism can hardly be considered a separate category of religion. Its kinship with monotheism is so close as to make it necessary to assume that dualism comes into existence only as an intensification of a trait inherent in every monotheism. Monotheism, by its concentration of the cosmic power in the figure of a single divine entity, has to grapple with the problem of evil much more acutely than a polytheistic system, and it must provide an answer which places evil somewhere along the line that leads from God to the cosmos. Every monotheism, is, in this sense, a dualism. Every dualism, by the fact that it tends to place evil on a somewhat lower level than God, is, in reality, a monotheism. The difference between them is one of degree, of intensity, of emphasis, not of substance.[9]

Sasanian dualism may then be an ancient example of what sociologists call "the narcissism of small differences," or, as it has picturesquely been called, the Law of the Martian. I think at this point we may begin to discern the root of the problem. Scholars feel most comfortable when the fit is precise. We want a prepackaged combination of elements that are transferred from one theology or ideology or thinker to another. Indeed, the more elements there are, and the more complicated their construction or, to keep to our metaphor, their fabrication, the more certain we may feel that, indeed, the origin of idea B is indeed to be found in idea or source A.

But Shaked's problems with Winston go deeper than that; he suggests an entirely different paradigm for the study of the transfer of ideas from one matrix to another. In discussing the manner in which Iranian ideas entered early Second Temple Judaism, he suggests that they did not do so "as a set of concepts entirely alien to Jewish thought…introduced suddenly." Rather,

> what is suggested is that the new developments, probably stimulated by internal factors and prepared for by a set of indigenous ideas, no less than by the effect of pressure from without, took the direction and character which they did, not by mere accident, but as the result of the fact that the Iranian pattern was at hand and quite well known.[10]

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[9] Ibid., 26.
[10] Shaul Shaked, "Iranian Influence on Judaism: First Century B.C.E. to Second Century C.E.," in *The Cambridge History of Judaism* (ed. William D. Davies and Louis Finkelstein; vol. 2, London: Cambridge University Press, 1990), 308–25; the quote is on p. 309.

I would like to add another layer of analysis here, one that takes into account the cast of mind of a Qumran-sectarian, and which may explain the appearance of a dualistic mind-set of the writer of 1QSa, quite apart from any Zoroastrian influence, direct or indirect, though, as Shaked has shown, we cannot exclude such influence in any case.

There is, I think, little doubt that members of the Qumran sect were fundamentalists in the sense that this term is commonly used nowadays. That is, they were not literalists in their approach to the biblical texts, no more than were the rabbis. But their approach to the texts, and to life and history in general, was what is now called fundamentalist. In asserting this I am well aware of the warning that the noted sociologist of religion Peter L. Berger gave in his introduction to a recent survey on the phenomenon of fundamentalism, Rebecca Joyce Frey's book: *Global Issues: Fundamentalism.*[11] Berger notes that "the term *fundamentalism* is a sort of sponge concept that has been used, usually with pejorative intent, to categorize a great variety of religious phenomena."[12] Still, I think that an examination of the internal dynamic, or, as Berger puts it, the cognitive style, of the fundamentalist groups, will shed light on Qumran.

Berger notes two important points. As he puts it:

> (1) Fundamentalism is defined, not by its doctrinal contents, but by its *cognitive style*. Thus a non-fundamentalist adherent of a religious community can hold the same belief as the adherent of a fundamentalist movement emerging from this community, but the two affirm this belief in two different ways—the latter in an uptight and militant manner that the former does not exhibit. What is more, the cognitive style of fundamentalism also exists in secular movements based on this or that ideology. And (2): There is an important difference between traditional religion and fundamentalism. The difference can be described by saying that a traditional religion is one that is taken for granted in a particular social milieu. For that reason, it can be quite relaxed, even tolerant. The "other" is not a threat and may even be a source of entertainment.[13]

Frey, for her part, isolates nine characteristics of fundamentalist groups: (1) concern about the decline of religion, that is, a defensive or protective attitude toward religious belief is necessary; (2) dualistic

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[11] New York: Facts on File, 2007.
[12] Ibid., v.
[13] Ibid., v–vi.

thinking—"a black-and-white, either/or approach to life in which peo-
ple and events are rigidly sorted out and classified as either good or
evil, pure or contaminated. This pattern of thought," Frey adds, "has
resurfaced repeatedly in the history of religion."[14] To these, she adds:
(3) an apocalyptic view of history, (4) a belief in election or chosen-
ness, (5) separation from the world, (6) a charismatic style of lead-
ership, and (7) strict behavioral controls. I have omitted two of her
characteristics because I am not certain that they serve to differentiate
fundamentalist groups from others: (8) selective emphasis of certain
elements of their tradition as against others, and (9) absolutist inter-
pretation of Scripture or tradition. In modern times, that means that
they reject "modern methods of interpretation," which would tend to
relativize these texts or traditions. However, I doubt that this element
is relevant to pre-modern conditions, when by definition all religious
groups would have held this view of their scriptures. Again, human
limitations being what they are, any group or individual will tend to
select certain themes or practices as more important than others. This
is certainly applicable to the Qumran community as well.

   These characteristics are not independent of each other. As Berger
points out,

> The most important trait is described by the (not exactly elegant) term
> *reactivity*. Fundamentalist movements are always *reactions against* this
> or that alleged degeneration of a tradition. The other traits follow quite
> logically from this—such as a dualistic view of the world (either black
> or white, no shades of gray), an apocalyptic perspective (the world is in
> crisis, and this will get worse), "chosenness" (the members of the fun-
> damentalist movement are an elect people), and separation from the
> world and strict behavioral controls (the controls are necessary to safe-
> guard the separation from a wicked environment.[15]

I leave it to the Qumranologists here to footnote the texts that illus-
trate these characteristics. From what I have said it follows that the
resemblances between Qumran ideology/theology and Zoroastrian-
ism is due in large part to a similarity of cognitive style, as Berger
has termed it, and this certainly relates to their dualistic view of the
world. If it is argued that I—and Rebecca Frey as well—are using the

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[14] Ibid., 13.
[15] Ibid., v.

term "dualistic" loosely, I will point out that so are those who apply it to Qumran texts. Thus, Jean Duhaime, in his article on dualism in Oxford's *Encyclopedia of the Dead Sea Scrolls*, admits that

> in the Dead Sea scrolls, there is no radical dualism in the narrow sense defined by [Ugo] Bianchi, since God's transcendence and authority are never questioned. But, using somewhat broader definitions and typologies, scholars have identified various forms of an attenuated dualism…in many documents from the Qumran literature.[16]

To summarize, then: Zoroastrianism in its earlier stages was not as dualistic as we might have thought, and neither was the doctrine of the Two Spirits, while the other element, predestination, is not present in Zoroastrianism. However, if we compare the mind-set of the group personality of Qumran with what we know of the fundamentalist cognitive style, we find a close fit. Thus I would suggest that predestinarianism is closely linked, at least in the minds of some, to their ideas of chosenness but also the rigidity of their sectarian doctrines, which perhaps were such that it was difficult to conceive of a believer as having come to his or her belief by the workings of free will alone.

I would like to close with an observation on the way that the study of fundamentalism is carried out these days, especially as regards its Jewish forms. Both Gush Emunim and the *haredim* are considered fundamentalist movements, despite the differences between them. Malise Ruthven suggests that the common denominator between them is their monoculturalism, their rejection of modern pluralism:

> In all such cases the vision is monocultural. The group or enclave it supports rejects the pluralism and diversity which constitute one of the defining characteristics of the modern world. Modernity pluralizes, introducing choices (including religious choices) where none existed before.[17]

This would seem to stem from Frey's point regarding fundamentalists' view of religion as threatened, and their desire to protect it by stiffening behavioral controls. In *Serekh ha-Yahad* we have this desire united with the dualistic outlook. It seems to me that this approach can account for most of the features that we find in these sectarian

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[16] "Dualism," in *EDSS* 1:215.
[17] Malise Ruthven, *Fundamentalism: A Very Short Introduction* (N.Y.: Oxford University Press, 2007), 30.

texts. This rejection of pluralism is then not an independent factor. However, I suspect that Ruthven has projected onto fundamentalists a general human propensity that some academics, and many intellectuals do not share: tolerance for other views and lifestyles. One need not be a fundamentalist to be intolerant; mere humanity suffices.

THE JUDEAN DESERT DOCUMENTS AS A REGIONAL SUB-TRADITION IN ARAMAIC COMMON LAW

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The Aramaic legal tradition is remarkable in both its coherence and its diversity. Aramaic deeds of sale from antiquity share a common basic structure, but in their details, they differ radically from corpus to corpus. These differences reflect the multiple layers within this tradition and the diverse sources and influences that it absorbed over the centuries. The present contribution is concerned with one layer in particular, Aramaic deeds of sale from the Judean Desert. These corpora from the Judean Desert, though hardly homogenous, share distinct features that set them apart from other Aramaic legal materials and unify them into a discrete regional sub-tradition. First, I will discuss these features in detail, and then I will consider the broader implications of the distribution of these features.

My analysis concerns five principal corpora of Aramaic materials, three of which were discovered in the Judean Desert. Let us begin with some general comments about these five corpora. First, the Elephantine papyri from southern Egypt, which date to the 5th century B.C.E., include eleven deeds of conveyance, of which two are deeds of sale.[1] Second, the Wadi ed-Daliyeh papyri, which date to the mid-4th century B.C.E. and were discovered in the Judean Desert about fourteen kilometers north of Jericho, consist of twenty-seven documents, including at least ten slave sales and one real estate sale.[2]

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[1] *TAD* B3.4 and 3.12. On the Elephantine papyri in general, see Bezalel Porten, "Elephantine Papyri," *ABD* 2:445–55. For editions of the texts, see volume 2 of Bezalel Porten and Ada Yardeni, *Textbook of Aramaic Documents from Ancient Egypt* (Jerusalem: The Hebrew University, Department of the History of the Jewish People, 1986–99).

[2] On the Wadi ed-Daliyeh papyri, see Douglas M. Gropp, *Wadi Daliyeh II: The Samaria Papyri from Wadi Daliyeh* (DJD 28; Oxford: Clarendon, 2001), 3–32; and Jan Dušek, *Les manuscrits araméens du Wadi Daliyeh et la Samarie vers 450–332 av. J.-C.* (CHANE 30; Leiden: Brill, 2007).

Third, there are the Jewish Aramaic papyri from Wadi Murabbaʿat and Naḥal Ḥever. These sites have yielded hundreds of documents dating to the two major revolts against Rome in the late 1st and early 2nd centuries C.E., among which were many Aramaic and Hebrew legal papyri, including sixteen deeds of conveyance in Aramaic and four in Hebrew.[3] Fourth, discovered in the Cave of Letters at Naḥal Ḥever alongside the Hebrew, Jewish Aramaic, and Greek papyri, are the fourteen Nabatean Aramaic legal papyri including at least three deeds of sale.[4] Finally, there are the documents from Dura-Europos, over 150 parchments and papyri from the early 3rd century C.E., composed mostly in Greek, including two deeds of sale that betray a good deal of Semitic influence, but also more importantly a deed of sale for a female slave written in Syriac (known as P. Dura 28).[5]

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[3] On the Wadi Murabbaʿat papyri, see Hanan Eshel, "Murabbaʿat, Wadi: Written Material," in *EDSS* 1:581–86. The papyri themselves were first published in Pierre Benoit, Józef T. Milik, and Roland de Vaux, *Les Grottes de Murabbaʿât* (DJD 2; Oxford: Clarendon, 1961). The Hebrew and Aramaic papyri from Wadi Murabbaʿat were re-edited by Ada Yardeni in her *Textbook of Aramaic, Hebrew and Nabataean Texts from the Judaean Desert* (2 vols; Jerusalem: Hebrew University, Ben-Zion Dinur Center for Research in Jewish History, 2000). On the Naḥal Ḥever papyri, see Hannah M. Cotton and Ada Yardeni, *Aramaic, Hebrew and Greek Documentary Texts from Naḥal Ḥever and Other Sites* (DJD 27; Oxford: Clarendon, 1997), 9–129; and Yigael Yadin, Jonas C. Greenfield, Ada Yardeni, and Baruch A. Levine, *The Documents from the Bar Kokhba Period in the Cave of Letters—Hebrew, Aramaic and Nabatean-Aramaic Papyri* (JDS 3; Jerusalem: Israel Exploration Society, The Hebrew University of Jerusalem, The Shrine of the Book, 2002), 2–3, 73–168.

[4] On the Nabatean papyri, see Yardeni, *Textbook of Aramaic, Hebrew and Nabataean Texts*, 1:265–301; and Yadin et al., *The Documents from the Bar Kokhba Period in the Cave of Letters*, 170–276. See also Yardeni's re-edition of Papyrus Starcky (= registered also as P. Hever nab 1 and P. Yadin 36) in "The Decipherment and Restoration of Legal Texts from the Judaean Desert: A Reexamination of *Papyrus Starcky (P. Yadin 36)*," *Scripta Classica Israelica* 20 (2001): 121–37. For an overview of Nabatean legal materials, see John F. Healey, "Sources for the Study of Nabataean Law," *New Arabian Studies* 1 (1993): 203–14.

[5] On the Dura-Europos documents in general, see C. Bradford Welles, Robert O. Fink, and J. Frank Gilliam, *The Excavations at Dura-Europos, Final Report V, Part I: The Parchments and Papyri* (New Haven: Yale University Press, 1959). On P. Dura 28, see Jonathan A. Goldstein, "The Syriac Bill of Sale from Dura-Europos," *JNES* 25 (1966): 1–16.

Table 1: Overview of Aramaic Deeds of Conveyance

Corpus	Total # of Texts	Date	# of conveyances
Elephantine papyri	Several dozen	5th century B.C.E.	Two deeds of sale and at least nine deeds of gift
Wadi ed-Daliyeh papyri	27 papyri	375/365–335 B.C.E.	At least 10 slave sales and one real estate sale
Documentary papyri from the Judean Desert	Almost 300 inscribed items	Conveyances date to Great Revolt (66–70 C.E.) or Bar Kokhba Revolt (132–135 C.E.)	10 deeds of sale (six in Aramaic; four in Hebrew)
Nabatean papyri from Naḥal Ḥever	15 papyri	Late 1st century and early 2nd century C.E.	At least three deeds of sale
Dura-Europos	Over 150 papyri and parchments	Early-mid 3rd century C.E.	One deed of sale in Syriac; two in Greek

To reiterate, the middle three of these five corpora were discovered in the Judean Desert and were produced in relatively close geographic proximity, at least with respect to the other two corpora. My intent, therefore, is to highlight the features that the three Judean Desert corpora share over and against the other two corpora. First, however, let me begin by outlining the overall structure shared by all of these corpora, and then we can proceed to how the Judean Desert corpora diverge from the others.

Table 2: The Structure of an Aramaic Deed of Sale

   I   Date (and Place)[6]
  II Operative Section
- *Declaration of Sale*
- *Property Description*
- *Sale Price*
- *Acknowledgment of Receipt*

 III Investiture Clause
 IV Contingency Clauses
- *(No-Contest and Penalty Clauses)*
- *Warranty Clause*
- *(Document Exchange)*

  V Signatures and Witnesses

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[6] Items in parentheses indicate clauses that are used in the formularies of some corpora, but not in all.

The Aramaic deed of sale has five main sections. The first section identifies the date and place of the transaction's execution. The clauses in the second section, the operative section, identify all the particulars of the transaction, including the parties involved, a description of the property, and the amount of the sale price. Third, the investiture clause confers the full rights of ownership of the property to the purchaser (or alienee in non-sale conveyances). Fourth, the contingency clauses deal with any future legal challenges or problems the new owner may face. Finally, the deed concludes with the signatures of the relevant parties and witnesses.

While Aramaic deeds of sale all share this overall structure, the sale formulary in each corpus can differ significantly in terms of terminology, phraseology, and orientation. Nonetheless, the formularies of the three Judean Desert corpora, despite their own clear differences, appear to align with one another in specific ways over against the sale formularies of the Elephantine papyri and the Syriac slave sale from Dura-Europos. I will focus upon three features in particular: (1) what I refer to as the "full price" element in the statement of sale, (2) the orientation of the investiture clause, and (3) the structure of the apodosis of the warranty clause.

1. The "Full Price" Element

The full price element is a fairly ubiquitous feature of cuneiform sale formularies. Going back to deeds of sale from the Ur III period (c. 2112–2002 B.C.E.), this element is attested in practically every corpus of cuneiform sale documents throughout the ancient Near East.[7] Its legal force is to affirm that the amount paid by the purchaser, as recorded in the statement of sale, is the sale price in full and not merely a portion thereof. In addition, it can also affirm that the property in

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[7] On this element in Ur III deeds of sale, see Piotr Steinkeller, *Sale Documents of the Ur-III-Period* (Freiburger altorientalische Studien 17; Stuttgart: Franz Steiner Verlag Wiesbaden, 1989), 13–14; and Ignace J. Gelb, Piotr Steinkeller, and Robert M. Whiting Jr., *Earliest Land Tenure Systems in the Near East: Ancient Kudurrus* (The University of Chicago Oriental Institute Publications 104; Chicago: The Oriental Institute of the University of Chicago, 1991), 217–19. On this element in cuneiform deeds of sale in general, see Andrew D. Gross, *Continuity and Innovation in the Aramaic Legal Tradition* (SJSJ 128; Leiden: Brill, 2008), 47–63.

question is being sold for its full value and not being sold unwillingly at a discount by the owner because he is facing economic duress.[8]

Let us consider two examples, the first from the sale formulary used in deeds of sale from Level IV at Alalakh, a site in northwest Syria. These texts date to between the mid-18th and mid-17th centuries B.C.E.:[9]

> O *itti* PN$_S$ PN$_P$ *ana* X *ana šīm gamer išām*
>
> OBJECT OF SALE from SELLER PURCHASER for X (price) for the full price bought.

The statement of sale here specifies all of the particulars of the transaction, and not only notes the amount of the sale price, but also that this amount was "the full price." The second example comes from the formulary used in Neo-Babylonian deeds of sale for movables.[10] Neo-Babylonian scribal practice was unusual in that it used separate formularies for immovables (e.g., real estate) and movables (e.g., slaves):[11]

> PN$_S$ *ina ḫūd libbišu* PN$_O$ *ana* X *kaspi ana šīmī gamrūti* (or *šīmī ḫariṣ*) *ana* PN$_P$ *iddin*
> *kaspâ* X *šīm* PN$_O$ PN$_S$ *ina qātē* PN$_P$ *maḫir*
>
> SELLER, by his own free will, sold OBJECT OF SALE (slave) for X silver, for the full price, to PURCHASER.
> The silver X (amount), the sale price for OBJECT OF SALE (slave), SELLER from the hands of PURCHASER received.

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[8] For more on the legal force of this element, see Raymond Westbrook, "The Price Factor in the Redemption of Land," *Revue internationale des droits de l'antiquité* 32 (1985): 97–127 (reprinted in idem, *Property and the Family in Biblical Law* [JSOT-Sup 113; JSOT Press: Sheffield, 1991], 90–117).

[9] On the Old Babylonian deeds of sale from Alalakh, see Burkhart Kienast, "Kauf: In Alalaḫ und Ugarit." *RlA* 5:530–32; and idem, "Die altbabylonischen Kaufurkunden aus Alalaḫ," *WO* 11 (1980): 35–63.

[10] With regard to legal materials, the label "Neo-Babylonian" can refer to the period from 721 B.C.E. until the 1st century B.C.E., when cuneiform ceased being used for recording legal transactions. The label "Late Babylonian" is sometimes applied to texts produced in the later centuries of this period, but not always consistently. On this issue, see Gross, *Continuity and Innovation*, 41.

[11] On the Neo-Babylonian sale formulary for movables, see Herbert Petschow, *Die neubabylonischen Kaufformulare* (Leipziger rechtswissenschaftliche Studien 118; Leipzig: Theodor Weicher, 1939), 45, 53; and Michael Jursa, *Neo-Babylonian Legal and Administrative Documents: Typology, Contents and Archives* (Guides to the Mesopotamian Textual Record 1; Münster: Ugarit-Verlag, 2005), 36–37.

Note that in the formulary for movables, the full price element can be expressed with either *ana šīmī gamrūti* or *ana šīmī ḫariṣ*, two phrases that appear to be indistinguishable in meaning (the sale formulary for immovables used *šīmī gamrūti* exclusively). The phrase *ana šīmī ḫariṣ* was more common in the early part of the Neo-Babylonian and Persian periods, though by the end of the Persian period in 331 B.C.E., *ana šīmī gamrūti* was used exclusively.[12]

Despite its ubiquity in cuneiform traditions, among Aramaic deeds of sale, the full price element appears only in the Judean Desert sale formularies. Consider first the statement of sale from *TAD* B3.4: 3–6, a deed of sale from Elephantine:

אנחן זבן ויהבן לך ביתה... אנחן זבנהי לך ויהבת לן דמוהי כסף כרש 1 שקלן 4 באבני מלכא כסף זוז לכרש 1	We have sold and given to you the house (*description omitted*), and we sold it to you and you gave us its payment (in) silver, 1 karsh, 4 shekels, by the stone(-weight)s of the king, silver zuz to 1 karsh.

While the deed specifies the sale price, the full price element is nowhere to be found.

Consider, however, this statement of sale from WDSP 1: 2–3, a slave sale from Wadi ed-Daliyeh:

ליהוחנן שמה בר שאלה דנה עבד זילה תמים [חנניה בר בידאל זבן ליהונור בר לנרי בכסף ש 35] שחרץ דמין גמירן כספא [זנ]ה ש 35 חנניה [מקבל מן יהונור]	A certain Yehohanan son of Šeʾilah, his slave, without defect, [Hananiah son of Beyadel sold to Yehonur son of Laneri for 35 silver sh(ekels),] the stipulated price, the full price. [Thi]s sum of 35 sh(ekels), Hananiah [has received from Yehonur.]

Not only has the phrase *ana šīmī ḫariṣ* been borrowed directly into Aramaic here in the shortened form שחרץ,[13] but the Aramaic scribes

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[12] Petschow, *Die neubabylonischen Kaufformulare*, 46–53.

[13] On this shortened form, see Frank Moore Cross, "Samaria Papyrus 1: An Aramaic Slave Conveyance of 335 B.C.E. Found in the Wâdi ed-Dâliyeh," in *Nahman Avigad Volume* (ed. Benjamin Mazar and Yigael Yadin; ErIsr 18; Jerusalem: Israel Exploration Society, 1985), 11*; and Douglas M. Gropp, "The Language of the Samaria Papyri: A Preliminary Study," *Maarav* 5–6 (1990): 182–83; idem, *Wadi Daliyeh II*, 22 n. 30; and Gross, *Continuity and Innovation*, 74 n. 107.

apparently felt the need to also include a gloss on this phrase, translating it into Aramaic as דמין גמירן.[14]

Jewish Aramaic deeds from the Judean Desert also include the full price element as a regular feature of the statement of sale. Consider this example from P. Hever 9: 5–6:

<table>
<tr><td>לקבלד[ך] זבנת לך בכסף
זוזין עשר[ין] ותמניה ד[י
המון סלעי[ן] ש[ב]ע לחוד
וכס[פ]ה אנה מקבל דמין
גמרין</td><td>Accordingl[y]I have sold (it) to you for twen[ty]-eight silver *zuzin*, whi[ch are (equal to)] se[v]en [sela]s only; and the mo[n]ey I received, the full price.</td></tr>
</table>

Here the full price element is expressed with the phrase דמין גמרין alone.

In the Nabatean Aramaic sale formulary, the statement of sale also includes the full price element, as in this example from P. Yadin 2: 8–9:

<table>
<tr><td>זבן א[רכלס] דנה בכסף סלעין
מאה חדה וע[שר]ה ותרתין
פרס כספא דנה כלה דמי
זבניא אלה מ[ט]ה [עלי] אנה
אביעדן [דא ש]י חרץ דמין
[   ]ן גמרין בשלין חלטין</td><td>This (same) A[rchelaus] has purchased with silver, (in the amount of) selas one hundred twelve, precisely (or: split/half). This, the entire price of these purchases, has been re[ceiv]ed by [me], I, [this (same)] Abi-adan, the stipulated [pri]ce, the sale price…in full, mature, and complete.</td></tr>
</table>

Note the inclusion of the Akkadian phrase שי חרץ. As can be seen here, Nabatean Aramaic legal formularies tend to accumulate legal synonyms in a rather baroque manner. The sale price, דמין, is described not only as גמרין but also as בשלין and חלטין.[15]

Finally, consider the statement of sale in the Syriac deed of sale (P. Dura 28: 7–10), which lacks the full price element:

[14] On the relationship between these two phrases, see Jonas C. Greenfield, "Babylonian-Aramaic Relationships," in *Mesopotamien und seine Nachbarn: XXV. Rencontre Assyriologique Internationale Berlin, 3. bis 7. Juli 1978* (eds H.-J. Nissen and J. Renger; Berlin: Dietrich Reimer, 1982), 2:478.

[15] On the terms בשלין and חלטין, see Yadin et al., *The Documents from the Bar Kokhba Period in the Cave of Letters*, 225.

מודינא מרקיא אורליא | I, Marcia Aurelia Mat-Tarʿatha, daugh-
מתרעתא ברת שמנברז בר | ter of Šamenbaraz, granddaughter of
אבגר דירתא אדיסיתא | Abgar, resident(?), Edessene, declare to
ללוקס אורלס תירו בר בר | Lucas Aurelis Tiro, son of Baʿešamen of
בעשמן חרניא דקבלת מנה | Carrhae, that I have received from him
דינרא שבמאא וזבנת לה | seven hundred dinars and have sold to
אמתסין אמתא דילי זבינא | him Amath-Sin, my slave-woman, who
תהוא ברת שנין עשרין | is twenty-eight years old, more or less,
ותמנא יתיר או חסיר מן | purchased from her captors.
שביא |

To recap, the Judean Desert sale formularies all consistently include
the full price element, while the others do not.

2. *The Orientation of the Investiture Clause*

Next, let us consider the orientation of the investiture clause. Deeds
of conveyance from Elephantine are consistently formulated as a first-
person declaration from the alienor to the alienee. Thus, in a deed of
sale, the seller directly addresses the purchaser in the second person.
Consider the investiture clause from *TAD* B3.4: 11–12:

אנת ענניה בר עזריה שליט | You, Ananiah son of Azariah, are
בביתא זך ובניך מן אחריך | empowered with regard to this house
ולמן די צבית למנתן | and (so are) your sons after you, and
| (anyone) to whom you desire to give
| (it).

The seller refers to the purchaser by name, but he consistently addresses
him in the second person.

In the Wadi ed-Daliyeh papyri, the operative section and investi-
ture clauses are formulated objectively, as is the case with cuneiform
deeds of sale. Consider, for example, the investiture clauses in WDSP
1: 3–4:

[ויהונור ליהוחנן זך החסן | [And Yehonur took possession of the
עבד יהוה] לה ולבנוהי מן | said Yehohanan. He will be a slave] to
אחרוהי לעלמא שליט יהונור | him and to his sons after him in perpe-
ליה[וחנן זך לעלמא] | tuity. Yehonur has authority over the
| [said] Yeh[ohanan in perpetuity.]

Here, both parties are referred to in the third person. Only in the con-
tingency clauses does the orientation in some documents shift to a
first-person declaration by the seller to the purchaser.

In the Jewish Aramaic papyri from the Judean Desert, the situation is a little more complicated. In these documents, the sale formulary overall is consistently formulated as a first-person declaration by the seller to the purchaser, as in the Elephantine papyri. The sole exception is the investiture clause, as in this example from Wadi Murabbaʿat (P. Hever 50 + P. Mur 26: 12–13):[16]

לעלם רשאין זבניא די מן עלא באתרא דך וירתהן למקנה ולמזבנה ולמעבד בה כל די יצבון וירתהן מן יומא דנה ולעלם	Forever are the purchasers who are (mentioned) above empowered with regard to that place and their heirs to acquire, sell, and to do with it all that they desire and their heirs from this day and forever.

This clause stands apart from the rest of the document in referring to the purchaser in the third person. Further complicating the matter is that in some of the Jewish Aramaic papyri, the orientation of the investiture clause changes mid-clause, as in the following two examples, the first from P. Yadin 47a: 9–10, an Aramaic deed of sale from Naḥal Ḥever:

לעלם רשי אליעזר זבנה ב..והי ויקנה [וי]זבן פלגות גנתא דך למקנה ולמזבנה [ ] ל [ ]. [...ולמעבד בה כל די תצבון מן יומא דנה ועד לעלם	Forever is Eliezer, the purchaser, empowered over his…, and may acquire [by p]urchase the half of this garden, (he will be permitted) to acquire, to sell […]… …]…and to d[o] with it whatever you desire from this day [and fo]reve[r].

The second example comes from P. Mur 30:22–23, a Hebrew deed of sale from Wadi Murabbaʿat:

[ר]שי הלוקח וירשו המכר הזה לעשות בו כל שתחפץ	[Emp]owered is the purchaser and his heirs with regard to this sale to do with it all that you desire

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The clause begins with a third-person, objective style but then by the end shifts to a first-person declaration with the purchaser being addressed in the second person.

The Nabatean Aramaic sale formulary is also formulated as a first-person declaration by the seller, but the seller does not directly address the purchaser and actually refers to him in the third person, as in this example from P. Yadin 2: 9–10:

<table>
<tr>
<td dir="rtl">

לעלמין למקנא ולזבנה ולמרהן
ולמנחל ולמנתן ולמעבד
בזבניא אלה כל די יצבה
ארכלס דנה מן יום די כתיב
שטרא דנה ועד עלם

</td>
<td>

Forever (empowered) to acquire, to sell, to pledge, to bequeath, and to give, and to do with these purchases all that he desires is this (same) Archelaus, from the day on which this deed is written and forever.

</td>
</tr>
</table>

The purchaser is referred to in the third person throughout the operative section and investiture clause. In the contingency clauses, however, the orientation shifts as in the Wadi ed-Daliyeh sale formulary, and the seller addresses the purchaser in the second person.

In the Dura-Europos slave sale, the orientation stays consistent throughout, as in the Elephantine sale formulary, with the seller directly addressing the purchaser in the second person (P. Dura 28: 11–12):

<table>
<tr>
<td dir="rtl">

מן יומנא ולעלמא תהוא אנת
תירו זבונא וירתיך שליט
באמתא הדא דזבנת לך
למקנא ולמזבנו ולמעבד בה
כל דתצבא

</td>
<td>

From this day and forever, you, Tiro, the purchaser, and your heirs will be empowered with regard to this slave-woman whom I have sold to you to acquire, sell, and to do with her whatever you desire.

</td>
</tr>
</table>

To recap, Aramaic deeds of sale as a whole tend to be formulated as first-person declarations by the seller addressed to the purchaser. In each of the three Judean Desert sale formularies, however, the orientation of the investiture clause deviates from this pattern.

3. *The Structure of the Apodosis of the Warranty Clause*

Finally, let us consider the structure of the warranty clause (also sometimes referred to as the defension clause). According to this clause, should there be any future legal challenges to the sales transaction, the seller is obligated to defend the purchaser's ownership rights. In

the Elephantine warranty clause, this obligation is described as being three-fold (*TAD* B3.4: 19–20):

והן גבר אחרן יגרנך ויגרה לבר וברה לך אנחן נקום ונפצל ונגתן לך בין יומן 30	And if another person institute (suit) against you or institute (suit) against son or daughter of yours, we shall stand up and cleanse (it) and give (it) to you within 30 days.

He is thus obligated to (1) stand up (i.e., appear in court), (2) clear the claim, and (3) ensure that the property is returned to the purchaser.

The Wadi ed-Daliyeh papyri have a similar clause, but here the obligation is only two-fold (WDSP 3: 5–6):

הן ג[בר] אחרן דינן יעבד עם יהופדיני [ועם בנוהי מן אחרוהי] יקים הו ימרק ינתן ליהו[פ]דיני	If another pe[rson] enter into litigation with Yehopaidani, [or with his sons after him,] Yaqim, he will clear (him and) give (him back) to Yeho[pa]idani.

Only the latter two obligations are enumerated here, perhaps because it was taken for granted that one would have to appear in court to do this, and thus the scribes felt that it need not be specified.

The warranty clause in the Jewish Aramaic papyri also only has a two-fold obligation (P. Hever 50 + P. Mur 26: 13–15):

ואנה או...ס מזבנה וכל די איתי לי ודי אקנה אחראין [וערבין] למרקא ולקימא זבנה דך קדמ[כן] וקדם ירתכן]	And I, 'w…s, the seller, and all that I own and whatever I will acquire, are responsible and [guarantors] for cleansing and establishing that sale before[you]and before your heirs

The same is true for the Nabatean Aramaic sale formulary as seen in this example from P. Yadin 2: 10–11:

די לא דין ולא ד[ב]ב ולא מומ[א]....ן ודי אצפא אנה אביעדן דא זבניא אלה מן כל אנוש כלה רחיק ו[קרי]ב ואשבק לך אנת ארכלס דנה לך ולבניך מן אחריך עד עלם	That (this transaction) not (be subject to) lawsuit, con[te]st, oa[th].... And (further) that I, this (same) Abi-adan, will clear these purchases from anyone at all, distant or [nea]r, and I will free (them up to) you, you, this (same) Archelaus, to you and to your sons after you forever.

The warranty clause in the Dura-Europos slave sale, however, has the same three-part obligation we observed in its Elephantine counterpart (P. Dura 28: 12–15):

<table>
<tr><td>

ואן אנש נדון או נתהגא
עם תירו זבונא או עם
ירתוהי על חשבן אמתא
הדא דזבנת לה אקום אנא
מתתרעתא מזבנניתא
וירתי ואדון ואמרק ואדכא
ואקימיה בגדה דתירו
זבונא

</td><td>

And if anyone shall bring suit or conspire against Tiro, the buyer, or against his heirs concerning this slave that I have sold him, I, Mat-Tar‘atha, the seller, and my heirs shall rise and defend and clean and clear (her with respect to her title) and place her in Tiro the buyer's possession.

</td></tr>
</table>

Not only does this clause include the "arising in court" element, but this element had become so firmly ensconced in the sale formulary that scribes felt it had sufficiently ossified to warrant the inclusion of another verb, לדון, to gloss and clarify its meaning.

Once again, to recap, the three Judean Desert sale formularies use a two-part apodosis in their respective warranty clauses, while sale formularies outside the Judean Desert use a three-part apodosis.

<p align="center">Table 3: Obligations of the Warranty Clause</p>

	arise	clear/clean	give/establish
Elephantine	קום	נקי/פצל	נתן
Wadi ed-Daliyeh		מרק	נתן
Jewish Aramaic		מרק/שפי	קים
Nabatean Aramaic		צפי	שבק
Syriac	דון, קום	דכי, מרק	קים

These data show the multiple layers within the Aramaic legal tradition. This tradition is a pastiche of diverse influences drawing upon elements from a variety of other traditions. At one level, all of these documents share a basic core structure that includes such elements as the investiture clause and the warranty clause. These clauses consistently appear in all Aramaic deeds of sale and are constructed in similar ways using similar legal metaphors. At another level, Aramaic scribes added to or altered this core using elements from other traditions. In his famous study of the Elephantine papyri, Yochanan Muffs noted therein the strong influence of Neo-Assyrian traditions, a phenomenon he referred to as the Aramaic-Assyrian symbiosis.[17] With

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[17] Yochanan Muffs, *Studies in the Aramaic Legal Papyri from Elephantine* (Studia et documenta ad iura Orientis antiqui pertinentia 8; Leiden: Brill, 1969; Reprint with Prolegomenon by Baruch A. Levine. HdO 66. Leiden: Brill, 2003), 189–92.

the Judean Desert materials, Douglas Gropp later noted their diver-
gence from the Elephantine papyri and the clear influence of Neo-
Babylonian traditions, a phenomenon he accordingly referred to as a
Babylonio-Aramean symbiosis.[18] Thus, these Judean Desert corpora
form a regional sub-tradition within the overall Aramaic legal tradi-
tion, but at yet another level, even these corpora diverge from one
another using different terminology and phraseology and incorporat-
ing elements from other traditions.

One final example will show how different sale formularies absorb
influences in different ways. Let us return to the acknowledgment of
receipt in the statement of sale. In the Neo-Babylonian sale formu-
lary, the acknowledgment of receipt uses the active stative form *maḫir*
rather than a finite form such as the preterite *imḫur*. A simple preter-
ite would merely have described the seller's receiving of the sale price,
whereas the active stative form has an extra aspectual nuance, affirm-
ing that the act has been completed. Rather than merely expressing
the idea that the seller has received the sale price, this clause affirms
that the seller is "in receipt of" the sale price.[19] This explains the use
of the passive participle *mĕqabbal* in the Wadi ed-Daliyeh sale formu-
lary rather than the finite form *qabbēl*, as the Aramaic scribes were
attempting to render the specific aspectual nuance of the Neo-Baby-
lonian precursor on which the Aramaic clause was modeled.[20] This

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[18] Douglas M. Gropp, "The Wadi Daliyeh Documents Compared to the Elephantine
Documents," in *The Dead Sea Scrolls: Fifty Years After their Discovery* (ed. Lawrence
H. Schiffman, Emanuel Tov, and James C. VanderKam; Jerusalem: Israel Exploration
Society, 2000), 834; idem, *Wadi Daliyeh II*, 32.

[19] On this particular nuance of the form *maḫir*, see M. B. Rowton, "The Use of the
Permansive in Classic Babylonian," *JNES* 21 (1962): 239–40, 243–45; Muffs, *Studies
in the Aramaic Legal Papyri*, 108; John Huehnergard, "'Stative,' Predicative Form,
Pseudo-Verb," *JNES* 46 (1987): 228–29; and Jursa, *Neo-Babylonian Legal and Admin-
istrative Documents*, 46–47. J. Huehnergard notes that the active stative form (which he
refers to as the "transitive *parsāku* construction") is most common in verbs denoting
"holding grasping, or seizing," such as *leqû* and *maḫāru* (*A Grammar of Akkadian*
[2d ed.; HSS 45. Winona Lake, IN: Eisenbrauns, 2005], 394).

[20] Dušek, *Les manuscrits araméens*, 136–39 and Aaron Koller (review of Dušek,
Review of Biblical Literature [http://www.bookreviews.org] [2009], 5–6) interpret
מקבל as an active participle, arguing that a passive participle would not govern a
direct object. Both elsewhere in Aramaic, however, as well as in Mishnaic Hebrew,
receipt clauses can use passive/reflexive forms of the verb קבל with a direct object.
For Aramaic, note the 'ethpa'el form אתקבליה in the Aramaic subscription to P.
Yadin 27, a Greek document of receipt. In Mishnaic Hebrew, note the *nitpa'el* form
used in the receipt clause cited in m. *Ket.* 5: 1: והיא כותבת לו שנתקבלתי ממך מנה
"And she writes for him, 'I have received from you a mina.'" For more on this topic,
see Moshe bar Asher, "נשכחות בלשון התנאים בין הסופר לנקדן של כתב-יד קאופמן

same passive participle is also used in the Jewish Aramaic sale formulary, as can be seen in the example from P. Hever 9. Note in contrast that the Syriac slave sale uses the same verbal root, but with a simple finite form.

The Nabatean Aramaic sale formulary, however, differs from the other Judean Desert papyri, expressing receipt of the sale price with the phrase מטה עלי "it has reached me," as in this example from P. Yadin 2: 8–9 (discussed above, p. 105):

זבן א[רכלס] דנה בכסף
סלעין מאה חדה וע[שר]ה
ותרתין פרס כספא
דנה כלה דמי זבניא אלה
מ[ט]ה [עלי] אנה אבי־
עדן [דא ש]י חרץ דמין [
[ן גמרין בשלין חלטין

This (same) A[rchelaus] has purchased with silver, (in the amount of) selas one hundred twelve, precisely (or: split/half). This, the entire price of these purchases, has re[ach]ed [me], I, [this (same)] Abi-adan, the stipulated [pri]ce, the sale price…in full, mature, and complete.

This appears to be a West Semitic expression of receipt as paralleled by a Biblical Hebrew formula attested in Gen 43: 23. In this passage, Joseph's brothers, having had their money surreptitiously returned to them during their last trip to Egypt, are worried that they still owe the Egyptians for the grain they had purchased. Joseph's steward assures them that they are not in arrears, saying, כספכם בא אלי "your money has reached me" or more idiomatically, "I have received your payment."[21] Thus, while the Wadi ed-Daliyeh and Jewish Aramaic papyri follow a Neo-Babylonian model, the Nabatean Aramaic in this case does not align with its two Judean Desert counterparts and sticks with a West Semitic formula.

This last example raises some larger issues about the general nature of the Aramaic legal tradition. Clearly, this tradition was neither monolithic nor static, but how substantive were the bonds between these Judean Desert corpora? Both Gropp and later Eleonora Cussini note the Neo-Babylonian influence observable in all these Judean Desert corpora, but they also point out that this influence differed for

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של המשנה (בירור ראשון)," in *Hebrew Language Studies Presented to Professor Zeev ben-Ḥayyim* (ed. Moshe Bar-Asher et al., Jerusalem: Magnes Press, 1983), 91–93, 108.

[21] Note that more idiomatic translation on P. Yadin 2:8–9 above, p. 105. For more on this expression, see Yochanan Muffs, "'The Money Came to Me': Two Comparative Lexical Studies," *JANESCU* 5 (1973): 287–98 [reprinted in idem, *Love & Joy: Law, Language and Religion in Ancient Israel* (New York and Jerusalem: The Jewish Theological Seminary of America, 1992), 97–111].

each corpus and argue that the Aramaic tradition had multiple points of contact with its Babylonian counterpart.[22] Thus, rather than attributing the similarities between these Judean Desert corpora to a genetic relationship within this regional sub-tradition whereby the Wadi ed-Daliyeh papyri represent a precursor stage to the later two corpora, they believe this multi-pronged Neo-Babylonian influence made its way into the Wadi ed-Daliyeh and Jewish Aramaic corpora respectively through independent paths.

I see here the relationship between these Judean Desert formularies as both a genetic one as well as the product of a multi-pronged symbiosis. By a genetic relationship, I mean that these corpora—including those from outside the Judean Desert—all share a basic structure which can be seen in such elements as the investiture clause, the warranty clause, and the seller-oriented perspective, all of which I believe define a broader, discrete legal tradition, whose roots go back to the Late Bronze Age. Nonetheless, this tradition was quite an organic one, and each corpus marks a different stratum in its history. The scribes were versed in the broader tradition and in its local variants but adapted it at their discretion. Thus, just as the Aramaic language itself had a broad geographic and chronological spread, developing local variations among the sundry communities who spoke it, the same was true for the Aramaic legal tradition as well.

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[22] Eleonora Cussini, "The Aramaic Law of Sale and the Cuneiform Legal Tradition" (Ph.D. diss., Johns Hopkins University, 1992), 232–36; Gropp, *Wadi Daliyeh II*, 32.

LAW AND EXEGESIS IN THE DEAD SEA SCROLLS: THE SABBATH CARRYING PROHIBITION IN COMPARATIVE PERSPECTIVE*

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1. *Introduction*

The present study offers a comparative analysis of the Sabbath restrictions on carrying as articulated in Qumran legal texts (*Damascus Document*, 4QHalakha A, 4QMiscellaneous Rules) and related Second Temple texts (Nehemiah, *Jubilees*) and rabbinic literature (Mishnah Shabbat). The fullest sectarian formulation of these laws is found in the *Damascus Document* (11:7–9 = 4Q270 6 v 13–14; 4Q271 5 i 3–4) and thus they have been the subject of scholarly inquiry since even before the discovery of the Dead Sea Scrolls.[1] These treatments have focused on deciphering the precise details of the sectarian laws as well as identifying parallel legal formulations in Second Temple and

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   [1] Louis Ginzberg, *An Unknown Jewish Sect* (Moreshet 1; New York: Jewish Theological Seminary, 1976), 65–66, 186–87; Chanoch Albeck, *Das Buch der Jubiläen und die Halacha* (Berichte der Hochschule für die Wissenschaft des Judentums 47; Berlin: Hochschule für die Wissenschaft des Judentums, 1930), 8. For discussion since the Qumran discoveries, see Chaim Rabin, *Qumran Studies* (SJ 2; Oxford: Clarendon, 1957), 109–10; S. T. Kimbrough Jr., "The Concept of Sabbath at Qumran," *RevQ* 5 (1966): 493; Lawrence H. Schiffman, *The Halakhah at Qumran* (SJLA 16; Leiden: Brill, 1975), 113–15; Lutz Doering, "New Aspects of Qumran Sabbath Law from Cave 4 Fragments," 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* (ed. Moshe J. Bernstein, Florentino García Martínez, and John Kampen; STDJ 23; Leiden: Brill, 1997), 252–56; idem, *Schabbat: Sabbathhalacha und -praxis im antiken Judentum und Urchristentum* (TSAJ 78; Göttingen: Mohr Siebeck, 1999), 178–82, 229–31.

rabbinic legal texts. Nearly all of these analyses observe that the laws in the *Damascus Document* represent a reformulation of Jer 17:21–22.[2] In spite of this long recognized connection, no significant study has focused on the legal and exegetical relationship between Jer 17:21–22 and CD 11:7–9 or the relevant comparative Second Temple and rabbinic legal sources.[3] The Cave 4 legal texts have also furnished us with an intriguing set of similarly formulated laws that must now be considered in conjunction with the *Damascus Document*. 4QHalakhah A (4Q251) and 4QMiscellaneous Rules (4Q265) contain several closely related Sabbath regulations that overlap in varying degrees with the carrying prohibition in the *Damascus Document*.[4]

This study seeks to contribute further to our understanding of the sectarian prohibition by identifying the scriptural foundations of CD 11:7–9 and the Cave 4 legal texts and clarifying their legal and exegetical relationship to Jer 17:21–22 and related scriptural passages, particularly Exod 16:29. This relationship is then located within the larger framework of the legal and exegetical employment of these verses in the broader context of Second Temple and rabbinic legal texts.

2. *The Sabbath Carrying Prohibition in the Dead Sea Scrolls*

Laws regarding the prohibition of carrying on the Sabbath are found in three places in the Qumran legal texts. The longest version is found in the Sabbath code of the *Damascus Document* (CD 11:7–9):[5]

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[2] See below, n. 19.

[3] Schiffman, *Halakhah*, 113, simply remarks that "from the wording, it is clear that the law is a rephrasing of Jer 17:21 and 22."

[4] For general introduction to these texts, see L. H. Schiffman, "Legal Texts and Codification in the Dead Sea Scrolls," in *Discussing Cultural Influences: Text, Context and Non-text in Rabbinic Judaism* (ed. Rivka Ulmer; Lanham: University Press of America, 2007), 16–19 (4Q265), 19–20 (4Q251). For publication information on these texts, see below.

[5] Text following Elisha Qimron, "The Text of CDC," in *The Damascus Document Reconsidered* (ed. Magen Broshi; Jerusalem: Israel Exploration Society, the Shrine of the Book, Israel Museum, 1992), 31. Parallel Cave 4 texts (4Q270 6 v 13–14; 4Q271 5 i 3–4) can be found in Joseph M. Baumgarten, *Qumran Cave 4.XIII: The Damascus Document (4Q266–273)* (DJD 18; Oxford: Clarendon, 1996), 161, 180 (significant variants are noted below). For general discussion, see Schiffman, *Halakhah*, 113–15; Doering, *Schabbat*, 178–82.

7 אל יוציא⁶ איש מן הבית *vac*
8 לחוץ ומן החוץ אל בית ואם בסוכה יהיה אל יוצא ממנה
9 ואל יבא⁷ אליה

7. *vac* Let no one carry (anything) from the house
8. outside and from the outside into the house. And if he is in a booth⁸
   he shall not carry (anything) out from it
9. and he shall not bring (anything) into it.

Additional laws regarding carrying are found in two other sectarian legal texts:

4QHalakha A (4Q251) 1–2 (olim frg. 1) 4–5⁹

4 אל [יוצא איש ממקומו כל השבת
5 [מן החוץ אל הבית]ומן הבית אל הח[וץ]

4. [Let no] one carry (anything) out of his place for the entire Sabbath
5. [from the outside to the house] and from the house to the ou[tside]

4QMiscellaneous Rules (4Q265) 6 4–5¹⁰

4 אל יו[צא אי]ש מאהלו כלי ומאכ[ל]
5 ביום *vac* השבת

4. Let no on[e] ca[rry out] any vessel or foo[d] from his tent
5. on the day *vac* of the Sabbath.

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⁶ 4Q270–271 preserve the long form יוציאה.

⁷ 4Q271 has the plene spelling יביא.

⁸ The term סוכה can be understood here as a general term for a temporary dwelling or in its more technical sense as the temporary dwelling used on the festival of Tabernacles (see further, Schiffman, *Halakhah*, 114 n. 197; Doering, *Schabbat*, 179). In support of the latter understanding, Schiffman elsewhere explains that its introduction here is based on the inevitable problem posed by the construction of a *Sukkah*. If it is built in a field (or any distance from the home), then one would need to carry items from one's home to the outside in order to transfer them to the *Sukkah*. Thus, CD here reiterates that the carrying restriction is still in force, notwithstanding the attendant inconvenience. It is not clear if the community allowed for the construction of an *'erub* in order to alleviate the problem, as is done by the rabbis (Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity and the Lost Library of Qumran* [ABRL; New York: Doubleday, 1995], 277–78).

⁹ Text and translation following Erik Larson, Manfred R. Lehmann, and Lawrence Schiffman in Joseph M. Baumgarten et al., *Qumran Cave 4.XXV* (DJD 35; Oxford: Clarendon, 1999), 28–30.

¹⁰ Text and translation following Baumgarten, *Qumran Cave 4.XXV*, 68–69.

The shared content and overlapping language suggest that these pas-
sages represent a single Sabbath law expressed in three separate texts.[11]
Before turning to the biblical foundations of these passages and their
exegetical amplification at Qumran, let me first clarify the legal con-

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[11] The possibility of a fourth iteration of the carrying law in 4Q264a (4QHalakha
B) has recently been suggested in Vered Noam and Elisha Qimron, "A Qumran
Composition of Sabbath Law and Its Contribution to the Study of Early Halakah,"
DSD 16 (2009): 61–63 (= *Tarbiz* 74 [2005]: 511–46). 4Q264a is a highly fragmentary
manuscript that contains within it several Sabbath laws (*editio princeps* in Baumgar-
ten, *Qumran Cave 4.XXV*, 53–94). Eibert J. C. Tigchelaar was able to supplement the
fragmentary remains through the identification of several textual overlaps with
4Q421 11 and 13+2+8, a manuscript previously identified as a sapiential text (E. J. C.
Tigchelaar, "Sabbath Halakha and Worship in 4QWays of Righteousness: 4Q421 11
and 13+2+8 par 4Q264(a) 1–2," *RevQ* 18 [1998]: 359–72; cf. Doering, *Schabbat*,
217–19). Noam and Qimron expand upon Tigchelaar's observations by proposing
that the combined text of 4Q264a and 4Q421 (reclassified by them as 4Q421a)
should be understood as an independent work, which they title "Sabbath Laws." They
further suggest the existence of additional joins between the two manuscripts, even
where textual overlap is not visible. The newly combined 4Q264a 3 + 4Q421a 12 6
contains a clause that presumably refers to the prohibition against carrying on the
Sabbath (I have indicated here material from 4Q264a with a single underline and
content from 4Q421a with a double underline; anything not underlined represents a
suggested restoration by Noam and Qimron): א]ל יוצא ואל יבא בשער חצרו ובשער
עירו[, "n[o one shall take out or bring in the gate of his courtyard and in the gate of
his city" (Noam and Qimron, ibid., 61–62). Immediately preceding this clause, the
text reads "and wood and any clod" (ועץ וכול גוש). These two elements (and pre-
sumably one more preceding it) may have functioned as the direct objects of יוצא
and יבא. In this sense, the reference to the wood and clod (of dirt) would best be
explained as an example of מוקצה laws that limit what items may be moved on the
Sabbath as similarly articulated in CD 11:10–11 (Noam and Qimron, ibid., 62). At
the same time, Noam and Qimron observe that the clause as a whole could be
understood as a more general statement regarding carrying on the Sabbath. Indeed,
it is not clear why this law would need to restrict movement of these מוקצה items
outside of the home, since they would then fall under the rubric of the carrying law.
In the extant material from this text, new laws are always introduced by אל + jus-
sive, following formal Qumran legal language (see 4Q264a 1 1, 5; 4Q264a 2 ii +
4Q421a 13 2; 4Q421a 11 3, 4; cf. the additional examples reconstructed by Vered and
Qimron). ואל is employed once to introduce a subclassification (4Q264a 1 7). Only
in two very fragmentary and highly reconstructed cases, does any of the material
pertaining to the law precede the אל (4Q421a 11 3—drawing water from a cistern;
4Q264a 3 + 4Q412a 12 8—fighting against a city; cf. 4Q264a 3 + 4Q412a 12 7—the
Sabbath boundary). At the same time, is not clear if there is enough space in the
combined text to reconstruct a full legal formulation before ועץ וכול גוש. Thus,
the evidence regarding the possible independent character of a carrying law in
4Q264a 3 + 4Q412a 12 6 is inconclusive. In light of the highly fragmentary nature of
the text and the speculative nature of the manuscript joins, I refrain from discussing
it in my general analysis. At the same time, the reconstructed text offers much over-
lapping content and language with the three texts treated in this article. I thus call
attention to appropriate aspects of the text of 4Q4264a 3 + 4Q421 12 6 in the notes.

tent of these three related passages. Three specific components of the law are introduced in these passages: (1) the precise locations to and from which carrying is forbidden; (2) the definition of what constitutes one's private space; (3) what specific objects may not be carried.

In the *Damascus Document*, individuals are prohibited from carrying an item from one's house (i.e., private space) outside (i.e., public space) and vice versa.[12] A nearly identical formulation is found in

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[12] Schiffman, *Halakhah*, 114. Doering has recently criticized Schiffman's equation of the *Damascus Document*'s "house" and "outside" with the rabbinic concepts of private and public domain ("New Aspects," 259–64, esp. 41 for specific citations to Schiffman's work). He (following A. Goldberg and Y. Gilat) views CD as analogous to *Jub.* 2:29–30 (see below), which employs restrictive language ("from house to house") that seems to exclude any sense of domains. CD therefore prohibits carrying an item from out of one's home to any other space, whether it is the general public space, through a shared courtyard or blind alley-way, or into another house via one of these routes (and vice versa). Doering is likely correct that the use of "house" and "outside" in CD does not extend to all physical spaces in rabbinic law that would be understood as private (רשות היחיד) and public (רשות הרבים) domain. Moreover, as further asserted by Doering, the additional rabbinic domains are certainly not in view in the *Damascus Document* (such a claim is never made by Schiffman). While broader rabbinic definitions of private and public domains are not assumed in the *Damascus Document* (or *Jubilees*), the Qumran texts are clearly distinguishing between one's private property and the public sphere. The consistent use of "house" is intended to replicate the scriptural language of Jer 17:21–22. This is then extended in CD, 4Q251, and 4Q265 to larger categories of private (?בית, סוכה, אהל, מקומו) and public space (חוץ). None of these texts give any clues regarding further subtleties in the sectarian understanding of the limits of private and public space. In all likelihood Qumran law would equally restrict carrying both from one's house (private space) to a main street or a shared courtyard (public space). 4Q264a 3 + 4Q421a 12 as reconstructed by Noam and Qimron provides a tantalizing piece of the desired nuance ("Qumran Composition," 61). This text uses different language to distinguish between public and private space. Private space is identified as שער חצרו, "the gate of his courtyard" (text following 4Q421a 12 3), while public space is termed שער עירו, "the gate of his city" (4Q421a 12 3 = [שע; עיר is reconstructed based on its use elsewhere in the fragment). In the very next law regarding the Sabbath boundary (ll. 6–7), עיר and בית are presented as two possible starting points from which the law of the Sabbath boundary applies. In this context, the terminology presumably indicates that an individual cannot travel beyond the Sabbath boundary whether the starting point is the home or the public sphere. Thus, עיר in the preceding law should likewise be understood as public space. The identification of its spatial pair as שער חצרו suggests that this locution is intended to extend the meaning of a private space beyond one's physical house (בית) and include as well as a private courtyard. The emphasis on personal ownership (חצרו, "his courtyard") presumably excludes a shared courtyard. The evidence provided by this text actually agrees with Doering's tentative suggestion that private courtyards were regarded as identical to one's home, while public courtyards were not (ibid., 261). At the same time, it indicates, along with the evidence of CD, 4Q251, and 4Q265, that the Qumran texts do have a sense of distinct notions of public and private space.

4Q251. In contrast, 4Q265 prohibits only the act of taking an item outside of one's tent. The *Damascus Document* adds an additional element to the law by stating that the entire prohibition is also applicable if one carries from a temporary dwelling (or a technical *sukkah*) outside and vice versa. This second clause in the *Damascus Document* thereby extends the precise parameters of prohibited areas of carrying to include additional private spaces that are equivalent to one's home. Similarly, in 4Q265 the law of carrying is expressed by referring to an individual's "tent," with no mention of a house. Presumably, this passage is also intended to extend the notion of private space beyond merely the "house."[13] The inclusion of the possessive suffix in 4Q265 ("his tent") may also indicate that the Qumran understanding of private domain includes only one's own private property.[14]

4Q251 is the only passage that does not contain any additional designation regarding what constitutes private space. This passage, however, is also the only text that paraphrases ממקומו ("from his place") from Exod 16:29.[15] This additional inclusion in 4Q251 (ממקומו, "from his place") therefore fulfils a function similar to "*sukkah*" and "tent" in CD and 4Q265; it serves to indicate that one's private property extends beyond merely the home.[16]

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[13] In this sense, 4Q265 likely does not exclude the house or temporary dwelling from the prohibited areas of carrying. Doering suggests that "tent" here should be understood as equivalent to a house ("New Aspects," 260–61; *Schabbat*, 230). It seems more likely that the inclusion of a tent in 4Q265 is intended to extend the already known restriction of CD (and 4Q251) to an additional private dwelling. This is similar to the inclusion of "*sukkah*" in CD. All of this is responding to restrictive scriptural language of Jer 17:22, where only a "house" is mentioned (see below). See also *Jub.* 50:8, which restricts carrying out of both a house and a tent (see below).

[14] Doering, "New Aspects," 261. As already noted (see n. 12), שער חצרו in 4Q264a 3 + 4Q421a 12 6 would similarly extend the notion of one's private space to one's personal courtyard.

[15] The *Damascus Document* and 4Q265 only paraphrase the initial part of the interdiction: אל יצא (Exodus: "Let him not go out)" → אל יוציא (CD; 4Q265: "Let no one carry out"). See below for full discussion of the legal-exegetical reading of Exod 16:29.

[16] How far this extension was understood cannot be determined based on the extant text (see above, n. 12).

Neither the *Damascus Document* nor 4Q251 provide specific infor-
mation regarding what types of items are being carried. This silence
suggests an inclusive prohibition, proscribing the carrying of all items
on the Sabbath. Once again 4Q265 provides the exception in that it
singles out a "vessel" and "food" as specific items that may not be
carried.[17] Let me now turn to the exegetical basis for the various legal
formulations in these three texts.

3. *Exod 16:29 and Jer 17:21–22, 24 in CD, 4Q251, and 4Q265*

No scriptural source is cited for any of the three Qumran passages.
Nearly all of the specific legal content in these three passages as well
as their literary form, however, are grounded in the interpretation and
reformulation of scriptural content. Exod 16:29 and Jer 17:21–22, 24
contain significant overlap in legal content and shared language. These
features suggest that the biblical passages represent the legal and exe-
getical source for the passages in CD, 4Q251, and 4Q265. The shared
language is outlined below in Table 1:

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[17] Here as well, I do not think that 4Q265 restricts the prohibition on carrying to
include only vessels and food. Rather, these are being singled out just as 4Q265 also
includes the tent among the areas of prohibited carrying. I discuss this issue in
greater detail below in the context of 4Q265's interpretation of Jeremiah's משא. A
different explanation for these anomalies in 4Q265 is offered by Baumgarten (*Qum-
ran Cave 4.XXV*, 69; cf. Doering, *Schabbat*, 231). He suggests that the primary focus
of the clause in 4Q265 concerns restrictions on moving certain items on the Sabbath
within one's home (מוקצה; cf. CD 11:10–11; Josephus, *War* 2.147). 4Q265, argues
Baumgarten, represents an additional provision for this law, specifically regarding
items that may not be carried out of the home. He suggests that כלי ומאכל should
be understood as hendiadys and therefore a reference to a "food vessel." Such an
item, declares 4Q265, may not be carried outside of the home but may be carried
within the home (i.e., it is not subject to the laws of מוקצה). Other vessels can be
carried neither in the home nor outside of the home. The indirect way in which such
a formulation functions recommends against its understanding as part of the מוקצה
laws. Furthermore, the close literary correspondence with the carrying laws in CD
and 4Q251 (and also Jer 17:21–22 and Exod 16:29) suggests that it should rather be
grouped with these other passages as a restriction against carrying.

Table 1: Exod 16:29, Jer 17:21–22, 24 in CD, 4Q251, and 4Q265

Hebrew Bible	Qumran
Exod 16:29	CD 11:7–9
ראו כי יהוה נתן לכם השבת על כן הוא נתן לכם ביום הששי לחם יומים שבו איש תחתיו אל יצא איש ממקמו ביום השביעי	אל יוציא איש מן הבית לחוץ ומן החוץ אל בית ואם בסוכה יהיה אל יוצא ממנה ואל יבא אליה
Mark that the LORD has given you the Sabbath; therefore He gives you two days' food on the sixth day. Let everyone remain where he is:	He shall not carry (anything) from the house outside and from the outside into the house. And if he is in a booth, he shall not carry (anything) out from it and he shall not bring (anything) into it.
let no one leave his place on the seventh day.	
Jer 17:21–22, 24	4Q251 1–2 4–5
21 כה אמר יהוה השמרו בנפשותיכם ואל תשאו משא ביום השבת והבאתם בשערי ירושלם 22 ולא תוציאו משא מבתיכם ביום השבת וכל מלאכה לא תעשו וקדשתם את יום השבת כאשר צויתי את אבותיכם	[אל] יוצא איש ממקומו כל השבת [18] אל הבית]ומן הבית אל הח[וץ
Thus said the LORD: Guard yourselves for your own sake against carrying burdens on the sabbath day, and bringing them through the gates of Jerusalem. 22Nor shall you carry out burdens from your houses on the Sabbath day, or do any work, but you shall hallow the Sabbath day, as I commanded your fathers.	[Let no] one carry (anything) out of his place for the entire Sabbath [from the outside to the house]and from the house to the ou[tside.
	4Q265 6 4–5
24 והיה אם־שמע תשמעון אלי נאם־יהוה לבלתי הביא משא בשערי העיר הזאת ביום השבת ולקדש את־יום השבת לבלתי עשות־בה כל־מלאכה	אל יו[צא אי]ש מאהלו כלי ומאכ[ל] ביום cav השבת
	Let no on[e] ca[rry out] any vessel or foo[d[from his tent on the day vac of the Sabbath.

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[18] Exod 16:29 has ביום השביעי. As noted by Doering, the Sabbath is not identified in Qumran literature by this designation, but rather by השבת or יום השבת ("New Aspects," 257) and thus 4Q251 (and 4Q265) "updates" Exodus accordingly.

Table 1 (*cont.*)

Hebrew Bible	Qumran
If you obey Me—declares the LORD—and do not <u>bring in</u> burdens through the gates of this city <u>on the Sabbath day</u>, but hallow the Sabbath day and do no work on it	

The shared language between Jer 17:21–22, 24 and CD 11:7–9 suggests that the latter represents a paraphrase of the former.[19] 4Q251 and 4Q265 also share language with Jer 17:21–22, though in a more limited sense consistent with their shorter presentation of the carrying prohibition.[20] At the same time, the literary correspondence between all three passages and Exod 16:29 is unmistakable. The initial formulation of all three passages, with a slight grammatical shift to be discussed below, is nearly identical to Exod 16:29.[21]

Since both Exod 16:29 and Jer 17:21–22 seemingly function as the basis for the paraphrase in the Qumran texts, a number of questions arise. First, what is the legal and exegetical function of each biblical passage in the Qumran material? How are these texts reading and reformulating the biblical passages with their legal interests in mind? Second, what is the relationship between biblical verses as they inter-

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[19] Most scholars have recognized the connection to vv. 21–22. See R. H. Charles, "Fragments of a Zadokite Work," in idem, ed., *Apocrypha and Pseudepigrapha of the Old Testament* (2 vols.; Oxford: Clarendon, 1913), 2:827; Leonhard Rost, *Die Damascusschrift: Neu Bearbeitet* (Klein Texte für Vorlesungen und Übungen 167; Berlin: Walter de Gruyter, 1933), 21; Chaim Rabin, *The Zadokite Documents* (Oxford: Clarendon, 1954), 55; Kimbrough, "Sabbath at Qumran," 493; Schiffman, *Halakhah*, 114; Charlotte Hempel, *The Laws of the Damascus Document: Sources, Traditions, and Redaction* (STDJ 29; Leiden: Brill, 1998), 12; Doering, "New Aspects," 258; idem, *Schabbat*, 178. Contra Ginzberg, *Jewish Sect*, 186–87, who argues that CD "maintains a complete silence about the source" of the law of carrying, in distinction to the rabbis who freely draw upon Jer 17:21–22. The material in v. 24 clearly overlaps with language from vv. 21–22, and is thus secondary. There does seem to be some direct exegetical use of v. 24 in the Qumran texts (see below).

[20] Though I have not included it in the synoptic chart, 4Q264a 3 + 4Q421a 12 6 similarly contains language drawn from both Jer 17:21–22 (יצא—*hiph'il*, בוא—*hiph'il*, שער) and Exod 16:29 (אל יוצא).

[21] In general, scholars more often emphasize Jeremiah as the source of CD (see n. 19). For Exod 16:29 and 4Q251, see Doering, "New Aspects," 257; idem, *Schabbat*, 229; Larson, Lehmann, and Schiffman, *Qumran Cave 4.XXV*, 29. On 4Q265, see Baumgarten, *Qumran Cave 4.XXV*, 69.

face in the sectarian paraphrase? I will first introduce the biblical passages and then turn to deciphering the mechanics of their paraphrase in the Qumran legal texts.

Exod 16:29 forms part of the larger pericope that narrates the Israelites' receipt of the manna in the desert (Exodus 16). After the Israelites go out to collect manna on the Sabbath, Moses reminds them that they had previously been commanded not to do so. Exod 16:29 contains Moses' instruction to them not to leave (אל יצא) their place on the Sabbath. As is readily apparent, there is nothing in this passage regarding carrying or any hint of its proscription.

In contrast, Jer 17:21–22 represents an explicit prohibition against carrying on the Sabbath, something absent in the Pentateuchal Sabbath laws. As Michael Fishbane has observed, this passage is a reformulation of the Sabbath law of the Decalogue in Deut 5:12–15. In doing so, Jer 17:21–22 has imparted its own expanded Sabbath law with Sinaitic authority.[22] The specific parameters of Jeremiah's prohibition on carrying are not as certain. While Jeremiah opens with a general condemnation of "carrying burdens" on the Sabbath (v. 21b), two more specific aspects are thereafter delineated. He warns against carrying through the city gates (v. 21c) and outside of one's house (v. 22a). Does the prohibition apply only to these two specific cases or is it a more general proscription for all carrying on the Sabbath? What precise types of "burdens" are proscribed here? As a prophetic invective, the language of Jer 17:21–22 fulfils its task. As a Sabbath prohibition—the capacity in which it was clearly understood in later Judaism—it fails to provide the desired explicit language.

The synoptic comparison of Jer 17:21–22 and the three Qumran texts in Table 1 indicates that the Qumran texts draw much of their language from two specific clauses in Jeremiah: v. 21bc (ואל תשאו משא ביום השבת והבאתם בשערי ירושלם) and v. 22a (ולא תוציאו

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[22] Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985), 131–33. For a different understanding of the relationship between Deut 5:12–14 and Jer 17:31–32, see J. A. Gladson, "Jeremiah 17:19–27: A Rewriting of the Sinaitic Code?" *CBQ* 62 (2000): 33–40. On source-critical questions regarding the provenance of this pericope, see below, n. 48. For general discussion of Jeremiah's Sabbath pericope, see Moshe Greenberg, "The Sabbath Pericope in Jeremiah," in *Studies in the Book of Jeremiah, volume 2* (ed. B. Z. Luria; Jerusalem: Israel Bible Society, 1972), 23–51 [Hebrew]; Jacques Briend, "Le Sabbat en Jr 17,19–27," in *Mélanges bibliques et orientaux en l'honneur de M. Mathias Delcor* (ed. André Caquot, Simon Légasse, and Michel Tardieu; Kevelaer: Butzon & Bercker; Neukirchen-Vluyn: Neukirchener, 1985), 23–35.

משא מבתיכם ביום השבת). All three Qumran texts make repeated use of several keywords from these clauses, with the clear exception of the expressions משא and שערי ירושלם.[23] The Qumran texts subtly modify keywords from Jeremiah (indicated in Table 1 with underlining), while simultaneously transforming the meaning of the unused words (שערי ירושלם and משא). The original prophetic language is more precisely defined and expanded to include several new features. In doing so, these texts infuse Jer 17:21–22 with a dramatically different application, while still claiming to represent the full meaning of Jeremiah. As we shall see, similar principles are operating in the other Second Temple and rabbinic texts. In this sense, all these texts utilize Jeremiah in much the same way that Jeremiah employed Deuteronomy—in order to provide divine sanction for the newly formulated law.

The *Damascus Document*, 4Q251, and 4Q265 as well as several other Second Temple and rabbinic sources draw upon Jeremiah in order to articulate more carefully delineated laws regarding carrying on the Sabbath. The exegetical exigencies generated by Jer 17:21–22 consist of delineating in greater detail the precise parameters of the forbidden carrying. The following discussion will focus on three exegetical issues in the Qumran texts: (1) a precise definition of the space in which carrying is proscribed; (2) a precise definition of items that may not be carried on the Sabbath; (3) the exegetical relationship of Jer 17:21–22 and Exod 16:29 in all three Qumran texts.

The first aspect of the exegetical reformulation of Jeremiah consists of delineating in greater detail the precise physical space affected by the carrying prohibition. Three legal-exegetical developments are discernable in the paraphrases. The first legal-exegetical development focuses on a more precise application of Jeremiah's statement regarding personal space and public space. The *Damascus Document* and 4Q251 preserve the scriptural language of carrying from a house (Jer: מבתיכם → CD, 4Q251: מן הבית) with the root יצא in the *hiph'il* form (Jer: תוציאו → CD, 4Q251: יוצ[י]א), thereby reinforcing Jeremiah's emphasis on the house as one's private space. At the same time, all three texts expand this parameter so as to include additional personal dwellings. This legal expansion is accomplished by including the additional statement that the law applies as well in a temporary

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[23] Note that שער does appear in 4Q264a 3 + 4Q421a 12 6.

dwelling (*sukkah*—CD), a tent (4Q265), and perhaps in additional personal spaces ("his place"—4Q251).

In the case of CD's extension of the law to a *sukkah*, CD contains a lengthy addendum that repeats the entire legal formulation found in lines 7–8 regarding a house (itself paraphrasing Jeremiah) as it would apply to a *sukkah* (ll. 8–9: ואם בסוכה יהיה אל יוצא ממנה ואל יבא אליה). The inclusion of the *sukkah* in CD therefore is "authorized" by a repetition of the full scriptural language from Jeremiah referring to a house. As in Jeremiah's "house clause" (and CD's reformulation), CD's "*sukkah* clause" includes the root יצא in the *hiphʿil* form followed by the preposition *mem* and the pronoun referring back to the *sukkah* (Jer: ולא תוציאו משא מבתיכם → CD: אל יוצא ממנה).[24]

The restricted language of Jeremiah is also expanded with regard to the meaning of public space. Jer 17:22a merely condemns the carrying of an item out of one's home, with no indication that any specific outside space is intended. Indeed, this limited language is expanded in the *Damascus Document* and 4Q251 by making explicit the presumed implications of Jer 17:22a. Thus, both texts include the word חוץ as a general designation for outside space.[25]

A similar reuse of Jeremiah's language is found in 4Q265 to expand the law to include one's tent as well. While this passage contains no reference to one's house, its inclusion of a tent employs language from Jeremiah in much the same way that CD expanded its law to include a *sukkah*. Thus, 4Q265 preserves Jeremiah's יצא—*hiphʿil* followed by the preposition *mem*. Rather than a house, however, this text now applies the scriptural language to a tent (Jer: ולא תוציאו משא מבתיכם → 4Q265: אל יו[צא אי]ש מאהלו). Thus, 4Q265 further expands the initially limited application of Jeremiah's words. It is not clear if 4Q251 is following a similar legal-exegetical application of Jeremiah with its similar formulation: אל]יוצא איש ממקומו (l. 4). As we shall see, this clause closely reformulates Exod 16:29 (אל יצא איש ממקמו), which would suggest that it is not an exegetical formulation of Jeremiah. Yet, at the same time it also follows

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[24] The second half of the clause in CD (ואל יבא אליה) further reinforces the scriptural support by paraphrasing Jer 17:21c (see further, below).

[25] This is expressed in 4Q264a 3 + 4Q421a 12 6 with שער העיר, no doubt based on Jer 17:21c: שערי ירושלם.

Jeremiah's formula of יצא—*hiph'il* followed by the preposition *mem* and the specific space under consideration. If this is intentional, then 4Q251 would be employing this exegetical technique to expand Jeremiah's words to include all personal spaces (Jer: ולא תוציאו משא מבתיכם ← 4Q251: ‎אל]יוצא איש ממקומו[)‎.[26]

The second legal-exegetical development regarding space focuses on the ownership of the specific space. The clause in Jer 17:22a that serves as the foundation for later determination of space (ולא תוציאו משא מבתיכם) employs the second person plural verbal form and possessive suffix, thereby suggesting that Jeremiah's words are intended to condemn individuals for carrying items through their <u>own</u> homes (מבתי<u>כם</u>). The Qumran legal texts evince two distinct modes of reformulating this scriptural language. The *Damascus Document* and 4Q251 retain the scriptural language of a "house," though they remove any reference to the possessive suffix as found in Jeremiah. On the one hand, the entire modification is consistent with both texts' general transformation of the Jeremiah clause from the second person masculine plural to the third person masculine singular in order to present the law in the formal style of Qumran legal texts.[27]

At the same time, however, neither text makes an attempt to transform the possessive suffix accordingly (i.e., מביתו ← מבתיכם). To be sure, we do find in 4Q251 the third person possessive suffix (ממקומו, "<u>his</u> place"), though its presence is likely explained based on the text's close reuse of the language of Exod 16:29. The only attempt to represent in any way Jeremiah's possessive suffix is found in 4Q265, which adds the possessive suffix to its designated space (מאהל<u>ו</u>, "<u>his</u> tent").[28] It is not clear how we should explain this phenomenon. It is possible that CD and 4Q251 represent legal traditions that expand Jer 17:22a to include any home (i.e., personal space), even if it is not owned by the individual carrying the object. Accordingly, 4Q265 would repre-

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[26] A similar exegetical phenomenon is operating in the reformulation of בוא—*hiph'il* + ב from Jer 17:21c in 4Q264a 3 + 4Q421a 12 6: (Jer: והבאתם בשערי ירושלם ← 4Q264a + 4Q421a: ואל יבא בשער חצרו).

[27] As will be discussed below in fuller detail, Qumran legal texts render the verbal element of the law in the third person, singular, jussive form.

[28] I.e., rather than מן האהל, which would correspond to the formulation in CD and 4Q251. So also 4Q264a + 4Q421a 11 6: שער חצרו, "the gate of <u>his</u> courtyard."

sent a counter-tradition that limits the proscription to one's own personal space (similar to the formulation in Jeremiah).

The third legal-exegetical development concerns the specification of spaces to and from which the carrying is prohibited. As is apparent from the preceding discussion, Jer 17:22a (ולא תוציאו משא מבתיכם) forms the core scriptural language from which all three Qumran texts reformulate their own laws. The scriptural language, however, is significantly limiting since it only refers to carrying items <u>out</u> of one's home with no further proscription on carrying items <u>into</u> one's home. The *Damascus Document* and 4Q251 interpret Jeremiah's words to imply that the reverse action is also prohibited. Thus, both very clearly delineate the prohibition of carrying an item from outside into one's house.[29]

In both cases, Jeremiah itself provides the rationale for this expansion, since Jer 17:21c (והבאתם בשערי ירושלם) does indeed condemn the carrying of items <u>into</u> the gates of the Jerusalem. CD and 4Q251 therefore merge the general proscription of Jer 17:21c with that of Jer 17:22a in order to make both carrying in and out of one's house prohibited. This modification is reinforced by the preservation of the verbal form from Jer 17:21c (בוא—*hiph'il*) in the secondary law in CD 11:9 (Jer: והבאתם בשערי ירושלם ← CD: ואל יבא אליה). Moreover, in each case, the reformulation of the two clauses from Jeremiah is inverted, consistent with the literary feature generally identified as "Zeidel's law," in which biblical citations are inverted in their new literary context.[30] The complete reformulation of Jer 17:21–22 in CD 11:7–9 is outlined in Table 2. A solid arrow indicates explicit textual connections, while the broken arrow indicates merely thematic connections without explicit textual borrowing.

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[29] This application of the law is also present in 4Q264a 3 + 4Q421a 12 6.

[30] See Moshe Zeidel, "Parallels between Isaiah and Psalms" *Sinai* 38 (1955–1956): 149–72, 229–40, 272–80, 335–55 [Hebrew], and Pancratius Beentjes, "Inverted Quotations in the Bible: A Neglected Stylistic Pattern," *Bib* 63 (1982): 506–23.

Table 2: The Inversion of Jer 17:21–22 in CD 11:7–9

Jer 17:21–22	CD 11:7–9
21c והבאתם בשערי ירושלם	אל יוציא איש מן הבית לחוץ
22a ולא תוציאו משא מבתיכם	ומן החוץ אל בית
	ואם בסוכה יהיה
21c והבאתם בשערי ירושלם	אל יוצא ממנה
22a ולא תוציאו משא מבתיכם	ואל יבא אליה

While the *Damascus Document* inverts its reformulation of Jeremiah, 4Q251 evinces an identical legal-exegetical reading of Jeremiah, yet does not contain the literary inversion.[31] 4Q265 reflects a much different exegetical expansion of Jeremiah. It closely follows Jer 17:22a in only restricting carrying outside and not the reverse.

The second aspect of the exegetical reformulation of Jeremiah involves a more precise identification of the items that may not be transported on the Sabbath. Jeremiah's legal formulation is highly restricted in that only the carrying of one's "burden" (משא) is explicitly prohibited. Commentators have suggested that this word does not refer to any item but rather has in view a more limited meaning—most likely commercial goods.[32] It seems that some later readers of this text were aware of this specialized meaning (e.g., Neh 13:15–19). For most readers, however, the reference to a משא would have been entirely ambiguous and thus insufficient for the needs of a carefully formulated Sabbath restriction. In much the same way that

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[31] The inversion is also present in 4Q264a 3 + 4Q421a 12 6:

Jer 17:21–22	4Q264a 3 + 4Q421a 12 6
21c והבאתם בשערי ירושלם	אל יוצא
22a ולא תוציאו משא מבתיכם	ואל יבא בשער...

[32] See discussion of this question in Jack R. Lundbom, *Jeremiah 1–20* (AB 21A; New York: Doubleday, 1999), 806. He suggests that it may refer to the transfer of produce to Jerusalem for sale. This proposal echoes similar understandings of this verse by other commentators.

the limited conception of space is dramatically expanded in the Qumran texts, these three passages also reformulate the restricted language of Jeremiah's "burden."[33] These transformations are outlined in Table 3:

Table 3: The Interpretation of משא (Jer 17:22a, 24) in CD, 4Q251, and 4Q265

Jeremiah	Qumran
	CD 11:7–9
22a ולא תוציאו משא מבתיכם ביום השבת	אל יוציא איש מן הבית לחוץ ומן החוץ אל בית
24 לבלתי הביא משא בשערי העיר הזאת ביום השבת	ואם בסוכה יהיה אל יוצא ממנה ואל יבא אליה
	4Q251
	אל [יוצא איש ממקומו[34] כל שבת [מן החוץ אל הבית ו]מן הבית אל הח]וץ
	4Q265
	אל יו[צא אי]ש מאהלו[35] כלי ומאכ]ל[ביום השבת vac

CD and 4Q251 solve this problem by omitting any direct object in their reformulation of Jer 17:22 (Jer: תוציאו משא → CD: יוציא אל [l. 7], אל יוצא [l. 8]; 4Q251: אל יוצא).[36] This precise formulation is likely influenced by the lack of direct object in Exod 16:29 (אל יצא איש ממקמו), from which all of these passages draw their literary formulation (see below). Similarly, the secondary formulation in CD 11:9, which draws upon the use of בוא—*hiph'il* in Jer 17:24 likewise omits any reference to the משא that follows (Jer: הביא משא → CD: יבא). The exclusion of any explicit item—specifically Jeremiah's

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[33] See also Doering, *Schabbat*, 178.

[34] As discussed above, 4Q251's ממקומו is a possible reformulation of Jer 17:21 מבתיכם.

[35] As discussed above, 4Q265's מאהלו is a reformulation of Jer 17:21 מבתיכם.

[36] To be sure, such an explicit statement may be lost in the lacuna in 4Q251. The conjunction that directly follows the lacuna in line 5, however, suggests that the lacuna contains an additional reference to carrying from one space to another (in reverse from the extant text in line 5, as in CD). If this restoration is correct, there is not enough additional space to include a description of proscribed "burdens."

משא—in CD and 4Q251 indicates that these texts did not wish to leave any doubt as to the comprehensiveness of the prohibition; all items are forbidden to be carried.

In contrast, 4Q265 identifies two specific items—food and vessels—that may not be carried on the Sabbath. In its reformulation of Jer 17:22, these two terms stand in place of the scriptural משא: (Jer: יו[צא אי]ש מאהלו כלי ומאכ]ל[← 4Q265: תוציאו משא מבתיכם).[37] At first glance, this seems to limit the application of the prohibition to these two items, perhaps understanding them as the meaning of Jeremiah's "burden." It seems more likely that this aspect of the law should be understood similar to my earlier interpretation of the appearance of "tent" in 4Q265. Above, I suggested that 4Q265 is aware of the more general prohibition on carrying (as articulated in CD and 4Q251) and its wider set of details. Thus, the "tent" in 4Q265 is intended to be understood as a supplement to the house and *sukkah* of CD and 4Q251. Similarly, 4Q265 refers to food and vessels not because they are the only focus of the proscription, but because they are uniquely singled out as items that may not be carried on the Sabbath.[38]

In this sense, 4Q265 is also responding to the legal-exegetical difficulty presented by Jeremiah's "burden." The mercantile nuance of משא in Jeremiah could potentially suggest that items that have no commercial use or value—items that are explicitly used in the home—may in fact be transported on the Sabbath. 4Q265 therefore highlights two of the more ubiquitous such items and singles them out for inclusion in the prohibition.[39]

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[37] Since מאהלו is a reformulation of מבתיכם, 4Q265 evinces another example of Zeidel's law in the reuse of Jer 17:22. The equivalent terms in 4Q265 of Jeremiah's משא and מבתיכם are inverted in 4Q265: (Jer: מבתיכם[B] משא[A] → 4Q265: מאהלו[A'] כלי ומאכ]ל[[B']).

[38] The inclusion of "food" as one of the singled out items may be connected to the influence of Exod 16:29 (on which, see below). As noted by Baumgarten, Exodus 16 explicitly proscribes the collection of manna on the Sabbath. The special inclusion of food in 4Q265 may be a further reflection of this interdiction (*Qumran Cave 4.XXV*, 69). The additional inclusion of vessels may be related to the fact that vessels would have been needed in order to gather the manna.

[39] It is highly unlikely that ועץ וכול גוש (wood and clod) should be understood in the same way in 4Q264a 3 + 4Q421a 11 6. עפר (dirt) is one of the two examples cited in the *Damascus Document*'s מוקצה law (CD 11:10–11) and similarly dust (אפר) is cited as an example in rabbinic law (*b. Beṣah* 8a). Schiffman, following Belkin, understands Philo's interpretation of Num 15:32–35 as a similar application of this law (*Spec.* 2.251). Philo remarks that the "gatherer of sticks" was condemned to

The legal and exegetical influence of Jer 17:21–22, 24 is pervasive through all of the Qumran texts. What, however, is the role of Exod 16:29, which as observed above is also closely related to three Qumran passages? The literary form for the presentation of these carrying prohibition in all three passages follows Exod 16:29 very closely.[40] These passages reflect only the slight exegetical variant involving the transformation of the biblical יצא ("to go"; *qal*) to יוציא ("to bring out"; *hiph'il*).[41] In so doing, these texts are able to transform a biblical proscription against individuals leaving their dwelling places into a prohibition against individuals transporting items out of their homes.[42] There is no indication, however, that the *Damascus Document*, 4Q251, or 4Q265 considered Exod 16:29 to be the scriptural source for the prohibition of carrying.[43] On the contrary, the explicit legal-exegetical reconfiguration of Jer 17:21–22, 24 indicates that the community viewed this passage as the scriptural source and the basis for all further developments in the legal institution.

While the intended centrality of Jer 17:21–22, 24 can be seen in the reuse of several key words from this passage, it was insufficient with respect to the formal literary character of the Sabbath law in the *Damascus Document* and the related texts. Sabbath law in the *Damascus Document* is always formulated as אל + jussive (masc., sg.), with the sometime inclusion of איש following the jussive.[44] This literary form is lacking in Jer 17:21–22, 24. The Jeremiah passage is formulated in the commonly employed biblical apodictic style (לא + indicative—ולא תוציאו), corresponding to what John Bright identified

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death because the primary function of sticks on the Sabbath would be to kindle a fire and they are therefore forbidden even to collect (*Halakhah*, 119). The wood in the Qumran passage may thus refer to firewood or possibly to lumber that would have been used in construction (also identified as מוקצה in rabbinic law).

[40] So also 4Q264a 3 + 4Q421a 12 6.

[41] As noted by Larson, Lehmann, and Schiffman, this is clearly not an original textual variant (*Qumran Cave 4.XXV*, 29). MT יצא is found in the one extant copy of this passage in the Qumran biblical texts (4QpaleoGen-Exod^l—4Q11 16 7; See Patrick W. Skehan, Eugene Ulrich, and Judith E. Sanderson, *Qumran Cave 4.IV: Palaeo-Hebrew and Greek Biblical Manuscripts* [DJD 9; Oxford: Clarendon, 1992], 37) and is likewise reflected in the ancient versions (cf. Doering, *Schabbat*, 229).

[42] Note, however, that Exod 16:29 was also understood by the community as the source for the prohibition against Sabbath travel (see below, n. 47).

[43] Contra Doering, "New Aspects," 258: "the *Yahad* derived the prohibition of carrying out without hesitation also from this [i.e., Exod 16:29] Pentateuchal passage."

[44] See further Schiffman, *Halakhah*, 80–83. As in biblical law, the default formulation is masculine. Specific laws that apply only to women are formulated with the feminine singular jussive (e.g., laws regarding menstruation in 4Q266 6 ii 3–4).

as the standard biblical form to express an eternally binding proscription.[45] Moreover, it is formulated in the second person masculine plural form. The intertextual link supplied by the root יצא draws the *Damascus Document*, 4Q251, and 4Q265 to Exod 16:29. This passage, formulated in the alternative biblical apodictic style (אל + jussive—אל יצא) provided the exact literary form employed throughout the *Damascus Document*'s Sabbath code as well as the fragmentary Cave 4 legal texts.[46] It even supplied the additional term איש (אל יצא איש). With a minor exegetical shift of the root from the *qal* to the *hiph'il*, Exod 16:29 provided the *Damascus Document*, 4Q251, and 4Q265 with the precise desired literary form.

The prohibition against carrying on the Sabbath is grounded in Jer 17:21–22, 24 and its interpretation, while Exod 16:29 supplies the formal language of its presentation. At the same time, by merging the legal-exegetical reading of Jer 17:21–22, 24 with the formal language of Exod 16:29, the author has simultaneously engendered a similar legal-exegetical understanding of Exod 16:29. Indeed, reading Exod 16:29 with the *hiph'il*, it too forbids an individual from transporting items outside of one's home on the Sabbath.[47]

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[45] John Bright, "The Apodictic Prohibition: Some Observations," *JBL* 92 (1973): 185–204 (esp. 186–87).

[46] In contrast to the לא + indicative form, Bright argued that the אל + jussive structure "expresses a specific command for a specific occasion" (ibid., 187). Indeed, this understanding fits the simple meaning of Exod 16:29. For discussion of why the Qumran community adopted this latter form, see Schiffman, *Halakhah*, 82.

[47] This new understanding of Exod 16:29 may have been made easier by the larger context of the manna pericope, where the Israelites are censured for attempting "to collect" (v. 27) manna on the Sabbath. This act would of course require them to transport the manna (see R. Abraham ibn Ezra ad. loc.; on the use of this logic to explain the similar rabbinic transformation of this verse, see Tosafot on *b. ʿErub* 17b s.v. לאו שניתן לאזהרת מיתת ב"ד). Besides the expansion to a carrying prohibition, Second Temple and rabbinic texts also reorient the meaning of Exod 16:29 to include additional Sabbath proscriptions. Thus, the restriction on movement in Exod 16:29 was understood in rabbinic literature as a reference to the prohibition of traveling further than 2000 cubits on the Sabbath (תחום שבת). See Targum Ps.-Jon. ad loc.; *b. ʿErub* 51a; Mekhilta *WaYassa* 6. A similar application of Exod 16:29 can also be found in *Jub.* 50:12 (see Albeck, *Jubiläen*, 9; Doering, *Schabbat*, 87–94) and CD 10:21; 11:5–6 (see Schiffman, *Halakhah*, 91–98; Doering, ibid., 145–51) and 4Q264a 3 + 4Q421a 12 7. If we follow Noam and Qimron's reconstruction of the latter text, then the two legal-exegetical reformulations of Exod 16:29 are presented consecutively (l. 6: carrying; l. 7: travel). Noam and Qimron reconstruct the next law regarding warfare on the Sabbath ([א]ל יצא אליהם) also with language drawn from Exod 16:29 ("Qumran Composition," 61). The presence of three consecutive laws based on a single scriptural passage is quite intriguing in Qumran legal texts. Aside from the legal texts that are structurally grounded in Scripture (e.g., the *Temple Scroll*),

4. *Second Temple and Rabbinic Texts*

The reliance on Jer 17:21–22, 24 and Exod 16:29 that is found in the formulation of the Sabbath law of carrying in the Qumran legal texts finds additional expression in several Second Temple and rabbinic sources. Comparative legal sources provide close parallels to the Qumran texts' legal-exegetical use of these biblical passages and therefore attest to wider currents in Second Temple and rabbinic legal traditions. In the comparative material, as in the Qumran texts, Jer 17:21–22, 24 is clearly the legal and exegetical scriptural source for the Sabbath law of carrying. The Second Temple period texts (Nehemiah and *Jubilees*) show no influence of Exod 16:29. In the Mishnah, however, Exod 16:29 seems to supply some of the scriptural language for the formulation of the law. In citing these three texts, I indicate language drawn from Jer 17:21–22, 24 by underlining.

4.1. *Nehemiah 13:15–19*

The earliest exegetical expansion of Jer 17:21–22, 24 can be found in Neh 13:15–19, which recounts Nehemiah's attempt to combat commercial activity transpiring in Jerusalem on the Sabbath:

> At that time I saw men in Judah treading winepresses on the Sabbath, and others bringing (וּמְבִיאִים) heaps of grain and loading them onto asses, also wine, grapes, figs, and all sorts of goods (וְכָל מַשָּׂא), and bringing (וּמְבִיאִים) them into Jerusalem on the Sabbath. I admonished them there and then for selling provisions. ¹⁶Tyrians who lived there brought (מְבִיאִים) fish and all sorts of wares and sold them on the Sabbath to the Judahites in Jerusalem. ¹⁷I censured the nobles of Judah, saying to them, "What evil thing is this that you are doing, profaning the Sabbath day! ¹⁸This is just what your ancestors did, and for it God brought all this misfortune on this city; and now you give cause for further wrath against Israel by profaning the Sabbath!" (see Jer 17:27) ¹⁹When shadows filled the gateways of Jerusalem (שַׁעֲרֵי יְרוּשָׁלַ͏ִם) at the approach of the Sabbath, I gave orders that the doors be closed, and ordered them not to be opened until after the Sabbath. I stationed some of my servants at the gates (הַשְּׁעָרִים), so that no goods should enter (לֹא יָבוֹא מַשָּׂא) on the Sabbath.⁴⁸

Qumran legal literature is organized based on a topical arrangement (on these forms, see Schiffman, "Codification," 25–26, 29–30).

⁴⁸ Several scholars have argued that the passage in Jeremiah is in fact formulated as prophetic support for the Sabbath law in Nehemiah. See discussion and bibliography in Lundbom, *Jeremiah 1–20*, 802–4. The strongest argument in favor of the primacy of Jeremiah, as asserted by Fishbane, is that Nehemiah, unlike Jeremiah,

The explicit use of language and imagery drawn from Jer 17:21–22, 24 indicates that Nehemiah intends to condemn these individuals for violating the prohibition of carrying on the Sabbath in addition to the more direct invective against general business activity on the Sabbath.[49] As noted in the earlier discussion of Jeremiah, the term משא likely has some mercantile pursuits in mind. At the same time, the vagueness of the term makes it difficult to apply to actual circumstances of Sabbath activity. Nehemiah's Sabbath restriction is thus an exegetical expansion of Jeremiah's proclamation, such that Jeremiah's original proscription now includes the explicit added element of carrying for commercial purposes.[50] Jer 17:21, 24 forbids the act of carrying a burden through the gates of Jerusalem. No specific details, however, are provided concerning the nature of this burden. Nehemiah rewrites the passage from Jeremiah, adding specific details regarding the nature of the burden, as outlined in Table 4:

Table 4: The Interpretation of משא (Jer 17:21, 24) in Neh 13:15bc, 19

Jer 17:21bc, 24	Neh 13:15bc, 19
21 ואל תשאו מ<u>שא</u> ב<u>יום השבת</u> <u>והבאתם</u> ב<u>שערי</u> <u>ירושלם</u>	15 ו<u>מביאים</u> הערמות ועמסים על החמרים ואף יין ענבים ותאנים וכל מ<u>שא</u> ו<u>מביאים</u> <u>ירושלם</u> <u>ביום השבת</u>...
(Guard yourselves against…) carrying <u>burdens</u> <u>on the Sabbath day</u>, and <u>bringing</u> them through the <u>gates of Jerusalem</u>.	<u>Bringing</u> heaps of grain and loading them onto asses, also wine, grapes, figs, and all <u>sorts of goods</u>, and <u>bringing</u> them into <u>Jerusalem</u> <u>on the Sabbath day</u>…
24 לבלתי <u>הביא</u> מ<u>שא</u> ב<u>שערי</u> <u>העיר הזאת</u> <u>ביום השבת</u>	19 לא <u>יבוא</u> מ<u>שא</u> ב<u>יום השבת</u>
and do not <u>bring in</u> burdens <u>through the gates of this city on the Sabbath day</u>.	so that no <u>goods</u> should <u>enter</u> <u>on the Sabbath day</u>

includes the issue of selling (see below). It is thus more likely that Nehemiah expanded upon Jeremiah than that Jeremiah reduced Nehemiah (*Biblical Interpretation*, 131 n. 70). See the additional arguments collected by Lundbom.

[49] On the specific offenses singled out in this pericope and their relationship to the covenantal declaration against buying goods on the Sabbath in Neh 10:32, see discussion in Joseph Blenkinsopp, *Ezra-Nehemiah: A Commentary* (OTL; Philadelphia: Westminster, 1988), 359.

[50] See Fishbane, *Biblical Interpretation*, 131–33, esp. n. 68.

Neh 13:15 draws its language from Jer 17:21 and 24. The duplication of the verbal root associated with carrying in Neh 13:15 (ומביאים) corresponds to a similar duplication of verbs associated with carrying in Jer 17:21 (תשאו, והבאתם), thus suggesting that Jer 17:21 is the direct exegetical source for Neh 13:15.[51] At the same time, Jer 17:24 contains many overlapping words with Jer 17:21 that similarly appear in Neh 13:15. Neh 13:15 therefore seems also to have drawn upon Jer 17:24. Indeed, Jer 17:24 provides some of the literary structure that Neh 13:15 employs in its exegetical reformulation of Jer 17:21.

Neh 13:15c retains the language of Jer 17:21c in a slightly modified way (Jer: והבאתם בשערי ירושלם → Neh: ומביאים ירושלם). Similarly, Neh 13:15b reuses language from Jer 17:21b, though three fundamental modifications are discernable: (1) The main verb associated with the משא in Jer 17:21b (נשא—*qal*) is modified in Neh 13:15b (בוא—*hiphʿil*). (2) Neh 13:15b interjects a long list of items between the verb of conveyance (ומביאים) and the general term for items that may not be carried (משא), adding the further qualification that this list is not exhaustive (וכל משא). (3) The timeframe indicated in Jer 17:21b (ביום השבת) is transposed to the end of Neh 13:15.

These three modifications should be understood as Nehemiah's attempt to provide a functional definition for Jeremiah's משא and the associated Sabbath restriction. Similar to the technique evinced in the Qumran texts, the expansive list of items in Neh 13:15b is placed at the exact location in the rewriting of Jer 17:21 where משא appears.[52] Unlike the Qumran texts, however, Nehemiah retains the term משא, though likewise modifies the term (וכל משא) in order to indicate that even the previously enumerated list is not exhaustive.[53] Indeed, the ensuing verse seems to add further examples of proscribed items.

The reason for the modification of the main verb in the reformulation is more difficult to discern with certainty (Jer: נשא—*qal* → Neh: בוא—*hiphʿil*). It is possible that this is merely an example of linguis-

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[51] Jer 17:21 and Neh 13:15 also both refer to ירושלם explicitly (unlike Jer 17:24).

[52] Note that Nehemiah is a reformulation of Jer 17:21, while the Qumran texts are a reformulation of 17:22. This is to be expected since the Qumran texts focus on carrying associated with one's home, while Nehemiah is interested in broader commercial activity.

[53] The inclusion of כל here may be on analogy with Jer 17:24 which, following the secondary invective against carrying burdens, warns against transgressing "any labor" on the Sabbath (לבלתי עשות־בה כל־מלאכה).

tic updating.[54] It is equally possible that this should rather be understood as a deliberate exegetical technique. בוא—*hiphʿil* is employed in Jer 17:21c to refer to the transfer of items through the gates of Jerusalem. This is indeed the primary concern of Nehemiah's invective throughout this pericope, as is apparent from the repeated reference to both Jerusalem and the gates of Jerusalem in the ensuing verses. Thus, the verb in Jer 17:21c that refers to the transfer of items through the gates of Jerusalem (בוא—*hiphʿil*) is employed in Nehemiah for the general prohibition of carrying that reformulates Jer 17:21b (Jer: תשאו → Neh: ומביאים). This exegetical modification would have been reinforced by the similar use of משא in Jer 17:24, where it is governed by בוא—*hiphʿil*.

The merging of Jer 17:21bc is further evident in the transfer of the timeframe in Jer 17:21b (ביום השבת) to the end of Neh 13:15, such that it now forms part of Nehemiah's reformulation of 17:21c. In doing so, Neh 13:15bc is more explicitly identified as an attempt to explain the intervening content of Jer 17:21b—the meaning of משא: (Jer: ואל תשאו משא ביום השבת → Neh: ביום השבת ...ומביאים). Once again, Jer 17:24 provides the literary basis for this modification, since it likewise begin with the verb of carrying (הביא) and ends with the timeframe (ביום השבת).

In its reformulation of Jer 17:21, the reworked element is the expansive explanation of the meaning of Jeremiah's משא and its transference to the explicit situation of transporting goods through the gates of Jerusalem. The final words of the pericope once again reuse the language of Jer 17:21b (Jer: ואל תשאו משא ביום השבת → Neh: לא יבוא משא ביום השבת) in the context of the "gates" of Jerusalem (v. 19).[55] This reinforces the point that the entire preceding material should serve as an explanatory gloss on Jer 17:21 and its limited range of practical application for משא.

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[54] See, e.g., 1 Kgs 10:11 (וגם אני חירם אשר נשא זהב מאופיר) compared with 2 Chr 9:10 (וגם עבדי חירם ועבדי שלמה אשר הביאו זהב מאופיר). Another possibility is that Neh 13:15bc deliberately employs the same verb found in Neh 10:32 (המביאים) to mark the covenantal obligation to refrain from buying goods on the Sabbath, an act closely related to the general circumstances of Neh 13:15–19 (though all three uses of this form may reflect the same general linguistic situation).

[55] Note that Neh 13:19 employs בוא in the *qal*. This may reflect an attempt to mimic the similar use of בוא—*qal* at the very of the Sabbath pericope in Jer 17:27.

4.2. Jubilees[56]

Scholars have long noted the importance of the Sabbath and Sabbath law in the book of *Jubilees*.[57] Sabbath law regarding carrying is found in two places in *Jubilees*—2:29–30 and 50:8. These two passages are part of two larger lists of Sabbath law in *Jubilees* (chs. 2:29–30 and 50:6–13). The presence of two separate units for Sabbath law is often introduced into larger questions of the literary history of *Jubilees*. Most research on the authorship of *Jubilees* has advocated a singular authorship.[58] In recent years, some scholars have argued for multiple redactional layers to the book (continuing a line of reasoning episodically encountered in earlier scholarship).[59] In particular, several scholars have suggested that the Sabbath material in *Jub.* 50:6–13 comes from the hands of a later author/editor.[60]

The debate over the redactional history of *Jubilees* has important implications for understanding the nature of the relationship between Sabbath law in *Jubilees* ch. 2 and ch. 50. Scholars positing a singular authorship must explain why the Sabbath law appears twice and why the presentations differ in their overall details (while still having over-

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[56] Text and translation of *Jubilees* follow James C. VanderKam, *The Book of Jubilees: A Critical Text* (CSCO 510–511; SA 87–88; 2 vols.; Leuven: Peeters, 1989). Further textual analysis can be found in Doering, *Schabbat*, 75–83.

[57] On the Sabbath in general in *Jubilees*, see Lutz Doering, "The Concept of the Sabbath in the Book of Jubilees," in *Studies in the Book of Jubilees* (ed. M. Albani, J. Frey, and A. Lange; TSAJ 65; Tübingen: J. C. B. Mohr [Paul Siebeck], 1997), 179–205, idem, *Schabbat*, 43–118. On Sabbath law in particular, see Albeck, *Jubiläen*, 7–12; Louis Finkelstein, "The Book of Jubilees and the Rabbinic Halakha," *HTR* 16 (1923): 45–51; Doering, ibid.

[58] See the review of scholarship in James C. VanderKam, "The End of the Matter?: Jubilees 50:6–13 and the Unity of the Book," in *Heavenly Tablets; Interpretation, Identity and Tradition in Ancient Judaism* (ed. Lynn LiDonnici and Andrea Lieber; JSPSup 119; Leiden: Brill, 2007), 267–84; idem, "Recent Scholarship on the Book of Jubilees," *Current in Biblical Research* 6 (2008): 410–16.

[59] The trajectory of arguments for redactional history can be found in M. Segal, *The Book of Jubilees: Rewritten Bible, Redaction, Ideology, and Theology* (JSPSup 117; Leiden: Brill, 2007), 14–21.

[60] The most prominent exponent of this view is Liora Ravid, "Sabbath Laws in the Book of Jubilees 50:6–13," *Tarbiz* 69 (2000): 161–66 [Hebrew]. See also the supporting views of Menahem Kister as reported in Segal, *The Book of Jubilees*, 20–21. *Jub.* 50:6–13 was also assigned to a second editor by Gene Davenport, though with little argument in support of this assertion (*The Eschatology of the Book of Jubilees* [StPB 20; Leiden: Brill, 1971], 68, 75). In response to Ravid, see the defense of the singular authorship in Lutz Doering, "Jub 50:6–13 als Schlussabschnitt des 'Jubiläenbuchs'—Nachtrag aus Qumran oder ursprünglicher Bestandteil des Werks?" *RevQ* 20 (2002): 359–87; and VanderKam, "The End of the Matter?"

lapping content). It has therefore been suggested that the author drew upon multiple earlier sources for Sabbath law and the distinct lists are reflections of the diverse source material employed. In particular, Lutz Doering has proposed that the overlapping material—the restriction on drawing water and the carrying prohibition—are intentional markers by the author to call attention to the use of multiple sources.[61]

For those scholars who argue for a separate authorship for *Jub.* 50:6–13, it is taken for granted that the Sabbath laws in *Jubilees* 50 come from a different source than those in *Jubilees* 2. Indeed, Ravid opines that the composition of *Jub.* 50:6–13 stems from the hand of a scribe at Qumran.[62] To be sure, Doering has rightly criticized this argument based on the presence of several contradictory Sabbath laws in *Jubilees* and the Qumran texts.[63] What is important for this study is that Ravid has called attention to the differences between the two sets of laws and their implications for tracing the literary history of the material.[64] Yet, Ravid and others do not engage in the question of the author's sources for the Sabbath law in *Jub.* 50:6–13. If, indeed *Jub.* 50:6–13 is secondary, its laws would either draw upon another pre-existing list of Sabbath legal material or would have been newly composed by the later author. It is not clear if the secondary author of *Jub.* 50:6–13 would have likewise taken into account the pre-existing set of Sabbath laws in *Jub.* 2:29–30 in addition to other known Sabbath legal traditions. However one understands the literary

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[61] Doering, "Concept of the Sabbath," 182; *Schabbat*, 59–60. Doering likewise calls attention to a similar earlier argument by Louis Finkelstein with respect to the material in *Jub.* 50:8 and 12–13 ("Some Examples of Maccabean Halaka," *JBL* 49 [1930]: 28–29).

[62] Ravid, "Sabbath Laws," 165. Ravid does not marshal much support for this proposal. She merely notes that *Jubilees* was continuously copied there. Davenport, *Eschatology*, 16, had earlier likewise identified his second redactor as a Qumran scribe based on his suggested time-frame for the second editor and the overlapping ideology of *Jubilees* and the Qumran community (though for Davenport, this redactor is not the author of *Jub.* 50:6–13). Note that Davenport discounts the importance of the presence of copies of *Jubilees* at Qumran as a viable criterion for ascribing a Qumran provenance for the second redactor.

[63] Doering, "Jub 50:6–13 als Schlussabschnitt des 'Jubiläenbuchs,'" 385–87. Below, I highlight similarities among the laws of carrying in *Jub.* 50:8 and 4Q265 (in contrast to CD and 4Q251). This limited correspondence, however, cannot support Ravid's assertion (see further discussion below).

[64] See especially her synoptic comparison of the material in each list (David, "Sabbath Laws," 165).

relationship of the Sabbath law in *Jubilees* 50 to the material in *Jubilees* 2, it seems likely that these two passages represent distinctive sets of Sabbath law that draw upon multiple earlier lists of Sabbath law.

Although the original Hebrew of *Jub.* 2:29–30 and 50:8 is not preserved, each employs Geʿez equivalents of several of the same keywords from Jeremiah (e.g., יצא√ ,בוא√ ,בית ,שער) found in other Second Temple and rabbinic texts.[65] Like these other texts, *Jubilees* has transformed Jeremiah's prophetic pronouncement into an explicit legal formulation regarding the prohibition of carrying on the Sabbath.[66] As such, it likewise must further clarify particular aspects of Jeremiah's words and articulate in greater detail the precise parameters of the carrying prohibition. As we shall see, *Jubilees* employs some of the same exegetical techniques in the service of this goal. Since the two *Jubilees* passages differ in their overall details as well as exegetical technique, I will treat each separately before discussing their relationship.

4.2.1. Jubilees *50:8*

> Or who lifts any load (*ʾanšeʾa za-yeṣawwer kʷello*) to bring (it) outside (*yāwḍeʾ*) his tent (*ʾem-dabtarāhu*) or his house (*ʾem-bētu*) is to die

Jub. 50:8 forbids the carrying of an item from one's house or tent to outside.[67] In its exegetical reformulation of Jer 17:21–22, *Jub.* 50:8 focuses specifically on the general condemnation of carrying burdens

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[65] Doering, *Schabbat*, 76. As further noted by Doering, *Jubilees* represents the earliest post-biblical use of this precise terminology for the carrying prohibition. My understanding of the Hebrew equivalents of the Geʿez draws upon Wolf Leslau, *Comparative Dictionary of Geʿez (Classical Ethiopic)* (Wiesbaden: Otto Harrassowitz, 1987). I will call attention to the comparative Semitic evidence when the specific words are first encountered.

[66] See Doering, *Schabbat*, 76.

[67] *Jub.* 50:8, like 4Q265 (see above, n. 17) contains several anomalies that have led scholars to question its simple understanding as a prohibition against carrying. Albeck initially observed that *Jubilees* seems to condemn the individual for merely picking up an item in the home with the intention to take it outside, even if this act was never fully carried out (*Jubiläen*, 41 n. 35). Accordingly, several scholars have suggested that *Jub.* 50:8 refers to items that may not even be carried within the home, equivalent to the rabbinic category of מוקצה (Y. D. Gilat, *The Teachings of R. Eliezer ben Hyrcanos and their Place in the History of Halakha* [Tel Aviv: Dvir, 1968], 127–28 [Hebrew]; Baumgarten, *Qumran Cave 4.XXV*, 77). The issue here, however, is not one of intention. It seems that *Jubilees* assumes that the act will in fact be carried out and thus represents a violation of the Sabbath carrying restriction. See further discussion in Doering, *Schabbat*, 78–79.

on the Sabbath (v. 21b) and the specific reference to carrying items out of the house (v. 22a).[68] *Jubilees* conflates these two scriptural clauses in order to produce a general prohibition regarding carrying from one's personal space (מבתיכם), while simultaneously ignoring the broader context implied in Jer 17:21c (בשערי ירושלם). The exegetical reformulation of Jer 17:21b and 22a is outlined in Table 5:

Table 5: The Reformulation of Jer 17:21–22 in *Jub.* 50:8

Jer 17:21–22	Jubilees 50:8
21b ואל תשאו משא ביום השבת	Or who lifts any load (*'anše'a za-yeṣawwer kʷello*)
21c והבאתם בשערי ירושלם	————————————
22a ולא תוציאו משא מבתיכם ביום השבת	to bring (it) outside (*yāwḏe'*) his tent (*'em-dabtarāhu*) or his house (*'em-bētu*)
————————————	is to die.[69]

Like the Qumran texts, the legal-exegetical reformulation of Jeremiah in *Jubilees* appears to focus on two general elements of the law: (1) a precise definition of the space in which carrying is proscribed; (2) a precise definition of items that may not be carried on the Sabbath.

Regarding the affected personal space, *Jub.* 50:8 preserves the emphasis on one's home in Jer 17:22a through the reuse of יצא—*hipʿil* followed by the preposition *mem* (Jer: תוציאו משא מבתיכם → *Jub*: *yāwḏe'…'em-bētu*).[70] At the same time, Jeremiah's definition of

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[68] *Contra* Schiffman, *Halakhah*, 114, who opines that *Jub.* 50:8 reflects no influence from Jer 17:21–22.

[69] The introduction of a punishment for this transgression is clearly original to *Jubilees*. It follows the punishment for general Sabbath violation articulated at the beginning of v. 8. As observed by VanderKam, the literary frame of *Jub.* 50:8 follows Exod 31:14–15, into which *Jubilees'* list of transgressions is interpolated. The two-fold reference to death as the penalty for transgression in Exodus is replicated in *Jubilees* ("The End of the Matter?" 282). VanderKam further notes, however, that the language of 50:8 more closely resembles the interdiction against labor on the Sabbath in Exod 35:2 (ibid., n. 50; cf. Charles, *Jubilees*, 259, who argues that this is the source of *Jub.* 50:8). On the death penalty for Sabbath transgression in *Jubilees*, see further Doering, "Concept of the Sabbath," 199–200; idem, *Schabbat*, 68–70). The consequences articulated in Jer 17:27 for failure to observe the carrying restriction no doubt reinforced the appropriateness of death as punishment.

[70] Geʿez *waḍʾa* = BH יצא (Leslau, *Comparative Dictionary*, 605). The form in *Jub.* 50:8 is the causative (*'awaḍeʾa*), thus equivalent to BH יצא—*hipʿil*.

personal space is expanded to include one's tent as well. *Jubilees* artic-
ulates this expansion by similarly employing the יצא—*hiphʿil* + מ
construction for the reference to a tent (Jer: תוציאו משא מבתיכם →
Jub: yāwḍeʾ ʾem-*dabtarāhu*). The reformulation is further reinforced
by the interjection of "tent" between the reused scriptural terms
יצא—*hiphʿil* and "house" (yāwḍeʾ [= תוציאו] ʾem-*dabtarāhu* ʾem-bētu
[= מבתיכם]). *Jubilees* also provides more details regarding the owner-
ship of these specific spaces. In each case, the third person possessive
suffix is added to the personal space designation (*dabtarāhu*, *bētu*),
presumably indicating that the space belongs to the individual engag-
ing in the carrying.

One further important detail regarding space can be detected in
Jub. 50:8. As noted, *Jub.* 50:8 merges Jer 17:21b and 22a in order to
focus on the specific laws associated with one's personal space and
carrying. In doing so, *Jubilees* preserves faithfully the straightforward
reading of v. 22a as only proscribing carrying items <u>out</u> of one's per-
sonal space (for *Jubilees*, either a home or tent). By ignoring the inter-
vening material in Jer 17:21c, there is no implication that carrying
<u>into</u> one's personal space is similarly prohibited.[71]

The second major exegetical expansion found in *Jubilees* is a more
precise identification of the meaning of the משא in Jeremiah. As
already encountered, this is a central concern of both the Qumran
texts and Nehemiah, though each has a different technique for solv-
ing the exegetical problem. *Jub.* 50:8 resolves this issue through its
reformulation of Jer 17:21b. In rewriting this clause as a general con-
demnation of carrying on the Sabbath, *Jubilees* adds the quantifier
"*kʷello*," thereby transforming Jeremiah's reference to <u>a</u> משא to <u>any</u>
משא (ʾanšeʾa [= משא] za-yeṣawwer [= תשאו] *kʷello*).[72] The presence
of "*kʷello*" in the Geʿez text presumably reflects a Hebrew *Vorlage* כל
משא. *Jubilees*' technique therefore bears a striking resemblance to the

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[71] *Pace*, Rabin, *Qumran Studies*, 109, who suggests that the reverse is intended to
be assumed by the reader.
[72] According to this understanding the Geʿez *yeṣawwer* represents תשאו from the
biblical verse. While the Geʿez root does have the meaning of "to carry," it is not
directly equivalent to BH נשא (Leslau, *Comparative Dictionary*, 567), for which there
is an exact cognate *našʾa* (ibid., 404). As such, the text of Jubilees as preserved in
Geʿez lacks the cognate accusative found in the Hebrew of Jer 17:21. It is not clear if
this modification was already present in the Hebrew text of *Jub.* 50:8 or was perhaps
introduced in either the Greek or Geʿez translations.

inclusion of כל in Neh 13:15 to expand the list of items that may not be carried on the Sabbath.

4.2.2. Jubilees *2:29–30*

> [29]To bring in (*wa-la-ʾābeʾo*) or remove (*wa-la-ʾawḍeʾo*) on it anything which one carries in their gates (*kʷello za-yeṣawwer ba-ʾanāqeṣihomu*)—(any) work that they had not prepared for themselves in their dwellings on the sixth day. [30]They are not to bring (anything) out (*wa-ʾiyāwedeʾu*) or in (*wa-ʾiyabeʾu*) from house to house (*ʾem-bēt bēta*) on this day.

If we ignore the textual interference of the second half of *Jub.* 2:29,[73] then these two passages contain two specific formulations of the Sabbath carrying laws: (1) "To bring in or remove on it anything which one carries in their gates" (v. 29); (2) "They are not to bring (anything) out or in from house to house on this day" (v. 30).[74] The perceived redundancy in the text is the result of a faithful paraphrase of the two-fold structure of Jer 17:21–22. As outlined in Table 6, keywords

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[73] As several commentators have noted, the clause "(any) work that they had not prepared for themselves in their dwellings on the sixth day" is clearly out of place here and most likely is related to the earlier laws in v. 29 regarding food preparation. R. H. Charles suggested that the clause "To bring in or remove on it anything which one carries in their gates" may be the result of dittography with the beginning of v. 30 and thus the contested clause would follow immediately after the food preparation law (*The Book of Jubilees* [London: Adam and Charles Black, 1902], 20). If it is original, he suggests moving it (along with the immediately preceding clause "to draw water") to earlier in the verse before the laws regarding food preparation (which now read continuously). O. S. Wintermute likewise suggests that the clause is out of place here ("Jubilees," in *Old Testament Pseudepigrapha* [ed. J. H. Charlesworth; 2 vols.; ABRL; New York: Doubleday, 1983–1985], 58). Rather than moving the carrying clause (like Charles), Wintermute suggests that the clause regarding preparation on the sixth day was originally located following the earlier prohibition in v. 29 regarding preparing food on the Sabbath. The carrying laws then follow as the very last section in v. 29. Both suggestions seek to reunite the reference to preparation on the sixth day with the general law regarding preparing food on the Sabbath. Wintermute's proposal, however, seems more likely because it simultaneously links the two clauses regarding carrying as found at the end of v. 29 and the beginning of v. 30 (Charles moves them even further away from each other; though note that *Jub.* 50:9 contains a similar law regarding preparation of work on sixth day *following* the carrying law in *Jub.* 50:8). Doering ("Concept," 183 n. 17), following an earlier suggestion by Albeck (*Jubiläen*, 8), opines that the final clause of v. 29 may represent an editorial insertion intended to underscore that all work (i.e., not just food preparation) must be done on the sixth day.

[74] Presumably, the issue here is that in order to carry from one's house to another, one would have to transfer an object from one's house to the outside and likewise from outside into the house. This would therefore be in violation of the law restricting carrying in either direction.

(marked by the various forms of underlining) from Jer 17:21 are reused in *Jub.* 2:29 and keywords from Jer 17:22 are employed in *Jub.* 2:30, while one keyword (marked by a dotted arrow) migrates across the verses:[75]

Table 6: The Reformulation of Jer 17:21–22 in *Jub.* 2:29–30

Jeremiah	Jubilees
21b <u>¹ואל תשאו משא</u> <u>²ביום השבת</u>	29a <u>¹wa-la-'ābe'o</u> <u>wa-la-'awḍe'o</u> <u>²bāti</u>
21c <u>¹והבאתם</u> <u>²בשערי ירושלם</u>	29b kʷello ¹za-yeṣawwer ²ba-'anāqeṣihomu
22 ולא תוציאו משא מבתיכם ביום השבת	³⁰ wa-'iyāweḍe'u wa-'iyabe'u 'embēt bēta ba-zāti 'elat

In its exegetical reformulation of Jer 17:21, *Jub.* 2:29 evinces three structural modifications: (1) The first expression of each verset is inverted in the reformulated content in *Jubilees* (as marked by double-underlining and with solid arrows; 21b¹: ואל תשאו משא → 29b¹: *za-yeṣawwer*; 21c¹ והבאתם → 29a¹: *wa-la-'ābe'o*).[76] (2) The final elements in each verset are retained as the final elements in each reformulated clause in *Jubilees* (as marked by single-underlining; 21b² ביום השבת → 29a²: *bāti*; 21c²: בשערי ירושלם → 29b²: *ba-'anāqeṣihomu*). (3) One completely new word is introduced into each of the units in *Jub.* 2:29 (marked by the broken underlining). In one case (29a: *wa-la-'awḍe'o*), the word has migrated from Jer 17:22a (marked by the dotted arrow), which has its primary exegetical reformulation in *Jub.* 2:30. In the other case (29b: *kʷello*), the word is not drawn from any language in Jeremiah.

These structural modifications are part of a larger exegetical transformation of Jer 17:21 into a legal statement regarding carrying on

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[75] In addition to the exegetical reformulation outlined here, it is possible that the continuation of *Jub.* 2:30, which identifies the Sabbath as "more holy and more blessed" than any of the *Jubilees*, is influenced by the continuation of Jer 17:22 which enjoins the sanctification (וקדשתם) of the Sabbath. In general, the identification of the Sabbath as "holy" in *Jubilees* draws upon biblical references to the divine sanctification of the Sabbath in Gen 2:3; Exod 20:11 (see Doering, *Schabbat*, 66–67). The use of this motif in this specific context, however, may be motivated by Jer 17:22.

[76] On the latter equivalency, see Leslau, *Comparative Dictionary*, 114–15.

the Sabbath. Verses 21b and 21c are merged in *Jubilees* and become one clause, while simultaneously one element is drawn from v. 22. By moving the reference to "bringing in" from 21b (והבאתם) and placing it before the reference to the Sabbath day from 21b (ביום השבת), *Jub.* 2:29 retains the scriptural denunciation of carrying on the Sabbath. At the same time, the inclusion of *wa-la-'awḍe'o* (= v. 22a: תוציאו)[77] applies the prohibition to both directions of movement (carrying in and carrying out). Thus, *Jub.* 2:29a now reads as a general prohibition against carrying on the Sabbath. The one corresponding element from Jer 17:21 that is missing from this general regulation in v. 29a is a statement regarding what items may not be carried. The solution to this problem is found in *Jub.* 2:29b.

The transfer of the general condemnation of carrying a burden from Jer 17:21b (ואל תשאו משא) to the second half of *Jub.* 2:29 resolves the issues of the precise meaning of Jeremiah's "burden" (משא). *Jubilees* removes the ambiguous word and adds in its place *kʷello* ("anything"). The associated verbal form is then transformed from a negated imperfect into a relative pronoun and imperfect (Jer: ואל תשאו → *Jub.*: *za-yeṣawwer*). Based on the structural reorganization of Jer 17:21, this entire clause in now merged with בשערי ירושלם from v. 21c. In *Jubilees*, however, this expression is generalized such that it no longer refers to the gates of Jerusalem, but rather "their gates," presumably an allusion to the entrance to one's home. As such, the new possessive suffix refers to any individual involved in carrying items on the Sabbath. In the reformulated Jer 17:21, *kʷello* ("anything") functions as the direct object of the two infinitives referring to carrying (*wa-la-'ābe'o*, *wa-la-'awḍe'o*) and is the antecedent of the relative pronoun (*za-*). Thus, the entire relative clause in *Jub.* 2:29b attempts to explain the meaning of *kʷello* and therefore provides the precise meaning for Jeremiah's משא. According to *Jubilees*, anything that one would carry through one's gates—presumably intended to refer to any item—may not be carried on the Sabbath.[78]

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[77] See above, n. 70.

[78] Note the alternative translation found in Charles, *Jubilees*, 20, who ignores the relative pronoun: "or bring in or take out thereon *through* their gates any burden" (my emphasis). He therefore understands the reference to gates in much the same way as it appears in Jeremiah—the location where carrying may not take place. A similar translation is found in C. Rabin, "Jubilees," in *The Apocryphal Old Testament* (ed. H. F. D. Sparks; Oxford: Clarendon, 1984), 17.

The transformation of שערי ירושלם from a reference to *where* one may not carry in items (as in Jeremiah) to part of a larger understanding of *what* items may not be carried creates a new problem—what areas fall under the rubric of the carrying proscription? *Jub.* 2:30 resolves this question. As indicated in Table 6, this passage employs several keywords from Jer 17:22a. The frame of the reformulated passage follows the language of Jeremiah very closely, with little exegetical modification (marked by single-underlining). Within this frame, three exegetical modifications are visible. (1) There is no corresponding reference in *Jub.* 2:30 to משא from Jer 17:22. (2) *wa-'iyabe'u*, drawn from Jer 17:21c, is interjected into the reformulation of Jer 17:22 (marked by the dotted arrow). (3) Jeremiah's reference to "from your houses" is rendered in *Jubilees* as "from house to house" (marked by double-underlining).

The explanation for the first two exegetical transformations is readily discernable. Since *Jub.* 2:29 has solved the problem of the meaning of Jeremiah's משא, there is no need to retain this scriptural language in v. 30. Indeed, its non-inclusion in v. 30 reinforces the conclusion of v. 29 that all items may not be carried. The inclusion of *wa-'iyabe'u* (= Jer 17:22c והבאתם) in *Jub.* 2:30 mirrors the inclusion of *wa-la-'awḍe'o* in *Jub.* 2:29. Like the preceding verse, *Jub.* 2:30 formulates its legal ruling as applicable to carrying both inside and outside. The two-fold language of Jer 17:21–22 provides the lexical basis for both passages in *Jubilees*.

In adding this second verbal element, *Jubilees* disrupts the syntax of Jer 17:22. As previously noted, the carrying element in Jeremiah is marked by the root יצא—*hiph'il* + מ in order to articulate the idea of carrying an item out of one's home. The inclusion of *wa-'iyabe'u* (= בוא—*hiph'il*) renders this understanding of the preposition *mem* impossible. Instead, the second person plural possessive suffix on מבתיכם is no longer understood as a general reference to one's house from which carrying is proscribed. Rather, it is understood as referring to each individual house and thus the *mem* preposition indicates carrying <u>from</u> one of <u>your</u> houses to another of <u>your</u> houses.

4.2.3. Jubilees *2:29–30 and 50:8 in Context*
Through a variety of exegetical techniques, both *Jub.* 2:29–30 and 50:8 transform Jer 17:21–22 into a fully developed statement on Sabbath carrying law. They resolve several central questions regarding the spe-

cific spaces affected by the carrying prohibition and the precise meaning of the "burden" that one may not carry on the Sabbath. In the preceding discussion, I treated the two carrying laws in *Jubilees* independently. While they agree in some details (e.g., the wide range of items that may not be carried), other elements (e.g., the direction of proscribed carrying) are distinct. These two passages seemingly represent two different applications of the Sabbath carrying law and evince distinct exegetical techniques in their reformulation of Jer 17:21–22.

The differences between these two passages should now be understood within the wider context of the distinct presentations of the Sabbath carrying prohibition in Qumran literature and their exegetical relationship to Jer 17:21–22. Throughout the earlier discussion of the Qumran texts, I repeatedly noted that the *Damascus Document* and 4Q251 are often in agreement in their general details as well as their exegetical technique. In contrast, the carrying prohibition in 4Q265 diverges from CD and 4Q251 both in some of its basic details and exegetical application of Jer 17:21–22. When the Qumran texts and *Jubilees* are read together, the dissimilarities that exist within each collection of documents find intriguing points of contact across the literary collections. Many aspects of 4Q265 seem to find additional expression in *Jub.* 50:8, while elements from CD and 4Q251 appear in *Jub.* 2:29–30.

With regard to the space affected by the carrying prohibition, I addressed three elements. 4Q265 introduces the "tent" as a specific personal space in which the carrying restriction applies. So too, this exact space is the one new element introduced in *Jub.* 50:8.[79] In both cases, this expansion is achieved by the introduction of the new element following the use of the scriptural יצא—*hiphʿil* + מ construction (likewise employed in CD and 4Q251). Similarly, I observed that 4Q265 is the only one of the three Qumran texts to identify ownership of the affected space ("his tent"). This detail is supplied in 4Q265 by the modification of the possessive suffix on Jer 17:22 "your houses." CD and 4Q251, in contrast, omit a possessive suffix, thereby suggesting the ownership is not an issue. In my earlier discussion I

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[79] *Jub.* 50:8 likewise retains the scriptural reference to a "house." If there is some relationship between *Jub.* 50:8 and 4Q265, as suggested here, this would support my assertion that 4Q265 assumes that the carrying law applies with regard to a tent *in addition* to a house (which goes unmentioned).

proposed that this discrepancy could perhaps be traced to different stages in the understanding and application of the carrying prohibition. The multiple presentations of the carrying law in *Jubilees* add additional support to this assertion. *Jub.* 50:8 once again agrees with 4Q265 in adding a possessive suffix to its affected spaces ("<u>his</u> tent," "<u>his</u> house"), while *Jub.* 2:30 lacks any such reference ("from house to house").[80]

Perhaps the most striking difference between all these texts is the question of the direction of proscribed carrying. CD and 4Q251 prohibit carrying items both <u>in</u> and <u>out</u> of the affected spaces. In contrast, 4Q265 condemns only carrying items <u>out</u> of one's tent. As discussed, CD and 4Q251 formulate their presentations of the law as an application of the two-fold language of carrying in Jer 17:21c (בוא—*hiphʿil*) and 22a (יצא—*hiphʿil*). This requires the alteration of בוא—*hiphʿil* from a reference to carrying through "gates" to carrying into "homes." In contrast, 4Q265 appears as a straightforward application of Jer 17:21–22 with regard to one's home and carrying. Thus, consistent with the reference to homes in Jer 17:22 (יצא—*hiphʿil* + מ), 4Q265 only proscribes carrying items out of one's home and not the reverse. This very distinction is likewise the most prominent difference between *Jub.* 50:8 and 2:29–30. *Jub.* 50:8 completely ignores Jer 17:21c and its use of בוא—*hiphʿil* + ב (i.e., carrying items in). Rather, it preserves a very straightforward application of Jer 17:22a and thus only prohibits carrying items out of one's home or tent. *Jub.* 2:29–30, like CD and 4Q251 explicitly forbids carrying items in both directions. In formulating the law this way, *Jub.* 2:29–30 similarly draws upon the two-fold language of Jer 17:21c and 22a. Like the corresponding Qumran texts, *Jub.* 2:29–30 achieves this exegetical modification by inverting the keywords from Jeremiah and reorienting their meaning for a new legal context.

To be sure, there is dissimilarity between the respective passages in *Jubilees* and the Qumran texts. For example, both passages in *Jubilees* clarify and expand the meaning of Jeremiah's "burden" through creative uses of *kʷello* (= כל). In principle, CD and 4Q251 agree with this expansion, but evince a different exegetical technique. Moreover,

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[80] Note that *Jub.* 2:29 does evince a related type of exegetical modification in its transformation of Jer 17:21c "gates of Jerusalem" to "<u>your</u> gates."

4Q265 likely agrees with the expanded understanding of the "burden," but singles out two specific items for special mention. Such a feature is not present in *Jub.* 50:8.

Despite these dissimilarities, there seems to be enough correspondence to suggest that 4Q265 and *Jub.* 50:8 on the one hand, and CD, 4Q251 and *Jub.* 2:29–30 on the other hand, emerge from shared legal-exegetical contexts. There is precious little evidence to ascertain whether one was drawing upon the another or if both are relying upon the same independent source. This suggestion, however, works well with the assertion that the multiple Sabbath lists in *Jubilees* 2 and 50 represent independent Sabbath legal traditions—whether as separate lists utilized by one author or multiple authors/editors.

4.3. *Mishnah Shabbat 1:1*[81]

> [Acts of] transporting objects from one domain to another [which violate] the Sabbath (יציאות השבת) are two which [indeed] are four [for one who is] inside, and two, which are four [for one who is] outside. How so? [If on the Sabbath] the beggar stands outside and the householder inside, [and] the beggar stuck his hand inside and put [a beggar's bowl] into the hand of the householder, or if he took [something] from inside it and brought it out (והוציא), the beggar is liable, the householder is exempt. [If] the householder stuck his hand outside and put [something] into the hand of the beggar, or if he took [something] from it and brought it inside (והכניס), the householder is liable, and the beggar is exempt. [If] the beggar stuck his hand inside, and the householder took [something] from it, or if [the householder] put something in it and he [the beggar] removed it (והוציא), both of them are exempt. [If] the householder put his hand outside and the beggar took [something] from it, or if [the beggar] put something into it and [the householder] brought it back inside (והכניס), both of them are exempt.

The opening Mishnah of tractate Shabbat deals with several aspects of the prohibition of carrying. In comparison to the four primary issues addressed in the Second Temple texts, the Mishnah's presentation is quite well developed. The Mishnah has a clear sense of the space affected by this prohibition. Two general domains are envisioned, for which the two characters "householder" (private domain) and "beggar"

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[81] Translation following Jacob Neusner, *The Mishnah: A New Translation* (New Haven: Yale University Press, 1988), 179.

(public domain) are representative.[82] Furthermore, the Mishnah very clearly formulates the law as applying to carrying items both <u>in</u> and <u>out</u> of the affected spaces. Regarding the extent of the items that may not be conveyed on the Sabbath, the Mishnah is decidedly silent. Indeed, in all cases where the verb of conveyance could reasonably follow with a direct object, it does not. This silence therefore suggests that all items are intended to fall under the rubric of this law.

Similar to the legal texts treated thus far, the Mishnah seems to reuse language from Jer 17:21–22 while at the same time amplifying and clarifying the precise parameters of Jeremiah's prohibition against carrying on the Sabbath. While the shared language is less prominent than in related texts, the use of the root יצא in the *hiphʿil* (והוציא) to describe the act of transporting an item out of one's home suggests that the Mishnah recognized Jer 17:21–22 as the biblical starting point for the carrying prohibition.[83] Indeed, in the list of the 39 proscribed labors on the Sabbath found later in Mishnah Shabbat, the Mishnah similarly identifies carrying with יצא—*hiphʿil* + מ, as in Jer 17:22: המוציא מרשות לרשות (*m. Shab.* 7:2).[84]

At the same time, the Mishnah opens by identifying the laws of carrying with the general terminological rubric יציאות השבת ("goings out"). As ancient and modern commentators have noted, the expression "goings out" (*qal*) is strange here. The Mishnah proceeds to explain that violation of the law of carrying requires transporting an item out of one domain and into another domain. The use of the term "goings out" therefore seems inappropriate because it excludes

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[82] The Mishnah intended these two characters as individuals who would most often be found in these two specific spaces. As suggested by Maimonides, the use of these two characters is the result of the Mishnah's pursuit of brevity. The one word "householder" conveys the sense of the longer expression "a man standing in private domain," as does "beggar" for "a man standing in public domain" (*Commentary on the Mishnah*, Shabbat 1:1).

[83] See also Schiffman, *Halakhah*, 114; Doering, "New Aspects," 258 (cf. Rabin, *Zadokite Documents*, 55).

[84] See also *y. Shab.* 1:1 2b, which contains a discussion of the scriptural source of the Mishnah. R. Hezekiah in the name of R. Aha identifies Jeremiah as the source of the Mishnah's ruling. An alternative opinion attributed to R. Samuel b. Nahman in the name of R. Yonatan traces the law to Exod 36:6. See also *b. Hor.* 4a which explicitly identifies Jeremiah as the scriptural source for the carrying prohibition. A variant reading preserved in the Munich ms, however, cites Exod 16:29 as the scriptural source (see Raphael Nathan Rabinovicz, *Sefer Dikduke Sofrim = Variae Lectiones in Mischnam et in Talmud Babylonicum* [2 vols.; New York: M. P. Press, 1976], vol. 2, ad. loc.).

the critical act of "bringing in" an object into the other domain.[85] At the very least, one would have expected this process of conveyance to be described with the *hiph'il* הוצאות, meaning "carryings (out)."[86]

The strange word choice of the Mishnah is somewhat clarified by the Babylonian Talmud's suggestion that that expression "goings out" (*qal*) encompasses both the act of taking an item out of one domain (הוצאה) and bringing an item into another domain (הכנסה), the two elements of the rabbinic prohibition of carrying (as illustrated in Mishnah Shabbat 1:1). יציאות (*qal*) is therefore a technical term for both of these acts. While this answer is clearly not in accord with the precise grammatical meaning of the word, the talmudic use of יציאות has some support from similar uses of this expression elsewhere in rabbinic literature.[87]

We are still left with the question of why יציאות was specifically chosen as the terminological rubric in the Mishnah. In this respect, it is likely that the expression יציאות (יצא—*qal*) was employed in order to correspond with the biblical language of Exod 16:29 (also יצא—*qal*).[88] A laconic reference to exegesis of Exod 16:29 in *b. 'Erub.* 17b indicates that this biblical passage is associated with the carrying prohibition based on the same exegesis as is found in the Qumran texts.[89] The talmudic discussion centers around whether violation of the Sabbath travel restriction is liable for capital punishment. The argument is advanced that the death penalty cannot be administered if one violated a law formulated as a secondary warning (אזהרה). The assumption is that the travel prohibition is a secondary understanding of Exod 16:29; the primary understanding is that this passage prohibits carrying. This entire view, however, is rejected by asserting that the biblical text very clearly says "go out" (*qal*—e.g., travel) not "take out" (*hiph'il*—e.g., carrying) (אמר רב אשי מי כתיב אל יוציא אל יצא כתיב). While it rejects the understanding of Exod 16:29 as an explicit

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[85] See *b. Shab.* 2b and discussion below.

[86] See Tosafot, on *b. Shab.* 2a, s.v. יציאות. For this general use of the *hiph'il*, see, e.g., *m. Shab.* 7:2; *b. Hor.* 4a.

[87] See Ch. Albeck, *Shishah Sidre Mishnah, vol. 2, Seder Mo'ed* (Jerusalem: Bialik Institute; Tel Aviv: Dvir, 1958), 405 (cf. Rabin, *Qumran Studies*, 109–10).

[88] This opinion is first advanced by Tosafot, on *b. Shab.* 2a, s.v. יציאות. The same argument (drawing from the language of Tosafot) is adduced in the commentary on the Mishnah of R. Ovadiah of Bertinoro. See also Herbert Danby, *The Mishnah* (Oxford: Oxford University Press, 1933), 100 n. 2; Doering, "New Aspects," 258.

[89] See also the brief discussion of this passage in Doering, "New Aspects," 258.

prohibition against carrying, this passage very clearly indicates that the rabbis saw in Exod 16:29 an allusion to the prohibition and recognized the closely related lexical constructions.

Exod 16:29 therefore provides part of the scriptural language employed by the Mishnah. יציאות is neutral enough so as not to indicate exclusively either carrying out or in, while specific enough to convey both aspects of the prohibited carrying. At the same time, Exod 16:29 is not presented as the scriptural source for the carrying prohibition or even the exegetical starting point for its rabbinic development.[90] Moreover, there is no indication that the Mishnah drew upon the scriptural language of Exod 16:29 in order to prioritize Pentateuchal language over non-Pentateuchal language (i.e., Jer 17:21–22).[91] As in the texts from Qumran, Jer 17:21–22 is the guiding legal and exegetical biblical source, while Exod 16:29 provides part of the formal language in which this law is expressed.[92]

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[90] To be sure, this does not necessarily suggest that Exod 16:29 was never recognized as the primary scriptural source for the carrying prohibition in other rabbinic formulations. In general, however, Exod 36:6 is usually proposed as the scriptural source in rabbinic texts in cases where Jer 17:21–22 is ignored (see below, n. 92). One possible exception is the variant reading of *b. Hor.* 4a found in the Munich MS, which identifies Exod 16:29 as the scriptural source (see above, n. 84).

[91] As suggested by Rabin, *Qumran Studies*, 110.

[92] To be sure, some additional rabbinic formulations of this law clearly place less importance on Jer 17:21–22 as the scriptural source. While *m. Shab.* 1:1 is indebted to Jer 17:21–22, there is some attempt already in this passage to distance itself from Jeremiah. As suggested, the use of the יצא—*hiph'il* in order to describe the prohibited act of carrying an item outside seems to paraphrase the identical use of this root in Jer 17:22. At the same time, the root in Jer 17:21 employed to represent the act of bringing an item inside, בוא—*hiph'il*, is not used in the Mishnah. Rather, the Mishnah describes this act with כנס—*hiph'il*. Similarly, a tradition reported in the Palestinian Talmud (*y. Shab.* 1:1 2b; *y. Sheb.* 1:1 32a) traces the origins of the prohibition of carrying to Exod 36:6, while simultaneously rejecting Jer 17:21–22 as the source (see above, n. 84). In light of the explicit prohibition against carrying in Jer 17:21–22 and the creative exegesis necessary for Exod 36:6 to contain such a prohibition, we should assume that this tradition represents a deliberate attempt by some rabbis to reject the use of Jeremiah (and likely all non-Pentateuchal passages) as the biblical source of this law (Schiffman, *Halakhah* 114). The question of the role of non-Pentateuchal Scripture in Qumran legal hermeneutics is a much wider subject that I address in my forthcoming monograph, *Scripture and Law in the Dead Sea Scrolls* (Cambridge University Press). The present study draws from my treatment of the role of Jer 17:21–22 in the Qumran texts and comparative Second Temple and rabbinic texts.

5. *Conclusion*

This study has been guided by two overarching themes: (1) Jer 17:21–22 is the scriptural source for later Jewish formulations of a restriction against carrying on the Sabbath. As a Sabbath law, however, Jer 17:21–22 is lacking in many of the necessary details and thus the Second Temple and rabbinic texts reflect a careful exegetical modification of much of the content of Jer 17:21–22. (2) The legal-exegetical application of Jer 17:21–22 in the Qumran legal texts is not an isolated phenomenon. Rather, these texts must be situated within the broader context of the interpretation of biblical law in ancient Judaism. Indeed, the interpretation of Jer 17:21–22 in Nehemiah, *Jubilees*, and the Mishnah reflects several parallels with the use of Jeremiah in the *Damascus Document*, 4Q251, and 4Q265.[93]

All these texts identify Jer 17:21–22 as the scriptural source for the prohibition of carrying on the Sabbath. For all of these sources, however, Jeremiah provided an incomplete formulation of this law. Thus, all of these texts attempt to delineate in more precise detail the wider application of Jeremiah's Sabbath carrying law. This amplification is achieved through the exegetical formulation and expansion of Jer 17:21–22. Keywords from Jeremiah are interwoven into the new more precise and expanded legal formulation. My discussion focused on three general aspects (1) the range of the space affected by the carrying prohibition; (2) the meaning of Jeremiah's "burden"; (3) the relationship of the use of Jer 17:21–22 in these texts to the influence of Exod 16:29 in some of them.

This study has demonstrated the interconnected nature of legal exegesis in ancient Judaism. With regard to the space affected by the carrying restriction, each of the texts attempts to provide more details

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[93] Another text that contributes to this discussion is John 5:10: σάββατόν ἐστιν καὶ οὐκ ἔξεστι σοι ἆραι τὸν κράββατον "It is the Sabbath; it is not lawful for you to carry your mat" (NRSV). The verb employed to describe the condemned carrying, αἴρω, corresponds to the Septuagint's rendering of תשאו in Jer 17:21. This would suggest that the legal source that stands behind this formulation likewise recognized Jer 17:21 as the scriptural source for the prohibition against carrying. The legal source likely was also in agreement with the Second Temple texts that all items fall under the rubric of Jeremiah's "burden." Thus, the passage applies this general principle to the specific case of the "mat" (i.e., not that the legal source singled out a "mat" as the meaning of Jeremiah's "burden," and thus the only item that may not be carried).

regarding what specific spaces are under the rubric of the carrying law. Thus, the Qumran texts specifically include a *sukkah* and a tent, while *Jubilees* likewise adds a tent. In all of these cases, the more significant issue is that both sets of texts employ nearly identical exegetical techniques to expand the law. Similarly, all these texts grapple with the seemingly limited application of Jeremiah's words to proscribe only carrying items out of one's home. Once again, the legal-exegetical amplification of this aspect of the law in the Qumran texts finds additional expression in *Jubilees*. Here, however, we find an even more interesting phenomenon. Two of the Qumran texts (CD, 4Q251) agree with one passage in *Jubilees* (2:29–30), while another (4Q265) agrees with a different passage in *Jubilees* (50:8). I suggested above that this is not merely a coincidence, but rather the corresponding source material is drawing from a shared collection of Sabbath law based on similar legal-exegetical readings of Jeremiah. Indeed, this particular issue seems to have been a subject of much dispute in Second Temple Judaism.[94]

In this respect, the implications of Lutz Doering's correct observation that Sabbath law in *Jubilees* often disagrees with corresponding material in the Qumran texts should be reconsidered.[95] The material treated here suggests that the situation is far more complex. The Cave 4 texts have opened up a wider context for law in the Dead Sea Scrolls and Qumran community. Discussions of Qumran Sabbath law must take a more nuanced perspective on the development of legal traditions in the Qumran community and their relationship to other Second Temple texts. In the issue under discussion, it is indeed true that some elements in *Jubilees* and the scrolls are in disagreement. At the same time, however, other material in the *Jubilees* and the scrolls do agree. As suggested here, we must peel apart the layers of tradition in these texts in search of smaller units of correspondence, which must then be analyzed for evidence of a historical relationship.

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[94] The Babylonian Talmud (*Hor.* 4a) claims that the Sadducees only prohibited carrying an item out of the house, presumably in accordance with the literal interpretation of Jer 17:22a (see Albeck, *Jubiläen*, 41 n. 35; Rabin, *Qumran Studies*, 109; Doering, *Schabbat*, 182). To be sure, Ginzberg discounts the historicity of this attribution, and assigns it the status of talmudic "scholastic speculation" (*Jewish Sect*, 65–66). Yet, it may contain some memory of earlier sectarian disputes on this issue that are likewise reflected in the competing legal traditions in the Dead Sea Scrolls and *Jubilees*.

[95] Doering, "Jub 50:6–13 als Schlussabschnitt des 'Jubiläenbuchs,'" 385–87.

All of these texts likewise share a concern for identifying with more precision the nature of Jeremiah's "burden" that may not be carried on the Sabbath. Here as well, the various texts reflect overlapping legal formulations and shared exegetical amplifications of Jeremiah. In principle, all the texts treated here agree that the Sabbath carrying restriction applies to all items. At the same time, the various texts reflect two distinct exegetical techniques to represent this legal position. CD, 4Q251 and the Mishnah follow one route by omitting any reference to the term משא from Jeremiah, thereby indicating that all items are to be included.[96] In contrast, Neh 13:15 and both passages in *Jubilees* modify the meaning of משא by the introduction of a quantifier כל//*kʷello* in order to expand it to a wider range of items.[97]

This study also examined the exegetical interplay between Jer 17:21–22 and Exod 16:29 in several of the texts. The Qumran texts rely upon Exod 16:29 for the formal language in which the laws are presented. As suggested, the use of Exodus was motivated by the formal literary aspects of the Qumran legal texts. Neither Nehemiah nor *Jubilees* reflect any influence from Exod 16:29. The Mishnah, however, draws upon Exod 16:29 for part of its literary formulation while it simultaneously reformulates Jer 17:21–22. Like the Qumran texts, Exod 16:29 provides the formal literary aspects desired by the Mishnah.[98]

Qumran legal exegesis exists within a larger context. Analysis of the comparative evidence brings to light the related and sometimes divergent exegetical techniques in wider segments of ancient Judaism.[99] This approach lends greater clarity to the issues at stake in

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[96] 4Q265 should likely be grouped with this collection. Since the texts singles out two specific items, the assumption is that the carrying prohibition applies likewise to all items. In addition, like CD, 4Q251, and the Mishnah it does not retain the scriptural term משא.

[97] Neh 13:15 and *Jub.* 50:8 in particular retain the scriptural term משא while simultaneously modifying it.

[98] In a similar way, Jer 17:24 provided much of the literary form for the exegetical reformulation of Jer 17:21–22 in Neh 13:15–19 (see above).

[99] This discussion could likewise profitably be extended to treat Karaite and Beta Israel attempts to apply the Sabbath law in Jer 17:21–22. Several scholars have commented on these traditions, while also noting in particular their relationship to the Qumran texts as well as *Jubilees*. See Albeck, *Jubiläen*, 41 n. 35; M. Wurmbrand, "The Laws of the Sabbath among the Falashas," in *Publications of the Israeli Bible Society, vol. 1, Presented to Eliyahu Urbach on his Seventieth Birthday* (ed. A. Biram; Jerusalem: Kiryat Sefer, 1955), 236–43 [Hebrew]; Schiffman, *Halakhah*, 114–15. With regard to the specific legal-exegetical issues addressed in this study, these later

the Qumran texts at the same time as it provides a more comprehensive picture of the legal role of Scripture. Many groups in ancient Judaism, including the Qumran community, were part of a shared world of scriptural exegesis. The examination of the Qumran community's legal hermeneutics in a comparative context generates a sharper understanding of the ongoing attempts to make biblical law portable to new sociological, theological, and geographic contexts and the forms and techniques by which these goals are achieved.

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sources evince several interesting features as well as overlapping techniques. Thus, several Karaite exegetes seek to explain the meaning of משא in Jer 17:21–22. For example, Sahl ben Maṣliaḥ (tenth century C.E.) interprets משא to encompass luxury items that are worn on the Sabbath. He censures individuals for "carrying various things, such as purses and pieces of apparel upon their arms, while their wives wear jewelry" (translation from Leon Nemoy, *Karaite Anthology* [New Haven: Yale University Press, 1952], 166). Elsewhere, he condemns the wearing of rings on the Sabbath, seemingly also a reference to the carrying restriction (Nemoy, ibid., 120, 352). The Beta Israel traditions preserved in *Te'ezaza Sanbat* similarly seek to provide fuller details regarding the Sabbath carrying laws: "He who carries anything, who takes something from his tent or brings something into it, shall die" (Wolf Leslau, *Falasha Anthology* [New Haven: Yale University Press, 1951], 20). The formulation found in this passage, as well as many of the Sabbath laws in the *Te'ezaza Sanbat* (in addition to other elements) is clearly based on *Jub.* 50:8 (Leslau, ibid., 9; Wurmbrand, "Laws," 238–39; for more general treatment, see Michael Corinaldi, "The Relationship of the 'Beta Israel' Tradition and the 'Book of Jubilees,'" in *Jews of Ethiopia: The Birth of an Elite* [ed. T. Parfitt and E. Trevisan Semi; London: Routledge, 2005], 193–204). Like *Jubilees, Te'ezaza Sanbat* expands the meaning of משא by referring to "anything." Also like *Jubilees*, the affected space is identified as a "tent." Interestingly, however, the "house" is not similarly mentioned (though this may very well be the result of textual corruption of either *Te'ezaza Sanbat* or the *Vorlage* of *Jubilees* employed). The carrying law in *Te'ezaza Sanbat* differs from *Jub.* 50:8 in another major detail. As noted earlier, *Jub.* 50:8 follows Jer 17:22 closely in only restricting carrying items out of one's house or tent. Following what is seemingly a paraphrase of *Jub.* 50:8, *Te'ezaza Sanbat* adds "or brings something into it." Like the Second Temple and rabbinic texts treated above, *Te'ezaza Sanbat* makes the law apply to both directions of movement.

ON THE IDENTIFICATION OF TWO GREEK TEXTS OF
*1 ENOCH**

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1. *Introduction*

A valuable addition to our knowledge of the *Book of Enoch* came with the discovery of eleven manuscripts in Qumran Cave 4. Although the Bedouin recovered the majority of material from this cave, archaeologists unearthed the final fragments in excavations lasting from September 22–29, 1952. J. T. Milik, a member of the excavation team, showed a glimpse of his future genius for scrolls work by identifying some of the fragments as belonging to Enoch before they had even been cleaned! When Milik was appointed part of the team of scholars to edit the scrolls in 1953, the Enochic fragments were entrusted to him. 23 years later in 1976 his work on the manuscripts was published as *The Books of Enoch*.[1]

The Qumran copies were written in Aramaic and settled a long-standing debate about the original language of the work. To this day, *1 Enoch* is only fully preserved in Ethiopic. In between the Aramaic and the Ethiopic was a Greek translation. The Aramaic was translated into Greek and the Greek into Ethiopic. While the Greek translation was partially known through quotation by Christian writers, good portions of it had been recovered among the great manuscript finds made in Egypt.

The first of these was discovered at Akhmim in Upper Egypt. The ancient name of the site was Panopolis and it was the capital of the 9th nome, particularly known for worship of the god Min (identified with Greek Pan). The city was excavated by Urbain Bouriant in the late 1800s. In a monk's grave, located in the substantial cemetery

adjacent to the site, Bouriant found a parchment manuscript contain-
ing parts of the Gospel of Peter, the Apocalypse of Peter, and the first
32 chapters of Enoch, which comprise most of that section of *1 Enoch*
usually termed the Book of Watchers.

The second important Greek manuscript find was part of a collec-
tion of 12 papyrus codices acquired by the American mining magnate
Alfred Chester Beatty. Chester Beatty accumulated a large number of
manuscripts for which he built a library and museum in Dublin, Ire-
land where he had been made an honorary citizen in 1957.

The provenance of Chester Beatty's Greek papyrus texts is not
known for sure. At one point it had been suggested that they also
came from Panopolis. But more likely is F. G. Kenyon's suggestion of
Aphroditopolis in the Fayum. The Enoch manuscript dates to the 4th
cent. C.E. as does the Panopolis manuscript. Also like the Panopolis
manuscript, the Chester Beatty papyrus contains two other writings
besides Enoch. The first is a long lost homily of Melito of Sardis enti-
tled On the Passion, and the second an otherwise unknown composi-
tion that has since been given the name Apocryphon of Ezekiel. The
Enoch material preserved in this codex covers *1 En* 97:6–107:3, or a
substantial portion of The *Epistle of Enoch*. Thus, the two Greek man-
uscripts cover the beginning and end of *Greek Enoch*.

2. *An Oxyrhynchus Manuscript of Enoch?*

Now we return to Milik. His work on the Aramaic fragments of Enoch
led him to search for more textual sources, especially additional mate-
rial in Greek. He happened to come across some material that had
been found at the site of Oxyrhynchus, about 95 miles south of Cairo.
Excavations there have produced more papyrus finds than in any other
city of ancient Egypt.

The town was excavated beginning in the 1890s by Bernard Gren-
fell and Arthur Hunt. In 1927 Hunt published five fragments to
which he gave the number 2069.[2] The fragments date to the 4th cen-
tury C.E. Although he could not identify the text, Hunt suggested it
was an "apocalyptic" work and noted similarities with the Apocalypse
of Paul, the Ascension of Isaiah, and the Shepherd of Hermas.

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[2] Arthur S. Hunt, *The Oxyrhynchus Papyri*, Part XVII (London: Egypt Exploration
Society, 1927), 6–8.

This text received little attention from scholars until 1971 when J. T. Milik published a study in which he claimed the fragments actually belong to *Greek Enoch* and preserve portions of both the *Book of Dreams* (*1 En* 83–90) and the *Astronomical Book* (*1 En* 72–82).[3] The identification of parts of the *Astronomical Book*, if it could be substantiated, would be especially important since nothing else has survived in Greek from this section of *1 Enoch*.

Milik was somewhat handicapped in his study of the text because neither the fragments themselves, nor even photographs of them, were available to him. He surmised that they had been either lost or destroyed. Because of this he was forced to rely on the observations and transcription of Hunt, although he did modify Hunt's readings at several points. We give below the transcription Milik proposed in his article with an apparatus noting the original readings of Hunt and some later suggestions by Matthew Black[4] and Patrick Tiller.[5] Fragments 4 and 5 are not dealt with in detail by Milik due to their small size.[6] They are thus omitted from the transcriptions that follow.

2.1. *Milik's Transcription of P. Oxy. 2069*

Fr. 1ʳ + 2ʳ—*1 En* 85:10–86:2

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 1   καὶ ε..[…]ερ[ καὶ διεδέξαντο ἕ]
 2   τερος τ[ο]ῦ ἑτέρου[ πολλοί. ⁸⁶¹Καὶ πάλιν]
 3   ὢν ἀναβλέψας τ[οῖς ὀφθαλμοῖς μου ἐν]
 4   ὕπνω εἶδον τὸν [οὐρανὸν ἐπάνω ἐμοῦ]
 5   καὶ ἐθεώρουν [καὶ ἰδοὺ ἀστὴρ ἐν ἔπεσε]
 6   ἐκ τοῦ οὐρανοῦ [εἰς τὸ μέσον τῶν βο]
 7   ῶν τῶν μεγάλω[ν καὶ ἔφαγε καὶ ἐποιμάνε]
 8   το μετ' α[ὐτῶν. ⁸⁶²Καὶ τότε εἶδον τοὺς βό]
 9   [ας] ἐ[κ]ί̣γ[ους, μεγάλους καὶ μελάνας, καὶ]
10   [ἰδοὺ πάντες ἠλ]λ̣ο̣ίασ[αν] τὴν [μάνδ]
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[3] Józef T. Milik, "Fragments grecs du livre d'Hénoch (P. Oxy XVII 2069)," *Chronique d'Égypte* 46 (1971): 321–43.

[4] Matthew Black, *The Book of Enoch or 1 Enoch: A New English Edition with Commentary and Textual Notes* (SVTP 7; Leiden: Brill, 1985), 420–21.

[5] Patrick A. Tiller, *A Commentary on the Animal Apocalypse of 1 Enoch* (SBLEJL 4; Atlanta: Scholars Press, 1993), 151–57. Tiller deals only with fragments 1 and 2 which are attributed to the Book of Dream Visions, the subject of his study.

[6] He does, however, tentatively identify fragment 4 as containing material from somewhere in chapters 75–78, while the recto of fragment 5 preserves part of *1 En* 79:3 or 4 and the verso *1 En* 78:14. Cf. "Fragments grecs," 341.

11 [ραν αὐτῶν καὶ] τὴν νομὴν [αὐτῶν καὶ τὰς]
12 [μόσχους αὐτῶν] καὶ ἤρξαν[το βιοῦσθαι]
13 [ὁ ἕτερος πρὸς τὸν ἕτ]ερ[ον]

—————————

Line 2:   Milik, Tiller τ[ο]ῦ ἑτέρου. Black τ[ὸ]ν ἑτέρου
Line 2:   τ[ο]ῦ ἑτέρου Milik, Tiller ¦ τ[ὸ]ν ἑτέρου Black
Line 4:   [οὐρανὸν ἐπάνω ἐμοῦ] Milik, Tiller ¦ [οὐρανὸν ἐπάνω] Black
Line 5:   [καὶ ἰδοῦ ἀστὴρ ἐν ἔπεσε] Milik, Tiller ¦ [καὶ ἰδοῦ ἀστὴρ εἷς ἔπεσεν]
                Black
Lines 6–7:   τῶν βο]ῶν τῶν μεγάλω[ν Milik, Tiller ¦ τούτ]ων τῶν μεγάλω[ν βοῶν
                Black
Lines 7–8:   καὶ ἐποιμάνε]το μετ' α[ὐτῶν Milik ¦ καὶ ἐγένε]το μετα[στραφεὶς εἰς
                ταῦρον καὶ ἤσθιεν Black ¦ Tiller agrees with Milik but suggests as a
                possible alternative καὶ ἐποιμάνε]το μετα[τῶν βοῶν ¦ το μετα[? Hunt
Lines 8–9:   βόας] ἐ[κ]ίν[ους Milik, Tiller ¦ καὶ ἐποιμ]άγ[ετο ἐν μέσῳ αὐτῶν Black
Lines 11–12:   [...τὰς μόσχους Milik ¦ [...τοὺς μόσχους Black, Tiller
Line 12:   ἤρξαν[το βιοῦσθαι Milik, Tiller ¦ ἤρξαν[το κερατίζειν Black

Fr. 1ᵛ + 2ᵛ—*1 En* 87:1–3

1 [καὶ ὁ]ἕτερος
2 [καταπῖν τὸν ἕτερον κα]ὶ ἤρξατο πᾶσα
3 [ἡ γῆ βοᾶν. ⁸⁷²Καὶ πάλιν ὥ]ν ἀναβλέψας
4 [τοῖς ὀφθαλμοῖς μου ε[ἰ]ς τὸν οὐρανὸν
5 [καὶ ἐθεώρουν ἐν τῷ ὁ]άματι *vac.* καὶ ἰ
6 [δοῦ εἶδον ἐξερχόμενο]ν ἐκ τοῦ οὐρανοῦ
7 [ὡς ὁμιώματα ὅμοια τοῖς ἀ]νθ[ρώπ]οις
8 [λευκοῖς καὶ οἱ τέσσαρες ἐξ]ώδε[υσαν]
9 [ἐκεῖθεν καὶ οἱ τρεῖς μετ' αὐτούς. ⁸⁷³Καὶ]
10 [οἱ τρεῖς οἳ]ἦ[σ]α[ν] ἐ[ξ]ερχό[μενοι ὕστερον]
11 [ἐκράτησαν] τῆς χειρός μ[ου καὶ ἐπῆράν]
12 [με ἀπο τῶν] υἱῶν τῆς [γῆς]
13 [ ] .ατ[ ]

—————————

Line 2:   πᾶσα Milik ¦ πας α Hunt
Line 7:   [ὡς ὁμιώματα ὅμοια Milik ¦ [ὡς ὅμοια Black | τοῖς ἀ]νθ[ρώπ]οις Milik, Black
                ¦ ἀ]νθ[ρώπ]οις Tiller ¦]τῳ .[..]οις Hunt
Line 8:   οἱ τέσσαρες ἐξ]ώδε[υσαν Milik, Black ¦]ωδο . [. Hunt ¦ τέσσαρες ἐξ]
                ώδε[υσαν Tiller
Line 9:   [...οἱ τρεῖς μετ' αὐτούς Milik ¦ [...τρεῖς μετ' αὐτούς Tiller ¦ [...οἱ τρεῖς μετ'
                αὐτῶν Black
Line 10   ]ἦ[σ]α[ν] ἐ[ξ]ερχό[μενοι Miller, Black, Tiller ¦]γ . ε . ε . ς εχο[Hunt

Fr. 3ᵛ—*1 En* 77:7–78:1

1 [εἰς τὴν] ἐρυθρὰν θ[άλασσαν]
2 [ ] εἰς τὴν μ[εγάλην θάλασσαν]

3 [ ]τα πολὺ ọ . [ ]
4 [ ]να . δẹιρ . [ ]
5 [⁷⁷⁸Καὶ εἶδον ἑπτὰ νήσους μεγάλας ἐν τῇ] θαλάσσῃ [ἐπὶ τῆς γῆς.]
6 [πέντε ἐν τῇ μεγάλῃ θαλάσσῃ καὶ δύο ἐν] τῇ ἐρυθρᾷ θ[αλάσσῃ.]
7 [⁷⁸Καὶ τὰ ὀνόματα τοῦ ἡλίου οὕτως. τὰ πρῶ]τα καλε[ῖται]

———————

Line 3:]τα πολὺ ọ . [Milik ¦ καὶ ἐπεχύθη ἐκεῖ ὕδα]τα πολλὰ (ms. πολὺ) ε[ἰς] Black
Line 4:]να . δẹιρ . [Milik ¦ τὸ λεγόμενον Μα]να[β]δηρ[α] Black

Fr. 3ʳ—*1 En* 78:8

1 [Καὶ ἐν τῇ πέμπτῃ] ἡμέρᾳ τọ[ῦ μηνὸς ἐλαττοῖ ἐν δέκατον ὄψεων]
2 [ὅλου τοῦ φωτ]ός. *vac.* Καὶ ἐν τ[ῇ ἕκτῃ ἡμέρᾳ τοῦ μηνὸς ἐλαττοῖ]
3 [ἐν ἔνατον ὄψεω]ν ὅλου τοῦ[φωτός. *vacat?*]
4 [Καὶ ἐν τῇ ἑβδόμῃ] ἡμέρᾳ τ[οῦ μηνὸς ἐλαττοῖ ἐν ὄγδοον ὄψεων]
5 [ὅλου τοῦ φω]τός. *vac.* Καὶ [ἐν τῇ ὀγδόῃ ἡμέρᾳ τοῦ μηνος]
6 [ἐλαττοῖ ἐν ἕ]βδομον ὄψ[εων ὅλου τοῦ φωτός]

———————

Line 1: ἐν δέκατον ὄψεων] Milik ¦ ἐν δέκατον] Black
Line 3: [ἐν ἔνατον ὄψεω]ν Milik ¦ [ἐν ἔνατο]ν Black
Line 6: ὄψ[εων Milik ¦ οὐ[ρανόν Hunt ¦ ὅλ[ου Black

2.2 *Difficulties with the Proposed Identifications*

Milik's identifications have been accepted by many scholars without hesitation.[7] Even the website maintained by Oxford University lists the fragments as certainly belonging to the *Book of Enoch*.[8] The only scholar to raise even passing doubts was Michael Knibb who stated, "Milik's identification of the fragments seems possible but cannot by any means be regarded as certain." Nevertheless, it seems to me that Milik's proposals do, in fact, have serious deficiencies that render them extremely unlikely. These are primarily of three types.

First, we look at his physical interpretation of the fragments. Figure 1 shows his suggested positioning of fragments 1 and 2. Milik

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[7] Besides Black and Tiller, cf. Michael E. Stone, "Apocalyptic Literature," in *Jewish Writings of the Second Temple Period* (CRINT; ed. Michael E. Stone; Assen and Philadelphia: Van Gorcum and Fortress, 1984), 397, and Siegbert Uhlig, *Das äthiopischer Henochbuch* (Jüdische Shriften aus hellenistich-römischer Zeit 5/6; Gütersloh: Mohn, 1984), 491 and *passim*, George W. E. Nickelsburg, *1 Enoch 1: A Commentary on the Book of 1 Enoch, Chapters 1–36; 81–108* (Hermeneia; Minneapolis: Fortress Press, 2001), 13.

[8] http://www.papyrology.ox.ac.uk/POxy/. The images of the papyri below are from this site.

correctly recognizes from Hunt's transcription that frag. 1 contains a margin, and there is no objection to his placing frag. 2 below and to the side of frag. 1. Notice on the recto side,[9] that the bottom of frag. 1 preserves the tops of some letters and the top of frag. 2 preserves the bottoms of some letters. Milik posits that these bottoms and tops come from different, but successive lines in the original text (lines 9–10 in the transcription of the recto above). This creates in effect one large fragment of thirteen lines on the recto.

When we look at the verso of fragment 1, however, we notice that unlike the recto it only has eight lines of writing. Since the verso of fragment 2 contains four lines just as the recto, the total of the combined material on the verso is twelve lines of writing. In order to equalize the two sides, Milik created an extra line which he added in between the two fragments as line 9 in the transcription of the verso above. He needed this line to restore material contained in the Ethiopic version, even though, as may be seen, nothing is preserved from this line.
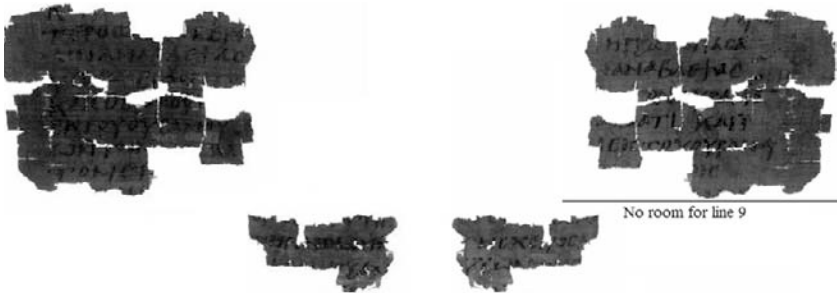
Figure 1: Fragment 1 +2 recto and verso

This is where Milik took a misstep. Notice from fig. 1 that just as was the case for the recto, the bottom of frag. 1 preserves the tops of some letters and the top of frag. 2 preserves the bottom of some letters. If these come from successive lines on the recto, they must come from successive lines on the verso. It is possible over an interval of 8–9 lines

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[9] That is, the side where the papyrus fibers run horizontally. Although not always favored by papyrologists today, we use the term recto for this side and verso for the other as both Hunt and Milik did.

that recto and verso will differ by one line, as clearly happens with the *preserved* material on frag. 1, but not within the short space allowed between frags. 1 + 2 by Milik's placement.

Related to the physical understanding of the fragments, we could mention here as well that Milik's proposed restorations for fragment 3 are problematic when compared with the unit formed by fragments 1 + 2. The average line length in fragment 3 is about 45 letters per line, while fragments 1 and 2 average about 30 letters per line. To his credit, Milik openly acknowledges this. His solution is to propose that while the fragments were all written by the same scribe, they in fact derive from two different codices. Possible perhaps, but hardly convincing.

A second area where some concerns arise is Milik's readings. Milik had good eyes and his transcriptions of ancient texts are generally very accurate. But here he was working in the dark since, as he himself acknowledged, he could not examine the fragments personally, nor could he locate photographs. While Milik thus followed Hunt's readings, there were four places where he deviated. Two of these are on the verso of frag. 1 in lines 7 and 8, one is on the verso of frag. 2 in line 10 of the transcription above, and one is in line 6 of the recto of frag. 3.
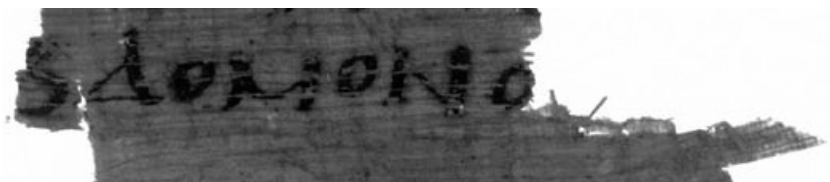
Figure 2: Fragment 3r line 6

With the availability of high resolution digital photographs on the Oxford University website, we can now evaluate Milik's proposals. To begin with the final instance, Hunt read two letters ου? and suggested the restoration οὐ[ρανόν. Milik offers the alternative ὄψ[εων.[10] The

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[10] Ironically, by making this change Milik eliminates reference to the "seventh heaven" which he admits was the original phrase that drew his attention to the text as he was working on the Aramaic Levi Document. Cf. "Fragments grecs," 321.

photograph shows that only a faint trace of the bottom of a vertical stroke which descends below the level of the other letters of the line is preserved. This could comport with either an *upsilon* or a *psi* and so Milik's reading and restoration is just as sound as that of Hunt.

Figure 3: Fragment 2v line 10

In the top line of the verso of fragment 2 (line 10 in the transcriptions above), Hunt read]γ . ε . ϛ . εχο[. Milik changed this to]η . α . ε . ερχο[and then suggested reading]ῆ[σ]α[ν] ἐ[ξ]ερχό[μενοι. To change four letters in Hunt's transcription, albeit uncertain ones, was a bold move. Unfortunately the digital photograph of this line in fig. 3 reveals one point in particular where Milik's reading is clearly wrong. The remains of the letter just before the *chi* has a rounded bottom like the bottom of an *epsilon* or *sigma* but not like the tail of a *rho*.

The final two instances are found in lines 7–8 of the verso of frag. 1. Here Milik changed Hunt's]τω .[..]οις to τοῖς ἀ]γθ[ρώπ]οις and Hunt's]ωδο . [. he changed to ἐξ]ώδε[υσαν. Focusing on the beginning of line 7 which preserves only the broken tops of letters, there appear to be four traces of ink. According to Hunt's interpretation, the first belongs to the right crossbar of a *tau*, closely connected to the left upright of an *omega* followed by the middle and right uprights of the same *omega*, and then a slight trace of some unidentified letter. Hunt's *omega*, however, looks suspect since the middle upright does not extend as high as the sides in the instances of that letter clearly preserved in this text, and Milik posits]γθ[but the four traces of ink must come from at least three letters. So if one wanted to follow Milik's proposal, what about]αγθ[? Actually, *theta* is possible for the last trace which appears to be curved on the top, although *omicron*, *epsilon* or *sigma* would fit equally well. But the trouble is that the third trace of ink, which would come from the right side of the *nu*, is not the proper shape. The ink extends slightly above the tops of the other traces and seems most like the top of an *alpha* or *lambda*, both of which are a little taller than other letters in this handwriting. And the first piece of a preserved letter appears to have a flat top (hence

Hunt's *tau*) which would not allow one to read an *alpha*. In addition, the space between the initial letters and the]οιϳ that are clearly preserved at the end of the line is not large enough for Milik's three letter restoration ?[ρωπ]. Thus, on balance, Milik's proposal seems unlikely.

Figure 4: Fragment 1v lines 7–8

This brings us to Milik's ἐξ]ώδε[υσαν rather than]ωδο . [originally read by Hunt. The difference here is not great, but it is clear that there are traces of two letters after the *delta* as Hunt notes in his transcription and not just one as Milik suggests. The first trace preserves the right curved top of a letter, better understood as *omicron* than *epsilon*. Furthermore, its nearness to the *delta* suggests a smaller sized letter as the *omicron* is sometimes written in these fragments. Since little is preserved of the second letter, it could be many things. Thus, for this section of text Hunt's readings are better.

Overall then, regarding the four places where Milik differs from Hunt, only in one is Milik's reading equally possible. In one he is clearly incorrect, and in the remaining two he is most likely incorrect.

We come finally to consider the third area where Milik's identifications of the Oxyrhynchus fragments are problematic. The reconstructed Greek text does not make sense and does not agree with the Ethiopic. In lines 1–2 of the recto of fragments 1 + 2, Milik restores the phrase καὶ διεδέξαντο ἕ]τερος τ[ο]ῦ ἑτέρου[πολλοί on the basis of the Ethiopic. This phrase is strange since, as Milik himself noted, the verb διαδέχομαι usually takes the dative or accusative and not the genitive as the papyrus reads. Black's alternative reading τὸν ἕτερον is not possible since the left side of the *nu* should be visible. On the contrary, the trace of ink on the line extends below the other letters and is consistent with *upsilon*.

An even more extreme example occurs in line 3 where the letters ων αναβλεψας are interpreted as forming part of the phrase καὶ πάλιν ὢν ἀναβλέψας. But the juxtaposition of the two participles produces nonsensical Greek.[11] The Aramaic phrase that Milik suggests underlies the Greek here, והית חזה, would more likely be rendered either by καὶ ἤμην ἀναβλέπων or καὶ ἀνέβλεψα or even just ἀναβλέψας in Greek. Here I must admit that while examining the digital photographs of the fragments without reference to Milik's readings, I became convinced that Hunt was wrong in reading the letters ων before αναβλεψας. While the *nu* is correct, there is no left upright on the first letter as would be needed in an *omega*. I read instead λιν which could be restored πο]λιν or πα]λιν. The latter could ironically be made to fit with Milik restoration and remove his problematic ὢν at the same time. However, it creates a new problem since now the length of lines 2 and 3 is thrown off.
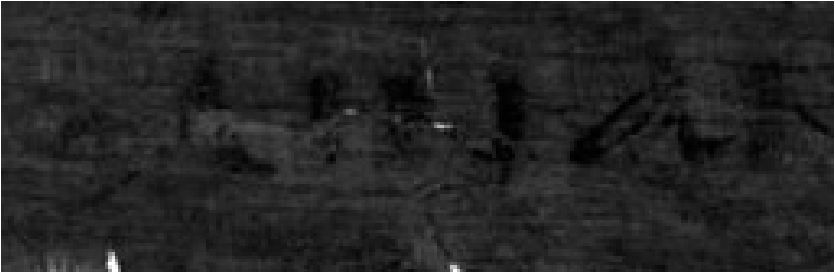
Figure 5: Fragment 1r line 3

A divergence from the Ethiopic occurs in line 5 where Milik is forced to admit that the Ethiopic has nothing corresponding to καὶ ἐθεώρουν. In lines 6–7 the divergence becomes even more severe. Here Milik proposes the following reading: [εἰς τὸ μέσον τῶν βο]ῶν τῶν μεγάλω[ν. However, the equivalent Ethiopic phrase occurs at the end of 86:1 and not in the middle as here. This leads Milik to conjecture that the Ethiopic version has mistakenly removed the phrase in question from its original place. Furthermore, in doing so, the words τῶν μεγάλων, which are the only clearly preserved words in the Greek

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[11] Albert-Marie Denis seems to have realized this and thus records the clearly occurring ἀναβλέψας but omits ὢν from his *Concordance grecque de pseudépigraphes d'Ancien Testament* (Louvain: Institut Orientaliste, 1987).

fragments, were omitted. According to Milik,[12] this omission in the Ethiopic version is extremely unfortunate since the adjective is a "fundamental detail" of the entire passage!

Such examples of disagreement with the Ethiopic version and/or unusual or impossible Greek constructions occur in almost every line of Milik's discussion of fragments 1 and 2. Indeed, this happens so often that, in the end, one comes to feel that the problem is not with the readings of Hunt, or with corruptions in the Ethiopic, or even with the scribe who copied the wrong Greek words, but with the proposed identification itself.

The same is true of fragment 3 which Milik proposes as coming from the Astronomical Book. Milik made his identification of the verso of frag. 3 based on the probable occurrence of the phrase ἐρυθρὰν θ[άλασσαν in line 1, as recognized originally by Hunt. Reference to this body of water is made in *1 En* 77:6–7 which could mean that the first line of this fragment is to be associated with one of these two verses. Milik prefers *1 En* 77:7. Since, however, the Ethiopic text does not match the traces of the Greek for lines 2–4, Milik simply resorts to the supposition that the Greek text was fuller than the Ethiopic here. The fact that the Qumran manuscripts demonstrate that the Astronomical Book has been drastically abridged in the Ethiopic makes this hypothesis not entirely unlikely. Having granted this, though, it must be said that it is still pure speculation that this Greek fragment preserved the longer form of this work.

For lines 5–7, Milik attempts a complete restoration, picking and choosing from variant readings in the Ethiopic manuscript tradition. In this way he ends up with a text that agrees with no ancient manuscript but is entirely his own creation. Moreover, in line 7, which he associates with *1 En* 78:1, a verse that lists differing names for the sun, he restores the phrase τὰ πρῶ]τα καλε[ῖται which is supposed to mean something like "firstly it is called…" But this would be an unusual phrase in Greek, and the Ethiopic clearly has the adjective "first" and no equivalent to the verb καλεῖται.

The verso of frag. 3 is identified with *1 En* 78:8 which describes the waning of the light of the moon. Here again, Milik's interpretation and reconstruction of the Greek appears to be flawed. This is especially true for line 7 which we have already discussed above with regard to differences between the readings of Milik and Hunt. We

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[12] "Fragments grecs," 326–27.

agree that Milik's reading ἑ]βδομον ὄψ[εων is as possible as Hunt's ἑ]βδομον οὐ[ρανόν. But even granting that, Milik's restoration of ἐλαττοῖ ἐν ἑ]βδομον ὄψ[εων ὅλου τοῦ φωτός does not make sense in Greek. It is true that the word ὄψις can indeed mean appearance as Milik points out by citing OG Gen 41:21 where it refers to the appearance of the cows in Joseph's dream. Even more to his point, though not noted by him, the word is used to describe the "face of the earth" in the phrase ἡ ὄψις τῆς γῆς in Exod 10:5, 15; Num 22:5, 11. However, the genitive *plural* that Milik proposes is quite problematic since the text is speaking of the appearance of the sun and so should be singular. Since only the beginning of the word is present in line 7, Milik could have proposed the singular, but because he restores the same word in line 3 where only a *nun* is present at the end, he was forced to choose the genitive plural. Black seems to have sensed the difficulty and tried to eliminate both instances of ὄψεων in his restoration.[13] But his alternative reading of ὅλ[ου for line 7 does not work since the trace of ink that remains from the second letter extends below the line of writing as the center stroke of either an *upsilon* (Hunt) or *psi* (Milik).

Finally, we note that the numbers in Milik's reconstructed Greek text do not match the numbers in the corresponding Aramaic and Ethiopic texts. The latter speak of the waning of the moon's light as decreasing from 14 parts to 13 parts to 12 parts, etc.[14] But Milik's Greek gives a sequence of 1/10, 1/9, 1/8, etc. Thus, his Greek text does not give a steady decrease as in the Aramaic and Ethiopic, but the light of the moon accelerates in its diminishing as the days pass. That is to say, the first day it decreases by 10%, the second day by 11% and the third day by 12%.

2.3. *Conclusion Concerning the Identification of P. Oxy. 2069*

We have outlined three areas where Milik's proposals for understanding *P. Oxy.* 2069 as coming from the *Book of Enoch* are problematic. These relate to his physical ordering of the fragments, his reading of the fragments, and his reconstruction of the Greek text. For all the reasons discussed, one must conclude that Hunt's identification of this papyrus as "an apocalyptic fragment" is still the closest we can come.

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[13] *The Book of Enoch*, 420.
[14] Cf. Milik, *The Books of Enoch*, 292 where he provides the Aramaic for part of this verse from 4QEnastr^c 1 iii 7–8.

3. *The Greek Fragments at Qumran*

Noteworthy among the caves at Qumran is Cave 7 from which the remains of documents written almost exclusively in Greek were recovered.[15] Also interesting is the fact that all of these texts were written on papyrus. The extant fragments are rather small in size and were published in 1962 by M. Baillet.[16] At the time of publication, Baillet had identified 7Q1 as being a copy of the Book of Exodus, and 7Q2 as containing part of the Letter of Jeremiah. The rest of the fragments, however, remained unidentified.

In 1972, J. O'Callaghan shocked the scholarly world by announcing that some of the Greek fragments from Cave 7 were actually copies of writings from the New Testament.[17] Prominent among his proposals was the identification of 7Q4, fragments 1 and 2, as containing 1 Timothy 3:16–4:3.[18] Assuming that the scrolls in Cave 7 were deposited before 68 C.E., the date when the settlement at Qumran was destroyed by the Romans, O'Callahghan's identification also carried with it clear implications concerning the date of composition of this New Testament writing. The general trend in scholarship, however, is to view the letter as a pseudo-Pauline composition dating to the early second century C.E.,[19] and even those scholars who still accept Pauline authorship usually hold that it was composed

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[15] If one goes by the published remains, all the fragments were Greek. But in his preliminary report concerning the excavation of Cave 7 de Vaux mentions that a small scrap of parchment in Hebrew was also found. Cf. Roland De Vaux, "Fouilles de Khirbet Qumran. Rapport préliminaire sur les 3ᵉ, 4ᵉ, et 5ᵉ campagnes (Plances III à XIII)," *RB* 63 (1956): 572.

[16] Maurice Baillet, Józef T. Milik, *Les 'Petites Grottes' de Qumran* (DJD 3; Oxford: Clarendon, 1962), 142–46 and Pl. XXX.

[17] José O'Callaghan, "¿Papiros neotestamentarios en la cueva 7 de Qumrān?" *Biblica* 53 (1972): 91–100. An English translation was prepared by William L. Holladay, "New Testament Payri in Qumrân Cave 7?" Supplement to *JBL* 91 (1972): 1–14. A full bibliography of O'Callaghan's writings through 1988, and the reaction to them, may be found in Joseph A. Fitzmyer, *The Dead Sea Scrolls: Major Publications and Tools for Study* (SBL Resources for Biblical Study 20; Atlanta: Scholars Press, rev. ed. 1990) 168–72. To this list should be added: "Sobre el papiro de Marcos en Qumran," *Filologia Neotestamentaria* 10 (1992): 191–97, and *Los primeros testimonios del Nuevo Testamento* (Córdoba: Ediciones El Almendro, 1995).

[18] J. O'Callaghan, "1 Tim 3, 16; 4, 1.3 en 7Q4?" *Biblica* 53 (1972): 362–67; and "Sobre la identificación de 7Q4," *Studia Papyrologica* 13 (1974): 45–55.

[19] Cf. the discussion in Werner Georg Kummel, *Introduction to the New Testament*, trans. Howard Clark Kee, 17th ed. (Nashville: Abingdon Press, 1975), 366–87.

sometime around 63 C.E. in Macedonia.[20] The former view would make it impossible, and the latter view extremely unlikely, that a copy of this letter produced before 68 C.E. would turn up in the Wilderness of Judea. Even worse, the palaeographic dating of the fragments by C. H. Roberts indicated a date around 100 B.C.E.[21]

Indeed, reaction to all of O'Callaghan's proposed identifications was mostly negative. Baillet immediately wrote a perceptive critique.[22] C. H. Roberts also wrote against the new claims, as did K. Aland.[23] Criticism focused primarily on two problems with O'Callaghan's theories. First, there was some question as to whether the fragments really supported his readings which differed slightly from those of Baillet. Second, and more importantly, even if his readings were accepted, the resultant texts differed at various places from every known textual witness to the New Testament passages with which O'Callaghan identified the 7Q fragments.

Nevertheless, O'Callaghan had advanced a positive argument for identifying the fragments, one that recognized the difficulties and suggested possible (if not always the most plausible) answers. Therefore his work had to be taken seriously. It also invited anyone who wanted to overturn his case to present a better alternative. With regard to the specific claims made for 7Q4, O'Callaghan almost did this himself in one of his early studies when he first proposed, but then rejected, an identification with Job 34:12–15.[24] The next to try was G.D. Fee who in 1973 raised the possibility of identifying the

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[20] Cf. Gordon D. Fee, *1 and 2 Timothy, Titus* (New International Biblical Commentary; Peabody, MA: Hendrickson Publishers, 1988), 1–31, and J. N. D. Kelly, *The Pastoral Epistles: Timothy 1 & II, and Titus*, Harper's New Testament Commentaries (NY: Harper & Row Publishers, 1963), 34–36. Note, however, that Luke Timothy Johnson, who accepts the epistles as Pauline, allows for an earlier date and simply places them sometime between 49–68 C.E. See Johnson, *Letters to Paul's Delegates: 1 Timothy, 2 Timothy, Titus* (Valley Forge, PA: Trinity Press International, 1996), 2.

[21] The estimates made by Roberts for 7Q1–5 are reported by Baillet in DJD 3.

[22] Maurice Baillet, "Les manuscrits de la grotte 7 de Qumrân et le Nouveau Testament," *Biblica* 53 (1972): 508–16.

[23] C. H. Roberts, "On Some Presumed Papyrus Fragments of the NT from Qumran," *JTS* 23 (1972): 446–47; Kurt Aland, "Neue neutestamentliche Papyri? Ein nachwort zu den angeblichen Entdeckungen von Prof. O'Callaghan," *Bibel und Kurche* 28 (1973): 19–20.

[24] José O'Callaghan, "Notas sobre 7Q tomadas en el 'Rockefeller Museum' de Jerusalén," *Biblica* 53 (1972): 531–33.

fragment with Numbers 14:23–24.[25] But this was quickly refuted by O'Callaghan. It would be fifteen more years until any further progress would be made towards identifying this small fragment.

4. *A New Identification*

Then in 1988, a new suggestion was put forward by G. W. Nebe.[26] Nebe accepted O'Callaghan's reading of fragment 1 of 7Q4,[27] which differed from Baillet's only for two out of the sixteen or seventeen preserved letters. But instead of identifying it with 1 Timothy, he suggested that it might just as well have come from *1 En* 103:3–4. Nebe's reconstruction, juxtaposed with that of O'Callaghan, is as follows:

Nebe (7Q4 1)	O'Callaghan (7Q4 1+2)
1 [… καὶ ἐγγέγραπται τ]ῇ	[… ἐπιστεύθη ἐν κόσμῳ. ἀνελήμφ]η
2 [ς ψυχαῖς τῶν ἀποθανόν]των	[ἐν δόξῃ Τὸ δὲ πνεῦμα ῥη]τῶν
3 [εὐσεβῶν καὶ χαρήσο]νται	[λέγ<ε>ι· ὑστέροις καιροῖς ἀποστήσ]ονται
4 [καὶ οὐ μὴ ἀπόλωνται τὰ] πνεύ	[τινεσ τῆς πίστεως, προσέχοντεσ] πνεύ
5 [ματα αὐτῶν οὐδὲ τὸ μν]ημό	[μασιν πλάνης καὶ διδασκαλίαις δ]ημο
6 [συνον ἀπὸ προοσώπου τοῦ με]	[νίων ἐν ὑποκρίσει ψευδολόγων, κε]
7 [γάλου…]	[καυστηριασμέων τὴν ἰδίαν συνεί]
8	[δησιν, κωλυό]ντ[ων γαμεῖν, ἀπέχεσθαι]
9	[βρωμάτων ἃ] ὁ θε[ὸς ἔκτισεν εἰς μετά]

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[25] This was suggested in his article on 7Q5, "Some Dissenting Notes on 7Q5 = Mark 6:52–53," *JBL* 92 (1973): 109–112. Around the same time, A. C. Urban made the identical proposal in "Observaciones sobre ciertos papiros de la cueva 7 de Qumran," *RevQ* 8 (1973): 248–50 and in "La identificación de 7Q4 con Núm 14, 23–24 y la restauración de textos antiguos" *Estudios Bíblicos* 33 (1974): 219–44.

[26] G. Wilhelm Nebe, "7Q4—Möglichkeit und Grenze einer Identifikation," *RevQ* 13 (1988): 629–33.

[27] N.B. This is the fragment number assigned by Baillet in his transcription, though in the accompanying volume of plates it is labeled fragment 2.

The text of Nebe is in exact agreement with that of the Chester Beatty Papyrus of *Greek Enoch*. O'Callaghan's text differs substantively from all other manuscripts of 1 Timothy at two places: in line it reads ῥητῶς instead of ῥητῶς and in line 3 it omits ὅτι ἐν after λέγει for stichometrical reasons. Further, in line 5, also for stichometrical reasons, it assumes reading πλάνης which is present in the New Testament manuscript tradition, but not as well attested as πλάνοις.[28]

On the other hand, the one weak point of Nebe's suggestion is that it assumes that ταῖς was misspelled as τῆς (not unknown in the phonology of the papyri) and then was divided somewhat unnaturally so that the final *sigma* was detached from the rest and written as the first letter of line 2. Nevertheless, even such a staunch supporter of O'Callaghan's theories as C. P. Thiede was forced to admit that the misspelling, at least, is not impossible.[29] And O'Callaghan's own identification of this fragment depended on the similar misspelling of δαιμόνιον as δημόνιον in line 5.[30]

At the same time, it must be said that Nebe was not dogmatic about his identification as the very title of his article indicates. Rather, he suggests it merely as a possibility that is at least as likely as that proposed by O'Callaghan. Furthermore, he suggested in passing that 7Q4 frag. 2 could be situated at *1 En* 98:11 and that 7Q8 may correspond to *1 En* 103:7–8.[31] The latter had been identified as James 1:23–24 by O'Callaghan, while Roberts and Fee had made a number of proposals from the LXX, the better ones being Zech 8:8 and Dan 2:43. The following is Nebe's reconstruction of 7Q8:

1   [… ὅτι εἰς αἴδου (κατ)άξου]
2   σ[ιν τὰς ψυχὰς ὑμῶν καὶ ἐκεῖ]
3   ἔσο[νται ἐν ἀνάγκηι μεγά]
4   λη[ι καὶ ἐν σκότει καὶ ἐ]
5   γ[παγίδι καὶ ἐν φλογὶ καιομένηι]

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[28] For discussion, cf. the two articles of O'Callaghan mentioned above and Carsten P. Thiede, *The Earliest Gospel Manuscript: The Qumran Fragment 7Q5 and its Significance for New Testament Studies* (London: Paternoster, 1992) 49–50.

[29] *The Earliest Gospel Manuscript*, 50–52. Thiede does not, however, think the word division suggested by Nebe is very probable and still favors the identification of 7Q4 with 1 Timothy.

[30] Cf. José O'Callaghan, "El cambio αι>η en P. Chester Beatty XIII," *Biblica* 60 (1979) 567–69. Nevertheless, Thiede's comment (op. cit., 51) that Nebe's misspelling is still problematic because it is followed by the noun ψυχαῖς spelled normally is without substance since ψυχαῖς only appears in Nebe's reconstruction.

[31] Cf. Nebe, "7Q4—Möglichkeit," 630 n. 12 on 7Q4 frag. 2 and 632 n. 26 on 7Q8.

This arrangement, like the previous one, matches exactly the text of *1 Enoch* found in the Chester Beatty Papyrus, whereas the proposal of O'Callaghan required an omission of two words, γὰρ ἑαυτόν, from the text of James. Again, the main problem of Nebe's reading is the unnatural word division at the end of line 4.

Nebe's proposals regarding 7Q4 frags. 1 and 2 have spurred further research into connections between the Cave 7 fragments and the *Book of Enoch*. At a conference held in Jerusalem in the summer of 1994, R. G. Jenkins of the University of Melbourne suggested that some other fragments from Cave 7 also came from the *Book of Enoch*.[32] Then in 1997 came the publication of two important articles by E. A. Muro[33] and É. Puech[34] in the *Revue de Qumran*. Since the second article builds on the first, I will describe both of them before offering comments.

Muro admits that the smallness of the individual Cave 7 fragments makes it unlikely that any attempt at their identification would be conclusive. Nevertheless, he has found an ingenious way out of this difficulty. He begins with the fact that each papyrus sheet has its own unique pattern of fibers. By examining the fiber pattern of the material from Cave 7, he found that he could position and align three of them on material grounds alone. He placed 7Q12 below 7Q 4 1, and 7Q8 he put along the right side of the other two. When he did this, he wound up with an ensemble that includes parts of two columns with seven and four lines respectively. Even more impressively, the material arranged this way still makes a good match with *1 En* 103:3–4 and *1 En* 103:7–8. This neatly confirms the identifications of Nebe and accounts for an additional piece of the puzzle as well. The proposals of O'Callaghan, on the other hand, are disqualified since they do not fit the new arrangement of the fragments.

Puech accepts the argument of Muro, suggests placing an additional fragment, 7Q14, at the bottom and to the left of the ensemble, and then presents a slightly different way of understanding how the

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[32] Cf. the reference to Jenkins's work by Stuart R. Pickering, "Looking for Mark's Gospel among the Dead Sea Scrolls: The Continuing Problem of Qumran Fragment 7Q5," *New Testament Textual Research Update* 2 (1994): 94 n. 38.

[33] Ernest A. Muro, "The Greek Fragments of Enoch from Qumran Cave 7," *RevQ* 18 (1997): 307–12.

[34] Émile Puech, "Sept fragments de la Lettre d'Hénoch (Hén 100, 103, et 105) dans la grotte 7 de Qumrân (=7QHén gr)," *RevQ* 18 (1997): 313–23.

preserved letters fit with the text of *1 Enoch*. His transcription is as follows:

Col. i	Col. ii
1 [ ]τα(ῖς)	[…γινωσ]
2 [ψυχαῖς τῶν ἀποθανόν]των	κ[ετε ὅτι εἰς αἵδου κατάξου]
3 [εὐσεβῶν. καὶ χαρήσ]ονται	σ[ιν τὰς ψυᾶς ὑμῶν καὶ ἐκεῖ]
4 [καὶ οὐ μὴ ἀπόλωνται τὰ]πνεύ	ἔσο[νται ἐν ἀνάγκηι μεγά]
5 [ματα αὐτῶν οὐδὲ τὸ μν]ημό	λη[ι καὶ ἐν φλογὶ καιομέ]
6 [συνον ἀπὸ προοσώπου]τοῦ	[<καὶ ἐν σκότει καὶ ἐν παγίδι?>]
7 [μεγάλου εἰς πάσας τὰς γ]ε	γ[ηι καὶ εἰς κρίσιν μεγάλην]
8 [νεὰς τ]ῶν[αἰῶνω. Μὴ ο]ῦν	
9 [φοβεῖσθ]ε[τοὺς ὀνειδισμούς]	

Puech's arrangement of the text has about twenty letters per line. He notes that if one assumes a column height of sixteen or seventeen lines, the space in between the preserved portions would be just enough to hold *1 En* 103:5–7a. Finally, he closes his study by further proposing that 7Q11 belongs to *1 En* 100:12 and 7Q13 perhaps to *1 En* 103:15.

If substantiated, the work of Muro and Puech would be quite a breakthrough. Muro has suggested physical joins that increase the chance of identifying the text and eliminating false leads. Puech identified some further fragments as coming from *1 Enoch* and also gave a new distribution of text in the three fragments joined by Muro.

Reaction from scholars has varied. Joseph Fitzmyer, after discussing O'Callaghan's proposals, concludes, "It now appears that several of these Greek fragments are part of a translation of *1 Enoch* in Greek."[35] At the end of an entire article devoted to the question, Peter Flint confidently asserts, "With the addition of pap7QEn gr, the total number of Enoch manuscripts found at Qumran rises to twelve (eleven from Cave 4 and one from Cave 7)."[36] Although Flint pays

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[35] Cf. Joseph A. Fitzmyer, "The Dead Sea Scrolls and Early Christianity" in *The Dead Sea Scrolls and Christian Origins*, Studies in the Dead Sea Scrolls and Related Literature (Grand Rapids: Eerdmans, 2000), 25 n. 24. A similar view is taken by Alan Millard, *Reading and Writing in the Time of Jesus* (NY: New York University Press, 2000), 56.

[36] Peter W. Flint, "The Greek Fragments of Enoch from Qumran Cave 7," in *Enoch and Qumran Connections: New Light on a Forgotten Connection* (ed. Gabriele Boccaccini; Grand Rapids: Eerdmans, 2005), 232–33.

most attention to 7Q4 1, 7Q8 and 7Q12, he accepts that 7Q4 2, 7Q11, 7Q13, and 7Q14 also come from the same manuscript.[37] But nowhere in his article does Flint mention the differences between Muro and Puech in the arrangement of their texts. He simply uses the configuration of Muro as the basis for his discussion.

More skeptical are Timothy Lim who notes that "column widths are not preserved but assumed,"[38] and Michael Knibb who objects, "The degree of plausibility attaching to the various proposals varies, but the fragments are too small for any certain identification to be possible."[39] This view is also expressed by George Nickelsburg in his Hermeneia commentary.[40] Then in a conference paper and a subsequent journal article he offered even more substantial reasons for doubting the identifications by pointing out a significant problem.[41] The Greek text that Muro and Puech use for the basis of their identifications is that of the Chester Beatty papyrus. But this witness is known to have serious omissions when compared to the Ethiopic manuscripts. Nickelsburg investigates a longer and a shorter omission in *1 En* 103:3–4 and another omission in *1 En* 103:5–6 that would directly affect the validity of Muro and Puech's work. Since it is clear that all these omissions are due to homoioteleuton and since they fit the pattern of omission in the papyrus, the shorter readings of the Chester Beatty text are not likely to be original.[42] This leads Nickelsburg to conclude that the identification of the Qumran fragments as

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[37] See ibid., 232 where he states, "If the more recent identifications are correct, at least seven fragments belong to a manuscript which is classified as pap7QEn gr."

[38] Timothy H. Lim, "The Qumran Scrolls, Multilingualism, and Biblical Interpretation," in *Religion in the Dead Sea Scrolls* (ed. John J. Collins and Robert A. Kugler; Studies in the Dead Sea Scrolls and Related Literature; Grand Rapids: Eerdmans, 2000), 69 n. 30.

[39] Micahel A. Knibb, "Christian Adoption and Transmission of Jewish Pseudepigrapha: The Case of *1 Enoch*" *JSJ* 32 (2001): 401.

[40] Nickelsburg, *1 Enoch*, 14 n.49.

[41] Nickelsburg, "Response: Contexts, Text, and Social Setting of the Apocalypse of Weeks," in *Enoch and Qumran Connections: New Light on a Forgotten Connection* (ed. G. Boccaccini; Grand Rapids: Eerdmans, 2005), 238–39, and "The Greek Fragments of *1 Enoch* from Qumran Cave 7: An Unproven Identification" *RevQ* 21 (2004): 631–34.

[42] Loren Stuckenbruck thinks that in the second of the three instances the shorter reading of the Chester Beatty papyrus is original. But he agrees with Nickelsburg as regards the other two omissions. See Stuckenbruck, *1 Enoch 91–108* (Commentaries on Early Jewish Literature; Berlin: Walter de Gruyter, 2007), 517 and 529.

Enoch is "as unproven as previous attempts to assign them to the New Testament."[43]

But problems arising from the evidence of the Ethiopic are not the only source of difficulty in the work of Muro and Puech. In both their articles there is a problem with the physical relationship between 7Q12 and 7Q8. Examination of the plate in Muro's article showing his placement of the fragments reveals that the last line of 7Q8 is too low to correspond to the first line of 7Q12 (line 6 in the transcription above). Puech notices this and suggests either that there was some imperfection in the surface of the papyrus so the scribe began a little bit lower or that there was an interlinear correction that forced the scribe to start the line lower (cf. his transcription above). He favors the latter and makes a conjecture. The copyist omitted the words καὶ ἐν σκότει καὶ ἐν παγίδι through parablepsis with the first word of the next clause καὶ ἐν φλογὶ καιομένῃ. When he got to the end of the line, having written as far as καιομε, he realized his mistake. So before beginning the next line, he inserted the missing words in the space below line 5 (which do not appear due to deterioration of the fragment). This forced him to begin line 6 a little lower than otherwise would have been the case.

Puech's ingenious solution allows him to avoid one of the main objections to Nebe and Muro's proposals, namely, the unnatural word division that occurs at the end of 7Q8 4 (line 6 of col. ii in Puech's transcription).[44] The textual arrangement of Nebe and Muro has the preposition ἐν divided so that the *epsilon* is at the end of one line and the *nu* at the beginning of the next. Puech, on the contrary, has the break occur after the *epsilon* in καιομένῃ. This division coincides with the end of a syllable and is more natural.

But while Puech's arrangement solves one problem, it creates another. If the scribe had just finished a line and realized he had omitted material, the most natural thing for him to do would be to insert the material in the next line, right after καιομένῃ. Such transpositions happen often in manuscripts and the resulting text would still make perfect sense. Furthermore, the interlinear correction that

43 Nickelsburg, "The Greek Fragments," 634.

44 Flint in his study "The Greek Fragments of Enoch" does not comment on Puech's different arrangement of the text or his placement of 7Q14 and follows Nebe and Muro.

Puech proposes is in the wrong place. It should have been squeezed in above line 5, not below it. In the position advocated by Puech, anyone looking at the text would assume that the words καὶ ἐν σκότει καὶ ἐν παγίδι belonged after καιομένῃ anyway. So the whole reason for the interlinear correction vanishes. And, unfortunately, if one rejects Puech's conjecture about the interlinear correction, one must also reject his distribution of the text.

More recently Muro has sensed this problem and proposed that the portion of papyrus at the bottom of 7Q8 that contains the *nu* is actually not connected and was perhaps misplaced by Baillet when the photographs of the fragment were taken.[45] He wonders if the photo published by Baillet in DJD 3 hides the disjoint and makes it appear as if this portion is physically connected to the rest. But the earliest photo of 7Q8 shows it with the part at the bottom present.[46] Thus, even if this portion were unconnected now, we couldn't tell if the break existed at the time Baillet worked on the fragments or whether it happened in later times.

Finally, one more study of the Cave 7 fragments has been written by M. V. Spottorno.[47] She tackles the question of identifying 7Q5 which is the text that has been written about most in the debate over Professor O'Callaghan's theories. He assigned 7Q5 to Mk. 6:52–53.[48] Like Nebe, Spottorno does not so much try to disprove O'Callaghan as merely to show that there are other alternatives. She advances two: Zech 7:3–5[49] and *1 En* 15:9–10. For *Enoch* she proposes the following:

1 [κλη]θ[ήσεται πνεύματα οὐρανοῦ]
2 [ἐ]ν τῶι ἀ[νωτέρωι ἡ κάθησις αὐτῶν ἔσ]

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[45] Personal communication 7/30/02.

[46] PAM 42.358 taken in May 1957. Cf. Emanuel Tov with the collaboration of Stephen J. Pfann, *The Dead Sea Scrolls on Microfiche: A Comprehensive Facsimile Edition of the Texts from the Judean Desert* (Companion Volume; Leiden: Brill, 1993), 50, 86. Since the 7Q fragments were excavated in February 1955, the earliest photo is a little more than two years after its discovery.

[47] María Victoria Spottorno y Díaz-Caro, "Can Methodological Limits Be Set in the Debate on the Identification of 7Q5?," *DSD* 6 (1999): 66–77.

[48] Cf. the careful study of this fragment by Émile Puech, "Des fragments grecs de la grotte 7 et le Nouveau Testament? 7Q4 et 7Q5 et le papyrus Magdalen grec 17 = P^{64}," *RB* 102 (1995): 573–77.

[49] Discussed also in an earlier article, Spottorno y Díaz-Caro "Una nueva possible identificación de 7Q5," *Sefarad* 52 (1992): 541–43.

3   [τα]ι καὶ π[νεύματα ἐπὶ τῆς γῆς]
4   [τὰ γε]ννηθ[έντα ἐπὶ τῆς γῆς ἡ]
5   [κά]θησι[ς αὐτῶν ἔσται. καὶ τά]

Concerning this, I can only note that at several points her readings are problematic (especially the *pi* in line 3) and her suggestion also faces the obstacle that it differs from the Greek text of the Chester Beatty papyrus which she uses as the basis of her reconstruction. Specifically, she posits the substitution of ἀνωτέρωι for οὐρανῶι in line 2 and of κάθησις for κατοίκησις in line 5. Moreover, with regard to the latter, she is forced to posit that it happened twice, once in line 5 and earlier in her restoration at line 2. Codex Panopolitanus has κατοίκησις in both places. She also omits τά before πνεύματα in line 3, even though the grammar really does demand it, in spite of her objection. For all these reasons, her proposal, though sharing the same goal as Nebe's, is actually far more speculative.

5. *Conclusion*

The evidence for *Greek Enoch* having been at Qumran is tantalizing. Yet questions remain as discussed above. Although the fragments from Qumran would not make much addition to our knowledge of the text of *Greek Enoch*, they would prove that the translation of the *Epistle of Enoch* was made by Jews and, based on the palaeographic dating of the fragments, that it was produced no later than the middle of the first century B.C.E.

THE *COPPER SCROLL* (3Q15): A RECONSIDERATION

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An outstanding two-volume work published in French in late 2006 describes in detail the process of conservation, restoration and galvano-plastic recreation of copper copies of the deteriorated *Copper Scroll* (3Q15). This project was carried out by Électricité de France (EDF), Valectra Laboratory in Paris, between 1994 and 1996. The books contain numerous photographs and radiographic images of the scroll fragments, as well as pictures of the recreated copies of the three sheets of the scroll. The work includes magnificent new facsimile drawings of the inscription, as well as text, translations and commentaries by the French scholar Father Émile Puech, a prominent contributor to academic literature on the Dead Sea Scrolls.[1]

A revised and updated version of this author's doctoral dissertation dealing with the *Copper Scroll*[2] appeared in book form in 2000.[3] The author is gratified by the fact that Father Puech frequently refers in his work to this author's book.

The aim of this paper is threefold. It presents a short overview of the major scholarly works associated with the *Copper Scroll*; it exhibits the difficulties arising from various possible alternate readings and vocalizations of the original Hebrew text, as well as varying choice of interpretations; and most importantly, it demonstrates the impact of Puech's new drawings with reference to the original drawings published in the early 1960s.

It is desirable to have a brief historical overview of the major scholarly works associated with the *Copper Scroll*. Among the *circa*

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[1] Daniel Brizenmeure, Noël Lacoudre, and Émile Puech, *Le Rouleau de cuivre de la grotte 3 de Qumran (3Q15): expertise, restauration, epigraphie: Presente par Jean-Michel Poffet* (2 vols.; STDJ 55/I & 55/II; Leiden: Brill, 2006). The author is grateful to Prof. Lawrence H. Schiffman, for providing these books for this project; as well as to Dr. Saul Wischnitzer for his help in editing this paper.

[2] Judah K. Lefkovits, "The Copper Scroll—3Q15: A New Reading, Translation and Commentary" (2 vols., Ph.D. diss., New York University, 1993).

[3] Judah K. Lefkovits, *The Copper Scroll (3Q15): A Reevaluation—A New Reading, Translation, and Commentary* (STDJ 25; Leiden: Brill, 2000).

nine-hundred Dead Sea Documents discovered, the *Copper Scroll*—3Q15—is the most intriguing, baffling and mysterious one; it is unlike anything else found in the Dead Sea area. On March 20, 1952,[4] the Qumran Cave Expedition found in Cave 3 two rolls of beaten copper, brittle, oxidized, and in generally deteriorated condition. The rolls were placed in a sealed showcase at the Palestinian Archaeological Museum (Rockefeller Museum) in the Jordanian East Jerusalem until a solution would be found to unroll them. It later became clear that the two rolls were originally a single long document.

The text of the *Copper Scroll* was hammered with a chisel-like instrument into three copper sheets, each somewhat more than a tenth of an inch thick, that were riveted together. The total dimensions were about one by eight feet. The inscription process must have been a very tedious and time consuming work, since there are about 3000 characters, and the formation of each of them required numerous hammer blows using a chisel-like tool. Each sheet contains four columns of text. The larger roll consisted of Sheets 1 and 2, and a smaller one Sheet 3.

The German scholar, Karl George Kuhn of the Göttingen University, studied the two copper rolls while they were in a sealed showcase at the Museum in the spring of 1953. Kuhn deciphered some 220 characters of the rolls. He recognized the type of Hebrew script as well as the type of numerals used in the text. Kuhn estimated that the two rolls contain 10–12 columns, each having 16–17 lines, with 20–25 letters per line. He concluded that the content of the two rolls is a single Hebrew text influenced by Aramaic; it is neither Biblical nor has religious content; the rolls were not wall panels as suggested by Father Roland Guerin de Vaux,[5] director of the École Biblique et Archeologique Francaise de Jerusalem; and it contains the hidden treasuries of the Qumran Essene community. Moreover, Kuhn in a memorandum to the Palestine Archaeological Museum recommended covering the rolls with a protective plastic shield, and cutting into longitudinal strips. Interestingly, Kuhn's observation, advice and

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[4] The expedition included representatives of the École Biblique et Archeologique Francaise, the American Schools of Oriental Research, the Palestine Archaeological Museum, all in then the Jordanian controlled East Jerusalem.

[5] See Frantisek Trstensky: "The Archaeological Site of Qumran and the Personality of Roland de Vaux" (www.biblicaltheology.com/Research/TrstenskyF01.pdf).

many of his assumptions originating under challenging observational condition eventually were proven to be correct.[6]

In 1955, on the advice of the English scholar John Marco Allegro,[7] a lecturer of the University of Manchester, England, a member of the International Committee on the Dead Sea Scrolls, the English archaeologist Gerald William Lankester Harding,[8] Director of the Department of Antiquities of the Hashemite Kingdom in Jordan, secured permission from the Jordanian government to take the two copper rolls to be cut open at the University of Manchester.

Henry Wright Baker,[9] Professor at the Department of Mechanical Engineering, College of Science and Technology, the University of Manchester, England, cut open the two copper rolls by twenty-one longitudinal cuts into twenty-three semicircular shaped segments during the winter of 1955–1956.[10] After opening the scrolls, Baker made detailed drawings of the inscription. The drawings present the first two sheets together, and separately the third one; they are in a continues form, indicating only the lacunae.[11]

Allegro supervised the cutting process of the rolls. Soon after their opening, Allegro prepared a preliminary transcription, translation, and notes of the text, first the smaller roll then the larger one, which he promptly send it back to Jordan.[12] Later Allegro made his drawings with the collaboration of the Jordanian artist Muhanna Durra,

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[6] Lefkovits, "The Copper Scroll" (1993), 1190–1204; Lefkovits, *The Copper Scroll* (2000), 4–5.

[7] See Judith Anne Brown, *John Marco Allegro—The Maverick of the Dead Sea Scrolls* (Grand Rapids/ Cambridge, UK: Eerdmans, 2005), 60–75, 85–90.

[8] Harding was responsible more than any other scholar for the preservation of the Dead Sea Scrolls, and one of the first to recognize their importance. See G. Lankester Harding, *The Antiquities of Jordan* (Jordan Distribution Agency & The Lutterworth Press, rev. ed., 1990), 187–200; F. V. Winnet: "Gerald Lankester Harding: 1901–1979," in *Biblical Archaeologist* (American Schools of Oriental Research; Spring 1980), 127.

[9] William Johnson, "Professor Henry Wright Baker: The Copper Scroll and his Carrier" in *Copper Scroll Studies* (ed. by George J. Brooke and Philip R. Davis; JSP SS 40; London and New York: Sheffield Academic Press, 2002), 39–40.

[10] Henry Wright Baker, "Notes on the Opening of the 'Bronze' Scrolls form Qumran," *BJRL* 39 (1956–1957), 45–56; "Notes on the Opening of the Copper Scroll from Qumran" in M. Baillet, Józef T. Milik and Roland de Vaux, *Les 'petites grottes' de Qumran* (*DJD* 3; Oxford: Clarendon, 1962), 203–210;

[11] *DJD* 3, pl. XLV.

[12] A copy of this manuscript was received by this author from the late Mrs. Joan R. Allegro, the widow of John Marco Allegro. It is incorporated in the work of this author, and named as "Allegro's Provisional Translation and Notes on the Copper Scroll."

the son of Said Durra, then Director of the Antiquities of the Hash-emite Kingdom of Jordan. Allegro's drawings are continues, indicating not only lacunae, but also the sites of each cut and crack, which often helps to decipher certain questionable letters.[13]

The Polish scholar (then Father) Józef Tadeusz Milik,[14] of the International Committee on the Dead Sea Scrolls, was a member of the search team that discovered the copper rolls. Milik's drawings are a significantly improved version of Baker's. They show each of the twelve columns separately and indicating the lacunae.[15] Comparing Milik's drawing with Baker's, one can figure out the correlation of the lines between the columns.

The separate drawings of each item of the *Copper Scroll* presented in the work of the Israeli scholar Ben-Zion Lurie[16] are mere copies of Allegro's, thus these are not relevant in this study.[17]

The new drawings by Puech are also continues, indicating lacunae and sites of cuts, but omitting the cracks. He presents column by column in actual size photographs of the recreated copies of the Copper Scroll on the left page, while his new drawings are on the right side.[18] This arrangement helps to facilitate the reading, since the drawings can be checked directly with the recreated scroll columns.

The *Copper Scroll* contains about 3,000 characters, including thirty-three sets of numerals known from other inscriptions, and seven sets of two-three Greek letters. The text is clearly not uniform, and it is in a continues script, yet some words are separated, while others are divided within the word itself and occasionally extending onto the next line. Many similar shaped letters can not be

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[13] John Marco Allegro, *The Treasury of the Copper Scroll: The Opening and Decipherment of the most Mysterious of the Dead Sea Scrolls, A Unique Inventory of Buried Treasure* (London: Rutledge & Kegan Paul/Garden City, NY: Doubleday, 1960), 6, 32–55. In his second revised edition, Allegro did not reproduce the drawings, only a revised translation (*The Treasury of the Copper Scroll*, Garden City, NY: Doubleday, [1964], 21–27).

[14] See Felix Corley, "Obituaries: Jozef Milik" in *The (London) Independent*, Jan. 26, 2006.

[15] *DJD* 3, pls. XLVIII–LXX.

[16] Regarding Lurie, see G. Karsel, "Ben-Zion Lurie" in *Sefer Ben-Zion Lurie: Studies in Bible and Ancient Israel on the Occasion of his 70th Birthday* (Jerusalem, Kiryat Sepher, 1979), 1–17 [in Hebrew].

[17] Ben-Zion Lurie, *The Copper Scroll from the Judean Desert* (Israel Bible Research Society 14; Jerusalem: Kiryat Sepher, 1963), 53, 59–60, 62, 65, 67–74, 76, 78–83, 85–88, 90, 92, 94–99, 101–102, 108–10, 112–15, 117–26 [in Hebrew].

[18] Puech, *Le Rouleau de cuivre 2,* 400–423.

distinguished from each other, such as *Dalet-Resh*, *He-Het, Waw-Yod, Bet-Kaf*. There are unusual, defective, full and phonetic spellings, extra and missing letters, squeezed in small size letters and words, letters above and below the assumed word-line, final letters in the middle of words and non-final forms at the end of words, unusual shaped letters and ligatures, letter interchanges, unique and Greek words, Greek letters, numerals and written out cardinal numbers, scribal errors, lacunae, site of cuts and cracks, etc. All of these make reading and analyzing the text extremely difficult. The script is Herodian Hebrew, its language is proto-Mishnaic, also called Copper Scroll Hebrew. The dialect is somewhere between Late Biblical and Mishnaic Hebrew, resembling the languages of 4QMMT and the Hebrew Bar-Kokhba documents.

The *Copper Scroll* consists of three sheets, each having four columns, for a total of 12 columns; each column contains 13 to 17 lines, totaling 181 lines; each line has from 3 to 31–32 symbols, amounting to about 3,000 symbols. The text can be divided into 60 items, three of them can be further divided into sub-items.[19] As noted previously, the two rolls were sliced by 21 cuts into 23 segments.[20]

In his dissertation and especially in his book, this author made every effort to offer as many as possible readings, vocalizations and translations for essentially every word and/or phrase occurring in the drawings of Baker, Milik and Allegro.[21] Obviously, these include the

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[19] The following divisions have been proposed: Allegro 61 items; Milik (and so most scholars) 64 items; Lurie 60 items; and Wise 65 items (Michael Owen Wise, Martin G. Abbeg, Jr., and Edward M. Cook, *The Dead Sea Scrolls: A New Translation* [New York: HarperCollins, 1996] 188–99). This author divides the text into 60 items (not exactly as Lurie), while three of them can be subdivided further into sub-items; Item 9 into 9a and 9b, Item 12 into 12a and 12b, and Item 55 into 56a and 56b or less likely into 56a, 56b and 56c (Lefkovits, "The Copper Scroll" [1993]), 957–61; Lefkovits, *The Copper Scroll* [2000]), 15–18. This author is gratified that Puech is in agreement with his division into 60 items, although disagreeing with the subdivisions of Items 9 and 56.

[20] In this discussion the location of the letters, words and phrases are often referred to item, column, line, position of the letter or symbol within the line, and cut.

[21] This author also used photographs of the *Copper Scroll* he received from the Shrine of the Book in Jerusalem made from the negatives of Milik's published photographs, the photographs he received from the Archaeological Museum of Amman in Jordan, which now seems to be a part of *The Allegro Qumran Collection* (edited by George J. Brooke with the collaboration of H. K. Bond; Leiden: Brill and IDC, 1996), and a number of excellent photographs made by Bruce and Ken Zuckerman of the West Semitic Research (Lefkovits, *The Copper Scroll* [2000], 21–22).

suggestions of most scholars, including "Allegro's Provisional Translation and Notes on the Copper Scroll," as well as many original ones. In light of the new drawings by Puech, one can ask, how far will these alter the possible existing readings, vocalizations and interpretations, and how many can be added or eliminated?

The intention of this article is to focus on the difficulty of reading the text, as well as on the impact of the new drawings relative to the earlier ones (many of them are noted by Puech). This study is basically restricted to the first column of the *Copper Scroll*.

Looking at the three drawings of Column 1, one can recognize that the engravers were not specialist in the art of engraving. Presumably, the compilers avoided hiring people who might have understood the secret valuable content of the text. Lines 1 to 6 are much narrower than Lines 7 to 14, where often the letters are squeezed together, while Line 15 has only a single word fragment. In addition, between Lines 8 and 9 there is a much wider than usual horizontal space.

Column 1 contains the first five items of the *Copper Scroll*. It is located between Cuts 1 and 4. Cuts 2 and 3 pass through the text dividing the column into almost three equal segments. Cut 4 separates Columns 1 and 2, and only affects the last letters of Lines 11 and 14.[22]

Item 1—Lines 1:1–1:4

The followings are the proposed transcription, enhanced vocalized possible readings, as well as translations of Item 1. Regarding this item, there are only minor differences between the drawings. It is discussed to demonstrate the various problems understanding the text.[23]

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[22] The two rolls were cut into 23 segments. Segment 1 is located between the beginning of the roll and Cut 1, it contains no text; Segment 2 is between Cuts 1 and 2; Segment 3 is between Cuts 2 and 3; Segment 4 is between Cuts 3 and 4; Segment 5 is between Cuts 4 and 5. Thus, Segments 2, 3 and 4 make up Column 1, except the last letter, a final *Nun*, of Line 14 which is at the right bottom of Segment 5 (according to the new drawing).

[23] It should be noted that not all possible readings and translations are mentioned in this study. The slashes indicate alternate reading of a letter, a word or a phrase. Item 1 is discussed by the author in his book, 29–49; Haruvah, 465–70; *KK* and *Kikarin*, 471–88; teens and contracted teens, 491–97; Greek letters, 498–504. See also, Judah K. Lefkovits, "The Copper Scroll Treasure: Fact or Fiction? The Abbreviation כב versus כברין," in *Copper Scroll Studies*, 139–54.

(1:1) בחרובה\בחריבה שבעמק עכור תחת
(1:2) המעלות הבואת למזרח אמות
(1:3) ארוח ארבעין שדת כסף וכליה
(1:4) משקל ככרין שבעשרה KEN

(1:1) בַּחֲרוּבָה\בַּחֲרֵיבָה שֶׁבְּעֵמֶק עָכוֹר תַּחַת
(1:2) הַמַּעֲלוֹת הַבָּאוֹת לַמִּזְרָח אַמּוֹת
(1:3) אֲרֻוַח\רֻוַח\אַחַת אַרְבָּעִים שָׁדַת כֶּסֶף וְכֵלֶיהָ
(1:4) מִשְׁקָל כִּכָּרִים שְׁבַע עֶשְׂרֵה KENEΔAIOΣ (KENEDAIOS =)

(1:1) In/at/by Haruvah/Harevah (or: a/the ruin) which is (located) in
the Valley of Akhor (or: Disturbance) (1:2) below the steps that are
coming/ going to the east (at) (1:3) forty large cubits (or: forty-one
cubits), (there is) a sedan chair with its components (or: a large box
with its vessels), (1:4) a weight of seventeen talents. (Code:) KEN
(= KENEΔAIOΣ = KENEDAIOS).

The first word of the document consists of five letters, and each of
them can be read at least two ways. They are: *Bet* or *Kaf, He* or *Het,
Dalet* or *Resh, Waw* or *Yod, Bet* or *Kaf*, followed by an unusual shaped
letter that looks like an *Aleph* upon which a *He* was superimposed or
a *He* upon on *Aleph*, thus it can be a *He*, an *Aleph*, or even a *He* plus
an *Aleph* or an *Aleph* plus a *He*. This unusually shaped character will
be discussed later.

The first letter is undoubtedly the preposition *Bet*, "in, at, by," fol-
lowed by a noun, as in more than 50 out of 60 items in the text. The
noun in question can be read as חֲרוּבָא or חֲרֵיבָא (with an *Aleph* end-
ing), and חֲרוּבָה or חֲרֵיבָה (with a *He* ending).[24] Haruvah or Harevah
may be identical with כְּפַר חֲרוּבָה and כְּפַר חֲרוּבָא "the Village of
Haruvah," (*Gen Rabbah* 64:8 and *Lam Rabbati* 2:2, respectably), as
well as כְּפַר חֲרֵיבָה "the Village of Harevah" (*y. Taʿanit* 4:5[69a]), where
a heroic Jewish resistance against the Roman oppressors took place.

On the other hand, חֲרֵיבָה\חֲרֵיבָא and חֲרוּבָה\חֲרוּבָא may be com-
mon feminine nouns. Accordingly, the possible readings of בַּחֲרוּבָה\
בַּחֲרוּבָא and בַּחֲרֵיבָה\בַּחֲרֵיבָא could mean "in a ruin," as an indefinite
noun, that is, in one of the ruins located in the Valley of Achor. Yet,
בַּחֲרֵיבָה\בַּחֲרֵיבָא and בַּחֲרוּבָה\בַּחֲרוּבָא may be contracted forms of
בְּהַחֲרֵיבָה\א and בְּהַחֲרוּבָה\א, where the definite article *He* assimilated
into the preposition *Bet*, meaning "in the ruin," that is, there is only

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[24] *Aleph* instead of a *He* ending is common in the text. It occurs in the Masoretic
Text (several times in the Hebrew text, more common in the Aramaic part), often in
Mishnaic Hebrew, and practically standard in the various Aramaic Targumim.

one (perhaps a known) ruin in the Valley of Akhor. The last inter-
pretation would provide more information for the eventual seekers of
the hidden objects.[25]

שֶׁבְּעֶמֶק עָכוֹר "which is (located) in the Valley of Akhor." This
phrase appears in Item 17 (4:6) as שֶׁבְּעֶמֶק עָכוֹן "which is (located) in
the Valley of Akhon," a *Nun-Resh* letter interchange, a phenomenon
that often occurs in the *Copper Scroll*, and it is known in Biblical and
Mishnaic Hebrew, as well as between the cognate Semitic languages.

It is related in the Book of Joshua that עֶמֶק עָכוֹר was so named
because עָכָן (Akhan) violated the ban imposed on Jericho at the time
of the conquest of Canaan (Josh 7:24–26).[26] עָכָן (Akhan) is mentioned
in Chronicles as עָכָר (Akhar), with a *Resh*; as matter of fact, the Tar-
gum identifies Akhar as the equivalent of Akhan (1 Chr 2:7).[27]

Although the compound preposition *Shin-Beth* occurs in the Maso-
retic Text in the words שֶׁבְּשִׁפְלֵנוּ "which in our lowliness" (Ps 136:23)
and in שֶׁבַּכְּרָמִים "which in the vineyards" (1 Chr 27:27),[28] yet the
phrase בֶּחָרוּבָה שֶׁבְּעֶמֶק עָכוֹר is typical Mishnaic Hebrew. Biblical
Hebrew would prefer בֶּחָרוּבָה אֲשֶׁר בְּעֶמֶק עָכוֹר, like גֵּי בֶן הִנֹּם אֲשֶׁר
בְּעֵמֶק רְפָאִים "the Vale of Ben-Hinom which is (located) in the Valley
of Rephaim" (Josh 18:16) and בְּאֵלֹנֵי מַמְרֵא אֲשֶׁר בְּחֶבְרוֹן "in the Tere-
binths of Mamre which is (located) in Hevron" (Gen 13:18).[29]

שֶׁתַּחַת הַמַּעֲלוֹת "below the steps," this phrase occurs as תַּחַת הַמַּעֲלוֹת
"which is below the steps," in Item 6 (2:1).[30] However, Item 57 (12:4)

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[25] There are a number of feminine nouns, personal names (both feminine and
masculine) and place names (feminine) in the Mishqalim (i.e., nominal patterns) of
Pe'elah and Pe'ulah in the Masoretic Text; e.g., בְּאֵרָא Beerah (a personal name, 1Chr
7:37); בְּאֵרָה Beerah (a personal name, 1Ch 5:6); בְּעֵרָה "fire" (Exod 22:5); גְּדֵרָה Ged-
era (a place name, Josh 15:36; 2Ch 4:23); גְּדֵרָה "fence" (e.g., Num 32:24); צְרֵדָה
Sereda (a place name, 1Kgs 11:16; 2Ch 4:17); שְׂרֵפָה "fire" (Deu 29:22); הַגְּדֻלָּה
וְהַגְּבוּרָה "the greatness and the power" (1Ch 29:11); יְרוּשָׁא and יְרוּשָׁה Jerushah (the
mother of king Jotham, 2Kgs 16:33; 2Ch 27:1); עֲזוּבָה Azuvah (the mother of king
Jehoshaphat, 1Kgs 22:42); רְאוּמָה Reumah (the wife of Nahor, Gen 22:24); תְּרוּמָה
"offering, priestly gift" (e.g., Exod 25:2); תְּרוּעָה "blowing horns" (e.g., Lev 23:24);
תְּרוּפָה "healing" (Ezek 47:12).
[26] In the Masoretic Text עֶמֶק עָכוֹר also occurs in Josh 15:7; Isa 65:10; Hos 2:17, a
total of five times.
[27] Lefkovits, *The Copper Scroll* (2000), 33–34, 465–70.
[28] The compound preposition *Shin-Bet* occurs in the text twenty times, plus once
reconstructed, and three times with suffixes.
[29] Lefkovits, *The Copper Scroll* (2000), 30–33.
[30] The preposition תַּחַת occurs 19 times (once reconstructed) in the text. It appears
506 times in the Masoretic Text. The feminine noun מַעֲלָה occurs 47 times in the
Masoretic Text. Both terms are widely used in Mishnaic Hebrew.

has the singular form, perhaps a collective noun, תחת המעלהא (= תַּחַת
הַמַּעֲלָה) "below the step(s)," with a *He* plus *Aleph* ending. There are
similar cases in the Dead Sea Scrolls.[31] Interestingly, in the new drawing
of Puech the second *He* of המעלהא appears as if the *He* was superim-
posed on an A*leph* or an *Aleph* upon a *He,* resembling the *He-Aleph*
combination of the first word בַּחֲרֵיבָה\בַּחֲריבָא or בַּחֲרוּבָה\בַּחֲרוּבָא. In
both cases seem to be an unnecessary or erroneous scribal correc-
tions, since in the text *Aleph* and *He* in final position are used inter-
changeably, plus there is no need for the extra *Aleph* or *He*.[32]

הבואת למזרח (= הַבָּאוֹת לַמִּזְרָח\לְמִזְרָח) "that are going/coming to
(the) east." The unusual spelling of הבואת, a *Waw* before an *Aleph*
could be a simple scribal error. On the other hand, it may be a defec-
tive feminine plural form, where the *Waw* represents a Tiberian
Qamats. Such spellings occur in the Dead Sea Scrolls, as well as in
many *Ketiv-Qeri* cases in the Masoretic Text. This verbal form occurs
in the Masoretic Text, once as הַבָּאֹת (Gen 41:35; defective) and once
as הַבָּאוֹת (Isa 41:22; *plene* spelling).[33]

אַמּוֹת ארוח אַרְבָּעִין is a problematical phrase. The word appearing as
ארוח, אריח, אדוח, אדיח, אריה, etc., intrigues the scholars. The ques-
tion is, whether it modifies the previous word אַמּוֹת, or whether it is
connected to the next word אַרְבָּעִין (= אַרְבָּעִים).[34] If acting as a modi-
fier of אַמּוֹת, then אַמּוֹת אֲרֶוַח with a prosthetic *Aleph,* i.e., אַמּוֹת רֶוַח,
may be the same as אַמִּין רֶוַח, the Targumic rendering of אַמּוֹת אֲצִילָה
"large cubits" (Ezek 41:8).[35] On the other hand, if this unusual word
is connected to אַרְבָּעִין, then one may reasonably assume that the
engraver failed to connect the upper right end of the *Resh* with the

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[31] In the Masoretic Text אָלֶף יַתִּירָה, extra *Aleph* after a *He* occurs in the word
וְאַתִּיקֶיהָא "and its pillars" (according to the *Qeri*, i.e., how the text is read; while the
Ketiv, i.e., how is the text written, is ואתוקיהא; see the Commentary of Radak to
Ezek 41:15). There are more than a thousand *Ketiv-Qeri* cases in the Masoretic Text
(see R. Gordis, *The Biblical Text in The Making: A Study of the Kethib-Qeri*; Aug-
mented Edition, New York: Ktav Publishing House, 1971).

[32] Lefkovits, *The Copper Scroll* (2000), 34, 410–11.

[33] Lefkovits, *The Copper Scroll* (2000), 34–36.

[34] The most common the letter interchange in the *Copper Scroll* is the final *Mem*
and final *Nun*, which appears some forty times in the text, and it is common in
Mishnaic Hebrew. Final *Nun* instead of final *Mem* and vice versa frequently appears
in the Masoretic Text.

[35] Prosthetic *Aleph* occurs in Biblical as well as in Mishnaic Hebrew. There are a
number of nouns that their plural forms are formed in Hebrew with the suffix וֹת־
(usually feminine), while in Aramaic with ין־ (usually masculine).

adjacent *Waw*. Also, the left foot of the *Taw* is missing and resembling a *Het*.[36] Thus, the reading of the word in question would be אחת. This can be compared with the scribal errors found in the Items 40 (9:8) and 47 (10:9), where אכעת or אבעת engraved instead of the expected אמות (a *Kaf* or a *Bet* plus an *Ayin* instead of a *Mem*). In the suggested אַחַת אַרְבָּעִין the connective *Waw* is absent. Similar cases can be found in Phoenician and Neo-Punic inscriptions. Accordingly, (אַמּוֹת רֶוַח אַרְבָּעִים = אַמּוֹת אֲרֶוַח אַרְבָּעִין) means "forty large/wide cubits," while אַמּוֹת אֲרוֹח אַרְבָּעִין = (אַמּוֹת אַחַת אַרְבָּעִים) "forty one cubits."[37]

שִׁדַּת כֶּסֶף וְכֵלֶיהָ "a silver sedan chair with its components" or "a large silver box with its vessels," is nearly identical with the phrase שִׁדָּה אַחַת וְכָל כֵּלֶיהָ = (שִׁדָּא אַחַת וְכָל כֵּלֶיהָ) "a sedan chair with all of its components," or "a large box with its all its vessels" (Item 57, 12:5). In the latter, שִׁדָּא has an *Aleph* instead of a *He*.[38] The feminine noun שִׁדָּה (pl. שִׁדּוֹת) occurs in the Masoretic Text only in the pair שִׁדָּה וְשִׁדּוֹת "a *shiddah* and *shiddot*," i.e., many *shiddot* (Eccl 2:8), however, שִׁידָה (plene) is quite common in Mishnaic Hebrew (e.g., *m. Kelim* 15:1).[39]

(מִשְׁקַל כִּכְּרִים שְׁבַע עֶשְׂרֵה = מִשְׁקַל כִּכָּרִין שְׁבַעְשְׂרֵה) "a weight of seventeen talents," is similar to the phrase, 71 הַכֹּל מִשְׁקַל = (הַכֹּל מִשְׁקַל כִּכָּרִין כִּכְּרִים שִׁבְעִים וְאֶחָד) "the total weight of 71 talents" (Item 59, 12:9). The term מִשְׁקָל "weight," is both Biblical (e.g., 1Kgs 10:14) and Mishnaic Hebrew (e.g., *m Bava Batra* 5:10).[40]

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[36] In Allegro's drawing often the *Taw* looks like a *He* or a *Het*. However, in the drawings of Milik and Puech, practically always the *Taw* has a left foot, thus distinguishing it from a *He* or a *Het*. ארוח (for אחת) as well as חשעסרא (for תְּשַׁעְסְרָא = תֵּשַׁע עֶשְׂרֵה) mentioned later, may be exceptions.

[37] Lefkovits, *The Copper Scroll* (2000), 34–43.

[38] The differences between the two phrases is that in Item 1 the sedan chair or box is made of silver while in Item 57 the make of the sedan chair or box is unidentified, perhaps made of wood.

[39] The possible translation of the feminine noun שִׁדָּה as "sedan chair, carrying chair, palanquin," rather than box, is based on Rashi's explanation of the term in Ecclesiastes (Lefkovits, *The Copper Scroll* [2000], 43–47, 410–11).

[40] Interestingly, Allegro's drawing in Line 12:9 has ביכרין, a clear *Yod* between the two *Kaf*s, i.e., *plene* spelling, which Allegro in his transcription does not indicate (*The Treasury of the Copper Scroll*, [1960], 54–55); yet there is no such *Yod* in Milik's drawing (Lefkovits, *The Copper Scroll* [2000], 47–49, 422–24, 476). It must be added that the new drawing does not have it either (Puech, *Le Rouleau de cuivre* 2, 284, 336, 394–95, 423), yet in the various graphs presented in this book, one can see a small vertical line descending between the two *Kaf*s (Puech *Le Rouleau de cuivre* 1, 116–17, 283–84, 394–95, 422), which may have prompted Allegro in his drawing to indicate a *Yod*.

In the drawing of Milik, ככרין has a small *Resh* ligatured to a *Yod*, while Allegro's has a regular *Resh* in an angle and the *Yod* is on Cut 2. The new drawing has a clear ככרין, where Cut 2 passes through the middle of the upper part of the *Resh*.

The singular collective reconstructed כִּכָּר occurs once in the text,[41] while the plural כִּכָּרִין fourteen (or possibly sixteen) times;[42] a half of them were originally engraved only as *Kaf-Kaf*, while the letters *Resh*, *Yod*, and final *Nun* were added or squeezed in later by a second hand. Perhaps the person(s) who prepared and/or who dictated the text to the engravers did not know the full amount hidden reported in the scroll, and later a trustful man amended the necessary information. The drawing of Milik shows such a case in this Item. In the new drawing one may recognize that the *Resh*, *Yod* and final *Nun* are somewhat different than the rest of the word, but it is more apparent in the word ככרין in Item 3 (Line 1:8). At other cases, for example, in Column 12 Lines 1, 3, 7 and 9, the second hand additions are unmistakably clear. The abbreviation *Kaf-Kaf* appears in the text twenty-eight or possibly thirty times.[43]

This author is gratified that Father Puech is in agreement with his suggestion that the frequently used abbreviation of *Kaf-Kaf* in the *Copper Scroll* is not a short form of *kikkarim*, "talents" (as originally Allegro in his "Provisional Translation and Notes on the Copper Scroll" suggested and has been widely accepted by the subsequent scholars), rather *Kesef Karsh* (or the plural *Kesef Karshin*), "silver *karsh*."[44] Karsh is a known Persian weight equal to 10 shekels, while a *kikkar* is 3,000 shekels. Thus a *karsh* is only one third of one percent

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[41] The the collective כִּכָּר can be compared to the verse וַיְהִי מְאַת כִּכַּר הַכֶּסֶף...מְאַת אֲדָנִים לִמְאַת הַכִּכָּר כִּכָּר לָאָדֶן "And it was hundred talents of silver…hundred bases from hundred talents, a talent for a base" (Exod 38:27).

[42] Since often the *Kaf* and *Beth* as well as *Resh* and *Dalet* cannot be distinguished in the text, occasionally is possible to read ככרין as בכדין (= בְּכַדִּים) "in pitchers" (Lefkovits, *The Copper Scroll* [2000], 483–85).

[43] Lefkovits, *The Copper Scroll* (2000), 47–49, 471–88; Lefkovits, "The Copper Scroll Treasure: Fact or Fiction?" 139–54.

[44] One may suggest that the proper Hebrew vocalization of כרש (*karsh*, probably masculine), based on similar sounding *segholite* nouns, is כֶּרֶשׁ (*keresh*) in singular, כְּרָשִׁין (*kereashin*) and כְּרָשִׁים (*kerashim*) in plural, and כַּרְשֵׁי in plural construct. Cf. קֶרֶשׁ "plank, board" (Exod 26:18), singular; קְרָשִׁים "planks, boards," plural (e.g., Exod 26:22); and קַרְשֵׁי "planks of, boards of," plural construct (e.g., Exod 26:17). See Lefkovits, *The Copper Scroll* (2000), 281.

of a *kikkar*. This issue is critical when one seeks to estimate the total value of the precious metal listed in the scroll. The conclusion can shed light on determining whether the Scroll is a genuine document or not.[45]

שְׁבַעְשְׂרֵה (= שְׁבַע עֶשְׂרֵה) "seventeen," is spelled later as שְׁבַע עֶשְׂרֵא, with an *Aleph* ending (Item 34, 8:5–6). שְׁבַעְשְׂרֵה is a compound teen, like תְּשַׁעְסְרֵא (= תְּשַׁע עֶשְׂרֵה) "nineteen," where the *Taw* looks like a *Het* (Item 9, 2:8), and שְׁלוֹשְׂרֵא (= שְׁלוֹש עֶשְׂרֵה) "thirteen" (Item 38, 9:2). Compound teens are known in Akkadian as well as in various Aramaic dialects; in Hebrew it may occur only in the *Copper Scroll*.[46]

KEN is one of the seven sets of cryptic Greek letters, always at the end of an item. It may be a secret code, or the beginning of the personal name ΚΕΝΕΔΑΙΟΣ = KENEDAIOS, who might had been responsible for the content of this item. Likewise, at the end of Item 4 the Greek letters ΧΑΓ, may be the beginning of the name ΧΑΓΕΙΡΑΣ = KHAGEIRAS.[47]

<p style="text-align:center">Item 2—Lines 1:5–1:6a</p>

The followings are the proposed transcription, enhanced vocalized reading, and the possible translations of Item 2. Here, and the rest of the discussion is intended to show the possible earlier reading based on the old drawings vis-á-vis the new drawing of Puech.

<div style="text-align:right">

(1:5) בנפש שבנדבך השלישי עשתות

(1:6**a**) זהב 100

(1:5) בְּנֶפֶשׁ\בַּנֶּפֶשׁ שֶׁבַּנִּדְבָּךְ הַשְּׁלִישִׁי עַשְׁתּוֹת

(1:6**a**) זָהָב מֵאָה

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> (1:5–6a) In a/the tomb, which is in the third row of stones, there are 100 masses of unused gold (or: 100 gold bars); or: In a/the tomb, in the third grave stone, there are 100 masses of unused gold (or: 100 gold bars).

Line 5, according to the drawing of Milik, has a *Bet*, a *Nun* a *Pe*, a *Shin*, no space, a *Bet*, a *Nun*, a *Dalet*, a *Bet*, a *Waw* consisting of dashes, a

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[45] This author is inclined to believe that the *Copper Scroll* is a genuine document, which lists the treasury of the Second Temple hidden shortly before the Romans destroyed Jerusalem.

[46] Lefkovits, *The Copper Scroll* (2000), 490–95.

[47] The Hebrew horoscope Qumran text 4Q186 also contains Greek letters, yet the situation there is totally different (Lefkovits, *The Copper Scroll* [2000], 498–504).

short final *Kaf*, a space, a *He*, a *Shin* consisting of dashes, then the upper part of a *Lamed*, a *Shin*, a *Yod*, followed by the word עשתות of which the right leg of the first *Taw* consists of dashes. In addition, the eight letters of בוך השלשי are encircled by a dotted line. Thus this line can be read as בנפש שבנדבוך השלשי עשתות, where Waw of שבנדבוך may represent a Tiberian *Qamats*, while השלשי is spelled defectively.

Allegro's drawing has בנפש שבנדבך השלישי עשתות, where Cut 2 passes through the regular *Nun* of שבנדבך, there is a small sized *Yod-Shin* ligature followed by a small sized *Yod* in השלישי, Cut 3 passes between the *Shin* and a complete *Taw* in the word עשתות. Spaces are only between the *He* and *Shin* of השלישי, between השלישי and עשתות, and between the *Shin* and *Taw* of עשתות where Cut 3 passes by.

In Puech's drawing Cut 2 passes through the *Nun* of שבנדבך, the first *Shin* of השלישי is somewhat small, then a complete *Lamed*, a *Yod-Shin* ligature, and a regular size *Yod*. In the next word the right leg of the *Taw* consists of dashes, where Cut 3 passes through. There are spaces only before and after the word השלישי. The reading is like Allegro's drawing, yet the shape of many characters resemble that of Milik.

It should be added that the numeral 100 in Line 6 was first recognized by Milik. Allegro accepted it in his revised edition.[48]

Item 3—Lines 1:6b–1:8

The followings are the proposed transcription, enhanced vocalized reading, and the possible translations of Item 3.

(1:6b) בבור הגדול שבחצר
(1:7) הפרסטלון בירכ קרקעו סתום בחליא
(1:8) נגד הפתח העליון ככרין תשע מאת

(1:6b) בַּבּוֹר הַגָּדוֹל שֶׁבַּחָצֵר
(1:7) הַפֶּרְסְטְלוֹן בְּיֶרֶךְ קַרְקָעוֹ סָתוּם בְּחֶלְיָה\בַּחֶלְיָה
(1:8) נֶגֶד הַפֶּתַח הָעֶלְיוֹן כִּכְּרִים תְּשַׁע מֵאוֹת

(1:6b) In the great cistern which is in the Court of (1:7) the Peristyle (or: Colonnade) at the side of its bottom concealed in a/the circular

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[48] *The Treasury of the Copper Scroll* (1964), 21.

wall, (1:8) opposite to the upper entrance, (there are) nine hundred (unspecified) talents.[49]

Regarding the last two words at the end of the Line 7, Milik's drawing has סתום בחליא (= סְתוּם בְּחֶלְיָה\בַּחֶלְיָה) "concealed in a/the circular-wall," with a small size *Yod* and *Aleph*. The *Aleph* is instead of a *He*, as often in the text. There is word separation before the *Samekh* only.

Allegro's drawing has סתום בחלא (= סָתוּם בְּחֹלָה) meaning "hidden in its sand,"[50] where the *Waw* is practically touching the right side of Cut 3, then some space, a final *Mem*,[51] and a small *Aleph*. There is no *Yod*, and the words are not separated.

The drawing of Puech has, like Milik's, סתום בחליא with a clear *Waw*, but its top touches the right side of Cut 3. There are no word separation between the last four word of this line.

The reading of this item, בבור...סתום בחליא (= \בבור...סְתוּם בְּחֶלְיָה\בַּחֶלְיָה) "in the cistern...hidden in a/the circular wall," resembles the Mishnaic phrases of בּוֹר וְחוּלְיָתוֹ "a cistern and its circular wall" (cf. *m. Eruvin* 10:7), and חוּלְיַת הַבּוֹר "the circular wall of a cistern" (*m. Shabbat* 11:2).

Item 4—Lines 1:9–1:12

The followings are the proposed transcription, enhanced vocalized reading, and translation of Item 4, which is one of the most difficult items in the scroll.[52]

(1:9) בתל של כחלת כלי דמע בלגין ואפודת\ואפודין\ואפירין

(1:10) הכל של דמע והאצר השבע ומעסר

(1:11) שני מפי גל פתחו בשולי האמא מן הצפון

(1:12) אמות שש עד מקדת\מקרת הטביל[ה] XAГ

(1:9) בְּתֵל שֶׁל כַּחֶלֶת\כּוּחֲלִית כְּלֵי דֶמַע בְּלוֹגִין וְאֵפוֹדוֹת\וְאֵפוֹדִין\וְאַפִּרְיוֹן

(1:10) הַכֹּל שֶׁל דֶמַע וְהָאוֹצָר הַשְּׁבוּעַ וּמַעֲשֵׂר

(1:11) שְׁנֵי מִפִּי גַל פְּתָחוֹ בְּשׁוּלֵי הָאַמָּה מִן הַצָּפוֹן

(1:12) אַמּוֹת שֵׁשׁ עַד מוֹקְדַת\מְקֵרַת הַטְּבִילָה ΧΑΓΕΙΡΑΣ (= KHAGEIRAS)

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[49] As far as could be determined, the Greek term *peristylon* does not appear in the Talmudic—Midrashic Literature. There are other Greek terms in the *Copper Scroll*, such as לוגין "flasks" (Item 4, 1:9) and אכסדראנ *exedra* (Item 51, 11:5).

[50] Allegro renders this phrase as "concealed in a hole" (*The Treasury of the Copper Scroll*, [1960], 33).

[51] Allegro notes that this is the only final *Mem* in entire the scroll (*The Treasury of the Copper Scroll*, [1960], 136, n. 15).

[52] Item 4 is discussed by the author in his book, pp. 73–89; the *dema* vessels, pp. 504–545; the Greek letters, pp. 498–504.

(1:9) In the Mound of (or: Tel) Kahelet/Kohalit (there are) dedicated objects consisting of flasks and ephods (or: a carrying chair), (1:10) all are of dedicated (objects), plus the treasury of the Sabbatical year and second (1:11) tithe; its entrance is by the mouth of the well at the edge of the canal, (at a distance of) six cubits (1:12) from the north toward the hearth (or: cool room) of the immersion pool (Code:) ΧΑΓ (= ΧΑΓΕΙΡΑΣ = KHAGEIRAS).

(בְּתֵל שֶׁל כּוֹחֲלִית =) בְּתֵל שֶׁל כַּחֲלִת or בְּתֵל שֶׁל כַּחֲלֶת) "In the Mound of (or: Tel) Kahelet/Kohalit. The place name Kahelet/Kohalit also occurs in Items 11 (2:13); 19 (4:11–12); and 60 (12:10). In addition, it is possible to reconstruct the text in Item 15 (4:1) to read as Kahelet/Kohalit.[53]

Line 9 ends with a problem word. The drawing of Milik has the letters *Waw, Aleph, Pe, Waw* or *Yod, Dalet* or *Resh*, followed by a small size letter that resembles a *Taw*, or it can be a ligature of a *Yod* and a regular *Nun*. Allegro's drawing has the letters *Waw, Aleph, Pe*, a smaller sized ligature of a *Waw* or a *Yod* plus a *Dalet* or a *Resh*, followed by a small size letter that can be an unusual *Taw*, a ligature of a *Yod* and a regular *Nun*, or a ligature of a *Yod* and a final *Nun*. The new drawing of Puech is almost the same as Milik's, but the *Dalet* or *Resh* and the *Taw* shaped letters are somewhat smaller in size. The word in question can be read the following ways:

ואפודת (= וְאֵפוֹדוֹת) "and ephods," where אֵפוֹדוֹת is an unattested defective plural for the Biblical feminine noun אֵפוֹדָה "ephod" (e.g., Exod 28:8).

ואפודין (= וְאֵפוֹדִין = וְאֵפוֹדִים) "and ephods," where אֵפוֹדִין is an unattested plural for the Biblical masculine noun אֵפוֹד "ephod" (e.g., Exod 28:14).

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[53] This author prefers the vocalization of כַּחֲלֶת, Kahelet. The absolute תֵּל שֶׁל כַּחֲלֶת is the same as the construct תֵּל כַּחֲלֶת, cf. the three Babylonian place names, תֵּל אָבִיב, Tel-Aviv (Ezek 3:15), תֵּל מֶלַח תֵּל חַרְשָׁא Tel-Melah, Tel-Harsha (Ezra 2:59; Neh 7:61). On the other hand, כַּחֲלֶת may be a variant of כּוֹחֲלִית and identical with כּוֹחֲלִית שֶׁבַּמִּדְבָּר "Kohalit in the Wilderness," mentioned in the Talmud (*b. Kiddushin* 66a), an area assumed to be in Transjordan (Lefkovits, *The Copper Scroll* [2000], 73–76). This author proposed the reconstruction of the text in Item 15 (4:1) as בבור הג[דול שבכ]חלת "In the la[rge] cistern [which is in Ka]helet" (Lefkovits, "The Copper Scroll" [1993], 364–65, 367; Lefkovits, *The Copper Scroll* [2000], 154–55). Puech, based on his new study, independently proposes the reading בור הגדול שב[צפון](?) כ]חלת "In large cistern which to [the *north*(?) of Ko]hlit" (Émile Puech, "Some Results of a New Examination of the Copper Scroll [3Q15]" in *Copper Scroll Studies*, 68; *Le Rouleau de cuivre* 1, 186–87, 210; *Le Rouleau de cuivre* 2, 406–407). Indeed, there is room in the drawing to add the word צפון "north."

ואפירין (= וְאַפִּירְיֹון = וְאַפִּרְיֹון) (וְאַפִּרְיֹון) "and a sedan chair," a mixture of *plene* and defective spelling. It is like אַפִּרְיֹון עָשָׂה לֹו הַמֶּלֶךְ שְׁלֹמֹה מֵעֲצֵי הַלְּבָנֹן "King Solomon made himself a sedan chair from the wood of Lebanon" (Songs 3:9). אַפִּרְיֹון can be compared with the possible translation of שִׁדָּה as "sedan chair, carrying chair, palanquin," in Items 1 and 57.

The last word of Line 11 is הַצָּפֹון "the north." In the drawing of Milik the *Waw* and the middle part of the final *Nun* consist of dashes. In Allegro's the *Waw* consists of dashes and it is on Cut 4, while the final *Nun* is on the other side of the cut. The new drawing has a clear *Waw*, followed by the lower part of a final *Nun*, which is almost touching the right side of Cut 4. Puech's drawing is closer to Milik's than Allegro's.

At the middle of Line 12 the drawings of Milik and Allegro read נִיקְרַת, the construct of נִקְרָה "cave," a Biblical feminine noun (Exod 33:22; Isa 2:21). However, the new drawing has a clear *Mem* instead of the *Nun* and *Yod* in the old drawings. This *Mem* can also be seen in the X-ray image reproduced in the new book.[54] The next letter is a *Dalet* or a *Resh*. Thus the reading seems to be either מְקֵרָה or מֹקְדָה (= מוֹקְדָה).

According to Milik's drawing, the letters at the end of Line 8 in Column 7 (Item 30) consist of a *Mem*, a *Qof*, and a damaged *Dalet* or *Resh* (a portion of the upper left is missing), which is followed by a lacuna of two letter spaces, then by a *Waw* and a *Shin*. However, Allegro's drawing has a clear של. The new drawing of Puech also has של, although the *Shin* is partially reconstructed. The missing character before של may be an *Aleph* or a *He*. Accordingly, the restored text would read either מִקְרָא שֶׁל—מְקֵרָה שֶׁל or מֹקְדָא שֶׁל—מֹקְדָה שֶׁל (= מוֹקְדָה שֶׁל).

The absolute feminine מְקֵרָה "cool chamber," occurs twice in the Masoretic Text, בַּעֲלִיַּת הַמְּקֵרָה "in the upper level cool chamber," and בְּחֶדֶר הַמְּקֵרָה "in the room of the cool chamber" (Jud 2:20 and 3:24, respectively) The construct מְקֵרַת is equal to מְקֵרָה שֶׁל "cool chamber of."[55]

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[54] Puech, *Le Roluleau de cuivre* 2, 235.

[55] Puech reads these two cases as מקרת and מקרה and renders *frigidarium* (Puech, *Le Roluleau de cuivre* 1, 190–91, 208, 211).

However, if this term is read as מֹקְדָה—מֹקְדָא, then it is a defective form of the Biblical מוֹקְדָה "hearth, fireplace," which occurs once in the Masoretic Text, עַל מוֹקְדָה עַל הַמִּזְבֵּחַ "upon the hearth on the altar" (Lev 6:2).[56] The construct מֹקְדַת (= מֹקְדַת) is equal to מוֹקְדָה שֶׁל "hearth of" or "fireplace of." מוֹקְדָה is a feminine form of the masculine מוֹקֵד (Ps 102:4), both are Biblical nouns.[57]

The next word reads as הטביל or הטבול which is followed in Milik's drawing by a fragment that resembles the right part of a *He*, plus a letter space lacuna. In Allegro's drawing immediately after the *Lamed* passes Cut 3, and on the left side of the cut there are several cracks but no lacuna. In the new drawing after the *Lamed* there is a lacuna of about a letter space. Cut 3 passes through close to the right edge of the lacuna.

Since the edges of the roll segments deteriorated over time, based on Milik's drawing, one can assume that the *He* is missing due to the cut and/or lacuna. Thus, the word can be restored with near certainty as הטבילה, as Milik does.[58]

The feminine noun טְבִילָה means "immersion" (e.g., *b. Ber.* 22b). It is derived from the Biblical root טבל "to dip, bathe," e.g., וְטָבַל בַּמַּיִם אִישׁ טָהוֹר "and a (ritually) clean man shall dip it into the (ritual) water " (Num 19:18).[59] הַטְּבִילָה, with the definite article in the Scroll seems to be equal to the Mishnaic בֵּית הַטְּבִילָה, literary "house of the immersion," i.e., "the immersion pool," "the ritual bath," known as *mikve* (e.g., *Gerim* 1:3).[60]

Accordingly, the possible readings, vocalizations and rendering into English for these phrases are:

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[56] This expression is discussed by the Sages in the Talmud (*b. Yoma* 45a).

[57] Cf. the commentary of Metsudat Tsion on this term. The plural construct form occurs in the phrase מוֹקְדֵי עוֹלָם "everlasting burning places" (Isa 33:14). The Mishnah mentions בֵּית הַמֹּוקֵד "chamber of the fireplace" in the Jerusalem Temple where the priests used to warm themselves (*m. Shabbat* 1:11).

[58] Milik places a dot above the letter *He* (DJD 3, 284).

[59] From a different root of טבל (Mishnaic) is derived the masculine noun טבל *tevel*, a produce from which was not yet separated the priestly or Levitical shares, while the verbal form means to create a *tevel*, to make obligatory to remove the priestly or Levitical shares (e.g., *m. Dema'i* 7:5; *y. Maʿasrot* 1:5 4b).

[60] Similarly, דֶשֶׁן means "fat, ashes" (e.g., Ps 63:6; Lev 6:3), yet the Biblical הַדֶּשֶׁן in Jeremiah (31:39; see the Commentary of Rashi) is the same as the Mishnaic בֵּית הַדֶּשֶׁן "the place where the ashes (from the altar were poured)" (*m. Zevahim* 5:2). Likewise, the above mentioned Biblical מוֹקֵד and Mishnaic בֵּית הַמֹּוקֵד seem to be identical.

Item 4: [מִן הַצָּפוֹן אַמּוֹת שֵׁשׁ עַד מְקֵרַת הַטְּבִיל]ה "six cubits from the north toward the cool chamber of the immersion pool"; or: מִן הַצָּפוֹן אַמּוֹת שֵׁשׁ עַד מִקְדַת הַטְּבִיל]ה] "six cubits from the north toward the fireplace of the immersion pool."

Item 30: בַּמְּעָרָה שֶׁאֵצֶל (= במערא שאצל המקר]א\ה] של בית הקץ הַמְּקֵרָה שֶׁל בֵּית הַקֵּץ\הַקַּיִץ\הַקּוֹץ), "in the cave which is near the cool chamb[er] of the summer palace" or: "in the cave which is near the cool chamb[er] of the House of Kos"; or: במערא שאצל המקד]א\ה] (בַּמְּעָרָה שֶׁאֵצֶל הַמּוֹקְדָה שֶׁל בֵּית הַקֵּץ\הַקַּיִץ\הַקּוֹץ =) של בית הקץ "in the cave which is near the firepla[ce] of the summer palace," or: "in the cave which is near the firepla[ce] of the House of Kos."[61]

Both suggested readings, מקרה—מקרא and מקדה—מקדא, are logical. The pools were usually cold, and a fireplace nearby would warm up the immersed person. Yet, some pools might have been hot, and in summer time one would prefer having a cool chamber nearby.

Item 5—Lines 1:13–1:15

The followings are the proposed transcription, enhanced vocalized reading, and translation of Item 5.

(1:13) בשיא המסבא של מנס בירדא\בירדא לסמל
(1:14) גבה מן הקרקע אמות שלוש [כ]סף ארבעין
(1:15) [כ]כר

(1:13) בְּשִׂיא הַמְּסִבָּה שֶׁל מָנוֹס בִּירִידָה\בַּיְרִידָה\בִּירֵכָה לִשְׂמֹאל\לַשְׂמֹאל
(1:14) גְּבוֹהַ מִן הַקַּרְקַע אַמּוֹת שָׁלוֹשׁ כֶּסֶף אַרְבָּעִים
(1:15) כִּכָּר

(1:13) In the tower of the winding staircase of Manos, in the descent (or: by its side) to the left (1:14) three cubits above the ground, (there are) forty [ta]lents of (1:15) [si]lver.

The first two words of Line 13 in Milik's drawing reads בשיא המעבא where the *Yod* and *Ayin* consist of dashes, the two words are not separated. Allegro's drawing has בשיא המסבא (= בְּשִׂיא הַמְּסִבָּה) "in the tower of the winding staircase," with a clear *Yod* right on a crack, the

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[61] In Item 30 the reading המקרה is that of Lurie (*The Copper Scroll from the Judean Desert* [1960], 96). This author suggested six alternate readings for this word, one of them is המקד]א]—[המקד]ה (Lefkovits, "The Copper Scroll" [1993], 501, 508–11; Lefkovits *The Copper Scroll* [2000], 226–29).

two words are not separated. The new drawing like Allegro's, has בשיא המסבא, but it is somewhat clearer, and the two words are separated.

This author in his book, based on the drawings of Baker, Allegro and Milik, offered a total 87 possible vocalized readings and their translations for this very difficult phrase.[62] However, according to the new drawings by Puech, as well as the word separation within the phrase, the possible readings and interpretations are reduced drastically, as follows: בְּשׂוֹא\בְּשִׂיא\בְּשָׁוֵא הַמְסִבָּה = בשוא\בשיא המסבא)
"In/at/by the height/tower of the winding staircase," or: "In/at/by the Plain of the Winding Staircase"; בְּשׂוֹא\בְּשִׂיא = בשוא\בשיא המסכא)
בְּשָׁוֵא הַמַּסֵּכָה); "In/at/ by the height/tower of the idol," or: "In/at/by the Plain of Idol"; and בְּשׂוֹא\בְּשִׂיא\בְּשָׁוֵא הַמְסוּכָה = בשוא\בשיא המסבא)
"In/at/by the covered height/ tower," or: "In/at/by the Covered Plain."

In Lines 14–15, the last three words of the column is restored as כֶּסֶף אַרְבָּעִים כִּכָּר = [כ]סף ארבעין [כ]כר) "(there are) forty talents of silver," which alternately can be restored as כֶּסֶף = [כ]סף ארבעין [ב]כד)
אַרְבָּעִים בְּכַד) "(there are) forty silver (pieces) in a pitcher."[63]

Milik's drawing has a lacuna for two letters, then a *Samekh* of which the lower part of the right side and the bottom is missing, a final *Pe*, then ארבעין, where the upper part of the final *Nun* is touching the end of the column, then almost at the middle of the next line there is a lacuna of a letter space, followed by the letters *Kaf* and *Resh*.

Allegro's drawing is almost the same as Milik's. However, the first lacuna is at the bottom of Cut 4, and the final *Nun* consists of dashes, and it is on Cut 4. The other lacuna is at the bottom of Cut 2, followed by a fragment of the upper and lower part of a possible *Kaf*, then the letters *Kaf* and *Resh*

Puech's drawing has a complete *Samekh* right after the lacuna below Cut 3, although it is touching the left side of the lacuna. Below the *Samekh* there is a small horizontal line, which may be part of the left bottom of a *Kaf*. Cut 4 passes between the *Yod* and final *Nun* of ארבעין. There are no letter fragments after the lacuna at the bottom of Cut 2.

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[62] Lefkovits, *The Copper Scroll* (2000), 91–97.
[63] This alternate possible reading drastically reduces the size of this deposit (Lefkovits, *The Copper Scroll* [2000], 483–85).

One may assume that when Allegro's drawings were made, he recognized the letter fragments of the *Kaf* at the left side of the lacuna
at the bottom of Cut 2 which due to deterioration disappeared.

The drawing of Puech is similar to both Allegro and Milik's. However, Puech's drawing after the lacuna for two letters which is located
below Cut 3, has a small letter fragment of the lower left part of a
possible *Kaf*, a readable *Samekh*, a final *Pe*, then the word ארבעין,
where Cut 4 passes between the *Yod* and final *Nun*. In the middle of
the next line a lacuna for two letters is located at the bottom of Cut
2, followed by a *Kaf* and a *Resh*.

Conclusion

The new drawings of Puech are far superior to the original three drawings published by Allegro and Milik, and have a large impact on the
various alternate readings, vocalizations, and interpretations of the
Hebrew language of the *Copper Scroll*.

Regarding Column One of the *Copper Scroll*, one may conclude the
following:

The drawing of Puech supports Milik's reading as סָתוּם בְּחֶלְיָא in
Item 3 (1:7).

The drawing of Puech supports Allegro's reading as בְּשִׂיא הַמִּסְבָּא
in Item 5 (1:13).

The drawing of Puech rules out both Allegro's and Milik's reading
of ניקרת. The new reading can be either מְקֵרת or מֹקְדת, and totally
changes the meaning of the phrase in Item 4 (1:12).

The remaining differences among the three drawings do not alter
the possible readings, vocalizations and interpretations of the text.

QUOTIDIAN DOCUMENTS FROM THE JUDEAN DESERT

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1. *Introduction*

It is fitting to hold a conference at New York University celebrating the role of faculty and former students in the ongoing investigation of Dead Sea literature. There is something inevitably personal about this gathering. In large measure, it is testimony to the scholarly leadership of Lawrence Schiffman, a leading investigator of Dead Sea literature, and to his role in training many doctoral students who are now active in the field. For myself, this conference provides a welcome opportunity to revisit the Judean Desert documents of the Bar Kokhba period after a number of years. My involvement with these texts began in 1995, very soon after the sudden passing of Jonas Greenfield., a colleague of long standing. At that time I entered into collaboration with Ada Yardeni, his erstwhile co-editor, to achieve their goal of producing a critical edition with commentary of the Semitic (Hebrew, Aramaic, and Nabatean-Aramaic) papyri from Naḥal Ḥever in the Yadin Collection. That volume, listed as *Judean Desert Studies* 3, appeared in 2002.[1] It includes editions of the so-called "Bar Kokhba Letters" that originate from Naḥal Ḥever.

It is symbolic that I am speaking at the same session together with our former student at New York University, Andrew Gross, who served as Research Editor for JDS 3. Participation in that project was instrumental in his decision to accomplish a PhD dissertation at New York University on the Aramaic legal tradition as represented in the legal formulary of the Judean Desert documents. His revised

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[1] *The Documents from the Bar Kokhba Period in the Cave of Letters: Hebrew, Aramaic, and Nabatean-Aramaic Papyri* (ed. Yigael Yadin, Jonas C. Greenfield, Ada Yardeni and Baruch A. Levine; JDS 3; Jerusalem: IES, Institute of Archaeology, Hebrew University, and Shrine of the Book, Israel Museum, 2002; henceforth cited as Yardeni-Levine, *Documents*).

dissertation has now been published, and I hope it will serve as a model for others to follow.[2]

Prior to my involvement in the Naḥal Ḥever project I had published only a few articles on Dead Sea literature. These include a philological study of the Aramaic Enoch Fragments from Qumran, edited by J. T. Milik.[3] In that instance, my interest lay in the potential value of the Enoch fragments for our knowledge of Jewish Aramaic during the Second Temple period. In fact, a two-year sequence of Aramaic was added to the language curriculum of the Skirball Department, at least in part to support the study of Dead Sea texts. A few years earlier, in 1978, I had written a review of the *Temple Scroll*,[4] which had been edited by Yigael Yadin.[5] I subsequently submitted a brief addendum to that study, in the proceedings of a conference in memory of Yigael Yadin, held at New York University in 1985.[6] In those instances, my interest lay in the area of cult and ritual, enriched by the elaborate prescriptions of the *Temple Scroll*.

The point to be made is that both of these primary works, by Milik and Yadin, respectively, belong with the canonical repertoire at Qumran, and are often referred to as "literary," whereas the Naḥal Ḥever papyri of the Yadin Collection represent what may be called "quotidian" documents. I soon realized that the degree of communication between scholars of the one genre and scholars of the other has been limited, and that different skills were required for each. Early on, J. T. Milik was an all-embracing exception, as were Yigael Yadin and Jonas Greenfield in their day. I note with satisfaction that both Lawrence Schiffman and I belong to that inclusionary group, and have engaged all genres of Dead Sea literature.

A few additional milestones warrant mention in reviewing the role of New York University. In 2000, an impressive volume of studies

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[2] Andrew D. Gross, *Continuity and Innovation in the Aramaic Legal Tradition* (Leiden: Brill, 2008).

[3] Józef T. Milik, *The Books of Enoch: Aramaic Fragments of Qumran Cave 4* (Oxford: Clarendon, 1976); Baruch A. Levine, "From the Aramaic Enoch Fragments: The Semantics of Cosmography," *JJS* 33 (*Essays in Honour of Yigael Yadin*) (1982): 311–26.

[4] Baruch A. Levine, "The Temple Scroll: Aspects of its Historical Provenance and Literary Character," *BASOR* 232 (1978): 5–23.

[5] Yigael Yadin, *The Temple Scroll* [Hebrew] (3 vols. Jerusalem: Israel Exploration Society, 1977).

[6] Baruch A. Levine, "A Further Look at the Moʿadim of the Temple Scroll," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. Lawrence H. Schiffman, Sheffield: JSOT Press, 1990), 53–66.

appeared, entitled *The Dead Sea Scrolls: Fifty Years after their Discovery*, containing papers delivered at the 1997 conference in Jerusalem celebrating fifty years of Dead Sea research. My contribution to that volume conveyed early reactions to the Naḥal Ḥever materials, a couple of years into the project.[7] Lawrence Schiffman was one of the editors and contributors, in fact, one of the organizers. What impressed me most at the time was the degree of positive interaction between the Jews of the Dead Sea region and their Nabatean neighbors. Yardeni's contribution centered on two Nabatean legal documents from the collection.[8] Also in 2000, a conference was held at New York University to mark my retirement, resulting in a volume entitled *Semitic Papyrology in Context: A 'Climate' of Creativity*, which primarily dealt with documentary texts and inscriptions.[9]

2. *The Corpus of Quotidian Documents*

The scholarly agenda reflects a priority of relevance. In the history of Dead Sea research, interest in the origins of Christianity and its early relationship to Judaism has dominated the field, and that very interest has stimulated a reconsideration of the character of contemporary Judaism itself. Accordingly, center stage was given to the canonical writings of "the ancient library of Qumran," to use Frank Cross' description,[10] which included unprecedented ancient versions of the Hebrew Bible, most notably of the Septuagint, and Apocryphal writings, as well as entirely unknown texts. Briefly stated, primary relevance was assigned to the history of religions, and further, to the inner life of religious sects and to relationships between rival communities.

There is another dimension to history, and it pertains to the everyday life of families, and communities; of landowners and officials. That dimension is exposed by operative documents. We now possess a corpus consisting of hundreds of edited texts in Greek, Hebrew, Aramaic

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[7] Baruch A. Levine, "The Various Workings of the Aramaic Legal Tradition: Jews and Nabateans in the Naḥal Ḥever Archive," in *The Dead Sea Scrolls; Fifty Years after their Discovery* (ed. Lawrence H. Schiffman et al.; Jerusalem: IES, 2000), 836–51.

[8] Ada Yardeni, "Two Unpublished Nabataean Deeds from Nahal Hever," in Schiffman, *The Dead Sea Scrolls: Fifty Years after their Discovery*, 862–74.

[9] *Semitic Papyrology in Context: A Climate of Creativity* (ed. Lawrence H. Schiffman; CHANE 14; Leiden: Brill, 2003).

[10] Frank Moore Cross, *The Ancient Library of Qumran* (Garden City, N.Y.: Doubleday, 1958; repr. Sheffield: Sheffield Academic Press, 1995).

and Nabatean-Aramaic of Jewish provenance from the Judean Desert, dating from the later years of the period between the first Jewish revolt and the second revolt, in other words, in the Hadrianic-Bar Kokhba period. It will be helpful at this point to review the publication history of this corpus and to list the kinds of documents that comprise it.

When I first engaged the Naḥal Ḥever papyri, Jonas Greenfield and Ada Yardeni had already published two of its most significant Aramaic documents, Babatha's Ketubba (P.Yadin 10),[11] and P.Yadin 7, an Aramaic deed of gift.[12] At the time, Yardeni was working on her two-volume *Textbook of the Aramaic, Hebrew and Nabatean Documentary Texts*, which subsequently appeared in 2000.[13] She had previously published an edition of the Naḥal Se'elim papyri.[14] In her textbook, Yardeni listed JDS 3 as *editio princeps* for the relevant Naḥal Ḥever documents. Naphtali Lewis's edition of the Greek texts from Naḥal Ḥever, with the Aramaic subscriptions edited by Jonas Greenfield, had already appeared in 1989.[15] Then followed the significant contribution to the editing of Greek papyri by Hannah Cotton, in DJD 27: "Seiyal Collection II."[16] This volume also contains Ada Yardeni's editions of the important Semitic papyri from that collection, which, as we now know, originated at Naḥal Ḥever.[17]

All of these publications should be viewed against the background of J. T. Milik's and P. Benoit's impressive editions of the Murabbaʿat documents in 1961, published with commentary in DJD 2,[18] and the

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[11] Jonas C. Greenfield and Ada Yardeni, "Babatha's Ketubba," *IEJ* 44 (1994): 75–101.

[12] Jonas C. Greenfield and Ada Yardeni, "A Deed of Gift in Aramaic Found in Nahal Hever: Papyrus Yadin 7," [Hebrew], *ErIsr* 25 (*Yosef Aviram Volume*) (1996): 383–403.

[13] Ada Yardeni, *Textbook of Aramaic, Hebrew and Nabataean Documentary Texts from the Judaean Desert and Related Material* (2 vols.; Jerusalem: The Hebrew University, 2000) [Hebrew, with English translation of texts, analysis of scripts].

[14] Ada Yardeni, *Naḥal Se'elim Documents* (Jerusalem: Ben-Gurion University of the Negev Press and IES, 1995).

[15] Naphtali Lewis and Jonas C. Greenfield, *The Documents from the Bar Kokhba Period in the Cave of Letters; Greek Papyri* (with Aramaic Signatures) (JDS 2; Jerusalem: IES, The Hebrew University, and The Shrine of the Book, 1989).

[16] Hannah M. Cotton, "Greek Documentary Texts," in *Aramaic, Hebrew, and Greek Documentary Texts from Naḥal Ḥever and Other Sites, with an Appendix Containing Alleged Qumran Texts* (*The Seiyâl Collection II*) (DJD 27; Oxford: Clarendon, 1997), 133–279.

[17] Ada Yardeni, "Aramaic and Hebrew Documentary Texts," in *Aramaic, Hebrew and Greek Texts from Nahal Hever*. DJD 27, 9–129.

[18] Józef T. Milik, "Textes Hébreux et Araméens," in Pierre Benoit, Józef T. Milik, and Roland de Vaux, *Les Grottes de Murabbaʿat: Texte* (DJD 2; Oxford: Clarendon, 1961), 67–205; Pierre Benoit, "Textes Grecs et Latins," in *Les Grottes de Murabbaʿat*, 209–77.

publication of a Nabatean-Aramaic legal document by Jean Starcky in 1954,[19] now re-edited by Ada Yardeni in her *Textbook*.[20] Finally, in 2000, DJD 38 appeared, containing editions of many Greek and Semitic papyri from Jericho, Naḥal Ḥever, Naḥal Seiyal, Wadi Sdeir, and other locales, contributed by, among others, Yardeni and Cotton., with additional scholars participating as well.[21]

Admittedly, the decipherment and interpretation of the Semitic texts have posed special problems that do not affect the Greek texts to the same degree, and this distinctiveness is particularly true of the several Nabatean documents. The Greek papyri are, after all, part of a vast papyrological inventory, including numerous Greek texts from Egypt. It is understandable that in most cases the Greek texts could be more easily read and interpreted than those in Hebrew and Aramaic, which were largely unprecedented when J. T. Milik undertook to edit the then available discoveries about a half century ago.

And yet, it took Milik less than a decade after the French expeditions of the 1950's to publish his contributions to DJD 2. In contrast, it took until 1989 before the full collection of Greek texts from Naḥal Ḥever edited by Naphtali Lewis appeared. The complete Yadin Collection, including the Greek, Hebrew, Aramaic, and Nabatean Aramaic papyri from Nahal Ḥever did not appear in a critical edition until about forty years after their discovery. The long lull in publication of documentary texts can be attributed to problems in the administration and assignment of Dead Sea manuscripts, which need not concern us here.

One conclusion to emerge from the discovery of the quotidian documents from the Judean Desert has not received sufficient scholarly attention, although the climate of scholarly opinion may now be changing. I refer to the fact that both literary texts and quotidian documents have been recovered from some of the same sites. (This is notwithstanding the fact that Ada Yardeni seriously doubts that certain legal documents alleged to come from Qumran, cave 4, actually came from that site).[22] This pattern was already evident at Murabbaʿat,

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[19] Jean Starcky, "Un contrat Nabatéen-Aramaic sur papyrus," *RB* 61 (1954): 161–81.

[20] Yardeni, *Textbook*, 1:265–72; translation, 2:85.

[21] James H. Charlesworth and others, in consultation with James C. VanderKam and Monica Brady, *Miscellaneous Texts from the Judaean Desert* (DJD 38; Oxford: Clarendon, 2000).

[22] Cf. Ada Yardeni, "Appendix: Documentary Texts Alleged to be From Qumran Cave 4" in DJD 27, 283–318.

and is confirmed at Naḥal Ḥever and other sites. In other words, those communities that venerated the literary, or canonical texts lived under the same legal system as those who produced the documentary texts. As research continues, it is to be expected that further connections will come to light, rendering it imperative that scholarship seek to comprehend the overall, operative way of life of the Jewish communities in the Judean Desert, not only to elucidate their belief systems. Secondly, the cultural importance of Judean documents in Hebrew and Aramaic (to a lesser extent, even in Greek) is more than linguistic; it pertains to the background of rabbinic law, especially of the Mishnah and other Tannaitic compilations. More decisive historically than comparison of the provisions of law is comparison of shared vocabulary and the formulation of law. As an example, about one hundred years prior to the publication of the Mishnah, Jews in the Judean Desert were writing marriage contracts and divorce documents formulated in a manner very similar to what the Mishnah prescribes, and the same is true of other types of legal documents. In the first instance this means that the Mishnah is a reality-based compilation, not a theoretical document. What was canonized in the Mishnah is rooted in contemporary practice.

It would be valuable to briefly identify the register and scope of the quotidian papyri from the Judean Desert. The following categories account for most of the documents:

1) Family law–marriage contracts and bills of divorce, and the legal disposition of inheritance issues.
2) Land sales and leases, at times pertaining to crop yield.
3) Loan transactions, including receipts for payment.
4) Letters, at times of legal import.
5) Deeds of gift, at times pertaining to estate issues.
6) Administrative documents, including census and tax records.

At the present time, three principal approaches are being pursued with respect to the Judean Desert documents. 1) Archives have been identified, such as "the Babatha archive" and "the archive of Salome Komaise," which consists of Greek documents.[23] Hannah Cotton and others are pursuing an approach known as "archival research,"

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[23] Cotton, in DJD 27, 158–279.

which affords the scholar a context within which to analyze particular documents. In Mesopotamian studies, great progress has been made through application of the archival method, and on a smaller scale, the same results could be realized in Dead Sea studies. 2) Also in its early stages is discussion of immediate factors that may account for the choice available to Jews living in the Judean Desert between writing their documents in Hebrew and Aramaic, and writing them in Greek. The preparation of documents in Greek may reflect the degree of access to Roman courts and Roman authorities. 3) In diachronic perspective, the Judean Desert documents are part of a long legal tradition that continues into the Medieval period, surviving in Jewish law as well as in Arabic-Islamic law, and in the Syriac-Christian tradition. At the same time, the Dead Sea documents hark back to Syro-Mesopotamian legal formulation, and to Aramaic common law. The Dead Sea region has thus become a way-station in the long survival and continuity of Near Eastern law.

3. *Immediate Perspective: The View from Below*

I take my cue from Frank Peters' contribution to *Semitic Papyrology in Context*, entitled: "The Roman Near East: The View from Below".[24] When compared with the vast operations of the Roman Empire, and the many official inscriptions, as well as the writings of Roman historians like Dio Cassius, the epigraphic finds from the Judean Desert near the Dead Sea speak for a fairly local culture. As Peters cautions, we are at a loss to know how representative or how exceptional this culture was, in imperial perspective. In characterizing the view from below which emerges from Judean Desert literature, Peters had this to say:

> Like the earlier, equally fortuitous discoveries from another edge of the Dead Sea [reference is to Qumran, BAL], these papyri unexpectedly draw back the curtain not only on events and personalities about which we had some previous information, the Essenes there, Bar Kokhba here, but also on the lives and dealings of individuals which have lain mute and unidentified for nearly two millennia.[25]

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[24] Francis E. Peters, "The Roman Near East: The View from Below," in Schiffman, *Semitic Papyrology in Context*, 187–99.

[25] Schiffman, *Semitic Papyrology in Context*, 187.

In the same vein, but with narrower focus, Benjamin Isaac discusses the Greek documents from Naḥal Ḥever in his review of Naphtali Lewis' edition.[26] After quoting the opening sentence of one such document that records a loan transaction, Isaac had this to say:

> The loan referred to in this document, and the conditions attached to it, made no impact on Imperial history. Like all the other events recorded in these documents it was a private matter, of interest only to those immediately involved. The texts found in the Cave of Letters are without literary value, and the personal and financial affaires of a Jewish woman named Babatha constitute random information that would never have been considered worthy of a Roman historian. For the modern reader, however, the volume discussed here offers a unique impression of daily life in the Roman provinces of Judaea and Arabia.[27]

Hannah Cotton has been actively engaging such concerns in her editions of the Greek papyri, noted above, and in other studies. More recently we have seen promising attempts to interpret the Semitic papyri in realistic terms, in tandem with rabbinic law, by such investigators as Lawrence Schiffman[28] and Hanan Eshel.[29] So it is that even "the view from below" exhibits multiple facets. The legal and epistolary texts were produced in the functional languages employed at the time, namely, Greek, Hebrew, Jewish-Aramaic, and Nabatean Aramaic. The Yadin collection includes rare and almost entirely unprecedented Nabatean-Aramaic legal texts, including a few from the last years of the Nabatean kingdom, which came to an end in 106 C.E., when the Romans annexed Provincia Arabia. These documents are a major source of information on pre-Islamic Arab law, and surprisingly attest Arabic legal terminology thought to be of much later usage.

Here is what Hannah Cotton had to say about the papyri in the Babatha archive from Naḥal Ḥever (94 C.E. to August 132 C.E.), and in the Salome Komaise archive from the Seiyal collection (125–August 131 C.E.):

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[26] Benjamin H. Isaac, "The Babatha Archive," in *The Near East under Roman Rule* (Leiden: Brill, 1998), 159–81.

[27] Ibid., 159.

[28] Lawrence H. Schiffman, "Witnesses and Signatures in the Hebrew and Aramaic Documents from the Bar Kokhba Caves," in *Semitic Papyrology in Context*, 165–86.

[29] Hanan Eshel, "A Case of Trading over Planting: An Investigation of Two Nabatean Documents from the Archive of Babatha, Daughter of Shimʿon," [Hebrew], in *Meḥqerêi Yehûdāh We-Šômrôn* 17 (Ariel: Academic College of Judea and Samaria, 2008), 103–20.

> The Jews of the archives owned houses and orchards in the province of Arabia. Their successful integration into the Nabataean environment is emphasized by their use of non-Jewish legal instruments in their dealings with each other…The frequent appeals in the Babatha archive to the Roman governor, and the latter's accessibility and involvement in legal affairs between Jews reveals an aspect of Roman-Jewish relations not often in evidence.

All this makes the flight of the Jews from Arabia and their participation in the Bar-Kokhba revolt all the more intriguing. It is true that the archives amply demonstrate that the Jews living in Arabia and in the province of Judaea belonged to a single Jewish society whose internal ties overrode provincial boundaries.[30]

This sociological analysis brings us to the Bar Kokhba revolt, itself, and to the so-called "Bar Kohkba Letters." We know that the precise name of the leader of the revolt was שמעון בן/בר כוסבה, and that the patronymic was variously spelled כוסבא, even כושבה. For simplicity's sake, we will persist in the conventional use of the name "Bar Kokhba" when referring to the revolt or to collections of texts, employing the correct name only when referring specifically to the leader, himself.

The Bar Kokhba revolt has received various interpretations by historians of the period, who have raised serious questions about the extent of participation by variously located Jewish communities. In effect, Benjamin Isaac agrees with Hannah Cotton's conclusion that the Jews of the Dead Sea region were united in their support of the Bar-Kokhba rebellion, including the Jews living in Provincia Arabia.[31] He endorses the view that what lent impetus to the rebellion was the mission of liberating Jerusalem, and restoring the Temple. The relevant comments of Benjamin Isaac and Hannah Cotton introduce a further, more nuanced distinction between the legal documents and the Bar-Kokhba letters. Although some of the legal documents are dated as late as the 3rd year of the revolt, they show no awareness of any trouble in the area, as Cotton explains. All we have are salutations and titularies referring to the fabled leader, and date formulas

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[30] Cotton, in DJD 27, 159.
[31] B. Isaac and A. Oppenheimer, "The Revolt of Bar Kokhba: Scholarship and Ideology," in *Near East under Roman Rule*, 220–52.

referring to גאולת ישראל "the redemption of Israel," and variations
of the same. In contrast, the Bar-Kokhba letters convey telling intima-
tions of impending disaster, as we shall see.

4. *The Bar Kokhba Letters*

The Bar Kokhba letters are preserved in Hebrew, Aramaic, and Greek.
The two Greek letters, P.Yadin 52 and P.Yadin 59, have now been
re-edited by Hannah Cotton, who cites a long list of prior publica-
tions dealing with them.[32] One of the two, P.Yadin 52, links up with
P.Yadin 57, an Aramaic letter of very similar content. Both pertain
to the celebration of Sukkoth, and mention the citrons and palm-
branches needed for that occasion. It is interesting that the two Greek
letters were promptly published by B. Lifshitz,[33] but the corresponding
Aramaic letter, P.Yadin 57, did not receive a critical edition until 40
years later, although, ironically, its content had been almost entirely
"leaked" by Yigael Yadin in earlier publications and lectures, undoubt-
edly because of its religious significance.

It is clear from content that all of the letters date to the actual years
of the Bar Kokhba revolt, whether or not such is explicitly stated. Alto-
gether, we posses 16 letters from Naḥal Ḥever, 7 from Murabbaʿat and
some fragments of a possible eighth letter. More recently, Yardeni has
published a Hebrew letter in DJD 27, listed as XḤev/Se 30,[34] and in
the same volume, a fragment listed as 4Q342.[35] It should be noted
that originally, the Seiyal collection came from Naḥal Ḥever, but had
become separated, an example of a pattern noted in the Naḥal Ḥever
publication:

> In a real sense, investigators of the Yadin and Seiyal collections are
> reuniting through publication documents that until fifty or sixty years
> ago, reposed in a single cave complex, only to be dispersed in the process
> of their revelation, as a result of separate excavations by archaeologists
> and diversified antiquities marketing.[36]

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[32] Cotton, "Greek Letters," in Yardeni-Levine, *Documents*, 351–66.
[33] Baruch Lifshitz, "Papyrus grecs du désert de Juda," *Aegyptus* 42 (1962): 240–56.
[34] Yardeni, in DJD 27, 103–104.
[35] Yardeni, ibid., 285.
[36] Yardeni, in Yardeni-Levine, *Documents*, 4.

Most of the letters are addressed by Shimʿon bar Kosiba to his offi-
cials, but one, XḤev/Se 30, is clearly addressed to him from one of
his officials, and a few are lateral, as between administrators and
commanders. The term for "letter" is אגרת, which usually designates
official correspondence. This term occurs in 3 of the letters, which,
in fact, contain "orders" to officials. The fact to be emphasized is that
the letters only allude to the broader situation, primarily during the
last stages of the great revolt. Locales are named where garrisons were
stationed, and we are introduced to named commanders and civic
officials, such as the *parnās* "administrator." However, no letter refers
explicitly to any actual event occurring in the course of the revolt;
nor is there any report of organized military activity, or orders to that
effect, only of orders pertaining to individuals, or at the most to several
fighters.

It would be best to discuss in detail what we are actually told by
the letters. Milik noted the intimations of disaster, based on the docu-
ments and letters then available to him. I am impressed by his effort
to infer the overall situation from these allusions. In the same breath,
Milik was enthusiastic about the value of the Judean Desert documents
for our knowledge of Mishnaic Hebrew. Note the following points of
interest:

1) Mur 42 is a Hebrew letter of legal import, signed, witnessed, and
sent by two *parnāsîm* of a town named Beth Mašiku.[37] Mašiku is a
Nabatean personal name, suggesting either that the village had been
settled by Nabateans, or that it was actually located in Arabia.[38] The
letter is addressed to Yeshuʿa ben Galgula, commander of a garrison
whose location cannot be definitively identified. Actually, this is one of
three letters involving this same person. In Mur 43, another of the let-
ters addressed to the same ben Galgula, Milik read the letter's destina-
tion as הברך (with a *Beth*), which he identified as a site near Hebron,
named Kaphar Baruch.[39] But the reading הכרך "the fortress" (with
Kaph) is preferable, and the reference is probably to Herodion. Infor-
mation on the various roles of the *parnās* was surveyed in Yardeni-
Levine.[40] In the present case, these officials validate a private purchase,

[37] Milik, in DJD 2, 155–59.
[38] Ibid., 157.
[39] Ibid., 159–61.
[40] Yardeni-Levine, *Documents*, 48–49.

thereby illustrating the interaction of civil administrators with military commanders. We know a good deal about the status of garrison commanders, in Hebrew רוש מחניה, a title attested in Nabatean-Aramaic as רב משריתא, in Greek as *stratopedarches*, and in Latin as *praefectus castrorum*.[41] We observe how Bar Kokhba's network of garrisons was patterned on contemporary Roman and Nabatean models of military organization, a subject explored by David Graf.[42]

The intimation of trouble is conveyed in the sender's apology, as he explains that he would have come personally to the garrison to attend to the matter at hand were it not for the prevailing, dangerous situation:

ואף אללי שהגיים קרבים אלנו אזי עלתי > והפץ > והפצתיך על ככה
שלא תהי אמור מן בשרון לא עלתי אצלך

> Moreover, were it not that the gentiles are getting close, I would have come over to [see] you concerning this matter. May you not say it is out of malice that I did not come over to [see] you (Mur 42, lines 5–7, in DJD 2, 156).

There is a further reference to גואין "gentiles" in P.Yadin 51, line 6, where we read of fruit that belonged to gentiles, and in Naḥal Seiyal (XḤev/Se) 30, line 5, the word for gentiles is possibly attested.[43] Reference is to approaching Roman forces in the Judean Desert during the next-to-last phase of the revolt.

2) Mur 43 is a Hebrew letter also addressed by Shimʿon to Yeshuʿa son of Galgula.[44] In it (line 4) we find mention of Galileans (גללאים), suggesting that Jewish garrisons had been located in Galilee, and indicating a widened scope of the revolt. When these garrisons were lost to the Romans, some of the fighters would have presumably sought refuge at Herodion. Shimʿon takes a dramatic, biblical, oath, modeled after Deuteronomy, of which a Greek rendition is preserved in 1 Macc 2:37, as noted by Milik:

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[41] Milik in DJD 2, 157–58.
[42] David F. Graf, "The Nabataean Army and the *Cohortes Ulpiae Pataraeorum*," in *The Roman and Byzantine Army in the East* (ed. E. Dabrowa; Cracow: Uniwersytet Jagiellonski, 1994), 265–311.
[43] Yardeni, in DJD 27, 104.
[44] Milik, in DJD 2, 159–61.

מעיד אני עלי ת שמים יפס[ד] מן הגללאים שהצלכם כל אדם

> I call the heavens as testimony against me if even one of the Galileans who are with you is mistreated [or: "is lost"]—(lines 3–5).

As has happened before, so we are told, any such offender would be shackled.

3) Mur 45.[45] This is certainly a Hebrew letter, even though the usual formulaic opening is missing: It provides a few clues: In line 3 we are able to read: עד הסוף "until the end," and in line 4: שאין להם [ת]קומה "For they have no strength to withstand." Line 7 reads in part: מאלו אבדו בחרב "Some of these perished by the sword." Of considerable interest is line 6, where we read: למצד חסדין "to the fortress of the Hasidim," which is a probable reference to Qumran. This letter undoubtedly dates from the end of the revolt, and expresses extreme despair.

4) Mur 46 is a Hebrew letter sent from Ein Gedi, as we learn from the reference to the activities of a certain individual, in line 4: שהוא כן אצלי בעין גד[י]: "Who is here with me in Ein Gedi."[46] Line 5 opens with the conclusion of a clause, and continues with the beginning of a second one: ת עניאין וקובר במיתין "—the unfortunate, and he is burying the dead." The letter as a whole is a request directed from one of Bar Kokhba's officials to another for needed supplies.

5) In several of the letters edited in JDS 3 there are likely references to the deployment of individual fighters. In P.Yadin 55 we read the following, in an Aramaic letter from Shim'on to his two officials in Ein Gedi.

די כול אנש מן תקוע ומתר אחרן די לותכון תשדרון לי יתהון אפריע

> That any person from Tekoa, or from any other place who is with you—send them to me at once.

There is also a passing reference to Tekoa, a site just south of Bethlehem, in Mur 47, line 6.[47] In P.Yadin 56, addressed by Shim'on to the same, two officials, we read of "young men" (עלימיא), who were

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[45] Ibid., 163–64.
[46] Ibid., 164–67.
[47] Ibid., 166–67.

to be dispatched, together with a shipment of wheat, to Shimʿon's headquarters. We also read of Romans (written רהומיא) and about another, named individual. P.Yadin 61, which is fragmentary, is nevertheless addressed to אנשי תקוע "the men of Tekoa." It is reasonable to conclude that the formula אנשי +Place Name (alternatively: גברי +Place Name, as in P.Yadin 49 and 58) "the men of X-location" refers to military personnel. There are references to המחניה "the garrison," most likely located at Herodion.

6) What may appear as jarring are Bar Kosiba's repeated threats of punishment, expressed by a specific formula. The threats include arrest, constraint by shackles, and even burning down the house of the offender. Thus, P.Yadin 50: line 9, concluding a directive issued by Bar Kosiba: ואנה אתפרע "and I will exact punishment." Further on, in lines 11–12 we read:

ומן די יצחב פרענת תהוי מנך רבה

> And should anyone raise a clamor—punishment shall be exacted from you in great measure (cf. P.Yadin 56, line 4)

P.Yadin 54 is particularly explicit, containing two threats:

> 1)

ואם לא כן תעבדון די מנכן פרענותא תתעבד

> And if you do not do accordingly, (know) that from you, punishment will be exacted. (Col.1, lines 6–8)

> 2)

וכול גבר תקועי די יתשכח לותכון בתיה די אינון שרין בגוהון יקדן ומנכן אעבד ית פרעהותה

> And any Tekoan man (= fighter) who is found with you—let the houses they reside in burn down, and from you I will exact punishment (Col 2, 10–13)

This threat is followed by an order to deliver a certain son of a Palmyrene in shackles, and to seize his sword. Those familiar with Rabbinic Hebrew and Jewish Aramaic will have encountered the term פורענות "retribution, punishment" as referring to divinely imposed suffering, and it is a novel experience to find it in everyday use.

7) Of special interest is the relation of the Aramaic P.Yadin 57 to the Greek letter, P.Yadin 52, the latter having been sent by a Nabatean whose name is known from other sources. I referred to this Greek let-

ter earlier on. The named Nabatean had some function in connection with the garrison at Herodion. Whether or not he was a participant in the revolt is surely open to question; more likely he was in the employ of the Jewish garrison. This letter is an exception to what was said earlier about the relative clarity of the Greek documents, because this letter has gaps and is very brief. As Cotton was able to determine, the Nabatean in question did not know how to write in Hebrew script, which explains why the letter was written in Greek, to start with.[48]

The confluence of P.Yadin 52 and 57 points to the religiosity of those affiliated with Bar Kokhba, who resided in his network of villages and encampments. On the subject of adherence to Jewish religious practice, note the observance of the Sabbath, already emphasized by Milik in his commentary on Mur 44, line 6, where we encounter the determined form שבת ת "the Sabbath."[49] Goods were to be delivered before the Sabbath and stored until after the Sabbath. It is interesting that in P. Yadin 50, line 6, as elsewhere in the Naḥal Ḥever papyri, the word for "Sabbath" is שבה,[50] apparently taken as an Aramaic absolute form, just as at Elephantine.[51] It is to be parsed as a back-formation of the Aramaic determined form, feminine שבתא.

5. *Reactions*

Restudying the Judean Desert documents, and especially the Bar-Kokhba letters, has awakened in me reactions I did not experience when first working on these texts in the late 1990's, probably because the initial challenge of translating and interpreting them demanded maximum objectivity. It occurs to me that the Bar Kokhba letters must be a particular disappointment to the historian confronted by the larger issues associated with the Bar Kokhba revolt. And yet, these letters are of great interest for what they reveal. It is exciting to be reading primary historical sources on a critical period of Jewish history, totally unknown since late antiquity, and which sound so matter-of-fact!

In preparation for this conference I have reread Benjamin Isaac's 1985 article with Aharon Oppenheimer: "The Revolt of Bar Kokhba: Scholarship and Ideology," already cited above. The authors emphasize

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[48] Cotton, "Greek Letters," in Yardeni-Levine, *Documents*, 357–59.
[49] Milik, in DJD 2, 162.
[50] Cf. "Concordance and Glossary: Aramaic," in Yardeni-Levine, *Documents*, 403.
[51] Yardeni-Levine, *Documents*, 96.

that scholarly treatments of the revolt are often conditioned by more than data. Isaac and Oppenheimer attempt to answer a series of questions as objectively as they can, especially as regards the causes of the revolt, and hence, its justification, and the wisdom of its undertaking. They conclude that the Bar-Kokhba revolt was first and foremost a militant response to Hadrian's project of converting Jerusalem to Aelia Capitolina, which would have ruled out the rebuilding of the Temple. As such it was uniquely a religious rebellion, not one prompted by resistance to taxation, for instance, which often provoked uprisings. At the same time, it was not religious in the sense of being a direct response to Hadrian's edicts against circumcision, as an example, an often-suggested explanation which Isaac and Oppenheimer seriously question.

The difference between the religious and the political is blurred, however. I would say that a rebellion set into motion by the loss of the religious capital and its Temple was no less political than religious, since it expressed the yearning for political independence. For their part, the Bar Kokhba letters speak of a stern leader who was "hands on," while seeing himself as a larger-than-life redeemer, who consciously modeled himself after the Maccabees, and called himself נשיא ישראל, "the Premier of Israel," or הנשיא על ישראל "the Premier over Israel." He was, like most Jews residing in his autonomous zone, religiously observant. It is reasonable to conclude that he possessed an enhanced sense of history and tradition. He expressed himself in biblical diction; and his coinage and weights, inscribed in Paleo-Hebrew script, speak of "the redemption of Israel," גאלת ישראל and "the liberation of Jerusalem" חרות ירושלים. It is not certain if the rebels ever actually conquered Jerusalem, but if they did, they could only have held it for a very short time. The reader will find a fairly balanced and highly informative assessment of the course of the Bar Kokhba revolt, its high points and low points, in *The Sacred Bridge*, a heavily annotated atlas by Anson Rainey and R. Steven Notley.[52]

It is hard to resist the urge to evaluate Bar Kokhba's role in Jewish history. Based on the tragic outcome of the revolt, would it be more accurate to remember him as כזיבא, "the false one," than as כוכבא "the meteoric star?' (The pun wouldn't work unless the correct form,

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[52] Anson F. Rainey and R. Steven Notley, "The Bar Kokhba Revolt," ch. 25 in *The Sacred Bridge: Carta's Atlas of the Biblical World* (Jerusalem: Carta, 2006), 396–99.

כוסיבה was known in antiquity). One is emotionally aroused by the final defeat of those ancient Jews, who died with their boots on, just as one mourns the tragic, long-term consequences of the failed revolt. P.Yadin 44, a Hebrew legal papyrus, apparently registers after the signature of the last of three witnesses the words: מן ביתר "from Beithar (= Beit—Their), the last stronghold of the revolt, which fell hopelessly to the Romans.[53] The reading is uncertain, but the reaction is powerful!

More dispassionately, we find ourselves siding with those leaders at the time, and with prophets before them, who counseled cooperation with empires, even submission, in the struggle to survive as a cohesive community. But, what of the Maccabees, part of Bar Kokhba's leadership lineage, who took up arms, and gained limited independence from the Seleucids for about one hundred years? The Jewish historical experience seems to defy comprehension, so that the documents from the Bar Kokhba period, while adding to our specific knowledge, may as well deepen our quandary and challenge our methodology. What is indisputable is the fact that the legal documents from the Judean Desert greatly enhance our understanding of the formative phases of rabbinic law, a system that was to serve the Jewish people effectively for many, many centuries, and support the practice of Judaism.

Not long ago, I discovered on a neglected bookshelf an old Bantam Book from 1970, edited by Judah Goldin, and entitled: *The Jewish Expression*.[54] To my great delight, I discovered that it includes a 1961 lecture by H. L. Ginsberg, entitled: "New Light on Tannaitic Jewry and on the State of Israel of the Years 132–135 CE."[55] Milik's editions in DJD 2 had just appeared, and Ginsberg was clearly fascinated by them, and eager to extract as much information from that limited corpus as possible. Although I do not completely share Ginsberg's qualified enthusiasm for Bar Kosibah, I am impressed by his effort to grapple with the very emotions and problems that remain associated with the letters and documents to this day. Most of all, I appreciate Ginsberg's emphasis on "Tannaitic Jewry," a matter on which he and Milik would have agreed. Now that so much more evidence is available to the scholarly world these themes can be explored further.

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[53] Yardeni-Levine, *Documents*, 44, 52.
[54] Judah Goldin, ed., *The Jewish Expression* (New York: Bantam Books, 1961).
[55] H. L. Ginsberg, "New Light on Tannaitic Jewry and on the State of Israel of the Years 132–135 CE," in Goldin, *Jewish Expression*, 109–18.

QUMRAN HEBREW (WITH A TRIAL CUT [1QS])*

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One would think that after sixty years of studying the scrolls, scholars would have reached a consensus concerning the nature of the language of these texts. But such is not the case—the picture is no different for Qumran Hebrew (QH) than it is for identifying the sect of the Qumran community, for understanding the origins of the scroll depository in the caves, or for the classification of the archaeological remains at Qumran. At first glance, this is a bit difficult to comprehend, since in theory, at least, linguistic research should be the most objective form of scholarly inquiry, and the facts should speak for themselves—in contrast to, let's say, the interpretation of texts, where subjectivity may be considered necessary at all times. But as we shall see, even though the data themselves are derived from purely empirical observation, the interpretation of the linguistic picture that emerges from the study of Qumran Hebrew has no less a range of options than the other subjects canvassed during this symposium.

Before entering into such discussion, however, let us begin with the presentation of some basic facts. Of the 930 assorted documents from Qumran, 790, or about 85% of them are written in Hebrew (120 or about 13% are written in Aramaic, and 20 or about 2% are written in Greek). Of these 930, about 230 are biblical manuscripts, which

naturally are in Hebrew,[1] so in actuality the percentage of Hebrew texts is 80%. On the other hand, our Hebrew texts are the longest ones, such as the *Temple Scroll*, the *Community Rule*, the *War Scroll*, and the *Hodayot*—with only the *Genesis Apocryphon* as a lengthy Aramaic scroll. This might, of course, be the accident of preservation—that is to say, the Aramaic documents are much more fragmentary than the Hebrew ones—but in general we may state that the language of choice for the Qumran community was Hebrew and that the percentage of Hebrew material among the Dead Sea Scrolls is actually higher than the aforementioned 80%, perhaps even approaching 90%.[2]

An immediate question that arises is to what extent does this distribution reflect the actual daily use of the three languages at Qumran. By even asking such a question, of course, I adhere to the majority view that the scrolls discovered in the caves were produced by the community that lived at the archaeological site of Qumran—a point which I now consider proven, based on the work of Hanan Eshel, Jodi Magness, et al.[3]—as opposed to alternative reconstructions, which suggest, for example, that the scrolls were brought to these caves from Jerusalem or elsewhere. Accordingly, I return to the question: to what extent does the fact that 80% of our documents are composed in Hebrew reflect the linguistic reality of the Qumran community? Or to put it in simpler terms: did they speak Hebrew?—as opposed to Aramaic, for example, or to Greek. There seems to be no other approach possible than to say: yes, the individuals at Qumran spoke Hebrew. Of course, it is possible for certain speech communities to write in one language and to speak another—an example from the ancient Near East is the site of Nuzi, whose texts are in Akkadian but almost undoubtedly the residents of the city spoke Hurrian on a daily basis—but in such cases

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[1] Or at least the vast majority thereof, since we have a few Aramaic texts from Ezra and Daniel included among the biblical manuscripts. See conveniently David L. Washburn, *A Catalogue of Biblical Passages in the Dead Sea Scrolls* (Text-Critical Studies 2; Atlanta: Society of Biblical Literature, 2002), 81, 136–38.

[2] I am well aware, of course, that I have levelled all the data for "the Qumran community," since I include in my calculations both sectarian and non-sectarian compositions.

[3] See, for example, Hanan Eshel, "A History of Discoveries at Qumran," in *A Day at Qumran: The Dead Sea Sect and Its Scrolls* (ed. Adolfo Roitman; Jerusalem: Israel Museum, 1997), 11–17 (along with the other essays in this volume); idem, "Qumran Studies in Light of Archaeological Excavations Between 1967 and 1997," *Journal of Religious History* 26 (2002): 179–88; and Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2002).

the linguistic interference from the daily patois to the language of the written texts is almost always self-evident, especially within the lexicon (and again, Nuzi is a good case-in-point, given the high percentage of Hurrian words appearing within these Akkadian texts).[4] As we shall see, this is not the case at Qumran, where only rarely does one encounter an Aramaic word within the Hebrew documents—and this is even more true of any Greek incursions. So while it remains possible that the Qumran sect—and yes, I am now conscious of my use of this specific term—spoke Aramaic, the overall picture clearly points to Hebrew as the common language of the community, both in writing and in everyday speech. In fact, as we shall see, one of the views concerning Qumran Hebrew proposes that the peculiar linguistic structure of the written texts reflects the spoken language of the Qumran community—but we jump ahead of ourselves here.

Let us begin our survey of the various understandings of QH by returning to the 1950s, when the first studies of the language were produced, mainly by scholars from the Hebrew University, including Hanoch Yalon, Chaim Rabin, E. Y. Kutscher, Moshe Goshen-Gottstein, and Ze'ev Ben-Hayyim. While I would not group all of these individuals under the same rubric necessarily, we nevertheless may suggest a general agreement in the first decade or two of Qumran studies, which concluded that QH represented a continuum of Late Biblical Hebrew (LBH). This finding was emphasized most of all by Kutscher in his monumental and magisterial book on 1QIsaᵃ (Hebrew edition, 1959; English version, 1974),[5] in which he demonstrated that this text reflects an updated version of the biblical book, with its Hebrew "reflecting the linguistic situation prevailing in Palestine during the

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[4] For a recent work on the subject, albeit with a focus on one particular aspect thereof, see Scobie P. Smith, "Hurrian Orthographic Interference in Nuzi Akkadian: A Computational Comparative Graphemic Analysis," (Ph.D. diss., Harvard University, 2007).

[5] E. Y. Kutscher, *Ha-Lashon ve-ha-Reqaʿ ha-Leshoni shel Megillat Yeshaʿyahu ha-Shelema mi-Megillot Yam ha-Melaḥ* (Jerusalem: Magnes, 1959); and E. Y. Kutscher, *The Language and Linguistic Background of the Isaiah Scroll (1QIsaᵃ)* (STDJ 6; Leiden: E. J. Brill, 1974). In the footnotes below, I cite pages from the Hebrew original (hereinafter *Megillat Yeshaʿyahu*) only. For a convenient summary of the results of this major research project, see E. Y. Kutscher, *A History of the Hebrew Language* (Jerusalem: Magnes, 1982), 93–106 (with occasional references to other DSS as well). Another valuable survey of QH is Angel Sáenz-Badillos, *A History of the Hebrew Language* (Cambridge: Cambridge University Press, 1993), 130–46.

last centuries before the Common Era."[6] Thus, for example, one finds the following contrasts between the Masoretic Text (MT) of Isaiah, which clearly reflects an older version of the book, and 1QIsaᵃ (shortened to Q below), with its linguistic updatings of the biblical book:

- MT דמשק
  ~ Q דרמשק
- MT ישעיהו, חזקיהו, etc.
  ~ Q ישעיה, חזקיה, etc.

In the first of these items, MT דמשק 'Damascus' has been replaced by the LBH (and Aramaic) form דרמשק (cf. 1 Chr 18:5, 18:6, 2 Chr 24:23; 28:5, 28:23).[7] In the second of these items, the older theophoric element יהו- '-yahu' has been replaced by the LBH form יה- '-yah'.[8]

One also notes the replacement of archaic forms by standard forms, as seen, for example, in the following passage:[9]

- MT (Isa 56:9) כֹּל חַיְתוֹ שָׂדָ֑י אֵתָ֖יוּ לֶאֱכֹ֥ל כָּל־חַיְת֖וֹ בַּיָּֽעַר
  ~ Q כול חַיְוַת שָׂדֶה אתיו לאכול וכול חַיְוַת ביער

in which the archaic forms חיתו and שדי of the MT have been replaced by the standard forms חיות (using a plural noun now) and שדה.

On the syntactic level, 1QIsaᵃ reflects a decrease in the use of *wayyiqtol* and *wəqatal* forms, another feature well known from LBH,[10] as the following passages (one for each form) illustrate:[11]

- MT (Isa 66:2) וְאֶת־כָּל־אֵ֙לֶּה֙ יָדִ֣י עָשָׂ֔תָה וַיִּהְי֥וּ כָל־אֵ֖לֶּה
  ~ Q ואת כל אלה ידי עשתה וַהָיִַן כל אלה
- MT (Isa 4:5) וּבָרָ֣א יְהוָ֡ה עַל֩ כָּל־מְכ֨וֹן הַר־צִיּ֜וֹן
  ~ Q וַיִּבְרָ֣א יהוה על כול מכון הר ציון

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   [6] Kutscher, *History of the Hebrew Language*, 93.
   [7] Kutscher, *Megillat Yeshaʿyahu*, 77; Kutscher, *History of the Hebrew Language*, 93; and Sáenz-Badillos, *History of the Hebrew Language*, 134. See further Avi Hurvitz, *Ben Lashon le-Lashon* (Jerusalem: Bialik, 1972), 17–18.
   [8] Kutscher, *Megillat Yeshaʿyahu*, 78–81, 85–86, 89, 93; Kutscher, *History of the Hebrew Language*, 93; and Sáenz-Badillos, *History of the Hebrew Language*, 134. See further the detailed study by Ziony Zevit, "A Chapter in the History of Israelite Personal Names," *BASOR* 250 (1983): 1–16.
   [9] Kutscher, *Megillat Yeshaʿyahu*, 29, 294; and Kutscher, *History of the Hebrew Language*, 98.
   [10] In general see Mark S. Smith, *The Origins and Development of the Waw-Consecutive* (Atlanta: Scholars Press, 1991), 27–33.
   [11] Kutscher, *Megillat Yeshaʿyahu*, 271, 273.

In the first passage, MT ויהי, a *wayyiqtol* form, has been replaced by
והיו, a simple suffix-conjugation form indicating past tense preceded
by conjunctive *waw*, in 1QIsaᵃ. While in the second passage, MT ובָרָא,
a *wǝqatal* form, has been replaced by ויברא, a simple prefix-conjuga-
tion form indicating future tense preceded by conjunctive *waw*, in the
Isaiah scroll.

   As one final illustration from the realm of syntax, we observe how
asyndetic relatives are eliminated by the inclusion of the relative pro-
noun אשר, for example:[12]

- MT בְּדֶרֶךְ תֵּלֵךְ (Isa 48:17)
   Q ~ בדרך אשר תלך

These examples allow us to see a parallel between MT Isaiah and
1QIsaᵃ, on the one hand, and Samuel/Kings and Chronicles, on the
other. In both cases, the latter text presents a linguistically updated
version of the former, allowing latter-day readers to comprehend more
easily an ancient text—a point emphasized by Kutscher time and again
in his many publications.

   In addition to the above examples, which link 1QIsaᵃ to LBH, we
may note several linguistic features that link up with other varieties
of Hebrew from the general period. Thus, for example, in the great
Isaiah scroll from Qumran one finds a weakening of the pharyngeals
and laryngeals, a feature known from Samaritan Hebrew (SH)[13] and to
some extent from Mishnaic Hebrew (MH).[14] The following compari-
sons illustrate the point well:[15]

- MT נִרְחָב ~ Q נרהב (Isa 30:23)
- MT יְחַיֶּה ~ Q יהיה (Isa 7:21)
- MT הִנֵּה ~ Q אנה (Isa 8:18)
- MT יַעֲבֹר ~ Q יבור (Isa 28:15)

In the last instance, note that the pharyngeal consonant is omitted
altogether.

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[12] Kutscher, *Megillat Yeshaʿyahu*, 341; and Kutscher, *History of the Hebrew Language*, 99–100.

[13] See Zeʾev Ben-Hayyim, *A Grammar of Samaritan Hebrew* (Jerusalem: Magnes, 2000), 38–42.

[14] See Miguel Pérez Fernández, *An Introductory Grammar of Rabbinic Hebrew* (Leiden: Brill, 1999), 11–12.

[15] Kutscher, *Megillat Yeshaʿyahu*, 42; and Kutscher, *History of the Hebrew Language*, 96.

As final illustrations of the modernization process manifested in 1QIsaᵃ, we offer two lexical items, with older words updated with newer equivalents:

- Isa 47:2 קְחִי רֵחַיִם וְטַחֲנִי קָמַח גַּלִּי צַמָּתֵךְ חֶשְׂפִּי־שֹׁבֶל גַּלִּי־שׁוֹק עִבְרִי נְהָרוֹת

The hapax legomenon שֹׁבֶל 'hem, skirt', apparently no longer understood several centuries after this text was composed, was replaced by the 1QIsaᵃ scribe with the more familiar word שׁוּלַיִךְ 'your skirts'—a term that appears 11× in the Bible and commonly in the Mishna as well.[16]

- Isa 9:16 עַל־כֵּן עַל־בַּחוּרָיו לֹא־יִשְׂמַח ׀ אֲדֹנָי וְאֶת־יְתֹמָיו וְאֶת־אַלְמְנֹתָיו לֹא יְרַחֵם

In this passage the usual meaning of the verb שׂמח 'rejoice' makes no sense, especially when the parallel verb is רחם 'have pity'. As Jonas Greenfield recognized, the former verb means here—and only here in the Tanakh—'have compassion', based on its Arabic cognate *smḥ* (even if we expect Arabic *šmḥ*, in light of the Hebrew *śin*).[17] But clearly this sense of the verb was long forgotten, or at least not widely recognized, by the time the Qumran scribe put pen to parchment, and therefore the word was changed in 1QIsaᵃ to יחמׄל (with *waw* hanging), a better known verb, which serves as the parallel to רחם in two other biblical texts (Jer 13:14, 21:7).

All of the above information, I repeat, derives from Kutscher's detailed study of a single scroll, 1QIsaᵃ. When the other Dead Sea Scrolls, especially the sectarian ones, are brought into the picture, we see many of the same features, pointing to the same connections between LBH and QH. In what follows, I will derive the vast majority of my examples from the major documents, such as 1QS, 1QM, 1QH, and 11QT,[18] with a special emphasis on 1QS. In fact, as the title of this article adumbrates, this essay could be designated "a linguist reads

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[16] Kutscher, *Megillat Yeshaʿyahu*, 218; and Sáenz-Badillos, *A History of the Hebrew Language*, 135.

[17] See Jonas C. Greenfield, "Lexicographical Notes II," *HUCA* 30 (1959): 141–42. The issue is treated briefly by Kutscher, *Megillat Yeshaʿyahu*, 179 (with n. 38).

[18] I realize, of course, that many scholars consider the *Temple Scroll* to be a pre-Qumran document (see, for example, Joseph L. Angel, "The Historical and Exegetical Roots of Eschatological Priesthood at Qumran," in this volume, following Lawrence Schiffman, inter alia), so that caution is advised when referring to 11QT as a sectarian document. For our present purposes, however, this question is less germane: the fact remains that the *Temple Scroll* was found at Qumran.

1QS in order to provide a 'snapshot' or 'trial cut' of QH."[19] I present the evidence in no particular order, though by the end of this section (and see also towards the end of the paper) I trust that the reader will have gained a good sense of the nexuses between LBH and QH.

A stellar example of a LBH feature that appears in the DSS is the לא לקטול form to express the prohibitive. This feature occurs only 3× in the Bible, two of which are in Chronicles (1 Chr 5:1, 1 Chr 15:2),[20] 3× in Biblical Aramaic; and about 12× in the DSS.[21] The two Chronicles passages are:

- 1 Chr 5:1   וְלֹא לְהִתְיַחֵשׂ
- 1 Chr 15:2   לֹא לָשֵׂאת

The Biblical Aramaic examples are:

- Ezra 6:8   לָא לְבַטָּלָא
- Dan 6:9   לָא לְהַשְׁנָיָה
- Dan 6:16   לָא לְהַשְׁנָיֵה

A sample Qumran passage is 1QS 1:13–15, which contains four instances of this usage, including the well-known proscription against adjusting the dates of the festivals:

13   וְלוֹא לִצְעוֹד בכול אחד

14   מכול דברי אל בקציהם וְלוֹא לְקַדֵם עתיהם וְלוֹא לְהִתְאַחֵר

15   מכול מועדיהם וְלוֹא לְסוֹר מחוקי אמתו ללכת ימין ושמאול

True, the SBH usage לבלתי קטול is still to be found in 1QS, e.g.:

- 1QS 3:6   לבלתי התיסר
- 1QS 10:11   לבלתי שוב

But very clearly the לא לקטול usage has become more common and has become part and parcel of QH.

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[19] I will not delve into the question of the language of two specific documents, namely, MMT and the *Copper Scroll*, since scholars agree that the language of these two texts differs from General Qumran Hebrew (GQH). Though on one occasion (regarding the personal pronouns), I will present the evidence of MMT, if only to round out the picture more fully.

[20] The sole other passage is Amos 6:10 לֹא לְהַזְכִּיר, where we may suspect an IH feature with an isogloss with Aramaic. The expression לֹא לְהוֹרִישׁ in Judg 1:19 represents a different (and equally unusual) syntagma, since the words refer to the past tense and not to a prohibitive.

[21] Elisha Qimron, *The Hebrew of the Dead Sea Scrolls* (Atlanta: Scholars Press, 1986), 78.

As another example linking QH and LBH, I present another syntagma relating to the expression of the negative, the use of לאין followed by an infinitive or an abstract noun to express the notion of 'without'. This usage is found 8x in the Bible, with the following distribution:

לְאֵין שְׁאֵרִית וּפְלֵיטָה Ezra 9:14	לְאֵין לָהֶם מִחְיָה 2 Chr 14:12
לְאֵין נָכוֹן לוֹ Neh 8:10	לְאֵין מַשָּׂא 2 Chr 20:25
לְאֵין מִסְפָּר 1 Chr 22:4	לְאֵין מַרְפֵּא 2 Chr 21:18
לְאֵין כֹּחַ 2 Chr 14:10	לְאֵין מַרְפֵּא 2 Chr 36:16

And then about 40 times in QH,[22] including the following four examples in 1QS:

- לאין רחמים 1QS 2:7
- לאין סליחה 1QS 2:14–15
- לאין שרית 1QS 4:14
- לאין שרית 1QS 5:13

As an additional example of a DSS feature that links with LBH, I present an important finding by Gidʿon Haneman, who studied the syntactic use of the word בין 'between' in BH, QH, and in MH as well.[23] The norm in BH is the expression X-בין וּבֵין-Y, as can be seen in the following phrase:

- בֵּין הָאוֹר וּבֵין הַחֹשֶׁךְ Gen 1:4

The alternative form בין...ל- is used when the two elements are the same, that is X ל-X בין, as is in the following phrase (and in several other specific syntagmas):

- בֵּין מַיִם לָמָיִם Gen 1:5

In two places, however, we encounter X בין ל-Y, and they appear in two of the latest biblical books:

- בֵּין יַמִּים לְהַר־צְבִי־קֹדֶשׁ Dan 11:45
- וּבֵין עֲלִיַּת הַפִּנָּה לְשַׁעַר הַצֹּאן Neh 3:32

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[22] Qimron, *Hebrew of the Dead Sea Scrolls*, 77, 79.
[23] Gidʿon Haneman, "ʿAl Millat ha-Yaḥas ʿbênʾ ba-Mishna u-va-Miqraʾ," *Leshonenu* 40 (1975–76): 33–53.

This usage, in turn, becomes more common in MH:[24]

- Berakhot 1:5 בין תכלת ללבן
- Berakhot 2:2 בין ברכה ראשונה לשנייה
- Pe'ah 1:1 בין אדם לחברו
- Pesaḥim 9:3 בין הראשון לשני

Thus, it is not surprising to find this late usage in QH as well:

- 1QS 4:14 בין רוב למועט
- 1QS 5:21 בין איש לרעהו

We next turn our attention to the two words for 'I' in ancient Hebrew: אנכי and אני. Among the distinctions between the two forms, one can state uncategorically that the former occurs in EBH and SBH, but greatly recedes in LBH, until only the latter form occurs. As illustration thereof, note the data from the following contrastive biblical books:

	Samuel/Kings	Chronicles/Ezra-Nehemiah
אנכי	59	2
אני	102	47

In the earlier corpus, the ratio is 1:1.6; while in the latter corpus, the ratio is 1:23.5—the only two instances of אנכי are Neh 1:6, 1 Chr 17:1.

When we turn to the Scrolls, we note that אני is normal, occurring 57 times in all types of literature, whereas אנכי is used only in the *Temple Scroll*, no doubt due to that text's imitation of Deuteronomy (along with one [or perhaps several] instance[s] in 1Q22 [2:4 for sure]).[25] As examples of the use of אני in QH, we note the following passages from the concluding section of 1QS, where the author turns to speaking in the first person:

- 1QS 11:2 כיא אני לאל משפטי
- 1QS 11:9 ואני לאדם רשעה
- 1QS 11:11–12 ואני אם אמוט

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[24] M. H. Segal, *A Grammar of Mishnaic Hebrew* (Oxford: Clarendon, 1927), 142–43; Moshe Z. Segal, *Diqduq Leshon ha-Mishna* (Tel-Aviv: Devir, 1936), 163; and Pérez Fernández, *An Introductory Grammar of Rabbinic Hebrew*, 167.

[25] Qimron, *Hebrew of the Dead Sea Scrolls*, 57.

As a final feature that links QH with LBH, I present one noted earlier, in conjunction with the data forthcoming from the Isaiah scroll. We noted the decreased use of the *wəqatal* form, with the illustration from Isa 66:2—and here we note a similar instance, the citation of Deut 29:18 in 1QS 2:12–13:

- וְהָיָ֗ה בְּשָׁמְעוֹ֙ אֶת־דִּבְרֵ֜י הָאָלָ֤ה הַזֹּאת֙ וְהִתְבָּרֵ֣ךְ בִּלְבָב֔וֹ Deut 29:18
- והיה בשומעו את דברי הברית הזות יתברך בלבבו 1QS 2:12–13

In the biblical passage, the form וְהִתְבָּרֵ֣ךְ occurs, while in the Qumran version the simple prefix-conjugation form יתברך occurs to mark the future.

Of course, the *wəqatal* form והיה appears in the Qumran reworking of the Deuteronomy passage, but I would suggest that this is more a "frozen" sentence introducer than a naturally productive usage. On the other hand, note that at times even this word is omitted, as in the following example from the *War Scroll*:

- וְהָיָ֕ה כְּקָֽרָבְכֶ֖ם אֶל־הַמִּלְחָמָ֑ה וְנִגַּ֣שׁ הַכֹּהֵ֔ן וְדִבֶּ֖ר אֶל־הָעָֽם Deut 20:2
- בקרבכם למלחמה ועמד הכוהן ודבר אל העם 1QM 10:2

And while one must admit that two other *wəqatal* forms have been retained in this sentence (ועמד and ודבר), the main point stands nonetheless.

I do not, however, wish to relay the impression that *wəqatal* forms and the corresponding *wayyiqtol* forms decrease to the point of non-use. Clearly this is not the case, as the passage just cited reveals. Indeed, as Mark Smith demonstrated (see the following chart for a convenient digest of the data), there are plenty of *wəqatal* forms in QH, along with a good number of *wayyiqtol* forms,[26] though naturally the lack of historical texts among the DSS means far fewer of the latter in comparison to BH prose.

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[26] Smith, *The Origins and Development of the Waw-Consecutive*, 35–63.

| | FUTURE TIME | | PAST TIME | |
	converted *perfect*	unconverted *imperfect*	converted *imperfect*	unconverted *perfect*
CD	8	12	37	1(?)
Pesharim	11	no clear cases	10	ZERO
1QS,1QSa and 1QSb	23	4	at least 5	ZERO
War Scroll	57	at least 1	3	ZERO
Temple Scroll	136	43	ZERO	ZERO
4QMMT	at least 2	ZERO	ZERO	ZERO

[Mark S. Smith, *The Origins and Development of the Waw-Consecutive* (1991), 59]

Nevertheless, there is an undeniable decrease in the use of such forms in QH, which thereby continues the trend noticeable in LBH. Smith summed up the point nicely, "The usage of converted tenses in QL more closely resembles that in a late BH book such as Esther rather than Mishnaic Hebrew."[27] The question remains whether the use of *wəqatal* and *wayyiqtol* forms is a natural feature of QH, stemming from a period several centuries after the last biblical books (save Daniel) were written,[28] or whether these forms are used in imitation of BH, which was Kutscher's contention.[29] As we shall see, this question can be asked over and over again when referring to the linguistic data present in the DSS.

While we have the passage from 1QM 10:2 before us, let us note two other linguistic changes here: a) the replacement of אל with -ל, at least in the first instance, which reflects the situation in LBH, most likely due to Aramaic influence, since the longer prepositional form אל does not occur in that language; and b) the replacement of וְנִגַּשׁ with ועמד, which reflects the radically reduced use of the former and the dramatically increased use of the latter in LBH.

As an inexact indication thereof, note the following statistics:

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[27] Ibid., 60.
[28] This is largely Smith's position, as I understand it.
[29] Kutscher, *Megillat Yeshaʿyahu*, 41–41, 351–58, 427–28; and Kutscher, *History of the Hebrew Language*, 99.

	Samuel/Kings	Chronicles/Ezra-Nehemiah
עמד	97	109
נגש	36	6

In addition, one notes that the root עמד occurs 5× in Qohelet, 12× in Esther, 12× in Zechariah, and an amazing 46× in Daniel.[30] In contrast to these cumulative 75 attestations, the root נגש never occurs in these four books. I need to state, however, that the verb נגש appears 42 times in the DSS corpus, so clearly it remains a productive verb. A more detailed study of this root—with an eye towards a) identifying its specific semantic nuances and then b) determining if the pattern from Chronicles/Ezra-Nehemiah and the other late books is continued in any way—remains a desideratum. Regardless, once more we need to raise the question: given the radically reduced use of נגש in LBH, are we to conclude that the presence of this verbal root in the DSS is in some fashion imitative of biblical style?

Now, if the picture were as simple as I have presented it until this juncture, this essay could be concluded with a simple repetition of the basic finding thus far—QH shares much in common with LBH and thus should be considered a natural continuation thereof. The picture, however, is much more complicated—and it is to those complications that we now turn. The most striking feature of QH, which I have not mentioned until now, although it is very well recognized, is the use of longer forms of the independent personal pronouns, that is, forms ending in -$\bar{a}^h$. The specific data are as follows:[31]

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[30] In addition to these statistics, note that in BH overall the root עמד is the 23rd most frequent verbal root, while in QH it is the 17th most frequent verbal root. While a full study of verbal frequency (for all frequently attested verbs) in the two corpora remains a desideratum, this datum suggests, at least at first glance, that עמד is more common in QH than in BH, thereby continuing the trend that emerges in LBH. I have culled these rankings, for BH and QH respectively, from Francis I. Andersen and A. Dean Forbes, *The Vocabulary of the Old Testament* (Rome: Pontificio Istituto Biblico, 1992), 451–67 (the section entitled "Part IV: Verb Formations"); and *The Dead Sea Scrolls Electronic Library* (ed. Emanuel Tov; Brigham Young University; Leiden: Brill, 2006), using the Search function, which includes a ranking of all attested lexical forms by frequency.

[31] These figures are derived from Qimron, *Hebrew of the Dead Sea Scrolls*, 57–58.

GQH:

הוא	65×	הואה	45×
היא	21×	היאה	19×
אתם	3×	אתמה	5×
אתן	–	אתנה	–
הם	17×	המה	70×
הן	–	הנה	2× [המה is used for the feminine 3×]

In this particular case, since the information is so readily available, I also provide the data from MMT, in which the longer pronoun forms are used less frequently.

MMT:

הוא	5×	הואה	1×
היא	4×	היאה	3×
אתם	4×	אתמה	1×
אתן	–	אתנה	–
הם	6×	המה	3×
הן	–	הנה	–

And just to keep in mind the biblical data, I include a chart of the attestations of the BH pronouns, though naturally there is no need to include the 3rd person singular forms, since only the shorter forms הוא and היא are attested.[32]

Bible:[33]

אתם	278×	אתמה	–
אתן	1×	אתנה	4×
הם	237×	המה	284×
הן	–	הנה	30×

How to analyze the QH data? The evidence for the 3rd person masculine plural forms is only mildly surprising. In BH the two forms occur as free variants (apparently),[34] while in QH the longer form is

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[32] When I use the word "Bible" in the following chart and in other presentations of linguistic data appearing below, I mean specifically the MT.

[33] These figures reflect the total number of occurrences, even though in some instances אתם, הם, and המה are used as common dual forms and/or as feminine plural forms. See the examples listed in Gary A. Rendsburg, "Dual Personal Pronouns and Dual Verbs in Hebrew," *JQR* 73 (1982): 39–40 (for the former); and idem, *Diglossia in Ancient Hebrew* (AOS 72; New Haven: American Oriental Society, 1990), 44 (for the latter). These few instances, however, do not effect the statistical distribution of these forms.

[34] Note the following expressions in consecutive verses: טְמֵאִים הֵם לָכֶם (Lev 11:27) and טְמֵאִים הֵמָּה לָכֶם (Lev 11:28), used for the sake of variation, a literary device that

the more dominant one, though there still are ample occurrences of the shorter form. For the corresponding feminine forms, the picture is totally consistent with the biblical data, since in both BH and QH only הנה is attested (and not הן)—even if we are dealing with comparatively few attestations, 30× and 2×, respectively.

More surprising, of course, is the five-fold use of אתמה in QH for the 2nd person masculine plural form, since this form is not attested in the Bible—though naturally it could be modeled after אתנה, which occurs 4× in the Bible, against just one example of אתן. Nonetheless, the ratio of three shorter forms to five longer ones within the DSS corpus is noteworthy.

But most striking of all is the presence of the longer forms of the 3rd masculine singular pronouns: הואה and היאה. And while the shorter forms הוא and היא are more common, the ratio between the two sets is relatively close to 1:1—indicating that for the authors of the DSS, the two forms are most likely free variants. The question immediately arises: whence these longer forms?—especially since no other layer or stratum or dialect of Hebrew in all its manifestations throughout the ages attests to these forms, הואה and היאה.

As is well known, the reconstructed proto-Semitic forms for the 3rd singular pronouns are exactly what one encounters in QH: *hûʾa* and *hîʾa*. Through a shift of the glottal stop to the corresponding off-glide, the Arabic and Ugaritic forms *hūwa* and *hīya* developed.[35] Is it possible that the Qumran forms hark back to proto-Semitic times, or at least to proto-Hebrew? Is it possible that הואה and היאה were used in some dialect of Hebrew throughout the millennium-long biblical period, from the earliest texts such as Exodus 15 until the latest texts in the book of Daniel, without even a single attestation in the very large canon which is the Bible, not to mention the many Hebrew inscriptions from throughout this period—only to surface in a group of texts from the 1st century B.C.E.? Such is the opinion of an important scholar such as Takamitsu Muraoka,[36] though to my mind the scenario that these longer forms are derived directly from proto-Semitic or from proto-Hebrew is highly unlikely.

I continue to explore in lectures (most recently at Tel-Aviv University, December 25, 2007) and which one day I plan to present in published form.

[35] The Ugaritic spellings are *hw* and *hy*.

[36] Takamitsu Muraoka, "Hebrew" in *EDSS* 1: 340–45, in particular 342.

Before presenting a proper answer to the issue of these forms, we need to expand the discussion now to include the 2nd and 3rd person pronominal suffixes, which are as follows:

2mpl	כם—26×	כמה—31× (28x in 11QT)
2fpl	[not attested]	
3mpl	(ה)ם—c. 650×	(ה)מה—c. 250×
3fpl	(ה)ן—14×	(ה)נה—[not attested][37]

In addition, the 2nd masculine plural ending of the suffix-conjugation verb is relevant here, for alongside the standard ending תם- occurs the longer form תמה-, with the following distribution:

קטלתם—30×
קטלתמה—31× (19× in 11QT)

Upon the discovery of the DSS it was immediately noticed by scholars, with H. L. Ginsberg and Ze'ev Ben-Hayyim leading the way,[38] that these forms correspond to the oral reading tradition among the Samaritans, even when the final *he* is not indicated in the orthography. Ben-Hayyim went so far to advocate the position that QH and SH are variants of the same late Second Temple period Hebrew dialect, sharing not only this key feature, but other isoglosses as well.[39] Ben-Hayyim's position has not found many advocates, and I also would reject the main part of it—but for the moment, let us set this issue aside, to return to it later.

What we can state positively at this juncture is that QH shows a clear proclivity for the pronominal forms, both independent and suffixed, with final -$\bar{a}^h$—and that this feature most of all demands explanation. Since the most regular forms among these pronoun forms, that is, regular in BH, are the 3rd person plural independent forms המה and הנה, we should consider them first. The Qumran scribes no

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[37] Though cf., e.g., 1QIsaᵃ ויושביהנה = MT וְיֹשְׁבֵיהֶן (Isa 37:27), on which see Kutscher, *Megillat Yesha'yahu*, 352.

[38] H. L. Ginsberg, "The Hebrew University Scrolls from the Sectarian Cache," *BASOR* 112 (1948): 19–23, esp. 20, n. 3. For Ben-Hayyim, see the next footnote, though naturally he would have noticed the parallel between the QH and SH pronunciation traditions during the decade between the discovery of the scrolls and his 1958 article.

[39] Ze'ev Ben-Hayyim, "Traditions in the Hebrew Language, with Reference to the Dead Sea Scrolls," in *Aspects of the Dead Sea Scrolls* (ed. Chaim Rabin and Yigael Yadin; Scripta Hierosolymitana 4; Jerusalem: Magnes, 1958), 200–214.

doubt strove to retain these forms, believing them to be in some way archaic and authentic, or at least more archaic and authentic than the shorter forms—and as we have implied above, they were correct in their assumption. Given the very strict adherence by the DSS sect to legal, cultic, and social mores, which were more conservative than those held by other contemporary Jewish groups, one is warranted to conclude that the Qumran community extended this conservativism to their Hebrew language as well. This position was enunciated first by Chaim Rabin in an important article in 1958,[40] who suggested that various phrases within the DSS themselves refer to the dialect of their opponent(s) in pejorative ways, for example:

- לשון אחרת 1QH 2:19, 4:16
- ערול שפה 1QH 2:7, 2:18–19
- לו[ע]ג שפה 1QH 12:16
- לשון גדופים 1QS 4:11, CD 5:11–12

This position has found a latter-day adherent and proponent in William Schniedewind, who introduced the term "anti-language" into the scholarly literature—or at least borrowed that term from the realm of sociolinguistics and brought it to the attention of Hebraists.[41] When I first encountered Schniedewind's position, expressed in two articles published in 1999 and 2000, I admit that I was skeptical. Now, however, after reading the breadth of the scholarly literature during the past year, in preparation for my presentation to the NYU conference, I have come to embrace his position. In my own attempts to come to grips with the peculiarities of QH, of the various interpretative routes before us, all of them proposed by leading scholars, I now accede to Schniedewind's view as the one that explains best the nature of QH.

   We will return to this point in a moment, but here I also must note—as I continue to survey the various scholarly opinions concerning QH—the view of Elisha Qimron and Shelomo Morag, that QH

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[40] Chaim Rabin, "Historical Background of Qumran Hebrew," in *Aspects of the Dead Sea Scrolls* (ed. Chaim Rabin and Yigael Yadin; Scripta Hierosolymitana 4; Jerusalem: Magnes, 1958), 144–61.

[41] William M. Schniedewind, "Qumran Hebrew as an Antilanguage," *JBL* 118 (1999): 235–52; and idem, "Linguistic Ideology in Qumran Hebrew," in *Diggers at the Well: Proceedings of a Third International Symposium on the Hebrew of the Dead Sea Scrolls and Ben Sira* (ed. Takamitsu Muraoka and John F. Elwolde; STDJ 36; Leiden: Brill, 2000), 245–55. See also Steve Weitzman, "Why Did the Qumran Community Write in Hebrew?" *JAOS* 119 (1999): 35–45.

represents the spoken dialect of the DSS sect.[42] The authority of both these scholars provides this view with a major voice. Qimron, after all, knows more about the Hebrew of the DSS than any scholar alive (his grammar, of course, is the standard work on the subject); while Morag focused the bulk of his scholarly work on the various pronunciation traditions of Hebrew throughout the ages.

Could QH indeed represent the spoken Hebrew of the DSS sect? I highly doubt it. True, it is possible that all the long pronominal forms developed from the force of analogy, which is indeed a major force in the natural development of all languages—that is to say, from המה and הנה, for example, developed all the other forms, including הואה and היאה. But it is hard to imagine that some of the very conservative features of QH—and we will see some more in a moment—are elements of a spoken, living language, especially when one recalls all the evidence presented above which links QH and LBH so closely. It is more likely, to my mind, that a text such as MMT, which diverges from core QH, reflects the actual spoken Hebrew of the Qumran community.[43] I could go on at length, with all due respect, to refute the view of Qimron and Morag that QH as reflected in our texts represents a living spoken Hebrew—but I am absolved of the necessity to do so because Joshua Blau already has addressed the issue in his concise and informative article.[44] As Blau noted, with italics to emphasize, "*even dead languages, only used in literature, change,*"[45] at which point he presented the evidence from Middle Arabic (his term, both in this

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[42] Of the many studies of the former scholar which one may cite, see Elisha Qimron, "The Nature of DSS Hebrew and Its Relation to BH and MH," in Muraoka and Elwolde, *Diggers at the Well*, 232–44. The seminal article of the latter scholar is Shelomo Morag, "Qumran Hebrew: Some Typological Observations," *VT* 48 (1988): 148–64. I do not mean to imply that the views expressed by Morag and Qimron are identical, though there is clear overlap between them. I add here this fond reminiscence: during the period January–June 1987 I had the distinct privilege of being Professor Morag's neighbor in Nayot (a neighborhood in Jerusalem). As we walked together to and from synagogue on Friday evenings, he shared with me his views on QH, then in germination stage, which eventually appeared in his classic 1988 article. As I tell my own students, the experience of shared walks with Professor Morag during those six months was the equivalent of a graduate seminar at the feet of a master.

[43] That is to say, Hebrew at Qumran was diglossic. For the subject in general, see Rendsburg, *Diglossia in Ancient Hebrew*.

[44] Joshua Blau, "A Conservative View of the Language of the Dead Sea Scrolls," in Muraoka and Elwolde, *Diggers at the Well*, 20–25. See also Avi Hurvitz, "Was QH a 'Spoken' Language? On Some Recent Views and Positions: Comments," in *Diggers at the Well*, 110–14.

[45] Blau, "A Conservative View of the Language of the Dead Sea Scrolls," 20.

and many other publications), which is based in the main on clas-
sical Arabic, but with deviations due to a "rather free alternation of
(post-)classical, vulgar (Neo-Arabic) and pseudo-correct elements,"[46]
and with features derived from "various traditions, genres, fashions,
scribal schools, and personal inclinations."[47] The analogy with QH is
clear—and here I would add another parallel as well, that of medieval
Latin, based on classical Latin to be sure, but with admixtures of all
sorts and stripes. Thus, with all due respect to the authoritative voices
of both Morag and Qimron, I cannot accede to their notion that the
distinctive traits of QH reflect the spoken language of the sect.

    And so we return to the view expressed early on by Rabin and more
recently endorsed by Schniedewind that the distinguishing elements of
QH are the result of an intentional and ideologically motivated shift
away from the varieties of Hebrew that characterized the writings of
their opponents. Of course, caution is advised here, because in truth
we lack the writings of the other Jewish communities at this time. The
closest text chronologically is Ben Sira, but since that text is in poetry
and is in many ways derivative of the book of Proverbs and other wis-
dom texts from the Bible, the language of Ben Sira is not as helpful as
one might hope—and in any case, as a text that belonged to common
Judaism, without any overriding theological or ideological stance, one
would not expect the DSS sectarians to be composing literature in any
major way in response to the language or content of Ben Sira.[48] In the
other direction, we have the writings of the rabbis, with views diamet-
rically opposed to the Qumran sect, but the problem here, of course,
is the distance between the documents found at Qumran and the later
Tannaitic corpus (Mishna, Tosefta, Mekhilta, Sifra, Sifre BeMidbar,
Sifre Devarim, etc.). And while I adhere to the view that much of the
content of the rabbinic corpus harks back to earlier centuries, I do not
believe that we can assume that 2nd and 1st century B.C.E. Pharisees
and others were composing texts in MH per se. Nonetheless, even with
this caveat, as I indicated above, I have come to embrace the "anti-
language" view, as the one which best explains the (pseudo-archaizing)
QH pronominal forms and much more.

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[46] Ibid., 21.
[47] Ibid.
[48] While the main point about Ben Sira still holds, see now Jonathan Klawans,
"Josephus on Fate, Free Will, and Ancient Jewish Types of Compatibilism," *Numen*
56 (2009): 44–90.

In short, I believe that the long pronominal forms are invented, in order to give a patina of antiquity to the writings of the Qumran sect. They were created on the analogy of the המה and הנה forms, no doubt, but not in a living spoken language, *pace* Morag and Qimron, but rather in the hands of thoughtful scribes with purposeful intention. In an attempt to distinguish their language in a particular fashion, with an eye towards some kind of antiquity, whether real or faux, the scribes opted as much as possible for forms such as the independent pronouns אתנה, אתמה, היאה, הואה, the suffixed pronouns כמה-, כנה-, המה-, הנה-, and the suffix-conjugation forms קטלתמה and קטלתנה—even if not all of these specific forms are attested in the corpus.[49]

And here I would return to Ben-Hayyim's view concerning certain isoglosses between QH and SH, the long pronominal forms prime among them. Quite possibly, the Samaritans likewise set out to distinguish themselves from the (other) Jews in their oral reading tradition of the sacred text in the sacred language. In this way, there may be some contact between the DSS sect and the Samaritans, or at least a strong parallel between them—with each in its own way advocating the position of the "true Israel"—but I would not go so far as to claim that SH and QH derive from the same dialect of Hebrew in the Second Temple period.

Are there other linguistic facts that support the view that QH intentionally diverges from the Hebrew language of contemporary Jewish communities? Again, one cannot claim this unequivocally, given the lack of real data for other varieties of Hebrew contemporary with the DSS community—and even the non-sectarian texts found in Qumran do not allow us this comparison, since they have been copied and manipulated by the Qumran scribes, in much the same way that 1QIsaᵃ reflects QH, as noted at the outset. But in so far as we are able to identify several features that are extremely archaic and/or

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[49] For a parallel to the effect that linguistic ideology can have on pronoun usage, see Michael Silverstein, "Language and the Culture of Gender: At the Intersection of Structure, Usage, and Ideology," in *Semiotic Mediation: Sociocultural and Psychological Perspectives* (ed. Elizabeth Mertz and Richard J. Parmentier; New York: Academic Press, 1985), 219–59, esp. 242–51, with particular reference to the development of English 'you' as the sole 2nd person pronoun used by the general population in the 17th century C.E., as a reaction to the Quaker insistence on 'thou'. My thanks to my colleague Laura M. Ahearn (Department of Anthropology) for this reference and for our ongoing dialogue on linguistic ideology and other related matters.

very atypical of all other varieties of ancient Hebrew, we may suggest that these features likewise serve as evidence for the "anti-language" hypothesis, including the following two identified by Schniedewind.

First, there is the presence of suffixed $-\bar{a}^h$ in a variety of adverbials, most famously מודה / מואדה / מואדה / מאדה, which occurs c. 30×, vs. only 9 attestations of מאוד / מאד. Note other forms as well, including the following:

- 4Q177 (4QCatena A) 1–4:13 וִיקוּם מֶשְׁמָהֶ ללכת
- 4Q365a (4QTemple?) 2:ii:9 וְלַחֲוָצָהֶ מזה הנשכהֿ
- 4Q365a (4QTemple?) 3:4 וְלַיְמָהֶ
- 4Q405 (4QShirShabb[f]) 15:ii:6 מֵבִיתֶהֶ לִיקרֹהֶ הדביר

The adverbial ending $-\bar{a}^h$ is known from BH, of course, but in the Bible it is used very consistently, in forms such as השמימה, ארצה, ימה, צפנה, קדמה, and many others—with its force understood throughout. In post-biblical times, the force of this morpheme was lost, and it became a linguistic fossil apparently, to be used or not to be used, perhaps by personal predilection. The Qumran scribes, accordingly, seized upon this feature and used it regularly in the creation of their prose, suffixing it to a host of forms—once more, as per the present argument, to provide a patina of antiquity and archaism and by extension authenticity to the force of their words.

A ready English analogy comes to mind: as the word "whence" has become archaic and no longer standard in our language, people occasionally employ the word, to show an air of sophistication perhaps, though typically they do so by adding "from" before the word, to create the neologism "from whence," when in fact the word "whence" by itself means "from where." In short, if you hear someone say "from whence," he or she presumably is trying to add some authority to his or her language, but in truth this two-word phrase produces a cringe in many learned ears.[50] In similar fashion, we latter-day readers of QH may recoil upon encountering forms such as מאודה, but presumably this word produced a more positive ring in the ears of the sectarians.

We also should note that the use of this ending may have been influenced by the use of the same suffix $-\bar{a}^h$ on the personal pronouns, discussed above—since the two are functionally one and the same, even though their origins are distinct. But the main point, again, is to

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[50] One must admit, however, that the phrase has an excellent pedigree, as both Shakespeare and Dryden already used it!

note how the authors of these documents, by their inclusion of this feature, evoke something old and different—and which, if they succeeded in their effort, gave added force to their rhetoric.

Schniedewind has paid particular attention to the use of שם and שמה in the *Temple Scroll*, especially in comparison to the base text of Deuteronomy.[51] I refrain from presenting his statistical analysis—the following two examples should suffice to demonstrate the point:

אֶל־נַחַל אֵיתָן אֲשֶׁר לֹא־יֵעָבֵד בּוֹ וְלֹא יִזָּרֵעַ וְעָרְפוּ־שָׁם   Deut 21:4
אֶת־הָעֶגְלָה

אל נחל איתן *vac* אשר לוא יזרע ולוא יעבד וערפו שָׁמָּה   11QT 63:2
את העגלה

כְּכָל־אֶחָיו הַלְוִיִּם הָעֹמְדִים שָׁם לִפְנֵי יְהוָה   Deut 18:7
ככול אחיו הלויים ישרת העומדים שָׁמָּה לפני   11QT 60:13–14

The one additional example from Schniedewind's work that I will present here is the use of אביהו, which appears 24× in the DSS, as opposed to only three instances of אביו.[52] Both forms are attested in the Bible, but the ratio between them is quite the opposite:

DSS (see below for texts)
- אביו—3×
- אביהו—24×

Bible
- אביו—217×
- אביהו—7× (Judg 14:10, 14:19, 16:31, 1 Kgs 5:5, Zech 13:3, 1 Chr 26:10, 2 Chr 3:1)

The attestations in the Dead Sea Scrolls are as follows:

אביו—3×:
- 4Q225 (4QpsJubᵃ) 2:ii:4
- 4Q416 (4QInstrᵇ) 2:iv:1
- 11QT 64:2—quoting Deut 21:18 (the law of the wayward son)

אביהו—24×, e.g.:
- 1Q19 (1QNoah) 3:4
- 4Q221 (4QJubᶠ) 4:1–2 (2×)
- 4Q418 (4QInstrᵈ) 9–9c:17
- 11QT—11× (15:16, 25:16, etc.), including quotations/reworkings of Deuteronomy and other biblical texts, e.g., the laws of incest from Leviticus 18 and 20, along with the next line in the law of the wayward son (11QT 64:3)

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[51] Schniedewind, "Linguistic Ideology in Qumran Hebrew," 252–53.
[52] Schniedewind, "Qumran Hebrew as an Antilanguage," 237, 245.

To the material adduced by Schniedewind, I would add several additional characteristic features, the first being the exceedingly frequent use of אל for 'God' in the DSS, especially in 1QS—with 694 occurrences in the corpus, 56 of which appear in the composition under consideration here.[53] Note the following phrases, for example, just from Column 1:

- 1:2   לדרוש אל
- 1:7   חוקי אל
- 1:8   עצת אל
- 1:10 עצת אל
- 1:11 נקמת אל
- 1:12 יחד אל

- 1:12 חוקי אל
- 1:14 דברי אל
- 1:16 לפני אל
- 1:19 אל ישועות
- 1:21 צדקות אל

One notes the same dominance of אל in other key texts. For example, one finds the following attestations in the *Damascus Document* (citing examples from the first two columns only):

- 1:10 אל
- 2:1   אל
- 2:3   אל

- 2:7   אל
- 2:15 אל
- 2:18 אל

And similarly in the *War Scroll* (citing examples from Column 1 only):

- 1:5   אל
- 1:8   אל
- 1:9   אל
- 1:11 אל

- 1:12 אל
- 1:14 אל
- 1:14 אל

In the *Hodayot* scroll, we note the following occurrences, to the exclusion of the longer form אלהים, including three instances of אל written in paleo-Hebrew script (one of them actually אלי).

- 7:25 𐤀𐤋
- 9:26 𐤀𐤋
- 9:37 (restored from 4Q432 1–2) אל
- 10:34 𐤀𐤋𐤉

- 11:34 אל
- 12:12 אל
- 12:31 אל עליון
- 12:31 אל
- etc.

In light of this evidence, with four major scrolls preferring אל to אלהים, typically to the exclusion of the latter, I would suggest that the

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[53] Data according to the *Dead Sea Scrolls Electronic Library* program.

Qumran sect's preference for אל derives once more from its desire to present a variety of Hebrew that is ancient and archaic—in contrast to the use of אלהים, which is the dominant form in the Bible (especially in the later books) and which presumably was the form used by common Judaism at the time of the composition of the DSS.

I should note, however, that the *Temple Scroll* does not participate in this pattern, though in this case one must recall that the *Temple Scroll* is evoking the language of Deuteronomy throughout, and thus not surprisingly one finds the typical Deuteronomic phrase in the *Temple Scroll*, e.g.:

- 43:7, 43:10–11, 53:8, 54:16, 55:9–10, 55:14 יהוה אלוהיכה
- 43:8, 54:13–14 יהוה אלוהיכמה

I do not want to leave the impression that אלהים is not used by the Qumran scribes (the form occurs 414×). Nonetheless, the use of אל in the major texts is a distinct feature of the DSS, and this lexical trait should be understood as another manifestation of QH as an anti-language.

As a second additional feature that one does not expect to find in literature deriving from the late Second Temple period, I call attention to the word למו 'to them' (occasionally 'to him'), which occurs 22× in the DSS, including most of the major texts: CD, 1QS, 1QM, 1QH, and 1QpHab.[54] In the Bible, the form למו occurs 57×, all in poetry,

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[54] Since this last-cited document has been subjected to a thorough linguistic analysis by Ian Young (Ian Young, "Late Biblical Hebrew and the Qumran Pesher Habakkuk," *JHS* 8 [2008] 38 pp.; available online at http://www.arts.ualberta.ca/JHS/Articles/article_102.pdf), with specific reference to the use of למו in 1QpHab 5:6 on p. 32 (along with other data presented herein noted by Young on p. 36), an additional word about the linguistic profile of *Pesher Habakkuk* is in order here. Young argues that 1QpHab reflects EBH (his term = what I prefer to call SBH) more than it does LBH; and he then uses this finding to demonstrate that well into post-biblical times authors could still write EBH/SBH, leading to the conclusion that "the current chronological approach to BH has to be abandoned" (p. 38). While this is not the time for a full rebuttal to this statement, I simply would note that to some extent Young proves what I am arguing for in this article—namely, that the Qumran scribes' linguistic ideology led to a register of Hebrew in imitation of EBH/SBH in order to give their prose a patina of antiquity. All the while, however, they were unable to swim totally against the stream of LBH. I believe that Young would agree with the greater part of my statement here vis-à-vis *Pesher Habakkuk* specifically and QH generally. I would not, however, accede to his statement that this finding calls into question the entire

mainly in Job, Psalms, and Isaiah, though also 2× each in the archaic poems of Deuteronomy 32 and Deuteronomy 33. Accordingly, only in the *Hodayot* scroll is the form למו expected, especially since this poetic text evokes biblical poetic language so often. It is truly striking, therefore, to find this archaic BH feature used in standard QH prose, as in 1QS, for example:

- לאין שרית ופליטה למו 1QS 4:14
- לעזוב למו הון 1QS 9:22

Once more, it appears, the Qumran writers sought an archaic form and revived it, as it were, to be part of their "natural" literary language.

As a third instance of the Qumran scribes electing an older grammatical form, especially when a newer one was very much on the rise, I present the evidence for the byforms בם and בהם. The BH data (including occurrences in selected late books) are as follows:

	בם	בהם
BH overall	133	159
Qohelet	2	4
Esther	0	2
Daniel	0	5
Zechariah	0	4
Nehemiah	3	10

Generally speaking the frequency of these alternative forms is about the same in the Bible. But a marked decrease in the shorter form occurs in post-exilic texts, with the longer form on the rise, no doubt due to Aramaic influence. It is therefore remarkable to witness the QH data:

	בם	בהם
QH overall	98	33
1QS	9	0

Running against the trend of LBH is the more frequent use of בם, especially in 1QS, where the shorter, older form occurs 9× to the exclusion of בהם. Once more, apparently, the Qumran scribes made a conscious choice to use an older Hebrew form.

And for one final point relevant to QH as anti-language, I would suggest that the desire to evoke antiquity and thus authority serves as

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enterprise of the diachronic study of BH. The two issues are not unrelated, but the questions should be kept distinct.

a ready explanation for the remarkable paucity of Greek, Aramaic, and Persian loanwords, a point that every student of the Dead Sea Scrolls has noticed.[55] Normally, native speakers of a language do not retain active knowledge of native words versus lexemes borrowed from other languages. But individuals who spend their lives with texts, who pay attention to such matters, and who contemplate the ideology behind word choice and lexical usage can—and indeed do—keep track of the distinction. In the Middle Ages, witness Thomas Aquinas and William of Tyre, both of whose Latin prose is well known for its avoidance of vulgarisms and colloquialisms that characterized the Medieval Latin stemming from the pen of their contemporaries.[56] It is very possible, therefore, that the Qumran scribes, who copied biblical texts and who evoked biblical language in their own compositions—in the *Temple Scroll*, in the Reworked Bible texts, and with constant allusions to biblical passages throughout[57]—could have recognized the difference between core Hebrew usages and incursions from outside. Naturally, they could not do this without the occasional slip, and thus, for example, the word רז (derived from Persian *rāz* 'secret, mystery') became an important part of the DSS vocabulary, occurring 119× (plus 19× in Aramaic texts)[58]—but by and large the Qumran scribes succeeded.[59]

Try as they might, however, these learned individuals could not produce the pure anti-language that they so desired—such is the mighty force of diachronic language change. Time and again, accordingly, one encounters the LBH features with which I began this essay and to which we now return. I limit myself to a random sampling of such items in 1QS, presented here in brief fashion.

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[55] See, for example, Kutscher, *History of the Hebrew Language*, 100.

[56] For an example closer to our own time, witness J. R. R. Tolkien, who spent his scholarly career reading and teaching Beowulf and other Old English texts, and who decried the incursion of French words into our language from the Middle English period onward, and thus preferred to have Bilbo Baggins reside at Bag End instead of cul-de-sac.

[57] Again (see n. 18 above), for my present argument it matters not whether texts such as the *Temple Scroll* were actually composed at Qumran or were merely copied and collected by the Qumran scribes. The main point remains, regardless.

[58] As John Huehnergard pointed out to me, the foreign nature of the word רָז may not have been recognized, since it passes quite easily as a Hebrew form (cf. אָח, יָם, אָב, זֵב, רֵעַ, רֹב, עָם, דָּם, דָּג, יָד, etc.).

[59] As further evidence thereof—especially in light of the previous footnote, with reference to Hebrew nouns of the same structure—it is striking that a word such as דת (also derived from Persian, namely, *dāta*) is wanting in the Hebrew texts and is attested only once in an Aramaic text (1QapGen ar 6:8).

• 1QS 1:17 וּמְצָרֵף נסֹוים בממשלת בליעל

In the Bible, the root צרף occurs typically in the Qal form. Only in Mal 3:2, 3:3, in the last of the prophetic books, do we encounter the Piʿel form. The use of the Piʿel in 1QS 1:17, accordingly, links QH to LBH.

• 1QS 3:9 ולהתקדש במי דֻוכִי וַיָהֲכִין פעמיו להלכת תמים

As indicated above, the DSS are remarkably free of foreign loanwords, though now and then they do occur. More frequently, one encounters Aramaisms of a grammatical nature. In this passage we see one of each kind of foreign language interference. The noun דוכי 'purity' derives from the Aramaic root דכה, as opposed to the Hebrew equivalent זכה; while the *Hiphʿil* prefix-conjugational verbal form יהכין retains the distinctive letter *he*, as in the Aramaic equivalent, in contrast to the standard Hebrew form יכין, reflecting elision of the *he*.

• 1QS 3:25 והואה ברא רוחות אור וחושך וַעֲלֵיהֵָן יסד כול עשה

Here one notes the Aramaic pronominal suffix הן-, as opposed to Hebrew הם- (or perhaps המה- as in QH). This form never occurs in BH, though clearly the Aramaic feature has influenced the Qumran scribe here.

עינוהי 1QS 5:3	רגלוהי 1QS 6:13
חוקוהי 1QS 5:11	לפנוהי 1QS 6:26

In these four instances the author or scribe of 1QS employs the Aramaic 3rd masculine singular pronominal suffix והי- attached to plural and dual nouns. This form occurs once in the Bible, at Ps 116:12, in the word תגמולוהי, though there the explanation is regional dialectal, since this psalm includes a host of Israelian Hebrew features.[60] In 1QS, the pressure of Aramaic is felt once more, and thus four examples of this morpheme occur in our text.

We now turn to several lexical items:

➢ מדע 'knowledge'
  • 1QS 6:9 להשיב איש את מדעו לעצת היחד
  • 1QS 7:3 ואשר יכחס במדעו ונענש ששה חודשים
  • 1QS 7:5 או יעשה רמיה במדעו ונענש ששה חודשים

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[60] Gary A. Rendsburg, *Linguistic Evidence for the Northern Origin of Selected Psalms* (SBLMS 43; Atlanta: Scholars Press, 1990), 83–86, esp. 85.

The noun מדע 'knowledge' is a clear Aramaism and a clear marker of LBH, with the following six attestations:

- Qoh 10:20
- Dan 1:4
- Dan 1:17
- 2 Chr 1:10
- 2 Chr 1:11
- 2 Chr 1:12

The word occurs eight times altogether in the DSS, including the three above passages in 1QS.

➢ מדרש 'study, investigation'
  - ישפטו בם במדרש יחד 1QS 6:24
  - היאה מדרש התורה 1QS 8:15
  - במושב במדרש ובעצה 1QS 8:26

The word מדרש occurs only twice in the Bible, both times in Chronicles:

- בְּמִדְרַשׁ הַנָּבִיא עִדּוֹ 2 Chr 13:22
- מִדְרַשׁ סֵפֶר הַמְּלָכִים 2 Chr 24:27

In these two instances the word מדרש appears in the name of a book, from which the reader of Chronicles can learn additional information about a particular subject (kings Abijah and Joash, respectively). Its use in the DSS is different, with the word serving a range of meanings, including "study, investigation, etc." Nonetheless, scholars who approach the Hebrew language from a diachronic perspective will see the immediate connection between this LBH feature and its presence in the DSS.[61] It occurs three times in 1QS, and another 9× in the remainder of the Qumran corpus.

➢ זקף 'stand, arise'
  - ואם יז{.}פּוֹ ונפטר ונענש שלושים יום 1QS 7:11

The text is difficult at this point, though regardless the root זקף 'arise' may be recognized here. This verb is another identifiable feature of

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[61] See Avi Hurvitz, "Continuity and Innovation in Biblical Hebrew: The Case of 'Semantic Change' in Post-Exilic Writings," in *Studies in Ancient Hebrew Semantics* (ed. Takamitsu Muraoka; Abr-Nahrain Supplement Series; Louvain: Peeters, 1995), 7–10; and idem, "Can Biblical Texts Be Dated Linguistically? Chronological Perspectives in the Historical Study of Biblical Hebrew," in *Congress Volume Oslo 1998* (ed. André Lemaire and Magne Sæbø; SVT 80; Leiden: Brill, 2000), 152–53. These two articles treat the noun מדרש within the larger context of the verb דרש 'search, inquire'.

LBH. It is common in Aramaic and is attested in the Bible in two late Psalms only (the two passages have very similar wording):[62]

- Ps 145:14 וְזוֹקֵף לְכָל־הַכְּפוּפִים
- Ps 146:8 יְהוָה זֹקֵף כְּפוּפִים

The root occurs three other times in the DSS, and is another clear nexus between LBH and QH.

➢ עולמים (vs. עולם) 'forever, eternity'

This is an exceedingly common feature in our text; I limit myself here to examples from the first three columns only:

- דעת עולמים 1QS 2:3
- שלום עולמים 1QS 2:4
- אש עולמים 1QS 2:8
- כלת עולמים 1QS 2:15
- ארורי עולמים 1QS 2:17
- עצת עולמים 1QS 2:23
- סוד עולמים 1QS 2:25
- יחד עולמים 1QS 3:12

One of the characteristics of LBH identified by Avi Hurvitz is the use of עולמים in a variety of contexts, especially as the second element in a construct phrase, where previously the singular form עולם was utilized.[63] Clear LBH examples include the following:

- Isa 45:17 תְּשׁוּעַת עוֹלָמִים
- Isa 51:9 דֹּרוֹת עוֹלָמִים
- Ps 145:13 כָּל־עֹלָמִים
- Dan 9:24 צֶדֶק עֹלָמִים

In QH this trend continues, as is visible from the eight examples in the first three columns of 1QS.

The present article provides a reading of 1QS through a linguistic lens, with special attention to the historical development of the Hebrew language. Two counter trends are visible in this document, which (as I hope to have demonstrated) may serve as a "trial cut" or sample text from among the many DSS compositions. The first trend, following Rabin and more recently Schniedewind, is the purposeful development and employment of an anti-language, in order to create an internal idiom for the members of the sect. This brand of Hebrew attempts as much as possible to utilize archaic features, in order to provide an air of authenticity and authority to the new documents

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[62] Hurvitz, *Ben Lashon le-Lashon*, 93–95.
[63] Ibid., 100–104.

under formation in the hands of the sect's leaders. At the same time, though, a second trend is noticeable throughout: try as they might, the Qumran authors could not swim upstream against the billowing surge of LBH incursions into their prose. The result is a most unusual Hebrew dialect, which may be visualized in the following manner (adapting the chart developed by Shelomo Morag to depict his understanding of QH):[64]

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         (a)  non-LBH features,              (b)  LBH features
              especially those of a
              (pseudo-)archaic nature
              used to create an
              anti-language


(c)  variant
stress patterns    - - - - - - - - - - - - - - - - - - - - - - - - - - - -


(d)  features
due to Aramaic     - - - - - - - - - - - - - - - - - - - - - - - - - - - -
influence


                              GQH
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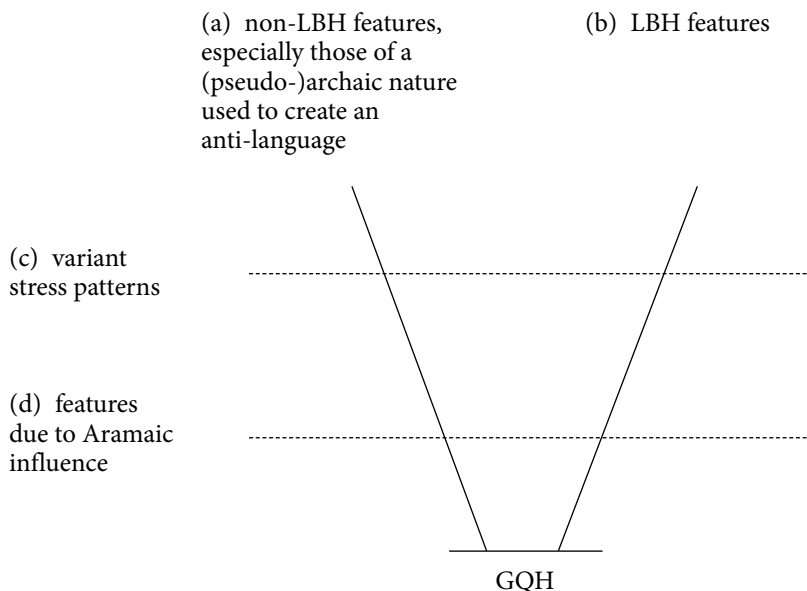
Note: Item (c) refers to stress patterns that diverge from Tiberian Hebrew, a feature which unites QH and MH. We have not discussed this issue above, though the interested reader may find information on this topic in Morag's article and elsewhere.[65]

I repeat here Morag's words to explain his version of the chart: "In this diagram components (c) and (d) are represented by broken lines, to indicate their synchronic nature (representing factors that were operating during the Qumran period); the full lines, on the other hand, indicate diachronic relationship (that is, a relationship that has to be viewed in historical terms)." Although I have not acceded to Morag's main position concerning QH, I find his chart extremely helpful in

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[64] Morag, "Qumran Hebrew: Some Typological Observations," 162.
[65] Ibid., 155. See also Kutscher, *Megillat Yeshaʿyahu*, 255–61. For a different approach, see Qimron, *Hebrew of the Dead Sea Scrolls*, 40–42, 50–52.

envisioning the historical development of the language of the DSS—
with the one change from his "(a) non-LBH features, possibly Old
Hebrew isoglosses" to my "(a) non-LBH features, especially those of a
(pseudo-)archaic nature used to create an anti-language."

SECTARIANS AND HOUSEHOLDERS

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1. *Introduction*

The Dead Sea sect has long been viewed by scholars as an example of a ritual, study, and observance-based community, which provided for its members a new corporate identity surpassing (or even supplanting) natural kinship ties. According to this view, the Dead Sea community forged a new identity based on commonality of spiritual aspirations and halakhic observances. It pushed aside the traditional framework of allegiances to the people of Israel or one's natural family. Instead, "the children of light" isolated themselves both physically (by moving into the Judean desert) and spiritually (by lumping everyone else into the category of "children of Belial," destined to eternal damnation). The new community was formed around the combination of elaborate purity laws, study of sacred texts (of which the group claimed unique understanding), and regular public gatherings for meals, decision-making, or ritual ceremonies. The entire lifestyle of the community served to actualize sanctity here and now, although its members were eagerly expecting the final days when the entire universe would be transformed in accordance with their vision of the sacred. For the meantime, however, they withdrew to the desert to embody as a community the realm of purity and true understanding otherwise abandoned by the rest of Israel.[1]

At least some rule books found at Qumran seem to corroborate this picture. The *Community Rule* (1QS) portrays a group of people existing in relative isolation from the surrounding world.[2] In the course of their acceptance into the community, individuals gradually

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[1] On realized eschatology and apocalyptic expectations in the Dead Sea scrolls see John J. Collins, "Apocalypticism and Literary Genre in the Dead Sea Scrolls," in *The Dead Sea Scrolls After Fifty Years: A Comprehensive Assessment* (ed. Peter W. Flint and James C. VanderKam; Leiden: Brill, 1999), 2: 403–30.

[2] For summary and discussion see Michael A. Knibb, "Rule of the Community," in *EDSS* 2:793–97.

merged their property with that of the community. It remains unclear how much of private ownership was retained during this process, but the communal use and sharing of property was clearly perceived as the norm. The communal sharing of possessions reflected the centrality of corporate identity within the group. Public sessions held to study and interpret sacred writings and public meals also served to cement ties among the members of the community and to develop a common identity different from natural kinship ties. Interestingly, the *Community Rule* contains no references to celibacy (but neither does it mention marriage or regulate for married couples). Unlike other texts produced by the sect, such as *Damascus Document* or 1QSa *Messianic Rule*, 1QS does not envision the family as the basic building block within the community. Instead, as John Collins has observed, membership "is achieved by a free act of adults."[3] The community of 1QS is composed of adult (male?) individuals, not families. Individual members exercise free will in joining the community and take upon themselves obligations and restrictions that come with their choice. Natural kinship ties are absent throughout the document. They are replaced by ties forged and maintained among individual members of the community. These members form a new corporate entity designed to embody and preserve sanctity and true knowledge in expectation of the last days. Moshe Weinfeld correctly noticed the profoundly Hellenistic nature of the group portrayed in the *Community Rule*, when he compared its structure and functioning to those of Hellenistic voluntary associations.[4] Despite its explicit particularism, the group portrayed in 1QS represents a profoundly *Hellenistic* phenomenon.[5]

On the other hand a series of texts describes the sect as essentially an alliance of families wedded to a particular interpretation of the Torah. This group includes such documents as 4QMMT, *Damascus Document*, the *Rule of the Congregation*, and sectarian sapiential composi-

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[3] See John J. Collins, *The Apocalyptic Imagination* (2d ed.; Grand Rapids: Eerdmans, 1998), 118.

[4] See Moshe Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect: A Comparison with Guilds and Religious Associations of the Hellenistic-Roman World* (NTOA 2; Fribourg: Editions universitaires; Göttingen: Vandenhoeck & Ruprecht, 1986), 10–47. See also Erik W. Larson, "Greco-Roman Guilds," in *EDSS*, 1:321–23.

[5] On Hellenistic literary characteristics of some documents from Qumran see Shaye J. D. Cohen, "Hellenism in Unexpected Places," in *Hellenism in the Land of Israel* (ed. John J. Collins and Gregory E. Sterling; Notre Dame: University of Notre Dame Press, 2001), 217–23.

tions (4Q416 et al.), to name only the best known ones. All of them explicitly envision the traditional household as a basic building block within the sect and the proper conduct of everyday life within the household as essential to the sectarian "holiness project." The way in which these texts envision the structure of the Yahad closely resembles the descriptions of the "congregation of the exile" in the books of Ezra 6–10 and Nehemiah 9–10. The similarities could be explained either by a relative historical proximity between the two groups resulting in organizational continuity between them, or by the intentional mimicking of biblical paradigm by the Yahad. If the first scenario were true, one could argue that the family-centered organization model was an earlier development originating during the Achaemenid and early Hellensitic period. Around the first century B.C.E. the Hellenistic-type organization model came to play an increasingly dominant role, but did not altogether replace the previous one. The two continued to coexist and mutually shape each other well into the Roman period. If, on the other hand, the similarities with Ezra and Nehemiah are the result of the intentional literary modeling of the Yahad after the congregation of the exile, the diachronic development becomes less certain.

At any rate, by the first century C.E., the Dead Sea sect was characterized by dynamic coexistence between the two organizational forms that shaped Jewish religious movements of Antiquity: family-based groups and Hellenistic-type associations uniting like-minded individuals. By the turn of the Common Era both forms of communal organization played an equally important role in the formation of Jewish religious movements.[6] Josephus' reference to the two groups of the Essenes (married and celibate) serves as the most immediate example of that.[7] Copies of the *Damascus Document* continued to remain in circulation throughout the history of the sect and were apparently used alongside those of the *Community Rule*. The coexistence of these two forms of sectarian organization reflects a complex social dynamic that existed in Jewish religious movements at the turn of eras. As I shall argue below, each social form brought with itself a different form of religious discourse. By looking ahead one may also notice the Dead Sea group reflected a broader trend among Jewish

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[6] Cf. my earlier argument in Sivertsev, *Households, Sects, and the Origins of Rabbinic Judaism* (Leiden: Brill, 2005), 94–142. See also reviews by Michael L. Satlow in *CBQ* 68:3 (2006), 553–54, and Charlotte E. Fonrobert in *JSJ* 38 (2007), 151–54.
[7] See *War* 2.160–161.

religious movements of the time. Similar dynamics between family-based structures and a community of adult individuals bound together by the common notion of religious truth and salvation existed in the Pharisaic/rabbinic movement, as well as among early Christians. Over the past number of years several studies have attempted to trace this dynamic among Pharisees and rabbis.[8] As far as early Christianity is concerned, the house churches of the Pauline epistles and study circles of the Gospels seem to reflect both the productive coexistence and ongoing competition between the two organizational forms, just as the Dead Sea scrolls often do.[9]

In rabbinic Judaism and Early Christianity, however, the bulk of our evidence comes from relatively late literary sources, which have been shaped by circumstances, tastes, and biases of their editors and often tend to emphasize the significance of a particular social setting at the expense of others. The almost exclusive emphasis of rabbinic literature and the Gospels on study circles, and neglect of family setting is a case in point. In this respect the Dead Sea Scrolls provide a significantly more balanced picture of the variety of social settings in which a typical religious movement at the turn of the eras would take shape. In what follows I shall review some of the available evidence for the variety of social forms that existed within the Dead Sea movement. I shall also argue that the organizational structure of the Dead Sea sect reflects a much broader paradigm that could be productively used to reconstruct structures of other religious movements in all their dynamic complexity.

2. *The Rule of the Congregation*

The *Rule of the Congregation* (the document deemed to describe the Qumran community in the eschatological times)[10] repeatedly refers to

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[8] See Alexei Sivertsev, *Private Households and Public Politics in 3rd–5th Century Jewish Palestine* (Tübingen: Mohr Siebeck, 2002), 117–39, and idem, *Households, Sects, and the Origins of Rabbinic Judaism*, 179–274; Stuart S. Miller, *Sages and Commoners in Late Antique ’Erez Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi* (Tübingen: Mohr Siebeck, 2006), 339–93.

[9] See Carolyn Osiek and David L. Balch, *Families in the New Testament World. Households and House Churches* (Louisville: Westminster John Knox, 1997), 103–73.

[10] The text appears as an appendix to the *Community Rule*. It was published in Dominique Barthélemy and Józef T. Milik, *Qumran Cave I* (Oxford, Clarendon, 1955), 107–130 and identified as a rule for the eschatological community. For the eschatological nature of the document, see further Lawrence H. Schiffman, *The Eschatological*

the group called "chiefs of the clans of the congregation."[11] They are described as judges and military commanders, participating in communal gatherings and finally attending the messianic banquet. "Clans (or families) of Israel" constitute, according to this text, a major component within the eschatological community. These texts indicate that the Dead Sea community was composed of individual clans and/or households. Unfortunately, nothing can be said conclusively about the social makeup of these households. Still, the reference to their heads as eschatological judges and military leaders may indicate that they possessed high status within the society of their own time as well. The document describes the sect as a community that gathers to "walk in accordance with the regulation of the sons of Zadok, the priests, and the men of the covenant, who have turned away from the path of the people."[12] The *Rule* sets the following procedure for the (eschatological?) public gathering of the sect:

> When they come, they shall assemble all those who come, including children and women, and they shall read into their ears all the regulations of the covenant, and shall instruct them in all its precepts, so that they do not stray in their [errors].

The text envisions a public assembly, in which sectarians participate along with their families. All members of the family, including women and children, are instructed in the sectarian interpretation of the law, which is apparently referred to above as the "regulation of the sons of Zaddok." This provision is remarkably similar to the description of Nehemiah 8–10, according to which entire families participated in the covenant renewal ceremonies. The ceremonies also included public reading and interpretation of the law.[13] Thus the document takes

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Community of the Dead Sea Scrolls (Atlanta: Scholars Press, 1989). Cf. Johanna Dorman, *The Blemished Body: Deformity and Disability in the Qumran Scrolls* (Groningen: Rijksuniversiteit Groningen, 2007), 49–87. In recent years, Hartmut Stegemann suggested to see the text as "an early rule book of the Essenes" rather than an eschatological document. See Stegemann, "Some Remarks to 1QSa, to 1QSb, and to Qumran Messianism," *RevQ* 17 (1996): 479–505. Cf. Charlotte Hempel, "The Earthly Essene Nucleus of 1QSa," *DSD* 3 (1996): 253–67. According to her conclusions, 1QSa represents a "piece of communal legislation that goes back to the Essene parent movement of the Qumran community."

[11] 1QSa 1:16 and 23, 2:14–16.

[12] 1QSa 1:1–5. Here and below, translations are from Geza Vermes, *The Complete Dead Sea Scrolls in English* (London: Penguin, 2004), with minor revisions.

[13] Schiffman, *The Eschatological Community*, 13 also draws a parallel between the gathering stipulated by 1QSa and covenant renewal ceremonies described in the Bible, including Nehemiah 9–10. Cf. Weinfeld, *Organizational Pattern*, 46–47, esp.

an entire family and not just its male adult members to be members of the sect.[14] This agrees with the requirement of CD 15: 5–6 that "whoever enters the covenant, for all Israel for an eternal law, he must impose upon his sons, who belong to those who are enrolled, the oath of the covenant." A family rather than an individual is the subject of the covenant. Such an approach imposes particular requirements on the head of the family to ensure compliance of his nearest kin with the covenant and its demands.[15]

In the subsequent description of children's education in the spirit of the community, the *Rule of the Congregation* spells out the crucial importance of the family as a basic social unit within this movement. When they were still young, children had to be indoctrinated in the principles of the covenant and its regulations.[16] At age of twenty a young man joins the community:

> At the age of twenty years [he shall be enrolled], that he may enter upon his allotted duties in the midst of his family (and) be joined to the holy congregation. He shall not [approach] a woman to know her by lying with her before he is fully twenty years old, when he shall know [good] and evil. And thereafter, he shall be accepted when he calls to witness the judgments of the Law, and shall be (allowed) to assist at the hearing of judgments.[17]

The text seems to imply that the acceptance of a young man as a full-fledged member of the congregation coincides with his becoming an independent head of his own household. The heads of households constituted the leadership of the community, and so one's status within the communal structures corresponded to his status within a household. A man's status in the society was conditioned upon his marital status and his ability to establish and maintain his own family. Only

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n. 229. He observes that the covenant renewal in Nehemiah 8–10 "is no different from the rite of initiation into the covenant in the Manual of Discipline."

[14] Schiffman, *The Eschatological Community*, 17 compares the structure and public status of the family in 1QSa to those of priestly families described in the Bible. He specifically mentions the laws governing the utilization of *terumot* or priestly dues. Female members of the household (and children under the age of twenty) were members of the sect by virtue of the status of their male relatives, just as women of priestly families had certain rights by virtue of belonging to priest's household.

[15] Hempel, "Earthly Essene Nucleus," 260–69 observes that our text "shows a number of important common features with the CD which point to a similar social setting."

[16] 1QSa 1:6–8.

[17] 1QSa 1:9–11.

the head of a household could be considered a full-fledged member of the community. The administrative structure of the community was intimately bound to the structure of the households constituting it. The *Rule of the Congregation* explicitly identifies people who supervise key administrative and judicial functions within the community as "heads of households:"

> And every head of family in the congregation who is chosen to hold office, [to go] and come before the congregation, shall strengthen his loins that he may perform his tasks among his brethren in accordance with his understanding and the perfection of his way. According to whether this is great or little, so shall one man be honored more than another.[18]

Later on, the document states that in the case of a simpleton, unfit for public service in the congregation, "his family shall inscribe him in the army register and he shall do his service in the forced labor to the extent of his ability."[19] He does not acquire a standing of his own, and is still treated as a subservient member of his father's household, just as he is considered a second-rate member of the community.

All these texts assign to the family a primary role within the community and closely bind one's status within the sect to the status within a household. Family members must be instructed in the laws of the community. Special attention must be paid to children: they are supposed to be brought up by their families fully instructed in the principles of the sect. Finally, when young men formally joined the community, they themselves had to be heads of independent households. Only this would allow them to fulfill certain administrative functions, such as participating in court sessions. As the person achieves maturity as a head of his household, he joins governing structures of the community. In other words, families provided major identity markers within the community. Far from destroying traditional family ties, the Dead Sea sect recognized the families of its members as the main structural component.

It is against this background that we can revisit a somewhat enigmatic statement of 4Q270 *Damascus Document* about the "mothers" of the congregation. The reference to them appears in 7 i 13–15 and reads as follows:

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[18] 1QSa 1:16.
[19] 1QSa 1:20–22.

> [One who murmur]s against the fathers [shall be expelled] from the
> congregation and not return. [If] it is against the mothers, he shall be
> penalized for ten days, since the mothers do not have authoritative status
> within [the congregation].

There have been several inconclusive attempts to identify "the
mothers."[20] Based on what has been discussed above, I would sug-
gest that the "fathers" and the "mothers" of the congregation were
members of families within the sect that had special authoritative sta-
tus, perhaps founding families related to the Zadokite priesthood. The
Rule of the Congregation discussed above indicates that the "chiefs of
the clans of the congregation," as well as regular family members, ful-
filled important public functions within the sect. It is fully possible
that "fathers" of the congregation were male heads of several leading
families, whereas the word "mothers" referred to their wives.[21] If so,
noticeable inequality between the two could mean that "fathers" were
considered leaders of the sect, whereas "mothers" held subordinate
although respected positions as their wives. Alternatively, it is pos-
sible that mothers' leadership status within the congregation did not
derive from that of the fathers but was independently achieved. In
that case it is unclear whether "fathers" and "mothers" of congregation
were husbands and wives, or constituted two separate groups of sect's
members. If the reference to "fathers" and "mothers" implies that they
were husbands and wives, then, similar to what has been observed in
the *Rule of the Congregation*, family structures in 4Q270 *Damascus
Document* will have overlapped with those of the sect. Families consti-
tuted the main structural units within the community, and leadership
of the sect was also concentrated in the hands of particular families,
rather than individuals.[22]

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[20] Joseph M. Baumgarten, *Qumran Cave 4 XIII. The Damascus Document (4Q266–
273)* (DJD 18) (Oxford: Clarendon, 1996), 8 stops short of suggesting any specific
explanation about the nature of this group. Still, he concludes that offences against
the Fathers and the Mothers of the community "presuppose family life with marriage
and children." It is also possible that "the Mothers of the community" should be
seen in connection with *zeqenim* and *zeqenot* of 4Q502 identified by Baumgarten as
"aged couples." See Joseph M. Baumgarten, "4Q502, Marriage or Golden Age Ritual?"
JJS 43 (1983): 125–36.

[21] Cf. the suggestive discussion of "mother's house" in Carol L. Meyers, "To Her
Mother's House: Considering a Counterpart to the Israelite *Bêt'āb*," in *The Bible and
the Politics of Exegesis: Essays in Honor of Norman K. Gottwald on His Sixty-Fifth Birth–
day* (ed. David Jobling et al.; Cleveland: Pilgrim, 1991), 39–51 and 304–307.

[22] The sect probably recognized an enormous importance of women for the proper

3. *Legal Texts, Families, and the Structure of the Sect*

CD and Cave 4 excerpts from the *Damascus Document* give us more evidence about social and economic standing of the families that constituted the community. 4Q270 frag. 6 v of the 4QDamascus Document contains a regulation which prohibits a nurse from carrying an infant on the Sabbath. It also contains a prohibition against contending with one's slave or maidservant on the Sabbath.[23] Together with other regulations addressing the management of various parts of one's private business during the Sabbath, these laws presuppose an audience that consists of members of households who could afford to have various groups of slaves and servants, as well as livestock at their disposal. Other regulations concerning the Sabbath include the prohibition against demanding payment from a neighbor or litigation "concerning property and gain."[24] A parallel excerpt from 4Q271 frg. 5 i prohibits a man from grazing an animal outside his town, as well as from delivering the newborn of an animal on the Sabbath. It also prohibits the raising of an animal that has fallen into a pit.[25] In addition carrying spices, opening sealed vessels, and carrying items outside one's house are strictly prohibited.[26] On the whole, a man is prohibited from desecrating the Sabbath "for the sake of property and profit."[27] In this respect, both texts draw the picture of an (aristocratic?) household

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conduct of family's life according to halakhah. As Baumgarten observes, "women were evaluated within the Qumran community in accordance with their 'intelligence and understanding' as 'daughters of truth.'" See Baumgarten, DJD 18, 144, as well as his "4Q502, Marriage or Golden Age Ritual," 125–36. Baumgarten, DJD 18, 165 observes that the wife had important responsibilities to "admonish her husband about the laws concerning sexual intercourse, with which she is to familiarize herself by learning them and fulfilling them."

[23] 4Q270 6 v 16–17 (= 4Q271 5 i 6–8). Cf. CD 11: 10–14, for a different version of this law. See Lawrence H. Schiffman, *The Halakhah at Qumran* (Leiden: Brill, 1995), 119–20, for discussion.

[24] 4Q270 6 v 4.

[25] 4Q271 5 i 2–4 and 8–9 (cf. 4Q270 6 v 12–13 and 17–18, and CD 11:5 and 11–14). See Schiffman, *Halakhah at Qumran*, 111–13 and 121–22, for discussion.

[26] 4Q271 5 i 5–6 (cf. 4Q270 6 v 14–15 and CD 11:6–9). See Schiffman, *Halakhah at Qumran*, 113–17, for discussion. Cf. Lutz Doering, "New Aspects of Qumran Sabbath Law from Cave 4 Fragments," 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* (ed. Moshe Bernstein et al.; STDJ 23; Leiden: Brill, 1997), 251–74, esp. 256–64.

[27] 4Q271 5 i 10 (= 4Q270 6 v 18–19 and CD 11:15). For possible connotations of this prohibition, see discussion below.

as the main social unit within the sect. The household is presumed to possess slaves along with cattle. Its members are expected to be involved in transactions "for the sake of property and profit," including lending money to their neighbors.[28] Overall, a "typical" household envisioned by the Sabbath law of the Zadokite fragments is relatively well to do. Other texts from the Zadokite fragments address the possibility of a man having intercourse with his slave-woman, something not unexpected in an upper class household of the time.[29]

The family law attested in the Zadokite fragments includes regulations pertaining to menstrual impurity, the laws of *sotah* (the unfaithful wife), and rules of marriage and divorce.[30] All three categories of law apparently envision a household (or group of households) of the type discussed above as their setting. All three of them indicate that family life and its associated halakhic practices constituted an important part of the Dead Sea sect's existence. The laws of *sotah*, although fairly fragmentary, reflect an elaborate procedure of testing a wife suspected of unfaithfulness to her husband. The description basically agrees with similar laws attested in biblical and later rabbinic writings.[31] It also appears to be followed by laws addressing a man's sexual relationships, including his relationship with his slave-woman.[32]

Regulations pertaining to menstrual impurity and birth-related impurity likewise imply a household of means as their setting.[33] The laws address the issue of a woman's ability to partake of clean food as well as her "liminal" status within her family and the community

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[28] Cf. Frank Moore Cross and Esther Eshel, "Ostraca from Khirbet Qumran," *IEJ* 47 (1997), 17–28, for an ostracon interpreted to contain a deed of gift, in which one Honi transfers his estate and his slave to a person named Elazar. The editors suggested that the ostracon describes the transfer of the property of a member of the community into the communal ownership. See Catherine Hezser, *Jewish Slavery in Antiquity* (Oxford: Oxford University Press, 2005), 237, and 291–92.

[29] 4Q266 12 7(= 4Q270 4 14).

[30] For the most recent summary and bibliographic references see Eileen Schuller, "Women in the Dead Sea Scrolls," in Flint and VanderKam (eds.), *The Dead Sea Scrolls after Fifty Years*, vol. 2, 117–44, and Cecilia Wassen, *Women in the Damascus Document* (Atlanta: Society of Biblical Literature, 2005).

[31] 4Q270 4 1–8. See Baumgarten, *Qumran Cave 4.XIII*, 153–54, for commentary and parallels with later rabbinic texts.

[32] 4Q270 4 13–21.

[33] 4Q266 6 ii (cf. 4Q272 1 ii and 4Q273 5). See Baumgarten, *Qumran Cave 4.XIII*, 56–57, for commentary. For other examples of the law of purification after childbirth in the Second Temple literature see Joseph M. Baumgarten, "Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees," in *New Qumran Texts and Studies* (ed. George J. Brooke; Leiden: Brill, 1994), 3–10.

at large during her menstruation periods and after childbirth. Despite the lack of more specific information about their social setting, the laws of menstrual purity do not contradict what has been previously observed about the setting of the Dead Sea sect's family law. Individual households and relationships among their members appear to be in the center of this type of sectarian legislation.

The rules of marriage and divorce preserved in the 4QDamascus Document reflect a similar picture. According to 4Q266 9 iii:

> Let no man do anything involving buying or selling unless he informs the Overseer who is in the camp. He shall do it with counsel so that they don't err. Likewise for anyone who takes a wife, let it be with counsel, and so shall he guide one who divorces. He shall instruct their sons and daughters and their children in a spirit of humility and loving-kindness.[34]

The text refers to the enigmatic figure of the "Overseer who is in the camp" as supervising various daily activities of the members of the sect, including marriage and divorce.[35] The degree of supervision, however, remains unclear, as well as the nature of the position of the overseer itself. The term "camp" used in the excerpt most probably refers to the sum total of the sectarians living in a particular Jewish town or city.[36] Did the *mevaqqer* fulfill functions as the leader of a local community?[37] Given the paucity of data at our disposal, a final assessment would be very difficult indeed. Still, two things are clear. First, individual households and/or families are envisioned in this text

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[34] Cf. CD 13:15–19.

[35] The title *mevaqqer* appears to have biblical roots. A similar official has been also mentioned in Nabatean inscriptions. See Weinfeld, *Organizational Pattern*, 19–21 On the *mevaqqer*, his role and functions see Józef T. Milik, *Ten Years of Discovery in the Wilderness of Judaea* (London: SCM, 1959), 99 and Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls* (Philadelphia: JPS, 1994), 121–23. The functions of the overseer primarily included admission into the community, supervision of finances and trade and judicial proceedings. See also Catherine M. Murphy, *Wealth in the Dead Sea Scrolls and in the Qumran Community* (STDJ 40; Leiden: Brill, 2001), 57–60.

[36] 4QMMT B 29–31 uses the term "camps" in exactly this sense. See L. H. Schiffman, "The Place of 4QMMT in the Corpus of Qumran Manuscripts," in *Reading 4QMMT: New Perspectives on Qumran Law and History*. (ed. John Kampen and Moshe J. Bernstein; SBL Symposium Series, 2. Atlanta: Scholars Press, 1996), 89, for discussion.

[37] The *Damascus Document* often associates the *mevaqqer* with the camps. See for example CD 15:14; 13:7, 13, 16; and 14:8–9. On the other hand, he is occasionally mentioned as an authority in the community of "the many." See Charlotte Hempel, "Community Structures in the Dead Sea Scrolls," in Flint and VanderKam (eds.), *The Dead Sea Scrolls after Fifty Years*, 2:80–81.

as the basic building block within the sect. Second, because of this the sectarian leadership is expected to actively participate in shaping and defining the nature of these families.[38]

The degree of the sectarian involvement in the life of household, as attested in 4Q266 frag. 9, provides a close parallel to some themes in the *Rule of the Congregation* discussed above. In both cases, the sectarian indoctrination of children appears to be of prime importance. In both cases, it takes place within the family, but the sect's leadership demonstrates a keen interest in keeping a close eye on the entire process. A special provision to bring up children in the spirit of the sect is repeatedly stressed in both compositions. The sectarian leadership gets actively involved in one's decision about taking a wife. Our law explicitly states that one has to marry "with counsel." The same is true for divorce. Overall, the text reflects a situation within a group of households, united by the same interpretation of the Jewish law and distancing themselves from the larger community, which voluntarily allows external supervision of their affairs by the leadership of the sect. This seems designed to ensure compliance with laws and regulations according to their proper interpretation. As a result, the leaders of the sect were perceived as legal experts whose knowledge and expertise were seen as authoritative by the households constituting the sect.

Families that for some reason no longer followed the sectarian interpretation of the law were automatically excluded from the sect. The 4Q copies of the *Damascus Document* state that "one who comes near to fornicate with his wife contrary to the law shall depart and return no more."[39] Joseph Baumgarten has correctly observed that the crucial word within this phrase is "contrary to the law." He, however, tends to find here references to specific transgressions committed by a man in violation of the law.[40] I would suggest that any relationship carried out "contrary to the law," i.e. contrary to the sectarian understanding of the law, was perceived as tantamount to fornication and led to expulsion from the sect. In other words, once the family (or the head of the family) was no longer prepared to accept the Zadokite interpretation

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[38] A similar situation of communal control over individual members, their families, and their assets emerges from Ezra 10:8. See Kenneth G. Hoglund, *Achaemenid Imperial Administration in Syria-Palestine and the Missions of Ezra and Nehemiah* (Atlanta: Scholars Press, 1992), 234, for discussion.

[39] 4Q270 7 i 12–13 (cf. 4Q267 9 vi 4–5).

[40] Such as "unnatural intercourse": see Baumgarten, *Qumran Cave 4.XIII*, 164–65.

of the law as authoritative it automatically detached itself from the sect. "Fornication with one's wife contrary to the law" indicates that one no longer conducts his family life according to the law of the sect. Interestingly enough, at least in one case this regulation is immediately followed by a statement that one murmuring against the "fathers" has likewise to be permanently excluded from the sect.[41] It appears that in both instances we are dealing with conflicts between the sectarian leadership and rank-and-file members of the sect. In both instances the failure to accept the sectarian leadership as authoritative led to an immediate and permanent break with the group.

4Q271 frag. 3 provides another important insight into an individual household as the basic unit of the Dead Sea sect. According to this text:

> If a man gives his daughter to a man, let him disclose all her blemishes to him, lest he bring upon himself the judgment of the curse which is said of the one who that 'makes the blind to wander out of the way.' Moreover, he should not give her to one unfit for her, for that is *kil'ayim*, plowing with ox and ass and wearing wool and linen together. Let no man bring a woman into the holy covenant who has had sexual experience, whether she had it in the home of her father or as a widow who had intercourse after she was widowed. And any woman upon whom there is a bad name in her maidenhood in her father's home, let no man take her except upon examination by trustworthy women of repute selected by the command of the overseer over the many. After-ward he may take her, and when he takes her he shall act in accordance with the law.[42]

This text specifies various rules of proper engagement and marriage as seen by the sectarians. The main social unit described by the text appears to be one's "house" (*bayit*) or rather the household. The text perceives the authoritative structures of a traditional Jewish household as the system allowing for the transmission and preservation of the community's holiness. The head of the household plays a crucial role in his daughter's marriage. It is his responsibility to assure that the marriage leads to a proper marital union and proper family life. He must disclose all blemishes of a prospective bride and to make sure that she marries a person who is "fit" for her. The last requirement is sufficiently vague to imply restrictions on marriage not only with

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[41] 4Q270 7 i 13.
[42] Cf. 4Q269 frg. 9 and 4Q270 frg. 5.

non-Jews, but particular categories among Jews as well. Overall, our text is remarkably conservative in terms of its social ideals. The household and its traditional patriarchal leadership become a crucial element in assuring the purity and integrity of Israel. An individual household is portrayed as a central element in a system designed to fulfill the religious ideal of this group.[43]

The books of Ezra and Nehemiah provide the most immediate parallel to the Dead Sea sect, as it emerges from the documents discussed.[44] There, the so-called "congregation of the exile," i.e., the group of Jewish clans that returned from the Babylonian exile is depicted along very similar lines. The author sees it as an organized and disciplined group, following a specific set of laws and embodying authentic Judaism.[45] The congregation is directed by a body of official interpreters of the Jewish Law, including Ezra himself, and perhaps Nehemiah.[46] Still, the individual clan or family remains the main unit within the "congregation of the exile."[47] It is probably due to the importance of this unit, that intermarriages become such an issue within the congregation itself as well as its leadership.[48] In any case the hands-on involvement of the leaders of this congregation in the problem of intermarriages and the forcible divorce of foreign wives provides a clear parallel to what we encounter in the Zadokite fragments.

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[43] Cf. Jon L. Berquist, *Controlling Corporeality: The Body and the Household in Ancient Israel* (New Brunswick: Rutgers University Press, 2002), 51–79, for discussion of the central role of the Ancient Israelite household in controlling interpersonal relations in general and sexuality in particular. This paradigm is fully suitable to describe the Dead Sea movement as well.

[44] See esp. Ezra 6–10 and Nehemiah 9–10.

[45] See Morton Smith, "The Dead Sea Sect in Relation to Ancient Judaism," *NTS* 7 (1961): 347–60, for parallels between the "Congregation of the Exile" of Ezra-Nehemiah and the Dead Sea Sect. Shaye J. D. Cohen, *From the Maccabees to the Mishnah* (Philadelphia: Westminster, 1987), 140–41, further elaborates on this topic.

[46] Neh 8:1–8 and 13–18

[47] Neh 8:2 and 10:29–30 specifically refers to families participating in the covenant renewal ceremony. According to Neh 8:13, "the heads of the clans of all the people" participate in the special session with Ezra, at which they interpret the law as to its meaning.

[48] Ezra 9–10, Neh 9:2, 13:1–3 and 23–31. H. G. M. Williamson, *Ezra and Nehemiah* (Old Testament Guides. Sheffield: JSOT Press, 1987), 96 interprets the prohibition of intermarriages in Ezra 9:2 in the light of Lev 19:19 prohibiting mixture of unlike animals, crops and material. If so, we have another parallel to the family law of the early Dead Sea Sect.

In addition to the common concern with family law, specifically, marriage law, the *Damascus Document* shares with Ezra and Nehemiah its interest in properly paid tithes as well as restrictions imposed on private business transactions with outsiders. According to 4Q270 2 ii, one has to be very meticulous about giving to the sons of Aaron tithes "from the cattle and the sheep" along with various types of redemption donations and first fruits. Laws of tithing are further elaborated in 4Q271 2 with specific directions regarding the amount of tithes paid "from the threshing floor and from the garden."[49] These regulations are very similar in nature to the elaborate procedures envisioned by the laws of Ezra and (especially) Nehemiah to establish material support for the priesthood. In both cases, donations by individual households were deemed to be an essential part of the renewed covenant and its economic backbone.[50]

The same can be said about regulations limiting economic interaction with gentiles. Similar to Nehemiah's laws, CD 12: 8–11 prohibits a member of the sect from selling animals, clean birds or "anything from his granary or his press" to gentiles. Somewhat earlier, the same text states that "no one should stay in a place close to gentiles on the Sabbath." It further requires that "no one shall violate the Sabbath for the sake of wealth or profit on the Sabbath."[51] This regulation may be similar in nature to Nehemiah's prohibition of selling and buying from gentiles on the Sabbath.[52] On a larger scale, the laws promulgated by Ezra and Nehemiah, and the laws of the *Damascus Document* have the same social setting. They try to regulate the everyday life of Jewish households, which formed a religious alliance and agreed to practice the Jewish law in a particular way. Both collections of regulations focus on such issues as family law, tithing and interaction with gentiles, as these issues were of prime interest to groups consisting of reasonably affluent households, with their social and economic concerns.

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[49] Since the payment of tithes is explicitly intended for "the sons of Aaron," these laws further demonstrate that the community hardly saw itself as being cut off from the temple. See Baumgarten, *Qumran Cave 4.XIII*, 145–46 and 174, for commentaries. Notice especially parallels between these texts and 4QMMT.

[50] Neh 10:33–40.

[51] CD 11:14–15.

[52] Neh 10:32 and 13:15–22. Cf. Schiffman, *Halakhah at Qumran*, 124–25, for a similar observation.

4. *Hellenistic Associations and the Community of 1QS*

In all of the abovementioned cases there remained a clear understanding that the traditional patriarchal family constituted the prime locus of holiness within the movement and thus served as the true embodiment of either observance or non-observance of the Law. This holiness had to be preserved by all means necessary against pollution and violation. As a result, the family constituted the prime object of halakhic legislation. The community and its officials sought to regulate family life precisely because it was deemed so central for their religious aspirations. In this situation, the larger community (such as the "congregation of the exile" in Ezra-Nehemiah or the "community of the renewed covenant" in CD) structured itself as an alliance of families intended to preserve themselves as loci of sanctity by practicing Jewish law in a particular way.

The real change in the nature of the community came with the shift in basic perception of what constitutes the embodiment of holiness in Judaism. It occurred when the community of like-minded individuals gradually came to compete with the family as the prime locus of sanctity in Judaism. As a result, the focus of religious discourse shifted from sanctifying one's everyday family life in accordance with particular halakhic norms to joining a new community of righteous individuals. The latter served as a religious substitute for the notion of familial holiness advocated in earlier texts. It was this new entity that embodied sanctity and led to ultimate salvation, not the traditional patriarchal family. The *Community Rule* expresses this new vision of holiness in vivid terms:

> When these become members of the Community in Israel according to all these rules, they shall establish the spirit of holiness according to everlasting truth. They shall atone for guilty rebellion and for sins of unfaithfulness, that they may obtain loving-kindness for the Land without the flesh of holocausts and the fat of sacrifice. And prayer rightly offered shall be as an acceptable fragrance of righteousness, and perfection of way as a delectable free-will offering. At that time, the men of the Community shall set apart a House of Holiness in order that it may be united to the most holy things and a House of Community for Israel, for those who walk in perfection.[53]

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[53] 1QS 8:4–10.

The community emerges from this description as the prime setting of holiness and sanctity destined to replace the Temple in carrying out atonement for Israel. There is nothing in this particular text that would indicate that the community in question no longer binds together families but rather individual followers. Still, other sections of the *Community Rule* indicate that this indeed is the case:

> No man shall be in the community of His truth who refuses to enter the Covenant of God so that he may walk in the stubbornness of his heart, for his soul detests the wise teaching of just laws. He shall not be counted among the upright for he has not persisted in the conversion of his life. His knowledge, powers, and possessions shall not enter the Council of the Community…He shall not be justified by that which his stubborn heart declares lawful, for seeking the ways of light he looks towards darkness. He shall not be reckoned among the perfect. He shall neither be purified by atonement, nor cleansed by purifying waters, nor sanctified by seas and rivers, nor washed clean with any ablution. Unclean, unclean shall he be. For as long as he despises the precepts of God he shall receive no instruction in the Community of His counsel.[54]

This exhortation addresses an individual. It castigates such personal characteristics as "stubbornness of the heart" and misplaced freedom of making choices. Thus, it is an individual who either gets accepted to or rejected from the community "of the perfect," based on his own merits. As Lawrence Schiffman has observed, there is "an understanding of the unique relationship between repentance, initiation into the sect, and ritual purification."[55] The act of joining the community comes as a result of one's repentance and the decision to transform one's inner self. It is meant to be deeply personal.[56] The family and family-centered halakhic observances no longer play any significant role in paving one's way towards righteousness. A person's lot is determined within his heart and expressed by his decision to join the community of Truth or leave it. Upon joining the community, he is examined "with respect to his understanding and practice of the Law."[57] Afterwards he undergoes annual examinations of "spirit and deeds" to determine his spiritual advancement.[58] Overall, individual spirituality and piety play

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[54] 1QS 2:25–3:6.
[55] Schiffman, *Reclaiming the Dead Sea Scrolls*, 103.
[56] 1QS 3:6–12. Cf. the blessing formula of the purification ritual in 4Q512. See Schiffman, *Reclaiming the Dead Sea Scrolls*, 299.
[57] 1QS 5:20–22.
[58] 1QS 5:24.

a central role in the religious discourse of the *Community Rule* (culminating in the famous "Tractate on Two Spirits"). Throughout the document the community is described as the depository of holiness on earth built around pure lifestyles of its individual members.

If we compare specific regulations recorded in the *Community Rule* to those of CD, we shall further see how much the paradigm of a sacred community consisting of individual adult devotees replaced that of the alliance of households. The bulk of laws preserved in the *Rule* deal with two types of relationships. First, they seek to regulate routine interaction among individual members of the group. Offenses against fellow sectarians, such as gossiping, cursing, insulting, and cheating, are singled out and punished with various degrees of severity.[59] Second, they address relationships between an individual member and the community as a corporate entity. These include offenses against the community and its officials, disturbing behavior during public gatherings, lying about one's property, etc.[60] The family, which played such a role in CD, is virtually non-existent in the *Rule*. It is no longer part of its discourse of sanctity. What matters is how an individual community member positions himself vis-à-vis other members or vis-à-vis the community as a whole. It is these norms of behavior, not regulations pertaining to everyday life of households, that allow the group to preserve itself as an embodiment of holiness in this world. The change of the legal subject of regulations vividly underscores this transformation of religious mentality.

This new type of community also structures itself around a particular set of rituals underscoring its uniqueness and holiness, as well as reinforcing common bonds among people assembled in it. The *Community Rule* focuses specifically on various types of ritualized gatherings creating a new identity in the group's members. Those include common meals, communal assemblies, and discussion of sacred texts within study circles. They all seek to strengthen the self-perception of the community as the true embodiment of sanctity and knowledge within Israel:

> They shall eat in common, and bless in common, and deliberate in common. Wherever there are ten men of the Council of the Community there shall not lack a priest among them. And they shall all sit

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[59] See 1QS 6:25–27 and 7:4–6, 8–9, 15–16.
[60] See 1QS 6:24–25 and 7:1–3, 6–8, 9–15, 17, 18–21.

before him according to their rank and shall be asked their counsel in all things in that order. And when the table has been prepared for eating, and the new wine for drinking, the priest shall be the first to stretch out his hand to bless the first fruits of bread and new wine. And where the ten are, there shall never lack a man among them who shall study the Law continually, day and night, concerning the right conduct of a man with his companion. And the congregation shall watch in community for a third of every night of the year, to read the Book and to study the Law and to bless together.[61]

The combination of communal study, communal liturgy, and communal meals was a potent tool of forging new identity for community members, surpassing and sidelining that of their natural kinship bonds. Parts of this passage from the *Community Rule* bear strong resemblance to the section from CD that requires the presence of "a priest learned in the Book of Meditation" among any ten men of the community, who "shall be ruled by him."[62] Indeed, the two of them may describe the same practice of the communal study of the Law. But their present contextual settings are different. Whereas CD seeks to legislate for the community in which family life constitutes the centerpiece of religious experience, the *Rule* provides guidance for the religious community that creates a new identity for its members. This identity is built around common practices and rituals, which sanctify and give religious meaning to the life of the individual as part of the sectarian community, not as part of a family.

Even though the holiness discourse of the *Community Rule* lacks any reference to one's household, this does not mean that families themselves disappeared from the life of individual community members, only that they were no longer part of the religiously meaningful universe. They no longer constituted the loci of sanctity and holiness. Properly regulated family life was no longer seen as the way to achieve purity and salvation. Instead, the *Rule* focused on the religious community of like-minded adults and portrayed it as the only religiously significant social space of life and interpersonal relationships. Only as part of the community could people achieve their religious goals. Once again, all this does not imply that community members no longer had families. It implies that these families lost their religious value to the

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[61] 1QS 6:2–8.
[62] CD 13: 2–3.

new type of sacred community and were no longer part of one's religious experience.[63]

Hellenistic associations provide the closest contemporaneous parallel to this phenomenon. They also did not necessarily abrogate family lives of their members. Rather Hellenistic associations pushed family lives out of their members' religious discourse. Instead, it was the gathering of like-minded and professionally related individuals that created for them a religiously meaningful space.[64] This new identity was forged around commonly held rituals and practices, such as common meals, sacrificial offerings, celebrations. Moshe Weinfeld was certainly correct when he observed remarkable similarities between the *Community Rule* and statutes of Hellenistic associations. In fact, both of them share the same idea of what constitutes the properly functioning community and its governing structures.[65] In both cases we find the same attempt to create new forms of religious and social identities surpassing and sidelining that of traditional kinship loyalties.[66]

Weinfeld's analysis of similarities between the *Rule of the Community* and statutes of Hellenistic associations focused on their respective penal codes. We have argued above that the *Rule*'s penal regulations predominantly deal with two types of relationships: those among individual members of the community and those between individual members and the community as a whole. Weinfeld's discussion proves that in this respect they were virtually identical with regulations of a typical Hellenistic association of the time. In both cases individual relationships among the members and members' behavior vis-à-vis the community become the prime subject of legislation. Transgressions against

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[63] 1QS 6:2–3 implies that sectarians continued to reside in communities across the land. As John Collins has observed, "The *yahad* is not a single community, but an association of people who live in many communities." See John J. Collins, "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. Shalom M. Paul et al.; Leiden: Brill, 2003), 97–111, for further discussion. Cf. Hartmut Stegemann, *The Library of Qumran: On the Essenes, Qumran, John the Baptist and Jesus* (Grand Rapids: Eerdmans, 1998), 142. This, of course, does not automatically mean that they had families, but the likelihood of such a scenario becomes considerably higher.

[64] See Arthur D. Nock, *Conversion: The Old and the New in Religion from Alexander the Great to Augustine of Hippo* (Baltimore: Johns Hopkins University Press, 1998), 99–121, and Stephen G. Wilson, "Voluntary Associations: An Overview," in *Voluntary Associations in the Graeco-Roman World* (ed. John S. Kloppenborg and Stephen G. Wilson; London: Routledge, 1996), 1–15.

[65] Weinfeld, *Organizational Pattern*, 10–21.

[66] Cf. Cohen, *From the Maccabees to the Mishnah*, 115–16.

the community in both cases include infidelity to the group, disturbing behavior during public gatherings or repeated failure to attend them. The requirement of fixed sitting order based on rigid internal ranking within the community and related demands of orderly participation in public deliberations also plays a crucial role in both Hellenistic guilds and the Community as described in the *Rule*. Additional laws regulate issues related to members' property, which in both cases has to be readily available for communal use.[67]

Laws regulating the relationships among individual followers of the sect are equally similar to those of Hellenistic associations. Both Hellenistic associations and the Yahad seek to restrain such everyday vices as gossiping, cursing, getting angry at one another, and cheating. All interpersonal conflicts within the group have to be settled internally by using an elaborate system of witnesses and communal courts. The use of an outside court to settle internal disputes is considered a particularly grave offense in the *Rule* as well as in regulatory statutes of Hellenistic associations.[68] In addition to Weinfeld's observations, one also has to notice the paucity of legislation regulating one's behavior within the family. In both cases a member's family is put outside the scope of regulations. It is simply of no interest to them. Both the *Rule* and the Hellenistic statutes seek to create a new space for their members, in which traditional families play no role. As far as these groups are concerned, the household space loses its social and religious significance.[69]

While providing a thorough comparison of legislative aspects of 1QS and Hellenistic associations, Weinfeld stops short of addressing their religious similarities. In fact, he tries to argue that religion is precisely the area in which the two differed.[70] Matthias Klinghardt has rightly criticized this inconsistency, arguing that parallels between the movements also included matters of ritual and piety.[71] Weinfeld himself maintains that rituals of acceptance for new members, their examination, and required periods of probation for candidates are

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[67] Weinfeld, *Organizational Pattern*, 24–34.
[68] Weinfeld, *Organizational Pattern*, 34–41.
[69] See Wilson, "Voluntary Associations," 1–15.
[70] Weinfeld, *Organizational Pattern*, 46–47.
[71] See Matthias Klinghardt, "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* (ed. Michael O. Wise, et al.; N.Y.: The New York Academy of Sciences, 1994), 251–67.

similar in both cases.[72] In both cases the emphasis is put on individual piety required for membership and tested through a multi-stage acceptance process. But ritual similarities went much further than that. For example, ritualized communal meals that were so central for forging common identity in the community of 1QS were equally central in many (if not most) Hellenistic associations of the time.[73] Both types of movements constructed new religiously and socially meaningful space around common rituals that sanctified the existence of groups' members. In the process both of them were creating a new discourse of holiness centered on the community of like-minded individuals.

The religious discourse of 1QS provided two possible venues for future development. On the one hand, it could be combined with that of CD and similar texts to produce a balanced community, which tried to integrate family into its space of holiness.[74] On the other hand, the holiness project of 1QS could potentially become increasingly more "utopian" by severing natural ties with the outside world and replacing them with newly constructed sacred realm of its own. This process might have given birth to the celibate Essenes of Josephus and Pliny.[75] It may also account for the existence of "the men of perfect holiness," an elite within the *yahad* of 1QS who underwent especially rigorous spiritual training. The latter might have involved the withdrawal into the desert and prolonged periods of abstinence, as well as instructions in "esoteric" doctrines of the sect.[76] It is possible that the Qumran settlement played the role of a "training center" for such an elite.[77] In each of these cases the utopian vision of a sacred community composed of uniquely pious individuals clearly dominates religious discourse.

5. *Conclusions*

The Dead Sea community appears to be our first unambiguous example of the dynamic coexistence between the two dominant social forms

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[72] Weinfeld, *Organizational Pattern*, 21–23 and 43–44.
[73] See Klinghardt, "Manual of Discipline," 253–54 and 261–62.
[74] As probably "the married Essenes" of Josephus did. See above, n. 7.
[75] *War* 2.120–21 and Pliny, *Natural History*, 5.15.
[76] 1QS 8:5–16. See Collins, "Forms of Community in the Dead Sea Scrolls," 97–111, for further discussion of this passage and its implications.
[77] See Collins, "Forms of Community," 105–7, and literature cited there.

of Jewish religious movements: family-based groups and Hellenistic associations uniting like-minded individuals. Documents produced by the sect reflect both social forms. The two of them also produced different types of "holiness discourse" among the sectarians. Whereas the framework of family alliances envisioned the household and its everyday life as prime embodiments of sanctity, the association-type movement perceived the community of adult (male?) individuals bound together by the shared notion of religious truth and salvation as the main depository of holiness. As a result, natural families were no longer part of the religiously meaningful universe. The community members could very well continue to marry, but their households were no longer positively charged as religiously meaningful social units. They became religiously neutral. This shift in the perception of holiness would create a tension between the two modes of piety and eventually bring about much more radical forms of non-familial piety, including probable celibacy of some groups within the larger Dead Sea movement. It is possible, as many scholars have suggested, that celibate groups within the sect represented the spiritual "elite" of the movement, whereas its other members were perceived as following less rigid rules. In this case, the crystallization of such an "elite" was part of a sociological transformation of the movement that reflected the shift in its focus from family-based to individualized spirituality and religiosity. Phenomenologically, however, the Dead Sea community in its multiple forms of religious identity represents the first clear example of coexistence between a family-centered form of Jewish religious movements and a much more individualized and Hellenized type of voluntary association. Later religious movements such as early Christianity and rabbinic Judaism will follow a similar social pattern.

WHAT IS A SCRIPTURAL TEXT IN THE SECOND TEMPLE PERIOD? TEXTS BETWEEN THEIR BIBLICAL PAST, THEIR INNER-BIBLICAL INTERPRETATION, THEIR RECEPTION IN SECOND TEMPLE LITERATURE, AND THEIR TEXTUAL WITNESSES

In memoriam John Strugnell, great teacher

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1. *Introduction*

I am grateful to join in this celebration, as my involvement with the Dead Sea Scrolls is intertwined with NYU faculty. I first met my colleague Lawrence Schiffman quite accidentally at John Strugnell's room in the *École Biblique*. For several summers I had been working on four unpublished manuscripts from Cave Four with Strugnell, who passed away on November 30, 2007. The notices of his death emphasize his learning and generosity to his students and colleagues. I was a beneficiary of these remarkable qualities of Strugnell's well before my formal work with him. In the 1980s, we spent hours discussing papers of ours, including the essay that he wrote for the New York University Symposium on the Scrolls held in 1985.[1] In these exchanges, he was the ideal colleague. Thanks to his cooperative spirit, Strugnell did more than any prior editor to bring scrolls to publication. Also notable was his hearty and sometimes wicked sense of humor, as well as his love of literature, particularly of poetry. Strugnell was also a forgiving person; he was well aware of human flaws.

For my topic, I have selected a question that at first glance appears simple: what is a scriptural text at Qumran? This matter does not primarily concern (but does presuppose) the much discussed matter of whether the Qumran biblical texts constituted for the movement

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[1] John Strugnell, "Moses-Pseudepigrapha at Qumran: 4Q375, 4Q376, and Similar Works," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. Lawrence H. Schiffman; JSPSup 8; JSOT/ASOR Monographs 2; Sheffield: Sheffield Academic Press, 1990), 221–56.

or community[2] a canon or not, as opposed to being understood as an open group of scriptures or holy texts bearing religious authority. Often this issue boils down to the question of whether there was already a biblical canon at the time of Qumran or not. My interest in this study does not lie in the issue of canon,[3] but in the word, text.[4] Scholars are well aware of textual variants that suggest that in many cases there is no single set of words that constitutes *the* text of any given passage. We are also aware of diachronic dimensions of texts by comparing multiple witnesses; the well-known cases of 2 Samuel 22 = Psalm 18, Psalm 14 = Psalm 53, and Isa 2:2–4 = Mic 4:1–3 readily come to mind. Another diachronic set of cases involves texts with interpretive editorial additions, for example the Priestly-Deuteronomistic interpretive addition to the temple building account in 1 Kgs 6:12–13.[5] It may be less speculative to restrict my examination to a single text, Deut 32:8–9, in order to ask the question, what a scriptural or biblical text is in the Second Temple period. By implication,

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[2] I do not use the word "sect". I tend to avoid using this word for the Qumran community not simply because of its modern, negative connotations, but also for its historical inaccuracy, as recently emphasized by John Collins in his analysis of the terms used for the community in different documents, e. g., 1QS 6:1b-8, and references to "camps" notably with married people in CD ms. A 7:6 = CD ms. B 19:2, versus the Qumran community where relatively speaking marriage seems hardly the norm). See John J. Collins, "The *Yahad* and 'the Qumran Community,'" in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb* (ed. Charlotte Hempel and Judith M. Lieu; Leiden: Brill, 2005), 81–96. See also Torleif Elgvin, "The *Yahad* is More than Qumran," in *Enoch and Qumran Origins: New Light on a Forgotten Connection* (ed. Gabrielle Boccaccini; Grand Rapids/Cambridge, UK: Eerdmans, 2005), 273–79. For a recent treatment of the Qumranites and Essenes as "sectarians," see Eyal Regev, *Sectarianism in Qumran: A Cross-Cultural Perspective* (Berlin/New York: de Gruyter, 2007); cf. the interesting review by Jonathan Klawans in *AJS Review* 32/2 (2008): 407–9.

[3] This matter is complex and widely discussed; for references and summary, see Mark S. Smith, *God in Translation: Deities in Cross-Cultural Discourse in the Biblical World* (FAT I/57; Tübingen: Mohr Siebeck, 2008), 198 n. 32.

[4] Compare the issues raised in the volume of essays entitled, *Was ist ein Text? Alttestamentliche, ägyptologische und altorientalistische Perspektiven* (ed. Ludwig D. Morenz and Stefan Schorch; BZAW 362; Berlin/New York: de Gruyter, 2007).

[5] See Michael Coogan, *I Kings* (AB 10. Garden City, NY: Doubleday, 2000), 250, 273; Mark S. Smith, "In Solomon's Temple (1 Kings 6–7): Between Text and Archaeology," in *Confronting the Past: Archaeological and Historical Essays on Ancient Israel in Honor of William G. Dever* (ed. Seymour Gitin, J. Edward Wright and J. P. Dessel; Winona Lake, IN: Eisenbrauns, 2006), 275–82.

I am also asking about the history of the notion of text, from the biblical period through the Second Temple period.

In my title, I have used the preposition, "between" to suggest some perspective for my question. The title indicates some of the sub-disciplines in our field that provide some indicators about the content for this perspective. To echo my title, the texts in the Bible are first of all texts thought in antiquity to derive from the biblical period. Most of these texts originated in this era, or more importantly, they were thought of as originating prior to the second century B.C.E. As authoritative, religious texts, they derived from a time that their tradents regarded as foundational, perhaps what we might call mythic. These "holy writings," the Law and the prophets, were received from "a biblical past"; largely under a model of prophetic inspiration, they were understood to derive from God, and not from a prior literary or religious tradition. The text-critical operation that scholars engage in is to be understood in relation to the texts' status as scriptural. Of particular importance, differences within the textual versions are related in some cases to the history of their interpretations. Later I wish to explore the possibility that some text-critical differences may reflect the history of their interpretation. In any case, textual versions do sometimes enshrine different interpretations, and in these cases texts constitute both words and their interpretation.

Second, as illustrated by the sub-discipline of inner-biblical interpretation, these texts were subject to, and carried the freight of, interpretation(s). These texts became objects of close interpretation from the eighth or seventh century on. Prior to the eighth century sacred literature shows fewer explicit, deliberate acts of interpretation, and this I believe is one of the most important shifts in the ancient history of what scriptural texts are. As we will see shortly, a concomitant factor in this shift involves the intense scribal agglomeration of works that came to be considered scriptural from the seventh century onward. For explicit reflections on interpretation, we have some points of reference within our biblical traditions. To be clear, I do not simply mean obvious instances of reinterpretation. Instead, I mean explicit representations of interpretation and reflections on interpretation.

For a narrative description of interpretation, we have the classic post-exilic text of Neh 8:8 describing the Levites reading and arguably interpreting the reading of Torah. This verse uses three

expressions bearing on textual activity: *meporaš*, which has been rendered variously as "translating" (NJPS), "interpreting" (NAB), "reading carefully" or "explaining/giving exposition";[6] *weśom śekel* "and giving sense" (to the text); and *wayyabinu bammiqra'*, "and they expounded the text" (cf. v. 9).[7] Accordingly, interpretation of this sort seeks to divine in the traditional text understandings applicable to the current context of the interpreters and their audience. This complex of textual activity might be described as "scripturalizing." By this, I mean that texts regarded as holy or inspired were coming to be read and interpreted together; that words or complexes of terms shared by different religious texts not only could be read in tandem but should be read together across the boundaries of their original contexts, beyond the limits of an individual passage or document. (I try to avoid using the word, "book," since this word is anachronistic in this period.) Writing the writings and collecting them in turn reinforced collecting their interpretations and cross-referencing them.

This narrative representation of Neh 8:8 is not the beginning of the interpretational activity represented by the verse. We have earlier texts that explicitly comment on scriptural texts as revealed (or not) by God and as properly understood (or not) by humans. Explicit reflections on interpretation concentrate in two arenas.[8] The first involves prophecy given in the name of Yahweh that the passages regard as false. With slightly different variations, Deut 18:20 as well as Jer 14:14 and 29:23 refer to prophecy given in the name of Yahweh "which I did not command." As the interpretation of prophecy is already an old issue in the First Temple period, we might say that the notion of interpretation of prophecy proceeds by analogy to other matters. We see a second arena of passages concentrating around various condemnations of child sacrifice. Jer 7:31 and 32:35 denounce the practice as one "which I did not command" (or "never commanded," NJPS) and literally, "which did not ascend to my heart" (perhaps, "never entered my mind"). In its construal of the divine role in the law of child sacrifice, Ezek 20:25–26 goes further than either Jer 7:31 or 32:35, in claiming that the Israelite deity "gave them

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[6] For references, see Smith, *God in Translation*, 219–20.

[7] See Smith, *God in Translation*, 219–20 n. 96.

[8] Mark S. Smith, *The Memoirs of God: History, Memory, and the Experience of God in Ancient Israel* (Minneapolis: Fortress, 2004), 107–10, 151–52.

statutes that were not good and rules by which they would not live."[9] These reflections on child sacrifice seem to be addressing what their authors evidently thought as the wrong understanding of Exod 22:28b or the like.[10] This strategy of characterizing practices as one "which I did not command them," could apply to yet other arenas such as the worship of other gods in Deut 17:3. (We will return to this passage when we discuss the inner-biblical interpretation of Deut 32:8–9 in Deut 4:19.) The passages in Deuteronomy, Jeremiah and Ezekiel are the earliest instances that deliberately raise the problem of such laws. These biblical works containing the expressions about what the deity says that he did not command date to the seventh and sixth centuries. This period was the context when a concern developed for the interpretation of older texts that may (and arguably should) be read as allowing the practices. We should perhaps further connect this development with the scribal production of prophecy and law in ancient Judah in the seventh and sixth centuries; in other words, interpretation in these contexts developed in tandem with the scribal production of texts. It may be that scribal production brought together written texts of older and newer formulations over the same practices, which in turn engendered a sense of textual interpretation in a manner not as critically apparent in earlier periods. It may be at this juncture that Israel's textual culture shows the beginning of its emerging scriptures and scripturalizing processes of reading across texts.[11]

The interpretation of holy writings continued to expand and sometimes shift in the context of Second Temple Literature. The texts provide many new opportunities to address religious issues; we might say that scriptural texts become pretexts for raising such questions and resolving them in a manner consonant with the religious worldviews of the tradents. The use of scriptural texts provided warrant for

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[9] See Scott W. Hahn and John S. Bergsma, "What Laws Were 'Not Good'? A Canonical Approach to the Theological Problem of Ezekiel 20:25–26," *JBL* 123 (2004): 201–18.

[10] Note that in proposing Levites as a substitute for first-born Israelites, Num 8:17–18 takes the commandment as applying to first-born humans. Cf. Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Oxford University Press, 1985), 181–187. For a counterview, see Jacob Milgrom, "Were the firstborn sacrificed to YHWH? To Molek? Popular Practice or Divine Demand?" in *Sacrifice in Religious Experience* (ed. Albert I. Baumgarten; Leiden: Brill, 2002), 49–55, esp. p. 50.

[11] See Karel van der Toorn, *Scribal Culture and the Making of the Hebrew Bible* (Cambridge/London: Harvard University Press, 2007), 75–104.

different focuses and for further interpretation; they also provided tra-
dents with a sense of continuity with the biblical past, that founda-
tional, mythical time. Precisely because such religious texts were con-
sidered to be scriptural in this period, they became not simply sites of
textual interpretation in a detailed or in some narrow sense. In the
Second Temple period, scriptural texts also became the canvases for
dramatic, large-scale retellings that reflected the lives of the Second
Temple composers and their audiences and the traditions in which
they understood themselves.

Viewing scriptural texts in these dimensions, it is evident that texts
in their concrete usage in this period are not by definition the written
words in themselves. Instead, they are the written words and their
interpretations, and they also serve as touchstones for further reflec-
tions. This sense of text is manifest in the diversity of textual wit-
nesses and in their inner-biblical and post-biblical interpretation. It is
one of my goals in this presentation to correlate the diversity of a
text's manuscript witnesses with their subsequent interpretation.
Manuscript witnesses and subsequent interpretation are parallel
tracks in a text's history, and in some instances these two parallel
tracks show possible points of contact. To illustrate this way of view-
ing texts in our context, I draw on a famous example, Deut 32:8–9.
Biblical scholars have long detected evidence of theological alteration
in the differences among the manuscripts of Deut 32:8–9.[12] They have
also noted the rich inner-biblical and early post-biblical interpreta-
tions that this passage engendered. It is my goal to indicate how the
rich textual evidence may be correlated to some degree with the text's
interpretational history.

Before our more detailed discussion of Deut 32:8–9, let us review
the larger context of the poem.[13] Deuteronomy 32 recounts how Israel
became associated with Yahweh. The initial verse introduces the voice
of the speaker (vv. 1–2), who turns to the topic of Israel's relationship
with Yahweh (vv. 3–7). Then the poem (vv. 8–9) opens the story
of this relationship by recalling how Elyon (usually translated
"Most High") divided the world into nations and how Jacob (i.e.,
Israel) became Yahweh's allotment. The poem goes on to explain how

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[12] The following discussion is based on Smith, *God in Translation*, 139–43,
195–212.

[13] For the issues and options of the poem's date and background, see the review
in Smith, *God in Translation,* 140–41 n. 26.

Yahweh found Israel in the wilderness and brought Israel to a good land that supplied it with its needs without any other deity (vv. 10–15). As a result of this divine care, Israel "grew fat" and abandoned its god, and instead turned to gods that the text variously calls "demons," "gods they had not known," and "new gods" (vv. 13–18). As a result, Yahweh became angry at Israel (vv. 19–25), and would have destroyed it but for the thought that its enemies might have claimed credit for destroying Israel (vv. 26–35). The poem then moves to appeal to Israel, by emphasizing that Yahweh is their god ("there is no god with me," v. 39), and that it is this God who can save it from its enemies (vv. 36–43).

The original composer of the text drew on a tradition with an older polytheistic picture known from prior West Semitic material (including the Ugaritic texts). According to this tradition, the old god El and his consort Athirat had seventy divine children, as known from the Ugaritic texts (KTU 1.4 VI 44–46).[14] There is a further variant in the Elkunirsha narrative, a West Semitic myth produced in Hittite, which gives 77//88 as the number of the children of Ashertu. Generally speaking, the theme of the world divided into the domains of deities was a rather broad one in the ancient world. To the east of Ugarit and Israel, we may point to the Mesopotamian account of Atrahasis (Old Babylonian, Tablet I, lines 11–16), with its description of the gods dividing up the world for themselves by lot. To the west, the theme appears in the *Iliad*, book XV, lines 187–193.[15] This worldview worked in early monarchic Israel in expressing the notion that the different nations each had a national god.[16] Both Deut 32:8–9 and Psalm 82 are vestiges of this old worldview, even as they express

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[14] For the most recent presentation of the text, translation and discussion, see Mark S. Smith and Wayne T. Pitard, *The Ugaritic Baal Cycle: Volume 2. Introduction with Text, Translation and Commentary of KTU 1.3–1.4* (VTSup 114; Leiden: Brill, 2009), 584, 588, 592, 594, 600, 628–30. See also the discussion in Smith, *The Origins of Biblical Monotheism*, 45, 55, 157. Note also the sixty-six sons and daughters of the mother goddess Aruru in a short second millennium Akkadian myth; see Benjamin R. Foster, *Before the Muses: An Anthology of Akkadian Literature* (3d ed.; Bethesda, MD: CDL Press, 2005), 579.

[15] For this information, I have drawn from Stephanie Dalley, *Myths from Mesopotamia: Creation, the Flood, Gilgamesh, and Others* (Oxford/New York: Oxford University, 1991), 36 n. 4.

[16] This religious worldview or "world-theology" is discussed in Smith, *God in Translation*, 119–28.

rejections of it.[17] I would add that Deut 32:8–9 is an extremely impor-
tant witness to this tradition, because of all of the accounts of Israel's
origins it is the only one that connects to Israel's West Semitic ante-
cedents. Although we do have later vestiges of the notion, no other
foundation narrative in the biblical corpus links this older West
Semitic tradition of El Elyon allotting the nations to various deities
with Israel's wilderness journey.[18]

   This polytheistic picture did not belong simply to some pre-biblical
culture, but in fact was at home in early Israel. Deut 32:8–9 shows a
number of thematic links with Psalm 82, and many scholars have
related the two texts, especially as they both mention Elyon. Where
the Deuteronomy passage might have appeared ambiguous about the
ontological status of the *'elohim* for some later readers (as we will see
shortly with the textual witnesses), Psalm 82 weighs in clearly on
their ontological status. According to this psalm, the "sons of Elyon"
had been thought to be gods, but in fact, the speaker claims, they
were mere mortals. In this poem, God (the god of Israel) here takes
his stand in the divine council (literally, "council of El") and indicts
as mere mortals the other gods (*'elohim*, verses 1 and 6), whom he
had thought were all sons of (El) Elyon (verse 6). The final verse calls
on Yahweh to assume all the nations as his own inheritance; compare
Deut 32:8–9 where only Jacob/Israel is the *inheritance* of God. Since
we do not know the date of Psalm 82, nor do we really know whether
it was an echo of Deut 32:8–9, we should perhaps be circumspect in
making claims about any direct relationship between these two texts.
Still Psalm 82 contributes to our understanding of the larger herme-
neutical shift that informs the textual censorship operative in Deut
32:8–9 (and in Gen 14:22 as well).

   The composer of Deuteronomy 32 had effaced the polytheistic
notion that had been inherited from Israel's older literary heritage, by
combining it with statements that express divinity in more exclusive
terms ("no-gods" in vv. 17 and 21 as well as v. 39). In view of these
verses (see also vv. 12 and 31), it is evident that the composer pre-

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   [17] For discussions of these texts on this matter, see Smith, *God in Translation*,
131–43.
   [18] One may be impressed further by the poem's omission of the Exodus or Sinai,
but this is a matter that would take the discussion much further afield. The lack does
alert us to the notion that to be biblical or scriptural in a sense was to construct
original tradition with the Israelites.

supposed the monotheistic identification of Yahweh in verse 9 with Elyon in v. 8.[19] This reading leaves open the question of how the composer then regarded the ontological status of these *bene 'elohim*. For the composer, these might have been regarded as similar to the figures in the somewhat later passages in Job 1:6, 2:1, the "sons of Elohim," who come and go in the heavenly court and report to God as to the doings in the world. Whether or not these should be reduced precisely to "angels" of later tradition (as in option #4 discussed below),[20] they clearly hold no status remotely close to that of Yahweh. Deut 32:8–9 evidently shows a notion of minor divinities, who serve the absolute divine King; these are, relatively speaking, so powerless compared to Yahweh that for the composer, they do not truly constitute gods like Yahweh. They are perhaps like the *'elim* of the Qumran *Songs of the Sabbath Sacrifice*, minor "divinities," actually angels, but hardly gods in the modern, conventional sense.[21]

2. *Textual Witnesses*

Now let us turn to the witnesses of vv. 8–9 in particular. In order to highlight the variations in question, the following translation supplies for the final clause in verse 8 the variations for the textual witnesses: the Hebrew Masoretic text (MT); the Hebrew Samaritan Pentateuch (SP), one Hebrew manuscript of the book of Deuteronomy among the Dead Sea Scrolls from Cave Four at Qumran; the Aramaic Targum and Syriac Peshitta; readings in manuscripts of the Septuagint (LXX); and the Latin Vulgate:[22]

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[19] Smith, *The Memoirs of God*, 152.

[20] Echoing the later tradition, Jeffrey H. Tigay calls them "angel-like beings" (*The JPS Torah Commentary: Deuteronomy* [Philadelphia/Jerusalem: JPS, 1996], 514).

[21] Carol A. Newsom, *Songs of the Sabbath Sacrifice: A Critical Edition* (HSS 27; Atlanta: Scholars Press, 1985).

[22] The following discussion is based on Smith, *God in Translation*, 139–43, 195–212. The text-critical discussion there is in turn founded on Julie Ann Duncan, *Qumran Cave 4. IX: Deuteronomy, Joshua, Judges, Kings* (DJD 14) (ed. Eugene Ulrich and Frank Moore Cross; Oxford: Clarendon, 1995), 90. See also *BHS* to Deuteronomy 32:8 note d; Adrian Schenker, "Le monothéisme israélite: un dieu qui transcende le monde et les dieux," *Bib* 78 (1997): 438; idem, "Gott als Stifter der Relionen der Welt. Unerwartete Früchte textgeschichtlicher Forschung," in *La double transmission du texte biblique: Etudes d'histoire du texte offertes en hommages à Adrian Schenker*

(8) When the Most High (El Elyon) gave the nations their inheritance,
and divided humanity (literally, "the sons of a human being"),
He [El Elyon] established the boundaries of peoples,
[according] to the number of
    (1) the sons of *Israel* – *yiśra'el* (MT, SP, Targum, Peshitta, Vulgate)
    (2) the sons of God – *bene 'elohim* (DSS 4QDeut^j)
    (3) the sons of God – *huion theou* (LXX 848, 106c)
    (4) the angels of God – *aggelon theou* (LXX most manuscripts).
(9) For the portion of Yahweh is his people,
Jacob, his inherited measure.

In these two verses, there is a description of how Elyon divided the
world into various nations. The number is said to be according to the
number of the children of Israel (option #1), or according to the num-
ber of divine children (options #2 and #3), or according to the number
of the angels of God (option #4). Then the next verse describes how
among these many nations, the nation belonging to Yahweh is his
people, named in the following line as Jacob.

Within the clause marked off with the four options, there are two
specific differences to be noted among these. The first major differ-
ence involves "Israel" in the MT, the Samaritan Pentateuch, Targum,
Peshitta and Vulgate (option #1) versus Elohim/God in the other wit-
nesses (options #2 and #3). Many scholars view this case as a deliber-
ate alteration to avoid the picture of polytheism. As Emanuel Tov
writes, "the scribe of an early text…did not feel at ease with the pos-
sible polytheistic picture and replaced…'sons of El' with…"sons of
Israel'."[23] In Tov's defense, it would be difficult to explain a motiva-
tion for the opposite direction of influence, namely why an early
scribe would change Israel to God. In this picture, Elyon or perhaps
we may say El Elyon (as in Gen 14:19–22), is the head god who over-
sees the division of the world into nations given to the various gods
of the world. In this scenario, Yahweh is one of the gods who receives
his inheritance from El Elyon; in Yahweh's case, the people, Jacob, is

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(ed. Yohanan Goldman and Christoph Uehlinger; OBO 179; Fribourg Suisse: Editions
Universitaires; Göttingen: Vandenhoeck & Ruprecht, 2001), 99–102.
   [23] Tov, *Textual Criticism*, 269. Tov believes that the nature of the theological alter-
ation would be different if the original read *'elohim* rather than *'el* (idem., n. 44) but
this is not necessarily the case. For a view of the manuscript witnesses as a matter of
different traditions, see Innocent Himbaza, "Dt 32, 8, une correction tardive des
scribes: Essai d'interpretation et de datation," *Bib* 83 (2002): 527–48. Jan Joosten has
proposed a hypothetical, original reading that led to this change. See Jan Joosten, "A
Note on the Text of Deuteronomy xxxii 8," *VT* 57 (2007): 548–55.

his portion. A second shift is reflected in option #4, LXX (in most manuscripts), which reads "angels of God" for "sons of God." The shift is arguably theological, one that explains or at least conforms the expression, the "divine sons" (in options #2 and # 3) to the later notion of "angels."

These differences are extremely important, as they highlight different attitudes or strategies about the text in question. To get at the textual hermeneutics behind these differences, let us look closely at the three approaches to this passage in the textual witnesses.

2.1. *Strategy #1: Scribal Alteration*

The first strategy that we may note among the versions involves option #1, the alteration in reading "Israel" (MT, SP, Targum, Peshitta, Vulgate). The textual witness to Israel is not simply a matter of an arbitrary change. In the worldview of post-exilic Jewish scribes, the story of the passage, when it was recognized as polytheistic, perhaps did not make sense to the scribal tradent responsible for the change. This monotheistic concern is also evident in the MT at v. 43 where it apparently substitutes the word "servants," compared with the divine "sons" found in the tradition of LXX and 4QDeuteronomy[j].[24] Monotheism was the norm for the later priestly-scribal tradition of the text. (This is represented already in Ezra 9: note the Levites mentioned in v. 5 and the theme of monotheism sounded at the outset of the speech in v. 6.)

We may make an educated guess at the intellectual strategy deployed to make sense of the inherited text of Deut 32:8–9. Again, the means taken seems hardly arbitrary or capricious. We may speculate that the change involved a correlation between the immediate context of Deut 32:8–9 and a second context available from what was regarded in this period as Scripture. The scribe, operating in the Greco-Roman period, could have been drawing from a passage in "the Law of the Most High," "prophecies," and other scriptural texts, as suggested in Ben Sira 38:34, 39:1–3. These were understood to "the Law, the prophets and the other writings" in the Prologue of Ben Sira, penned by the grandson (cf. Torah, prophets and Psalms mentioned in Luke 24:44). The intellectual fuel accessible to this scribe is

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[24] See note 4 above.

a manual of sorts; it is the works called "holy writings" or "scriptures" at the time[25] and perhaps other texts sanctioned by the traditions that show this reading. As we have noted already, scriptural reading was not "canonical" with a fixed list of works as in later canons,[26] but like canonical reading, it was a matter of reading works in tandem. Reading across works as if they represent a coordinated divine plan is what scriptures constituted at this point. This form of coordinated reading is reflected in identifications of Torah as wisdom[27] and in the idea of Torah as inspired like the prophets.[28]

From the context of Deut 32:8–9, the scribe of option #1 read the name of Jacob (elsewhere known as Israel) as well as a number of nations. This scriptural information was evidently the touchstone used to make sense of the passage. Given that the number of nations elsewhere in the biblical tradition was known to be seventy (for

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[25] See the discussion above.

[26] For this matter, see Eugene Ulrich, *The Dead Sea Scrolls and the Origins of the Bible* (SDSSRL; Grand Rapids: Eerdmans; Leiden/Boston/Köln: Brill, 1999). See also David M. Carr, *Writing on the Tablet of the Heart: Origins of Scripture and Literature* (Oxford: Oxford University Press, 2005), 290; and van der Toorn, *Scribal Culture*, 256, 260, 262; cf. the comments of Robert Hanhart, "Introduction: Problems in the History of the LXX Text from Its Beginnings to Origen," in *The Septuagint as Christian Scripture* (ed. Martin Hengel, with the assistance of Roland Deines; trans. Mark E. Biddle; OTS; Edinburgh: T & T Clark, 2002), 2–4. See also the discussion in the Introduction.

[27] For identification of Wisdom with Jewish teaching (Torah, often translated "law") in this period, see Baruch 4:1, where personified wisdom is identified as "the book of the precepts of God, the law that endures forever"; and Ben Sira 24:22, "All this is true of the book of the Most High's covenant, the law which Moses commanded us, as an inheritance for the community of Jacob. It overflows like the Pishon with wisdom." In this worldview, "all wisdom comes from the Lord" and "if you desire wisdom, keep the commandments" (Ben Sira 1:1, 23). The Dead Sea Scrolls also relate Wisdom and Torah. They are associated in Psalm 154 in 11Q5 = 11QPsᵃ, col. 18, line 12: "the righteous who hear the voice of Wisdom have their *śiḥ* (often translated as "meditation" or the like) on the Torah of Elyon." 4Q525 (Beatitudes), fragment 2, column II, lines 3–4 likewise relates the two: "Blessed is the one who attains wisdom *vacat* and betakes himself in the Torah of Elyon." For discussion, see Shannon Burkes, "'Life' Redefined: Wisdom and Law in Fourth Ezra and *Second Baruch*," *CBQ* 63 (2001): 55–71; and Johann Cook, "Law and Wisdom in the Dead Sea Scrolls with Reference to Hellenistic Judaism," in *Wisdom and Apocalypticism in the Dead Sea Scrolls and in the Biblical Tradition* (ed. Florentino García Martínez; BETL CLXVIII; Leuven: University Press, 2003), 323–42.

[28] For a recent discussion, with secondary literature, see Martti Nissinen, "What Is Prophecy? An Ancient Near Eastern Perspective," in *Inspired Speech: Prophecy in the Ancient Near East: Essays in Honor of Herbert B. Huffmon* (ed. John Kaltner and Louis Stulman; JSOTSup 378; London: T & T Clark, 2004), 30.

example, in the so-called Table of Nations in Genesis 10),[29] we may speculate that the scribe knew the notion that the number of peoples in the world was seventy. At the same time, sensing polytheism in this representation, the scribe of option #1 knowing also that the number of Israel was likewise seventy in Egypt (Gen 46:27; Exod 1:5) drew the conclusion that the number of nations was "according to the number of the children of Israel," as noted by Arie van der Kooij.[30] The Aramaic Targum Pseudo-Jonathan explicitly makes this connection with the number of Gen 46:27 and Exod 1:5, even as it witnesses at the same time to the notion that the *'elohim* are angels (as in most LXX manuscripts discussed below): "He [God] cast lots with the seventy angels, princes of the nations, with whom He revealed himself to see the city [where the Tower of Babel was being built], and at the same time He established the boundaries of the nations equal to the number of the seventy Israelite persons who went down to Egypt."[31] Evidently the scribe connected his reading of Deut 32:8–9 with Exod 1:5. According to van der Kooij, the scribal change is to be dated to the second century B.C.E. and stemmed from official priestly circles responsible for the transmission of scriptural texts. This is a plausible scenario, and it highlights a salient feature of the textual process: this scribal tradent is learned and may deploy relatively sophisticated chains of textual logic and interpretation to make sense of the textual world that he is involved in transmitting. The interpretive process apparently seeks to provide theological clarification for the text, compared with the reading that the scribe(s) had received. The motif of the seventy nations with seventy patron-gods has a prehistory

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[29] Philo's *Migration of Abraham* 198–201 makes a symbolic elaboration of 75 in Exod 1:5 in such a way that he assumes a LXX text that read 75 rather than 70. Philo then exploits the contrast with the 70 in Deut 10:22 by making a philosophical contrast between the five senses implied in the untransformed "Jacob" and the 75 and the more virtuous "Israel," from whom the limits of the irrational senses had been cut away to form the 70. For text and translation, see F. H. Colson and G. H. Whitaker, *Philo, Volume 4* (Cambridge, MA: Harvard University Press, 1932 [repr. 1985]), 246–49. I wish to thank Andrew Gross for drawing this information to my attention and Allen Kerkeslager for his help.

[30] Arie Van der Kooij, "Ancient Emendations in MT," in *L'Ecrit et L'Esprit: Etudes d'histoire du texte et de théologie biblique en hommage à Adrian Schenker* (ed. Dieter Böhler, Innocent Himbaza, and Philippe Hugo; OBO 214; Fribourg: Academic Press; Göttingen: Vandenhoeck & Ruprecht, 2005), 152–59. See also Schenker, "Gott als Stifter der Relionen der Welt," 100.

[31] Tigay, *Deuteronomy*, 513. Tigay, like many scholars, notes this witness of the Targum. He does not discuss the exegetical logic underlying its usage.

predating the Bible (as we noted with El, Asherah, and their seventy children in the Ugaritic texts), and it is this divine worldview that informs the presentation but not the perspective in Deut 32:8–9. It is understandable that the polytheism embedded in the motif might be perceived by later scribes; they sought to redress the perceived mistake or offence through specification or clarification. We will return to the possible context of this change below.

2.2. *Strategy #2: Interpretation at Work without Textual Alteration*

The second sort of change is found in the witness of option #4, the LXX in most manuscripts, which reads "angels of God." This version indicates another perspective on the story being told in Deut 32:8–9. In this case, there is a different interpretative strategy at work. The witness to "angels of God" provided an avenue for conforming the picture in this text to the boundaries of the tradition. It shows how the tradition has moved the line in its understanding or interpreta-tion of *'elohim*, construed here to refer more narrowly to "angels" and not "divine beings" more generally. As with the change to "Israel," the change to "angels" involves a sort of censorship that is also in effect a matter of interpretation. The notion that the "ruler" of each nation is an angel (and not a god as such) is clear in Daniel 10 ("Michael, your prince," in v. 21).[32] The notion of seventy angels corresponding to the number of nations, met in later Jewish tradition (e.g., *1 Enoch* 89:59, 90:22–25; *b. Shab.* 88b, *b. Suk.* 55b),[33] was probably driven by this interpretation of Deut 32:8–9. The interpretation involved with this LXX group of textual witnesses to Deut 32:8 was not the product of a chain of textual deduction like the change to "Israel" in option #1. Instead, option #4 seems to have resulted from applying the norm of monotheism as understood at the time.[34]

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[32] Cited in connection to *Ben Sira* 17:17 by Patrick W. Skehan and Alexander A. Di Lella, *The Wisdom of Ben Sira: A New Translation with Notes* (AB 39; New Work: Doubleday, 1987), 283; and Tigay, *Deuteronomy*, 514.

[33] See Tigay, *Deuteronomy*, 514–15; Smith, *The Origins of Biblical Monotheism*, 55.

[34] For a survey of monotheism in the Persian period, see Erik Aurelius, "Ich bin der Herr, dein Gott": Israel und sein Gott zwischen Katastrophe und Neuanfang," in *Götterbilder Gottesbilder Weltbilder: Band I. Äegypten, Mesopotamian, Persien, Klei-nasien, Syrien, Palästina* (ed. Reinhard G. Kratz and Hermann Spieckermann; FAT 2/17; Tübingen: Mohr Siebeck, 2006), 325–45.

2.3. *Strategy #3: The Understanding of the Original Composer*

The witnesses in the Dead Sea Scrolls and some LXX texts that manifest no change, namely options #2 and #3 are helpful. This group of textual witnesses is helpful for this matter because they point to scribes who did not resort to changes or what may be regarded as censorship. These retained "sons of *'elohim/theos*." In view of the changes made by other scribes as noted above, why were these reading retained? As we consider this question, it is important to bear in mind that this reading is considered by scholars to be original; we may regard its polytheism as vestigial[35] from the perspective of the textual tradition. That this polytheism survives in the poem is confirmed from the textual variants in verse 43: where the MT addresses "the nations," 4QDeuteronomy[q] invokes "heavens" and "all the gods," while LXX preserves both of these sets of addressees.[36] MT avoids any polytheistic representation not only in verses 8–9 but also in verse 43. The fact that no alteration was made in the other witnesses to vv. 8–9 suggests a reading tradition that did not read this text in a polytheistic way, or at least not in a manner that the scribal tradition found objectionable. In other words, the scribal witnesses probably embodied an interpretive tradition that read the passage according to its monotheistic norms. The original composer understood Elyon as a title of Yahweh. Despite drawing on the old polytheistic type-element, the author intended no polytheism and perhaps knew none in this case.[37]

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[35] Smith, *The Origins of Biblical Monotheism*, 78.

[36] So Tigay, *Deuteronomy*, 516, in his convenient presentation of the textual witnesses. For 4QDeuteronomy[q] in comparison with the MT, see Patrick W. Skehan and Eugene Ulrich, "4QDeut[q]," in *Qumran Cave 4. IX: Deuteronomy, Joshua, and Kings* (DJD 14), 139–42.

[37] For similar juxtapositions of older and newer views of divinity produced by the same author, see the interesting reflections on "concealed inconsistency" by H. S. Versnel, "Thrice One: Three Greek Experiments in Oneness," in *One God or Many? Concepts of Divinity in the Ancient World* (ed. Barbara N. Porter; Transactions of the Casco Bay Assyriological Institute, Volume 1; Chebeague Island: distr. by CDL Press, 2000), 93–94.

3. *Inner-Biblical and DSS Interpretation*

3.1. *Inner-Biblical Interpretation*

That the composer intended no polytheism is no mere guess or sup-position, based simply on attestations of El Elyon as a title of Yahweh (as in Gen 14:19–22; compare Elyon in Ps 82:6). There is specific evidence within the biblical corpus for this equation or identification of El Elyon with Yahweh in Deut 32:8–9. We can identify this interpretive tradition within the biblical corpus already by the early post-exilic period, if not earlier. Before proceeding, I would highlight the importance of combining the analysis of this inner-biblical tradition of interpretation of Deut 32:8–9 with the examination of later manuscript evidence of the same verses. Usually, textual criticism on a biblical passage is performed with little consideration of echoes of the same passage found in its later biblical and extra-biblical reuses. Such reuses may predate the alterations in the manuscript evidence that took place in the Greco-Roman context and may provide a witness to the reading strategy (or, to the range of strategies) that was available to the scribes who transmitted the passage in the various manuscript traditions. Thus these reuses may give insight to the possible range of interpretations available to later scribes who transmitted—and in some cases altered—a given passage. This appears to be the situation with reuses of Deut 32:8–9 within the biblical period. We may review some of these in order to gauge the reading of the verse in the Persian and Greco-Roman contexts.

It is hard to know how old the duplicate text of Jer 10:16 = 51:19 is. It is possibly the oldest text alluding to or drawing from Deut 32:8–9: "Not like these is the *portion* of *Jacob*, For He is the maker of all and *Israel* is the tribe of his *inheritance*, the Lord of hosts is his name."[38] In addition to the terms for portion and inheritance, Jer 10:16 = 51:19 also shows the parallelism of Jacob and Israel that is used in Deut 32:8–9. The context is also of interest. The verse is the conclusion in a polemic against idols in vv. 14–15, itself prefaced by a description of God's acts of cosmic creation in vv. 12–13. The contrast at work is evident, as it is with the same juxtaposition of God

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[38] So Moshe Weinfeld, *Deuteronomy 1–11* (AB 5; New York: Doubleday, 1991), 226. He observes an echo of Deuteronomy 32:9 in Jeremiah 10:16 that parallels Deuteronomy 4:19 (see below).

the creator and idol polemics in Second Isaiah: Israel's god is the creator of the world while idols are empty creations (see especially the frame of Isa 44:1–5 and 24–28 around vv. 6–23).[39] Second Isaiah contrasts God the living god who makes humans and other living things with the other gods that are the handiwork of humans and have no life in themselves. In our duplicate passage in Jeremiah the contrast is drawn through the use of the word *ruah*. God's cosmic creation includes the wind, *ruah*, in Jer 10:13 = 51:16, in contrast to the lack of *ruah* in the images, in 10:15 = 51:17. Jer 10:16 = 51:19 concludes the contrast by signaling that "the portion of Jacob is not like them," the idols. In this connection, we may note the famous Aramaic of Jer 10:11: Thus you shall say to them, "may the gods who did not make heaven and earth perish from under the earth and these heavens."). With its echoes of the verb to perish in v. 15 and of the creation language of v. 12, this Aramaic verse is in a sense a heading for vv. 12–16. (It also offers a lovely wordplay also between *ʿbd* and *ʾbd*.) This verse is missing from the parallel in 51:15–19 and suggests that it was introduced as a heading in its context in chapter 10.

The use of Deut 32:8–9 in Jer 10:16 = 51:19 offers evidence for the idea of God's living creation on earth, in the form of Jacob, his portion, Israel his inheritance. The second line of Jer 10:16 = 51:19 is perhaps the one that seems to show the greatest departure from Deut 32:8–9, and it may contain its most important reflection of its sense of the older passage, for it presupposes a monotheistic understanding. The traditional creation *topos* reflected in Deut 32:8–9, with its old idea of Elyon and the seventy divine children, is supplanted by the creation terms premised of Yahweh. The god of creation is the same as the god of Israel. In general terms, Deut 32:8–9 serves to speak to the issue of idolatry, a role that it would continue to play in subsequent reuses of the passage.

There are two witnesses to this monotheistic interpretation of the verse[40] within Deuteronomy, in 4:19 and 29:25.[41] (The relevant echoes

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[39] For discussion, see Smith, *The Origins of Biblical Monotheism*, 179–94.

[40] See also Zech 2:16.

[41] See Patrick W. Skehan, *Studies in Israelite Poetry and Wisdom* (CBQMS 1; Washington, DC: CBA, 1971), 68–69; Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* (Oxford: Oxford University, 1972; repr.,Winona Lake, IN: Eisenbrauns, 1992), 294, 320. See also Weinfeld, *Deuteronomy 1–11*, 206; see also pp. 227 and 361, with comparison to Jeremiah 10:2. As Weinfeld notes (*Deuteronomy and the Deuteronomic School*, 324), the element in 29:25, "gods whom they did not know," is also

in these texts are put in italics.) The first verse warns against idolatry: "…lest you look up to the heavens and you behold the sun and the moon and the stars, all the host of heaven, you must not be compelled into bowing down to them and serving them, because *Yahweh your God apportioned them to all the peoples* under all the heavens." The second verse likewise condemns the service of "other gods…gods which they had not known nor *had been apportioned to them*." The final clauses of both 4:19 and 29:25 (in italics) show dependence on Deut 32:8–9, even as they modify the passage's wording. It is clear that these passages see a division in religious devotion, Yahweh for the Israelites and the other gods for the other nations.[42] The composer of 4:19 re-used the language of Deut 32:8, in particular the root **hlq*, "to apportion," to describe the divine plan of the world. While later sensibilities may be struck by the apparent picture that God in effect made idols for the other nations for which they are then condemned, the interpretational context for Deut 4:19 is more complex. The composer of Deut 4:19 was appropriating the old religious world-view of national gods into his monotheistic picture that precluded such gods.[43] Patrick W. Skehan and Jeffrey H. Tigay note that 4:19 reverses the picture in 32:8: whereas the poetic line of 32:8 assigns all the nations to the various divine beings, the prose re-appropriation

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grounded in Deuteronomy 32, specifically in verse 17. See also William Horbury, *Herodian Judaism and New Testament Study* (WUNT 193; Tübingen: Mohr Siebeck, 2006), 21–23, 26–27 (especially for Deuteronomy 4:19 in later sources); and Konrad Schmid, "Gibt es „Reste hebräischen Heidentums" im Alten Testament? Methodische Überlegungen anhand von Dtn 32,8f und Ps 82," in *Primäre und sekundäre Religion als Kategorie der Religionsgeschichte des Alten Testaments* (ed. Andreas Wagner; BZAW 364, Berlin: de Gruyter, 2006), 113.

[42] In the case of 4:19, it is evident that the tradition that joined 4:1–31 to 4:32–40 did not put any stock in these other gods, as is clear from the larger context of Deuteronomy 4:1–40, especially vv. 35 and 39: "there is no other apart from Him/there is no other." See the comment of Christoph Dohmen, *Das Bilderverbot: Seine Entstehung und seine Entwicklung im Alten Testament* (second ed.; Bonner Biblische Beiträge 62; Frankfurt am Main: Athenäum, 1987), 206: "Für V. 19b ist folglich keine Vorstellung besonderer Toleranz anzunehmen, sondern eine Kontrastierung von Israel und den übrigen Völkern." See also Sven Petry, *Die Entgrenzung JHWHs: Monolatrie, Bilderverbot und Monotheismus im Deuteronomium, in Deuterojesaja und im Ezechielbuch* (FAT II/27; Tübingen: Mohr Siebeck, 2007). See below for further discussion of Deuteronomy 4:19.

[43] See H. Spieckermann, *Juda unter Assur in der Sargonidzeit* (FRLANT 129; Göttingen: Vandenhoeck und Ruprecht, 1982), 258–59; Dohmen, *Das Bilderverbot,* 206–7; Smith, *The Memoirs of God,* 54–56; Petry, "Die Entgrenzung Jhwhs," 80–81; van der Toorn, *Scribal Culture,* 162–66, 226, 350 n. 76.

in 4:19 assigns these gods to the peoples.[44] In short, 4:19 presupposes the identification of El Elyon as the god of Israel in 32:8. If Deut 1:1–4:40 + 4:41–43 does represent additions prefixed to Deut 4:44 and following (note the new introduction of this verse)[45] and assuming that 1:1–4:40 (or at least 4:1–40)[46] may be dated to the post-exilic period (as suggested by the reference to exile among the nations in 4:27),[47] then Deut 4:19's echo of Deut 32:8–9 may date to the post-exilic period. The same dating and worldview may be suggested for Deut 29:25. Monotheism is already the norm for this tradition, yet the tradition at this point is still dealing with material about the gods of the other nations, in other words national gods from the world-view of the monarchy.

What is the view in Deut 4:19 and 29:25 regarding the status of the "sun, moon and the heavenly host"? For Skehan, the beings in 4:19 are to be regarded as angels, while according to Tigay, the gods are

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[44] Skehan, *Studies*, 68; Tigay, *Deuteronomy*, 50. The echo of 32:8–9 in 4:19 would seem to undermine Georg Braulik's claim that "there are no signs that the song of Moses influenced the doctrine of God in Deuteronomy, even less that this doctrine is dependent on the Song of Moses." See Braulik, "Deuteronomy and the Birth of Monotheism," in *The Theology of Deuteronomy: Collected Essays of Georg Braulik, O.S.B.* (trans. U. Lindblad; Bibal Collected Essays 2; N. Richland Hills, TX: Bibal Press, 1994), 117; originally published as "Das Deuteronomium und die Geburt des Monotheismus," in *Gott, der einzige: Zur Entstehung des Monotheismus in Israel* (ed. Ernst Haag; Quaestiones Disputatae 104; Freiburg: Herder, 1985), 119, reprinted in Braulik, *Studien zur Theologie des Deuteronomiums* (Stuttgarter biblische Aufsatz-bände 2; Stuttgart: Katholisches Bibelwerk, 1988), 300.

[45] See the comments made by Gerhard von Rad in his *Deuteronomy: A Commentary* (trans. D. Barton; OTL; London: SCM, 1966), 55.

[46] On Deuteronomy 4:1–40 as a unit, see von Rad, *Deuteronomy*, 48; G. Braulik, "Literarkritik und archäologisches Stratigraphie: Zu S. Mittmanns Analyse von Deuteronomium 1,1–40," *Bib* 59 (1978): 351–83; and "Literarkritik und die Einrahmung von Gemälden: Zur literarkritischen und redaktionsgeschichtlichen Analyse von Dtn 4,1–6,3 und 29,2–30.20 durch D. Knapp," *RB* 96 (1989): 266–86; A. D. H. Mayes, "Deuteronomy 4 and the Literary Criticism of Deuteronomy," *JBL* 100 (1981): 23–51; and Petry, "Die Entgrenzung Jhwhs," 70–100. Several scholars do not view Deuteronomy 4 as a unity. For discussion, see Juha Pakkala, *Intolerant Monolatry in the Deuteronomistic History* (Publications of the Finnish Exegetical Society 76; Helsinki: The Finnish Exegetical Society; Göttingen: Vandenhoeck & Ruprecht, 1999), 85–93. Drawing on earlier analyses, Pakkala regards 4:19 as a late nomistic piece and verses 32–40 as a post-nomistic addition. These specific attributions have little bearing on the specifics of the argument here.

[47] See von Rad, *Deuteronomy*, 55. Note also Weinfeld, *Deuteronomy 1–11*, 228–29, 234–35. See in particular the list of theological features in Deuteronomy 1:1–4:40 on pp. 234–25 that Weinfield would situate in the exile, yet he also notes (p. 223) that 4:25–31 is "about Exile and restoration," which might imply composition in the post-exilic period.

creations of the god of Israel.[48] The text does not bear out either con-clusion, at least explicitly. Georg Braulik O.S.B. suggests that Deut 4:19 avoids using the term "gods," and thus they are "reduced to purely 'secular' status."[49] It appears that Braulik thinks that "the sun, the moon and the stars, all the hosts of heaven" in v. 18 are not rep-resented as gods but simply as natural phenomena previously—and wrongly—thought to be gods. Braulik may well be right here, as the argument relies on an argument from silence. And yet the silence is palpable, when Deut 4:19 is compared with 17:3,[50] a text arguably known to the author of 4:19 (if it is not a later secondary addition). Deut 17:3 puts "the sun, moon and the heavenly host" under the rubric of "other gods" (cf. Jer 19:13). In contrast with 17:3, 4:19 does not include "other gods" in its description of the sun, moon and the heavenly host, and so it seems to be making a different statement. Indeed, this language in Deuteronomy 4:19 does not explicitly address the ontological implications of the heavenly hosts.

It has been thought that Deut 4:19 expresses a sort of "natural reli-gion." Braulik remarks in this vein:

> In addition, YHWH himself is said to have given them to the other nations as objects of worship (cf. 29:25). This (only apparently) liberal acceptance of a kind of "natural religion" serves to bridge the gulf between YHWH's universal power and uniqueness on the one hand and the plain fact that other nations do not worship him on the other.[51]

To be sure, 4:19 does not go as far as the post-exilic parallel, Neh 9:6, which identifies all the heavenly hosts as Yahweh's creations. The explicit expression found in Nehemiah 9:6 is not present in Deut 4:19, and readers may wonder whether or not the author sought to express by implicit means what the author of Neh 9:6 expressed explicitly (as Tigay and Braulik essentially would resolve the issue). It is possible, and in certain respects this solution suits the context, but it is difficult

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[48] Skehan, *Studies*, 68; Tigay, *Deuteronomy*, 50.
[49] Braulik, "Deuteronomy and the Birth of Monotheism," 117.
[50] See Weinfeld, *Deuteronomy and the Deuteronomic School*, 321. See also Petry, "Die Entgrenzung Jhwhs," 80–81.
[51] Braulik, "Deuteronomy and the Birth of Monotheism," 117. Cf. the observation of Daniel Dubuisson, *The Western Construction of Religion: Myth, Knowledge, and Ideology* (trans. William Sayers; Baltimore/London: The Johns Hopkins University, 2003), 29: The history of religions "has preferred, as a good daughter of the West, to grant a religion to each people and culture, and this despite the anachronisms, absur-dities, and paradoxes to which this ethnocentrism led it."

to know. At the same time, 4:19 by its omission of "gods" seems to indicate that its author does not view the astral bodies as deities. The verse recognizes that they may be treated as such by other nations, but this is not the same as claiming that the author of the passage thought that they are deities in reality.[52] Instead, Deut 4:19 seems to address only the situation among the other nations.[53] However one is

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[52] Because of this problem, monotheism would not be seen in Deut 4:19 by Nathan MacDonald, *Deuteronomy and the Meaning of 'Monotheism'* (FAT 2/1; Tübingen: Mohr Siebeck, 2003), or by A. Schenker, "L'Institution des dieux et des religions. L'unicité du Dieu de la Bible," in *Bible et sciences des religions: Judaïsme, christianisme, islam* (ed. Françoise Mies; Brussels/Lessius/Namur: Presses universitaires de Namur, 2005), 17–40. MacDonald would see 4:19 as an expression of "henotheism" and accordingly re-interpret monotheistic passages as henotheistic. Schenker develops a view of the "unicity" of God, based on this and other passages (1 Samuel 5; Psalm 82), which represents God as the sole authority over all deities who may be worshipped by other peoples (his is what I regard as the older world theology; as the examples above indicate, this notion earlier was translatable, and the difficulty comes when it is no longer considered to be so). MacDonald and Schenker are making an important point about Deuteronomy 4:19. However, to generalize from this one "henotheistic" expression in 4:19 to the expressions of monotheism elsewhere and to claim that these are not monotheistic but "henotheistic" or the like is to conform the interpretation of the vast majority of texts to the one apparent exception. For criticism of MacDonald's view with defense of the more traditional approach to this matter, see the comments by Petry, "Die Entgrenzung Jhwhs," 91, as well as the review of MacDonald's book by Yairah Amit in *Review of Biblical Literature* 07/2005 (http://www.bookreviews.org/pdf/4297_4272.pdf); and Eckart Otto, "Monotheismus im Deuteronomium oder Wieviel Aufklärung es in der Alttestamentlichen Wissenschaft geben soll: Zu einem Buch von Nathan McDonald [sic]," *Zeitschrift für Altorientalische und Biblische Rechtsgeschichte* 9 (2003): 251–57.

[53] Deuteronomy 4 arguably involves a crafting of "compromise language" both modifying the older worldview and adding newer monotheistic expressions. Deut 4:19 is not simply reducible to the monotheistic expressions in 4:35 and 39. The presentation in 4:19 has an earlier history, as reflected in its echoing Deut 32:8–9. In its larger redactional context, it stands in an important relationship to the statements in 4:35 and 4:39. One question is how the ancient redactors would have related 4:19 to 4:35 and 39. To address this problem, the passage may be recognized as containing a "concealed inconsistency," as outlined by Versnel, "Thrice One: Three Greek Experiments in Oneness," 93–94. In other words, Deuteronomy 4 juxtaposes the older worldview in 4:19 with the monotheistic statements in 4:35 and 39. The larger redactional context of Deuteronomy 4 is clearly monotheistic (as reflected in vv. 35 and 39), which has incorporated the older "henotheistic" expression of v. 19. Thus the context locates the older worldview of verse 19 in the larger context of the discourse that includes the newer expressions of explicit monotheism in 4:35 and 39, not the other way around. For this reason, 4:19 with its expression of the older way of thinking about God and the gods is read in context through the monotheistic expressions of 4:35 and 39. From a diachronic view, perhaps 4:32–40, with its two monotheistic statements in vv. 35 and 39, is to be read as a sort of "inner-biblical" commentary on the preceding material, including verse 19. For discussion, see G. Braulik, "Monotheismus im Deuteronomium: zu Syntax, Redeform und Gotteserkenntnis in 4,32–40,"

to resolve the interpretation of the other nations and their astral worship in Deut 4:19, the verse shows an assumption of Yahweh as the god fully in control over the divine arrangement, with little credence given to the astral bodies.

Deut 29:25 might appear to represent a greater impediment to this conclusion, since it does use the phrase, "other gods."[54] *A priori*, one might deduce that the figures in this case are not simply phenomena mistakenly taken to be gods. However, given what is known of the rest of Deuteronomy, this view seems incorrect. In its larger context, the verse does not regard "other gods" as ontologically divine, but function wrongly as "other gods" to those whom the authors would regard as idolaters. What we see is an older tradition of formulation being brought into line with the larger monotheistic understanding of reality. It would appear that the author(s) of Deut 4:19 and 29:25 could live with the "concealed contradiction" in their formulations, since the texts show little concern for addressing the logical issue in an explicit manner.[55] In sum, these echoes of Deut 32:8–9 in the book of Deuteronomy show a monotheistic reading that identifies Yahweh as El Elyon.

3.2. *Ben Sira*

Like Deut 4:19 and 29:25, a number of Greco-Roman period texts draw on Deut 32:8–9. Two instances dependent on this passage come from the book of Ben Sira (also called Sirach and Ecclesiasticus), which was composed originally in Hebrew and is attested in Hebrew in several fragments manuscripts from Masada, the Dead Sea Scrolls and the Cairo Geniza. The book in its Greek translation, as we learn from the Prologue to Ben Sira, was first produced in Alexandria by the grandson of the author of the Hebrew text.[56] The passages in Ben Sira perti-

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Zeitschrift für Altorientalische und Biblische Rechtsgeschichte 10 (2004): 169–94; and J. Pakkala, "The Monotheism of the Deuteronomistic History," *SJOT* (in press; pre-publication copy of this essay generously made available courtesy of its author).

[54] For the literary-critical context, see Pakkala, *Intolerant Monolatry in the Deuteronomistic History*, 99–103.

[55] One may wonder whether the inconsistency "concealed" was not apparent to the author himself. See Edward T. Hall, *The Silent Language* (Garden City, NY: Doubleday, 1959), 53.

[56] See Georg Sauer, "Ben Sira in Jerusalem und sein Enkel in Alexandria," in *Auf den Spuren schriftgelehrten Weisen: Festschrift für Johannes Marböck anlässlich seiner Emeritierung* (ed. Imtraud Fischer, Ursula Rapp, and Johannes Schiller; BZAW 331;

nent to our topic operate with an interpretive strategy attested in the textual witnesses to Deut 32:8–9 that understand El Elyon in the initial line as Yahweh. One echo of this passage occurs in Ben Sira 17:17: "Over every nation he [the Lord] places a ruler, but the Lord's *own portion is Israel.*" [57] Ben Sira 44:1–2 contains another echo: "I will now praise those godly people, our ancestors, each in his own time—The *Most High's portion*, great in glory, reserved to himself from ancient days."[58] Both verses read Deut 32:8–9 as saying that El Elyon—implicitly Yahweh—divided the world up according to the number of his sons—implicitly his angels (as in Job 1:6 and 2:1); and according to the second verse, Yahweh chose to keep Jacob for himself. It may be added that since Ben Sira was known in Alexandria (as mentioned by the Prologue to Ben Sira), its echoes of Deut 32:8–9 indicate that the monotheistic interpretation of this passage was operative in the larger community of Alexandria. Here we may make an observation about the shared cultural context of translating both older religious works and generating translation of newer works: the later literary echoes of Deut 32:8–9 in Ben Sira were transmitted in the same Alexandrian Jewish milieu that produced the Greek textual witness to Deut 32:8–9. The Alexandrian cultural context of transmitting and translating old religious texts (in this case Deut 32:8–9) was the same context for writing new works (in this case, Ben Sira 17:17 and 44:1–2) based on the same older text (Deut 32:8–9). Ben Sira witnesses to a monotheistic reading of the text in the Alexandrian context and the textual

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Berlin: de Gruyter, 2003), 339–47 (reference courtesy of Gary A. Rendsburg). This sort of prefatory information about translation from vernaculars into Greek may be noted as well in Philo of Byblos, *The Phoenician History* (*PE* 1.9.20); see Harold W. Attridge and Robert A. Oden, Jr., *Philo of Byblos The Phoenician History: Introduction, Critical Text, Translation, Notes* (CBQMS 9; Washington, DC: CBA, 1981), 18, 19.

[57] Smith, *The Early History of God* (2d ed.), 32 n. 43. The translation comes from Skehan and Di Lella, *The Wisdom of Ben Sira*, 277; see their discussion on pp. 280, 283; and Skehan, *Studies*, 69. See also Tigay, *Deuteronomy*, 514.

[58] Smith, *The Origins of Biblical Monotheism*, 223 n. 65. The translation comes from Skehan and Di Lella, *The Wisdom of Ben Sira*, 497; see their discussion on p. 498. See also P. W. Skehan, "Staves, Nails, and Scribal Slips (*Ben Sira* 44:2–5)," *BASOR* 200 (1970): 66–71. Cf. E. D. Reymond, *Innovations in Hebrew Poetry: Parallelism and the Poems of Sirach* (Studies in Biblical Literature 9; Atlanta: Society of Biblical Literature, 2004), 79 n. 153, who parses *xlq* in Ben Sira 44:2 ms. B understandably as a verb following the Greek and Syriac versions; his view could be further supported by an appeal to the verbal form used in the echo of Deut 32:8 in Deut 4:19 (discussed above).

witnesses from the LXX of Alexandria read either "angels of God" (most mss.) and "sons of God" (in a minority of mss.), which it probably regarded as little different. The two passages in Ben Sira indicate a monotheistic witness to Yahweh as El Elyon in their interpretation of Deut 32:8–9 within Alexandria around the time of the Septuagint's translation there.

3.3. *Dead Sea Scrolls*

Further echoes of Deut 32:8–9 appear in the Dead Sea Scrolls. These may point to the connection between literary echoing of the scriptural text and its textual production in various forms specifically in manuscript versions. 4Q418, fragments 81 + 81a (= 4Q423 fragment 8?), line 3, reads: "and He [God] is your *portion* and your *inheritance* among humanity (literally, the sons of human), [and over] his in[heritance he has given them ruler."[59] While this particular instance echoes Deut 32:8–9 (only to omit some of its more salient theological context), it does presuppose the conflation of El Elyon (Most High) with the god of Israel. This conflation of divinity appears again in the double-echo of Deut 32:8–9 in the *War Scroll* column 10 (1QM 10:9 and 14–15). James VanderKam points out another case of a textual echo in the *Book of Jubilees* (15:30–32), which limits the evil spirits' rule to nations other than Israel. This limitation is apparently derived from the Septuagint-type version/DSS of Deut 32:8–9 ("He set the borders of nations according to the number of the 'children of God'").[60] Thus, the evil spirits who set evil and sin in motion are relevant to only one community (non-Israelite nations) and not another (Israel).

It is important to see these echoes at work in the Dead Sea Scrolls and Second Temple literature more broadly. It indicates that use of Deut 32:8–9 was operative in the very context that also produced a textual witness to the biblical passage that did *not* alter the text. The transmission of Hebrew textual tradition of Deut 32:8–9 at Qumran

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[59] The apparently third person plural suffix on the final verb here is difficult. Cf. Geza Vermes, *The Complete Dead Sea Scrolls in English* (4th ed.; New York: Penguin, 1997), 410, which translates it as second person. For another possible echo, see 1QM 10:15.

[60] James C. VanderKam, "The Demons in the Book of Jubilees," in *Die Dämonen: die Dämonologie der Israelitisch-Jüdischen und Frühchristlichen Literatur im Kontext ihrer Umwelt* (ed. Armin Lange, Hermann Lichtenberger and K. F. Diethard Römheld; Tübingen: Mohr Siebeck, 2003), 345–46. Reference courtesy of Miryam Brand.

was also the cultural context for the production of new texts echoing this passage. Just as the Alexandrian context generated both the translation of the base text and its echoes in Ben Sira, so also the Qumran texts show how the one and same cultural context both transmitted textual traditions in the form of biblical manuscripts and drew on these traditions for new community works. We may observe then that the same locus for tradition processes at Qumran generated *both* biblical manuscripts at Qumran *and* new texts that reuse the same biblical material, as seen in the Qumran community literature such as the *War Scroll*. The DSS texts reusing Deut 32:8–9 read the passage monotheistically and suggest that the reading in 4QDeut[j] maintained the old language interpreted without polytheistic freight. In short, within the complex web of textual witnesses and later reuses of Deut 32:8–9 within later tradition, there were some points of contact.

4. *Conclusion*

In the end, it would seem that the uncensored version of Deut 32:8–9, in options #2 and #3, likely preserves an older, perhaps even "original" reading strategy for this passage. We may then ask: why was the reading then not left by all texts and read monotheistically? Why did some scribes see polytheism in the text while others did not? The answer may lie in part in perception of the text's foreground versus its background: the scribes of options #2–4 saw the foreground of the text, namely the composer's own monotheism which attempted to reduce and harmonize the old polytheism in different ways, while the scribes of the MT tradition etc. in option #1 felt the potential polytheistic sensibility of the motif. We might say that the scribes of option #1 were perceptive in sensing the old polytheism pushing through the monotheistic veneer of the author's formulation. But why? According to Arie van der Kooij,[61] the scribal change is to be dated to the second century B.C.E. and stemmed from official priestly circles responsible

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[61] Van der Kooij, "Ancient Emendations in MT," 152–59. See also Schenker, "Gott als Stifter der Relionen der Welt," 100.

for the transmission of scriptural texts. In this cultural context, possible perceptions of polytheism in their own textual traditions might have sounded too much like the Hellenistic polytheism attempted by the Seleucid makeover of the Temple. Building on the work of E. J. Bickerman and V. A. Tcherikover, Klaus Bringmann has suggested that the cultic situation under the Seleucids may have included an effort at adding the Jewish god to the larger equation of Greek Zeus Olympius and Syrian Baal Shamem.[62] Lawrence H. Schiffman comments similarly: "The Jewish Hellenizers, Menelaus and his party, saw these gods as equivalent to the God of Israel, and thus in their view this was not really foreign worship."[63] This reading of the situation nicely fits with the MT reading of Deut 32:8–9, which is not simply a rejection of the gods of other nations, but an exclusion of them entirely from the presentation of the poem of Deuteronomy 32. The small textual change may represent a reaction against expressions of identification[64] between the Jewish god and non-Jewish gods.

As the world of Hellenistic culture impinged on the Jewish people in Judea, it perhaps ventured into its own past in order to prevent what it regarded as false intimations of its own ancient idolatry and

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[62] Bringmann, *Hellenistische Reform und Religionsverfolgung in Judäa*, 120–140. See the appraisals by H. Niehr, "God of Heaven," *DDD* 371; and by Lester L. Grabbe, *Judaism from Cyrus to Hadrian* (Minneapolis: Fortress Press), 253–55. Grabbe (ibid., 257–58) compares this situation at the Jerusalem Temple with the Samaritan temple at Shechem dedicated to Zeus Xenios, which shows no indication of new Hellenistic changes: "Rather, the Samaritans apparently continued to operate a cult very similar to that which had been banned in Jerusalem, but under a Greek label." See also Graf, "Zeus," *DDD* 939. In this connection, one may also note the inscription of the name of Zeus on one Samaritan coin, viewed as a Greek equivalent for Yahweh at Samaria by Ephraim Stern, *Archaeology of the Land of the Bible. Volume II: The Assyrian, Babylonian, and Persian Periods* (732 332 B.C.E.) (ABRL; New York: Doubleday, 2001), 570. Bringmann focuses on the military settlers established by Antiochus in Jerusalem as the source of the worship of Baal Shamem; at the same time, the cultic innovation is laid at the feet of Antiochus.

[63] Schiffman, *From Text to Tradition: A History of Second Temple and Rabbinic Judaism* (Hoboken, NJ: Ktav, 1991), 76. Schiffman comments further that Jewish Hellenizers "regarded the ancestral God of Israel as simply another manifestation of the supreme deity known in Syria as Baal Shamin (Master of Heaven) and in the Greek world as Zeus Olympus. In this way they rationalized their behavior." It is unclear which form of translatability this represented in their minds. Perhaps they genuinely believed in it and it was no mere rationalization. For discussion, see Smith, *God in Translation*, 283–88.

[64] Or, what has been called "translatability" of deities, which was particularly common in the Greco-roman world. For examples and discussion, see Smith, *God in Translation*, 243–83.

to salvage its own cultural identity. In some instances, it overwrote possible biblical antecedents for negotiating between the Jewish god and other gods; in others, it simply overlooked them or read them in monotheistic terms. This general operation clearly adhered to the larger guidelines about other gods present in the Bible and seconded by tradition. In the end, both the older and newer presentations of Yahweh in relation to other gods had been embedded in the textual tradition, and they required subsequent textual mediation, by contextualizing and harmonizing the old idea within the context of the new.

We may close this brief retracing of the readings of Deut 32:8–9 by posing the question: might we expect other texts or biblical texts in general to have enjoyed similar rich histories that might show points of contact between their manuscript witnesses and their inner-biblical and early post-biblical interpretation? If so, it would suggest adding inner-biblical and late biblical interpretation as a further level to the study of textual criticism. Yet the number of such cases may in fact be relatively small, and the reason may not simply be due to the silence of the record. In the case of Deut 32:8–9, it seems to have achieved the status of a standard or charter text for the topic of the deities of the other nations.[65] Such charter texts may be relatively limited within the larger corpus of what would emerge as the Bible. It may be also that texts with particular problems of interest for the tradents of later biblical and Second Temple texts would likewise engender a rich group of interpretive traditions and textual witnesses that may be correlated with one another to some degree. It is quite possible that Deut 32:8–9 both functions as a charter text and contains a particular problem for the textual traditions. Or, perhaps the point may be put differently: precisely because it raises a topic of core interest to the tradition, namely the status of other divine beings, it came to serve as a charter text and engendered different textual readings both in the textual witnesses and in inner-biblical and post-biblical re-readings. In

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[65] That this would continue to be the case is suggested by Acts 14:16. Apart from the thematic parallel, the verse's expression, *panta ta ethne*, evidently echoes *pasin tois ethnesin* in LXX Deut 4:19, which would place it within the older interpretive tradition of reading Deut 32:8–9. The passage, in particular its apparent witness to Israelite polytheism, was later used by the later polemic of Julian (331/32–363) in his *Against the Galilaeans*. See John G. Cook, *The Interpretation of the Old Testament in Greco-Roman Paganism* (Studien und Texte zu Antike und Christentum 23; Tübingen: Mohr Siebeck, 2004), 312–14.

any case, we may end by reiterating the point that such a history of interpretation and textual witnesses may help us to think more about what a scriptural text constitutes in this period. Perhaps from our perspective, they stand in-between various sub-disciplines that we conduct. As this study indicates, while our own point of standing may run the risk of viewing texts in a somewhat static manner, the shifting terms of their cultural contexts suggest something quite dynamic: they were moving from their own biblical past into their manuscripts witnesses through their ongoing interpretation.

THE "HIDDEN" AND THE "REVEALED":
ESOTERICISM, ELECTION, AND CULPABILITY IN
QUMRAN AND RELATED LITERATURE*

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הנסתרת לה' א-להינו והנגלת לנו ולבנינו עד עולם (MT) Deut 29:28
לעשות את כל דברי התורה הזאת[1]

1. *Introduction*

It is widely accepted that the words *nistarot* and *niglot* function as technical terms in the Dead Sea Scrolls. The standard textbooks describe the use of this terminology, derived from Deut 29:28, to distinguish between the "revealed laws explicitly stated in the Torah" and "the hidden laws known only to the sect."[2] It is perhaps less widely known that a number of recent studies have uncovered additional technical uses of

[1] "Secret things belong to the Lord our God, but those that are revealed belong to us and our children forever, so that we might obey all the words of this law," NRSV Deut 29:29.

[2] Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls* (NY: Doubleday, 1995), 247. This understanding is implicit in James C. VanderKam, *The Dead Sea Scrolls Today* (Grand Rapids: Eerdmans, 1994), 113. See the sources cited by Schiffman, idem, 438, esp. Naphtali Wieder, *The Judean Scrolls and Karaism* (London: East and West Library, 1962), 53–62; Schiffman, *The Halakhah at Qumran* (SJLA 16; Leiden: Brill, 1975), 22–32. See also, Jacob Licht, *The Rule Scroll. A Scroll From the Wilderness of Judea. Text, Introduction, and Commentary* (Jerusalem: Bialik Institute, 1965), 132 [Hebrew]; Joseph M. Baumgarten, *Studies in Qumran Law* (SJLA 24; Leiden: Brill, 1977), 30–35; Philip R. Davies, *The Damascus Covenant: An Interpretation of the Damascus Document* (JSOTSup 25; Sheffield: JSOT, 1983), 80–87; Alex P. Jassen,

these terms at Qumran. Elisha Qimron,[3] Gary Anderson,[4] and Aharon Shemesh and Cana Werman[5] have focused upon the concepts of *nigleh* and *nistar* in legal contexts. Ben Zion Wacholder has indicated that *nistarot* may also be employed in esoteric sapiential contexts,[6] and David Flusser extended the technical usage of this term to include even broader ideological applications.[7] In the following reevaluation of exegetical traditions pertaining to Deut 29:28, I point out the different uses of *niglot* and *nistarot* in texts of different genres, and examine how juridical and epistemological exegeses of this verse function independently and interdependently within the Qumran corpus and in the book of *Jubilees*.[8] My aim is to examine the broad use of these

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Mediating the Divine: Prophecy and Revelation in the Dead Sea Scrolls and Second Temple Judaism (Leiden: Brill, 2007), 331–34.

[3] Elisha Qimron, "Terminology for Intention Used in the Legal Texts of the Dead Sea Scrolls," *Proceedings of the World Congress of Jewish Studies* 10.1 (1990): 103–10 [Hebrew].

[4] Gary A. Anderson, "Intentional and Unintentional Sin in the Dead Sea Scrolls," in *Pomegranates and Golden Bells; Studies in Biblical, Jewish, and Near Eastern Ritual, Law, and Literature in Honor of Jacob Milgrom* (ed. D. P. Wright, D. N. Freedman and A. Hurvitz; Winona Lake, IN: Eisenbrauns, 1995), 49–64. See also, idem, "The Status of the Torah Before Sinai: the Retelling of the Bible in the Damascus Covenant and the Book of Jubilees," *DSD* 1.1 (1994): 1–29; and idem, "The Status of the Torah in the Pre-Sinaitic Period: St. Paul's Epistle to the Romans," in a *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls: Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12–14 May, 1996* (ed. Michael E. Stone and Esther G. Chazon; STDJ 28; Leiden: Brill, 1998), 1–23.

[5] Aharon Shemesh and Cana Werman, "Hidden Things and Their Revelation," *RevQ* 18:3 (1998): 409–27.

[6] Ben Zion Wacholder, "The Preamble to the Damascus Document: A Composite Edition of 4Q266–268," *HUCA* 69 (1998): 31–47, esp. 45.

[7] David Flusser, "The Secret Things Belong to the Lord (Deut 29:29): Ben Sira and the Essenes," in *Judaism of the Second Temple Period, Qumran and Apocalypticis*m (trans. A. Yadin; Grand Rapids: Eerdmans, 2007), 293–98. Flusser casts a very wide net for an epistemological meaning of *nistarot* at Qumran. He agrees with previous scholars that the Qumran Community read Deut 29:28 in support of their self-understanding as recipients of revelation concerning legal matters, but he states that this was only part of the Community's perspective towards *nistarot*. Flusser makes an important, and insufficiently acknowledged, point, in arguing that we must not view the Qumran conception of *nistarot* as confined to knowledge of *halakhot*.

[8] In some respects, my observations dovetail with some of Paul Heger's evaluations of these terms in "The Development of Qumran Law: 'Nistarot', 'Niglot' and the Issue of 'Contemporization,'" *RevQ* 23.2 (2007): 167–206. We differ, however, in our overall approaches. Heger rejects attempts to impose a system of classification on the use of the terminology, urging that each text must stand on its own. In this study, I work within the rubric of existing categories, but aim to refine conventional distinctions by correlating genre with exegetical usage of the terms.

terms, specifically in reference to Deut 29:28. Through examination of the distinctions and overlaps between varied exegetical approaches to this verse, I demonstrate a correlation between genre and exegetical stance in the relevant texts.

Perhaps the most troubling exegetical difficulty posed by our verse is the obliqueness of the substantive adjectives: what are the "hidden" and "revealed" "things."[9] Do these categories encompass acts, transgressions, or laws that must be observed, fulfilled, or punished by God and Israel, or do they rather refer to units of knowledge to which God and Israel have different access? Exegetes have sought some guidance in the wider context of the surrounding passage, the expression of the covenantal Sin-Exile-Return sequence.[10] Deut 29:28 stands between a passage that predicts the future destruction and exile of a later generation of Israelites, and a promise of subsequent return and restoration. This broader context has accommodated interpretations of the verse as referring to the limitations of human

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[9] There is no obvious explanation for why both terms appear in the feminine plural. On the use of the feminine for abstract nouns, see Joüon-Muraoka, para 134, n,r and para. 136, g. (Paul Joüon, *A Grammar of Biblical Hebrew*, trans. and rev. by Takamitsu Muraoka [Subsidia Biblica 27; Rome: Editrice Pontificio Istituto Biblico, 2006]); Moshe Weinfeld has suggested vocalizing the words in the singular, *nisteret* and *nigleit*, against MT plural vocalization (Moshe Weinfeld, *Deuteronomy and the Deuteronomic School* [Winona Lake, IN: Eisenbrauns, 1992], 63–64, n.5). Wacholder has suggested that the Qumran Community took Deut 31:26–30 and Jer 32:10–14 to indicate that Moses wrote a second "sefer Torah" alongside the Pentateuch, which he hid away in order to eventually supplant the Pentateuch. Cf. Ben Zion Wacholder "The 'Sealed' Torah vs. the 'Revealed' Torah: An Exegesis of Damascus Covenant V, 1–6, and Jeremiah 32, 10–14," *RevQ* 12 (1986): 351–69. He suggests that the "sealed Torah" is specifically 11QT (idem, 352). Cf. John Strugnell's query as to whether the expression "that which is hidden from you" (הנסת[רות ממכה) in 4Q375 refers to "eschatological revelation of laws currently unknown" as in 1QS 8:11; 11:6 or is intended to parallel CD 5:2–5. which he says is "the book of Law hidden in the ark" (in Magen Broshi et al., *Qumran Cave 4.XIV: Parabiblical Texts, Part 2*. [DJD 19; Oxford: Clarendon, 1995], 118).

[10] The label "Sin-Exile-Return" (S.E.R.) is that of Marinus De Jonge, *The Testaments of the Twelve Patriarchs: A Study of Their Text, Composition, and Origin* (Assen: Van Gorcum, 1953), 83–86. For a classic discussion of this S.E.R. pattern in Deuteronomy, see Hans Walter Wolff, "The Kerygma of the Deuteronomical Historical Work," in *The Vitality of the Old Testament Traditions* (ed. Walter Brueggemann and H. W. Wolff; Atlanta: John Knox Press, 1975), 83–100. Cf. Gerhard von Rad, "The Deuteronomic Theology of History in I and II Kings," in *The Problem of the Hexateuch and Other Essays* (Edinburgh and NY: Oliver and Boyd, 1966), 205–21.

knowledge, to juridical responsibility, to progressive revelation, or to combinations of the above.[11]

Prior to the publication of the above-mentioned studies, there was a prevailing tendency to categorize ancient Jewish use of the terms *niglot* and *nistarot* along sectarian lines. It was presumed that rabbinic sources employed these words to distinguish between *overt* and *covert sins*, whereas the Qumran community distinguished between *explicitly revealed laws* and *esoteric sectarian laws* made known exclusively to the community.[12] The emerging picture is more complex. On the one hand, Qimron has demonstrated that the Qumran texts also feature the terms *niglot* and *nistarot* to distinguish between types of sins (in the sectarian texts, the distinction is between intentional and unintentional sins). On the other hand, Shemesh and Werman have shown that rabbinic texts, as well as the Qumran community, employ the terms in the context of progressive revelation. Moreover, Flusser has argued for a broad theological and ideological use of the terms in the Dead Sea Scrolls. The association of Deut 29:28 with esoteric knowledge is already found in Ben Sira, and in rabbinic sources.[13] Thus, all of the exegetical applications that scholars had discerned in regard to this verse are attested both in rabbinic literature and in the Dead Sea Scrolls. Nonetheless, although it is clear that the evidence does not support the previous dichotomous categorization of the exegetical traditions, there is a discernible pattern within the Qumran corpus itself, such that the uses of the terms *niglot* and

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[11] For a summary of a range of interpretations to our verse, see Jeffrey H. Tigay, *Deuteronomy: the Traditional Hebrew Text with the new JPS Translation and Commentary* (Philadelphia: JPS, 1996), 283.

[12] For this perception of rabbinic consensus concerning the terms in Deut 29:28, see already Nahmanides' commentary *ad loc.*: "In the opinion of the commentators, the verse states: 'It is for the Eternal our God to execute judgment upon those who worship idols secretly (*baseter*), for all hidden matters are revealed before Him, but the things that are revealed (*niglot*) are upon us and our children that we may do to them all the words of this Law, to smite the idol-worshippers in accordance with the law of the Torah. According to the interpretations of the Rabbis (the *Midrash*) too, it is so" (translation of Charles B. Chavel, *Ramban [Nahmanides]: Commentary on the Torah, Deuteronomy* [NY: Shilo Publishing, 1976]). Below (pp. 318–19), we discuss Nahmanides' own alternative explanation to the verse, which he describes as according with the *peshat*.

[13] Although Ben Sira's use of Deut 29:28 to designate divine knowledge was widely recognized, it was not brought to bear upon more general discussions of the ancient exegetical applications of the verse.

nistarot correspond to the genre of the composition in which they appear.

2. *Sapiential Texts: Esoteric "Mysteries"*

2.1. *Limitation of Human Knowledge*

The prevalent tendency among modern biblical scholars is to identify the *nistarot* of Deut 29:28 as esoteric wisdom pertaining to the nature of the cosmos or to the future times predicted in the surrounding verses. According to this understanding, the verse is intended as a limitation upon human inquiry, and indicates a privileging of faithful obedience over metaphysical curiosity; in contemporary vernacular: "ours not to reason why, ours but to do or die."[14] This homiletic/epistemological interpretation of the verse is found *inter alia* in the commentaries of Driver,[15] von Rad,[16] Craigie,[17] and Wright.[18] The exact nature of the inaccessible divine secrets is not always spelled out by the commentators. S. Wagner presumes a very broad range of content, "The *tôra* is seen in what is revealed; everything else may be left to Yahweh, including but certainly not limited to the fate of the widely

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[14] Thus, the popular misquotation of Alfred Lord Tennyson's, *The Charge of the Light Brigade*. A clear prescriptive stance is adopted by those commentators who explain our verse as limiting the extent of human knowledge. The verse could also be interpreted in a more neutral manner as a statement about divine omniscience. The conception of God as all-knowing seems to underlie much of the Hebrew Bible, but it is rarely explicitly stated in the text. On the contrast between divine omniscience and the limitations of human perspective, see Meir Sternberg, *The Poetics of Biblical Narrative: Ideological Literature and the Drama of Reading* (Bloomington: Indiana University, 1985), 12–13, 88–91, 153–85. Sternberg stresses the centrality of epistemology in biblical theology, stating that "nowhere in antiquity…does the variable of knowledge assume such a cutting edge and such a dominant role. God is omniscient, man limited, and the boundary impassable." He further posits that that an "epoch-making" means of communicating this message was devised: "to build the cognitive antithesis between God and humanity into the structure of the narrative" (ibid., 46).

[15] Samuel Rolles Driver, *ICC: A Critical and Exegetical Commentary on Deuteronomy* (Edinburgh: T & T Clark, 1925), 328.

[16] Gerhard von Rad, *Deuteronomy: a Commentary* (trans. D. Barton. OTL; London: S.C.M. Press, 1966), 180–81.

[17] Peter C. Craigie, *The Book of Deuteronomy in English* (NICOT; Grand Rapids: Eerdmans, 1976), 360–61.

[18] Christopher J. H. Wright, *Deuteronomy* (NIBC; OTS 4; Peabody, Mass: Hendrickson, 1996), 293.

dispersed people of God."[19] Wright points to two specific possibilities for the content of the *nistarot*:

> if [this verse] is linked to the preceding context, then the secret things could be a way of referring to the as yet unknown future[20]…If, on the other hand, the verse is linked to what follows…then it is part of the affirmation that God's law is clear and accessible. There may be much that remains hidden from our understanding (a characteristic Wisdom viewpoint), but God has revealed all that is needed for us to know and obey God.

It has been suggested that this sort of homiletical/didactic understanding of the verse is already attested in *Sir* 3: 20–23:

> [20]For God's compassion is vast, and he reveals (*yigaleh*) his secret thoughts to the lowly. [21]Seek not unfathomable wonders, nor probe into things concealed from you. [22]Attend to what is entrusted to you; hidden things (*nistarot*) are not your business [23]Do not talk about what exceeds your grasp, for more than you (understand) has been shown to you.[21]

As has been observed, the formulation of these verses draws upon Deut 29:28.[22] The passage is generally taken as a sort of check upon

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cosmological speculation. Nonetheless, it is noteworthy that despite the fact that Ben Sira's overt message here is a cautionary one, limiting human inquiry into esoteric matters, verse 20 refers to the divine *revelation* of secrets, specifically to a select group, or type, "the humble." Ben Sira's understanding of Deut 29:28 indicates an ambivalence about esoteric inquiry.[23]

A similar stance can be found in the epilogue of Qohelet, 12:13–14:

> The sum of the matter, when all is said and done: Revere God and observe His commandments! For this is all of mankind; God will bring every work to judgment, for every hidden thing, be it good or bad.

I suggest that these verses reflect direct dependence upon Deut 29:28, and in fact constitute a fairly straightforward paraphrase of the Pentateuchal verse:[24]

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[23] Segal cites a number of additional biblical sources that he views as having influenced Ben Sira here. The verses he cites (Ps 119:29, 39:6; Job 11:8, Dan 12:6) demonstrate an intense desire for knowledge and understanding of God and His ways, alongside an acute awareness of human limitation in these pursuits. In the sapiential passages in Psalms and Job, there is a concomitant concern with individual theodicy, and the relevant apocalyptic section of Daniel is concerned with national eschatology.

Flusser suggests that Ben Sira is dependent not only upon Deut 29:28, but even more so upon Ps 19:13, שגיאות מי יבין מנסתרות נקני גם מזדים חשך עבדך, specifically in a version that is variant to the vocalization of the Masoretic text. He maintains that Ben Sira read *sagiy'ot*, "exalted things", instead of *shegiy'ot*, "errors" ("Secret Things," 293; and "Who Can Detect Their Errors? [Ps 19:13]," in *Talmudic Studies Dedicated to the Memory of Professor Eliezer Shimshon Rosenthal* [ed. Moshe Bar Asher and David Rosenthal; vol. 2. Jerusalem: Magnes Press, The Hebrew University: 1993], 401–410 [Hebrew]).

Flusser notes (402) that Tur-Sinai had already proposed this alternative vocalization of שגיאות, in *Milon Halashon HaIvrit* (ed. Eliezer Ben Yehuda; vol. 14. Jerusalem: Hemda and Ehud Ben Yehuda, 1952), 6894 n.1 [Hebrew]. Flusser does not say that the variant reading is the best reading of the text itself, but only that it is how the text was taken by Ben Sira. These readings of Ps 19:13 reflect the same two basic directions that we discern in the exegesis of Deut 29:28, pertaining to limitation of wisdom or culpability for sin. We address the relevance of the MT reading of the psalm to exegesis of Deut 29:28 below.

[24] Crenshaw also cites the closing verse of Qohelet in connection with Deut 29:29 [= MT 29:28], along with Sir 3:17, 23 ("Qoheleth's Understanding," 223). If Qohelet is indeed responding to Deuteronomy, the association of divine omniscience with justice in this verse, a statement of theodicy, would prefigure the more tangible juridical exegesis that we discuss below.

Qohelet 12:13–14	Deut 29:28
everything hidden, be it good or bad for God will call every work to judgment all has been heard for this is all the duty of mankind Revere God, and observe his commandments	Secret things belong to the Lord our God but those that are revealed belong to us and our children forever to obey all the words of this law

In line with Fox and others, I do not view these closing verses of Qohelet as a repudiation of the earlier skeptical positions in the book, but rather as a subordination of what their author considered to be the legitimate and necessary doubt that pervades Qohelet's intellectual searching.[25] The attempt to grasp elusive truths about the universe is not meaningless, even if the attempt can never fully succeed.

In their discussion of legal interpretations of Deut 29:28, Shemesh and Werman propose that ancient exegetes relied upon a sort of "double reading" of the verse, rooted in conflicting textual traditions, in order to enable them to apply the term *nistarot* to halakhic revelation.[26] Perhaps a similar textual or exegetical consideration related to this verse may underlie the ambivalence of the above wisdom texts as well, with regard to the revelation or discernment of esoteric truths about the nature and meaning of life. The *nistarot* are God's, and not humankind's; and yet the *nistarot* are to be revealed by God to select individuals or to a select community.[27]

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[25] Cf. Michael V. Fox, *A Time to Tear Down and a Time to Build Up: A Rereading of Ecclesiastes* (Grand Rapids: Eerdmans, 1999) for a comprehensive discussion of the integrity, complexity, and ambivalence of the message of Qohelet.

[26] "Hidden Things," 412–13. In their words, "According to massoretic tradition, this verse is one of ten places in the Pentateuch with dotted words…understood by the sages to indicate a doubtful reading…As the erasure was marked but not implemented, the rabbis were then able to read the verse both with and without the dotted words…It appears that the Qumran sect shared with the rabbis both the supposition that this verse may be read in a twofold fashion and that it reflects a historical process." See the literature cited by them on the phenomenon of dotted letters in the Pentateuch, and rabbinic midrashic interpretation of these instances, esp. Romain Butin, *The Ten Nekudoth of the Torah* (NY: Ktav, 1969).

[27] Cf. the formulation of Shemesh and Werman regarding the view of the Qumran Community (idem, 413–14). Our proposal of ambivalence about the accessibility of wisdom is a departure from earlier scholarship which has been inclined to discern historical development in this matter. G. Von Rad has contrasted the inclusiveness of the book of Proverbs, and its stress upon the accessibility of wisdom to all sincere and disciplined seekers, with a later tendency to restrict esoteric revelation to Elect

In our preceding remarks, we have attempted to show that the traditional wisdom texts of Ben Sira and the final verses of Qohelet employ Deut 29:28 in order to emphasize the inaccessibility of divine secrets to humanity. We now turn to a number of more radical sapiential passages where the language of *s.t.r* and *g.l.h.* is used to convey a nearly opposite message, an emphasis on the *revelation* of divine secrets to certain Elect recipients.

2.2. *Revelation to Elect: Eschatological Doxologies*

Dependence upon Deut 29:28 is discernible in Daniel's prayer in chapter 2 and in a number of wisdom texts from Qumran, particularly

recipients. Cf. von Rad, *Wisdom in Israel* (trans. by J. D. Martin, London: SCM, 1972), 57–58. M. Sternberg posits a similar contrast between Deut 30:11–14, "it is not in the heavens…nor is it beyond the sea," and Mark 4:11–12, in which Jesus tells a crowd of "insiders": "To you has been given the secret of the kingdom of God, but for those outside everything is in parables, so that they may indeed see but not perceive and may indeed hear but not understand; lest they should turn again and be forgiven" (*Poetics*, 48–49). M. E. Stone, on the on the other hand, has contrasted Ben Sira's restrictive attitude to esoterica with that of *Wis Sol* 7:17–21, describing the latter as a "reversal of the older Wisdom denials of the possibility of the knowledge of secrets." Cf. Michael E. Stone, "Lists of Revealed Things in the Apocalyptic Literature," in *Magnalia Dei: The Mighty Acts of God. Essays on the Bible and Archaeology in Memory of G. Ernest Wright* (ed. Frank Moore Cross, Werner E. Lemke and Patrick D. Miller Jr.; NY: Doubleday, 1976), 415–22; the citation is from 421–22.

A full analysis of early Jewish attitudes to esoterica is beyond the scope of our immediate concern, the early exegesis of Deut 29:28. One factor to be considered in such an inquiry would be the intended audiences of the sources under examination. Thus, we maintained above that even Ben Sira himself may hint at the possibility of acquiring hidden knowledge, even as he warned against this pursuit. Chapter 39, in praise of the scribe, and even chapter 1, probably indicate the viability of a quest for esoteric revelation…for the sage (e.g. 1:9–10; 39:3, 7). These passages do not spell out the sorts of secrets one can learn, let alone the secrets themselves, since the work is not written *for* the sage, but *about* the sage. Compare the elitist rabbinic attitude to the study of *maʿaseh merkava* and *maʿaseh bereshit*, which is highly restricted but not banned, in the earlier portion of *m. Hag* 2:1, "The laws of incest may not be expounded before three persons, nor the account of the creation before two, nor the chariot before one unless the person is wise and able to understand on his own." (*b. Hag* 13a, cites our verse of Ben Sira in support of restricting the pursuit of esoteric knowledge, but *t. Hag* 2:1 clarifies the implicit permission within the prohibition of the mishna: "We do not expound the laws of incest before three, *but we may expound them before two*, nor the account of creation before two, *but we may expound them privately*"). By limiting the scope of inquiry to "that which you have been permitted" in 3:23, Ben Sira may not be rejecting esoteric speculation entirely, but only restricting it, exhorting his readers to be satisfied with whatever instruction each has been designated to receive.

doxological texts that praise God for revealing eschatological truths to
chosen ones.

> 19 The mystery was revealed to Daniel in a night vision; then Daniel
> blessed the God of Heaven. 20 Daniel spoke up and said: Let the name
> of God be blessed for ever and ever, for wisdom and power are His. He
> changes times and seasons, removes kings and installs kings; He gives
> the wise their wisdom and knowledge to those who know. He reveals
> deep and hidden things (גלא עמיקתא ומסתרתא), He knows what is in
> the darkness, and light dwells with Him.

Here, the "hidden things" are explicitly associated with "*raz*," and par-
ticularly, with future events pertaining to *aḥryt yomaya* (v. 28).[28] Most
significantly, Daniel is granted access to this hidden information by the
"God in Heaven"[29] who "reveals mysteries."[30] In 2:10, the Chaldeans
who had been challenged to tell the king his dream and its meaning
had protested that "there is no one on earth" who could perform that
task; that "there is no one who can tell it to the king except the gods
whose abode is not among mortals." Daniel ch. 2 poses a contrast
between heavenly wisdom/knowledge and human wisdom/knowl-
edge, but the point of the narrative is that God can and does choose
worthy and extraordinary individuals to whom to divulge ordinarily
inaccessible information, specifically about future events and divine
judgment and justice. The text is as much about overcoming the strict

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[28] On the term '*aḥryt haymym* at Qumran, see Annette Steudel, "אחרית הימים in
the Texts From Qumran," *RevQ* 16.2 (1993): 225–46.

[29] On the divine epithet אלה בשמיא, cf. D. K. Andrews, "Yahweh and the God of
the Heavens" in *The Seed of Wisdom* (ed. W. S. McCullough; Toronto, University of
Toronto Press, 1964), 45–57.

[30] *Raz* and *gly* recur in vss. 27–30, 47. On the meaning of the term *raz*, see Matthew
J. Goff, *The Worldly and Heavenly Wisdom of 4QInstruction* (STDJ 50; Leiden: Brill,
2003), 33–79; Armin Lange, *Weisheit und Prädestination: Weisheitliche Urordnung
und Prädestination in den Textfunden von Qumran* (STDJ 18; Leiden: Brill, 1995), 62;
Torleif Elgvin, "The Mystery to Come: Early Essene Theology of Revelation," in *Qum-
ran between the Old and New Testaments* (ed. F. H. Cryer and T. L. Thompson; Shef-
field: Sheffield Academic Press, 1998), 113–50, esp. 131–39; Menahem Kister, "Wisdom
Literature and Its Relation to Other Genres: From Ben Sira to Mysteries" in *Sapiential
Perspectives: Wisdom Literature in Light of the Dead Sea Scrolls: Proceedings of the
Sixth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls
and Associated Literature* (ed. John J. Collins, Gregory E. Sterling, and Ruth A. Cle-
ments; STDJ 51; Leiden: Brill, 2004), 13–37. Kister notes the affinity of chapter 2 of
Daniel with 4QMysteries (4Q300) (idem, 25–26). See also, Samuel I. Thomas, "'Rid-
dled' with Guilt: The Mysteries of Transgression, the Sealed Vision, and the Art of
Interpretation in 4Q300 and Related Texts," *DSD* 15.1 (2008): 155–71.

demarcation between human and divine knowledge as it is about the division itself.

As for the content of the *nistarot* in chapter 2 of Daniel, in verse 22 they are equated with *raz*, and associated with eschatology and theodicy. These issues were likely to have been among Ben Sira's concerns in his limitation of esoteric speculation, but the content in Daniel is more clearly of a sort generally defined as "apocalyptic," and specifically eschatological.[31]

In Daniel ch. 2, the "hidden" thing that is revealed is knowledge of a future event of eschatological importance. At Qumran, the feminine *niph^cal* (*nistera/nistarot*; נסתרה/נסתרות) appears in a number of sectarian texts, in association with the term *raz nihiyeh* ("the mystery of being" or "of all that comes about", or its individual components), primarily in doxological contexts, praising and thanking God for revealing mysteries to the Elect Community.[32]

As discussed by E. Schuller, the hymnist of 1QH^a 26: 1 (= 4Q427 frag. 7 col. i) extends his portrayal of "angelic communion" beyond its depiction in other *Hodayot* texts, to proclaim that God has lifted him so that he is "with the heavenly beings." In a series of antonymous

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[31] For an overview of the extensive scholarship on the terms "apocalypse" and "apocalyptic," see the literature cited by John J. Collins, *The Apocalyptic Imagination,* (2d ed.; Grand Rapids: Eerdmans, 1998), 1–11; Michael E. Stone, "Apocalyptic Literature," in *Jewish Writings of the Second Temple Period; Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus* (ed. Michael E. Stone; CRINT 2.2; Assen: Van Gorcum; Philadelphia: Fortress Press, 1984), 383–442. Collins notes that Theodotion uses ἀποκαλύπτω to render ג.ל.ה. throughout chapter 2 of Daniel. Cf. Collins, *Daniel: a Commentary on the Book of Daniel* (Minneapolis: Fortress Press, 1993), 159.

[32] The texts we examine here have sapiential features, but are not strictly of the Wisdom genre. In particular, the Instructions texts from Qumran fuse sapiential and apocalyptic elements. See the essays in *Conflicted Boundaries in Wisdom and Apocalypticism* (ed. Benamin G. Wright and Lawrence M. Wills; SBL Series 35; Atlanta/ Leiden: SBL, 2005) and in *Wisdom and Apocalypticism in the Dead Sea Scrolls and in the Biblical Tradition* (ed. Florentino García Martínez; BETL 168; Leuven: Leuven University Press, 2003), esp. section 1. The texts integrate this-worldly advice with observations about eschatological matters, contextualizing traditional empirical self-help tips in a context of "soteric esotericism." (The latter term, coined by Elliot R. Wolfson, expresses the purpose of wisdom in these texts; human conduct and intellectual achievement are directed toward the aim of achieving salvation. Cf. Wolfson, "Seven Mysteries of Knowledge: Qumran E/Sotericism Recovered," in *The Idea of Biblical Interpretation: Essays in Honor of James L. Kugel* (ed. Hindy Najman and Judith H. Newman; Leiden: Brill, 2004), 177–213.

Within Von Rad's system, this development may be associated with a move from "older instructional wisdom" to "later theological wisdom" (*Wisdom in Israel*, 110).

pairs describing divine attributes, the psalmist writes of God as "seal-ing mysteries (*razim*) and revealing hidden things"(*nistarot*).[33]

The concluding hymn in 1QS, includes the following expression of the author's gratitude for having been privileged to receive divine enlightenment:[34]

> A light is in my heart from the mysteries of His wonders
> My eye has gazed upon that which is eternal
> Wisdom that is hidden from humanity;
> Knowledge and clever design (that is hidden) from the sons of Adam

In the previous lines of the passage (11:3–4), the "eternal" (הויא עולם) was paired with *raz nihiyeh*. The subsequent lines, 7–8, associate these Elect recipients of divine knowledge with the "holy ones" and the "sons of heaven" in a similar manner to that we have seen in 1QH^a/4Q427.

Additional appearances of *raz* together with *nistarot* are found in 4Q417 Instruction^c (1 i 11–12)[35] and 4QSongs of the Sabbath Sacrifice.[36] It is likely that the content of the hidden things in these contexts is eschatological, but because of the fragmentary state of the relevant passages, this assessment cannot be offered with certainty.

Our final source for an eschatological interpretation of *nistarot* fea-tures the term *nehiyot*. In the additional preamble to the *Damascus Document* found in 4Q266–268 (4QD^a–c), the author offers praise of God for His revelation of secrets to certain deserving recipients. Col. i of 4Q266 frag 1 is rather fragmentary, but the words "his wonder" (פלאו) "depths" (עמקת) and "sealed" (חתם) have been preserved in lines 6–8. J. Baumgarten has relied upon 1QS 11:6 to restore here, "[which were hidden] from humanity" [אשר נסתרו] מאנוש. A further

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[33] לחתום רזים ולגלות נסתרות (1QH^a 26: 1; 4Q427 7 i 19). The text is cited as a composite of the two manuscripts, from Schuller's edition in Esther G. Chazon et al. (eds.), *Qumran Cave 4. XX: Poetic and Liturgical Texts,* Part 2. (DJD 19; Oxford: Clarendon, 1999), 100–101; 104. In this text again, the revelation of secrets to an Elect is bound up with the concealment of mysteries from those who have not been chosen.

[34] אור בלבבי מרזי פלאו, בהויא עולם הביטה עיני, תושיה אשר נסתרה מאנוש, דעה ומזמת ערמה מבני אדם (1QS 11:5–6).

[35] John Strugnell and Daniel J. Harrington (eds.), *Qumran Cave 4.XXIV: Sapiential Texts*, Part 2. (DJD 36; Oxford: Clarendon, 1999), 151.

[36] 4Q401 14 ii 2 נפלאותיו [רז]י; l. 7 השמיעו נסתרות; See C. A. Newsom, "4Q401 4QShirot 'Olat HaShabbat," in Esther Eshel et al. (eds.) *Qumran Cave 4.VI: Poetical and Liturgical Texts*, Part 1. (DJD 11; Oxford: Clarendon, 1997), 208–9. Cf. the resto-ration in 4Q401 17 l. 4, "those who have kn[ow]ledge of the understanding of h[idden things"(…נס[תרות בבינת ד[עי יו]; idem, 211).

reference to *nistarot* as a substantive is found in 4Q266 2 i 3–6, =
4Q268 1: 5–8):

> ³he ordained a period of wrath for a people who knows him not ⁴and
> he established times of favor for those that seek his commandments
> and for those that walk on the path of integrity. ⁵And he uncovered
> their eyes to hidden things (ויגל ע]יניה[מה בנסתרות) and they opened
> their ears and heard profundities, and they understood ⁶all that is to be
> (בכול נהיות) before it comes upon them.³⁷

With Wacholder, I take these *nistarot* to reflect esoterica pertaining to
theodicy and eschatology.³⁸ Despite the reference to "commandments,"
these *nistarot* do not seem to be of a legal nature.³⁹ The emphasis on
appointed times, and the specification of *nehiyot* as the subject matter
of divine revelation indicates more theological content, of a cosmo-
logical, eschatological nature, specifically pertaining to dualistic deter-
minism. The observance of the Law is certainly of importance in this
passage, since it is those who seek God's Commandments and follow
the proper path who are rewarded with revelation. But the nature of
that revelation pertains to knowledge of theological history and future
salvation.⁴⁰

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³⁷ The text is cited as a composite of 4Q266 and 4Q268. Cf. Joseph M. Baumgarten,
ed., *Qumran Cave 4 XIII. The Damascus Document (4Q266–273)* (DJD 18; Oxford:
Clarendon, 1996), 31–36; 119–20.

³⁸ Wacholder renders *nistarot* (restored) in 4Q266 2 i 5 as "mysteries (that have
been concealed)" in "Preamble," 45, without elaborating upon the nature of these
mysteries. He later clarified that the "profound things" in this passage refer to "futur-
istic events, those of the eschaton and messianic epochs" (idem, *The New Damascus
Document: The Midrash on the Eschatological Torah of the Dead Sea Scrolls: Recon-
struction, Translation, and Commentary* [STDJ 56; Leiden: Brill, 2007], 137–38).

³⁹ *pace* J. M. Baumgarten. Cf. Joseph M. Baumgarten with M.T. Davis, "Cave IV, V,
VI Fragments" in *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts With English
Translation*, vol. 2*: The Damascus Document, The War Scroll, and Related Documents*
(ed. James H. Charlesworth; PTSDSSP 2; Tübingen: Mohr/Siebeck; Louisville: West-
minster/John Knox, 1994). Baumgarten's brief description of 4Q266 in PTSDSSP
includes the following statement: "The second call to hearken, found at the beginning
of the Genizah text, follows in column 2 after the mention of the interpretations of
the Law" (ibid., 60). In DJD 18, Baumgarten identifies *nistarot* as "hidden aspects" of
the law, though this is not necessarily his assessment of the meaning in this particular
passage.

⁴⁰ Baumgarten does not directly address the content of the *nistarot* in his DJD
commentary to these texts, but he implies an association with esoteric knowledge. In
his discussion of the *nehiyot* in 4Q268 1:8 (DJD 18, 120), he refers to Josephus's por-
traits of the "Essenes as foretellers of the future" in *War* 2.159. See also *War* 1.72–80;
Ant 13.311–13; *Ant* 15.373–79.

Whereas we understand the references to time or seasons in this
preamble to reflect the content of revelation, Flusser believes that
these terms refer to the process itself. He takes the *nistarot* in this
passage as covering a very broad range of data, representing varie-
gated shifts in the ideology of the Qumran community, in accordance
with their sectarian model of ongoing revelation to their Maskil.[41] In
his description of adaptive modifications authorized by "revelation,"
he also seems to envision a more fluid sort of development than that
depicted, for example, in the linear model of progressive revelation
outlined by Joseph Baumgarten. In Baumgarten's view, revelation at
Qumran was understood as a "progressive unfolding in the true mean-
ing of the law according to the divinely ordained periods."[42] He seems
to suppose that the members of the Qumran Community posited the

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[41] Among the other spheres in which the Community would have valued secrecy,
Flusser points to the prophetic interpretations as found in the *pesharim* ("Secret
Things" 297), and the internal policy of hatred for outsiders (in contrast to their cul-
tivated veneer of "Tolstoy"-like pacifism, as recorded by Philo and Josephus. ibid.,
295). According to Flusser, it is necessary to identify additional esoteric elements in
the thought of the Qumran community, beyond those of dualism or predestination
mentioned above, since these basic beliefs were widely known. If Philo and Josephus
recorded these tenets, then we must look elsewhere for ideas that the Community
kept to itself. Esotericism was a central concept to the self-understanding and aims
of the Community, in its philosophical systems and its attitude to outsiders. Flusser
points to 1QS 8:11–12 and CD 15:13–15, which call upon the members of the Com-
munity to communicate the results of their textual investigations, and prohibit the
withholding of this information, and require that the expounder of Torah reveal
"every thing that is hidden from Israel." 1QS 8:13–16, in Flusser's reading, likens
the exegetical activity of the community to that of the biblical prophets. Although this
passage refers to progressive revelation of legal matters (לעשות), Flusser maintains
that the primary characteristic of prophets is their ability to understand the present
and future, and that this is the point of these lines, and of *midrash hatorah*.
    It is logical to view the pesharim as exemplars of the revelation of *nistarot*, but there
is nothing in the extant corpus that directly associates the sectarian contemporizing
exegesis of prophecy with the term *nistar* of Deut 29:28.
    If earlier we noted that Daniel is interested in the fact that the *nistarot* can become
niglot, Flusser points out that for *pesher* and *halakhah*, the seeming *niglot* of the Pen-
tateuch and other authoritative works are actually repositories of *nistarot*. Although
the words of the Torah and of the prophets are *niglot* in the sense that they are
recorded in black and white for anybody to read, they are also *nistarot* in that their
true meaning can only be revealed by the *doresh hatorah*, or the Teacher of Righ-
teousness who is The Reader intended by Habakkuk.
    On *pesher* and wisdom, see also George. J. Brooke, "Biblical interpretation in the
wisdom texts from Qumran," in *The Wisdom Texts from Qumran and the Develop-
ment of Sapiential Thought* (ed. Charlotte Hempel, Armin Lange and Hermann
Lichtenberger. Leuven: Leuven University Press; Peeters, 2002), 2:214–15.
    [42] DJD 18, 16.

existence of a single correct body of law, gradually being made known to deserving Elect in successive generations. Flusser, in contrast, envisions an ongoing process in which the members of the Community understood each of the shifting positions, values, and interpretations they espoused as a true revelation for its own particular period of time.[43] In the systems of both Flusser and Baumgarten, there is a conception of a causal chain such that revelation leads to proper observance which leads to further revelation and so on.

It is true that the "times of favor" are characterized by revelation, but the nature of the revelation here, as in the earlier examples from 1QH[a] and 1QS, specifically concerns *nehiyot*, as well as *ᶜamuqot*,[44] theological matters pertaining to the predetermined cosmic order. This prefatory addition to the preamble of CD uses the term *nistarot* with respect to knowledge of God and His ways, in a manner that is typical of texts extolling God for revealing His knowledge to His Elect.[45]

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[43] Flusser compares the Essenes/Qumran Community to contemporary Mormons, in their belief that ongoing divine revelation functioned to direct them in matters of faith and in their dealings with the general community of Jews and the outside world ("Who Can Detect," 409).

[44] Cf. Dan 2:22, Job 12:22, 4Q463 Narrative D 1 line 4 "…] hidden things, and he opened their ears and they heard de[ep things." Cf. Mark S. Smith, "Narratives," in *Qumran Cave 4.XIV: Parabiblical Texts, Part 2* (DJD 19; ed. Magen Broshi et al.; Oxford: Clarendon, 1995), 212.

[45] It might be conjectured that the trajectory of the use of the Hebrew root סתר in Second Temple writings is related to the development of the Greek term τά μυστήρια, though it is difficult to discern the nature or direction of influence. According to Liddel and Scott, this word usually appears in the plural, and denotes religious mystery H. G. Liddell and R. Scott, *A Greek-English Lexicon* (rev. H. S. Jones; Oxford 1948⁹), 1156, s.v. μυστήρια. In early Christian literature, the term designates "a secret revealed by God." J. Z. Smith rejects the attempt by Causubon to discern a Hebrew origin for the Greek word, but he is more inclined to accept Ballantine's proposal that Hebrew מסתרין derived from the Greek. Cf. Jonathan Z. Smith, *Drudgery Divine: On the Comparison of Early Christianities and the Religions of Late Antiquity* (CSHJ; Chicago: University of Chicago Press, 1990), 478 (reference courtesy of Matthew Goff). Perhaps the most plausible understanding of the phenomenon is that this semitic word came to function in a particular technical way because its natural Hebrew meaning came under the influenced of a homophonic Greek technical term.

Compare, although without the aural similarity, VanderKam's explanation of the covenantal significance of the term *yahad*: "The choice of the term may well owe something to the character of Hellenistic guilds" (specifically, he cites Weinfeld on κοινόν and κοινωνία) "but the specific impetus for employing the word may have arisen from Exodus 19:8." James C. VanderKam, "*Sinai Revisited*," in *Biblical Interpretation at Qumran* (ed. Mathias Henze; SDSSRL; Grand Rapids: Eerdmans, 2005), 52.

To summarize our survey of relevant "wisdom" and "apocalyptic" texts from Qumran, we may observe that the term *nistarot* appears in these texts to designate the revelation to the Community of knowledge about God and how He conducts the world.

2.3. *Progressive Revelation: Esoteric Law in Qumran and Rabbinic Writings*

In the above excerpts, the revelation of *nistarot* to a select community was depicted as a process unfolding in history.[46] Most commonly, the use of the term *nistarot* at Qumran to denote this concept of progressive revelation, and the revelation of esoteric knowledge to an Elect group, is associated not with wisdom or apocalyptic, but with *halakha*.[47]

The relevant texts are frequently cited in the secondary literature, and we will present only two of these here:[48]

> 1QS 5:11–12
> For they are not included in his covenant since they have neither sought nor examined his statutes to know **the hidden things** (*hanistarot*) in which they have erred guiltily, and with regard **to the revealed laws** (*haniglot*) they have acted high-handedly
>
> כיא לוא החשבו בבריתו כיא לוא בקשו ולוא דרשהו בחוקוהי לדעת
> הנסתרות אשר תעו בם...לאש>ש<מה והנגלות עשו ביד רמה
>
> CD 3:12–14:
> But with those who remained steadfast in God's precepts, with those who remained of them, God established his covenant for Israel forever, revealing to them hidden things (*nistarot*) in which all of Israel had gone astray
>
> ¹²ובמחזיקים במצות אל...¹³אשר נותרו מהם הקים אל את בריתו לישראל
> עד עולם לגלות ¹⁴להם נסתרות אשר תעו בם כל ישראל

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[46] This suits the context of Deut 29:28. As noted above (n. 10), Deuteronomy ch. 30 anticipates a future repentance and return following a period of retributive exile. The S.E.R. pattern accommodates an anticipation of access to new or renewed knowledge that is both cause and result of repentance. See Shemesh and Werman, "Hidden Things," 411.

[47] See Shemesh and Werman, ibid.; Schiffman, *Halakhah at Qumran*.

[48] See also 1QS 8:11–13; CD 5:1–5; 9:13–14. For secondary literature on these passages, see the sources cited in n. 2 above.

Shemesh and Werman have argued that this presumed "sectarian" application of Deut 29:28 can be found in rabbinic literature as well. Although the standard rabbinic exegesis of the terms *niglot* and *nistarot* pertains to overt and covert sins, as discussed below, these scholars adduce two examples of rabbinic texts that seem to take the terms to denote esoteric halakhic knowledge.[49] They note that Midrash Proverbs 26 associates Deut 29:28 with revealed and hidden commandments:

> "*Concealed acts concern the Lord our God*" [*Concealed acts*] is dotted which indicates that Israel said to God…"we are commanded to observe what has been revealed to us, but not what is concealed. To which God replied, "You will not even be able to [fully] comprehend the revealed…"[50]

Shemesh and Werman maintain that *Sifre Numbers* 69 employs the verse in the same manner, and specifically in reference to progressive halakhic revelation. As they note, however, others have seen the word *nistarim* in that passage as referring to cosmological speculation, in the manner of the wisdom sources discussed previously.[51]

3. *Jurisprudence*

3.1. *Covert Sins, Divine Retribution / Overt Sins, Human Jurisdiction*

Classic rabbinic exegesis of Deut 29:28 does not associate the verse with esoteric knowledge of any sort, but rather presumes that the verse refers to the punishment of sinners. The rabbis distinguished between sins committed covertly, *baseter*, and those committed publicly,

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[49] "Hidden Things," 414–17.

[50] Transl. of Burton L. Visotzky, *The Midrash on Proverbs* (New Haven: Yale University Press, 1992), 109.

[51] The midrash states, "…there are dots to indicate: 'As you observed the revealed things, so shall I make known to you the hidden things.'" Shemesh and Werman stress that the use of the word "observed" in the midrash, from the word לעשות in the biblical verse, indicates that the *Sifre* is referring to halakhic revelation. ("Hidden Things," 416 n.19). However, the root עשה in both Deut 29:28 itself and the midrash, is associated with the observance of the *niglot*, the precondition for revelation of secrets, rather than with the content of the hidden knowledge itself. The *Sifre* may well be saying that because the nation has observed the revealed laws, it will therefore merit the revelation of cosmic mysteries. (See the similar disagreement between Wacholder and Baumgarten about the nature of the content of the progressive revelation described in 4Q266 frag 2 col. i 3–6, = 4Q268, above, notes 39, 40).

bagaluy. It was up to God to punish sinners who transgressed in secret, whereas Israel and its descendants were charged with executing justice in those cases where it was possible for human beings to do so—in cases of *niglot*, or visible violations of the law.[52]

This is the interpretation found in Mekhilta Bahodesh 5 and b. Sanh. 43b. The subject of b. San 43b is the corporate punishment of the Israelite defeat at Ai on account of the private and secret sin of Achan.[53] As noted by Shemesh and Werman, even though this source takes *niglot* and *nistarot* as referring to overt and covert transgressions rather than known and unknown laws, it nonetheless is similar to our earlier sources in associating *niglot* and *nistarot* with some sort of historical development.[54] The Talmud records a rabbinic dispute over the nature

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[52] The belief in Divine omniscience is a basic concept in the Hebrew Bible (see above, n. 14), which is already related to divine judgment and retribution in a number of early biblical wisdom texts. See, for example, the concluding verse of Qohelet discussed above, and Ps 10:11. The concept of the hiding of the face of God in this psalm is different from the usual occurrences of this expression. The hiding of the divine face generally represents a suppression of benevolent divine providence that results in retributive calamity for Israel. In Psalm 10, the image refers to the mistaken notion that one might have, that one may sin with impunity when God hides His face. Cf. the similar stance condemned in Deut 29:18, of "walking in the stubbornness of one's heart." See also Ps 69:5; *WisSol* 17:3.

[53] "And why were they [the Israelites] not punished until this occasion [of Achan's sin in Ai]? R. Johanan answered on the authority of R. Eleazar b. Simeon: Because [God] did not punish for secret transgressions until the Israelites had crossed the Jordan. As is discussed by *tannaim*: 'The secret things belong unto the Lord our God, but the things that are revealed belong unto us and to our children forever.' Why are the words 'unto us and to our children' and the '*ayin* of the word 'forever' dotted? To teach that God did not punish for transgression committed in secret, until the Israelites had crossed the Jordan. This is the view of R. Judah. Said R. Nehemia to him; Did God ever punish [all Israel] for crimes committed in secret; does not Scripture say forever? But just as God did not punish [all Israel] for secret transgressions [at any time], so too did He not punish them [corporately] for open transgressions until they had crossed the Jordan."

[54] "Hidden Things," 415. This interpretation reflects sensitivity to the biblical origins of the terms, such as the references to cursing God in one's heart in Deut 29:18 and the recurrence of the term "secret" (*seter*) in the list of curse formulae in Deuteronomy ch. 27, as noted by Shemesh and Werman, ibid., n. 15. I further suggest that the problematic association between divine corporate retribution and the clandestine sin of an individual derives from the association between adjacent passages. In Deut 29, the reference to "man or woman or family or tribe" about whom it is written "and he shall bless *in his heart* saying 'I am safe even though we I go according to the stubbornness of my heart,'" is followed by a specification of individual punishment in verses 19–20, but the subsequent passage, in verses 21–27, discusses general retribution. For an exegetical tradition taking vs. 19 "thus bringing disaster on moist and dry alike" as a reference to corporate punishment, see Tigay, *Deuteronomy*, 280 and 399, notes 46–48. *Mekhilta Bahodesh* 5 is also concerned with corporate punish-

of the change in the corporate culpability of Israel upon their cross-
ing of the Jordan and entry into the land; both of the disputants agree
that there was some sort of change, which they relate to Deut 29:28
and which they articulate with reference to covert sins.[55] I will return
to possible evidence of this specific exegetical tradition at Qumran
below.

3.2. *Jurisprudence: Qumran*

The terms *niglot* and *nistarot* have been recognized as functioning
in Qumran in a juridical manner, beyond the more familiar episte-
mological usage noted above. As first proposed by W. H. Brownlee,
the terms *niglot* and *nistarot* are employed in Qumran literature, to
denote *intentional* and *unintentional* sins.[56] After Wernberg-Møller
rejected Brownlee's proposal,[57] his view did not find many adherents,
until Qimron's recent study of technical terminology for deliberate
and inadvertent sin at Qumran.[58] Qimron determined that *niglot* and
nistarot were among the words used to convey these concepts. The
biblical support for this usage can be found in Ps 19:13, the only other
biblical occurrence of the feminine plural form *nistarot* besides Deut
29:28:

<div dir="rtl">

...שְׁגִיאוֹת מִי יָבִין מִנִּסְתָּרוֹת נַקֵּנִי ¹⁴ גַּם מִזֵּדִים חֲשֹׂךְ עַבְדֶּךָ ³¹

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ment, and describes the nation's unwillingness to agree to culpability for covert sins
as part of the Sinai covenant. Cf. *Mekhilata de R. Ishmael, Bahodesh 5* (ed. H. S.
Horovitz and I. A. Rabin. Frankfurt: 1928–1931. Repr. Jerusalem: Bamberger and
Wahrman, 1960), 219.

[55] See also the additional rabbinic sources cited by Shemesh and Werman, ibid.,
n. 26.

[56] William H. Brownlee, "The Dead Sea Manual of Discipline," BASORSup. St. Nos.
10–12 (1951): 20–21, on the basis of Ps 19:13. He translates "unconscious sins" and
"conscious sins;" in n. 31, on unconscious sins, he states, "literally, 'hidden things' as
in Ps. 19:12," and points to the interpretation of these as pertaining to Sabbath and
other holy days, in CD columns 3 and 5. Schiffman associates Ps 19:13 with Deut
29:28, in *Halakhah at Qumran*, 22 n.1.

[57] Preben Wernberg-Møller, *The Manual of Discipline* (STDJ 1; Leiden: Brill, 1957),
95 n. 45. Schiffman agrees with Wernberg-Møller that Brownlee's understanding of
the terms as referring to "conscious" and "unconscious" sins does not explain "how
the 'men of iniquity' "could be condemned for their transgressions if they did not even
know they were violating the law" (Schiffman, *Halakhah at Qumran*, 22–23.) That is
a good question, and even a core issue in the theology of the Community; but rather
than deflecting Brownlee's proposal, Schiffman's observation sharpens its significance.
In a deterministic framework, there is room to punish people even for sins that they
did not intend to commit.

[58] Cf. Qimron, "Terminology," 108 n. 20.

These *nistarot*, in parallel with שגיאות in verse 13, are grouped with the deliberate זדים in the following verse, but contrasted with them.[59] This verse is cited by Nahmanides in his commentary to Deut 29:28, in which he deflects what he calls the "unanimous" identification of *nistarot* as covert sins, in favor of an interpretation that reflects intentionality and unintentionality.[60] Nahmanides states that human beings can only be held accountable for those sins of which they are themselves aware. Qimron looked to Nahmanides to explain the connection between hiddenness and intentionality that he found in his lexical investigation of the Qumran texts. He might also have cited the traditional liturgy for the Day of Atonement. The confessional *viduy* prayer in the *maḥazor* prayerbook of Yom Kippur includes explicit exegesis of Deut 29:28:[61]

> Those that are apparent to us (שגלויים לנו) we have already declared and confessed them before You; and those that are not apparent to us, before You they are apparent and known, in accordance with the word

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[59] Flusser discusses the forms שגיאה and משגה, noting that the latter refers to error in religious matters at Qumran (1QH 2:18–19; CD 3:5) and in the "Songs of David" composition from the Cairo Geniza (3:18; cf. David Flusser and Shmuel Safrai, "A Fragment of the Songs of David and Qumran," in *Te'uda II: Bible Studies; Y. M. Grintz In Memorium* (ed. B. Uffenheimer; Tel Aviv: Tel Aviv University, Hakkibutz Hameuchad Publishing House, 1982), 92 [Hebrew]. See Flusser, "Who Can Detect," 401–403. See above n. 23 for an alternative reading of this verse posited by Flusser and Tur-Sinai.

[60] Nahmanides' comment reads:

By way of the simple meaning of Scripture (*pshat*) it is my opinion that "*the secret things*" are the sins that are hidden from those who commit them, as it is stated, "*Who can discern errors? Cleanse Thou me from hidden faults.*" The verse states: "[Our] hidden sins belong to God alone; for them we bear no guilt for having transgressed [unknowingly]. "*But the things that are revealed*," namely our conscious sins, *belong to us and to our children forever, that we may do all the words of this Law* as an eternal statute. As such we accepted it, obligating the one who was present [when the covenant was made] and the one who was not present. And because he included in the imprecation [the obligation] to perform all the commandments, he excluded from the ban whoever commits a sin unintentionally, so that he should not be afflicted with this curse. The words of Onkelos indicate this, for he rendered it, "The secret things are before the Eternal our God," [thus implying that we will not be punished for sins we have committed unknowingly], but if he agreed with the [aforementioned] interpretation of the commentators [that it is for God to punish conscious sins committed secretly] then Onkelos should have said "The secret things are 'to' the Eternal our God" [to punish.] (transl. Chavel, *Ramban*). See also, Qimron "Terminology", 108; Anderson, "Intentional and Unintentional Sin," 56.

[61] Transl. from the text of D. Goldschmidt, *Maḥzor for the Days of Awe According to the Ashkenazy Rite of All Customs*, vol. 2, *Yom Kippur* (Jerusalem: Koren, 1970] 51, [Hebrew].

that has been said: "The hidden things belong to the Lord our God but the revealed are upon us and our children for ever to do all the words of this Torah."

In this case, the context is, as expected, atonement. The penitent is able to confess and verbally atone only for his "revealed sins," i.e., the ones of which he is aware, but must leave inadvertent sins, which escape his knowledge, to God.

In his very careful and precise study of intentional and unintentional sin at Qumran, Gary Anderson objects to Qimron's equation of *niglot* and *nistarot* with intentional and unintentional sin. He objects, plausibly, that Nahmanides' identification of *nigleh* and *nistar* as types of *sin* can not easily be transferred to Qumran where these terms denote types of *laws*.[62] However, a case can be made for this additional usage at Qumran on the basis of 4Q508 Festival Prayer ii line 4. As noted by Bilha Nitzan, this prayer for the Day of Atonement proclaims God's knowledge of the *nistarot* and *niglot*, in a manner very like the previous excerpt from the Yom Kippur *maḥazor*:[63]

> 3…a feast of fasting… (מועד תענית)
> 4 You know the hidden things (הנסתרות) and the things reveal[ed…] (והנגל[ות]). [Y]ou have known our urge…[our rising u]p and lying down

Thus, there may be some basis for identifying *nigleh* and *nistar* in the Qumran corpus with intentional and unintentional sins, or sins committed wittingly or unwittingly. In any case, despite Anderson's caution in distinguishing between known and unknown laws and deliberate and inadvertent sin, even he acknowledges that there is a natural relationship between these concepts. Ignorance of a not-yet-fully revealed law will inevitably result in unintentional violation of that law.[64] Thus, the concept of progressive halakhic revelation and

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[62] Anderson, "Intentional and Unintentional Sin," 56.

[63] Cf. Bilhah Nitzan, *Qumran Prayer and Religious Poetry* (transl. Jonathan Chipman. STDJ 12; Leiden: Brill, 1994), 100, esp. n. 39. In the parallel manuscript 1Q34, the title is preserved: תפלה ליום כפורים זכו]ר. In the Qumran prayer, the *niglot* and *nistarot* are grouped together as divine knowledge, in contrast to the distinction between them in the biblical source. We noted above (n. 27) that those who viewed the verse as pertaining to progressive revelation found it necessary to interpret both the *niglot* and *nistarot* as being "to us and to our children." Here, the antitheses of Deut 29:28 are again leveled, but both are "to the Lord our God." Ibn Ezra opposed this interpretation in his commentary on the verse.

[64] Anderson, "Intentional and Unintentional Sin," 51.

the concept of distinguishing between intentional and unintentional sin are seen to be related in a double equation:

> Violation of *niglot* = a transgression "with an uplifted hand" over a law explicitly stated in Torah
> Violation of *nistarot* = a transgression in "error" (תעה or שגג) over a matter of *halakhah* that was only more recently revealed

Qimron addresses the technical use of the terms תעה and שגג as designations for sins committed without intention, in contrast to the use of the expression "with an uplifted hand" to denote deliberate transgressions.[65] The sources that he brings are the very same texts that reflect the community's belief in progressive halakhic revelation, especially 1QS 5:10–11:

> …For they are not included in his covenant since they did not seek him and they did not examine his laws to know the hidden things in which they err guiltily, and the revealed things they committed with an uplifted hand[66]

This passage uses language derived from Num 15:29–30 to express the contrast between one who violates *nistarot* in error and one who deliberately violates *niglot*.[67] Anderson observes that 1QS 8:21–24 distinguishes between two types of punishments meted out for two types of sins: inadvertent sins committed in error are punished by temporary separation from the Community, while the penalty for deliberate sins is expulsion or death.[68]

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[65] Qimron, "Terminology," 110, describes sins that have been committed in error as acts that were performed without knowledge (of the law) or without awareness (of commission of the act). See also, Michael Segal, "The Relationship Between the Legal and Narrative Passages in Jubilees," in *Reworking the Bible: Apocryphal and Related Texts at Qumran. Proceedings of a Joint Symposium by the Orion Center for the Study of Dead Sea Scrolls and Associated Literature and the Hebrew University Advanced Studies Research Group on Qumran, 15–17 January 2002* (ed. Esther G. Chazon, Devorah Dimant and Ruth A. Clements; STDJ 58; Leiden 2005), 225–26.

[66] …כיא לוא החשבו בבריתו כיא לוא בקשו ולוא דרשהו בחוקוהי לדעת הנסתרות אשר תעו בם לאש<ש>מה והנגלות עשו ביד רמה.

[67] Anderson discusses the centrality of this verse in the penal system of the Community, though he does not identify inadvertent sins with *nistarot* ("Intentional and Unintentional Sin," 52–54.) Cf. CD 3:9–20, והנפש אשר תעשה ביד רמה מן האזרח; ומן הגר את ה' הוא מגדף ונכרתה הנפש ההוא מקרב עמה; *m. Avot* 4:5, Rabbi Yochanan ben Baroka said: "Whoever profanes the name of Heaven in secret will pay the penalty in public, whether it be done accidentally or intentionally;" *m. Ker* 1:2, cited in n. 75.

[68] Anderson, "Intentional and Unintentional Sin," 51–59. This matter is discussed at length in Aharon Shemesh, "Expulsion and Exclusion in the Community Rule and the

To summarize our findings in this section, we have observed that the sectarian "foundation documents" from Qumran feature a composite understanding of the terms *nistarot* and *niglot* that was central to the worldview of the community or communities reflected in these works. This composite sense reflects the multiple exegetical traditions that we have seen regarding Deut 29:28: the *niglot* are known laws that the people of Israel are obligated to observe, and that they are prohibited to violate knowingly; the *nistarot* are laws that were not known in former times, but were revealed to Elect human beings over time, particularly to the members of the Community. Those who violate *nistarot* are punished by God, but since these sins are committed in error by people who are not members of the community, there is an opportunity for such sinners to turn to the correct path. Thus, on the one hand, it is possible for inadvertent sinners in Israel to join the Community and learn the *nistarot*, which then become *niglot*;[69] on the other hand, a Community member who has sinned has the opportunity to return after he has completed the period of his temporary punishment. The severe and irreversible punishments are reserved for deliberate sinners, i.e., those who violate revealed laws with an "uplifted hand." The penalties for these deliberate sins derive from the term *karet* employed in Num 15:30 with respect to violations with "an uplifted hand." The underlying exegetical process for applying *karet* to these deliberate sinners reflects consideration of the central issues pertaining to *niglot* and *nistarot*—intention, and the implementation of punishment by human or divine agency.[70]

Although the rabbis disagree about the specific nature of *karet,* it is clear that they view this "cutting off" as a divine penalty.[71] This is in keeping with the rabbinic understanding of the *nistarot* as belonging

Damascus Document," *DSD* 9.1 (2002): 44–74; cf. Lawrence H. Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony, and the Penal Code* (Chico, CA: Scholar's Press, 1983), 155–73, esp. 169–71.

[69] Thus, it seems likely that the word *niglot* in 1QS 5:12 (and [violations of] the *niglot* they committed with an uplifted hand") functions as a technical term, pace Licht, *The Rule Scroll, ad loc.*), Schiffman (*Halakhah at Qumran,* 22–23), and Anderson, "Intentional and Unintentional Sin," 54; "Status of the Torah Before Sinai," 25 n. 13).

[70] See Shemesh, "Expulsion and Exclusion."

[71] Scholarship on the nature of *karet* is voluminous. For our current purposes, it is sufficient to rely on Milgrom's synopsis of the major exegetical alternatives for this term. Cf. Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary* (AB 3; NY: Doubleday, 1991), 457–60.

"to God" in a juridical sense. God is entrusted with meting out punishments for covert sins; he is also responsible for certain punishments, even for overt sins, that He executes covertly. Whether the sinner suffers premature death, lack of progeny, or loss of spiritual afterlife, this very serious penalty is carried out by God rather than a human court. Milgrom points out the convergence of the concepts of corporate responsibility, covert sins, and divinely executed penalty in the "blotting out" (מחה) of the secret idolator in Deut 29:19, which he equates with *karet*.[72]

With respect to Qumran texts, we have noted that Anderson and Shemesh have made the connection between *karet* and violations committed ביד רמה, in accordance with Num 15:30, and in light of Deuteronomy chapters 29, 30. Shemesh further suggested that chapter 27 of Deuteronomy is relevant to understanding the punishment of sins committed "with an uplifted hand." He points to a problematic formulation in the blessing that is to be recited as part of the ritual of expulsion (4Q266 9–15): "Blessed are you.... You cursed those who violated them and we fulfilled it." He suggests that the formula of the blessing is intended to communicate that the Community is implementing a divine curse in expelling the transgressor. (That is, the singular pronominal object suffix of הקימונו refers to the divine curse.)[73] He plausibly suggests that this curse is a reference to the curses in chapter 27 of Deuteronomy, which we have seen are associated with covert sins.[74] The implementation of *karet* by means of expulsion reflects sensitivity to categories of overt and covert sins as well as intentional and unintentional sins, along with the concept of Election.

Milgrom criticizes the exegesis employed by the Qumran Community, stating that they miss the point of *karet* by viewing it as a humanly-implemented penalty. However, we may explain their approach as deriving from their belief in dualistic determinism. The Community authorities might have perceived themselves as instru-

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[72] Ibid., 459. Milgrom also notes the significance of the phrase "for I am the Lord Your God," (*Leviticus 23–27*: *A New Translation with Introduction and Commentary* [AB 3b; NY: Doubleday, 2001], 2284). Note that the author of CD 2:12–16 apparently shared Milgrom's view. In the close paraphrase of Deut 29:18–20 there, the word "*karet*" is substituted for this "blotting out." See Anderson's synoptic translation of the two passages in "Status of the Torah Before Sinai," 12.

[73] Shemesh, "Expulsion and Exclusion," 47.

[74] See above, n. 56.

ments, taking part in a larger, divinely controlled process, in keeping with their understanding of Deut 29:28. Since humans are responsible for policing the *niglot,* they are entrusted with the removal from their midst of a sinner who has *overtly* and *intentionally* violated one of the *revealed* laws.[75] In doing so, they are merely publicizing the fact that this individual had always been a sinner, a Son of Darkness destined by God to be excluded from the longevity and salvation ensured for the true Sons of Light. Only true Sons of Light deserve to be part of the community that was privileged to receive proper halakhic revelation, and they are the ones who received revelation of apocalyptic secrets.

The *nistarot* belong to God, but they are progressively revealed to the Community. If one of the Elect erred, he has the opportunity to return to his proper place in the Community after the termination of his period of punishment. Even if his error pertained to one of the sectarian *halakhot*, which once were considered *nistarot*, he is nonetheless penalized by his fellow men, since this *halakhah* had already been revealed to the Community, and is considered *nigleh*.

4. *Conclusion*

We have seen three major spheres of interpretation of Deut 29:28 in the Qumran texts (1) revelation of esoteric theological wisdom (2) progressive halakhic revelation and (3) penalties for sins of different types (deliberate/inadvertent or overt/covert). Rabbinic sources predominantly reflect the third sphere, but the theological interpretation is also attested, and progressive legal revelation has been detected by some scholars as well, at least in later midrashim. In some rabbinic sources, we noted a connection between the concepts of progressive

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[75] We suggest that "uplifted hand," like *nigleh*, indicated deliberate overt sins. Qimron discusses the meaning of זדון, in demonstrating that the expression "uplifted hand" in the Qumran corpus, and especially in the *Community Rule* and *Damascus Document*, designates acts committed knowingly and intentionally. He shows that in Num 15: 30 the expression denotes intentional sin (Qimron, "Terminology," 106–107). Note, however, that Onqelos translates בריש גלי, i.e., openly. Qimron notes that the roots שגג, שגי, עלם וסתר all indicate lack of knowledge. Their antonyms, גלי, ידע, as well as "uplifted hand" may reasonably be associated with both intention and overtness (ibid., 108–109). See *m. Ker.* 1:2 "For these [36 violations listed in *m. Ker.* 1:1] one is liable to *karet* for deliberate commission and to a *hatat*-offering for unintentional commission (שגגתם)…The Sages say, also the blasphemer…"

revelation and increasing corporate culpability for various types of sins. The relationship between the different spheres is more systematic in the Qumran corpus than in the rabbinic writings. As compared to the Sages, who focused primarily on progressive developments in history (revelation at Sinai; entry into the land of Israel), the Qumran texts focus upon ongoing revelation, including that of a halakhic nature, also in the present and future.[76] In apocalyptic texts from Qumran, the term *nistarot* refers to secrets and details about the nature of God, His world, and His governing of the world in past and present. This interpretation is also found in compositions that describe the structure of the community and its primary beliefs, i.e., in the *Community Rule* and the *Damascus Document* where the content of the ongoing revelation is halakhic.

The distinction between hidden laws and revealed laws in these compositions is also evident in the prescribed penalties. Those who deliberately violate one of the commandments that have been revealed to all of Israel are expelled from the Community with no opportunity to return. In contrast, those who unintentionally violate revealed laws, and those who violate sectarian *halakhot* (which are considered to be hidden laws that have been revealed only to the members of the Community) are punished, but may thereafter return to the Community.[77]

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[76] See the similar relationship between the content of the *petira* type of rabbinic midrash and Qumran *pesher*, noted in Shani L. Berrin [Tzoref], "Qumran Pesharim," in Mathias Henze, *Biblical Interpretation at Qumran*, 110–113.

[77] See Anderson, "Status of the Torah Before Sinai," 14. Anderson notes that the implementation of national punishment by God, in accordance with the sectarian penal system, is evident also in CD 3:4–5. This passage states that the sons of Jacob were subject to a temporary punishment for their unintentional sin, in contrast to their sons who deliberately violated the prohibition against eating blood, and were therefore punished by the decree mandating the eradication of the male population (Exod 1:15). Anderson observes that the temporary punishment is not specified in either the passage in CD or in the Torah. Perhaps the punishment is the sojourn in Egypt—because of their unintentional sins, the sons of Jacob were cut off from their food ration, i.e., suffered the famine in the Land of Canaan which caused their descent to Egypt, a temporary expulsion from the land that had been predetermined, as God informed Abram in the revelation of the Covenant of the Pieces (Gen 15:9–14).

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