

The Dead Sea Scrolls:
Texts and Context

Studies on the Texts of the Desert of Judah

Edited by

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The Dead Sea Scrolls: Texts and Context

Edited by
Charlotte Hempel



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In Memory of Rabbi Dr. Leonard Tann

יהי זכרו ברוך

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ABBREVIATIONS

AASOR	<i>Annual of the American Schools of Oriental Research</i>
AB	The Anchor Bible
ABD	<i>Anchor Bible Dictionary</i>
ADAJ	<i>Annual of the Department of Antiquities of Jordan</i>
AfO	<i>Archiv für Orientforschung</i>
AJA	<i>American Journal of Archaeology</i>
ALD	<i>Aramaic Levi Document</i>
AnBib	Analecta biblica
Ant.	<i>Jewish Antiquities</i>
AS	<i>Astral Sciences in Mesopotamia</i>
ASOR	American Schools of Oriental Research
ATD	Altes Testament Deutsch
BA	<i>Biblical Archaeologist</i>
BAAL	<i>Bulletin d'Archéologie et d'Architecture Libanaises</i>
BAR	<i>Biblical Archaeology Review</i>
BAS	Biblical Archaeology Society
BASOR	<i>Bulletin of the American Schools of Oriental Research</i>
BET	Beiträge zur biblischen Exegese und Theologie
BETHL	Bibliotheca Ephemeridum Theologicarum Lovaniensium
BIRPA	<i>Bulletin de l'Institut Royal du Patrimoine Artistique</i>
BJIV	<i>Bulletin Journées Internationals du Verre</i>
BJS	Brown Judaic Studies
BT	Babylonian Talmud
BZ	<i>Biblische Zeitschrift</i>
BZNW	Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft und die Kunde der älteren Kirche
CBQ	<i>Catholic Biblical Quarterly</i>
CIL	Corpus Inscriptionum Latinarum
col(s).	column(s)
CQS	Companion to the Qumran Scrolls
CRINT	Compendium Rerum Iudaicarum ad Novum Testamentum
CSCO	Corpus Scriptorum Christianorum Orientalium
CUP	Cambridge University Press
DJD	Discoveries in the Judaean Desert
DSD	<i>Dead Sea Discoveries</i>

<i>EI</i>	<i>Eretz Israel</i>
<i>ESI</i>	<i>Excavations and Surveys in Israel</i>
FAT	Forschungen zum Alten Testament
FS	<i>Festschrift</i>
GMS	Grazer Morgenländisches Symposion
<i>HdA</i>	<i>Handbuch der Altertumswissenschaft</i>
HBS	Herders biblische Studien
HThKAT	Herders theologischer Kommentar zum Alten Testament
<i>HTR</i>	<i>Harvard Theological Review</i>
<i>HUCA</i>	<i>Hebrew Union College Annual</i>
IAA	Israel Antiquities Authority
<i>IEJ</i>	<i>Israel Exploration Journal</i>
IES	Israel Exploration Society
IOQS	International Organization for Qumran Studies
<i>JAOS</i>	<i>Journal of the American Oriental Society</i>
<i>JBL</i>	<i>Journal of Biblical Literature</i>
<i>JCS</i>	<i>Journal of Cuneiform Studies</i>
<i>JGS</i>	<i>Journal of Glass Studies</i>
<i>JJS</i>	<i>Journal of Jewish Studies</i>
<i>JNTS</i>	<i>Journal for the Study of the New Testament</i>
<i>JQR</i>	<i>Jewish Quarterly Review</i>
JQRMS	Jewish Quarterly Review Monograph Series
JRASup	Journal of Roman Archaeology Supplement Series
<i>JRS</i>	<i>Journal of Roman Studies</i>
<i>JSJ</i>	<i>Journal for the Study of Judaism in the Persian, Hellenistic and Roman Periods</i>
JSJSup	Journal for the Study of Judaism in the Persian, Hellenistic and Roman Periods Supplement Series
<i>JSOT</i>	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
<i>JSP</i>	<i>Journal for the Study of the Pseudepigrapha</i>
JSPSup	Journal for the Study of the Pseudepigrapha Supplement Series
<i>JSQ</i>	<i>Jewish Studies Quarterly</i>
<i>JSS</i>	<i>Journal of Semitic Studies</i>
JSSSup	Journal of Semitic Studies Supplement Series
<i>JTS</i>	<i>Journal of Theological Studies</i>
<i>Jub.</i>	<i>Jubilees</i>
Kh.	Khirbet

LA	<i>Liber Annus</i>
LACA	Langues et cultures anciennes
LCL	Loeb Classical Library
LHBOTS	Library of Hebrew Bible/Old Testament Studies
LSTS	Library of Second Temple Studies
m.	Mishnah tractate
MGWJ	<i>Monatsschrift für Geschichte und Wissenschaft des Judentums</i>
MBFJTFL	Mitteilungen und Beiträge der Forschungsstelle Judentum der Theologischen Fakultät Leipzig
NCBC	New Century Bible Commentary
NIV	New International Version
NJPS	New Jewish Publication Society of America Version
n. n.	No name
n. p.	No page
N.S.	New Series
NTOA	Novum Testamentum et Orbis Antiquus
OEANE	<i>The Oxford Encyclopedia of Archaeology in the Near East</i> (ed. E. M. Meyers; 5 vols.; Oxford: OUP, 1997)
OUP	Oxford University Press
PAAJR	<i>Proceedings of the American Academy for Jewish Research</i>
PEF	Palestine Exploration Fund
PEQ	<i>Palestine Exploration Quarterly</i>
PGM	Greek Magical Papyri
PVTG	Pseudepigrapha Veteris Testamenti Graece
QDAP	<i>Quarterly of the Department of Antiquities of Palestine</i>
RB	<i>Revue biblique</i>
REJ	<i>Revue des études juives</i>
RevQ	<i>Revue de Qumran</i>
RSV	Revised Standard Version
SBL	Society of Biblical Literature
SBLMS	Society of Biblical Literature Monograph Series
SBLSP	Society of Biblical Literature Seminar Papers
SBLEJL	Society of Biblical Literature Early Judaism and Its Literature
SBS	Stuttgarter Bibelstudien
SBT	Studies in Biblical Theology
ScrAeth	Scriptores Aethiopici
SDSRL	Studies in the Dead Sea Scrolls and Related Literature

SHMPS	Studies in the History of Mathematics and Physical Sciences
SJLA	Studies in Judaism in Late Antiquity
SPB	Studia Post Biblica
STDJ	Studies on the Texts of the Desert of Judah
SVTP	Studia in Veteris Testamenti Pseudepigrapha
<i>t.</i>	Tosefta tractate
TAPS	Transactions of the American Philosophical Society
TAZNZ	Texte und Arbeiten zum neutestamentlichen Zeitalter
TPL	<i>Testament of Levi</i>
TSAJ	Texts and Studies in Ancient Judaism
VTSup	Vetus Testamentum Supplement Series
WMNAT	Wissenschaftliche Monographien zum Alten Testament
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
ZA	<i>Zeitschrift für Assyriologie and vorderasiatische Archäologie</i>
ZAW	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>
ZBK	Zürcher Bibelkommentare
ZNW	<i>Zeitschrift für die neutestamentliche Wissenschaft und die Kunde der älteren Kirche</i>
ZPE	<i>Zeitschrift für Papyrologie und Epigraphik</i>

PREFACE

ALBERT BAUMGARTEN

I hope the readers of the papers in this volume will sense the many ways in which the conference, “The Dead Sea Scrolls: Texts and Context,” held at the University of Birmingham, 29 October—1 November 2007, was special. The group of scholars assembled, from the UK, Europe, Israel, and the USA spent three wonderful days considering Qumran texts from diverse points of view.

Several aspects made this event unusual. First, was the mix of participants who presented papers and contributed to the scholarly conversation, from some of the most senior scholars to graduate students currently completing dissertations. This encouraged a freshness of perspective on all the issues discussed. Next, and more important in my view, was the fact that papers represented new work, not a simple re-hashing or summary of things that the authors had been writing over and over again for the past years. Finally, most important, was that many of the papers were devoted to a sincere reconsideration of conclusions that the authors had argued in the past. Effectively, many presentations began by announcing, “I may have suggested....but now I want to discuss the evidence for and against that conclusion one more time.”

In trying to understand this outcome, I would point to one fact whose importance cannot be underestimated. Qumran scholarship is now taking place in a context in which all the available texts have been published. In one sense, all of us in the field now need to go back and become thoroughly familiar with the corpus of texts that survived. Any conclusion we proposed in the past was based on a partial picture of the full range of the cave finds. Everything is now subject to revision. That feeling of intellectual openness and flexibility pervaded at Birmingham, and it made the experience such a pleasure.

Something also must be said about the contribution of one of the local sponsors, Rabbi Leonard Tann (1945–2007), of the Birmingham Hebrew Congregation—Singers Hill Synagogue. He was Chief Minister of the historic synagogue, where Birmingham Jews have been worshipping since 1856, for almost nineteen years. Rabbi Tann was

a relic of an earlier era, in the best sense of the word, a compassionate congregational leader, with wide ranging intellectual interests far beyond the usual world of contemporary orthodoxy. He generously made himself available to Dr. Hempel for advice on matters of local kosher food and drove participants who wished to morning services each day. At the same time, he invited Professor Lawrence Schiffman to speak at his synagogue, so that his congregants could also learn about Qumran studies. After that lecture, he took the conference participants on an enthusiastic tour of the landmark synagogue building. Rabbi Tann attended many sessions and thoroughly enjoyed the formal and informal discussions. He had serious comments to offer on numerous topics and bought the books of many of the speakers, which he looked forward to reading after the conference, as soon as he got the chance.

Sadly, that did not come to pass. Only a few days after we left Birmingham, on November 12, 2007, Rabbi Tann died.¹ This conference and the papers collected here are a scholarly memorial to this very unusual man. If Rabbi Tann hoped to enjoy reading the books on the Dead Sea Scrolls he had collected, I hope that this volume will bring Rabbi Tann's interests in all aspects of Jewish life, past and present, including the Dead Sea Scrolls, to the attention of a larger circle of readers, beyond the confines of the congregation in Birmingham which he served so well for many years.

¹ For memorials to Rabbi Tann see also <http://www.singershill.com/rabTann.htm>.

INTRODUCTION

CHARLOTTE HEMPEL

This volume presents the proceedings of an international conference of the same title held at the University of Birmingham in the autumn of 2007. The rationale of the conference was an attempt to reconsider the Dead Sea Scrolls and the material remains unearthed at Khirbet Qumran against their ancient Jewish context. The current academic climate in Scrolls research is one of excitement, openness, and considered reflection in equal measure. The timely date of the Birmingham meeting, in the wake of the full publication of all the texts, invited the delegates to enter this spirit of open discussion and reflection. It is hoped that the publication of the proceedings of the conference will stimulate further debate about and reflection on the issues raised in this volume.

I was particularly pleased to be able to offer a small number of bursaries to promising younger scholars who presented their research in Birmingham. Their vocal presence along some of the most senior scholars in the field made for scholarly dialogue that was both international and inter-generational. I was delighted that two other young scholars became part of this endeavour even after the Birmingham Conference had passed. Thus, Hanne von Weissenberg (University of Helsinki) agreed to publish some of her most recent research on 4QMMT in this volume and Daniel Stökl Ben Ezra contributes a response to the chapter by Florentino García Martínez.

While the theme of the meeting was the ancient context of the discoveries, two memorable events took place in the course of the conference which reached out to the local, contemporary context of our gathering. Thus, two leading senior scholars were able to offer an impression of the latest Scrolls scholarship to members of the wider public in Birmingham. The best attended event of the meeting was a Public Lecture delivered by PROFESSOR GEZA VERMES of the University of Oxford entitled “Personal Reflections on 60 Years of Scrolls Scholarship.” Whereas scholarly proceedings took place in the intimate setting of a seminar room, we were right to book a sizeable lecture theatre for this Public Lecture on the opening night of the

conference. The large lecture room was packed to capacity as Vermes gave us a first hand account of his involvement in Scrolls research over the course of six decades. Highlights of his lecture and of his contributions to the sessions of the meeting were several anecdotes of events from the time of the pioneers. Prof. Vermes shared his personal journey as a Scrolls scholar during the full span of the six decades since the discovery of the manuscripts. His early labours bore fruit in what was the first ever doctoral thesis written on the Scrolls and published in French in 1953 under the title *Les manuscrits du désert de Juda*. It was a particular privilege that Prof. Vermes was able to participate in the conference and to engage with three further generations of Scrolls scholars as someone whose own work, as a translator, exegete, and historian, has been incredibly influential in the field.

International scholarly conferences frequently involve the same faces in different parts of the world getting together in lecture halls and seminar rooms that all look much the same across the globe. And very enjoyable it is too. It was a particular pleasure, however, to host the Birmingham conference in liaison with the late Rabbi Leonard Tann (1945–2007) of the Singers Hill Synagogue/Birmingham Hebrew Congregation (est. 1856). Rabbi Tann took considerable personal interest in the Dead Sea Scrolls. By working closely with Rabbi Tann we were able to host a second public lecture by PROF. LAWRENCE SCHIFFMAN in the striking setting of the Singers Hill Synagogue in Birmingham. Prof. Schiffman spoke on “Tefillin and Mezzuzot in the Dead Sea Scrolls,” indulging a special request brought to him by Rabbi Tann. His well attended lecture was followed by a reception and a memorable tour of the synagogue guided by Rabbi Tann. We are grateful to the synagogue for their generous hospitality on that occasion. It is a pleasure to dedicate this volume to the memory of Rabbi Leonard Tann whose presence at the conference and commitment to the study of the Dead Sea Scrolls enriched our proceedings and left a lasting impression on all of us.

The chapters that follow have been arranged in four parts. Part I (The Dead Sea Scrolls and the History of Second Temple Judaism) sets the stage with two chapters, both of which have a strong methodological component. Opening the discussion are MICHAEL E. STONE’s learned reflections on the contribution and significance of the texts discovered in the vicinity of Khirbet Qumran to our understanding of Second Temple Judaism. He begins by acknowledging the fragmented picture painted by the Qumran evidence itself and proceeds to sketch where further traces of the broader Second Temple landscape may be

uncovered. The fullest possible picture of our knowledge must rely not only on those scant sources that survived, but should also include reflections on ancient Jewish works that did not come down to us. With what he terms “footprints of Jewish apocryphal books” in early Christian sources Stone refers, *inter alia*, to citations of ancient Jewish works in patristic sources. Stone regards the Qumran material as predominantly esoteric and sectarian which leads him to question its value for recovering beliefs and traditions cherished more broadly in Second Temple times. The latter is more likely disclosed by ‘footprints’ of Second Temple Jewish works in Christian sources and, to a more limited extent, later Jewish tradition. He is concerned to preempt the privileging of the richness of the Qumran evidence—even if it is fragmented—over against the much less easily accessible clues in later Christian and Jewish literature. His authoritative birds-eye-view of the Qumran scrolls serves as a useful reminder of how our evidence of Second Temple Judaism is mostly fragmented. The riches discovered at Qumran are the exception, and scholars are struggling to evaluate this oasis of opulence against the background of a much more sparse harvest elsewhere.

PHILIP DAVIES addresses the question ‘What kind of history can we get from the Dead Sea Scrolls?’ He begins by tracing a noticeable shift in the history of scholarship from relative confidence in our ability to use the Scrolls for the purposes of historical reconstruction to increasing scepticism and caution (noting the work of Maxine Grossman at the latter end of the spectrum). Drawing on the concepts of ‘cultural memory’ developed by Maurice Halbwachs and ‘mnemohistory’ by the Egyptologist Jan Assman, Davies advocates the fruitfulness of a careful study of the fragments of collective memory presented by the Qumran texts alongside the scholarly quest for the genuine historical. His case studies are chiefly the Damascus Document, the Hodayat and the *pesharim*. With respect to the latter Davies notes an ‘effacing’ of the cultural memory of the sect’s parent group. His conclusions on our ability to derive genuine historical snippets from the ‘mnemohistory’ transmitted to us are cautious yet by no means defeatist. Thus, he concludes, for instance, that there almost certainly was a historical teacher even though we cannot identify him with any known historical figure; he remains agnostic as to the historicity of the scoffer/Liar figure and proclaims the Wicked Priest “a fiction.”

Part II (Archaeological Context and Cave Profile) comprises five chapters, each devoted to particular aspects of the material culture unearthed at Qumran, including two contributions on the much

debated recent issue of arriving at a profile for the contents of individual caves. Few people are as intimately familiar with the Judean Desert and the treasures it revealed over the course of the last sixty years as HANAN ESHEL. His contribution to the present volume offers an authoritative overview over the discoveries of scrolls and other literary remains in the Judean Desert from 1947 to the present focusing especially on the Qumran texts and the written remains pertaining to the Bar Kokhba Revolt. Eshel's discussion falls into three parts: his treatment of the 'golden age' of discoveries covers the quarter of a century from 1947 to 1965; a second section deals with literary remains from Qumran published since 1984 including recently discovered ostraca. A final section is devoted to documentary texts and inscriptions from the Bar Kokhba period obtained or published since 1984. An appendix takes us right up to date with an overview over the most recent publication of three biblical scrolls currently in private hands and of unknown provenance. His contribution offers an excellent point of reference particularly for comprehending the messier fringes in the process of the acquisition and publication of the literary remains found in the Judean Desert from 1947 until now.

JODI MAGNESS examines the issue whether or not touching scrolls was considered to convey impurity at Qumran. Her points of departure are a series of passages in rabbinic literature that testify to halakhic debates on this issue. No such matters are discussed in the Qumran texts, though Magness notes this lack of evidence might indicate nothing more than that impurity from touching certain scrolls was entirely taken for granted in such a stringent environment as Qumran. She goes on to suggest—building on some of her earlier work with respect to the storage of food and drink—that the use of distinctive cylindrical jars for storing scrolls was intended to signal their contents' high degree of purity as well as restricted accessibility. She closes by tentatively proposing that the practice of wrapping scrolls in linen may reflect a concern to prevent direct contact with sacred scrolls.

DENNIS MIZZI presents a sober and careful analysis of the little studied glassware from Qumran in its wider Palestinian context. Mizzi concludes that the glassware found at Qumran largely conforms to glassware found in the Dead Sea region and the wider Palestinian context in the first century BCE and the first century CE. In particular, Mizzi notes the scarcity of glass from before 31 BCE with a pronounced increase of glass, especially inexpensive free-blown glass, from the late first century BCE onwards. He further draws attention to the absence

of ‘finest glass’ and the presence of a small number of rare imports—all of which conform to the glass profile attested at comparable sites. The more up-market luxury items lacking from Qumran are generally attested in commercial centres or royal palaces. In a final section Mizzi demonstrates that the glass repertoire found at Qumran does not set the community who resided there apart from their Jewish contemporaries. However, by relating his conclusion to some recent studies of the texts (Collins, Regev, Metso and Hempel) he concludes that the evidence of the glass may require a ‘slight revision’ of our understanding of the community who used the glass.

FLORENTINO GARCÍA MARTÍNEZ offers a careful analysis of the profile of Cave 11. He conducts his study in close conversation with two recent studies on the character of Cave 11 by Emanuel Tov and Daniel Stökl Ben Ezra in particular. García Martínez concludes that the contents of Cave 11 were deposited around 68 CE and that the profile of this cave closely resembles the collection as a whole, and that both Caves 1 and 11 offer a cross-section of the larger corpus.

In the wake of the Birmingham meeting DANIEL STÖKL BEN EZRA naturally took a particular interest in what García Martínez had to say. Having been given access to a written version of García Martínez’s paper in advance of publication Daniel Stökl Ben Ezra approached both the author and myself as editor with the suggestion of publishing a considered response alongside García Martínez’s chapter. Both García Martínez and I were delighted to pursue this opportunity for a more sustained treatment of these important questions.

Part III (Temple, Priesthood and 4QMMT) is made up of five chapters that re-examine the interrelated questions of the attitude to the Jerusalem Temple and its priesthood reflected in the Scrolls. TORLEIF ELGVIN argues that the idea of participating in heavenly worship on the part of members of the Yaḥad is firmly rooted in the Temple theology of the pre-Maccabean Temple. His study includes a comprehensive survey of a wide variety of sources from the Hebrew Bible, the Apocrypha and Pseudepigrapha, and the Dead Sea Scrolls. He proposes that the Yaḥad originated from Levitical circles who struggled to come to terms with their disenfranchisement from the Temple establishment by adapting earlier traditions relating to the heavenly Temple to their own needs.

HEINZ-JOSEF FABRY offers a wide-ranging overview and analysis of the varied priestly figures attested in the non-biblical scrolls. His main interest is the curious endorsement of Aaronites alongside Zadokites

in a number of key texts. In an attempt to present a synchronic as well as a diachronic analysis of this dual endorsement Fabry stresses that earlier texts such as the Temple Scroll, 4QMMT, and the War Scroll exclusively refer to the sons of Aaron whereas the dual endorsement of both groups characterizes later texts. Fabry cautiously proposes lines of development in the use of these priestly designations in the Qumran literature while also suggesting an explanation of other priestly traditions attested in the Scrolls such as Levi, Phineas, Qahat, Amram, and Melchizedek.

MARTIN GOODMAN scrutinizes the relationship of the Qumran sectarians to the Jerusalem Temple and challenges the widely held view that this Jewish group had abandoned the Temple. While not doubting the presence of cult critical passages as well as symbolic interpretations of sacrificial worship in the texts from Qumran, he stresses that neither of these features imply an outright rejection of the Temple and the cult. Goodman highlights the presence of harshly anti-cultic passages in the biblical prophets and accounts of vehement disagreement on cultic matters among Temple affiliated Jews in Josephus and rabbinic sources. In his view “a simple reading of the texts” does not suggest a separation from the Temple which would have been difficult to conceive by any Jewish group prior to the events of 70 CE and the evolution of both rabbinic Judaism and Christianity in the wake of the permanent loss of the Temple.

CHARLOTTE HEMPEL reflects on the brief history of scholarship on 4QMMT and argues that this text was made to fit, perhaps more than any other, into the script of a narrative external to it. Not unlike the large feet of the stepsisters forced into the glass slipper in the tale of Cinderella so 4QMMT was molded into a tale of rivalry between the heroic Teacher of Righteousness and the villainous Wicked Priest. She begins with a review of a number of u-turns in scholarship in order to illustrate the way in which scholars tended to fit the evidence of 4QMMT rather hastily into a framework established by a once dominant reconstruction of Qumran history. Subsequent assessments of 4QMMT have been increasingly subtle and nuanced. Hempel further notes and reinforces recent challenges to the view that 4QMMT refers to the origin of a community in the famous passage referring to a separation from the people on the part of the author(s).

Still dealing with 4QMMT, HANNE VON WEISSENBERG takes issue with the predominant scholarly assessment of 4QMMT as a witness to the Qumran community’s initial withdrawal from the Jerusalem

Temple. Noting the more nuanced appreciation of the varied attitudes to the Temple reflected in the fully published Qumran corpus von Weissenberg stresses the overarching concern with the Temple and its purity in 4QMMT. In particular, she draws attention to the repeated reference to the *maqom* formula of Deuteronomy 12 in the central halakhic section of 4QMMT and the strong influence of Deuteronomistic theology evident in the epilogue. She concludes that whoever was responsible for 4QMMT was firmly convinced that the Jerusalem Temple was the only legitimate locality for the cult.

Finally, Part IV (Studies on Particular Texts and Issues) includes eight chapters devoted to particular texts and issues. Inspired by thinkers such as Michel Foucault and Edward Soja, GEORGE J. BROOKE offers a careful examination of the spatial language attested in the continuous *pesharim*. He finds no indications of a direct co-relation between the spatial terms and ideas found in the *pesharim* and the site and vicinity of Qumran. Instead, his paper sheds new light on the spatial imagery of the *pesharim*. In particular, Brooke notes the formative influence of the scriptural texts underlying the commentaries, the strong emphasis on people and community where spatial references in scripture are interpreted, and the central place allotted to Jerusalem as a place of contemporary controversies and future hope.

VERED HILLEL explores the relationship between the *Aramaic Levi Document*, *Jubilees* and the Greek *Testament of Levi* using the issue of Levi's elevation to the priesthood as her prime example. Hillel begins with a discussion of the place of the *Testament of Levi* in the *Testaments of the Twelve Patriarchs* before comparing all three selected texts. She argues that both the *Testament of Levi* and *Jubilees* appropriated material found in the *Aramaic Levi Document* and made use of these traditions in a manner that served their own particular ideologies. She finds no evidence indicating the use of a source other than the *Aramaic Levi Document* in the traditions shared by the *Testament of Levi* and *Jubilees*. Hillel closes by noting the wider significance of her discussion for our understanding of ancient Jewish literary and compositional strategies.

BERNARD JACKSON addresses the issue to what extent laws on marriage and divorce are based on social rather than legal considerations. At the outset he notes the predominant concern with prohibited sexual practices rather than marriage as such in the biblical legal tradition. In the latter centuries of the Second Temple period Jackson observes the influence of heightened eschatological fervour and the theological

argument that relations between men and women ought to mirror the circumstances of creation (e.g. Gen 1:27). Turning to the evidence on marriage and divorce in the Dead Sea Scrolls and the New Testament Jackson identifies an even more heightened concern with prohibited sexual practices. He perceives signs of an institutionalization of divorce only with Paul. Jackson identifies sexual propriety as the chief concern also in early rabbinic literature eventually giving way to a process of institutionalized divorce criteria (e.g. *m. Git.* 9:10).

HELEN JACOBUS argues that *4QZodiacology and Brontology ar* (4Q318) is a working schematic calendar and explores its cultural background in the ancient world. In the course of her study she identifies the relationship of 4Q319 to Greco-Babylonian calendars and horoscopic cuneiform texts. Jacobus suggests a context for 4Q319 in the tradition of zodiac calendar systems from Ptolemaic Egypt and Greece. She concludes with a plea to include this text firmly in the scholarly discourse on calendars from Qumran.

VERED NOAM evaluates the promising and growing contributions the study of the Dead Sea Scrolls can make in the context Jewish legal debate as attested especially in tannaitic *midrashim*. By offering a thorough investigation of the law on corpse impurity as interpreted in the Scrolls and tannaitic *midrashim*, Noam is able to shed fresh light on pre-tannaitic legal exegesis of Num 19:16 and Num 19:14. She uncovers evidence for secondary development on the part of Qumran exegetes with regard to the treatment of "bone." On the matter of "tent" impurity her conclusion points in the opposite direction by suggesting a radical departure from an earlier line of exegesis on the part of pre-rabbinic exegetes. Her careful study reinforces the fruitfulness of investigating the evidence from Qumran in its wider context on a case by case basis rather than being led by existing categories (such as the stringency of Qumranic halakhah) in order to determine the ways in which the new evidence relates to its wider context.

EYAL REGEV offers fresh thoughts on the much debated issue of the relationship of the the Damascus Document and the Community Rule. He takes note of a number of recent studies that indicate a close and complex literary relationship between both texts. Despite these links Regev still maintains, on the basis of differences in matters of social structures and organization, that the groups described in both documents can be clearly distinguished from one another. In particular, he stresses the much more democratic structure of the Yaḥad which allots an important place to the general assembly of the many. Regev

further identifies theological differences between both texts focussing especially on the issue of revelation. Here Regev stresses the absence of the notion of on-going revelation in the Damascus Document where divine revelation is referred to as a guiding experience in the community's past. He closes by re-affirming his earlier view that the emergence of the Yaḥad preceded the Damascus community but, in contrast to his previous conclusions, he now believes that there were several geographically spread-out Yaḥad communities—a view that is gaining ground in most recent scholarship.¹

LAWRENCE SCHIFFMAN offers a stimulating discussion of the context of the Damascus Document both pre- and post-Qumran. In particular Schiffman explores five questions: the literary nature of the Damascus Document, its provenance, its halakhah, and finally what the text has to offer in reconstructions of the history of the community reflected in the Scrolls, ancient Judaism more broadly and the background to Christianity. In a concluding section Schiffman reflects on the significance of the numerous titles assigned to this text since it has become available to modern scholars. In particular, he stresses the way in which the full publication of the Qumran corpus, especially the extensive legal material, provides an appropriate context for the study of the Damascus Document, which in his view is chiefly a priestly work of Jewish law. His contribution notes the numerous ways in which the early pre-Qumran discussion of this text pre-empted the current stress on its importance for our understanding of Jewish legal debate.

JOAN TAYLOR explores the neglected evidence of Dio Chrysostom on the Essenes as preserved in a lost discourse referred to by Synesius of Cyrene (ca. 400 CE). Taylor offers a close reading of the statements on the Essenes in Pliny and Dio according to Synesius with an eye to the overall concerns of all three authors in their larger oeuvre. She argues that whereas Pliny presents the Essenes as something of a remarkable anomaly, Dio's portrayal is much more positive and appreciative. She also notes Dio's unusual term for the Dead Sea ('the dead water,' τὸ νεκρὸν ὕδωρ) which, by virtue of its distinctiveness from both contemporary Christian terminology and from Pliny's account, provides further, independent evidence for a geographical association of the

¹ See, e.g., most recently, J. J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids MI: Eerdmans, 2009) and Alison Schofield, *From Qumran to the Yaḥad: A New Paradigm of Textual Development for the Community Rule* (Leiden: Brill, 2008).

Essenes with the Dead Sea region. She concludes that Dio's account on the Essenes is independent of Pliny and by bolstering the case for an association of the Essenes with the Dead Sea region also provides further evidence for a connection between the Qumran scrolls found in the vicinity of the Dead Sea and the Essenes.

The full publication of the Scrolls found in the vicinity of Qumran has had an enormous impact on the discipline. An obvious major development is our ability to read and reflect on all the material that has survived, including a large amount of further previously unknown texts. This unprecedented access to the full corpus of texts has also provided us with the appropriate Qumran context of those works we have known and studied for several decades. Whereas scholars may have been tempted initially to try and 'integrate' the new material into our reading of the evidence, almost the opposite is beginning to happen. The wealth and significance of the new material has caused many aspects of reconstructions of the Qumran phenomenon to 'dis-integrate.' If I had to single out one trend that has emerged from the full publication of the texts it would be the variegated picture we now behold. On the one hand, clearly sectarian texts exist in different forms and display complex inter-relationships with other sectarian texts. On the other hand, a large proportion of the material is not sectarian and appears to reflect the beliefs and heritage of a larger proportion of Second Temple Jewish society. Precisely what proportion of educated Second Temple Jews would have been familiar with, or even sympathetic to, the point of view of the non-sectarian Qumran material is a question that is as fascinating as it is challenging. In short, the true significance of the texts and artefacts unearthed at Qumran and its vicinity can only be appreciated by cautious reflection on the context of the discoveries in the broadest possible sense: from the context of individual caves to traces of contemporary Jewish history in early Christian and even mediaeval Jewish sources. While the discoveries of Qumran are clearly unique in many ways, scholars continue to discover many subtle connections to the wider Jewish world. It is hoped that the scholarly contributions gathered together in this volume shed new light on this complex of questions.

Reference must also be made to the invaluable contributions made by a number of scholars whose papers are not included here for various reasons: Prof. Hindy Najman ("Revelation at Qumran and Beyond"), Prof. Sarianna Metso ("Processes of Creating Legal Traditions in the Essene Community and Its Wider Context"), Dr. Jonathan Ben-Dov ("Aramaic and Hebrew in the Dead Sea Scrolls: The Case of Scientific

Knowledge”), Dr. Juhana Saukkonen (“Studying Religion at Qumran: Theoretical and Methodological Considerations”), Prof. Esti Eshel (“The Genesis Apocryphon and Related Texts”), and Dr. Frantisek Trstensky (“The Archaeological Site of Qumran and the Personality of Roland de Vaux”). Finally, Prof. Albert I. Baumgarten joined us to engage with the latest thinking in Qumran scholarship while writing a scholarly biography of Elias Bickerman.² His presence was a huge bonus to all concerned, and his sharp and learned contributions to the discussions, both from the chair and the floor, made an enormous contribution. He kindly agreed to share some of his impressions about our meeting in the Preface included in this volume.

The sad news of the death of Prof. Hanan Eshel (1958–2010) reached me as this volume was in the final stages of production. His wide-ranging learning and intimate familiarity with the Scrolls and the terrain where they were found are exemplified once again in his substantial contribution to this volume. Hanan was an exceptionally supportive colleague and his passion for Jewish history never failed to inspire and uplift the spirits of those who met him.

Finally, it is a pleasure to acknowledge the generous and varied support I received in the course of planning and organizing the conference itself and preparing this volume for publication. First and foremost I gratefully acknowledge the support of the British Academy which made the conference possible. In addition, the following individuals have all contributed in different ways to making the conference what it was: Barbara Bordalejo, Sue Bowen, George Brooke, Leslie Brubaker, John Collins, Ann Conway-Jones, Martin Goodman, Max Grossman, Helen Ingram, Sarah Kilroy, Judy Lieu, Jodi Magness, David Parker, Sarah Pearce, Adrian Randall, Peter Robinson, Sheena Robinson, Michael Stone, Martin Stringer, Joan Taylor, Werner Ustorf, Jim VanderKam, Jonathan Webber, Shearer West, Isabel Wollaston, and Sue Worrell. I am grateful also to Prof. Florentino García Martínez for accepting this volume for publication in this prestigious Series, and to the staff at Brill, especially Mattie Kuiper and Marjolein Schaake, as well as Prof. Vered Noam and Dr. Joan Taylor for all their expert input. Finally, my husband Dick and our children Charles and Imogen provide a warm, stimulating, and rewarding family context for my professional pursuits, and I am continually grateful for it.

² See now A. I. Baumgarten, *Elias Bickerman as a Historian of the Jews: A Twentieth Century Tale* (Tübingen: Mohr Siebeck, 2010).

PART ONE

THE DEAD SEA SCROLLS AND THE HISTORY OF SECOND
TEMPLE JUDAISM

THE SCROLLS AND THE LITERARY LANDSCAPE OF SECOND TEMPLE JUDAISM

MICHAEL E. STONE

We are in the happy position of having at our disposal a whole bookcase of green volumes with the letters DJD (i.e., *Discoveries in the Judean Desert*) on the spine. The job of editing is not quite all done, and a little more remains to be published: *Enoch* and *Genesis Apocryphon*, among other works. Moreover, not all the DJD volumes contain material from Qumran, but it is to that Qumran material that, not unsurprisingly, I wish to direct my attention here. It is worth remembering that we are much more fortunate than colleagues studying other major finds of documents, such as the Turfan fragments from Chinese Turkestan, the Oxyrhyncus papyri from Egypt and others. Some of the documents found in these discoveries have been in the process of edition for a century or more. The Oxyrhyncus papyri, for example, have been under publication since 1898, while the Qumran Scrolls now, a little over sixty years after their discovery, are virtually all published. The reason for this difference is, of course, that the Dead Sea Scrolls bear directly on Christian origins in the context of Judaism of the Second Temple age and have, therefore, attracted a quite disproportionate amount of attention. Although some years ago there were many complaints about delay in publication of the material, considering the number of manuscripts and the task of piecing them together, in fact sixty years from initial discovery to today's situation is very commendable.

The overall configuration of manuscript finds in the Judean Desert, from Masada at the south of the Dead Sea to Wadi Daliyeh well north of it has been the subject of considerable discussion.¹ The physical circumstances that contributed to the manuscripts' survival, the sorts of social and political events that brought people to live in the

¹ Devorah Dimant, "The Qumran Manuscripts: Contents and Significance," in *Time to Prepare the Way in the Wilderness: Papers on the Qumran Scrolls By Fellows of the Institute of Advanced Studies in the Hebrew University, Jerusalem 1989–1990* (STDJ 16; ed. Devorah Dimant and L. H. Schiffman; Leiden: Brill, 1995), 23–58 was an influential, early study along these lines.

wilderness of Judea, the almost urban legend narrative of their discovery are well known. The same physical circumstances, wilderness not too distant from Jerusalem, contributed to the rise, a few centuries after the destruction of Qumran, of the early installations of Palestinian monasticism in the adjacent region of the Judean Hills. Indeed, a discovery like Khirbet el-Mird, dated to the late Byzantine-early Arab period, gives us some insight into the manuscripts of Christian settlement in the wilderness. The Judean desert is true desert, with annual rainfall of a few millimetres, but not too far west is area best viewed as wilderness. The Judean hills proper include the borderland between settled territory and the very low rainfall areas, the true desert where Qumran is located.

The imperatives of the physical landscape, of rainfall and of both proximity to and separation from Jerusalem characterize the west side of the watershed ridge that descends into the Jordan valley. This is not, however, the point of this paper. Our intention is different and is focused on the actual works discovered in the caves of Qumran and their place in Second Temple Judaism. There have been a number of studies of the make-up of the sectarian library—biblical, known apocryphal and sectarian manuscripts, as well as numerous works whose genre or content were quite unknown to us before the Scrolls were discovered. This study of the manuscripts and the actual works that comprised the library is a necessary preliminary to the considerations we will bring here. Without the identification and decipherment of the texts discovered there, many by scholars participating in this volume, we would be floundering in the dark.

The issue that concerns us here today, however, is that of the role and character of the Qumran corpus within Judaism of the Second Temple period. Before we proceed to discuss this, however, it is important to remember that the texts presently identified and characterized at Qumran are only part of that library. In the first place, the numerous unidentified fragments, many being published in the last volumes of the DJD series (vols. 33, 36, 38), represent a substantial corpus of books that time and circumstances have all but destroyed. We may venture to hope that, in the future, some of these fragments will be placed in known manuscripts and, perhaps, joins made between others that will reconstitute still further unknown documents. However, for the moment this is not the case, and even when these processes have advanced, we will almost certainly be left with thousands of unknown and unidentifiable fragments.

In addition, two more factors strengthen our doubts about the exhaustive nature of the list of known or identified texts. One is the likelihood that certain of the discoveries of manuscripts “south of Jericho” mentioned in ancient sources were of caves at Qumran. The most famous ancient discoveries are two: first, the uncovering of Quinta, an additional Greek Bible translation used by Origen (ca. 185–254 CE) in the Hexapla, the story of which is given by Epiphanius in *de mensuris et ponderibus* 18 [Dean, 34–35]—it is described as being “found in wine-jars in Jericho;” second, the cache of manuscripts discovered in a cave in the seventh century and brought to the attention of the Syriac Nestorian patriarch Timothy. In an epistle by him, written about 800 CE, he reports that a decade earlier a cache of books had been discovered in a cave “near Jericho.” A dog belonging to a local Arab chased another animal into the cave and its owner found “a cave dwelling” (*byt’ dbwr*) containing many scrolls. Later in the epistle we read that this was *bwr*’’ *wbm*’r’’ “in mountains and caves.” The find was reported to Jews in Jerusalem and a group came, explored the cave and found many books written in Hebrew script, including copies of books of the Hebrew Bible.²

The story is eerily reminiscent of the discovery of the Qumran scrolls, which were early brought to the Syrian Bishop, Mar Athanasius Samuel. But unlike the latter, who smuggled part of the find to the United States and eventually sold the smuggled scrolls through middle-men to the Hebrew University, Patriarch Timothy summoned the leaders of the Jews in Jerusalem to whom he gave these documents. If indeed this story explains how the Damascus Document and *ALD* got into the Cairo Geniza, the documents were pretty definitely connected with the Qumran sect. So, while it is not certain whether the find in Origen’s time was of specifically Qumran caves, it is more than likely that the find in Bishop Timothy’s time was. It has been suggested that at least *Aramaic Levi Document*, *Damascus Document*, and most

² M. E. Stone, “Aramaic Levi in Context,” *JSQ* 9 (2002): 307–26. See the Syriac text in O. Braun, “Der Katholikos Timotheos I und seine Briefe,” *Oriens Christianus* 1 (1901): 299–313, here 304–305 and an English translation by S. P. Brock, *A Brief Outline of Syriac Literature* (Moran ’Etho Series 9; Kottayam: St. Ephrem Ecumenical Research Institute, 1997), 247. Thanks are expressed to Prof. L. van Rompay who advised me in matters Syriac. John Reeves discusses this find in “Exploring the Afterlife of Jewish Pseudepigrapha in Medieval Near Eastern Religious Traditions: Some Initial Soundings,” *JSJ* 30 (1999): 148–77, especially 160–61.

likely the Hebrew of ben Sira, reached the Geniza from “Qumran-type” caves. One or two other compositions preserved among the Geniza fragments have been proposed to have derived from this cache,³ and regardless of that, Patriarch Timothy records that the find included numerous Hebrew books in addition to the biblical documents.

In addition to the implications of the recovered fragments which have not been fitted into contexts in surviving manuscripts, as well as the loss of most of the material from the medieval finds, a third dimension of physical loss at Qumran must be considered. The marl cliff behind the plateau on which the remains of Khirbet Qumran are found is friable, and remains of caves that were destroyed by the action of the elements may be seen even today. Thus, even if we restrict our view to Qumran proper, it seems that a substantial number of manuscripts has been lost over the centuries. In principle, therefore, we can ask how representative even the material that has survived actually is of the corpus of texts that was once there and it is worth bearing in mind that we have absolutely no way of answering this question. Consequently, it is clear that any statements about the literary landscape witnessed by the surviving documents must be modified by an acute consciousness of what has been lost from Qumran itself. For example, we should draw general inferences based on the number of copies of one or another work that survived, with the greatest caution. I regret that this paper, instead of making bold assertions and painting a picture with confident brush-strokes, must emphasize the caution that we have to employ in making general statements. Yet, it seems to me that this warning is appropriate at present.

One more concern about the Qumran manuscripts themselves should be mentioned. It seems to be the *communis opinio* that Cave 4 held the library of the sect or the sectarian settlement of which the centre was in the Khirbet Qumran buildings. There has been some discussion recently about the character of the other ten caves in which

³ D. Flusser and S. Safrai, “The Apocryphal ‘Songs of David,’” in *Teuda B: Sefer Zikkaron lē-Y.M. Grintz* (Tel-Aviv: Darchka, 1984), 83–105 [Hebrew]; K. Berger, *Die Weisheitsschrift aus der Kairoer Geniza: Erstedition, Kommentar und Übersetzung* (TAZNZ 1; Tübingen: Francke, 1989); K. Berger, “Die Bedeutung der wiederentdeckten Weisheitsschrift aus der Kairoer Geniza für das Alte Testament,” *ZAW* 103 (1991): 113–24; H. P. Rüger, *Die Weisheitsschrift aus der Kairoer Geniza* (WUNT 53; Tübingen: Mohr Siebeck, 1991). It is surprising that these compositions have received relatively little scholarly attention and that further searches of Geniza texts have not been made.

scrolls have been found.⁴ These were certainly not of one piece, a fact that must be taken into account when thinking about the silhouette and shape of the Qumran manuscripts as a collection. The assemblage of manuscripts from Cave 7, for example, is so distinctive as to demand attention (though that demand will not be acceded to in this essay). Moreover, our subject is not the character of the Qumran manuscripts that have been preserved, about which a fair amount has been written, but their position in the context of Judaism of the Second Temple period.

If we are to try to sketch that landscape, we must seek to uncover its hidden hills and valleys and that means to gain a sense not just of what has survived, but of specific works we know existed once but which have not survived. This information is necessary when we come to assess which further works might have existed but did not survive and whose very names are lost. The first source of information about lost works is to be found in Patristic writings, where two types of sources are to be observed. The first is citations from and references to works no longer extant. Johannes Fabricius in the early eighteenth century and Abbé J.-P. Migne in the mid-nineteenth mined and assembled such information together with other types of data. The learned Englishman, M. R. James (also known as an author of ghost stories), brought it together in his work *The Lost Apocrypha of the Old Testament: Their Titles and Fragments* (London, SPCK, 1920). He organized this collection on the basis of biblical chronology and it embodied a lifetime's learning (he lived from 1862 to 1936). Recently, Robert Kraft undertook to "revive, refurbish and repurpose" this work on the CCAT internet site, and his reworked entries and associated studies may be seen at <http://ccat.sas.upenn.edu/rs/rak/publics/mrjames/>. This work, some of which is embodied in an article,⁵ is one of a number of writings inspired by James' collection. We cannot deal with all these here, but we should note the major work of the late Father A.-M. Denis. Denis attempted

⁴ The most far-reaching of these hypotheses is that promoted by Steven Pfann. It is not certain that all his conclusions are valid, but he highlights some real phenomena. See Pfann, "Qumran," *Encyclopaedia Judaica* (2nd ed.; ed. M. Berenbaum and F. Skolnik; Detroit: Macmillan, 2007), 16: 768–75, esp. 774. Cf. now the contributions by Florentino García Martínez and Daniel Stökl Ben Ezra in this volume.

⁵ R. A. Kraft, "Reviving (and Refurbishing) the *Lost Apocrypha* of M. R. James," *Things Revealed: Studies in Early Jewish and Christian Literature in Honor of Michael E. Stone* (JSJSup 89; ed. E. G. Chazon, D. Satran and R. Clements; Leiden: Brill, 2004), 37–51.

to collect all the fragmentary apocrypha surviving in Greek in Patristic sources. He included these in his work: A.-M. Denis. *Fragmenta Pseudepigraphorum quae supersunt Graeca una cum historicorum et auctorum Iudaeorum Hellenistarum Fragmentis*. (PVTG 3; Leiden: Brill, 1970). As distinct from M. R. James, however, he includes only Greek fragments and not those in other languages, but he gives the texts and not just references and extracts.⁶

The Christian traditions preserved the footprints of Jewish apocryphal books in various contexts. These included citations given in the course of patristic discourse, such as the numerous citations given by Clement of Alexandria in the second century, or the much later Latin apocryphal *Epistle of Titus*, preserved in an eighth century manuscript.⁷ In addition, names of apocryphal works were often included in Canon lists and extensive citations from some known and unknown apocrypha were also embedded in the chronographic tradition. Moreover, the learned tradition of Christian scholastic annotation (*scholia*) and collections of citations (*catenae*) also preserved 'lost' materials, such as the fragments of Greek Philo recovered by Paramelle⁸ and of Greek *Jubilees* uncovered by Françoise Petit.⁹ It is beyond doubt that further Greek pieces of unidentified or lost Jewish apocrypha are preserved in these sources, fragments of the type familiar already to M. R. James.¹⁰ In monographic studies of the apocryphal Elijah and Ezekiel fragments and traditions, for example, the character and shape of lost apocrypha were recovered and more can certainly be done along this

⁶ Of course Denis mentions works in many languages in his posthumous book A.-M. Denis and J.-C. Haelewyck, *Introduction à la littérature religieuse judéo-hellénistique* (Turnhout: Brepols, 2000), which is a second edition of his *Introduction aux pseudepigraphes grecs d'Ancien Testament* (Leiden: Brill, 1970). Lorenzo DiTommaso documents a range of such works in *A Bibliography of Pseudepigrapha Research 1850–1999* (JSPSup39; Sheffield: Sheffield Academic Press, 2001).

⁷ D. de Bruyne, "Epistula Titi discipuli Pauli de dispositione sanctimonii," *Revue Benédicte* 37 (1925): 47–72.

⁸ J. Paramelle, *Philon d'Alexandrie: Questions sur la Genèse II 1–7* (Genève: Cramer, 1984).

⁹ F. Petit, *La chaîne sur la Genèse* (Leuven: Peeters, 1996), 452 presents a catena citing *Jubilees* 46:6–12, 47:1.

¹⁰ In these cases, scholars have concentrated on identified citations, and particularly those of known works, like the ones mentioned in the text. James gave some anonymous citations in *Lost Apocrypha of the Old Testament* and one wonders what more a search for anonymous fragments might turn up.

line.¹¹ Moreover, once we bring the traditions other than Greek into consideration, the volume of such source material will increase manyfold. What we can learn from all this is that, in addition to whole works, the Churches' interest in biblical and biblical associated materials led to the preservation of many fragments of Jewish literature. Those fragments and the works to which they witness are an integral part of Jewish literature of the Second Temple period.

The same is true, though we can do less reconstruction, of works whose names are mentioned by Patristic and other early Christian sources, but whose content remains unknown. There are a number of well-known lists of titles of ancient apocryphal works, usually connected with their proscription, which was part of the developing process of canonization. On rare occasions subsequent discoveries have led to the filling out of such titles with content. Famous instances were the strange "Book of the Giant Og" and also "The Penitence of Jannes and Mambres" mentioned in the Gelasian decree, a list of permitted and forbidden books ascribed to the fifth-century Pope Gelasius I (492–496 CE). These titles refer to two works, lost for millennia, which were discovered in the last century by archaeological chance and excavation, viz., *The Book of the Giants* and *The Book of Jannes and Mambres*.¹² Thus there is good reason to think that ancient reality lay behind the names of works mentioned in this and other lists preserved in Greek, Latin, Armenian and other languages.¹³

¹¹ English translations of some fragmentary apocrypha were included in J. H. Charlesworth, ed., *Old Testament Pseudepigrapha* (Garden City NY: Doubleday, 1983), 2: 775–918. See also M. E. Stone and J. Strugnell, *The Books of Elijah, Parts 1 and 2* (Texts and Translations Pseudepigrapha Series 5; Missoula: Scholars Press, 1979) and M. E. Stone, B. G. Wright and D. Satran, *The Apocryphal Ezekiel* (SBL Early Judaism and its Literature 18; Atlanta: SBL, 2000). An edition of Noah writings and traditions reconstructed from citations and quotations is now being prepared, edited by A. Amihai, R. Clements, V. Hillel and M. E. Stone.

¹² J. C. Reeves, *Jewish Lore in Manichaean Cosmology: Studies in the Book of the Giants Traditions* (Cincinnati: Hebrew Union College Press, 1989), 1–7 and A. Pietersma, *The Apocryphon of Jannes and Jambres the Magicians: P. Chester Beatty XVI (With New Editions of Papyrus Vindobonensis Greek Inv. 29456+29828 Verso and British Library Cotton Tiberius B. v f. 87)* (Leiden: Brill, 1994). These are cited as: *Liber de Ogia nomine gigante qui post diluivum cum dracone ab hereticis pugnasse perhibetur; and Liber qui appellatur Paenitentia Iamne et Mambre*. See E. von Dobschütz, *Das Decretum Gelasianum* (Leipzig: Hinrich's, 1912). Jannes and Jambres were known in medieval Jewish tradition, being mentioned in midrashim, in the Zohar and other sources. M. Avi-Yonah, "Jannes and Jambres," *Encyclopedia Judaica*, 9: 1278.

¹³ The transmission of Second Temple material and information about Second Temple Jewish texts, and the like, in the Islamic realm is coming into its own as a

Now, if we conceive of our task as the study of Judaism in the Second Temple period and the challenge of the present paper to be the question, "Where and how does the corpus of literature found in the Qumran Scrolls fit into the literature of Judaism at that time?" then the fragmentary books found in ancient manuscripts at Qumran should not be privileged over the fragmentary works attested by ancient sources such as Clement of Alexandria, *scholia* or lists of proscribed books or others. A parade example of this is the work of B. G. Wright who identified fragments of the Ezekiel Apocryphon known from Qumran fragments in 1 Clement and subsequently isolated, on this basis, further important fragments in Clement of Alexandria.¹⁴ And, as was also the case with the instances of Petit and Paramelle, it is easier to identify fragments of already known works than to recognize other fragments that witness to otherwise unattested compositions.¹⁵

This dimension of the world of learning, often focused on the marches of late antique and medieval studies, requires a different range of skills from the study of the Hebrew, Aramaic and even Greek fragments from Qumran. When we move beyond the classical and well-known Semitic languages into Oriental Christian traditions, the problem is compounded. But the isolation and study of fragments of ancient Jewish works from oriental manuscripts is as significant as excavating for them in the Qumran caves or in Khirbet el-Mird.

Moreover, there is a further consideration that should be brought to bear, which is the following. Distinctive Qumran sectarian material does not seem to have entered the Christian or Rabbinic traditions and the only post-destruction source for it is the Cairo Geniza, itself transmitting the fruit, as we explained above, of an archaeological dis-

source. A leader in this field is John Reeves, see "Exploring the Afterlife," and, for example, the articles by Wasserstrom, Himmelfarb, Adler, Reeves himself and others in the volume edited by John C. Reeves, *Tracing the Threads: Studies in the Vitality of Jewish Pseudepigrapha* (SBL Early Judaism and its Literature 6; Atlanta: Scholars Press, 1994). The bibliography in this realm could be greatly expanded and it is a most promising field for future research.

¹⁴ B. G. Wright, III, "Qumran Pseudepigrapha and Early Christianity: Is 1 Clement 50:4 a Citation of 4QPseudo-Ezekiel (4Q385 12)?" in *Pseudepigraphic Perspectives: The Apocrypha and Pseudepigrapha in Light of the Dead Sea Scrolls* (STDJ 31; ed. M. E. Stone and E. G. Chazon; Leiden: Brill, 1999), 183–93.

¹⁵ Of course, the same proved true in the course of the identification of the fragmentary manuscripts from Qumran.

covery.¹⁶ It seems most likely to us that the reason for this situation is the esoteric nature of the Essene teachings, as presented by Josephus, *J.W.* 2.142, “and that he will neither conceal any thing from those of his own sect, nor discover any of their doctrines to others, no, not though anyone should compel him so to do at the hazard of his life. Moreover, he swears to communicate their doctrines to no one any otherwise than as he received them himself.” In fact, as was true of the Gnostics as well, the only way ancient esoteric doctrines got into the broad stream of transmitted knowledge was in the case of apostates (like Augustine and Manichaeism) or by modern archaeological chance. Consequently, for example, the teachings of Mithraism are still unknown, except as far as can be inferred from their material remains. Similarly, were it not for Apuleius’ paradigmatic story, we would know very little of the teaching of the Isis cult.¹⁷

Consequently, we may conclude that the material that the Churches transmitted illuminates a different part of the Jewish geographical and social spectrum in antiquity than that from which the Dead Sea Scrolls derived and that the Qumran sectarian works, being esoteric, did not circulate outside the initiates. In view of the clearly sectarian character of the Qumran covenants, it also seems reasonable to assume that a broad understanding of Second Temple Judaism is better derived, not from the Qumran finds and their configuration, but from the material transmitted to us in other channels, chiefly, so far, the Christian church and to some extent the Jewish tradition. This part of the literary landscape demands more attention than it has received and from the perspective we have highlighted.

¹⁶ N. Wieder, *The Judean Scrolls and Karaism: A Reproduction of the First Edition with Addenda, Corrigenda and Supplementary Articles* (Jerusalem: Ben-Zvi Institute, 2005) has various suggestions about the transmission of Qumran material and Karaism. He speculates that Qumran sectaries continued to exist during the first part of the first millennium. No clear evidence, he admits, supports this beyond the textual similarities he has discerned. This matter has been discussed in scholarly literature since his time, and a bibliography may be found at the end of the reprint of Wieder’s book. *Non liquet*. John Reeves has also discussed the possible early currents feeding into Karaism in “The Afterlife.”

¹⁷ H. J. W. Drivers and A. F. de Jong, “Mithras,” in *Dictionary of Deities and Demons in the Bible* (ed. K. van der Toorn, B. Becking and P. W. van der Horst; Leiden: Brill, 1995), 1083–19; J. Assman, “Isis,” *ibidem*, 855–60. A. S. Geden, *Mithraic Sources in English* (Hastings: Chthonios Books, 1990); R. E. Witt, *Isis in the Graeco-Roman World* (Ithaca: Cornell, 1971); J. G. Griffiths, *Plutarch’s de Iside et Osiride: Edited with an Introduction, Translation and Commentary* (Cardiff: University of Wales Press, 1970).

In addition to the above, we must bear in mind that the fragmentary literature is not only from the Land of Israel. The Greek-speaking Diaspora had a significant literary production. Certain Jewish writings in Greek have been preserved in their entirety by Christian traditions. This includes the Apocrypha that scholars agree were written in Greek, such as 2–4 Maccabees, Wisdom of Solomon, and a few more. In addition, it seems very likely that a number of the works conventionally included among the Pseudepigrapha were composed in Greek, such as *2 Enoch*, *Testament of Abraham*, *Testament of Job*, the so-called *Synagogal Prayers*, *the Sibylline Oracles* and others. Some complete Jewish Hellenistic works are also preserved in daughter translations of the Greek, even if they have perished in the Greek original. These include two Pseudo-Philonic Jewish Hellenistic homilies, *de Iona* and *de Sampson*, among other writings.¹⁸

Partly due to the differing channels of their transmission, but in fact perhaps more because of the role they came to play in Christianity and their consequent extensive preservation, Philo and Josephus have usually been put into a different category. Certainly, the amount of writing by these two authors far outweighs the surviving literary production of any other Jewish author from late Antiquity. To the Greek Philonic material, we should also add Philo's writings that were preserved integrally only in the Armenian daughter translation, such as the *de animalibus* and the *de providentia*.¹⁹ To this corpus of preserved complete works, which is itself very considerable indeed, we should add the large number of fragmentary writings, most of which were found in the work of Alexander Polyhistor, in turn cited by Eusebius, particularly in his *preparatio evangelica*. This writing includes philosophy (Aristobulus), belles lettres (Ezekiel the Tragedian), chronography (Demetrius), sapiential compositions (pseudo-Phocylides), history (Artapanus, pseudo-Eupolemus), etc. In contrast to literature

¹⁸ Substantial abstracts from these are being translated into English by Aram Topchyan and Gohar Muradyan and will be included in the new collection of Jewish Literature of Late Antiquity being prepared by the Jewish Publication Society of Philadelphia.

¹⁹ See A. Terian, "Appendix," in *A Repertory of Published Armenian Translations of Classical Texts* (ed. C. Zuckermann; Jerusalem: Institute of African and Asian Studies, Hebrew University of Jerusalem, 1995), 36–44 and online at: <http://micro5.mssc.huji.ac.il/~armenia/repertory.html>. Terian also deals with *de Iona* and *de Sampson*.

produced in the Land of Israel, the authors of this literature are known by name.²⁰

Jewish production in Greek also included translations of works composed in Hebrew and Aramaic. In addition to those found among the Apocrypha (e.g., the grandson's translation of ben Sira) and Pseudepigrapha (such as *1 Enoch* and *Aramaic Levi Document* and *Jubilees*), the Greek translation of the Hebrew Scriptures formed a fundament of Jewish writing in Greek. In the field of Bible translation, the translations known as Quinta and Sexta, available from ancient discoveries, or the Naḥal Ḥever Minor Prophets codex—a modern archaeological find, indicate that even in the translation of biblical books, a very considerable part of what existed in antiquity has been lost.²¹

Some mysteries remain regarding the preservation of this part of the ancient, Jewish heritage. Two of a number of open questions are: how and where in the Greek-speaking world did literary production flourish? We know a good deal about Alexandria; we assume that Jason of Cyrene, author of 2 Maccabees, came from Cyrene in North Africa, though where he wrote is unclear as is where the Epitomator worked, who produced the version we have.²² We know of active Jewish communities in cities like Sardis in Asia Minor, Antioch in Syria and so forth, but the character of literary production, indeed of intellectual life, in these places remains veiled in darkness. A second question relates to Jewish writing in Greek in the Land of Israel. Wacholder's identification of Judas Maccabeus' ambassador to Rome, Eupolemus, with the author of the fragmentary history has not been widely accepted.²³ There was a considerable pagan literature in Greek from the Greek cities of Palestine,²⁴ but we do not know whether Jews

²⁰ See Denis, *Fragmenta*; J. H. Charlesworth, "Fragments of Lost Judeo-Hellenistic Works," in Charlesworth, ed., *Old Testament Pseudepigrapha*, 2: 775–919.

²¹ Compare the Samaritan Greek literature such as Pseudo-Eupolemus and the Bible translation of which a fragment was published by E. Tov, "Pap. Giessen 13,19,22,26: A Revision of the LXX," *RB* 78 (1971): 355–83.

²² Daniel Schwartz, in his recent edition, cannot pronounce on these two issues, but is of the view that the appended epistles were added in Greek in the Land of Israel: see D. R. Schwartz, *The Second Book of Maccabees: Introduction, Hebrew Translation, and Commentary* (Between Bible and Mishnah; Jerusalem: Yad Ben-Zvi, 2004), 23 [Hebrew].

²³ B. Z. Wacholder, *Eupolemus: A Study of Judaeo-Greek Literature* (Cincinnati: Hebrew Union College, 1974).

²⁴ A survey is given by M. Hengel, *Judaism and Hellenism: Studies in Their Encounter in Palestine During the Early Hellenistic Period* (Philadelphia: Fortress, 1974), 83–88.

from that land used Greek as a literary language. Facilely, it is usually assumed that this was not the case, but the instance of the epistles in 2 Maccabees, if Schwartz is correct, weighs in favour of this.²⁵ In fact, beyond this, we do not know.²⁶

As to literature in Hebrew and Aramaic, our knowledge of literary production in the Aramaic-speaking Diaspora north and east of the Land of Israel, as indeed our knowledge of the Jewish communities of these areas, is fragmentary. It seems to us likely that the Book of Tobit was written in the Eastern Diaspora, and that it was written in Aramaic. The Epistle of Jeremiah, which was apparently composed in Hebrew, was written by someone familiar with Babylonian religious practice.²⁷ But these works are just debris of what must have been the literature of a very considerable and ancient Diaspora, with roots going back, perhaps, as far as the destruction of the northern kingdom of Israel in the eighth century. We do not find substantial information or literature about Mesopotamian Jewry until the Babylonian Talmud, from the third century CE on.²⁸ Yet, we must assume that this community had a literature, basically in Aramaic, which would have been readily comprehensible to Aramaic-speaking Jews of the Land of Israel, often perhaps even more readily than literature in Greek. So, in looking to the Diaspora, a major factor in Judaism in those days, it behoves us to be completely aware of how little information we have.²⁹

To the information given above we might add certain books mentioned in rabbinic literature. In particular, y. Sanhedrin 10:1

²⁵ See note 22 above.

²⁶ A substantial number of ossuaries from the Jerusalem area in the first century have Greek inscriptions. See also C. A. Moore, "Tobit, Book of," *ABD*, 6: 585–93 and D. Mendels, "Epistle of Jeremiah" *ABD*, 3: 706–21.

²⁷ G. W. E. Nickelsburg, *Jewish Literature Between the Bible and the Mishnah: A Historical and Literary Introduction* (rev. ed.; Minneapolis: Fortress, 2005), on "Tobit," 29–35, esp. 34–35 and "The Epistle of Jeremiah," 35–37, esp. 37; J. A. Fitzmyer, "Tobit, Book of," *Encyclopedia of the Dead Sea Scrolls* (ed. L. H. Schiffman and J. C. VanderKam; New York: OUP, 2000) 2: 948–950, esp. 949. Tzvi Abusch and the writer are researching this question.

²⁸ A good deal of evidence has been gathered by J. Neusner, *A History of the Jews in Babylonia* (Leiden: Brill, 1969) and some associated studies. But, it is far from reflecting any sort of picture of the intellectual or literary production of these Jews in the pre-Amoraic period. Armenian Jewry, north of Mesopotamia, in the first century BCE is discussed by Aram Topchyan, cf. A. Topchyan, "Jews in Ancient Armenia (1st Century BC–5th Century AD)," *Le Muséon* 120.3–4 (2007): 435–476.

²⁹ M. Stern, "The Jews in Greek and Latin Literature," in *The Jewish People in the First Century* (Compendia Rerum Iudaicarum ad Novum Testamentum; ed. S. Safrai and M. Stern; Assen: Van Gorcum, 1976), 1101–159.

(Krotishin 28a), in seeking to characterize ספרים חיצוניים mentions “Sefer ben La’ana” of which we have no knowledge otherwise, as well as, ספרי מירוס וכל הספרים שנכתבו מכאן ואילך (“the books of *meros*: and all the books written thenceforth”).³⁰ This is one of a number of expressions in Rabbinic literature referring to non-rabbinic works that were at the Rabbis’ disposal. The subject is too broad to be discussed in detail here. In b. Sanhedrin chap. 11 an eschatological prediction is quoted from a “scroll” written in Hebrew and in square script כתובה (גנזי רומי) that was found in the Roman archives (ולשון קודש אשורית) that was found in the Roman archives (גנזי רומי). In fact, moreover, we know as little about composition in Hebrew and Aramaic in the Greek-speaking Diaspora as we do about composition in Greek in the Land of Israel, but there seems to be no particular reason to assume that all Hebrew and Aramaic writing is from the Land of Israel and all Greek³¹ writing is from the Diaspora.³²

We have deliberately painted a very broad canvas, but it seems a reasonable one and it forms a necessary context in which to try to place the Qumran manuscripts. They are an expression of one, sectarian library or assembly of books within a very much larger literature. Within this broader context, it becomes as significant to observe what does not occur as what does. This we cannot do here and, in fact, a number of studies have already done so. If there is a *desideratum* at this level, it has to do with the integration of the literature known from Qumran with the other Jewish writing that is preserved from this age. But, equally or more important, is to view the Qumran literature as part of the Jewish literature of the age, judged not just by what has

³⁰ The term “books of *meros*” is an old chestnut that no-one has cracked satisfactorily. The most commonly accepted interpretation, which is not necessarily convincing, is that it is short for “Homerus” and designates secular, Greek literature. The reasons for doubt to be thrown on this explanation are not explored here.

³¹ It is intriguing, but perhaps natural enough, that there is no Jewish literature originally produced in Latin, though Momigliano has discussed one possible such work: A. Momigliano, “The New Letter by ‘Anna’ to ‘Seneca’” *Athenaeum* 69 (1985): 217–19.

³² The standing of *Megillat Ta’anit* and of *Tanna debe Eliyyahu* is unclear, but at least the former seems to be from the Second Temple period. See Vered Noam, *Megillat Ta’anit: Versions. Interpretation. History With a Critical Edition* (Between Bible and Mishnah; Jerusalem: Yad Ben-Zvi, 2003) [Hebrew]. *Tanna debe Eliyyahu* is extant in citations (not all necessarily genuine) in Rabbinic literature and some Geniza fragments. Our remark above refers only to literary compositions and not to later crystallizations of early traditions, such as scholars have attempted to recover from Tannaitic literature. See, for example, J. Neusner, *The Rabbinic Traditions About the Pharisees before 70* (3 vols.; Leiden: Brill, 1971).

survived in integrally or substantially extant works, but by what we know and can reasonably infer to have existed. This is a far more complex task, for what survives or is known to have existed is most likely just the tip of an iceberg.

Indeed, the picture of the shape of Jewish literature from the fourth century BCE to the first century CE is like a jigsaw puzzle missing many pieces. Recently there has been a debate within the Editorial Advisory Board of a new translation of the Pseudepigrapha about the organization of the books to be included just in this collection. This question, by its nature, raises the issue of the configuration of the books and sharpens those questions of classification and categorization that were debated over twenty years ago when the large translation of Pseudepigrapha edited by J. H. Charlesworth was published. But the question today is more complex than it was in the 1980s. At that time, the issue was the corpus of books called, *faut de mieux*, “the Pseudepigrapha.” This was so little a coherent corpus that it varied enormously from one collection to another as is clear to anyone who compares the tables of contents of the Pseudepigrapha volumes edited by Emil Kautzsch, R. H. Charles, H. D. F. Sparks and J. H. Charlesworth, not to speak of Paul Riessler.³³ The Apocrypha, as they are called in Protestant usage, were a fixed collection, largely overlapping with the Roman Catholic Deuterocanonical books. The Pseudepigrapha were books of roughly the same character, associated with biblical figures and not in the Apocrypha. All were supposedly Jewish or re-workings of Jewish works (or occasionally traditions). But the delimitation of this collection was unclear because it has existed as a collection only in relatively recent times, starting from the end of the nineteenth century, and even that “collection” has no organic coherence. Even the early handbook of Pseudepigrapha by Johannes Fabricius of 1729 is better viewed as “A guide book to the Pseudepigrapha and associated works and traditions;” he does not intend it to be taken as a fixed collection of “the Pseudepigrapha.” Fabricius gathered a vast amount of material in his two volumes but did not intend to form a

³³ E. Kautzsch, ed., *Die Apokryphen und Pseudepigraphen des Alten Testaments* (Tübingen: Mohr, 1900); R. H. Charles, ed., *The Apocrypha and Pseudepigrapha of the Old Testament* (Oxford: Clarendon, 1913); H. F. D. Sparks, *The Apocryphal Old Testament* (Oxford: OUP, 1984); Charlesworth, *Old Testament Pseudepigrapha* and P. Riessler, *Altjüdisches Schrifttum ausserhalb der Bibel* (Heidelberg: Kerle, 1928), 138–55, 1273–274.

delimited collection, or even to do more than collect an assembly of fragments, texts, and attestations, with one or two whole works (4 Ezra and the Hypomnesticon of Josephus). The same is true of the impressive corpus of information collected by Abbé J.-P. Migne in 1856–58 as part of his encyclopedian enterprises.³⁴

From the period of Fabricius and of Migne's *Dictionnaire des Apocryphes* down to the middle of the twentieth century, not much consideration was devoted to the question of how the various pseudepigrapha, discovered in oriental and western manuscripts, could be defined as Christian or Jewish. In general, if a work on a topic or figure from the Hebrew Bible turned up that had no overt Christian markers, it was considered to be Jewish and added to the pseudepigrapha. In the last fifty years, however, this simple assumption has been questioned and certain books, once regarded as pillars of the pseudepigrapha, are now realised to be Christian, at the least in the editions that have reached us. The reception history of pseudepigrapha is now becoming an important field of learning in its own right. When scholars started to doubt overly facile identifications of Jewish pseudepigrapha, they reacted in the reverse direction, wishing to identify the contexts of transmission of these works, which were Christian in nearly all cases, and work back in detail through the various functions these works have played in the course of their transmission from antiquity. While this is an ideal pattern of work for an ideal world, it is actually only partially practicable. For one thing, few scholars have the combination of breadth and depth of learning required to peel the layers off the literary onion. But it has become very evident that a high consciousness of the ambiguity of the categories "Jewish" and "Christian" is required.³⁵

This issue of Jewish and/or Christian categories is, however, ancillary to our major point. This chapter is a call for us to step back from the siren song of the Scrolls and to broaden our perspective, to see them as

³⁴ J.-P. Migne, ed., *Dictionnaire des Apocryphes* (Paris: 1856, 1858).

³⁵ The best-known, but far from the only name in this discussion is that of Robert A. Kraft: see R. A. Kraft, "The Multifarious Jewish Heritage of Early Christianity," in *Christianity, Judaism and Other Greco-Roman Cults: Studies for Morton Smith at 60* (ed. J. Neusner; Leiden: Brill, 1975), 3: 74–99; *idem*, "Setting the Stage and Framing Some Central Questions," *JSJ* 32.4 (2001): 371–95. The history of learning in this field is beyond our scope here. A recent work dealing with Kraft's methodology is J. R. Davila, *The Provenance of the Pseudepigrapha: Jewish, Christian, or Other?* (Leiden: Brill, 2005).

a part of a much broader landscape. That broader landscape is the literary and religious creativity of Judaism in the Second Temple period and it is that total landscape that we strive to apprehend. The danger is that the richness of the Dead Sea Scrolls' witness, which is incomparable, may entice us to give them a place in historical reconstructions that is disproportionate to the significance of the sect and which may even (in extreme cases) shade over into making them virtually normative. As Delphi said: μηδὲν ἄγαν even the Dead Sea Scrolls!

WHAT HISTORY CAN WE GET FROM THE SCROLLS, AND HOW?

PHILIP R. DAVIES

I. *What History?*

The 'what history' of my title does not mean 'how much history?' but 'what *kind* of history?' The conventional kind of history, the one that we would perhaps *like* to get from the Scrolls, and that many of us have been trying to get, aims first to reconstruct a narrative, then to locate that narrative, with its people, places and events, into the narrative of the wider historical world. The traditional historical model is of a single universal human history, an objective and coherent series of facts; something that we can say 'really happened'.

At first sight Qumran scholars appear to have the necessary resources to achieve this goal. We have literary texts, primary and perhaps also secondary, and plenty of archaeology. But after initial confidence, we have now reached a state where the exact connections between the primary and secondary texts and between the texts and the archaeology are controversial and even elusive. It is frustrating that the story behind such a unique resource cannot be told. The Scrolls tell us an enormous amount about early Judaism or Judaisms, and quite a bit about the emergence of Christianities too, but they do not actually offer much by way of discrete and identifiable persons and events. This may or may not be deliberate on the part of the authors, but it is unfortunate. While the historian is focussed on the past, they were clearly more concerned about the future. There is no historiography at Qumran, and real names are reserved for bit-players like King Jonathan, Shelomzion, the Seleucid Demetrius or the Roman Aemilius Scaurus. The central characters of sectarian history all have sobriquets, nicknames. This usage serves to underline the typological or symbolic nature of the events and persons being alluded to; the individual identity of the characters is simply not as important as their roles in a pre-ordained divine plan. The only real historical agent is God himself.

In her instructive and entertaining book *Reading for History in the Damascus Document*, Maxine Grossman argued that literary-critical

readings ‘produce’ history of a kind; but these histories belong to a dynamic, and ideologically driven process of constructing and reconstructing textual meaning.¹ This is true of the ancient histories that texts produce and of the modern histories generated by modern-day exegesis of those texts. The following quote from Grossman’s book in my view applies to all the Qumran texts,

A reading of the Damascus Document tells us more about what the covenant community thought of itself, or could potentially understand itself to be, than it tells us, in any objective way, about ‘what really happened’ in the history of this community.²

II. *Cultural/Collective Memory*

Haggadah and historiography, which are arguably inseparable in the rabbinic corpus, are very hard to disentangle in other ancient texts, and certainly in the Scrolls. Both modes of storytelling share the purpose of creating or modifying a perception of the past in a way that the realities of the present require. What we encounter in the Damascus Document, for example, is not what happened, but what we would call ‘social’, ‘collective’ or ‘cultural’ memory. This concept was invented by Maurice Halbwachs,³ and has been taken up fitfully into biblical and early Jewish and Christian studies; the best systematic application is the study of Moses by Jan Assmann, the Heidelberg Egyptologist, who has also coined a term for it: ‘mnemohistory’.⁴ Cultural or collective memory⁵ is not to be understood in the sense of a reliable recollec-

¹ Maxine L. Grossman, *Reading for History in the Damascus Document: A Methodological Study* (STDJ 45; Leiden: Brill, 2002).

² Grossman, *Reading for History*, 209.

³ M. Halbwachs, *The Collective Memory* (New York: Harper Colophon, 1980); for a shorter edition see *idem*, *On Collective Memory* (ed. and trans. L. A. Coser; Chicago: University of Chicago Press, 1992).

⁴ J. Assmann, *Moses the Egyptian: The Memory of Egypt in Western Monotheism* (Cambridge MA: Harvard University Press, 1997). See also *idem*, *Das kulturelle Gedächtnis: Schrift, Erinnerung und politische Identität in frühen Hochkulturen* (München: Beck, 1999), and *idem*, *Religion and Cultural Memory: Ten Studies* (trans. R. Livingstone; Stanford: Stanford University Press, 2006).

⁵ I am aware that some exponents draw distinctions between ‘collective,’ ‘cultural’ and ‘social’ memory. I find the distinctions unhelpful and regard these terms as interchangeable, though I accept that each scholar may find one term more acceptable or accurate than another.

tion, but as a shared understanding of the past that serves to create or sustain a group identity. As Assmann puts it,

Seen as an individual and as a social capacity, memory is not simply the storage of past “facts” but the ongoing work of reconstructive imagination. In other words, the past cannot be stored but always has to be ‘processed’ and mediated.⁶

Cultural memory works nowadays mainly as a reinforcer of cultural identity even for those who do not believe in the historicity of the memory, as with many Jews reciting the Passover Haggadah or Christians celebrating the coming of the shepherds and wise men to the stable in Bethlehem. Cultural memory, like personal memory, does of course contain a good deal of genuine recollection, but it also embellishes, distorts, invents and forgets the past. Although memory is often relied upon for accurate recollection of the past, we know, even in the case of eyewitnesses, that it is not reliable and that over time it becomes less reliable. Changes in memory are not always, or perhaps not even very often, innocent or unconscious, but subconscious and motivated by the individual’s changing self-perception. Memories, moreover, both individual and cultural, are not continuous and not chronologically related to each other. We do not carry autobiographies in our head, nor do societies carry complete histories. These have to be reconstructed, assembled. But the memories themselves are vital to the preservation of identity. Without memory individuals have no sense of who they are; and the same is true of societies without some kind of cultural memory. They provide the foundation upon which present and future action is conceived.

Forgetting is also an important function of memory, and this too is not always innocent; we forget certain things, probably most things, for a reason.⁷ At the cultural level, I could cite the current issue of Turkey’s treatment of Armenians in 1915–17 or Japan’s recollection of its war crimes in Southeast Asia or the treatment of native Americans; or the Zionist or white South African memories of an ‘empty land’. Sometimes gaps in memory are substituted by what psychologists call ‘confabulation,’ defined as a fantasy that subconsciously emerges as a factual account in memory in place of an accidental or deliberate

⁶ Assmann, *Moses the Egyptian*, 14.

⁷ For a treatment of this aspect of memory, see P. Ricoeur, *Memory, History, Forgetting* (Chicago: University of Chicago Press, 2004).

gap. Childhood sexual abuse, for example, is sometimes the product of confabulation and alien abduction (I would say) always.

Cultural memory should in theory be an important function of sectarian identity. The creation of a history that is shared among a group but different from the memory of outsiders, is a typical component part of the ideological repertoire that supports a sectarian mentality. Distinct stories about the past are boundary markers just as much as distinct social practices. We can thus try to apply the concept, and the anthropological and psychological resources that enable it to be studied, to those Qumran texts, that in part reveal the collective memory of the communities they represent. Of course, we cannot determine that any 'memory' is not the invention of an individual; but we are obliged to make the assumption that what has been written reflects the attitude of the entire society—otherwise we could not interpret the Qumran texts at all as expressions of communal belief and practice! It is nevertheless the case that collective memory is often initiated, and usually shaped, by individuals within the group and is only rarely the direct product of a genuinely shared experience that generates an identical recollection in everyone.

It will be obvious, then, that there is no easy route from collective memory to actual history. The historian of Qumran collective memory must begin by analyzing the memory itself, its function and its development. The task does not involve abandoning the search for genuine recollection, for what we would call real history; indeed, the more we know of the historical facts, the better we can gauge the way in which the memory transforms it. But we cannot assume, as is often done, that the earliest texts, the earliest phases of memory, are necessarily reliable, or even that they are more reliable than later ones. For on the one hand, memories can correct themselves in the light of new data, or memories previously suppressed or 'forgotten' can reappear; while on the other hand, even very recent events can be fabricated and established as a cultural memory, especially when people want or need to believe it. Amnesia, too, can set in abruptly, especially when induced by a trauma. The classic method of tradition-history does not lead in the end directly to history, only to the earliest recoverable stage of memory.

III. A Qumran 'Mnemohistory'

I begin my sketch of a Qumran mnemohistory with the Damascus Document, which contains three passages remembering the scriptural Israel and the origins of the community. In the longest of these passages, beginning at CD II, 14, the story of 'old' Israel, or the 'covenant of the first' is a catalogue of rebellion, from the descent of the Watchers onwards, and culminates in the desolation of the land at the end of the monarchy. After this, a new Israel arose, namely those who 'remained', who received a new divine covenant and revelation. There is no further history recorded in this recollection: the passage ends with a look towards 'eternal life' and the 'glory of Adam' for the new Israel (CD III, 20). A second retrospect, in CD V, 16–VI, 11 paints a similar portrait: the old Israel repeatedly transgressed, and the land was desolated as a punishment for rebellion, but a new 'Israel and Aaron' arose, with a new torah, mediated by a figure called the *dwrš htwrh*. (It's worth noting the use already of the sobriquet; this feature characterizes every phase of memory.) The same figure recurs in CD VII, 18, in the so-called 'Amos-Numbers midrash' of the A text: 'the Star is the *dwrš htwrh* who came to Damascus.' This memory, then, clearly holds him as the movement's founder. The torah that he mediated persists throughout the ensuing era of divine anger, until the 'end of days', when one will arise who will 'teach righteousness,'

להתהלך במה בכל קץ הרשעה.... ער עמוד יורה הצדק
באחרית הימים (CD VI, 11)

It is unclear whether *ywrh hšdq* is strictly a sobriquet here: as applied to a (future) figure, and thus without any historical counterpart, some kind of title or description must stand in place of a name. The description here is probably inspired by Hos 10:12, where ירה means 'rain' rather than 'teach'—a double meaning that will be exploited in later stages of memory. But in any case, the phrase

המתהלכים באלה בקץ הרשע עד עמוד משוח אהרן וישראל

in CD XII, 23 makes it clear that this figure is identical to the 'messiah'.

The memory recorded in these two passages makes a simple contrast between the failure of the old covenant with the ongoing new covenant, previous disobedience with present obedience. Its function, therefore, is to distinguish the community both chronologically from

the preceding era and also contemporaneously from outsiders, who belong typologically to the 'old' Israel since they are still ensnared in disobedience to the divine will. The community 'remembers' itself as the real Israel, the legitimate continuation of the old one, the real chosen people, but also in one sense *not* Israel—not the old Israel, and not the 'Israel' from which it is now segregated. This double-sided identity-and-difference encapsulates the essence of a sectarian mentality. But no other identities are remembered. After its (re)-inauguration, the history of the new Israel is uneventful, static; nothing is recalled or foreseen but observance of its torah during the (present) era of divine anger, a period, and a history, initiated by one figure and to be fulfilled by another. We will presumably never know if there was a *dwrš htwrh*, or, if there was, who he was, or if the authors of these passages knew his identity. It is his *function* that matters; typologically he is to be seen as the second Moses, just as for other Jewish groups Ezra was.⁸ The entire simple memory, in fact, is typological in form and function.

We can identify a different, later stage in the memory fairly simply where the 'teacher' of the future becomes actualized as a *ywrh hšdq*. The phrase of CD VI, 11 is now quite clearly a sobriquet, and the remembered history of the community is expanded so as to accommodate him. The expanded memory is written down in CD I, and it begins with the end of the old Israel: 'when they sinned in forsaking him, he hid his face from Israel and from his sanctuary and gave them over to the sword.' Then it mentions the new covenant with the remnant, and the new Israel. What has been omitted, or even perhaps forgotten, is the catalogue of disobedience that characterized the 'covenant of the first ones;' at any rate, the focus shifts to what happened afterwards. Here a significant development is that the new Israel is created in two stages. There is an initial period, during which the good intentions of this remnant were frustrated by a kind of blindness.⁹ Then God raised the 'teacher of righteousness' who led them and revealed to the 'last generation' what would happen to it. This sequence can be paralleled with that of the earlier memory, and since the one who would 'teach

⁸ I have discussed the cases of Ezra and Nehemiah and CD as alternative memories (but without using the concept of 'memory') in "Scenes from the Early History of Judaism," *The Triumph of Elohîm* (Contributions to Biblical Exegesis and Theology; ed. Diana V. Edelman; Kampen: Kok Pharos, 1995), 145–82.

⁹ Perhaps this development is also introduced in CD III, 17–18, a statement that does not seem to fit into its present context. But its meaning is not clear, and there is no mention of a 'teacher' figure.

righteousness' in CD VI, 11 was due at the 'end of days,' this later layer is perched at, or on the edge of the *eschaton*. The era of divine anger and the law for that period had now, we might infer, reached their climax with the 'last generation.'

But the advent of the 'teacher' means that the earlier memory of the movement's uneventful history now comprises an era between the destruction of the land and the coming of the 'teacher.' During that period a 'remnant' remains, but not until after 390 years is there a 'root of planting,' and a further twenty years before the arrival of the 'teacher.' During this period the community had not been obedient to the divine command. What preceded the 'teacher' was an intermediate stage—or perhaps two intermediate stages. The real beginning now takes place more recently. In the 'last days' when the 'teacher appears,' a 'scoffer' *yš hlšwn*, also figures, who 'drips (*mtyt*) deceitful water' (I, 14–15; here is the contrast with the 'raining' of the *moreh*); also in attendance are the *dwršy hlqwt*, who provoke the divine anger (CD I, 18).

The function of the collective memory has shifted, along with its focus. The simple contrast between the old and new Israel, the old and new covenant, old and new torah, is no longer the main topic as it was in the earlier memory. There are three chronological strata, and three groups corresponding to these strata. There remains the 'old' Israel; but alongside it now stand the original 'remnant' who remained in the dark before the coming of the 'teacher,' and those who follow the 'teacher.' The memory clearly centres now on a pair of contrasting leaders. The theme of the memory is still, of course, identity but the identity is formed now on the basis of allegiance to, or betrayal of, the charismatic leader. But which of the first two groups does the 'scoffer,' the 'drifter of lies' lead astray, the group referred to (twice) as 'Israel' in CD I, 14? Its components seem to include a group of 'traitors,' 'turners from the way,' who 'gathered against the soul of the righteous' and 'persecuted them with the sword' (CD I, 20–21).

To help identify this 'Israel' more precisely, we can look at another set of texts that represent this memory, found in CD VIII and XIX–XX. Most of this material also focuses on the 'teacher,' and part of it conveys the information that he has died (XX, 1.14). This material might in fact reflect a slightly earlier stratum of memory than CD I. It deals with various groups who do not follow the teacher or who have deserted him. Among them occur the 'men of scoffing,' i.e. here in the plural,

(XX, 11) whereas in CD I there is a single ‘man of scoffing.’ These ‘deserters’ are charged with having ‘despised the covenant which they swore in the land of Damascus.’ We also encounter, in a separate context, the ‘men of war’ who returned with the *’yš hkzb* (CD XX, 15) and in VIII, 13 the ‘builders of the wall’ (*bwny hḥys*) are connected with a *mtyt kzb*. The association between the ‘builders’ and the ‘dripper’ is also made at CD IV, 19, where the ‘wall-builders’ are said to follow a *zaw*, who is also identified as a ‘dripper.’ On p. IV the association looks incidental and may have been made by means of an addition, the textual updating of the memory. But in any event, there is no doubt that the memories represented by p. XX describe *sectarian* figures. Is this also the case, then, with the memory recorded on p. I? Is the ‘scoffer’ who drips lies to Israel an *insider*? If so, the ‘Israel’ to whom he ‘drips’ his lies is the community from which the ‘teacher’ came and not the society outside it. But the language is ambiguous, and can also imply that the ‘scoffer’ is ‘dripping’ to Israel at large. Most scholars, indeed, have understood it in this way, including myself at one time. The *dwršy ḥlqwt*, for instance, are commonly identified with the Pharisees, i.e. outsiders. But if this is really the case, the memory has undergone a significant shift between pp. XX and I, with opposition to the teacher transferred from inside the community to outside it. Could such a revision of memory be confirmed, and if so, explained?

There is another puzzle: what explanation do we have for the conversion of ‘scoffing men’ in CD XX to the ‘scoffing man’ on p. I? Or why the *’yš hkzb* of CD XX, 14 is identified with the *’yš ḥlšwn* who ‘dripped waters of *kzb*’ in I, 14–15? Both these puzzles suggest that the memory of the teacher and opposition to him is not stable, but either confused or developing. But the main thrust of this memory—or these later stages of memory—is clear enough: extending and re-focussing the earlier stage of memory so that instead of the ideological, essentially halakhic conflict of ‘Israel’s’ remembered in the earlier stage, we now have a recollection of real social conflict, rich with the language of betrayal and deceit, and revolving round a historical ‘teacher’ who, while not the founder of the movement in the earlier memory, but its culmination, now takes on the role of founder of the *true* community, following what is now remembered as an imperfect era. And *within* this later stage, or stages, we also see two further movements: in the direction of individual opponents rather than groups; and in the direction of a pan-Israelite context and not a purely sectarian one for the

activity of the teacher and his opponents. Both of these are consistent with the conversion of the original community, the true remnant of Israel, into an 'Israel' that did not truly exist until the arrival of the 'teacher' and even now continues to be led astray by the 'scoffer' and his 'lies,' thus betraying the teacher, *and in effect also betraying the original movement* (CD VIII, 21–22).

To confirm this process and illustrate it further we must now examine the Qumran memory outside the Damascus Document. The figures of the 'teacher', the 'liar/dripper' and the *dršy ḥlqwt*, can all be found in the *peshtarim*, especially the Habakkuk *pesher*. But I want to turn first to the *Hodayoth*. These hymns have often been taken, and still are by some, as containing individual memory: the memory of the 'teacher' himself.

In CD we met 'nšy ḥlšwn and a single 'yš ḥlšwn, who dripped *kzb*. The two terms are combined in 1QH^a in the expression *mlyšy kzb* ('scornful liars') at 1QH^a X, 31 and XII, 9–10.¹⁰ But in X, 31–2 they are paralleled with *dršy ḥlqwt*,

אודכה אדוני כיא עינכה עמ[דה] על נפשי ותצילני
מקנאת מליצי כזב ומעדת דורשי חלקות

The phrasing of this statement shows, I think, that we are dealing with synonymous terms, but not with sobriquets for distinct groups. As elsewhere in H, we encounter a number of terms that are used more than once to characterize in a general way those opposing the author. However, not only the terms themselves but their juxtaposition here provide a significant—but not exact—parallel to CD I, where we encounter the *dršy ḥlqwt* (I, 18) along with an 'yš ḥlšwn.

In 1QH^a X, 15–16, however, *dršy ḥlqt* is in parallelism with אנשי רמיה. This latter term is not found in either D or the *peshtarim*, but—in a single statement—in the *Community Rule* (1QS IX, 8 // 4Q258 VII, 8),

והון אנשי הקודש ההולכים בתמים: אל יתערב הונם
עם הון אנשי הרמיה אשר לוא הזכו דרכם
להבדל מעול וללכת בתמים דרך

This is not the place to make the argument, but the statement makes best sense if 'nšy *rmyh* denotes not complete outsiders but those with

¹⁰ The occurrence in XIV, 13 is unfortunately followed by a lacuna.

whom the *'nšy qwdš* might be expected to consider pooling their resources. If so, such an instruction again implies a breach within a movement or group, and the term 'deceit' is completely consistent with the language of *kzb* and *bgd* and even *hlq* (see, e.g., Ps 5:10; 36:3; 55:22; Prov 2:16; 7:5; 28:23; 29:5). The important point I wish to make here is that the memory of discord *within* a community is strongly represented in several texts and specifically indicated by a number of specific terms common to those texts.

Three important observations can now be made about the terms used in H. The first is that the terms do not designate specific groups, but appear as stereotyped terms for undifferentiated, generalized opposition. This kind of language—though not the terms employed—is absolutely typical of the biblical Psalms too. Second, and unlike either D or the *pesharim*, *there are no individual opponents at all in the Hodayoth*. Third, the opposition seems to be expressed within a group to which the author once belonged. In 1QH^a X, 10 the text speaks of *bgdym*: the author describes himself as: 'a reproach to traitors, a foundation of truth and knowledge for those on the straight path.' He continues: 'because of the iniquity of the wicked I have become a term of abuse on the lips of the violent (עריצים) while scoffers (לצים) grind their teeth;' we should accordingly understand these terms to apply—in general—to the body of those who oppose or reject him, but not within society at large; we are rather dealing with those whom he might have expected to endorse him. The rhetoric of H as a whole points to a sectarian context both for support of, and resistance to, himself.

The language used in H can be compared with the later phase of memory in D, discussed earlier: the level associated with the 'teacher:' thus, *bgdym* also occurs in CD VIII, 5 (XIX, 17); XIX, 34 and I, 12; in the last case, the term is associated with the verb לייץ. In XIX, 34 it refers to the actions of those who deserted the 'new covenant'; in VIII, 5 we perhaps cannot be sure, but in I, 12 'dt *bwgdym* is associated with those who follow the 'scoffer' who 'drips lies.' It is now time, therefore, to consider the relationship between the usage of this vocabulary in H and in both D and the *pesharim*.

In an essay of twenty years ago, I explored the relationship between these (and other) terms in H and the *pesharim*, especially the Habakkuk *peshar*.¹¹ In the *peshar*, the word *bgd* occurs six times II, 1–2. 3.

¹¹ P. R. Davies, "History and Hagiography," in *Behind the Essenes* (BJS 94; Atlanta GA: Scholars Press, 1987), 87–105.

5–6; V, 8; VIII, 3. 10. In V, 8 it is cited from the text of Habakkuk, and applied to the ‘House of Absalom’; in VIII, 3 and 10, again in the scriptural text, it is applied to the ‘wicked priest.’ Elsewhere, *bwgdym* are connected with three things: the ‘end of days’, the ‘Man of the Lie’ and the ‘New Covenant.’ These are precisely the connections in D also, and the clustering in both texts indicates a strong and consistent memory of internal conflict. But how is the use of such terms in H connected with their presence in the collective memory about the ‘teacher’ in D and the *pesharim*?

Regarding the relationship between H and the *pesharim*, my earlier conclusion was that the connection should be understood by analogy with the biblical Psalms. During the latter part of the Second Temple period, David came to be regarded as the author of all the biblical psalms, and as a result, certain references in these psalms could be taken to reflect experiences in his life. We can see the results of this interpretation in some of the psalm headings. In the same way, it can be supposed, the ‘teacher’ came to be regarded, within his community of followers, as the author of the *Hodayoth*, and references in these hymns were interpreted as his own historical experiences. The difference between the two cases is that for David we have a narrative in the books of Samuel of his life, into which the contents of some of the Psalms can be fitted, while no biography of the ‘teacher’ existed; rather, his life had to be constructed entirely from clues that lay partly in the biblical text being interpreted and partly in community texts. There is no evidence of the creation and preservation of a body of tradition, oral or written, about the ‘teacher’ such as gathered about many religious leaders; this is itself an interesting inference, and it explains why his life apparently had to be built up from textual clues, and nothing else.

Such a ‘biographical’ (or ‘hagiographical’) process, I argued, can be inferred from the exploitation of terms in H by the *pesharim*. In the Habakkuk *peshar*, for example, while we do not find the *mlysy kzb* of H, we do get the individual components, the verb of scoffing (𐤎𐤏𐤃) and the noun ‘lie.’ Thus we get the *’yš hkzb* in 1QpHab II, 1–2; V, 11 and the *mtyy kzb* in X, 9 (in XI, 1 we have just the *kzb*, but either *’yš* or *mtyy* will have preceded it at the end of col. X). In H these terms are apparently used so as to emphasize contrast—the true teaching of the ‘teacher’ as against the lying interpretation of others. In the *pesharim*, however, while this contrast is perhaps still present, the focus is rather on a conflict between two *personalities*. In the Nahum *peshar*, the *dwršy ḥlqwt*, while not reduced to a single figure, nevertheless seem to

become a definable group: they invite Demetrius (4QpNah fr. 3–4 I, 2), and have revenge taken on them by the *kpyr hhrwn*, the ‘angry lion cub’ (fr. 3–4 I, 6–7). In fr. 3–4 II, 2 they are associated with the ‘city of Ephraim,’ not so specific but still perhaps indicating that an identifiable group is meant. In the Isaiah *peshet* they are a ‘congregation’ and now in Jerusalem (4QpIsa^c [4Q163] fr. 23 II, 10). If we consider also terms such as *’ryšym*, *ptyym* and *’bywnym*, which also occur in H in a generalized manner, we find the same tendency: they come in the *pesharim* to be associated with specific groups; they are historicized, and their deeds particularized. But it is also significant that the implied context in which the terms appear is sometimes, at least, a national one rather than a sectarian one. It is unlikely that Demetrius the Seleucid king would become involved in sectarian politics.

The inevitable conclusion is that H constitutes the original source of the vocabulary. We cannot conclude that H, D and the *pesharim* are all independent witnesses to real events because H makes no reference to groups or to any individuals; a join between ‘testimony’ and historical events does not therefore exist. Nor can we easily explain why groups in the *pesharim* should become generalized phrases in 1QH, including the pluralizing of individual terms, while key individuals should disappear in H. The explanation is therefore is that the *pesharim* have utilized the *Hodayoth* and thus represent a later stage in the development of the social memory of the sect, one in which a more detailed life of the ‘teacher’ partially emerges. In the process of borrowing the terms, the *pesharim* also transform them: groups become defined; in some cases plurals are converted into singular figures, and the context of the teacher’s experiences of opposition move from the sectarian to the national. These three transformations are precisely what we also find in those layers of memory in D that reflect memory of the ‘teacher.’ That leaves the matter of the relationship between D and the *pesharim*, which I shall consider presently. For the moment we may regard the transformations as a single process (or set of processes) within the collective memory.

Before discussing the mechanism and motivation behind such shifts of memory, we must deal with the most important figure in the life of the ‘teacher’ according to the *pesharim*: the ‘wicked priest.’ In more than one reconstruction of Qumran history he has played the central role, usually because he seemed, as a national figure, to be the easiest to identify. But for the historian of Qumran memory he is highly problematic. He has no history. He is absent from the *Damascus*

Document (D), in all layers of memory, and absent too from H. How does he come to play a major role in the memory constructed by the *pesharim*?

Several reasons might come to mind. The most unlikely is that he was simply 'forgotten' in H and D, unless such 'forgetting' was deliberate: but what reason could there be for that? Even more improbable is that he represents the individualizing of a group, which as we have seen occurs in other cases. For while the early stage of memory in D entails an attack on the priests of Jerusalem, they are never named as such: the word 'priest' is never used in any polemical context, and indeed applies only to community members. In H 'priest' never even occurs. A third and possible explanation is that another community text has been utilized. There is an implication of a conflict with the Jerusalem priesthood in 4QMMT; this implication is present even if the 'Letter' is an internal document, as has been argued by Steven Fraade.¹² If, like H, this text were read as the product of the 'teacher,' and its recipient as an individual priest, who was also a ruler, as the final section of the reconstructed text reads, then confrontation between a (priestly) 'teacher' and the priestly leader of the nation could be generated as part of the memory of the 'teacher.' Indeed, just as H has been read by several modern scholars as composed by the 'teacher,' so 4QMMT was taken by the editors as authored by him. The surmise that these texts were similarly read by the authors of the *pesharim* is therefore not at all improbable. The letter admittedly offers no hint of persecution or personal opposition, and manifests only a halakhic dispute. Nevertheless, if in their construction of the details of sectarian origins the writers of the *pesharim* were reading the *Hodayoth*, then why not the 'Halakhic Letter' as well? This was an idea I first rejected, but I have come to think it is the best explanation available.

But why would such a figure *need* to be created? The study of cultural/collective memory is not merely concerned with *what* is 'remembered' but *why*. What is the reason for the recasting of the life of the 'teacher' as being enacted on the national stage? If the language of D about such opposition is ambiguous, as I have suggested, then we have some evidence that the 'scoffer' and his associates were, or included, individuals presented in a national rather than a sectarian context.

¹² S. Fraade, "Rhetoric and Hermeneutics in *Miqsat Ma'ase Ha-Torah* (4QMMT): The Case of the Blessings and Curses," *DSD* 10 (2003): 150–161.

Since this is not the case in CD VIII–IX/XIX–XX, we can reiterate the suggestion made earlier that CD I is typologically later—as also indicated by the conversion of *'nšy lšwn* to *'yš hlšwn*. But this ‘Liar’ was still remembered as a sectarian figure; such a memory seems to be retained in the *pesharim*—though Thiering’s argument that the ‘Liar’ and the ‘wicked priest’ are identical shows that confusion between the two—and their function—is certainly possible.¹³ But if we are right in detecting a memorizing process that shifts from a sectarian context to sectarian and national, and probably in the direction of a predominantly national one, we still require to provide a reason.

The reason, I suggest, comes to light in CD I. Here, as argued earlier, the ‘teacher’ is coming to replace the *dwrš htwrh* of CD VI as the *real* founder of the true Israel, of the sectarian movement. The sect constituted by the earlier phase of memory is now converted into a provisional stage between preservation after the destruction of the earlier ‘Israel’ and the divine prompting. Such a move tends towards two conclusions: the effacing of the parent movement and its own history, and the substitution of it by the followers of the ‘teacher,’ who now become not a splinter group within an existing sect, but the sect itself. The removal of this parent leaves the ‘new’ sect constituted by opposition to all outsiders. The memory of treachery, desertion and deceit does not, however, disappear, but begins to be moved away from its earlier function as a charge levelled against those who refused to follow the ‘teacher,’ and is now increasingly directed against the nation. In other words, the contrast that underpinned the very earliest traceable memory—of the ‘old’ and the ‘new’ Israel—is reconstituted, but now in terms of the community founded by the ‘teacher.’ If we were obliged, in other words, to posit a historical author of 4QMMT’s ‘letter,’ it would, according to the earliest memory in D, be the *dwrš htwrh*. But from the perspective of the *pesharim*, it can only be the ‘teacher.’ This conclusion also furnishes an account of the relationship between the *pesharim* and D. It is already evident that D contains material associated with the ‘teacher’ and its preservation suggests that it remained a resource of some kind to the followers of this person. A comparison of the memory shifts in D and the *pesharim* has suggested that while they are broadly on the same lines, D may be typologically earlier, especially since it has not yet produced the ‘wicked priest’ fig-

¹³ B. Thiering, “Once more the Wicked Priest,” *JBL* 97 (1978): 191–205.

ure or the clear portrait of national opposition or even national politics that parts of the *pesharim* exhibit. If the author of the *pesharim* utilized H and the 'Halakhic Letter,' it seems highly probable that they also utilized D. Their creation of the biography of the 'teacher' and with it the origins of the sect to which they belonged, was inspired not only by the scriptural text they were interpreting but also by the less obvious exegesis of texts that they believed emanated from earlier in their own history.

IV. *Conclusions*

First, I hope to have shown that Qumran collective or cultural memory can be studied and its history and functions to some extent reconstructed. Of course, the texts allow this only partially, and any reconstruction is necessarily imperfect. According to my analysis, Qumran memory begins with the expectation of an eschatological figure; later he is remembered as a figure that appeared, and met internal opposition. Opposition to him within the sect is characterized as treachery, not just to the 'teacher' but to the sectarian covenant itself, and such opposition is crystallized into an individual, a 'Liar', a 'dripper of lies'. The memory presupposes a restriction in the definition of the community to include only those who followed the 'teacher.' Among his followers, from whom the Qumran texts all stem—we have no texts that reject his leadership—memories of the origin of the parent sect, to which his opponents belonged and presumably still adhere, were replaced by those of their own sect, so that their own teacher becomes the founder of the redefined movement. In the *pesharim*, the parent sect is effaced and the 'teacher' becomes a national figure who now stands against the Jerusalem establishment, represented by a 'wicked priest.'

My second conclusion is that such a reconstruction of cultural memory permits some deductions about 'real' history. It implies that while the existence of the 'teacher' is, like the existence of Jesus, unprovable, it remains overwhelmingly probable from the effects generated by those who claimed to follow him. The 'scoffer' or 'Liar' figure (he seems to have more than one sobriquet) represents the community's resistance to his claims, and in this sense represents a real function; whether it points to an individual historical person we cannot say for sure. The 'wicked priest' is a fiction. Theoretically we might regard

him as the product of a later stage in the history of the sect, but that would mean the sect becoming engaged in national politics, which seems unlikely. In this case, anyway, the memory would be entirely anachronistic. Finally, since the 'teacher' was not historically a figure of national significance but only a sectarian messianic claimant (as implied by the title he assumed, or his followers assumed for him), it is extremely unlikely that he can be identified with anyone else we know from other sources. It is therefore, if I am correct, fruitless to continue trying to identify him.

I suspect that these conclusions will be judged by some as sceptical, negative, overly critical. But in my view they arise from an analytical approach that is superior to any other, and in terms of historical method, I think such an analysis is thoroughly positive. Less but more reliable history is surely better than more but speculative history. Moreover, against what might be seen as a reduction in 'normal' historical knowledge, there are rich possibilities in the study of collective memory itself for uncovering the social psychology of the Qumran sect(s). One form of history is minimized, but another expanded. And in the case of Qumran, I think there is scope for more to be done than I have managed. What I have done is admittedly provisional and the results can be challenged. But I suggest that they can only be improved by means of a similar kind of approach, and I am, above all convinced that this is not only a valid method and a useful approach to the internal history behind the Scrolls, but the best.

PART TWO

ARCHAEOLOGICAL CONTEXT AND CAVE PROFILE

GLEANING OF SCROLLS FROM THE JUDEAN DESERT

HANAN ESHEL

I. Prologue

During the eighteen years between 1947, when the first seven Dead Sea Scrolls were discovered in Qumran, and 1965, when the excavations at Masada, which turned up fragments of fifteen scrolls, were completed, there was an almost unbroken stream of major discoveries in the caves of the Judean Desert. Because no written documents appeared on the antiquities market after 1965, and no new scrolls were discovered by archaeologists, scholars developed the firm belief that no more scrolls were to be found in the Judean Desert. Today, some sixty years since the discovery of the first scrolls, it seems important to bring together the information about the scroll fragments, economic documents, and other texts from the Judean Desert that were discovered or whose existence has come to the knowledge of scholars in recent years. This article deals both with fragments found in the eleven Qumran caves and with documents from the time of the Bar Kokhba Revolt.¹

This article is divided into three parts. First I survey the history of archaeological research during the Golden Age of the discoveries in the Judean Desert; that is, the eighteen years during which most of the scrolls and documents were discovered.² This description is important for understanding why some of the fragments discovered before 1965 were not published until the last few years. Naturally, special attention is directed in this survey to those few fragments that did not make

¹ For a survey of the state of research of the Qumran scrolls, see A. S. van der Woude, "Fifty Years of Qumran Research," in *The Dead Sea Scrolls After Fifty Years* (ed. P. W. Flint and J. C. VanderKam; 2 vols.; Leiden: Brill, 1998), 1: 1–45. For an overview over the project of publishing the scrolls, see E. Tov, ed., *The Texts from the Judaean Desert: Indices and Introduction* (DJD 39; Oxford: Clarendon, 2002). I would like to thank Professor E. Tov and Professor E. Tigchelaar for their helpful remarks on this paper.

² For a useful description of the history of the archaeological research of the Judean Desert caves, see S. J. Pfann, "History of the Judean Desert Discoveries," in *The Dead Sea Scrolls on Microfiche: Companion Volume* (ed. E. Tov; Leiden: Brill, 1993), 97–108.

their way to the collection at the Rockefeller Museum. In the second part I consider scroll fragments from the Qumran caves that, although found before 1956, came to public notice only in recent years because they were kept by antiquities dealers and collectors. In this section I also look at the inscriptions found at Khirbet Qumran, because those found by de Vaux were published only recently, and additional ostraca were found at Qumran in the last few years. The third section of this paper looks at the scroll fragments, economic documents, and inscriptions from the time of the Bar Kokhba revolt, some of which were kept for many years by collectors and antiquities dealers and were published only recently, while others were discovered in the Judean Desert caves since 1984. A short appendix considers the surviving fragments of three scrolls about which it is difficult to determine whether they originate from Qumran or from a Refuge Cave from the time of the Bar Kokhba revolt.³

II. *The Golden Age of Archaeological Discoveries in the Judean Desert*

In the winter of 1947 Muhammad edh-Dhib, a Bedouin of the Ta'amra tribe, entered a cave that had been sealed by a stone wall in the limestone cliffs on the northwest shore of the Dead Sea and found ten cylindrical jars with covers. He reported that three scrolls (the complete Isaiah scroll, the Rule of the Community, and Peshar Habakkuk) were in one of the jars. Four other scrolls were later found in the detritus on the floor of the cave (the second Isaiah scroll, the War Scroll, the Thanksgiving Scroll, and the Genesis Apocryphon). Today this cave is known as Qumran Cave 1.⁴ Muhammad edh-Dhib tried to sell the scrolls from the jar to an antiquities dealer in Bethlehem, but the latter refused, because no scrolls had ever been found in the coun-

³ On the refuge caves, i.e., the natural caves to which the Jewish refugees fled during the summer of 135 CE, at the end of the Bar Kokhba Revolt, see H. Eshel, "The Contribution of Documents and Other Remains Found in the Judean Desert Between 1979 and 1993 to the Understanding of the Bar Kokhba Revolt," *Bulletin of the Anglo-Israel Archaeological Society* 15 (1997): 108–110; H. Eshel and D. Amit, *Refuge Caves of the Bar Kokhba Revolt* (Tel Aviv: Eretz, 1998) [Hebrew].

⁴ The story of the discovery of Cave 1 has been told many times. Among the various accounts, one can recommend Y. Yadin, *The Message of the Scrolls* (London: Weidenfeld and Nicolson, 1957), and that of John Trever, who photographed the three scrolls found in the cylindrical jar, see J. C. Trever, *The Dead Sea Scrolls: A Personal Account* (Grand Rapids: Eerdmans, 1977).

try before. As a result, they were brought to a local shoemaker, Khalil Iskander Shahin (known as “Kando”), in the hope that he could find a use for the leather found in the cave. Shahin, a member of the Syrian Orthodox (Jacobite) church, purchased the scrolls from the Bedouin. He then resold the three scrolls found in the jar, along with the Genesis Apocryphon, to Mar (Bishop) Athanasius Samuel, the Metropolitan of the small Syrian Orthodox community of Bethlehem and the Old City of Jerusalem, for 24 Palestine pounds. Because the British mandatory law then in force stipulated that archaeological finds were government property, Mar Samuel claimed that the scrolls he had purchased had been found in St. Mark’s Monastery in the Jewish Quarter of the Old City. Prof. Eliezer Sukenik purchased two jars and two of the scrolls that had not been acquired by Mar Samuel (the War Scroll and the Thanksgiving Scroll) on November 29, 1947, for 35 Palestine pounds. He acquired yet another scroll (the second Isaiah scroll) on December 22, 1947.

In late February 1948 Mar Samuel’s representatives brought the three scrolls found in the jar to the American Schools of Oriental Research (ASOR), where they were photographed by Dr. John C. Trever. The three American scholars who were in the American School at the time, Prof. Millar Burrows, Dr. William Brownlee, and Trever, encouraged Mar Samuel to remove the scrolls from Jerusalem, because of the hostilities raging at the time, and send them to the United States.⁵ In late March the four scrolls held by Mar Samuel were taken out of Jerusalem; they reached the United States in January 1949. Yigael Yadin, Sukenik’s son, purchased them from Mar Samuel, on behalf of the State of Israel, in June 1954.⁶

⁵ The three scrolls that were found in the cylindrical jar were published in M. Burrows, *The Dead Sea Scrolls of St. Mark’s Monastery* (New Haven: The American Schools of Oriental Research, 1950).

⁶ Yadin paid Mar Samuel \$250,000 for the four scrolls. Later, Mr. Samuel Gottesman reimbursed the state of Israel for most of this sum. For the official publication of the three scrolls purchased in 1947, see E. L. Sukenik, *The Dead Sea Scrolls of the Hebrew University* (Jerusalem: Magnes and The Hebrew University, 1955). The relatively legible columns of the Genesis Apocryphon were published by N. Avigad and Y. Yadin, *A Genesis Apocryphon: A Scroll from the Wilderness of Judea: Description and Contents of the Scroll Facsimiles, Transcription and Translation of Columns II, XIX–XXII* (Jerusalem: Magnes, 1956). For the publication of the remainder of the scroll see: J. A. Fitzmyer, *The Genesis Apocryphon* (3d ed.; Rome: Pontificio Instituto, 2004).

After the War of Independence ended in 1949, a Belgian UN observer found the cave in which the first seven scrolls had been discovered. In excavations conducted there by the Dominican priest Roland de Vaux and the British archaeologist Lankester Harding, fragments that had been missed by the Bedouin and broken jars that could be pieced together were discovered. Other fragments found in Cave 1, discovered between 1947 and 1949, were acquired by the *École biblique et archéologique*.⁷ After Cave 1 had been located, and because the cylindrical jars were unique and not known from any other Second Temple archaeological sites, de Vaux decided to begin excavations at Khirbet Qumran, about a kilometer south of the cave. And, indeed, jars identical to those of Cave 1 were found there. De Vaux decided that the jars at Khirbet Qumran provided evidence of a link between the cave scrolls and Khirbet Qumran.⁸

In late 1951, documents from caves in Wadi Murabba'at appeared on the antiquities market in Bethlehem and East Jerusalem. Some of these documents bore the name of Shim'on son of Kosiba.⁹ De Vaux and the curators of the Rockefeller Museum purchased these fragments from the Bedouin and set out in January-February 1952 to excavate the four caves on the northern side of Wadi Murabba'at.¹⁰ The Murabba'at finds include six biblical scrolls, two parchment strips from an arm phylactery, an illegible parchment slip of a *mezuzah*, and approximately 100 economic documents and letters written on papyrus. The oldest document from Wadi Murabba'at dates to the seventh century BCE, that is, to the end of the First Temple period (Mur 17); the most recent documents were from the Middle Ages.¹¹ Most of the documents found in the Wadi Murabba'at caves date to the early Roman

⁷ The fragments from Cave 1 comprised parts of some 70 different scrolls. For their publication, see D. Barthélemy and J. T. Milik, eds., *Qumran Cave 1* (DJD 1; Oxford: Clarendon, 1955).

⁸ See R. de Vaux, *Archaeology and the Dead Sea Scrolls* (Oxford: OUP, 1973), 49–50.

⁹ On the discoveries in Wadi Murabba'at, see P. Benoit, J. T. Milik, and R. de Vaux, eds., *Les Grottes de Murabba'at* (DJD 2; Oxford: Clarendon, 1960).

¹⁰ A fifth cave, located in the south slope of Wadi Murabba'at, was discovered in March 1955. It yielded large fragments of a Hebrew scroll of the Twelve Minor Prophets. See Benoit, Milik and de Vaux, *Les Grottes de Murabba'at*, 50, 181–205.

¹¹ The First Temple document is a palimpsest, that is, a papyrus that was reused. Originally it was used to write a letter. Later the papyrus was soaked in water and dried, after which a list of names and quantities of *se'ahs* (a dry measure) were written on it. See Benoit, Milik and de Vaux, *Les Grottes de Murabba'at*, 93–100.

period and were brought to the caves during the Jewish revolts against the Romans. Six documents were brought to the caves by refugees of the First Jewish Revolt, but most were brought there in the year 135 CE, at the end of the Bar Kokhba revolt.¹² Among these documents, special importance attaches to an economic document (Mur 24) that begins, “on the twentieth of Shebat, Year Two of the redemption of Israel by Simeon son of Kosiba, Prince of Israel, in the encampment situated at Herodium,” and to a set of seven letters written during the Bar Kokhba Revolt. Two of the letters were sent from the headquarters of Shim‘on son of Kosiba to Yeshua son of Galgula, the commander of the Herodium garrison (Mur 43–44).¹³

While Père de Vaux and his associates were digging in the Wadi Murabba‘at caves, the Bedouin, looking for additional scrolls in the vicinity of Qumran, found another cave containing scrolls (Cave 2) south of Cave 1.¹⁴ After its discovery, de Vaux and his associates conducted a survey of the caves near Qumran during March 1952. On March 24 they found the Copper Scroll, along with fragments of fourteen other scrolls, in Cave 3.¹⁵ De Vaux and his associates returned to East Jerusalem after their first discovery of a complete scroll, along with fragments, at Qumran. In August 1952 Bedouin discovered Cave 6, west of Khirbet Qumran. This is a natural crevice in the limestone, very close to the seam between the limestone and the marl terrace.¹⁶

¹² On the documents that were brought to Wadi Murabba‘at at the end of the Great Revolt, see H. Eshel, “Documents of the First Jewish Revolt from the Judean Desert,” in *The First Jewish Revolt: Archaeology, History and Ideology* (ed. A. M. Berlin and J. A. Overman; London: Routledge, 2002), 157–163.

¹³ On Document 24 from Wadi Murabba‘at, see Benoit, Milik, and de Vaux, *Les Grottes de Murabba‘at*, 122–134; on the letters designated as documents 42–48, see Benoit, Milik, and de Vaux, *Les Grottes de Murabba‘at*, 155–168.

¹⁴ Fragments of thirty three different scrolls were found in Cave 2. The most important are those from the book of ben Sira. See M. Baillet, J. T. Milik and R. de Vaux, eds., *Les ‘Petites Grottes’ de Qumrân* (DJD 3; Oxford: Clarendon, 1962), 48–93.

¹⁵ On the fragments found in Cave 3, which come from fourteen parchment and papyrus scrolls, see Milik and de Vaux, *Les ‘Petites Grottes’*, 94–104. For the official publication of the Copper Scroll, see Milik and de Vaux, *Les ‘Petites Grottes’*, 201–317. On the Copper Scroll see also: J. M. Allegro, *The Treasure of the Copper Scroll* (London: Routledge, 1960); J. Lefkovits, *The Copper Scroll—3Q15: A Reevaluation* (STDJ 25; Leiden: Brill, 2000); G. J. Brooke and P. R. Davies, eds., *Copper Scroll Studies* (JSPSup 40; London: Sheffield Academic Press, 2002); and D. Brizemeure, N. Lacoudre and E. Puech, *Le Rouleau de Cuivre de la grotte 3 de Qumran (3Q15)* (STDJ 55; 2 vols.; Leiden: Brill, 2006).

¹⁶ The caves were numbered, not according to the time of their discovery by the Bedouin, but according to the order in which scholars learned of their existence. Because the Bedouin brought de Vaux to the cave they had found just before the

Because of the proximity of Cave 6 to the marl terrace, and because one of the Bedouin said he had seen a partridge fly into a cave in the marl terrace, the Bedouin decided to look for additional scroll caves in the marl terrace.¹⁷ During the last week of August 1952 they discovered a manmade cave carved out during the Second Temple period and known today as Cave 4a, where they found thousands of parchment fragments.¹⁸ They began to sift the dirt on the floor of that cave, and the adjacent Cave 4b, looking for additional fragments. After about a month, during which they found more than 15,000 fragments, the Bedouin, who were pushed aside by other Bedouin who would not allow them to continue to sift the dirt in the cave, brought de Vaux to the cave on September 22, 1952. During eight days of digging (Sept. 22 to 29) de Vaux found the last thousand fragments left in Cave 4a.¹⁹ A grand total of more than 16,000 fragments, from some 600 scrolls, were found in this cave. De Vaux conjectured that a Roman legionnaire entered Cave 4a in the winter of 68 CE, when the Tenth Legion occupied Qumran, and cut up the scrolls with his sword.²⁰ During the excavation of the two caves designated Cave 4, de Vaux discovered yet another cave north of 4a (today known as Cave 5), with fragments of 25 scrolls.²¹ It was only after de Vaux completed his work in Caves 4 and 5 that the Bedouin brought him to Cave 6, where they had found fragments of 31 scrolls, most of them written on papyrus.²²

discovery of Cave 4 only after he completed the excavations in Cave 5, that cave received the designation Cave 6.

¹⁷ For important details about the discovery of Cave 4, see J. T. Milik, *Ten Years of Discovery in the Wilderness of Judaea* (London: SCM, 1959), 16–17.

¹⁸ For precision's sake we should note that references to "Cave 4" in fact refer to two adjacent caves. De Vaux designated the larger, eastern one, as Cave 4a. This is where he found the thousands of fragments that the Bedouin had left behind. The western cave is Cave 4b. Because there is no way of knowing how many fragments had been found in Cave 4b, or which fragments come from the larger cave and which originated from the smaller cave, the two are conventionally lumped together as "Cave 4."

¹⁹ On the archaeological excavations in Caves 4a and 4b, see R. de Vaux and J. T. Milik, eds., *Qumran Grotte 4. II (4Q128–4Q157)* (DJD 6; Oxford: Clarendon, 1977), 3–22.

²⁰ This hypothesis explains the straight cuts in some of the Cave 4 fragments. For an account of Roman soldiers tearing scrolls in order to insult the Jews, see Josephus' description in *Jewish Antiquities* 20, 115.

²¹ On the fragments from Cave 5, see Baillet, Milik and de Vaux, *Les 'Petites Grottes'*, 167–197.

²² On the fragments from Cave 6, see Baillet, Milik and de Vaux, *Les 'Petites Grottes'*, 105–141.

After so many fragments were found in Cave 4, an international committee of scholars was set up to raise money to purchase the scrolls, clean up and piece together the fragments, and publish the results.²³ Because the Bedouin had in their possession more than 15,000 fragments from Cave 4, a long and arduous process of buying scroll fragments began.²⁴ The dealer who acted as the middleman between the Bedouin and the Rockefeller Museum curators was the same Khalil Iskander Shahin, who, after the discovery of the first scrolls in 1947, had closed his shoemaking business and set himself up as an antiquities dealer. Over the years he opened two shops, one in Bethlehem and the other in East Jerusalem.²⁵ The first fragments from Cave 4a were purchased by the Rockefeller Museum curators on the 13th of September 1952, that is even before the start of the scientific excavation of the cave.²⁶ Most of the fragments from Cave 4a were acquired by the museum during the first three years after the discovery of the cave; but the last Cave 4 fragments did not come into its possession until July 1958.²⁷

In July 1952, at Khirbet Mird, Bedouin discovered papyri from the library of the Kastellion monastery, which had been built on the ruins

²³ On the history of the International Committee, see the summary in W. W. Fields, *The Dead Sea Scrolls: A Short History* (Leiden: Brill, 2006), 59–75.

²⁴ Most of the fragments from Cave 4 were acquired by the Jordanian government for 15,000 dinars (\$42,000) in early 1953. Other fragments were purchased later with funds from McGill University in Montreal; the University of Manchester, England; Heidelberg University, Germany; the Vatican Library; McCormick Theological Seminary in Chicago; the École Biblique et Archéologique, Jerusalem; and Oxford University. A contribution was also received from All Souls' Church in New York City. See W. W. Fields, "Discovery and Purchase," in *Encyclopedia of the Dead Sea Scrolls* (2 vols.; ed. L. H. Schiffman and J. C. VanderKam; New York: OUP, 2000), 1: 208–212. When Cave 4 was discovered, the Jordanians promised that all institutions which made cash contributions to defray the cost of acquiring the fragments would receive those remains purchased with their money after the publication project had been completed. In July 1960 the Jordanian government reneged on this pledge, deciding not to allow the fragments to be removed from the Rockefeller Museum and to return the funds received from these institutions. For an interesting report referring to Bedouin who lived near the Mar Saba monastery in Nahal Qidron and still had scroll fragments in their possession in 1961, see J. M. Allegro, *Search in the Desert* (London: W.H. Allen, 1964), 109.

²⁵ For biographical details on Shahin, see J. Briend, "Shahin, Khalil Iskander (Kando)," in *Encyclopedia of the Dead Sea Scrolls* (2 vols.; ed. L. H. Schiffman and J. C. VanderKam; New York: OUP, 2000), 2: 869–870.

²⁶ On the first Cave 4 fragments purchased from the Bedouin, see Milik, *Ten Years of Discovery*, 17.

²⁷ See S. A. Reed, "Survey of the Dead Sea Scrolls Fragments and Photographs at the Rockefeller Museum," *BA* 54 (1991): 44–51, here 46.

of the Second Temple period Hyrcania fortress. The monastery was active from the fifth to the fourteenth centuries. After the discovery of the papyri, a Belgian team from the University of Louvain set out in the spring of 1953 to look for additional fragments. In the end, the Bedouin and archaeologists turned up some 180 fragments of written papyri: around 100 written in Arabic (one of them a very old copy of the Qur'an), 68 fragments of documents in Greek, and ten or so texts in Palestinian Christian Aramaic. Most of these fragments are in the possession of the University of Louvain; a few have been transferred to the Rockefeller Museum.²⁸

In August 1952 and July 1953, the curators of the Rockefeller Museum purchased an important group of scroll fragments and economic documents dating from the time of the Bar Kokhba revolt from Khalil Iskander Shahin. The Bedouin claimed they had discovered them in Wadi Seiyal; in other words, that they came from caves located in Israeli territory (which meant that they had not violated the Jordanian antiquities law by exploring these caves).²⁹ The southern half of the Judean Desert, the only section under Israeli control between 1948 and 1967, was shaped like a triangle, with its vertices at Sodom, Arad, and Ein Gedi. The international border crossed the wadis south of Ein Gedi, leaving their western stretches in Jordanian territory and their eastern sections in Israel. The border was demarcated such that Wadi Seiyal, which runs from Arad to the area north of Masada, fell entirely in Israeli territory, whereas Naḥal David, which runs to Ein Gedi, was almost entirely in Jordanian hands, except for its easternmost section. By stating that they had found the documents in a cave in Wadi Seiyal, the Bedouin clearly claimed that the cave was in Israel. Had they said "Naḥal Ḥever," instead, they would have had to explain

²⁸ On the archaeological findings in Khirbet Mird, see J. Patrich, "Mird, Khirbet," in Schiffman and VanderKam, eds., *Encyclopedia of the Dead Sea Scrolls*, 1: 563–566; Tov, *The Texts from the Judaean Desert*, 92–97. For a list of the papyri from Kh. Mird now in Belgium and in the Rockefeller Museum, see S. A. Reed, *The Dead Sea Scrolls Catalogue* (Atlanta: Scholars Press, 1994), 217–225. As far as I am aware, there is one other papyrus written in Christian Aramaic from Kh. Mird. On this text, see the sensationalist book by M. Baigent, *The Jesus Papers* (San Francisco: HarperSan Francisco, 2006). It seems that there is very little connection between this book and the text.

²⁹ For the full publication of most of the documents of the Wadi Seiyal collection, see H. M. Cotton and A. Yardeni, eds., *Aramaic, Hebrew, and Greek Documentary Texts from Naḥal Ḥever and Other Sites: The Seiyal Collection II* (DJD 27; Oxford: Clarendon, 1997). On the acquisition of the documents in this collection, see Cotton and Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts*, 1–4.

that the finds came from caves in the eastern stretches of that wadi, then controlled by Israel. Even though today it is clear that most of these documents came from the Naḥal Ḥever caves, they have been designated the “Wadi Seiyal collection.” Along with the fragments that the Bedouin claimed to have found in Wadi Seiyal, four scroll fragments from the Book of Genesis, and a document written on 6 Adar of the third year of Shimʿon son of Kosiba, which the Bedouin claimed to have found in Naḥal David, were acquired by the museum.³⁰

During the digging season at Khirbet Qumran of February-March 1955, the archaeologists found four manmade caves, which seemed to have served as residences, in the marl terrace. The three caves south of the site yielded scroll fragments. Eighteen tiny fragments, written in Greek, were found in Cave 7; most scholars conjecture that the residents of the cave did not know Hebrew or Aramaic.³¹ In a nearby cave (8Q) they found parchment fragments from a *mezuzah*, a head phylactery, and fragments of three scrolls in Hebrew (Genesis, Psalms, and a prayer to exorcise evil spirits). Cave 9 yielded a single fragment with six legible letters. Cave 10, west of the site and above Cave 4, did not produce any scroll fragments, but only an ostrakon with the letters *yod* and *shin*.³²

In March 1956, Michael Avi-Yonah and his colleagues conducted an archaeological survey of Masada. They proved that the royal palace described by Josephus in his *Jewish War* was that on the northern slope of the fortress. They also discovered a papyrus fragment written in Hebrew or Aramaic, an ostrakon that mentioned “Hanani son of Shimʿon,” and a Greek inscription.³³

In January 1956, Bedouin spotted a bat flying out of a cave whose entrance was blocked by a large rock, south of Qumran Cave 3. They moved the rock aside and entered a large natural cave in the limestone.

³⁰ It seems likely that these fragments were discovered in the Cave of the Pool in Naḥal David. On these fragments, see J. Charlesworth et al., eds., *Miscellaneous Texts from the Judaean Desert* (DJD 38; Oxford: Clarendon, 2000), 117–124; Y. Baruchi and H. Eshel, “Another Fragment of Sdeir Genesis,” *JJS* 57 (2006): 136–138.

³¹ On the fragments from Cave 7, see Baillet, Milik and de Vaux, *Les ‘Petites Grottes’ de Qumran*, 142–146. Evidence was found in Cave 7 that its roof collapsed when the marl from which it was carved out became soaked after heavy rains: two blocks of marl were found with mirror-image Greek letters on them, imprinted from papyri.

³² On the text fragments from Caves 8 and 9, see Baillet, Milik and de Vaux, *Les ‘Petites Grottes’ de Qumran*, 147–163.

³³ See M. Avi-Yonah et al., “The Archaeological Survey of Masada, 1955–1956,” *IEJ* 7 (1957): 1–162.

Evidently the rock had been placed in the entrance on purpose, to seal off the cave. In this cave (Cave 11) they found pieces of four scrolls in relatively good condition, that is, roughly on a par with the seven scrolls from Cave 1, along with fragments of twenty seven other scrolls. The Bedouin brought de Vaux to the cave in mid-February 1956.³⁴ After the discovery of Cave 11 the Bedouin were again in possession of relatively intact scrolls and many fragments. This time the Jordanians decided that they would negotiate with Khalil Iskander Shahin to acquire the scrolls, but that scholars who wanted to publish them would have to raise funds and reimburse the Jordanian government for the purchase price. The relatively complete scrolls from Cave 11 are:

1. The Psalms Scroll (11QPs^a), of which twenty eight columns survive. This scroll contains thirty five psalms from the last section of the canonical book of Psalms, along with eight other psalms not found in the masoretic text. This scroll, 3.89 meters long, was published by James Sanders.³⁵
2. A scroll with an Aramaic *Targum* of the Book of Job (11QtgJob). It has thirty eight surviving columns, but circular pieces from the middle of the column, which cannot be pieced together, are all that remain of twenty of them. The last eight columns in the scroll, with a total length of 1.10 meters, are attached. The Aramaic *Targum* of Job was published by two Dutch scholars, Johannes van der Ploeg and Adam van der Woude.³⁶ Another edition was produced by Michael Sokoloff.³⁷ It was published for the third time in the DJD Series.³⁸

³⁴ For an important summary of the first ten years of the Judean Desert discoveries, see Milik, *Ten Years of Discovery*.

³⁵ The money to fund the purchase of the Psalms Scroll was contributed by Elizabeth Bechtel of California, who decided that it should be published by James Sanders. See J. A. Sanders, ed., *The Psalms Scroll of Qumran Cave 11 (11QPs^a)* (DJD 4; Oxford: Clarendon, 1965); J. A. Sanders, *The Dead Sea Psalms Scroll* (Ithaca: Cornell University Press, 1967).

³⁶ In 1961, all of the small fragments found in Cave 11, along with those of the Job Targum, were purchased for 10,000 Jordanian dinars (at the time each dinar was worth one pound sterling) contributed by the Royal Dutch Academy of Sciences. For the first publication of the Job Targum, see J. P. M. van der Ploeg and A. S. van der Woude, *Le Targum de Job de la Grotte XI de Qumran* (Leiden: Brill, 1971).

³⁷ M. Sokoloff, *The Targum of Job from Qumran Cave XI* (Ramat Gan: Bar Ilan University Press, 1974).

³⁸ For the official publication of the Cave 11 fragments that were not well preserved, along with the scroll that contained the Job Targum, see F. García Martínez, E. J. C.

3. The book of Leviticus written in paleo-Hebrew script (11QpaleoLev). Fourteen columns of this scroll survive, containing parts of twelve chapters of the biblical book. The scroll, which is about one meter long, was published by David Noel Freedman and Kenneth A. Mathews.³⁹
4. The fourth well-preserved scroll from Cave 11 is the Temple Scroll. Starting in 1960, Yigael Yadin was in contact with an American Protestant clergyman from Virginia, Joe Uhrig, the broadcaster of a religious program on television. Uhrig served as a middleman for Yadin with the antiquities merchant Shahin. Uhrig and Shahin offered Yadin what is now known as the Temple Scroll.⁴⁰ In December 1961 Yadin paid the American clergyman an advance of \$10,000 for the scroll. In the end, however, Yadin did not receive the scroll; nor did he get the advance back. On June 8, 1967, during the Six-Day War, the scroll was taken from its hiding place under the floor of Shahin's home in Bethlehem and brought straight to Yadin, who had it photographed that same day. Unfortunately, over the course of the eleven years during which the scroll was hidden in Bethlehem it suffered more damage than during the 1900 years it had been buried in Cave 11; its upper part rotted away. After negotiations that lasted for nearly a year the scroll was purchased by the State of Israel.⁴¹

Six months after the Six-Day War, Yadin acquired the leather box of a head phylactery discovered at Qumran for the Shrine of the Book. This box was significant because it still contained three original

Tigheelaar, and A. S. van der Woude, eds., *Qumran Cave 11. II, 11Q2-18, 11Q20-30* (DJD 23; Oxford: Clarendon, 1998).

³⁹ D. N. Freedman and K. A. Mathews, *The Paleo-Leviticus Scroll* (Winona Lake: ASOR, 1985).

⁴⁰ Most of the details about these negotiations can be found at the beginning of Yadin's popular account, *The Temple Scroll: The Hidden Law of the Dead Sea Sect* (New York: Random House, 1985), 8-39. For the same story from a very different perspective, see H. Shanks, "Intrigue and the Scroll," in *Understanding the Dead Sea Scrolls* (ed. H. Shanks; New York: Random House, 1992), 116-125.

⁴¹ The State of Israel paid Shahin \$105,000 for the scroll. Later, at the urging of Moshe Dayan, Shahin received an additional \$20,000. The Wolfson Foundation reimbursed the State of Israel for \$75,000 of the price paid. See Yadin, *The Temple Scroll*, 43.

parchments. Since the precise cave in which this Phylactery was found is not known, it is labeled XQPhyl 1–4.⁴²

No additional scrolls were found in caves near Khirbet Qumran after the discovery of Cave 11 in January 1956; consequently the Bedouin began looking for scrolls and economic documents in caves in the southern part of the Judean Desert, which was part of Israel before the Six-Day War. In 1959 Israeli scholars heard rumours that Bedouin had found additional documents at Wadi Seiyal. This led Yohanan Aharoni to conduct an archaeological survey of the area in the last week of January 1960. He found three caves that contained relics from the period of the Bar Kokhba revolt. In one he found two parchments from a head phylactery and a small fragment of a scroll; in another cave he found a large group of arrows.⁴³ In light of these finds it was decided to launch the Judean Desert Campaign—a systematic survey of the caves in Israeli territory. The campaign was conducted during the last week of March and the first week of April in 1960. It involved four separate teams, headed by Nahman Avigad, Yohanan Aharoni, Pesah Bar-Adon, and Yigael Yadin. They divided the survey area as follows: Avigad's team began with the southern slope of Wadi Seiyal, followed by the eastern section of Naḥal David; Aharoni's group worked on the northern slope of Wadi Seiyal and Naḥal Harduf; Bar-Adon's team surveyed Naḥal Mishmar; and Yadin's group went to Naḥal Arugot and the northern slope of Naḥal Ḥever.⁴⁴ A torn Greek papyrus was found in the Scouts' Cave (renamed, a year later, the "Cave of Treasure") in Naḥal Mishmar.⁴⁵ The most important finds of this campaign were found in the large cave on the northern slope of Naḥal Ḥever, where Yadin's team found a small fragment of the book of Psalms (another twelve fragments of the same scroll had been found by Bed-

⁴² See Y. Yadin, *Tefillin from Qumran (XQPhyl 1–4)* (Jerusalem: IES, 1969). The leather box of this Phylactery was purchased in late January 1968. The fourth parchment inside this box was not original, but had been inserted by Khalil Iskander Shahin after the original parchment disintegrated.

⁴³ On an earlier survey conducted by Aharoni in 1953 in the caves of Naḥal Ḥever, see Y. Aharoni, "The Caves of Naḥal Ḥever," *'Atiqot* 3 (1961): 148–162.

⁴⁴ J. Aviram, "Introduction," *IEJ* 11 (1961): 3–5.

⁴⁵ On this document see B. Lifshitz, "The Greek Documents from Naḥal Seelim and Naḥal Mishmar," *IEJ* 11 (1961): 53–62; H. M. Cotton, "1Mish papList of Names and Account gr," in Charlesworth et al., *Miscellaneous Texts from the Judean Desert*, 203–204.

ouin and are part of the “Wadi Seiyal collection”),⁴⁶ along with fifteen letters (one on a wood tablet, the rest on papyrus) dispatched from Shim'on son of Kosiba's headquarters to the three commanders of Ein Gedi.⁴⁷ As a result, this cave was designated the “Cave of Letters.”

The second stage of the Judean Desert Campaign was conducted a year later, in March 1961. Avigad continued his survey of Naḥal David; Aharoni moved to the southern slope of Naḥal Hever and excavated in the “Cave of Horror,” located opposite the “Cave of Letters.” Bar-Adon and Yadin went back to the caves they had surveyed the previous year, Bar-Adon in Naḥal Mishmar and Yadin in the Cave of Letters.⁴⁸ In a cave in Naḥal Mishmar Bar-Adon turned up a hoard of 429 Chalcolithic vessels.⁴⁹ The private archive of Babatha, daughter of Shim'on, comprising thirty five documents in Nabatean, Aramaic and Greek, written on papyrus and dated to between 93 and 132 CE, was found in the Cave of Letters,⁵⁰ along with the smaller archive of a farmer from Ein Gedi named Eleazar son of Shmu'el, consisting of six Aramaic and Hebrew documents written during the Bar Kokhba revolt.⁵¹ Also found in this cave were the marriage contract of Salome Komaise, the daughter of Levi, whose other documents had been

⁴⁶ Hence there is no doubt that this scroll originated from the Cave of Letters, even though the Bedouin claimed to have found it in Wadi Seiyal. For the publication of fragments of the Psalms Scroll from the Cave of Letters, see P. Flint, “5/6hevPsalms,” in Charlesworth et al., *Miscellaneous Texts from the Judaean Desert*, 141–166.

⁴⁷ On the written artifacts found in the Cave of Letters in 1960, see Y. Yadin, “Expedition D,” *IEJ* 11 (1961): 36–52; *idem*, *Bar-Kokhba* (London: Weidenfeld and Nicolson, 1971), 124–139. For the official publication of the letters, see Y. Yadin, J. C. Greenfield, A. Yardeni, and B. A. Levine, *The Documents from the Bar Kokhba Period in the Cave of Letters* (Jerusalem: IES, 2002), 278–366.

⁴⁸ Aviram, “Introduction,” 167–168.

⁴⁹ See P. Bar-Adon, “Expedition C,” *IEJ* 12 (1962): 215–226; *idem*, *The Cave of the Treasure: The Finds from the Caves in Naḥal Mishmar* (Jerusalem: IES, 1980).

⁵⁰ On Babatha's archive, see Y. Yadin, “Expedition D—The Cave of Letters,” *IEJ* 12 (1962): 227–257; H. J. Polotzky, “The Greek Papyri from the Cave of Letters,” *IEJ* 12 (1962): 258–262; Yadin, *Bar-Kokhba*, 222–253. For the publication of the Greek documents from Babatha's archive, see N. Lewis, *The Documents from the Bar Kokhba Period in the Cave of Letters: Greek Papyri* (Jerusalem: IES, 1989). The Nabatean and Aramaic documents were published in Yadin, Greenfield, Yardeni, and Levine, *Documents from the Bar Kokhba Period*, 73–141, 170–276.

⁵¹ On Eleazar son of Shmu'el's archive see, Yadin, “Expedition D—The Cave of Letters,” 248–257; *idem*, *Bar-Kokhba*, 172–183. The archive was published in full in Yadin, Greenfield, Yardeni, and Levine, *Documents from the Bar Kokhba Period*, 37–70, 142–168.

found by Bedouin and are part of the “Wadi Seiyal collection”.⁵² A small fragment of a scroll of the book of Numbers was found near the entrance of the cave,⁵³ along with fragments of a Nabatean document published by Father Jean Starcky (it too part is of the “Wadi Seiyal collection”).⁵⁴ In light of these findings, there is no doubt that most of the documents included in the “Wadi Seiyal collection” actually came from the Cave of Letters in Naḥal Hever.

During the second season of Operation Judean Desert, Yohanan Aharoni’s group dug in the Cave of Horror, on the southern bank of Naḥal Hever.⁵⁵ They found nine small fragments of a scroll bearing a Greek translation of the Twelve Minor Prophets, three fragments of a scroll of a Hebrew prayer, a papyrus fragment with a text in Greek, and four ostraca of names laid alongside people who were buried in the cave.⁵⁶ Many fragments of the Greek Minor Prophets Scroll are

⁵² The marriage contract of Salome Komaise, the daughter of Levi was found by Yadin’s team in a narrow passage between the inner chamber (Hall C) and Hall B in the Cave of Letters. See Yadin, “Expedition D—The Cave of Letters,” 231. Hence it is designated Papyrus Yadin 37. There is thus no doubt that the archive of Salome daughter of Levi, along with those of Yehonatan son of Be’ayan, Babatha daughter of Shimon, and Eleazar son of Shmuel, were secreted away in the innermost chamber of the Cave of Letters, where they were discovered by the Bedouin, who dropped the marriage contract when they crawled back out of Hall C. When it became apparent that the marriage contract was part of the archive of Salome Komaise daughter of Levi, whose documents are part of the Wadi Seiyal collection, it received the supplementary designation XHev/Se papMarriage Contract 65. The document was published by Lewis, *Greek Papyri*, 130–133; and later by Cotton in Cotton and Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts*, 224–237. On the archive of Salome Komaise daughter of Levi, see H. M. Cotton, “The Archive of Salome Komaise Daughter of Levi, Another Archive from the Cave of Letters,” *ZPE* 105 (1995): 171–208; H. Eshel, “Another Document from the Archive of Salome Komaise Daughter of Levi,” *Scripta Classica Israelica* 21 (2002): 169–171.

⁵³ These fragments were found by the eastern entrance of the Cave of Letters; see Yadin, “Expedition D—The Cave of Letters,” 228–229. The Bedouin dropped this small fragment at the mouth of the cave. Three other fragments of this scroll made their way to the Wadi Seiyal collection at the Rockefeller Museum. See P. Flint, “5/6Hev Numbers,” Charlesworth et al., *Miscellaneous Texts*, 137–140.

⁵⁴ On this document see J. Starcky, “Un Contrat nabatéen sur papyrus,” *RB* 61 (1954): 161–181; Yadin, “Expedition D—The Cave of Letters,” 226; A. Yardeni, “The Decipherment and Restoration of Legal Texts from The Judaean Desert: A Reexamination of Papyrus Starcky (P. Yadin 36),” *Scripta Classica Israelica* 20 (2001): 121–137.

⁵⁵ The designation “Cave of Horror” was given to this cave because it contained more than forty skeletons of Jewish refugees who fled there at the end of the Bar Kokhba Revolt.

⁵⁶ See Y. Aharoni, “Expedition B—The Cave of Horrors,” *IEJ* 12 (1962): 186–199. For the publication of the hymn and the Greek papyrus see Charlesworth et al., *Miscellaneous Texts from the Judaean Desert*, 167–172 and E. Qimron, “Improving the Editions of the Dead Sea Scrolls (4): Benedictions,” in *Meghillot: Studies in the Dead*

part of the Wadi Seiyal collection,⁵⁷ which indicates that some of those documents actually came from the Cave of Horror in Naḥal Ḥever.⁵⁸

After the two seasons of the Judean Desert Expedition, the Bedouin came to the conclusion that there was no point in continuing to look for scrolls and documents in the southern Judean Desert and turned their attention to caves north of Jericho. In April 1962 the Rockefeller Museum, through Khalil Iskander Shahin, received papyri from a cave in Wadi ed-Daliyeh. These documents date from the fourth century BCE. After some of them had been acquired by ASOR, the Bedouin led Paul Lapp to the cave in December 1962.⁵⁹ ASOR conducted two seasons of excavations there, directed by Lapp, in January 1963 and February 1964.⁶⁰ The skeletons of some three hundred refugees from the city of Samaria, who had fled from the armies of Alexander the Great, were discovered along with fragments of eighteen more or less decipherable economic documents as well as fragments of a further twenty economic documents.⁶¹ The cave also yielded 128 bullae used to seal the documents.⁶² All of the Wadi ed-Daliyeh documents are economical documents written in Aramaic. Ten of them are deeds of

Sea Scrolls IV (ed. M. Bar-Asher and E. Tov; Jerusalem: Bialik Institute and Haifa University Press, 2006), 191–200 [Hebrew]; XV [English].

⁵⁷ For the official publication of the Greek Minor Prophets from the Cave of Horror see E. Tov, ed., *The Greek Minor Prophets Scroll from Naḥal Ḥever (8QH^vXIIgr): The Seiyal Collection I* (DJD 8; Oxford: Clarendon, 1990).

⁵⁸ Nevertheless, we cannot accept the premise that all of the documents in the Wadi Seiyal Collection come from the Cave of Letters and the Cave of Horror. At least two documents seem to come from a cave in the upper stretch of Naḥal Ḥever; see D. Amit and H. Eshel, "The Bar Kokhba Revolt in the Southern Hebron Mountains," *Eretz-Israel* 25 (1995/96): 463–470 [Hebrew]; 106 [English]. Two other documents evidently originated from Wadi Hammamat on the eastern side of the Dead Sea. See H. Eshel, "The History of the Research and Survey of the Finds" in Eshel and Amit, *Refuge Caves*, 52–54 [Hebrew]. For the possibility that other documents in the Wadi Seiyal collection were not found in Naḥal Ḥever, see Eshel, *ibidem*, 61.

⁵⁹ On the discoveries in Wadi ed-Daliyeh, see F. M. Cross, "The Discovery of the Samaria Papyri," *BA* 26 (1963): 110–121. The last artifacts discovered by Bedouin in Wadi ed-Daliyeh were purchased from them in August 1963.

⁶⁰ For the full scientific report on the two seasons of excavations in Wadi ed-Daliyeh, see P. W. Lapp and N. L. Lapp, ed., *Discoveries in the Wadi ed-Daliyeh* (AASOR 41; Cambridge: ASOR, 1974).

⁶¹ For photographs of all the documents and fragments found in Wadi ed-Daliyeh along with the readings and translations of the eleven most intact documents, see D. M. Gropp, "The Samaria Papyri from Wadi Daliyeh," in *Wadi Daliyeh II: The Samaria Papyri and Qumran Cave 4. XXVIII: Miscellanea, Part 2* (DJD 28; ed. D. M. Gropp et al.; Oxford: Clarendon, 2001), 3–116.

⁶² For the publication of the bullae from Wadi ed-Daliyeh see M. J. W. Leith, ed., *Wadi Daliyeh Seal Impressions* (DJD 24; Oxford: Clarendon, 1997).

slave sales (documents 1–9, 18); two describe transactions in which a slave was given as security for a loan (documents 10 and 12); one is a court decision concerning ownership of a slave (document 11). Another attests to the manumission of a slave or the fact that he no longer served as security (document 13). Three documents deal with the sale of real estate: one is a deed of consignment of a room in a sanctuary (document 14),⁶³ the second is a deed of a house sale (document 15), and the third is a deed of pledge of a vineyard (document 16). Also found were a receipt payment in relation to a pledge (document 17) and a small fragment containing a legal declaration taken as an oath (fragment 23). Fragment 22, the most ancient found in Wadi ed-Daliyeh, can be dated to between the thirtieth and thirty-ninth year of Artaxerxes II (i.e., 375–365 BCE). Document 1, which is the most recent, was written in 335 BCE. All of the Wadi ed-Daliyeh documents were written “in the city of Samaria in the province of Samaria.”⁶⁴

The excavations at Masada ran from October 1963 through April 1965.⁶⁵ Fifteen scrolls were unearthed in the fortress (one on papyrus).⁶⁶ Masada also revealed eighteen papyri in Latin, nine papyri in Greek, and two bilingual (Greek and Latin) papyri; 150 ostraca with inscriptions in Latin and Greek;⁶⁷ and 701 ostraca with texts in Aramaic and

⁶³ On the importance of this document, see H. Eshel, “Wadi Daliyeh Papyrus 14 and the Samaritan Temple,” *Zion* 61 (1996): 359–365 [Hebrew]; XXVI [English].

⁶⁴ On the importance of these documents for reconstructing the history of the city of Samaria, see H. Eshel, “The Governors of Samaria in the Fifth and Fourth Centuries B.C.E.,” in *Judah and the Judeans in the Fourth Century B.C.E.* (ed. O. Lipschits, G. Knoppers and R. Albertz; Winona Lake: Eisenbrauns, 2007), 223–234. A comparison of the documents from Wadi ed-Daliyeh with the later documents found in the Judean Desert indicates a major change in the economy of the country. Most of the Wadi ed-Daliyeh documents are about slaves, whereas the later ones never mention them, except for an ostrakon found in Kh. Qumran in 1986, to be discussed below.

⁶⁵ On the first season of excavations at Masada see Y. Yadin, “The Excavation of Masada—1963/64, Preliminary Report,” *IEJ* 15 (1965): 1–120. On the scrolls and inscriptions see *ibidem* 103–114. For a popular summary of the Masada excavations, see Y. Yadin, *Masada: Herod’s Fortress and the Zealots’ Last Stand* (trans. Moshe Pearlman; London: Weidenfeld and Nicolson, 1966), esp. 168–191 dealing with the Scrolls.

⁶⁶ For the publication of the scrolls found at Masada, see S. Talmon and Y. Yadin, *Masada VI: Yigael Yadin Excavations 1963–1965. Final Report* (Jerusalem: IES, 1999).

⁶⁷ The Latin papyri found at Masada include the salary slips of a Roman legionnaire and a document about the distribution of medical supplies. The most important of these papyri includes a quotation from the Aeneid. For the publication of the Latin and Greek documents found at Masada, see H. M. Cotton and J. Geiger, *Masada II: Yigael Yadin Excavations 1963–1965. Final Report* (Jerusalem: IES, 1989).

Hebrew, most of them evidently vouchers for provisions.⁶⁸ The scrolls found at Masada can be divided into three groups: seven biblical scrolls, four scrolls with parts of apocryphal texts, and four other scrolls. The biblical scrolls include a fragment of Genesis; two scrolls of Leviticus; the remains of a scroll comprising three fragments of Deuteronomy; a fragmentary scroll of which fifty fragments of Ezekiel survive; and two Psalms scrolls. The apocryphal texts include the most important scroll found at Masada, i.e. seven columns from the book of ben Sira Chapters 39–44.⁶⁹ Another apocryphal text is based on Genesis. The third scroll is an apocryphon based on the Book of Joshua. The last scroll in this category contains a fragment closely related to the *Book of Jubilees*. The most important of the last group of four scrolls contains parts of a hymn known as the “Songs of the Sabbath Sacrifice” (*Shirot olat ha-Shabbat*), nine copies of which were found in the Qumran caves.⁷⁰ Fragments of two other as yet unidentified scrolls were also found. The last work is written in Paleo-Hebrew script on both sides of the papyrus. The word *lirnana* ‘sing joyously’ appears twice on one side, along with the place name ‘Mt. Gerizim’.⁷¹ Of special importance is the fact that the two biblical scrolls were found buried in the Masada synagogue.

After the excavations on Masada came to an end, no more documents were discovered in the Judean Desert until 1986. We see, then, that during the eighteen years of the Golden Age of archaeological research in the Judean Desert, most of the documents were discovered

⁶⁸ For the publication of the Aramaic and Hebrew ostraca found at Masada, see Y. Yadin and J. Naveh, “The Aramaic and Hebrew Ostraca and Jar Inscription,” in, *Masada I: Yigael Yadin Excavations 1963–1965. Final Report* (Jerusalem: IES, 1989), 1–68.

⁶⁹ This scroll was discovered on the 8th of April 1964 in a room in the casemate wall, not far from the snake path gate. It was published by Yadin within a year. See Y. Yadin, *The Ben Sira Scroll from Masada* (Jerusalem: IES and the Shrine of the Book, 1965). This book was published to mark the opening of the Shrine of the Book on 20th of April 20, 1965 and has been repr. with notes on the readings by E. Qimron and a bibliography by F. García Martínez, in Talmon and Yadin, *Masada VI*, 152–251.

⁷⁰ See C. Newsom and Y. Yadin, “The Masada Fragment of the Qumran Songs of the Sabbath Sacrifice,” *IEJ* 34 (1984): 77–88.

⁷¹ Talmon believed that the use of Paleo-Hebrew, a script later used by the Samaritans, and the reference to Mt. Gerizim in the papyrus indicate that it contains a Samaritan prayer. See Talmon and Yadin, *Masada VI*, 138–149. For the possibility that it is in fact a Jewish prayer recited on 21 Kislev, the holiday instituted to mark the destruction of the Samaritan temple, see H. Eshel, “The Prayer of Joseph, a Papyrus from Masada and the Samaritan Temple on APTAPIZIN,” *Zion* 56 (1991): 125–136 [Hebrew]; XII [English].

by Bedouin. In all these cases, Khalil Iskander Shahin was the middleman between the Bedouin and the archaeologists. The scrolls from Qumran Caves 1, 2, 4, 6, and 11 were found by Bedouin and reached the Rockefeller Museum and the Shrine of the Book after passing through his hands. Similarly, the scrolls and documents found in Wadi Murabba'at, Khirbet Mird, Naḥal David, and Wadi ed-Daliyeh passed through him. The so-called Wadi Seiyal collection, most of which actually derives from the Cave of Letters and the Cave of Horror in Naḥal Ḥever, also came to the Rockefeller Museum after being purchased by Shahin.

The curators of the Rockefeller Museum made great efforts to acquire all of the Judean Desert scroll fragments and keep them together in the Museum. Their efforts proved amazingly successful; more than 95% of the fragments ended up in the Museum, enabling scholars to piece together and identify many fragments correctly. Nevertheless, a small number of fragments were scattered among various public and private collections. Those in public collections include the following:

1. 377 fragments in the possession of the Bibliothèque nationale in Paris derive from eighteen scrolls found in Qumran Cave 1.
2. Fragments of twenty scrolls found at Qumran are held in the National Archaeological Museum on the Citadel in Amman, Jordan.⁷²
3. The University of Louvain, Belgium holds fourteen Greek Papyri of the New Testament from Kh. Mird as well as a booklet written in Christian Palestinian Aramaic.⁷³
4. Four phylactery parchments from Cave 4 are now kept by the University of Heidelberg in Germany.⁷⁴
5. The Flagellation Museum of the Franciscan Order on the Via Dolorosa in the Old City of Jerusalem owns two fragments from Cave 4: one belongs to a scroll containing an apocryphon based on the Book of Joshua (4Q379); the other is the only surviving fragment

⁷² These are fifteen scrolls from Cave 1, four scrolls from Cave 4, and the Copper Scroll from Cave 3. For a full list see G. J. Brooke, "Amman Museum," in Schiffman and VanderKam, eds., *Encyclopedia of the Dead Sea Scrolls*, 1: 22–23.

⁷³ See Reed, *Catalogue*, 223–225; M. Baillet, "Un livret magique en christo-paléstinien à l'Université de Louvain," *Le Muséon* 76 (1963): 375–401; S. Verhelst, "Les Fragments du Castellion (Kh. Mird) des évangiles de Marc et de Jean (P⁸⁴)," *Le Muséon* 116 (2003): 15–44.

⁷⁴ See Reed, *Catalogue*, 66–67.

- of a composition called Renewed Earth (4Q475). The Franciscans also possess a Hebrew document from Year Two of the Bar Kokhba Revolt from Wadi Murabba'at that has never been published.⁷⁵
6. The Musée de la Terre Sainte (Holy Land Museum) of the Catholic Institute in Paris owns a fragment from a Psalms scroll found in Cave 4 (4Q98=4QPs^a) along with the deed of sale of a field from the time of the Bar Kokhba Revolt.⁷⁶
 7. The Oriental Institute at the University of Chicago owns a fragment from a scroll called "Wiles of the Wicked Woman" (4Q184).⁷⁷
 8. Several tiny fragments, evidently from the Wadi Murabba'at caves, are in the possession of McGill University in Montreal.⁷⁸

In addition to these fragments held in public collections, we also know of a number of fragments in private hands.⁷⁹ Fragments of three scrolls from Qumran Cave 1, formerly in the possession of Mar Samuel, are

⁷⁵ For photographs of the two Qumran fragments, see P. A. Spijkerman, "Chronique de Musée de la Flagellation," *Liber Annus* 12 (1961–1962): 324–325. For the association of the first fragment with the other four fragments of this scroll found in Cave 4, see C. Newsom, "379. 4QApocryphon of Joshua^b," in *Qumran Cave 4. XVII: Parabiblical Texts, Part 3* (DJD 22; ed. G. Brooke et al.; Oxford: Clarendon, 1996), 262–265. On the second fragment, see T. Elgvin, "475. 4QRenewed Earth," in *Qumran Cave 4. XXVI* (DJD 36; ed. P. Alexander et al.; Oxford: Clarendon, 2000), 464–473. These two fragments from Qumran are said to have been offered for sale in 1953 or 1954 by a Jordanian policeman stationed in the town of Salt, cf. Philip Alexander et al., *Qumran Cave 4. XXVI: Cryptic Texts and Miscellanea, Part 1* (DJD 36; Oxford: Clarendon, 2000), 465 n. 6. The document from Wadi Murabba'at was bought in February 1962. This nine line document, (11 × 8 cm) will be published by Fr. Gregor Geiger. I would like to thank Torleif Elgvin for drawing my attention to this document from Wadi Murabba'at.

⁷⁶ See P. W. Skehan, E. Ulrich, and P. W. Flint, "98. 4QPs^a," in *Qumran Cave 4. XVI: Psalms to Chronicles* (DJD 16; ed. E. Ulrich et al.; Oxford: Clarendon, 2000), 145–149. On the document from the time of Bar Kokhba see notes 143–144 below.

⁷⁷ In the official publication of this scroll this fragment was reported as being in private hands, see J. M. Allegro, *Qumran Cave 4. I (4Q158–4Q186)* (DJD 5; Oxford: Clarendon, 1968), 84. It emerged subsequently that this fragment is at the University of Chicago, cf. J. Strugnell, "Notes en marge du volume V des 'Discoveries in the Judaean Desert of Jordan,'" *RevQ* 7 (1970): 163–276, 268. E. J. C. Tigchelaar is not certain that this fragment really belongs to 4Q184 see Reed, *Catalogue*, 78.

⁷⁸ See Reed, *Catalogue*, xviii. Note that the John Rylands University Library in Manchester owns several un-inscribed scroll fragments from Qumran Cave 1 which had been sent to be studied by H. J. Plenderleith, see the report he published in Barthélemy and Milik, *Qumran Cave 1*, 39–40.

⁷⁹ For an incomplete survey of the various collections that contain Qumran scroll fragments, see P. W. Flint, "Museums and Collections," in Schiffman and VanderKam, eds., *Encyclopedia of the Dead Sea Scrolls*, 1: 586–587. In 1973, a fragment of a Byzantine papyrus from the 5th–6th century CE was found, near the columbarium in the western section of Masada. See Cotton and Geiger, *Masada 11*, 89–90.

now owned by a Syrian Orthodox Church in New Jersey.⁸⁰ Two fragments from Cave 4 were purchased by M. Testuz of France. One of them is a Hebrew fragment of the book of the Hosea (4Q78=4QXII^c); the second, an Aramaic fragment from the work known as the Testament of Jacob (4Q537).⁸¹ In 1980, another fragment from the Wadi Murabba'at Genesis Scroll, in private hands, was published. Its owner wished to remain anonymous.⁸² We should also mention three biblical fragments stolen from the Rockefeller Museum in 1966, when the members of the diplomatic corps accredited to the Kingdom of Jordan had been invited to view the scroll fragments.⁸³ The three missing items are the largest fragment of one of the scrolls of the book of Samuel from Cave 4 (4Q52=4QSam^b) and two fragments from the oldest scroll of the book of Daniel (4Q114=4QDan^c). No one knows who has these fragments today.⁸⁴

⁸⁰ See Reed, *Catalogue*, 31–32.

⁸¹ The collector himself published the two fragments he had purchased. See M. Testuz, “Deux fragments inédits des manuscrits de la mer Morte,” *Semitica* 5 (1955): 37–38. For the identification of these fragments as parts of scrolls from Cave 4, see R. E. Fuller, “78. 4QXII^c,” in *Qumran Cave 4. X: The Prophets* (DJD 15; ed. E. Ulrich et al.; Oxford: Clarendon, 1997), 237–242. On the Aramaic fragment, see E. Puech, *Qumran Cave 4. XXII: Textes Araméens* (DJD 31; Oxford: Clarendon, 2001), 171–175.

⁸² See E. Puech, “Fragment d’un Rouleau de la Genèse provenant de Désert de Juda,” *RevQ* 10 (1980): 163–166. This was the first appearance of a phenomenon that occurred increasingly after 2002, i.e. private collectors allowing publication of the fragments in their possession. Note that, generally speaking, the scientific publication of an artifact in a private collection increases its value. The situation of the Dead Sea Scrolls is somewhat unique, however, because Khalil Iskander Shahin and his heirs did not and still do not have direct connections with collectors who can pay the small fortune they demand for the scrolls. Consequently they rely on scholars to put them in contact with the collectors. Scholars are more interested in unpublished scrolls than in those that have already been published, so in this case antiquities dealers prefer that the scrolls in their hands will not be published.

⁸³ On this incident see F. Maranz, “The Case of the Missing Scrolls,” *Jerusalem Report*, December 26, 1991, 6.

⁸⁴ This Samuel scroll is among the oldest found at Qumran, and its textual variants are extremely important. Fortunately, all three fragments were photographed before they were stolen. For a photograph of the missing Samuel fragment, see F. M. Cross et al., *Qumran Cave 4. XII: 1–2 Samuel* (DJD 17; Oxford: Clarendon, 2005), pl. XXIV. For photographs of the two missing fragments of Daniel, see E. Ulrich et al., *Qumran Cave 4. XVI: Psalms to Chronicles* (DJD 16; Oxford: Clarendon, 2000), pl. XXXIV. On the fact that the two fragments were stolen, see *ibidem*, 269. On the importance of the missing Samuel fragment, see E. M. Cook, “1 Samuel XX 26–XXI 5 According to 4QSam^b,” *Vetus Testamentum* 44 (1984): 442–454.

III. *New Texts from Qumran*

After this survey of eighteen glorious years of archaeological exploration in the Judean desert, we turn to the scroll fragments that have been published since 1984. My presentation is chronological, beginning with literary remains found in Qumran and proceeding to those from the time of the Bar Kokhba Revolt.⁸⁵ In particular, I begin the second part of my survey with Yigael Yadin's death in 1984, even though the first publication of a fragment owned by a collector who wishes to stay anonymous, dates back to 1980. This phenomenon intensified after the completion, in 2002, of the publication of the thousands of fragments held in the Rockefeller Museum in Jerusalem. Because three small fragments of Qumran scrolls and three economic documents from the time of the Bar Kokhba revolt which Yadin had managed to retrieve were published only after his death, I will begin this part of my survey in 1984.

The Leviticus scroll from Cave 11, in paleo-Hebrew script, was published in 1985.⁸⁶ An appendix to this volume included a large two-column fragment (labelled fragment L) that had not been acquired by the Rockefeller Museum but was purchased by Prof. George Roux of France in January 1967. The authors wrote that they had not included the fragment in the body of their edition because they were made aware of its existence at a late stage and because of the poor quality of

⁸⁵ Even though the present article deals with the Qumran scrolls and the Bar Kokhba-era documents, it bears noting that a two-line legal papyrus that was offered to the British Museum still sealed by a bulla, was published in 1990. The document was opened by the Museum, which decided not to purchase it because some scholars doubted its authenticity. It is known as the "marzeah papyrus," because it documents a legal ruling concerning the ownership of a tavern, mill, and house. Based on the script, this document should probably be dated to the end of the Iron Age (i.e., the sixth century BCE). The shape of the letter *mem* and the language employed suggest that it may be a Moabite document. When it was first published, the suggestion was made, based on an incorrect reading of the bulla, that it had been discovered north of the Dead Sea in Transjordan. Now that the bulla has been read correctly, this possibility is untenable. Concerning this document, see: P. Bordeuil and D. Pardee, "Le papyrus du marzéah," *Semitica* 38 (1990): 49–68; F. M. Cross, "A Papyrus Recording a Divine Legal Decision and the Root *rhq* in Biblical and Near Eastern Legal Usage," in *Leaves from an Epigrapher's Notebook* (Winona Lake: Eisenbrauns, 2003), 63–69; S. Ahituv, "A Divine Verdict: A Judicial Papyrus of the Seventh Century BCE," *Eretz-Israel* 26 (1998/99): 1–4 [Hebrew]; 226 [English]. So far as is known, this document currently belongs to an American collector and was part of the travelling exhibitions mentioned below.

⁸⁶ See Freedman and Mathews, *The Paleo-Leviticus Scroll*.

the photographs of the fragment made available to them. In fact, two unclear photos of the fragment were included in the book. Nevertheless they did propose an initial deciphering of the fragment. The first column of this fragment consists of Leviticus 21:7–12, while the second column contains 22:21–27.⁸⁷ Four years later, Emile Puech published an excellent photo of this fragment along with improved readings.⁸⁸

After Yigael Yadin died, three tiny fragments of Qumran scrolls were found in his desk drawer. They were transferred to the Shrine of the Book and published by Shemaryahu Talmon, who was unable to identify them with any previously known scroll. The first fragment consisted of the upper margin and three lines with parts of verses from Psalm 18:21–29. The other two fragments are in Hebrew.⁸⁹ After they were published, Eibert Tigchelaar identified the first fragment as part of one of the Psalms scrolls from Cave 11 (11Q8=11QPs^d).⁹⁰ The other two fragments were also subsequently identified as parts of scrolls from Cave 11.⁹¹ One, part of the *Jubilees* scroll from Cave 11 (11Q12=11QJubilees), contains *Jubilees* 7:4–5. The other is part of a hymn from Cave 11 (11Q16=11QHymn^b) that resembles the prayer known as the “Words of the Luminaries,” three copies of which were found in Cave 4.⁹²

In January 1992, while Bruce Zuckerman and Stephen Reed were cataloguing photographs of scrolls held by the Shrine of the Book, they found a photo of a round fragment containing parts of ten lines written in Aramaic. Even at first glance it was clear that this was one of the fragments that survived from 11QtgJob. The fragment in the pho-

⁸⁷ Freedman and Mathews, *The Paleo-Leviticus Scroll*, 3 and Plate 5. For an initial reading of the text, see Freedman and Mathews, *The Paleo-Leviticus Scroll*, 83.

⁸⁸ See E. Puech, “Notes en marge de 11QPaléoLévitique: le fragment L, des fragments inédits et une jarre de la Grotte 11,” *RB* 96 (1989): 161–189. According to Puech, this fragment was purchased in 1963. This fragment was part of the exhibitions in the United States mentioned below. The fragment is in an advanced state of decomposition.

⁸⁹ See S. Talmon, “Fragments of Hebrew Writings without Identifying Sigla of Provenance from the Literary Legacy of Yigael Yadin,” *DSD* 5 (1998): 149–155.

⁹⁰ See García Martínez, Tigchelaar, and van der Woude, *Qumran Cave 11. II*, 66–67.

⁹¹ H. Eshel, “Three New Fragments from Qumran Cave 11,” *DSD* 8 (2001): 1–8.

⁹² Later, Shemaryahu Talmon accepted these identifications and used the suggested sigla. See S. Talmon, “5a. XQText A (=11QJub frg. 7a)” and “5b. XQTextB (=11QHymns^b frg. 2),” in Alexander et al., *Qumran Cave 4. XXVI*, 485–489.

tograph was the targum of Job 23:1–8.⁹³ Before the discovery of this photo, twenty-seven round fragments were known; their shape indicates that they were adjacent to one another when the scroll was rolled. Moths had eaten most of the scroll except for this round “plug,” which is why the surviving fragments of columns of the scroll are round. Because Fragment 6 of the scroll bore part of the Targum of Job 21:20–27, while Fragment 7 covered two columns, with parts of the translation of Job 24:12–17 in the right-hand column, the new fragment must have come from between them (today it is labelled Fragment 6a). The photographs found in the Shrine of the Book were taken on June 8, 1967, that is, while the Six-Day War was still in progress. Because this was also the day when the first photos of the Temple Scroll were taken, it is likely that this fragment of the Job Targum had also been in Khalil Iskander Shahin’s home, along with the Temple Scroll, and was brought to Yadin together with it on June 8, 1967. In the article that accompanied publication of the photograph, the authors wrote that the “new” fragment was of unknown provenance (all they had was the photograph from the Shrine of the Book). Five years later, however, with the official publication of the Job Targum in the *Discoveries in the Judaean Desert* series, it was reported that the new fragment had been located and attached to the other fragments of this scroll.⁹⁴

A small fragment from one of the Annexes to the Community Rule (1QS), discovered in Cave 1 in 1947, was published in 1994.⁹⁵ This fragment had been presented to the scrolls scholar William Brownlee by Mar Athanasius Samuel in 1973. After Brownlee died in 1983 his widow sold the fragment to the Norwegian collector Martin Schøyen. The fragment in question, which has parts of four lines, links up perfectly with the fifth column of the “Rule of Blessings (1QSb).” The article that accompanied the publication of the fragment included two photographs of it, the first taken in 1973 and the second in 1994. A comparison of the two is instructive: whereas one can make out nineteen letters in the earlier photograph, only fourteen are visible in the second one. As we shall see, this state of affairs, in which fragments

⁹³ See B. Zuckerman and S. A. Reed, “A Fragment of an Unstudied Column of 11QtgJob: A Preliminary Report,” *Comprehensive Aramaic Lexicon Newsletter* 10 (1993): 1–7.

⁹⁴ See García Martínez, Tigchelaar, and van der Woude, *Qumran Cave 11. II*, 101.

⁹⁵ See G. J. Brooke and J. M. Robinson, *A Further Fragment of 1QSb: The Schøyen Collection MS 1909* (Occasional Papers 30; Claremont: The Institute for Antiquity and Christianity, 1994) [= *Journal of Jewish Studies* 46 (1995): 120–133].

owned by private owners fade, is not unique to this fragment.⁹⁶ Tiny fragments from the first two columns of 1QapGen, also in a collection of Martin Schøyen, were published two years later.⁹⁷

That same year, Haggai Misgav published four fragments of scrolls owned by the Hecht Museum at the University of Haifa.⁹⁸ One of them was identified as part of one of the copies of the Songs of the Sabbath Sacrifice from Qumran Cave 4 (4Q401). The fragment comes from the hymn for the eighth Sabbath, which describes the seven calls by the seven “chief princes of the angels,” recited as a liturgical sequence. The hymn describes how each angel grants permission to the next to utter the praises of the Lord, with the praises of each one increasing sevenfold during the course of the hymn.⁹⁹

Two years later, André Lemaire published a small fragment containing the right margin and the beginning of four lines from column 14 of the Temple Scroll. This fragment includes the laws of the sacrifices to be offered on the first day of the first month, which is the first day of the priestly days of ordination.¹⁰⁰ A year later Lemaire published another small fragment with parts of five lines in Aramaic (XQOffering ar).¹⁰¹ This fragment, too, deals with the laws of sacrifice, but has not yet been identified (that is, it has not yet been associated with an

⁹⁶ This has prompted antiquities dealers doing their utmost today to sell any fragments still in their possession before they crumble into dust. Three other factors have caused them to think that they should try to sell such fragments now, before it is too late: (1) the fact that in the 1990s collectors paid vast sums for Qumran fragments; (2) The announcement of some of those collectors that they are not interested in acquiring additional fragments; (3) the economic slowdown of recent years. All of this has led antiquities dealers, for the first time since the scrolls were discovered, to the conclusion that they may have missed the boat; that is, that they could have received more for the fragments had they sold them in the 1990s. Given the precarious state of the fragments, any further delay is liable to reduce their value.

⁹⁷ See M. Lundberg and B. Zuckerman, “New Aramaic Fragments from Qumran Cave One,” *Comprehensive Aramaic Lexicon Newsletter* 12 (1996): 1–5.

⁹⁸ See H. Misgav, “2. XReceipt ar and gr,” in Gropp et al., *Wadi Daliyeh II*, 223–229.

⁹⁹ See H. Eshel, “Another Fragment (3a) of 4QShirot ‘Olat HaShabbat^b (4Q401),” in *Liturgical Perspectives: Prayer and Poetry in Light of the Dead Sea Scrolls* (STJD 48; ed. E. G. Chazon; Leiden: Brill, 2003), 89–94.

¹⁰⁰ A. Lemaire, “Nouveaux fragments du Rouleau du Temple de Qumrân,” *RevQ* 17 (1996): 271–274.

¹⁰¹ A. Lemaire, “Un fragment araméen inédit de Qumrân,” *RevQ* 18 (1997): 331–333; *idem*, “6. XQOffering ar,” in Alexander et al., *Qumran Cave 4. XXVI*, 490–491.

identified scroll).¹⁰² The two fragments are part of a private collection in Jerusalem.

In 2000, Armin Lange published a fragment of a scroll that had been purchased by a Finnish clergyman in the 1960s. The clergyman insisted on remaining anonymous and bequeathed the fragments to the State of Israel. It is now housed in the Shrine of the Book. This fragment preserves parts of six lines, but Lange was unable to identify them.¹⁰³ After its publication it was identified as coming from one of the copies of 4QInstruction (4Q418).¹⁰⁴

About three years ago I was asked to serve as the academic advisor to several American collectors who own rare copies of the Bible when they organized exhibitions about the history of the Bible and its English translations.¹⁰⁵ Over a period of two years, until February 2005, the exhibitions were mounted in several cities in the southern United States and in the Midwest. They included several fragments of Qumran scrolls that had not been acquired by the Rockefeller Museum in the 1950s and had remained in the possession of Khalil Iskander Shahin. Because the exhibition dealt with the history of the Bible, the collectors preferred to include passages from biblical scrolls. In the first article about these fragments, six of those included in the exhibition were published, four of them from biblical scrolls.¹⁰⁶ The items from Cave 4 were a fragment from the Genesis scroll (4Q6=4QGen^f) and two fragments of an Isaiah scroll (4Q56=4QIsa^b). It is unfortunate that a small fragment of Genesis included in the exhibition seems to come from Cave 8 (8QGen); this is because Cave 8 was discovered by Roland de Vaux himself (and not by Bedouin), leading to the conjecture that

¹⁰² One should consider the possibility that this fragment comes from the New Jerusalem Scroll found in Cave 11 (11Q18=11QNew Jerusalem). On this scroll, see García Martínez, Tigchelaar, and van der Woude, *Qumran Cave 11. II*, 305–355.

¹⁰³ See A. Lange, “XQUnidentified Text,” in Alexander et al., *Qumran Cave 4. XXVI*, 492–493.

¹⁰⁴ See E. Puech and A. Steudel, “Un nouveau fragment du manuscrit 4QInstruction (XQ7 = 4Q417 ou 418),” *RevQ* 19 (2000): 623–627; E. Tigchelaar, *To Increase Learning for the Understanding Ones* (Leiden: Brill, 2001), 125.

¹⁰⁵ We would like to thank Dr. William H. Noah of Murfreesboro, Tennessee, Mr. Bruce Ferrini of Bath, Ohio, and Mr. Lee Biondi of Los Angeles for allowing us to study and publish these fragments.

¹⁰⁶ The six fragments published in the first article are scroll fragments for which we received infrared photographs plus a scale, making it possible to publish them in full. See E. Eshel and H. Eshel, “New Fragments from Qumran: 4QGen^f, 4QIsa^b, 4Q226, 8QGen and XQpapEnoch,” *DSD* 12 (2005): 134–157.

the fragment in question was stolen by one of his workers.¹⁰⁷ The two non-biblical fragments we were able to publish are a small fragment from a scroll similar to the *Book of Jubilees* (4Q226 = 4QpseudoJubilees), which recounts either the banishment of Hagar or the binding of Isaac. Another fragment, on papyrus, contains the end of chapter 8 and the beginning of chapter 9 of *1 Enoch*. This fragment is the first to be found of a new copy of that work. Because we do not know which cave this fragment was found in, it is designated XQpapEnoch. The text here is important, because it makes it possible to correct a number of reconstructions proposed by Joseph Milik for two fragments of *1 Enoch* found in Cave 4.¹⁰⁸

The items from the American travelling exhibitions were published in three catalogues.¹⁰⁹ Another article dealt with six fragments whose photographs were published in these catalogues (five biblical fragments and a small fragment from one of the copies of 4QInstruction). The same article also discussed a fragment from one of the Psalms scrolls from Cave 11, now in the possession of Ashland Theological Seminary in Ohio, a photograph of which was in a pamphlet published by the seminary.¹¹⁰ The Ashland fragment can be joined to one of the fragments shown in the exhibition; it seems likely, therefore, that the two fragments were still connected when they were discovered in Cave 11 in 1956. Over time, however, the single fragment disintegrated so that one part is now in Ohio and the other formed part of the exhibitions. With the exception of these two fragments of the Psalms scroll from

¹⁰⁷ One cannot rule out the possibility that this fragment was stolen from the Rockefeller Museum, but because it was not photographed, it seems more likely that it was stolen in the field and not at a later stage.

¹⁰⁸ On the new fragment of the *Book of Enoch*, see E. Eshel and H. Eshel, "A New Fragment of the *Book of the Watchers* from Qumran (XQpapEnoch)," *Tarbiz* 73 (2004): 171–179 [Hebrew]; V [English]. For an English version, see note 106 above.

¹⁰⁹ Lee Biondi, *From the Dead Sea Scrolls to the Forbidden Book* (Dallas: HisStory, 2003); *idem*, *From The Dead Sea Scrolls to the Bible in America* (Chicago: Bible League, 2004); William H. Noah, *Ink & Blood: From the Dead Sea Scrolls to the English Bible* (Murfreesboro: Aco, 2005).

¹¹⁰ See the Newsletter of Ashland Theological Seminary *Koinonia* January 2005. According to this publication, this fragment was recently donated to the Seminary by a private collector. Its ownership can be traced back to the family of Khalil Iskander Shahin of Bethlehem. We are grateful to Dr. Gavriel Barkai of Bar-Ilan University for giving us a copy of this publication.

Cave 11, the other five fragments discussed in this article all came from Cave 4.¹¹¹

The items in Martin Schøyen's collection are displayed on a website, in most cases along with a photograph.¹¹² Based on the information on the Schøyen Collection website, it seems that in addition to the fragments mentioned above (from the Rule of Blessings and the Genesis Apocryphon), Schøyen owns fragments of two biblical scrolls that evidently came from Qumran—a fragment of a Psalm scroll, and a fragment of a scroll of the Minor Prophets containing parts of Joel chapter 4. These fragments have not yet been identified with any known scroll.¹¹³ It has also been reported that he owns a dozen fragments (evidently tiny and insignificant) from the second and third columns of the Temple Scroll (11Q19=11QTemple), which have not yet been published. The most important fragment owned by Schøyen belongs to a papyrus scroll containing an Aramaic version of the book of Tobit, derived from one of the scrolls from Cave 4 (4Q196=4QpapTobit^a ar), with parts of Tobit 14:3–4.¹¹⁴

In 2003, sixty three Hebrew, Aramaic, and Greek inscriptions found in Roland de Vaux's excavations at Khirbet Qumran were published.¹¹⁵ These inscriptions were written on sherds and various stone objects (such as weights). Some of the inscriptions on potsherds were written on the intact vessels, indicating their volume or contents; others were ostraca, that is, inscriptions written in ink on broken pieces of

¹¹¹ See E. Eshel and H. Eshel, "A Preliminary Report of Seven New Fragments from Qumran," in *Meghillot: Studies in the Dead Sea Scrolls V–VI. A Festschrift for Devorah Dimant* (ed. M. Bar-Asher and E. Tov; Jerusalem: Bialik Institute Haifa University Press, 2007), 271–278 [Hebrew]. This article deals with fragments of photos which appeared in catalogues. However, some are colour photos that are hard to decipher, while others lack a scale.

¹¹² The Schøyen Collection website is: www.schoyencollection.com/dsscrolls.htm.

¹¹³ The holdings of the Schøyen Collection also include fragments of a scroll of the book of Daniel from Cave 1 (1QDan^b =1Q72), which was published in Barthélemy and Milik, *Qumran Cave 1*. I will discuss two other fragments from the Schøyen Collection (of Joshua and Judges) in an appendix to this publication.

¹¹⁴ This fragment was published in M. Hallermayer and T. Elgvin, "Schøyen ms. 5234: Ein neues Tobit-Fragment vom Toten Meer," *RevQ* 22 (2006): 451–461.

¹¹⁵ See A. Lemaire, "Inscriptions et Graffiti," in *Khirbet Qumran et 'Ain Feshkha* (ed. J.-B. Humbert and J. Gunneweg; Fribourg: Vandenhoeck and Ruprecht, 2003) 2: 341–388. On an important ostrakon which was used for scribal exercises found at Qumran, see also E. Eshel, "3. KhQOstrakon," in Alexander et al., *Qumran Cave 4. XXVI*, 509–512. On another inscription found at Qumran, which may have been carved into an Iron Age weight, see H. Eshel, "A Three Shekel Weight (?) from Qumran," *Judea and Samaria Research Studies* 10 (2001): 33–34 [Hebrew]; XI [English].

pottery. During an excavation at Khirbet Qumran directed by James Strange in 1996 two more ostraca were found, one in relatively good condition, and the other broken.¹¹⁶ The intact ostrakon is a deed of gift in Hebrew whereby a certain Honi conveys all his property to a man named Eleazar son of Nahmani. This ostrakon was published by Frank Cross and Esther Eshel.¹¹⁷ In line 8 they read *kemaloto la-yahad* ‘when he fulfils [his oath] to the community’; they proposed that this deed of gift was a draft of an account written by Eleazar son of Nahmani, who served as an Overseer of the community, given by Honi, who wanted to join the *Yahad*.¹¹⁸ After the publication of the ostrakon, various alternative readings were proposed, most of them suggesting a different reading for *kemaloto la-yahad*.¹¹⁹ Prior to the discovery of this ostrakon at Qumran only three deeds of gift from the Judean Desert caves were known (two in Greek and one in Aramaic). In all three previously known deeds the property is conveyed to female members of the family (wives or daughters) who needed the deeds so that the family property could pass to them, since according to Roman law

¹¹⁶ See J. F. Strange, “The 1996 Excavations at Qumran and the Context of the New Hebrew Ostrakon,” in *Qumran, the Site of the Dead Sea Scrolls: Archaeological Interpretations and Debates* (STDJ 57; ed. K. Galor, J. B. Humbert, and J. Zangenberg; Leiden: Brill, 2006), 41–54.

¹¹⁷ See F. M. Cross and E. Eshel, “Ostraca from Khirbet Qumrân,” *IEJ* 47 (1997): 17–28.

¹¹⁸ This interpretation is based on the description found in the *Rule of the Community*: “If the lot should go out to him that he should approach the assembly of the Community according to the priests and the multitude of the men of their covenant, then both his property and his possessions shall be given to the hand of the man (who is) the Examiner over the possessions of the Many. And he shall register it into the account with his hand, and he must not bring it forth for the Many.” (1QS VI, 18–20). The translation is taken from E. Qimron and J. H. Charlesworth, “Rule of the Community (1QS),” in *The Dead Sea Scrolls: Hebrew, Aramaic and Greek Texts with English Translations. Volume 1: Rule of the Community and Related Documents* (ed. J. H. Charlesworth; Tübingen: Mohr Siebeck, 1994), 29.

¹¹⁹ See F. H. Cryer, “The Qumran Conveyance: A Reply to F. M. Cross and E. Eshel,” *Scandinavian Journal of the Old Testament* 11 (1997): 232–240; A. Yardeni, “A Draft of a Deed on an Ostrakon from Khirbet Qumran,” *IEJ* 47 (1997): 233–237; P. R. Callaway, “A Second Look at Ostrakon No. 1 from Khirbet Qumran,” *The Qumran Chronicle* 7 (1997): 145–170; G. W. Nebe, “Qumranica IV: Die jüngst in Khirbet Qumran gefundene hebräische Schenkungsurkunde auf einer Tonscherbe,” *Zeitschrift für Althebraistik* 12 (1999): 96–103; E. Qimron, “Improving the Editions of the Dead Sea Scrolls,” in *Meghillot: Studies in the Dead Sea Scrolls I* (ed. M. Bar-Asher and Devorah Dimant; Jerusalem: Haifa University Press/Bialik Institute, 2003), 135–145 [Hebrew]; VI [English]. See Cross’s replies to those proposals: F. M. Cross and E. Eshel, “1. KhQOstrakon,” in Alexander et al., *Qumran Cave 4. XXVI*, 505–507.

they were not considered to be legal heirs.¹²⁰ The ostracon from Qumran is the first deed of gift found in the Land of Israel in which the recipient is a man. This, along with the fact that it is in Hebrew (a rare phenomenon in the late Second Temple period),¹²¹ bolsters the hypothesis that it was indeed a draft of an account drawn up by the Overseer Eleazar son of Nahmani for a person named Honi, who wished to join the sect.

An ostracon with the inscription “Eleazar son of Yeshua *ha-borit*” (the soapmaker), found in the Khirbet Qumran excavations conducted by Yitzhak Magen and Yuval Peleg, has been published in 2006.¹²²

In 2007 an inscription from the antiquities market was published. Although it is written on stone and not on parchment, its content and date (middle of the first century BCE) indicate that it should be studied together with the Qumran scrolls. The inscription is of a religious text, written on eighty seven lines in two columns. The speaker in this text is the angel Gabriel.¹²³

IV. *Bar Kokhba–Period Texts Published Since 1984*

In 1985, Joseph Patrich published a number of inscriptions that had been found in the cistern of a cave in a rock shelf on the northern slope of Naḥal Michmas (Wadi Suweinit). The cistern is adjacent to a ritual bath carved into this rock shelf. These caves are about a kilometre and a half east of the Arab village of Muchmas. The group of caves in question seems to have been carved out between 159–152 BCE, when Jonathan the Hasmonean made his headquarters there (1 Macc 9:73). Inside the cistern inscriptions and drawings made with a carbonized stick were found. These include illustrations of a

¹²⁰ See H. M. Cotton, “Women and Law in the Documents from the Judaeen Desert,” in *Le rôle et le statut de la femme en Egypte Hellénistique Romaine et Byzantine* (ed. H. Melaerts and L. Mooren; Leuven: Peeters, 2002), 123–147 and the bibliography there.

¹²¹ H. Eshel, “Use of the Hebrew Language in Economic Documents from the Judaeen Desert,” in *Jesus’ Last Week* (ed. R. S. Notley, M. Turnage and B. Becker; Leiden: Brill, 2006), 245–258.

¹²² See Y. Magen and Y. Peleg, “Back to Qumran: Ten Years of Excavations and Research, 1993–2004,” in Galor, Humbert, and Zangenberg, *Qumran, The Site of the Dead Sea Scrolls*, 72–73. On the manufacture of borax in the caves near Kh. Qumran, see Z. Amar, “The Ash and the Red Material from Qumran,” *DSD* 5 (1998): 1–15.

¹²³ A. Yardeni and B. Elitzur, “A First-Century BCE Prophetic Text Written on a Stone: First Publication,” *Cathedra* 123 (2007): 155–166 [Hebrew].

seven-branched candelabra, a five-pointed star with smaller five-pointed stars inside it, and two lines of the Hebrew alphabet: the letters from *'alef* to *mem* are preserved in the first line, while the second line has the entire alphabet. Beneath the star is an Aramaic inscription, which was translated "Joezer was uprooted, the guards entered". According to Patrich, Joezer wrote this graffito after he was hurt when Roman legionaries were about to enter his hiding place in the cistern, at the farthest edge of the cave complex. The inscriptions are written in the late Jewish script. Even though Patrich found the spouts of four jars typical of the Bar Kokhba period in the cave complex, he dated the inscription to the time of the First Jewish Revolt on paleographical grounds.¹²⁴ In early 1998, coins and other relics from the Bar Kokhba era were found in a cave on the southern slope of Naḥal Michmas, opposite the cave complex with Patrich's cistern. After comparing the forms of the letters in the cistern inscriptions with other documents found in the Judean Desert, we proposed dating the cistern inscriptions to the Bar Kokhba Revolt rather than to the First Revolt.¹²⁵

After Yigael Yadin's death in 1984, it came to light that he had acquired fragments of three documents from the Bar Kokhba period from Shahin. One of these is a bilingual "double" document, written in Aramaic on the inside; the surviving portions of the outer text indicate that it was written in Hebrew. The other two documents are in Greek. Yadin also possessed a photograph of a fourth document, a loan contract written in Hebrew on parchment the original of which remained in the possession of Khalil Iskander Shahin.¹²⁶

Two years after Yadin's death, Magen Broshi and Elisha Qimron published the bilingual papyrus.¹²⁷ This document, which is a deed of sale of a house, begins, "... of [the month of] Adar in the third year of the freedom of Israel by Shim'on son of Kosiba the Prince of Isr[ael in the villa]ge of Baru..." The seller was named Yehonatan son of

¹²⁴ J. Patrich, "Inscriptions Araméennes Juives dans les grottes d'El-'Aleiliyât," *RB* 92 (1985): 265–273.

¹²⁵ H. Eshel, B. Zissu, and A. Frumkin, "Two Refuge Caves in Naḥal Mikhmas (Wadi Suweinit)," in Eshel and Amit, *The Refuge Caves*, 103–107 [Hebrew].

¹²⁶ After Yadin's death it became apparent that he had acquired these documents as a result of his negotiations with Uhrig to purchase the Temple Scroll; see Shanks, "Intrigue and the Scroll," 124–125.

¹²⁷ See M. Broshi and E. Qimron, "A House Sale Deed From Kefar Baru from the Time of Bar Kokhba," *IEJ* 36 (1986): 201–214.

Eli, and the buyer was Shaul son of Harshah.¹²⁸ The property changed hands for thirty-six dinars, which seems to be a very low price.¹²⁹

During the spring of 1986 the first season of excavations in a small cave west of Jericho took place. Fragments of five papyrus documents were found there.¹³⁰ One of them should be dated to the fourth century BCE (P. Jericho 1). The inner side of this Aramaic document contains a list of persons who had borrowed money. The owner of the document had loaned money—a total of twenty one shekels—to more than a dozen individuals. On the back of the papyrus are the sums paid by the borrowers (the total comes to not quite thirteen shekels, leaving them with a debt of slightly more than eight shekels).¹³¹ The cave was named “Abi’or Cave,” after one of the names mentioned in this document. The other four documents found in this cave are from the Bar Kokhba period—two in Aramaic (P. Jericho 2–3) and two in Greek (P. Jericho 4–5). The Aramaic documents seem to be a loan contract and a deed of sale.¹³² The two Greek documents are also deeds of sale, one for real estate and the other for seeds.¹³³ One of the Aramaic documents from the Bar Kokhba era was found in a crevice in the floor

¹²⁸ Another document dated to Adar of the third year of the Bar Kokhba Revolt, written by the same scribe, was published by Milik in 1954. In that document, too, the sale price was very low; see J. T. Milik, “Un contrat juif de l’an 134 après J. C.,” *RB* 61 (1954): 182–190. From the publication of the document acquired by Yadin it turned out that the correct reading in the bill of sale published by Milik was *kefar Baru* (Milik had deciphered it as *kefar Babyu*). See J. Naveh, “Marginalia on the Deeds from Kefar Baro,” in *Studies on Hebrew and Other Semitic Languages for Hayim Rabin* (ed. M. Goshen-Gottstein, S. Morag, and S. Kogut; Jerusalem: Academ Press, 1990), 231–234 [Hebrew]. Kefar Baru is evidently to be located east of the Dead Sea, at Minaat el-Hassan, above the hot springs of Wadi Hammamat, about five kilometers northwest of Machaerus. This makes it likely that both documents come from a refuge cave east of the Dead Sea.

¹²⁹ On the importance of this detail, see H. Eshel, “The Dates Used during the Bar Kokhba Revolt,” in *The Bar Kokhba War Reconsidered* (ed. P. Schäfer; Tübingen: Mohr Siebeck, 2003), 93–105. The document from the village of Baru purchased by Yadin is designated XHev/Se 8; the other document from the same site published by Milik is referred to as XHev/Se 8a. For the official publication of both documents, see Cotton and Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts*, 26–37.

¹³⁰ See H. Eshel et al., “A. Ketef Jericho,” in Charlesworth et al., *Miscellaneous Texts from the Judaean Desert*, 3–113.

¹³¹ H. Eshel and H. Misgav, “A Fourth Century B.C.E. Document from Ketef Yeriho,” *IEJ* 38 (1988): 158–176.

¹³² E. Eshel and H. Eshel, “2. Jericho papDeed of Sale or Lease ar” and “3. Jericho papDeed of Sale ar,” in Charlesworth et al., *Miscellaneous Texts from the Judaean Desert*, 31–41.

¹³³ N. Cohen, “4–5e Jericho pap gr,” in Charlesworth et al., *Miscellaneous Texts from the Judaean Desert*, 43–52.

of the cave that had been filled in with dirt. The other four documents were found in dirt that had been compacted into a terrace at the entrance to the cave. The stratigraphy in this terrace was inverted (upside-down stratigraphy), that is, the older objects (including the fourth-century BCE document) were closer to the surface, above those from the Roman period (including the three documents from the time of the Bar Kokhba Revolt).

One of the Greek documents purchased by Yadin was published by Naphtali Lewis in 1988. It contains a declaration of assets by one Simonos, made in December 127 CE as part of the land census ordered by the procurator of the Province of Arabia, Titus Aninius Sextius Florentinus. This document is quite similar to the declaration filed by Babatha daughter of Shim'on during the same land census (Papyrus Yadin 16). Like Babatha, Simonos lived in Mehoza, near Zoara. Also like Babatha, he filed his declaration in Rabbat-Moab (modern a-Rabba). It seems likely that the two documents were written on the same day (December 4). The declaration indicates that Simonos and his brother Jonathan were co-owners of a date orchard.¹³⁴ Later Simonos was identified as the first husband of Shalom (Salome) Komaisa, daughter of Levi, indicating that this document would have been part of her archive, which the Bedouin had found in the Cave of Letters.¹³⁵

In 1994, Magen Broshi and Elisha Qimron published the document attested only by a photograph in Yadin's estate. This document was written in Hebrew on parchment in "Kislev, Year Two of the Redemption of Israel by Shim'on son of Kosiba." In it, one Yehosef son of Hananiah acknowledges that he is borrowing four dinars, equivalent to one tetradrachma, from Judah son of Judah. At the bottom of the document are the signatures of the borrower and of three witnesses. The fact that they went to the extreme of writing this document on parchment (which was more expensive than papyrus) for a loan of only one tetradrachma, and that three witnesses affixed their names to it, is evidence of the harsh economic conditions prevailing at the time

¹³⁴ See N. Lewis, "A Jewish Landowner in Provincia Arabia," *Scripta Classica Israelica* 8-9 (1988): 132-137.

¹³⁵ For the official publication of the Greek document designated XHev/Se 62 purchased by Yadin see Cotton and Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts*, 181-194.

and place of the loan.¹³⁶ This document, acquired from Shahin, is currently on display at the Hecht Museum at the University of Haifa.

The second Greek document purchased by Yadin was published by Hannah Cotton in 1991. It consists of a three-line papyrus fragment containing a further declaration of assets as part of the census decreed by Titus Aninius Sextius Florentinus. Cotton conjectured that the document was written in December 127 CE, at the same time as the declaration published by Lewis and Papyrus Yadin 16 (Babatha's declaration).¹³⁷ In 1993, Cotton identified another fragment of the same declaration as part of the Seiyal collection at the Rockefeller Museum. The latter is shaped like a capital L, and the Yadin fragment fits into it perfectly. From the Rockefeller Museum fragment it emerged that the declaration had been made by someone whose father's name ended in -LWS and that it was submitted in April of 127, rather than in December.¹³⁸ Two years later Cotton realized that the declaration had been filed by the brother of Salome Komaise daughter of Levi, and hence that it must have come from the Cave of Letters along with the rest of her archive.¹³⁹

In 1993, the Israel Antiquities Authority launched Operation Scroll to survey caves in the northern portion of the Judean Desert before the Jericho area was handed over to the Palestinian Authority. As part of the effort, the caves on the ridge west of Jericho ("Ketef Jericho") were scoured again. Because the documents found in Abi'or Cave in 1986 had been buried in a terrace built in the entrance to the cave and in a crack in the cave floor, it was decided to investigate whether the monks who lived in these caves during the Mamluk era had removed most of the dirt from Abi'or Cave, which is why documents had been found only in the terrace and the crack in the floor. In excavations conducted below the lower entrance of Abi'or Cave, fragments of four-

¹³⁶ See M. Broshi and E. Qimron, "A Hebrew I.O.U. Note from the Second Year of the Bar Kokhba Revolt," *JJS* 45 (1994): 286–294; P. Segal, "The Meaning of the Hebrew I.O.U. from the Time of Bar Kokhba," *Tarbiz* 60 (1991): 113–118 [Hebrew]; IV [English]. This document is designated XHēv/Se 49. For its official publication, see Cotton and Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts*, 121–122.

¹³⁷ See H. M. Cotton, "Fragments of a Declaration of Land Property from the Province of Arabia," *ZPE* 85 (1991): 263–267.

¹³⁸ See H. M. Cotton, "Another Fragment of the Declaration of Landed Property from the Province of Arabia," *ZPE* 99 (1993): 115–122.

¹³⁹ See Cotton, "The Archive of Salome Komaise Daughter of Levi". This document is designated XHēv/Se 61. For its official publication, see Cotton and Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts*, 174–180.

teen economic papyri were unearthed. Four small fragments can be dated to the fourth century BCE (P. Jericho 6); the rest are from the time of the Bar Kokhba Revolt, including five in Aramaic (P. Jericho 7, 8, 12, 13, and 15), four evidently in Hebrew (P. Jericho 9, 10, 11, and 14), and four in Greek (P. Jericho 16–19).¹⁴⁰ In 1993, the right-hand part of the document found inside the cave in 1986 (P. Jericho 2) was found below the entrance of the cave. The newly found fragment clarified that the document was not a loan contract, but a deed of sale in which the purchaser pledged to pay the balance of his debt to the seller. The date formulas in four of the documents from the Abi'or Cave cite the name of the ruler. In P. Jericho 7 this is, “on the twenty-fifth of Tevet [year] three [of] Domition C[aesar]”: the third year of Domition's reign was 85 CE. In P. Jericho 9 we find, “[in] the twenty-fourth of our lord [A]grippa”: which means that this document, too, dates from 84/5 CE. The date of the document is evidently to be explained by the fact that Nero awarded Agrippa II “the town of Julias in Perea [Transjordan; i.e., east of Jericho] with fourteen villages around it” (*Antiquities* 20. 159). P. Jericho 13 seems to have been written in 116 CE, in the eighteenth year of Trajan Caes[ar]. P. Jericho 16, a Greek document, refers to Hadrian; dated May 128 CE, it deals with the supply of agricultural produce to a Roman military unit.¹⁴¹

A year later, Haggai Misgav published a fragment of a bilingual (Aramaic and Greek) document owned by the Hecht Museum at the University of Haifa, which is evidently to be dated to the eighth year of the Province of Arabia, i.e. 114 CE. It seems likely that this document was brought to one of the Judean Desert caves at the end of the Bar Kokhba Revolt.¹⁴²

During the first half of the 1990s (until 1996) Bedouin systematically robbed some 3,500 tombs in the cemetery at Khirbet Qazone, on the tongue of the Dead Sea. Here they found two Greek papyri,

¹⁴⁰ For the official publication of the documents from Abi'or's Cave, see H. Eshel et al., “A. Ketef Jericho,” in Charlesworth et al., *Miscellaneous Texts from the Judaean Desert*, 3–113. During Operation Scroll, Eyal Ehrenstam found an ostrakon bearing a Jewish name from the Ummayyad Period in Cave V/38 located opposite the settlement of Na'aran. This ostrakon has not yet been published.

¹⁴¹ On this document see also R. Haensch, “Zum Verständnis von P. Jericho 16 gr,” *Scripta Classica Israelica* 20 (2001): 155–167.

¹⁴² See Misgav, “2. XReceipt ar and gr,” in Gropp et al., *Wadi Daliyeh II*, 223–224.

evidently from the second or third century CE. One of them is a deed of sale that cites a Nabatean name.¹⁴³

In a 1997 publication, Ada Yardeni identified four further fragments of a deed of sale for a plot of land, written in the late first or early second century CE, whose relatively intact upper part (now in the Musée de la Bible et Terre Sainte in Paris) had been published in 1957.¹⁴⁴ The additional fragments belong to the lower half of the same document and are kept with the documents from Wadi Murabba'at (and designated Mur 26). This indicates that this deed was found in Wadi Murabba'at.¹⁴⁵

In November 2002, a cave at the Ein Gedi oasis (the Har Yishai Cave) was surveyed and excavated. The artifacts discovered included pottery, a stone vessel, a dozen arrowheads, and eleven bronze coins that had been restruck by the Bar Kokhba administration.¹⁴⁶ Fragments of two Greek documents were also found; one, a deed of sale for a plot of land, and the other evidently a letter.¹⁴⁷

In the summer of 2004, Bedouin of the Rashaidah tribe found four fragments of a scroll in a tiny cave in Naḥal Arugot, along with pottery from the time of the Bar Kokhba Revolt.¹⁴⁸ The surviving fragments of this scroll contain verses from Leviticus chapters 23 and 24.¹⁴⁹ One of the fragments consists of the upper margin of the scroll; two others containing parts of two columns can be joined together.¹⁵⁰ Based

¹⁴³ See K. D. Politis, "The Discovery and Excavation of the Khirbet Qazone Cemetery and Its Significance Relative to Qumran," in Galor, Humbert, and Zangenberg, *Qumran: The Site of the Dead Sea Scrolls*, 213–219, esp. 216 n. 6. As far as is known, these two documents are currently in the possession of Dr. Shlomo Moussaieff.

¹⁴⁴ See J. T. Milik, "Deux documents inédits du Désert de Juda," *Biblica* 38 (1957): 245–268.

¹⁴⁵ See Cotton and Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts*, 124–129.

¹⁴⁶ On the finds at Har Yishai Cave see R. Porat, H. Eshel, and A. Frumkin, "Two Groups of Coins from the Bar Kokhba War from Ein-Gedi," *Israel Numismatic Journal* 15 (2006): 79–86; R. Porat, H. Eshel, and A. Frumkin, "Finds from the Bar Kokhba Revolt from Two Caves at En-Gedi," *PEQ* 139 (2007): 35–53.

¹⁴⁷ See N. Cohen, "New Greek Papyri from a Cave in the Vicinity of Ein Gedi," *Scripta Classica Israelica* 25 (2006): 87–95.

¹⁴⁸ See R. Porat, H. Eshel and A. Frumkin, "Three Bar-Kokhba Refuge Caves in Naḥal Arugot," *Judea and Samaria Studies* 15 (2006): 120–124 [Hebrew]; XIV–XV [English].

¹⁴⁹ For the publication of these fragments, see H. Eshel, Y. Baruchi, and R. Porat, "Fragments of a Leviticus Scroll (ArugLev) Found in the Judean Desert in 2004," *DSD* 13 (2006): 55–60.

¹⁵⁰ These fragments were acquired with the assistance of the David and Jemima Jeselsohn Epigraphic Center of Jewish History at Bar-Ilan University. After they were cleaned and photographed, they were transferred to the Israel Antiquities Authority.

on these remains, we can calculate the width of the two columns and the number of lines per column (thirty six) in this scroll. Before the discovery of these fragments, fourteen Bar Kokhba-era scrolls were known, including passages from the other four Books of the Pentateuch. The fragments from Naḥal Arugot are the first representing Leviticus.¹⁵¹ The text is identical to the Masoretic Text, except for the work *sukkot*, which is written with a *plene* orthography in the scroll (i.e., a *waw* between the *kaf* and the *tav*), whereas in the Masoretic Text it is written defectively (no *waw*). The discovery of these fragments suggests that there is still a chance of finding additional scrolls and documents in the Judean Desert caves.

V. Appendix: Fragments of Three Scrolls of Unknown Provenance

Since the year 2000 fragments of three biblical scrolls in private ownership have been published. Their provenance—Qumran or the Bar Kokhba-era Refuge Caves—is unknown. All three are written in a script typical of the first century CE; the text of all three is identical to the Masoretic Text. The first fragment, designated XJoshua, was published in 2000 and comprises parts of two columns from the beginning of the Book of Joshua (chapters 1 and 2).¹⁵² The second scroll contains parts of the Book of Judges (XJudges). At least five surviving fragments of this scroll have been identified scattered in four different collections. One of the fragments contains verses from chapter 1; another, from chapter 3; and the other three fragments, from chapter 4.¹⁵³ The

¹⁵¹ For the hypothesis that the scrolls from the time of the Bar Kokhba Revolt found in the Judean Desert caves indicate that they were last read at Passover in 135 CE see Y. Baruchi, "Fragmentary Biblical Scrolls from Bar Kokhba Revolt Refuge Caves," in *Meghillot: Studies in the Dead Sea Scrolls III* (ed. M. Bar-Asher and Devorah Dimant; Jerusalem: Haifa University Bialik Institute, 2005), 177–190 [Hebrew]; XV–XVI [English].

¹⁵² This scroll is part of the collection of Martin Schøyen and was reportedly acquired by him in 1998. For its publication, see J. Charlesworth, "XJoshua," in Charlesworth et al., *Miscellaneous Texts from the Judaean Desert*, 231–239.

¹⁵³ Two fragments of this scroll are in the Hecht Museum at the University of Haifa; a third is in the collection of Martin Schøyen; the fourth and fifth belong to two different private collectors who wish to remain anonymous. The fragments owned by the Hecht Museum were published in 1994; see Misgav, "4. XBiblical Text?," in Gropp et al., *Wadi Daliyeh II*, 227–229. The fragments remained unidentified, however, until 2003. They were identified as belonging to a scroll of the book of Judges only after the publication of the Schøyen Collection fragment which includes parts of Judges 4. For the publication of that fragment, see J. Charlesworth, "XJudges," in Gropp et

three surviving fragments of the third scroll were published in 2003 and should be designated XLev. They consist of parts of two columns with the curses from the end of the Book of Leviticus (chapter 26).¹⁵⁴ Emile Puech who published these fragments argues, that they are to be dated later than 70 CE, thus probably originated in a Bar Kokhba Refuge cave. Thus it seems, that at least two of these scrolls (XJudg and XLev) were recently found in the caves of the Judean Desert. Unfortunately, the Israeli Archeological institutions were unable to locate these caves.

VI. *Epilogue*

This survey has shown that we owe a deep debt of gratitude to the curators of the Rockefeller Museum, who managed to acquire most of the fragments found in the Judean Desert between 1947 and 1965 and bring them together to one place. It is only too easy to imagine what would have happened to the study of the Qumran scrolls had they been discovered after the Six-Day War. There is little doubt that in that case they would have been scattered across the globe, making it impossible to piece them together and photograph them at the same scale.¹⁵⁵ Here I have surveyed what is known about the fate of the few

al., *Wadi Daliyeh II*, 231–233. There it was reported that the fragment was purchased by Schoyen in 1999. For the identification of the first Hecht Museum fragment also containing parts of Judges 4 as part of the same scroll see H. Eshel, “A Second Fragment of XJudges,” *JSJ* 54 (2003): 139–141. The second Hecht Museum fragment which contains portions from Judges 3 was identified as belonging to the same scroll by Emile Puech, see E. Puech, “Notes sur le manuscrit des Juges 4Q50^a,” *RevQ* 21 (2003): 315–319. Puech believes that this scroll came from Qumran, but there is no proof for this hypothesis. Subsequently Puech published a fourth fragment from the same scroll containing portions of Judges 1, see E. Puech, “Les manuscrits 4QJuges^c (=4Q50^a) et 1QJuges (=1Q6),” in *Studies in the Hebrew Bible, Qumran and the Septuagint: Essays Presented to Eugene Ulrich* (VTSup 101; ed. P. W. Flint, E. Tov, and J. C. VanderKam; Leiden: Brill, 2006), 184–187. The last fragment was published by E. Eshel, H. Eshel, and M. Broshi, “A New Fragment of XJudges,” *DSD* 14 (2007): 354–358.

¹⁵⁴ See E. Puech, “Un autre manuscrit du Lévitique,” *RevQ* 21 (2003): 311–313. Because the script of this scroll differs from that of the fragments from Naḥal Arugot, and because the Naḥal Arugot scroll has thirty six lines in each column, whereas the scroll from the private collection has more than forty lines in each column, we must be dealing with two different scrolls.

¹⁵⁵ By way of substantiating this statement we may refer to the discovery at Kh. el-Kôm in the southern Judean Hills of around 1600 fourth century BCE Aramaic ostraca by antiquities looters in 1985. These ostraca are scattered all over the world, including private collections in London, Zurich, New York, Jerusalem, and Sydney.

fragments that were not acquired by the Rockefeller Museum. These sustained damage over the years, chiefly when they were still in the possession of Khalil Iskander Shahin.¹⁵⁶ It seems that the time during which we can still retrieve information about these fragments is running out. Hence it is crucial to make every effort to acquire them, or at least to have them photographed before it is too late.¹⁵⁷

I tend to believe that there is still a chance of finding scroll fragments in the Judean Desert, perhaps even in the caves near Khirbet Qumran.¹⁵⁸ I hope that the present review will encourage other scholars

In some cases, fragments of a single document are in different collections. Sometimes inscriptions from two sides of the same shard have been published as two separate documents (because the scholars worked on the basis of photographs and never saw the actual artifacts). It is easy to imagine the fate of the study of the Dead Sea Scrolls if the fragments found in Cave 4 had found their way onto the international antiquities market. For an article summarizing the importance of the Kh. el-Kôm ostraca, including a list of most of the scholarly literature on this subject, see A. Lemaire, "New Aramaic Ostraca from Idumea and Their Historical Interpretation," in *Judah and the Judeans in the Persian Period* (ed. O. Lipschits and M. Oeming; Winona Lake: Eisenbrauns, 2006), 413–456.

¹⁵⁶ I will note some egregious cases in which Shahin damaged fragments that passed through his hands. According to the introduction to the edition of one of the manuscripts of 4QInstruction (4Q416) we are told that when Shahin brought one of the surviving fragments of this work (frag. 2) to the Rockefeller Museum he stuck it to his body in order to conceal it from an inspection of his belongings at a police roadblock. When it reached the Museum it was soaked with sweat which damaged it. See J. Strugnell, D. Harrington, and T. Elgvin, *Qumran Cave 4. XXIV: Sapiential Texts Part 2* (DJD 34; Oxford: Clarendon, 1999), 73. Similarly parts of column 18 of the Greek Minor Prophets Scroll from the Cave of Horror (8HevXIIgr) were kept by a Bedouin under the lining of his Keffiyeh, a situation which did not increase the legibility of those fragments, see E. Tov, *Greek Minor Prophets*, 2. Shahin divided one of the Greek texts from the Wadi Seiyal Collection into two parts, evidently because the person who purchased the fragment that ultimately reached Yigael Yadin did not have enough money to pay for the entire document. The worst fate befell the Temple Scroll the entire upper portion of which rotted away during the eleven years it was hidden under the floor of Shahin's house in Bethlehem. Small fragments of the Temple Scroll were glued together with postage stamps, see Yadin, *The Temple Scroll*, 42. As already mentioned, one of the original parchments of the Head Phylactery bought by Yadin fell apart before it was purchased, see Yadin, *Tefillin from Qumran*.

¹⁵⁷ Based on the information available to us, there are still more than thirty Qumran fragments in private hands. On the assumption that this number includes the thirteen fragments we have published (see notes 108 and 111), this means that private collectors still own about 20 small fragments that have never been published.

¹⁵⁸ In this regard, it should be noted that when Magen Broshi and I dug at Qumran in 2001, ground-penetrating radar allowed us to find a collapsed cave in the marl terrace. See H. Eshel and M. Broshi, "Excavations at Qumran, Summer of 2001," *IEJ* 53 (2003): 61–73; M. E. Kislew and M. Marmorstein, "Cereals and Fruits from a Collapsed Cave South of Khirbet Qumran," *IEJ* 53 (2003): 74–77. It is to be hoped that

to conduct surveys and digs in the Judean Desert caves, so that such documents can be discovered in scientific digs and not through the plunder expeditions that Bedouin continue to conduct in the Judean Desert caves.

with appropriate equipment it will be possible to discover similar Qumran caves in the future, with scroll fragments in them.

SCROLLS AND HAND IMPURITY

JODI MAGNESS

Did the Qumran community consider touching scrolls as defiling the hands? Elsewhere I have suggested that ovoid and cylindrical jars were used for a variety of storage purposes and are common at Qumran because they were adopted as distinctively shaped containers for the pure goods of the sect.¹ My suggestion assumes that scrolls were stored in jars because they had a high degree of purity, like the sect's food and drink.² However, in rabbinic Judaism Torah scrolls are associated with impurity, defiling the hands of those who touch them.³ A number of passages in rabbinic literature attest to debates about which scrolls are holy or sacred and therefore defile the hands:⁴

The blank spaces in a scroll, whether above or below or at the beginning or at the end impart uncleanness to hands. R. Judah says: 'That which is at the end does not impart uncleanness unless one will affix the roller to it.' A scroll which was erased and in which remain eighty-five letters—such as the paragraph, *And it came to pass when the ark set forward* [Num. 10:35f.], imparts uncleanness to hands. A scroll in which eighty-five letters are written, such as the paragraph, *And it came to pass when the ark set forward*, imparts uncleanness to hands. All sacred

¹ Jodi Magness, *Debating Qumran: Collected Essays on Its Archaeology* (Leuven: Peeters, 2004), 151–68: "I believe that not only were the cylindrical and ovoid jars preferred because of the sect's unique halakhic concerns, but because their distinctive shape came to signify contents having a high degree of purity. In other words, because their shape was easily identifiable, these jars served as markers to those who were allowed or denied contact with the pure food or drink (or other pure goods) of the sect.", 162.

² E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (London: SCM, 1992), 438, suggests that perhaps scrolls defile the hands because of their great holiness.

³ For a recent discussion with references see C. Milikowsky, "Reflections on Hand-Washing, Hand-Purity and Holy Scripture in Rabbinic Literature," in *Purity and Holiness: The Heritage of Leviticus* (ed. M. J. H. M. Poorthuis and J. Schwartz; Leiden: Brill, 2000), 154–59. For hand washing before prayer see J. D. Lawrence, *Washing in Water: Trajectories of Ritual Bathing in the Hebrew Bible and Second Temple Literature* (Atlanta: SBL, 2006), 57–59.

⁴ All of the relevant passages are collected and discussed in S. Z. Leiman, *The Canonization of Hebrew Scripture: The Talmudic and Midrashic Evidence* (Transactions of the Connecticut Academy of Arts and Sciences 47; Hamden CT: Archon, 1976), 102–20.

scriptures impart uncleanness to hands. The Song of Songs and Qohelet impart uncleanness to hands. R. Judah says, 'The Song of Songs imparts uncleanness to hands, but as to Qohelet there is a dispute.' R. Yose says, 'Qohelet does not impart uncleanness to hands, but as to the Song of Songs there is a dispute.' (*m. Yadayim* 3:4–5)⁵

Rab Judah said in the name of Samuel; [The scroll] of Esther does not make the hands unclean. Are we to infer from this that Samuel was of opinion that Esther was not composed under the inspiration of the holy spirit? How can this be, seeing that Samuel has said that Esther was composed under the inspiration of the holy spirit?—It was composed to be recited [by heart], but not to be written. (*b. Megillah* 7a)

All scrolls render the hands unclean, except for the scroll of the courtyard (*ezra* = Temple court). (*m. Kelim* 15:6)

Martin Goodman observes that this last ruling enabled priests serving in the temple to touch Torah scrolls without defiling their hands, although scrolls taken outside cause defilement, as do those brought in from outside:⁶

The Scroll of Ezra which went forth outside [the court] renders the hands unclean. And not only of the Scroll of Ezra alone did they speak, but even the Prophets and the Pentateuch. And another scroll which entered there renders the hands clean. (*t. Kelim Baba Mešī'a* 5:8)

Some passages suggest that the rabbis debated which Jewish writings have the status of sacred scripture:

The Aramaic [passages] which are in Ezra and Daniel impart uncleanness to hands. The Aramaic [passages contained in Scriptures] written in Hebrew, or a Hebrew [version] written in Aramaic or [passages written in archaic] Hebrew script do not impart uncleanness to hands. [Holy Scriptures] impart uncleanness to hands only if written in Assyrian characters (אשורית = square Jewish script), on parchment, and with ink. (*m. Yadayim* 4:5)⁷

⁵ Unless otherwise indicated, all translations of passages from the Mishnah, Tosefta, and Babylonian Talmud are from J. Neusner, *The Mishnah: A New Translation* (New Haven: Yale, 1988); J. Neusner, *The Tosefta, Translated from the Hebrew with a New Introduction, Vol. 1* (Peabody MA: Hendrickson, 2002); and the Soncino Edition of the Babylonian Talmud.

⁶ M. D. Goodman, "Sacred Scripture and 'Defiling the Hands,'" *JTS* 41 (1990): 99–107, here 102.

⁷ Goodman, "Sacred Scripture and 'Defiling the Hands,'" 105, observes that the religious texts at Qumran were written on parchment, whereas papyrus, which was generally less expensive was used for secular documents at other sites around the Dead Sea. However, although the majority of the Qumran scrolls are written on parchment,

Rabbinic sources contain hints that these debates began before 70.⁸ The Mishnah records a difference of opinion between the houses of Hillel and Shammai:

R. Simon [Ishmael] says, ‘Three opinions of the House of Shammai’s more lenient, and the House of Hillel’s more stringent, rulings’: ‘[The Book of Qohelet] does not render the hands unclean,’ according to the House of Shammai. And the House of Hillel say, ‘It renders the hands unclean.’ (*m. ‘Eduyyot* 5:3)

R. Simeon says: ‘Qohelet is among the lenient rulings of the House of Shammai and strict rulings of the House of Hillel.’ (*m. Yadayim* 3:5)

Although many scholars attribute these debates to questions surrounding the canonical status of certain books, Sid Leiman concludes that the real issue at stake was which works were considered divinely inspired.⁹ Michael Broyde suggests that the controversies surrounding Esther, Ecclesiastes (Qohelet), and the Song of Songs are due to the absence of the *tetragrammaton* from these three works alone among the books of the Hebrew Bible.¹⁰ If this is correct, it might explain why the house of Shammai did not consider Qohelet defiling and would mean that this ruling has nothing to do with leniency.

A passage from the Mishnah indicates that not all Jews agreed that touching Torah scrolls defiles the hands:

Say Sadducees: We complain against you, Pharisees. For you say, ‘Holy Scriptures impart uncleanness to hands, but the books of *Hamiras* [Homer?] do not impart uncleanness to the hands. Said Rabbi Yohanan b. Zakkai, ‘And do we have against the Pharisees in this matter alone? Lo, they say, ‘The bones of an ass are clean, but the bones of Yohanan, high priest, are unclean.’ They said to him, ‘According to their preciousness is their uncleanness. So that a man should not make the bones of his father and mother into spoons. He said to them, ‘So too Holy Scriptures: According to their preciousness is their uncleanness. But the books of

a small number are written on papyrus. Most of these are non-biblical works, but some biblical books are represented; see E. Tov, ‘The Papyrus Fragments Found in the Judean Desert,’ in *Lectures et Relectures de la Bible: Festschrift P.-M. Bogaert* (ed. J.-M. Auwers and A. Wénin; Leuven University Press, 1999), 247–55.

⁸ Sanders, *Jewish Law*, 31, notes that the rabbinic passages discussing handling sacred scriptures go back to the earliest, presumably Pharisaic layer.

⁹ See Leiman, *The Canonization of Hebrew Scripture*, 102–20.

¹⁰ M. J. Broyde, ‘Defilement of the Hands, Canonization of the Bible, and the Special Status of Esther, Ecclesiasticus, and Song of Songs,’ *Judaism* 44 (1995): 65–79, here 66.

Hamiras [Homer?], which are not precious, do not impart uncleanness to hands. (*m. Yadayim* 4:6)

This debate suggests that the Sadducees named in this passage either considered profane works but not Torah scrolls as defiling, or that they did not consider any scrolls as defiling.¹¹

Another passage in the Mishnah reports that a rabbi was excommunicated for doubting that hands can be pure or impure:

But whom did they excommunicate? It was Eliezer b. Hanokh, who cast doubt on [the sages' ruling about] the cleanness of hands. (*m. 'Eduyyot* 5:6)¹²

We have no direct evidence about whether the Qumran community agreed that touching Torah scrolls defiles the hands. Indirect evidence suggests that the sectarians might not have shared the rabbinic view. First, there is an absence of evidence. In contrast to the rabbis, sectarian legislation displays no concern that touching Torah scrolls conveys impurity. This silence is loud in light of the presence of over 900 scrolls in the caves around Qumran. Second, several factors suggest that the Mishnaic passage cited above in which the Sadducees disagree with Pharisees about scroll impurity reflects an early debate, including the attribution of a ruling to Rabbi Yohanan b. Zakkai. Furthermore, the following passage (*m. Yadayim* 4:7) contains the well-known disagreement between Sadducees and Pharisees about whether an unbroken liquid stream (*nisoq*) conveys impurity.¹³ The fact that this is paralleled in 4QMMT may indicate that the debate concerning scroll impurity

¹¹ For the purposes of this discussion it is immaterial whether the "Sadducees" named in this passage are the historical Sadducees, or a later group of opponents so designated by the rabbis, or another group such as the Essenes. For a discussion see E. Regev, *The Sadducees and their Halakhah* (Jerusalem: Yad Ben-Zvi, 2005), 190–92 [Hebrew].

¹² Milikowsky, "Reflections on Hand-Washing," 151, points out that the correct name of this rabbi seems to be Eleazar ben Ha-Ner.

¹³ For discussions of the debate over the *nisoq* see J. M. Baumgarten, "The Pharisaic-Sadducean Controversies about Purity and the Qumran Texts," *JJS* 31 (1980): 157–170, esp. 163–64; D. R. Schwartz, "Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law," in *The Dead Sea Scrolls: Forty Years of Research* (ed. D. Dimant and U. Rappaport; Leiden: Brill, 1992), 229–240, here 232; Carol Selkin Wise, "Miqwā'ot and Second Temple Sectarianism," in *The Archaeology of Difference: Gender, Ethnicity, Class and the "Other" in Antiquity, Studies in Honor of Eric M. Meyers* (AASOR 60/61; ed. D. R. Edwards and C. T. McCollough; Boston: ASOR, 2007), 181–200, here 181–184.

in the preceding Mishnaic passage is also early and perhaps reflects a sectarian view.

It is also possible that the sectarians (and perhaps priests/Sadducees) considered touching holy scrolls as defiling the entire body, not just the hands.¹⁴ After all, we would expect the Qumran sect to have a more stringent view than the rabbis with regard to purity issues. In fact, the rabbis ruled that although touching a Torah scroll defiles the hands, the affected person must undergo purification through total immersion in a *miqveh*, not just through hand washing or hand immersion.¹⁵ In this case the sectarians might have stored the scrolls in caves because of [im]purity concerns. Perhaps the impurity caused by scrolls is not covered by Qumran legislation because it was taken for granted.

In any event it seems that the pure goods of the sect stored in the cylindrical jars at Qumran could have included scrolls as well as food and drink. I believe that the distinctive shape of the jars signaled the purity of their contents, thereby controlling and restricting access to these goods:¹⁶

He should not go into the waters to share in the pure food of the men of holiness, for one is not cleansed unless one turns away from one's wickedness, for he is unclean among all the transgressors of his word. (1QS V, 13–14)¹⁷

A passage in the Mishnah suggests that *terumah* is rendered impure through contact with Torah scrolls (“the book”) and the hands:

These render heave offering unfit: he who eats food unclean in the first remove; and he who eats food unclean in the second remove; and he who drinks unclean liquid; he whose head and the greater part of whose body enters drawn water; and one who was clean on whose head and the greater part of whose body three logs of drawn water fall; and the book (וְהַסֵּפֶר), and the hands (וְהַיָּדַיִם), and the *tebul-yom*; and food and utensils which have been made unclean by [unclean] liquids. (*m. Zabim* 5:12)

¹⁴ I owe this suggestion to Eli Goldschmidt (personal communication, December 7, 2005).

¹⁵ See the Schottenstein Daf Yomi Edition of the Babylonian Talmud, commentary on tractate Hagigah 18b2.

¹⁶ See Magness, *Debating Qumran*, 161–66.

¹⁷ From F. Garcia Martínez and E. J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (2 vols.; Leiden: Brill, 1997), 1: 81.

The Babylonian Talmud refers to storing *terumah* with Torah scrolls:¹⁸

And why did the Rabbis impose uncleanness upon a book? Said R. Mesharshiya: Because originally food of *terumah* was stored near the Scroll of the Law, with the argument, ‘This is holy and that is holy.’ But when it was seen that they [the Sacred Books] came to harm, the Rabbis decreed uncleanness upon them. ‘And the hands?’ Because hands are fidgety. It was taught: Also hands which came into contact with a Book disqualify *terumah*, on account of R. Parnok[’s dictum]. For R. Parnok said in R. Johanan’s name: One who holds a scroll of the Law naked [without its wrapping] will be buried naked.” (*b. Shabbat* 14a)

The juxtaposition of food of *terumah* and sacred scrolls in this passage is interesting as at Qumran the term *taharah* (purity) seems to correspond with *terumah*.¹⁹ The sectarian custom of storing pure food and drink (analogous to *terumah*) and scrolls in proximity seems to imitate the custom in the Jerusalem temple, a practice to which the rabbis objected.²⁰ Linen scroll wrappers decorated with blue lines representing a blueprint of the temple as described in the Temple Scroll were found in Cave 1.²¹ Yadin suggested that the design of the wrappers was intended to symbolize hiding the scrolls away in the temple, as was the practice in Jerusalem.²² A baraita in the Babylonian Talmud refers to storing Torah scrolls:

Then said Eleazar b. Po’irah to King Jannai: ‘O King Jannai! That is the law even for the most humble man in Israel, and thou, a King and a High Priest, shall that be thy law [too]!’ ‘Then what shall I do?’ ‘If thou wilt take my advice, trample them down.’ ‘But what shall happen with the Torah?’ ‘Behold, it is rolled up and lying in the corner (הרי כרוכה) זוית (ומונחת בקרן זוית): whoever wishes to study, let him go and study!’ (*b. Qiddushin* 66a)

¹⁸ For a discussion see Leiman, *The Canonization of Hebrew Scripture*, 115–18.

¹⁹ J. Milgrom, “First Day Ablutions in Qumran,” in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid 18–21 March, 1991* (ed. J. Trebelle Barrera and L. Vegas Montaner; Leiden: Brill, 1992), 2: 261–270, here 568: “instead of *terumot* Qumran employed the term *tahara* by which they meant that their food should be maintained in a state of purity.”

²⁰ Milikowsky, “Reflections on Hand-Washing,” 162, suggests that hand-washing and hand-impurity have something to do with the priestly service in the Jerusalem temple.

²¹ See Grace M. Crowfoot, “The Linen Textiles,” in *Qumran Cave 1* (DJD 1; ed. D. Barthélemy and J. T. Milik; Oxford: Clarendon, 1956), 18–38, here 18–19; Magness, *Debating Qumran*, 142.

²² Y. Yadin, *The Temple Scroll I* (Jerusalem: IES, 1983), 198–200.

The Schottenstein Daf Yomi Edition and the Soncino Edition of the Babylonian Talmud both translate כרוכה as referring to a rolled up Torah scroll. However, Joseph Baumgarten translates this word as “wrapped up”: “Behold, it is wrapped up and deposited in a corner; whoever wishes to study it let him come and study it.”²³ According to Baumgarten this baraita and the scholion to *Megillat Ta’anit* attest to the practice of wrapping and depositing written books of the law (attributed in these sources to the Sadducees):

“On the 4th day of Tammuz the Book of Decrees was abrogated.”

The Sadducees had a Book of Decrees written and deposited (כתוב ומונח) specifying, These are stoned, these are burned, etc...and when they would sit in deliberation and someone would question their source, they would show him in the Book...but they were unable to produce any proof from the Torah.²⁴

However, the scholion refers to writing and depositing (or publicizing) books, not to wrapping them. Clearer evidence for the practice of wrapping Torah scrolls is attested in the Tosefta and the Babylonian Talmud, where גלל describes rolling (a scroll) and מטפחות denotes the cloth wrapper:

He who makes an ark and coverings (מטפחות) for a [holy] scroll, before one has made use of them for the Most High, an ordinary person is permitted to make use of them. Once one has made use of them for the Most High, an ordinary person is no longer permitted to make use of them. But one may lend a cloth for a scroll and go and take it back from him [to whom it was lent for such a purpose and then make use of it for a lesser purpose]. Clothes for covering a given set of scrolls they may use for different scrolls, but they may not make use of them for other purposes. (*t. Megillah* 2:13)

²³ From J. M. Baumgarten, *Studies in Qumran Law* (Brill: Leiden, 1977), 21. However, elsewhere he translates the same passage as reading “Behold, it is written and placed in a corner.”, cf. Baumgarten, “Recent Qumran Discoveries and Halakhah in the Hellenistic-Roman Period,” in *Jewish Civilization in the Hellenistic-Roman Period* (ed. S. Talmon; Philadelphia: Trinity Press International, 1991), 147–158, here 153.

²⁴ Baumgarten, *Studies in Qumran Law*, 22. For the scholion see Vered Noam, “From Philology to History. The Sectarian Dispute, as Portrayed in the Scholium to *Megillat Ta’anit*,” in *Recent Developments in Midrash Research: Proceedings of the 2002 and 2003 SBL Consultation on Midrash* (ed. L. M. Teugels and R. Ulmer; Piscataway NJ: Gorgias, 2005), 53–95. The Pharisees’ claim that the Sadducees are unable to provide any proof from the Torah suggests the possibility that the Book of Decrees incorporated non-biblical expansions of law, recalling Qumran legal tradition.

R. Parnak said in the name of R. Johanan: Whoever takes hold of a scroll of the Torah without a covering (naked) is buried without a covering. Without a covering, think you?—Say rather, without the covering protection of religious performances. Without religious performances, think you?—No, said Abaye; he is buried without the covering protection of that religious performance. R. Jannai the son of the old R. Jannai said in the name of the great R. Jannai: Is it better that the covering [of the scroll] should be rolled up [with the scroll] and not that the scroll of the Torah should be rolled up [inside the covering] (מוטב תיגלל המטפחת) (ואל יגלל ספר תורה) (b. *Megillah* 32a)

Although scroll wrappers are found at Qumran, sectarian legislation provides no indication that they considered scroll containers, straps, and wrappers as defiling, in contrast to the rabbis:

The thongs and straps which one sewed onto a book, even though it is not permitted to keep them, impart defilement to hands. A container of books, and a box of books, and the wrappings of a book, when they are clean, impart defilement to hands (המשיחות והרצועות שתפרן בספר) אע"פ שאינו רשאי לקיימן מטמאות. תיק הספרים ומטפחות ותיבה של (ספר בזמן שהן טהורות מטמאות את הידים) (t. *Yadayim* 2:12)

And whereas according to the rabbis phylacteries also defile the hands, there is no evidence that the Qumran sect shared this view:²⁵

The straps of tefillin [while they are still attached] to the tefillin impart uncleanness to hands. R. Simeon says, 'The straps of tefillin [under any circumstances] do not impart uncleanness to hands. (m. *Yadayim* 3:3)

The question why, according to the rabbis, scrolls defile the hands remains unanswered. Perhaps the concept is related to the Roman and Persian practice of making an offering with the hand(s) covered or veiled, a practice that continued in the Byzantine world. The veiling of hands was also a feature of the cult of Isis.²⁶ The notion that hands

²⁵ For the rabbinic view see Goodman, "Sacred Scripture and 'Defiling the Hands'," 105. For phylacteries from Qumran see J. T. Milik, "Tefillin, Mezuzot et Targums (4Q128–157)," in *Qumran Grotte 4. II* (DJD 6; ed. R. de Vaux and J. T. Milik; Oxford: Clarendon, 1977), 33–91; M. Baillet, "Textes des grottes 2Q, 3Q, 6Q, 7Q à 10Q," in *Les 'Petites Grottes' de Qumrân* (DJD 3; ed. M. Baillet, J. T. Milik, and R. de Vaux; Clarendon: Oxford, 1962), 149–57. For possible phylacteries from Cave 11 see H. Eshel, "Three New Fragments from Qumran Cave 11," *DSD* 8 (2001): 1–8, here 1 n. 3. L. H. Schiffman, Review of R. de Vaux and J. T. Milik, *Qumran Grotte 4. II*. *JAOS* 100 (1980): 170–172, here 171, suggests that due to their sanctity old phylactery straps were used to fasten and bind scrolls at Qumran.

²⁶ See C. Witke, "Propertianum Manuale," *Classical Philology* 64.2 (1969): 107–109.

must be covered when touching offerings or sacred objects might be reflected in the Jewish practice of wrapping Torah scrolls and perhaps explains why some Jews considered touching Torah scrolls as defiling the hands.

THE GLASS FROM KHIRBET QUMRAN:
WHAT DOES IT TELL US ABOUT THE
QUMRAN COMMUNITY?*

DENNIS J. MIZZI

This paper is based on one of the chapters of the author's doctoral dissertation. The aim of the dissertation was to analyse Qumran in its archaeological context, taking into consideration all of the site's material cultures (including the oft-ignored material assemblages), while also assigning a probable stratigraphic context to all the finds in these various assemblages.

The glass from Qumran, like the stone vessels, the jewellery, and the other small finds, has not been systematically analysed from an archaeological and a historical perspective, and neither has it been thoroughly studied within its Late Hellenistic and Early Roman context, despite its publication in 2000.¹ Nevertheless, this has not precluded some scholars from concluding that the glass from Qumran is "hard to reconcile with the hypothesis... of a community seeking detachment from worldly affairs and poverty,"² and that the "presence of a large collection of glassware at the site... is an indication of industrial and commercial, rather than religious, activity."³ Some scholars

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¹ See H. Wouters et al., "Antique Glass from Khirbet Qumrân: Archaeological Context and Chemical Determination," *BIRPA* 28 (1999/2000): 9–40.

² Wouters et al., "Antique Glass from Khirbet Qumrân," 18.

³ Y. Hirschfeld, *Qumran in Context: Reassessing the Archaeological Evidence* (Peabody MA: Hendrickson, 2004), 145. See also Lena Cansdale, *Qumran and the Essenes: A Re-Evaluation of the Evidence* (Tübingen: Mohr Siebeck, 1997), 158–159, for the conclusion that glass was still a luxury product affordable only to affluent individuals during the 1st century BCE and the 1st century CE. Cansdale arrives at this conclusion

have also argued that the glass from Qumran, which represents the “only signs of opulence”, most probably belonged to the Period III occupiers,⁴ while for R. de Vaux the glass fragments from Qumran were insignificant.⁵

It appears that a proper contextual analysis of the glass from Qumran is warranted. As such, this paper will analyse how the Qumran glass assemblage fits within the glass repertoire of Palestine during the late 2nd century BCE, the 1st century BCE, and the 1st century CE. In addition, since the categorisation of the glass according to its period-of-use would be very beneficial, an attempt was made at attributing a stratigraphic context (and consequently, a probable date-of-use) to the various glass vessels from Qumran.⁶ This whole endeavour should produce a more comprehensive and accurate picture of Qumran’s glass

mainly on the basis of a few passages from rabbinic literature, whose meaning (vis-à-vis the cost of glass in antiquity) is ambiguous; moreover, Cansdale fails to consider properly the archaeological side of the question, and the only archaeological example she alludes to, as evidence for the preciousness of glass during the Second Temple Period, is the discovery of three glass vessels that were found wrapped in palm fibre within the Cave of Letters, dating to the early 2nd century CE (see Y. Yadin, *Bar-Kokhba: The Rediscovery of the Legendary Hero of the Last Jewish Revolt Against Imperial Rome* [London: Weidenfeld and Nicolson, 1971], 201–205). However, Cansdale fails to recognize that these three vessels are cast colourless vessels of the highest quality and do not represent the typical glass vessels in circulation during this period.

⁴ M. Broshi, “Essenes at Qumran? A Rejoinder to Albert Baumgarten,” *DSD* 14 (2007): 25–33 (here 27).

⁵ R. de Vaux, “Fouille de Khirbet Qumrân: rapport préliminaire,” *RB* 60 (1953): 83–106 (here 95).

⁶ The methodology of this exercise has been fully presented in my doctoral dissertation, and it is not possible to reproduce it in detail here. In a nutshell, the Qumran finds are attributed a stratigraphic context by connecting their date-of-recording with R. de Vaux’s descriptions of work undertaken in the various loci, which are broken down according to the date on which the work was conducted. De Vaux’s descriptions of the excavation works conducted at Qumran can be found in J.-B. Humbert and A. Chambon, eds., *Fouilles de Khirbet Qumrân et de Ain Feshkha: I: Album de Photographies, Répertoire du Fonds Photographique, Synthèse des Notes de Chantier du Père Roland de Vaux OP* (Fribourg/Göttingen: Fribourg University Press/Vandenhoeck & Ruprecht, 1994); F. Rohrhirsch and B. Hofmeir, eds., *Die Ausgrabungen von Qumran und En Feschcha: IA: Die Grabungstagebücher* (trans. and suppl. F. Rohrhirsch and B. Hofmeir; Freiburg Schweiz/Göttingen: Universitätsverlag/Vandenhoeck & Ruprecht, 1996); J.-B. Humbert, A. Chambon, and S. J. Pfann, eds., *The Excavations of Khirbet Qumran and Ain Feshkha: IB: Synthesis of Roland de Vaux’s Field Notes* (trans. and rev. S. J. Pfann; Fribourg/Göttingen: Fribourg University Press/Vandenhoeck & Ruprecht, 2003). Therefore, if, for example, a find was found in imaginary L.1983, with a date-of-recording of “25/05/54”, and, according to the excavation diary, on that day work was conducted beneath the upper floor of L.1983, then that find’s use must pre-date the construction of the upper floor. It must be pointed out, that sometimes the results from this analysis have to be interpreted within the framework of the general history of the site as outlined by R. de Vaux (R. de Vaux, *Archaeology and the Dead*

corpus, which will help us to clarify its actual significance and, consequently, what it reflects about the Qumran community.⁷

I. *Glassware in Palestine Between the late 2nd Century BCE and the 1st Century CE*

The production of glassware was a more limited enterprise than that of pottery; nonetheless, numerous types of glass wares were manufactured throughout the Mediterranean between the late 2nd century BCE and the 1st century CE. This section will briefly present the major types of glass vessels that were in circulation in Palestine⁸ during the aforementioned period, based on a survey of circa 80–100 sites (see figure 1).

The finest glass vessels circulating in Palestine were probably a series of cast coloured and colourless vessels, which were first cast and then skilfully cut and polished.⁹ During the 1st century BCE the coloured variety was already in vogue; on the other hand, the colourless kind came into circulation from the middle of the 1st century CE onwards, and, according to Pliny the Elder (1st century CE), these fine cast colourless vessels were the most highly valued glass wares, at least in the western Mediterranean (Pliny, *Nat.* 36:26). In Palestine, cast vessels were very rare and they appear to have been a most valuable possession (see table 1; figure 2). The situation seems to have been analogous in Syria, the Phoenician coast, and in Nabataea.¹⁰

Sea Scrolls [rev. ed.; London: OUP, 1973]) and revised by J. Magness (J. Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* [Grand Rapids: Eerdmans, 2002]).

⁷ For methodological purposes, in this paper, the terms *Qumranites* and the *Qumran community* are used to refer to the people who lived at Khirbet Qumran, whoever they were. Therefore, the term Qumran community does not imply a religious or sectarian community, but simply the group of people that inhabited the site.

⁸ In this paper the term *Palestine* is used to refer collectively to sites found in the following regions: Judaea, Idumaea, Samaria, Lower and Upper Galilee, Gaulanitis, the region of the Decapolis (in the north of present-day Jordan), Peraea (to the northeast of the Dead Sea, in the north of present-day Jordan), and sites immediately to the east of the Dead Sea. Therefore, the term carries no modern political connotations.

⁹ For more information on fine cast glass, see D. F. Grose, "Early Imperial Roman Cast Glass: The Translucent Coloured and Colourless Fine Wares," in *Roman Glass: Two Centuries of Art and Invention* (ed. M. Newby and K. Painter; London: The Society of Antiquaries of London, 1991), 1–18.

¹⁰ A limited number of coloured and colourless cast vessels have been recorded from Dura-Europos, from a grave near Hama (in northern Syria), and from excavations in Beirut (see C. W. Clairmont, *The Excavations at Dura Europos: Final Report IV, Part V: The Glass Vessels* [New Haven: Dura-Europos Publications, 1963], 21–29, Plates

Another type of fine glass were polychrome mosaic vessels, which were a series of vessels characterised by extensively-coloured and intricately-patterned decoration, which required an elaborate and lengthy process of manufacturing, whereby various coloured glass rods were fused together.¹¹ There were numerous decorative styles within the series of polychrome vessels but the details of these variant styles need not concern us here. Like fine cast vessels, very few sites in Palestine have yielded polychrome vessels (see table 1; figure 3). On the other hand, polychrome vessels are somewhat more common in Syria, although few come from proper archaeological excavations, with the majority being published in museum catalogues and collections.¹² A limited number of mosaic vessels have also been reported from the excavations in Beirut,¹³ from the mansion at az-Zantur (EZ IV) in Petra,¹⁴ and from the potter's workshop at Oboda.¹⁵ Therefore, it seems that, for the most part polychrome mosaic vessels were likewise a rare commodity in the Levant.¹⁶

2–3; S. Jennings, *Vessel Glass from Beirut: BEY 006, 007, and 045* [Berytus 48–49; Beirut: The Faculty of Arts and Sciences/The American University of Beirut, 2004–2005], 51–54, figures 2.22–2.23]). In the Nabataean sphere of influence, fine cast glass has only been discovered at Aila, by the coast of the Red Sea (see J. D. Jones, “Roman Export Glass at Aila [Aqaba],” *Annales du 14^e Congrès de l’Association Internationale pour l’Histoire du Verre* [2000]: 147–150 [here 148, figure 2]; S. T. Parker, “The Roman Aqaba Project: The 1994 Campaign,” *ADAJ* 40 (1996): 231–257 [here 252]).

¹¹ For more information on the manufacturing process of polychrome mosaic vessels, see N. Kunina, *Ancient Glass in the Hermitage Collection* (St. Petersburg: The State Hermitage Ars, 1997), 35.

¹² See J. W. Hayes, *Roman and Pre-Roman Glass in the Royal Ontario Museum: A Catalogue* (Toronto: Royal Ontario Museum, 1975), 24–25; S. B. Matheson, *Ancient Glass in the Yale University Art Gallery* (New Haven: Yale University Art Gallery, 1980), 17–18, no. 48; M. Dimashq, *Exposition des verres Syriens a travers l’histoire: organisée a l’occasion du 3^e congrès des journées internationales du verre au musée national de Damas, de 14–21 novembre, 1964* (Damascus: La Direction, 1964); M. O’Hea, “The Glass and Personal Adornment,” in *Jebel Khalid on the Euphrates: Report on Excavations 1986–1996: Volume One* (ed. G. W. Clarke et al.; Sydney: Meditarch, 2002), 245–272 (here 246, 257); B. Zouhdi, “Les verres mosaïqués et millefiori du musée national de Damas,” *Annales de 3^e congrès des journées internationales du verre* (1964): 68–78 (here 71, 74ff.).

¹³ Jennings, *Vessel Glass from Beirut*, 52.

¹⁴ D. Keller, “Mosaic Glass from az-Zantur,” in “Swiss-Liechtenstein Excavations at az-Zantur in Petra 1996: The Seventh Season,” by B. Kolb, D. Keller, and Y. Gerber, *ADAJ* 41 (1997): 242–246 (here 245).

¹⁵ A. Engle Berkoff, “Israël,” *BJIV* 2 (1963): 107–112 (here 111).

¹⁶ See also Jennings, *Vessel Glass from Beirut*, 52; M. O’Hea, “Late Hellenistic Glass from some Military and Civilian Sites in the Levant: Jebel Khalid, Pella and Jerusalem,” *Annales du 16^e Congrès de l’Association Internationale pour l’Histoire du Verre* (2005): 44–48 (here 48).

Core-formed vessels represent another rarity in Palestine, particularly during the Late Hellenistic and Early Roman periods (see table 2; figure 4). Due to the time-consuming and intricate method of production,¹⁷ as well as the endowment of these vessels with deep colours, particularly blue, green, yellow, and white, these glass vessels must have been costly as well. The same method of production also dictated the enclosed shapes of these vessels, which were usually produced in shapes of alabastra, amphoriskoi, and unguentaria.¹⁸ Core-formed vessels appear to have been relatively common in the eastern Mediterranean, especially in places such as Cyprus and the Aegean area,¹⁹ which, together with the Syro-Palestinian coast, are thought to have been possible production centres;²⁰ this is particularly the case in archaeological contexts dating from the 6th century BCE to the mid-1st century BCE.²¹ While the dearth of core-formed vessels in 1st century BCE and 1st century CE Palestine was undoubtedly related to their cost, it must also be associated with the fact that this industry was fading away by this time, probably due to the invention of free-blowing, which facilitated the production of enclosed vessels.

Owing to the complex and relatively time consuming manufacturing technique involved in their production and of the raw materials needed to imbue glass with artificially-induced colours, the aforementioned types of glass vessels fall within the category of fine glassware.²²

¹⁷ For more information on the manufacturing process of core-formed glass, see B. Schlick-Nolte, "Ancient Glass Vessels," in *Reflections on Ancient Glass from the Borowski Collection* (ed. R. S. Bianchi; Mainz am Rhein: Philipp von Zabern, 2002), 43–46; B. Schlick-Nolte and R. Lierke, "From Silica to Glass: On the Track of the Ancient Glass Artisans," in Bianchi, ed., *Reflections on Ancient Glass*, 11–40 (here 27ff.).

¹⁸ Jennings, *Vessel Glass from Beirut*, 27.

¹⁹ Jennings, *Vessel Glass from Beirut*, 28 (who quotes sites from only these regions and beyond); A. Rottloff, "Hellenistic, Roman and Islamic Glass from Bethsaida (Iulias, Israel)," *Annales du 14^e Congrès de l'Association Internationale pour l'Histoire du Verre* (2000): 142–146 (here 142).

²⁰ Y. Gorin-Rosen, "Glass Vessels from Area A," in *Jewish Quarter Excavations in the Old City of Jerusalem: Volume II: The Finds from Areas A, W and X-2* (ed. H. Geva; Jerusalem: IES, 2003), 364–400 (here 375); Rachel Hachlili and A. E. Killebrew, "The Glass Vessels," in *Jericho: the Jewish Cemetery of the Second Temple Period* (ed. R. Hachlili and A. E. Killebrew; Jerusalem: IAA, 1999), 134; R. E. Jackson-Tal, "The Late Hellenistic Glass Industry in Syro-Palestine: A Reappraisal," *JGS* 47 (2004): 11–32 (here 13); Jennings, *Vessel Glass from Beirut*, 27–28.

²¹ See also D. F. Grose, "The Hellenistic Glass Industry Reconsidered," *Annales du 8^e Congrès de l'Association Internationale pour l'Histoire du Verre* (1981): 61–72 (here 61).

²² The natural colour of raw glass is a pale bluish or greenish colour, owing to the presence of iron impurities in the raw material itself. A wider range of bluish-green

Naturally, the aesthetics of these vessels themselves would have played a role as well in determining their value.

However, not all glass vessels were considered as luxurious wares. From the late 2nd century BCE until the late 1st century CE a series of conical and hemispherical bowls were produced by sagging a disc of glass over a convex-shaped mould.²³ These sagged bowls were either left plain or otherwise decorated with grooves or ribs; some bowls were also decorated with finely-cut grooves, flutes, vegetal designs, or beads, but these appear to have been generally rare (see table 3). Through experimentation Taylor and Hill conclude that the production of a sagged vessel, including a ribbed one, involved a fairly quick and uncomplicated process,²⁴ which probably made such vessels relatively inexpensive. In fact, even the archetypal colours of sagged glass point in this direction as sagged vessels generally had a pale blue, bluish-green, green, olive-green, yellow, or a yellowish-brown hue, all of which could be achieved naturally; in contrast, artificially-coloured sagged vessels were rather rare.²⁵ Nonetheless, some scholars still think

colours as well as yellowish colours can be attained by controlling the oxygen levels within the furnace (S. Jennings and J. Abdallah, "Roman and Later Blown Glass from the AUB Excavations in Beirut [Sites BEY 006, 007 and 045]," *ARAM* 13–14 [2001–2002]: 237–264 [here 238]; E. M. Stern and B. Schlick-Nolte, *Early Glass of the Ancient World: 1600 B.C.–A.D. 50: Ernesto Wolf Collection* [Ostfildern, Germany: Gerd Hatje, 1994], 19, 20); however, additional metal oxides are needed for artificially-induced colours, such as pink and purplish red (manganese), blue, green, and red (copper), deep blue (cobalt), as well as a colourless hue (antimony and manganese) (D. M. Issitt, "Substances Used in the Making of Coloured Glass," n. p. [cited March 2006]. Online <http://1st.glassman.com/articles/glasscolouring.html>; Stern and Schlick-Nolte, *Early Glass*, 20). The costs involved in obtaining these substances and the cost of the metal oxides themselves must have made artificially coloured vessels more expensive.

²³ For more information on the manufacturing process of sagged glass, see Jennings, *Vessel Glass from Beirut*, 29–30.

²⁴ M. Taylor and D. Hill, "Ribbed Bowls and Their Manufacture," n. p. [cited October 2007]. Online <http://www.romanglassmakers.co.uk/bmribbed.htm>.

²⁵ For an idea of the ratio between naturally and artificially-coloured vessels, see G. M. Crowfoot, "Glass," in *Samaria-Sebaste: Reports of the Work of the Joint Expedition in 1931–1933 and of the British Expedition in 1935: No. III: The Objects from Samaria* (ed. J. W. Crowfoot, G. M. Crowfoot, and K. Kenyon; London: PEF, 1957), 403–422 (here 403); Y. Israeli and N. Katsnelson, "Refuse of a Glass Workshop of the Second Temple Period from Area J," in *Jewish Quarter Excavations in the Old City of Jerusalem: Conducted by Nahman Avigad, 1969–1982: Volume III: Area E and Other Studies: Final Report* (ed. H. Geva; Jerusalem: IES Institute of Archaeology, Hebrew University of Jerusalem, 2006), 411–460 (here 423, 424, 429); G. D. Weinberg, "Hellenistic Glass from Tel Anafa in Upper Galilee," *JGS* 12 (1970): 17–27. Colourless vessels seem to represent the most popular hue among the "artificially-coloured" vessels; on the other

that sagged bowls signify wealth and luxury.²⁶ It is probably safe to assume that while sagged glass would not have been affordable to the poorest stratum of the social fabric it was indeed available to more social classes than the finer glass wares ever were.²⁷ This can in fact be seen from the wider distribution of these glass wares in Palestine (see table 3; figure 5), and in Syria, the Phoenician coast, and Nabataea.²⁸

Even cheaper glass became available sometime after the middle of the 1st century BCE, as a result of the invention of glass-blowing, which facilitated the manufacturing process of glass even further, thereby making it easier and quicker to produce. Consequently, glass became more common, a process which is reflected in the archaeological record by the widespread distribution of glass throughout Palestine; this is in sharp contrast to the scarcity of the finer glassware (see table 4; figure 6a). According to excavated finds, free-blown glass became more prominently common, in Palestine and several areas of the Levant, from the beginning of the 1st century CE onwards.²⁹ However, in various urban settlements, sagged glass still remained quantitatively more common than free-blown glass during the early 1st century CE,³⁰

hand, strong colours, such as purple, blue, red, and opaque white appear to have been very rare.

²⁶ For example, Jennings, *Vessel Glass from Beirut*, 29.

²⁷ See also Jackson-Tal, "The Late Hellenistic Glass Industry," 28. However, it is probable that sagged vessels decorated with beads or vegetal designs were indeed considered objects of luxury (Ruth Jackson-Tal, personal communication [May 2009]).

²⁸ See, for example, B. J. Dolinka et al., "The Rujm Ṭāba Archaeological Project (RTAP): Preliminary Report on the 2001 field season," *ADAJ* 46 (2002): 429–450 (here 445–446); O. Dussart, *Le verre en Jordanie et en Syrie du Sud* (Beyrouth: Institut Français d'Archéologie du Proche-Orient, 1998), *passim*; P.-L. Gatier et al., "Mission de Yanouh et de la haute vallée du Nahr Ibrahim: rapport préliminaire 2003–2004," *BAAL* 8 (2004): 119–210 (here 168, plate 22:1–5); Hayes, *Roman and Pre-Roman Glass*, 18–21; Jennings, *Vessel Glass from Beirut*, 28–51; E. John, C. von Rüden, and E. Wagner, "I. The Slope Area. 1. House II (Areas II e-g 7–8)," in "Kamid el-Loz in the Beqa'a Plain/Lebanon: Excavations in 2001, 2002 and 2004," by M. Heinz et al., *BAAL* 8 (2004): 86–96 (here 95, figure 26); Jones, "Roman Export Glass at Aila," 148; Kunina, *Ancient Glass*, 257; Matheson, *Ancient Glass*, 14–16; O'Hea, "The Glass and Personal Adornment," 245, 250ff.; T. Zaven, "The Glass Finds," in "Kamid el-Loz in the Beqa'a Plain/Lebanon: Continuity and Change in the Settlement of a Region," by M. Heinz et al., *BAAL* 5 (2001): 65.

²⁹ See also R. Jackson Tal, "Early Roman Glass in Context: Gamla (Gamala) Destruction of 67 CE", *Annales de l'Association Internationale pour l'Histoire du Verre* (forthcoming); E. M. Stern, "Roman Glassblowing in a Cultural Context," *AJA* 103 (1999): 441–484 (here 479).

³⁰ See, for example, Y. Gorin-Rosen, "Glass vessels," in *Jewish Quarter Excavations in the Old City of Jerusalem: Conducted by Nahman Avigad, 1969–1982: Volume III: Area E and Other Studies: Final Report* (ed. H. Geva; Jerusalem: IES Institute of

but this does not mean that sagged glass was less expensive. It is possible that the latter phenomenon is a result of sagged glass being more attractive to the tastes of the elite in these urban settlements.³¹ Moreover, while sagged glassware is virtually limited to domestic contexts, free-blown glass is more ubiquitous. Not only is it found in a variety of settlements, but it is attested also within burials, which betrays the fact that glass was becoming more affordable and more widespread, in that people from both large urban settlements and small rural villages were purchasing it and even depositing it within their family burial. On the contrary, very little of the aforementioned types of glassware are ever found within village contexts or within tombs.³² Therefore, relatively speaking, free-blown glass still seems to have been the most widespread type of glassware within Palestine during the 1st century CE, in that this type of glass was available to a wider range of consumers, and this must be because it was the most inexpensive glass available on the market.³³ Consequently, the lower quantity of excavated free-blown glass does not reflect its higher cost but its gradual and slow integration within the Palestinian repertoire.³⁴

Archaeology, Hebrew University of Jerusalem, 2006), 239–265, here 239, 257; Jackson-Tal, “Early Roman Glass in Context;” Jennings, *Vessel Glass from Beirut*, 69, 248.

³¹ It is also possible that pre-existing familiar shapes were still preferred even though free-blowing provided cheaper vessels. As such, the integration of free-blown vessels would have been a slow and gradual process (Jackson-Tal, “Early Roman Glass in Context”).

³² This has little to do with the fact that bottles (produced by free-blowing) were the most common glass vessels to be deposited within tombs. Free-blown cups and bowls have also been found in burial contexts, and thus there is no reason why sagged bowls or bowls produced by any of the above-mentioned techniques could not have been deposited as well. In fact, sagged bowls are attested in three burials (Jason’s Tomb, a tomb in Meiron, and a tomb in Hagosherim, see table 3). Therefore, the preponderance of free-blown vessels within burial contexts is probably indicative of their more common and cheaper nature. This notwithstanding, one must note that glass vessels, and other grave goods, are only found within burial caves and not within simple shaft tombs. The former type of burial was more characteristic of ‘middle-class’ and upper-class families as it was an expensive endeavour to hew out a burial cave out of bedrock. Therefore, although free-blown glass was probably the cheapest glass available on the market, it does not mean that it was affordable to the poorest of classes.

³³ For scholars who likewise do not consider free-blown glass as a luxurious ware, see Y. Gorin-Rosen, “The Glass Vessels from the *Miqveh* near Alon Shevut,” *Atiqot* 38 (1999a): 85–90, here 89; S. S. Weinberg, “Tel Anafa: the Hellenistic town,” *IEJ* 21 (1971): 86–109, here 99.

³⁴ One must also not forget that the current quantitative data, regarding free-blown glass, are probably largely inaccurate, as this excludes the large quantities of glass which remain either unexcavated or unpublished as a result of its highly fragmentary nature, or having been completely obliterated in the archaeological record. This makes

Free-blowing facilitated the production of various shapes of vessels, including bottles, cups and bowls of various types, elongated beakers, as well as ribbed vessels. In Palestine, the majority of discovered free-blown vessels are imbued with natural colours, with artificially-coloured free-blown vessels being noticeably absent from 1st century BCE and 1st century CE sites across Palestine.³⁵

Around the mid-1st century CE, the technique of mould-blowing was developed,³⁶ a technique similar to free-blowing but with the difference that vessels were blown into a mould. This allowed the production of new shapes of vessels, such as square and hexagonal bottles, as well as vessels with decorations, which could also be produced quickly and cheaply.³⁷ Overall, there are relatively few mould-blown vessels emanating from 1st century CE (especially pre-70 CE) contexts in Palestine (see table 5; figure 7a), which may partly be because mould-blowing was invented around the mid-1st century CE. However, it is also possible that the lack of some of the more intricately-decorated mould-blown vessels may have been a result of their more valuable nature. The creation and maintenance of decorated moulds was a time consuming process³⁸ which led to their appreciation as prestigious esteemed possessions. This is particularly so for the so-called “Sidonian” wares, a category of vessels, probably produced in workshops along the Phoenician coast, that was characterised by bowls, beakers, jugs and juglets, and especially hexagonal bottles, which were decorated with vegetal, floral, and geometric motifs, architectural or

glass either difficult to detect or difficult to identify. Statistically, this unquantifiable glass is more likely to be free-blown glass, due to its highly fragile nature.

³⁵ The assemblage of free-blown vessels from Masada reflects this particularly well: the thousands of fragments of free-blown vessels from this palatial fortress are all made of naturally-coloured glass (D. P. Barag, “The Contribution of Masada to the History of Early Roman Glass,” in Newby and Painter, eds., *Roman Glass*, 137–140, here 138).

³⁶ D. T. Ariel, *Excavations at the City of David 1978–1985: Volume II: Imported Stamped Amphora Handles, Coins, Worked Bone and Ivory, and Glass* (Qedem 30; Jerusalem: The Institute of Archaeology, The Hebrew University of Jerusalem, 1990), 163.

³⁷ J. Price, “Glass,” in *A Handbook of Roman Art* (ed. M. Henig; London: Phaidon Press Limited, 1983), 205–219, 211; D. Whitehouse, “Glass,” *OEANE* 2: 413–415, here 414.

³⁸ Moulds have a limited lifespan, and hence they must be constantly maintained and new ones made, once their lifespan is over (M. Taylor and D. Hill, “Haud credibile posso quae non Roman est or: ‘I can’t believe it’s not Roman!’” n. p. [cited March 2006]. Online <http://www.romanglassmakers.co.uk/articles.htm>).

figural ornamentation, and sometimes accompanied by inscriptions.³⁹ In Palestine specimens of “Sidonian” wares are relatively uncommon (see table 5; figure 7b); mould-blown vessels and “Sidonian” wares are similarly rare within sites in the Nabataean sphere,⁴⁰ but the latter wares have a relatively wider distribution in Syria and Lebanon,⁴¹ albeit being mainly represented in museum catalogues that only provide a vague context.

II. *The Glass Vessels from Khirbet Qumran*

Fragments of glass vessels were found both in the excavations conducted by de Vaux and in those carried out by Y. Magen and Y. Peleg. The glass assemblage recovered from de Vaux’s excavations is made up of circa 150 glass fragments, which belong to at least 89 different vessels;⁴² more glass has been unearthed in the Magen and Peleg exca-

³⁹ For a range of different “Sidonian” wares, see D. B. Harden, “Romano-Syrian Glasses with Mould-Blown Inscriptions,” *JRS* 25 (1935): 163–186.

⁴⁰ For the only three examples of mould-blown vessels that the present author could find in the scholarly literature regarding Nabataea and modern Jordan, see D. P. Barag, “Phoenicia and Mould-Blowing in the Early Roman Period,” *Annales du 13th Congres de l’Association Internationale pour l’Histoire du Verre* (1996): 77–92 (here 84–85); A. Jr. Oliver, *Ancient Glass in the Carnegie Museum of Natural History, Pittsburgh* (Pittsburgh PA: Board of Trustees, Carnegie Institute, 1980), 61, no. 54; E. M. Stern, *Roman, Byzantine, and Early Medieval Glass: 10 BCE–700 CE: Ernesto Wolf Collection* (Ostfildern: Hatje Cantz Publishers, 2001), 52. Only the former vessel can be confirmed as emanating from Nabataea, it having been found in Petra; the latter two items, on the other hand, are simply listed as coming from Jordan, and hence it cannot be confirmed whether they come from the area of the Decapolis or the Dead Sea region, which are included within the Palestinian material in this study, or whether they come from the Nabataean cultural zone.

⁴¹ See, for example, P. L. W. Arts, *A Collection of Ancient Glass: 500 BC–500 AD* (Lochem: ANTIEK Lochem, 2000), 102ff., 106; Barag, “Phoenicia and Mould-Blowing,” 80ff.; D. B. Harden, “Two Tomb-Groups of the First Century A.D. from Yahmour, Syria, and a Supplement to the List of Romano-Syrian Glasses with Mould-Blown Inscriptions,” *Syria* 24 (1945): 81–95, 291–292; D. B. Harden et al., *Masterpieces of Glass* (London: Trustees of the British Museum, 1968), 52 (no. 59), 54 (no. 62); Hayes, *Roman and Pre-Roman Glass*, 47ff.; Jennings, *Vessel Glass from Beirut*, 68–69, 79, figures 3.12, 4.12; Kunina, *Ancient Glass*, 273ff.; Oliver, *Ancient Glass*, 61 (no. 52), 63 (no. 58); Matheson, *Ancient Glass*, 43ff.; E. M. Stern, *The Toledo Museum of Art: Roman Mould-Blown Glass: The First Through Sixth Centuries* (Rome: L’Erma di Bretschneider, 1995), 84–85, 97ff.; Stern, *Roman, Byzantine, and Early Medieval Glass*, 114ff.

⁴² C. Fontaine, “Quatre-vingt-neuf verres très fragmentaires provenant du site de Khirbet Qumrân (Cisjordanie, 1er s. ap. J.C.),” *BIRPA* 25 (1993): 277–280. Only a few pieces of this glass assemblage are listed in de Vaux’s official inventory; however, the

vations, coming from the eastern dump, but no quantitative data has yet been published.⁴³

The glass repertory recovered from the site of Qumran is very fragmentary and almost all of the fragments were recovered in a very bad state of preservation;⁴⁴ Magen and Peleg have also noted that many glass receptacles and other glass fragments had been melted down by great heat.⁴⁵ As a result, it is not always possible to make out the profile and the typological form of the glass fragments.

The most abundant glass receptacles from Qumran are bowls and cups, followed by bottles and flasks. The majority of these are naturally coloured, generally described as blue, green, bluish, or greenish in colour,⁴⁶ but there are also two definitely colourless vessels (nos. IRPA 28, 45), two others which are possibly colourless (nos. IRPA 17, 47),⁴⁷ and, interestingly, a fragment which has a dense mauve (light purple) colour (no. IRPA 21.1).

The majority of vessels excavated by de Vaux are of the blown kind, hence consisting of the most inexpensive glass that was available on the market; in contrast, only four examples of sagged, ribbed and grooved bowls were found.⁴⁸ Of particular interest is the presence of at least one

whole assemblage, including those items which de Vaux did not catalogue, has been published by Wouters et al. (see Wouters et al., "Antique Glass from Khirbet Qumrân"; for photographs of the glass objects from Qumran, see Wouters et al., *ibidem*, figures 4–13, 15–21).

⁴³ Y. Magen and Y. Peleg, "Back to Qumran: Ten Years of Excavation and Research, 1993–2004," in *Qumran: The Site of the Dead Sea Scrolls: Archaeological Interpretations and Debates: Proceedings of a Conference Held at Brown University, November 17–19, 2002* (ed. K. Galor, J.-B. Humbert, and J. Zangenberg; Leiden: Brill, 2006), 55–113 (here 71). Glass vessels are mentioned as having been found only in the description of work in the eastern dump but not in that of the southern and the northern dumps (see Magen and Peleg, "Back to Qumran," 59–64, 71).

⁴⁴ A. Aerts et al., "Analysis of the Composition of Glass Objects from Qumrân, Israel, and Comparison with other Roman Glass from Western Europe," in *La Route du Verre: ateliers primaires et secondaires du second millénaire av.J.-C. au Moyen Âge* (Travaux de la Maison de l'Orient Méditerranéen 33; ed. M.-D. Nenna; Lyon: Maison de l'Orient Méditerranéen, 2000), 113–121 (here 114); Wouters et al., "Antique Glass from Khirbet Qumrân," 11, 13.

⁴⁵ Magen and Peleg, "Back to Qumran," 71.

⁴⁶ See also Wouters et al., "Antique Glass from Khirbet Qumrân," figures 4–13, which clearly show that the colours of the Qumran glass vessels were achieved naturally, as none of them show distinctively deep colours.

⁴⁷ These two vessels are very deteriorated, and hence their colour or lack thereof cannot be absolutely determined.

⁴⁸ There are a number of other ribbed bowls and beakers, but these are free-blown ribbed vessels.

mould-blown “Sidonian” vessel (no. IRPA 73). Magen and Peleg have reported that during their recent excavations they discovered “a large number of receptacles of the kind known as “Sidon ware,”” containing Greek inscriptions,⁴⁹ in addition to goblets, bowls, and bottles.⁵⁰

It is very important to point out that not all of the aforementioned glass objects belonged to the pre-68 CE (or Period II)⁵¹ inhabitants of the site, but neither did they entirely belong to the post-68 CE (or Period III) residents. Below is a table which illustrates the categorisation of the Qumran glass vessels according to type and chronological phase, based on a detailed analysis of the stratigraphic context of each find (see table 7).

	pre-31 BCE	pre-68 CE	post-68 CE	pre-68 CE/ post-68 CE	pre-31 BCE/ post-68 CE	1CBCE–1CCE
Tablewares		15	12	11		2
Bottles	1	4	10	4	2	3
Flasks			3	1		
Unidentifiable		3	3			6

The above table is based on the glass finds from the de Vaux excavations. The vessels found by Magen and Peleg in the eastern dump can neither be quantified nor securely dated until further data are published.⁵²

⁴⁹ Magen and Peleg, “Back to Qumran,” 71.

⁵⁰ Magen and Peleg, “Back to Qumran,” 71; Y. Magen and Y. Peleg, *The Qumran Excavations, 1993–2004: Preliminary Report* (Judea & Samaria Publications 6; Jerusalem: Staff Officer of Archaeology—Civil Administration of Judea and Samaria; Israel Antiquities Authority, 2007), 22, figure 27.

⁵¹ In this paper, this corresponds to the period ranging from the late 1st century BCE (post-31 BCE) until circa 68 CE.

⁵² Magen and Peleg assign this material a Second Temple Period date. That some of the glass vessels from the eastern dump did indeed belong to the pre-68 CE occupation is possibly indicated by the fact that many of the glass objects found seem to have been melted by great heat (Magen and Peleg, “Back to Qumran,” 71; Magen and Peleg, *The Qumran Excavations*, 22), which *could* be a result of the destruction of the site around 68 CE. Nevertheless, one cannot exclude the possibility that some of the glass from the eastern dump belonged to the post-68 CE inhabitants.

III. *Comparative Analysis*

The Qumran glass corpus exhibits a number of traits common to the glass milieu of Palestine and, particularly, of the Dead Sea region, during the 1st centuries BCE and CE. Like many sites, free-blown glass is found at Qumran, in both pre-68 CE and post-68 CE contexts, and it is found in fairly large quantities; in fact, the Qumran glass corpus largely consists of free-blown vessels. Free-blown glass was prolific throughout Palestine during the 1st century CE (see table 4), particularly within Judaea and around the Dead Sea region (see figures 6a and 6b);⁵³ in the latter region, the majority of glass vessels are in fact of the free-blown kind. Therefore, the prevalence of free-blown vessels at Qumran, during both the pre-68 CE and the post-68 CE phase of occupation, fits perfectly within this Dead Sea regional picture, and Qumran's free-blown assemblage is in no way outstanding. Free-blown tablewares and bottles were found in substantial numbers at 'Ein Boqeq, the village of 'Ein Gedi, Masada, Jericho, Machaerus, 'Ein ez-Zara, and even in the cell structures at 'Ein Gedi. It seems that free-blown glass was a common possession in the Dead Sea region, and the Qumranites possessed such wares like everyone else.

Even the scarcity of sagged vessels at Qumran is congruent with its immediate Dead Sea context, as well as its general Palestinian one. Only four sagged bowls were retrieved from de Vaux's excavations; of these, two come from post-68 CE contexts (nos. IRPA 14, 68) and two come from mixed contexts (nos. IRPA 35, 43) (see table 7). It is not made clear whether sagged glass was found within the eastern dump, but if it was it is likely that only a limited number of these wares would have been found.⁵⁴ Therefore, while sagged bowls were indeed used at

⁵³ Figure 6a shows the distribution of free-blown vessels which are assigned a 1st century CE date, including finds which may post-date 70 CE and finds which are vaguely dated between the late 1st century CE and the early 2nd century CE. Figure 6b illustrates the distribution of free-blown vessels which are exclusively dated to the pre-70 CE period. Little change is observable between the two maps with regard to the Dead Sea region and Judaea; this suggests that glass may have been more widespread in southern Palestine during this period, possibly as a result of a major glass workshop in Jerusalem (see Israeli and Katsnelson, "Refuse of a Glass Workshop").

⁵⁴ Generally, material within a dump reflects the objects that were circulating on site. A limited number of vessels on site should translate into a similarly limited number of such vessels within the site's dump. Since only two or three fragments of sagged glass were found on site, then such material within the eastern dump is probably also scarce. This scarcity on site does not seem to be related to these vessels' chronological

Qumran, they do not appear to have been very common; moreover, it cannot be securely confirmed that any such vessels were used by the pre-68 CE or the pre-31 BCE inhabitants.

The significance of this dearth of sagged wares, in either Period I or Period II, should not be overstated. Large numbers of sagged vessels have been found only within cities or urban settlements, mainly Jerusalem, Gamla, Maresha, Samaria, Dor, 'Akko, Caesarea Maritima, Ashdod, and Hagosherim,⁵⁵ which must have belonged to many residences within these urban contexts.⁵⁶ Otherwise, most excavations have yielded only limited amounts of these wares, rarely exceeding ten fragments/vessels (see table 3).⁵⁷ One must note that some of these sites have not been excavated extensively, and hence quantitative arguments made on the basis of this data might be misleading; however, there are a number of small rural sites, such as Ras Abu Ma'aruf, Khirbet Tabaliya, 'Ein ez-Zara, Rujm el-Bahr, 'Ein Feshkha, and 'Ein el-Ghuweir, which have been excavated extensively and which have likewise yielded very few fragments of sagged glass, or none at all,⁵⁸ not to mention numerous other rural settlements and villages in which no sagged vessels have been discovered whatsoever (compare figure 5 with figures 6a and 6b). This is also generally true for some of the larger palatial sites in the Dead Sea region, such as Machaerus and

history since ribbed bowls and, to a lesser extent, grooved bowls continued to be used until the late 1st century CE; thus, if they were common at Qumran one would have expected some fragments to be retrieved from the various pre-68 CE sealed deposits, whose material was not discarded into the surrounding dumps.

⁵⁵ See also Jackson-Tal, "The Late Hellenistic Glass Industry," 22.

⁵⁶ Unfortunately, with the exception of a few houses from the Jewish Quarter in Jerusalem (see table 3), little quantitative evidence is available for individual domestic residences in other urban centres.

⁵⁷ See also Jackson-Tal, "The Late Hellenistic Glass Industry," 22. Tel Anafa represents the only exception, in that hundreds of sagged vessels were retrieved from this large villa.

⁵⁸ It should be noted that some of these sites (with the exception of 'Ein ez-Zara and, to a lesser extent, 'Ein Feshkha) have yielded a limited number of pottery, glass, stone vessels, and other artefacts, contrary to Qumran. Therefore, the limited number of sagged vessels excavated from some of these sites may still seem relatively large within the context of their overall material culture, and the lack of any such glass in some of these sites should not be overly emphasized. However, the point here is that whether sagged glass occurs within sites with small overall assemblages or whether it occurs within sites with large overall assemblages, it usually occurs in limited numbers.

Cypros, as well as the village contexts excavated at 'Ein Gedi⁵⁹ (see table 3). On the other hand, a considerably larger number of sagged glassware was discovered from the "Herodian Mansion" in Jerusalem, from the rural sites of 'Ein Boqeq, Horvat 'Aqav, and Horvat 'Eleq, and from the palatial sites of Herodium, Jericho, and Masada (see table 3), all of which have been excavated extensively as well. Nonetheless, 'Ein Boqeq, Jericho, and Masada, all of which are located within the Dead Sea cultural zone, still have a glass assemblage predominantly made up of free-blown glass. Therefore, although the paucity of sagged wares at Qumran contrasts the relative popularity of these vessels in some Palestinian sites and settlements, Qumran (particularly Period II Qumran, with its large free-blown glass corpus) still appears to conform to the general patterns attested in the Dead Sea region and in rural Palestine.

Qumran mirrors other Palestinian sites also through the presence of rare glassware, which is attested only sporadically in Palestine. Perhaps the vessels which stand out the most among this category are mould-blown vessels of the "Sidonian" kind. R. de Vaux's excavations have unearthed at least one fragment (no. IRPA 73),⁶⁰ possibly two (no. IRPA 74),⁶¹ of decorated mould-blown glass beakers, which carry a palm-leaf pattern and a Greek inscription, although the latter did not survive on the Qumran fragment/s.⁶² Furthermore, according to Magen and Peleg a large number of "Sidonian" wares were found in the eastern dump, with a number of sherds still preserving the Greek inscription;⁶³ however, their preliminary report does not quantify this

⁵⁹ It must be pointed out that these sites have not been excavated in their entirety; however, sagged wares are scarce among the glass vessels recovered from the various areas that were investigated at these three sites.

⁶⁰ See Wouters et al., "Antique Glass from Khirbet Qumrân," 13, 16, figure 13:73.

⁶¹ See Wouters et al., "Antique Glass from Khirbet Qumrân," 16, figure 13:74. It is reported that no. IRPA 74 carries palm-leaf decorations, and that it belongs to the type of vessels carrying an inscription; however, these are not evident in the photograph. Is it possible that the authors wanted to refer to no. IRPA 73 but mistakenly referred to no. IRPA 74? After all, no. IRPA 73 does have a stylised palm-leaf motif, which belongs to the type of beakers with inscriptions, common among "Sidonian" wares.

⁶² For an identical parallel from 'Ein Gedi, see Ruth E. Jackson-Tal, "Glass Vessels from En-Gedi," in *En-Gedi Excavations II: Final Report (1996–2002)* (ed. Y. Hirschfeld; Jerusalem: IES Institute of Archaeology, Hebrew University of Jerusalem, 2007), 474–506 (here figure 5, Plate 5:4).

⁶³ Magen and Peleg, "Back to Qumran," 71.

claim, and thus it is not possible to determine the actual quantity of “Sidonian” wares found.⁶⁴

The presence of a large number of “Sidonian” vessels would indeed be a very atypical feature since “Sidonian” glass beakers are seldom attested in Palestine, with a total of nineteen sites (eight of which are all situated within Jerusalem) having yielded such examples (see table 5; figure 7b). Four of the sites within Jerusalem have yielded fragments of mould-blown decorated pitchers, also characterised by Greek inscriptions, whereas at six of the nineteen sites hexagonal bottles with mould-blown decoration in relief have been reported. In neither of these sites have more than one or two examples been found, with the exception of the “Palatial Mansion” in the Jewish Quarter, Gamla, and Masada, of which the latter two represent contexts much broader than Qumran. It may seem strange that no “Sidonian” wares were retrieved from the well-off farm of Horvat ‘Aqav or, especially, the manor estate of Horvat ‘Eleq; however, these two sites are thought to have been evacuated and abandoned during the turmoil of the First Revolt,⁶⁵ and thus the inhabitants could have taken any precious glass with them, just as refugees took their valuable glass to caves at ‘Ain Arrub during the First Revolt,⁶⁶ and to caves in the Judean Desert during the Bar Kokhba Revolt.⁶⁷ The absence of these prestigious wares at royal sites (for example, Machaerus, Cypros, Herodium, Jericho) and major urban cities (for example, ‘Akko, Dor, Ashdod, Ashqelon, and cities within the Decapolis) may be related to the limited excavations within these sites and settlements, or to human errors during the excavation process, or to the destruction of these sites before such wares came into vogue. Also, one must not exclude the possibility that “Sidonian” wares were in fact found but have yet to be published. Therefore, one must be cautious not to overstate the dearth of “Sidonian” wares at

⁶⁴ If one applies the hypothesis that the finds’ ratios within a dump match those within its associated building, as argued above, then these wares should not number more than a couple of vessels.

⁶⁵ Y. Hirschfeld, “Architecture and Stratigraphy,” in *Ramat Hanadiv Excavations: Final Report of the 1984–1998 Seasons* (ed. Y. Hirschfeld; Jerusalem: IES, 2000), 13–87 (here 38–39, 86); N. Sidi, “Roman and Byzantine Small Objects,” in Hirschfeld, ed., *Ramat Hanadiv Excavations*, 177–186 (here 186).

⁶⁶ Y. Tsafirir and B. Zissu, “A Hiding Complex of the Second Temple Period and the Time of the Bar-Kokhba Revolt at ‘Ain-‘Arrub in the Hebron Hills,” in *The Roman and Byzantine Near East: Volume 3* (JRASup 49; ed. J. H. Humphrey; Ann Arbor MI: Journal of Roman Archaeology, 1995), 7–36.

⁶⁷ Yadin, *Bar-Kokhba*, 201–205.

particular sites; still, it would probably not be incorrect to suggest that these “Sidonian” vessels were generally rare and maybe somewhat prestigious in Palestine.⁶⁸

Therefore, the presence of “Sidonian” glassware at Period II Qumran would be rather significant, especially if many vessels were indeed present. Unfortunately, the data available is insufficient to determine the probable date-of-use of these objects. Vessel no. IRPA 73 comes from a dump (see table 7), and hence its dating must remain open to either a pre-68 CE or a post-68 CE attribution; similarly, Magen and Peleg’s fragments come from a mixed context within the eastern dump. On the other hand, no. IRPA 74 comes from a seemingly post-68 CE context in L.46, but it is uncertain whether this item is actually a “Sidonian” vessel. These outstanding wares would fit nicely in a Period III context, where either Roman soldiers or pro-Roman Jewish deserters could have inhabited the site.⁶⁹ However, until something more conclusive is published, this has to remain in the realm of historical speculation.

There are other rarities besides the mould-blown Greek inscribed wares. Of particular interest is object no. IRPA 65, which is a mould-blown beaker with a wavy ivy-design enveloped between two horizontal lines.⁷⁰ This beaker belongs to a very rare design, with the closest parallel coming from Pompeii,⁷¹ and thus this mould-blown vessel

⁶⁸ A number of the sites listed to have yielded “Sidonian” wares were partially excavated, and thus one may presume that more fragments could be found should further excavations resume. However, sites such as the “Palatial Mansion” and ʿEin ez-Zara have been excavated extensively, and yet only three vessels and a single fragment, respectively, have been found at these sites. Likewise, at Masada, from thousands of glass fragments the minimum number of vessels bearing an inscription is three (although other decorated beakers and “Sidonian” bottles were also found). The case of Jerusalem is also significant, in that despite the several excavations in different locations and in different contexts within the city, and despite the large number of glass vessels unearthed from all these different excavation areas, mould-blown glass of the “Sidonian” type is very limited indeed. Therefore, these examples should strengthen the notion that these wares were indeed rare, while diminishing the possibility of an argument from silence.

⁶⁹ For the latter proposition, see Joan E. Taylor, “Khirbet Qumran in Period III,” in Galor, Humbert, and Zangenberg, eds., *Qumran: The Site of the Dead Sea Scrolls*, 133–146.

⁷⁰ Wouters et al., “Antique Glass from Khirbet Qumrân,” figures 13:65, 21.

⁷¹ L. A. Scatozza Hörich, “Syrian Elements Among the Glass from Pompeii and Herculaneum,” in Newby and Painter, eds., *Roman Glass*, 76–85 (here 82, figure 13c). Scatozza Hörich mentions that this beaker occurs at other sites in the western Mediterranean.

most probably represents an import from the western Mediterranean. Unfortunately, its context at Qumran is unknown (see table 7), and hence it cannot be dated with any certainty. There is also a fluted bowl, which is unusual for its vertical profile (no. IRPA 14),⁷² a goblet decorated with a glass-string in relief (no. IRPA 39),⁷³ a chalice-like vessel (no. IRPA 24),⁷⁴ and a tall free-blown goblet with vertical depressions (no. IRPA 75).⁷⁵ Object no. IRPA 14 comes from a post-68 CE context, no. IRPA 39 and no. IRPA 75 come from an unclear context, whereas no. IRPA 24 comes from a pre-68 CE context (see table 7). Parallels for these vessels mostly come from western Mediterranean sites, and they are very rare or non-existent altogether in Palestine;⁷⁶ however, there are a few other Palestinian sites in which unique glass vessels, whose closest parallels lie at sites in the western Mediterranean, have been found (as singular finds) as well (see table 6), and thus Qumran is no exception in this regard. Lastly, one should mention a fragment from a goblet made of purple glass (no. IRPA 21), purple being the rarest colour that occurs in the glass repertory of the 1st centuries BCE and CE throughout the Levant.⁷⁷ In Palestine, purple glass has only been reported from Jerusalem, Samaria, Bethsaida, and Tel Anafa, and it was always found in very small numbers.⁷⁸ Once more, however, the piece from Qumran is short of a datable context.

⁷² Wouters et al., "Antique Glass from Khirbet Qumrân," figure 20.

⁷³ Wouters et al., "Antique Glass from Khirbet Qumrân," figure 13:39. Only the upper part of the vessel is preserved, so conclusions about its general shape can only be tentative; nonetheless, it is possible that this belongs to Isings Form 40 (see C. Isings, *Roman Glass from Dated Finds* [Groningen: J. B. Wolters, 1957], 56), which comprises a goblet on a beaded stem with a spiral coil around its body, much like the strings on the Qumran example.

⁷⁴ Wouters et al., "Antique Glass from Khirbet Qumrân," figure 13:24.

⁷⁵ Wouters et al., "Antique Glass from Khirbet Qumrân," figure 17. This closely resembles Isings Form 35 (see Isings, *Roman Glass*, 49–50).

⁷⁶ For a parallel to no. IRPA 75, see R. H. Smith and A. McNicoll, "The Roman Period," in *Pella in Jordan 2: The Second Interim Report of the Joint University of Sydney and College of Wooster Excavations at Pella, 1982–1985* (ed. A. W. Nicoll et al.; Sydney: Meditarch, 1992), 119–144 (here 132, Plate 87:17).

⁷⁷ See also R. Donceel and Pauline Donceel-Voûte, "The Archaeology of Khirbet Qumran," in *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site: Present Realities and Future Prospects* (ed. M. O. Wise et al.; New York: The New York Academy of Sciences, 1994), 1–38 (here 37).

⁷⁸ See Crowfoot, "Glass," 403; Gorin-Rosen, "Glass Vessels from Area A," 376–377, 380; Rottloff, "Hellenistic, Roman and Islamic Glass," 142; Weinberg, "Hellenistic Glass from Tel Anafa," 19, 25.

The parallels and resemblances of the Qumran glass assemblage with that of other sites occur on other levels. The colour ratio, for example, is congruent with the general situation in Palestine, in that natural colours are the most commonly-attested hues.⁷⁹ Moreover, the assemblage is absolutely normal in the predominance of tablewares and the presence of bottles, and as far as one can tell, the typological forms of the Qumran glass fragments seem to parallel the typical forms in Palestine,⁸⁰ with only some limited exceptions that have already been noted above. Also, the chemical composition of the Qumran glass is related to the low magnesium/low potassium soda-lime-silica glass, which was widespread throughout the Mediterranean from the 1st to the 6th century CE.⁸¹

Contrary to the many similarities attested between the Qumran glass corpus and that of many other Palestinian sites, there are no features that are peculiar to the Qumran glass assemblage of either Period I or II. The presence of vessels which have no other parallels within Palestine is not pertinent to this point, since these rare finds occur as singular fragments (that is, they are not found in any large quantities); additionally, these vessels have parallels in the western Mediterranean, so that they probably reflect sporadic imports from this region, just as other unique finds attested at other sites do.

Qumran differs from other Palestinian sites only through the absence of any of the finest glass wares among its glass repertoire, mainly fine cast coloured and colourless tablewares, polychrome mosaic glass, and core-formed vessels. However, many of these fine wares, which were imported into the Levant, occur at a limited number of sites. Fine cast colourless glass has only been found in Jerusalem, Masada (in a post-73/74 CE context), Caesarea Maritima, and Ashqelon (dated to the 1st-2nd century CE), and only in very small numbers,⁸² whereas fine

⁷⁹ The virtual absence of colourless and aquamarine vessels, the most popular artificial hues, may be the result of the relative absence of sagged vessels at Qumran, in which these two hues most commonly occur.

⁸⁰ Ruth Jackson-Tal, personal communication (November 2007).

⁸¹ Wouters et al., "Antique Glass from Khirbet Qumrân," 23; H. Wouters, "Archaeological Glass from Khirbet Qumran: An Analytical Approach," in *Bio- and Material Cultures at Qumran: Papers from a COST Action G8 Working Group Meeting Held in Jerusalem, Israel on 22–23 May 2005* (ed. J. Gunneweg, C. Greenblatt, and A. Adriaens; Stuttgart: Fraunhofer IRB, 2006), 171–190 (here 187).

⁸² In all cases only one example was recovered (see table 1). While this does not mean that there were not any more examples of this fine ware in these areas, it is certainly indicative of their relative rarity.

cast coloured glass has only been found in Jerusalem, Samaria, and Herodium (see figure 2). Polychrome glass has been found at Gamla, Dor, Scythopolis, Samaria, possibly at Hagosherim, Jericho, Jerusalem, Masada, Pella, and Maresha (see table 1; figure 3), but these sites are chronologically-scattered over two centuries; likewise, core-formed vessels have been retrieved from sixteen sites (see table 2; figure 4), with contexts ranging from the late 2nd century BCE to the 1st century CE, so that contemporaneous examples are also relatively uncommon. In all the aforementioned cases, these luxurious finds occur in cities or large urban settlements, and royal palatial sites, that is, at major commercial centres and places in which the wealthiest people would have likely resided. Therefore, their absence at Qumran is of little significance as they were equally lacking throughout much of Palestine.

Likewise, the absence at Qumran of some of the more luxurious types of sagged vessels, such as those with beaded or floral decoration, or those which were fluted or linear-cut, should be seen within the context of their scarcity throughout Palestine (see table 3), so that again, in this case Qumran was part of the general rule not the exception.

IV. *What Does the Glass Tell us about the Qumran Community?*

It emerges that in the early 1st century BCE little glass was in use at Qumran. Only a single bottle can be securely attributed to the pre-31 BCE phase of occupation, and considering that this was a free-blown bottle it must have been acquired very close to 31 BCE. This picture is generally compatible with the majority of sites in Palestine, except for the major urban centres. The situation certainly changes during the late 1st century BCE and well into the 1st century CE: this is the period which really characterises the use of glass at Qumran. Again, this generally recalls what is happening throughout Palestine and the Dead Sea region in particular, whereby glass starts to be attested within numerous small rural sites of the likes of Qumran as well as in small villages, although it must be pointed out that many of the small rural sites were set up from the late 1st century BCE onwards.

Even then, the Period II glass corpus is mostly made up of relatively inexpensive free-blown vessels, with very few sagged bowls (if at all), a few possible imports and a few possible “Sidonian” wares (which may have belonged to the Period III occupation, considering that their con-

text is disputable), and with the finest glass wares lacking altogether. Therefore, it would be superfluous to infer an ultra-luxurious lifestyle at pre-68 CE Qumran on the basis of the glass, but it would be likewise rash to disregard the glass evidence altogether. As it stands, the glass from Qumran measures rather well with glass assemblages from other sites which have been excavated extensively. Even if one disregarded the “Sidonian” wares and the western Mediterranean imports, Period II Qumran would still be better off than many other small rural sites or village settlements which lack any glass whatsoever,⁸³ and in this regard it stands out; the presence of common glass at Qumran still shows that the Qumranites aspired to (and did not eschew) the use of glass vessels, even if they were not a necessary everyday utensil (unlike pottery).

Should the “Sidonian” glass turn out to belong to Period II, these glass wares, together with a few other imported wares, would certainly betray a degree of affluence. However, more than that, the “Sidonian” wares might possibly reflect a degree of openness to Hellenistic ideals and drinking customs. These mould-blown vessels from Qumran belong to the type which carry Greek inscriptions, which are generally a variation on the theme of self gratification and enjoyment,⁸⁴ or complimentary to the drinker holding the vessel;⁸⁵ these vessels would therefore reflect the possible presence of a Jewish community who appreciated Hellenised wares and, possibly but not necessarily, the ideals and prestige that came with them. Moreover, the presence of these vessels would not only put the Qumranites within the trading sphere of 1st century CE Palestine but, as with the presence of Nabataean Cream Wares and, possibly, of Eastern Terra Sigillata wares,⁸⁶

⁸³ A comparison between reports for pottery finds and reports for glass finds will corroborate this point rather compellingly. Pottery is always recorded from every site that is excavated, no matter how limited the area of excavation; this is in contrast to the situation with glass. Although this may be due to failures in the proper retrieval of this evidence, should there have been substantial numbers of glass vessels in use, some of this would have been retrieved in archaeological excavations and, probably, it would have been referred to, at least *en passant*, in preliminary reports.

⁸⁴ For example, a beaker from ‘Ein Gedi reads “rejoice and enjoy yourself” (Jackson-Tal, “Glass vessels from En-Gedi,” 481).

⁸⁵ For example, a number of beakers read “success to you”, or “your very good health”, or possibly “let the buyer be remembered” (Harden, “Romano-Syrian Glasses,” 182–183).

⁸⁶ For the possible presence of eastern terra sigillata wares at Qumran, see Magen and Peleg, “Back to Qumran,” 68. For doubts on the reliability of this data, especially whether it dates to Period II or whether it actually dates to Period III, see Jodi Mag-

they would also attest their acceptance of gentile products, whether these would have been purchased directly from Phoenician or Syrian tradesmen or via Jewish middlemen.

The local common glass wares, on the other hand, must have been purchased from local workshops in Judaea, possibly from the major workshop in Jerusalem.⁸⁷ Some scholars have argued that glass might have been produced at Qumran or 'Ein Feshkha,⁸⁸ but their argument is based either on meagre evidence (Qumran) or on evidence whose nature has not been made clear ('Ein Feshkha). With regard to Qumran, the Donceels have stated that lumps of glass that "look like nothing but raw material"⁸⁹ have been found at Qumran, and, according to them, these are not broken pieces of glass.⁹⁰ However, is it possible that these lumps of glass are actually vessels which have melted as a result of great heat caused by a fire (probably that of 68 CE)?⁹¹ If the evidence from 'Ein Feshkha consists of lumps of glass as well, then a similar scenario would not be implausible. It is also highly dubious that a few glass lumps can be taken as representative of a glass workshop, especially when compared to the glass debris patterns from established glass-production centres, such as that of the Jewish Quarter in Jerusalem, which comprised glass tubes (which were closed at one end and blown from the other open end, to form vessels), rods (which might have been cut into pieces to apply as decoration),⁹² raw glass, and production waste (warped bowls, over-burnt chunks, glass lumps, etc).⁹³ Additionally, if a glass workshop was indeed present at Qumran or 'Ein Feshkha, one would expect many more glass vessels, besides the production debris, to be present at these two sites; one would also expect a larger number of identical vessels, as in the case

ness, "Qumran: The Site of the Dead Sea Scrolls: A Review article," *RevQ* 88 (2007): 641–664.

⁸⁷ Israeli and Katsnelson, "Refuse of a Glass Workshop."

⁸⁸ Donceel and Donceel-Voûte, "The Archaeology of Khirbet Qumran," 8, 35; Wouters et al., "Antique Glass from Khirbet Qumrân," 27.

⁸⁹ Donceel and Donceel-Voûte, "The Archaeology of Khirbet Qumran," 8.

⁹⁰ Donceel and Donceel-Voûte, "The Archaeology of Khirbet Qumran," 35.

⁹¹ A number of melted glass vessels have also been found within the eastern dump, a phenomenon which Magen and Peleg attribute to the destruction of the site in 68 CE (Magen and Peleg, "Back to Qumran," 71).

⁹² Some of these might also have been used as stirring rods or as cosmetic or medical applicators (Israeli and Katsnelson, "Refuse of a Glass Workshop," 417–418).

⁹³ See Israeli and Katsnelson, "Refuse of a Glass Workshop."

of the pottery, instead of the random variety of vessels that have been found.⁹⁴

Therefore, it appears that the Qumranites' lifestyle might not have been so different from that of some of the Jewish and non-Jewish populace vis-à-vis the use of glass: there is nothing which can be attributed to distinctive sectarian practices within the site's glass repertoire; in fact, there is virtually no difference between the glass corpora of Period II and Period III. This said, it does not mean that the glass evidence is necessarily contradictory to a sectarian interpretation. For example, there is plenty of evidence from the Dead Sea Scrolls which alludes to the fact that the communities depicted in the S and D traditions did not live in isolation, but rather intermingled, interacted, and even traded with non-sectarian Jews and, possibly, with gentiles. Co-existence with people in other towns and villages is explicitly inferred in both the S and D traditions (CD VII, 6b; 1QS VI, 1ff.);⁹⁵ moreover, while there are several injunctions that prohibit relations between community members and outsiders or former members, on matters of work and, especially, on important issues pertaining to the pure water, and the pure food and drink of the community (1QS V, 14, 16; 1QS VII, 22–25; 1QS VIII, 21ff.; CD XX, 1–10; 4QD^c 7 I, 11–12; 4QD^b 9 VI, 2–4), injunctions which very much indicate that mingling with other people was a very dangerous reality,⁹⁶ there are none which ban activities such as selling and buying from outsiders, as long as members did not accept objects for free (1QS V, 16–17) or as long as

⁹⁴ Jodi Magness, personal communication (November 2007).

⁹⁵ One should note that the relationship of 1QS VI, 1ff. to 1QS in general is debatable, with some scholars considering it as an integral part of 1QS (see, for example, J. 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. P. M. Shalom et al.; Leiden: Brill, 2003], 97–111; J. 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, 2006], 81–96; E. Regev, "The Yahad and the Damascus Covenant: Structure, Organization and Relationship," *RevQ* 21 [2003]: 233–262) and others considering it as an interpolation from another source or as one of the earliest strata in the literary history of S (see, for example, Charlotte Hempel, "Emerging Communal Life and Ideology in the S Tradition," in *Defining Identities: 'We', 'You' and 'the Others' in the Dead Sea Scrolls* (ed. F. García Martínez and M. Popovic; Leiden: Brill, 2008), 43–61; Sarianna Metso, "Whom Does the Term Yahad Identify?" in Hempel and Lieu, eds., *Biblical Traditions in Transmission*, 213–235).

⁹⁶ See also Charlotte Hempel "The Community and Its Rivals According to the *Community Rule* from Caves 1 and 4," *RevQ* 21 (2003): 47–81 (here 53ff.).

they informed the Mevaqver (CD XIII, 14–16). As such, any evidence which illustrates the integration of the Qumranites within the culture and economy of their region is not necessarily contradictory to the idea that the Qumranites were sectarians.

There is also evidence which indicates that the scrolls' communities could have been relatively wealthy. The community of the S tradition, for example, pooled all its members' resources (some of whom could have formerly been wealthy individuals) into one collective fund (1QS VI, 16–17), whereas the community of the D tradition seems to have provided some sort of welfare system for people in need (CD VI, 21; CD XIV, 14ff.). Moreover, despite several exhortations against wealth in the S and D traditions, as well as in the *pesharim*, such exhortations are generally aimed against wicked wealth or unlawful gain (הוֹן חָמָס, הַהוֹן הַרְשָׁעָה, בַּצַּע), that is, wealth which was acquired through illegitimate means (such as stealing, through acts of violence, or through oppression), and not against wealth in general (CD VI, 15–17; CD VIII, 4ff.; CD XIX, 17ff.; 1QS X, 19; 1QS XI, 1–2; 1QpHab VIII, 3–17; 1QpHab IX, 2–16; 1QH^a XVIII, 22–35; 4Q275 2, 3). Therefore, whenever wealth is used to define and distinguish sectarians from non-sectarians it is not the presence of wealth or its lack thereof which is the defining characteristic, but rather how this wealth was accumulated. Thus, there seems to be no direct correlation between a poor community and a sectarian one: one cannot use the lack of wealth to prove that a site was sectarian but neither can one use the attestation of wealth to prove that a site was not sectarian. Accordingly, the presence of fine glass vessels cannot rule out the presence of any of the possible sectarian communities depicted in the scrolls.⁹⁷

However, as the above analysis has shown, the glass vessels from Qumran do not even appear to belong to any of the fine categories of glass wares; rather, they are of the least expensive kind, with the exception of some odd fragments which lack a datable context. It cannot be emphasised enough that most probably not all glass vessels were considered as luxurious wares and that not all glass vessels were expensive. Thus, the evidence is really at odds with the idea that the glass from Qumran betrays the existence of a very wealthy community who lived a life of luxury and not with the presence of a sectarian community.

⁹⁷ For a full treatment of wealth in the Dead Sea Scrolls see Catherine Murphy, *Wealth in the Dead Sea Scrolls and in the Qumran Community* (Leiden: Brill, 2002).

Nevertheless, if the Qumranites were indeed a sectarian community, the glass evidence (together with the rest of the material culture from Qumran), when analysed thoroughly and in its cultural context, may call for a slight revision of our understanding of this community, one which is not necessarily contradictory to the evidence from the scrolls.

Table 1. Fine coloured and colourless cast vessels, and polychrome vessels from 1st century BCE–1st century CE sites in Palestine

Site	Site Type/ Context	Region	Date	Extent of Excavation	Colourless Cast Bowls	Coloured Cast Bowls	Polychrome/ Mosaic Vessels
Ashqelon, Semadar Hotel ¹	city	Coastal Plain	ICCE/2CCE		1		
Caesarea Maritima ²	city	Coastal Plain	late 1CCE– early 2CCE		1		
Dor ³	city	Coastal Plain					fragments
Gamla ⁴	town, residential quarter	Gaulanitis	1CBCE–1CCE	substantial	few? ⁵	1? ⁶	3 ⁷
Hagosherim ⁸	village	Galilee					plaque ⁹

¹ N. Katsnelson and R. E. Jackson-Tal, "The Glass Vessels from Ashqelon, Semadar Hotel," *'Atiqot* 48 (2004): 99–109 (here 100, fig. 1:2).
² Y. Israeli, "The glass vessels," in *Archaeological Excavations at Caesarea Maritima: Areas CC, KK, and NN: Final Reports: Volume I: The Objects* (ed. J. Patrichi; Jerusalem: IES, 2008), 367–418 (here 372).

³ Jackson-Tal, "The Late Hellenistic glass industry," 25.

⁴ Jackson-Tal, "Early Roman Glass in Context."

⁵ Cast Imperial Roman bowls.

⁶ Cast Imperial Roman bowl (opaque red).

⁷ One of the pieces is a wall fragment of a network glass bowl, which according to Jackson-Tal is the only known excavated fragment in Palestine to date.

⁸ G. D. Weinberg, "Notes on Glass from Upper Galilee," *JGS* 15 (1973): 35–51.

⁹ This mosaic plaque is related to mosaic glass vessels.

Table 1 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Colourless Cast Bowls	Coloured Cast Bowls	Polychrome/ Mosaic Vessels
Herodium ¹⁰	royal palace/ royal palatial fortress	Judaea	HrP onwards	extensive		4 ¹¹	
Jericho ¹²	royal palaces	Dead Sea	HsP–HrP onwards	extensive			found
Jerusalem, Citadel ¹³	city, domestic quarters(?) + street	Judaea	HrP	limited			several pieces ¹⁴
Jerusalem, City of David ¹⁵	city, dumps (from destruction of city-houses)	Judaea	late 1CBCE–1CCE (until 70 CE)				1
Jerusalem, Jewish Quarter, Area A ¹⁶	city, fills	Judaea	1CBCE–1CCE (pre-70CE)		1	1	

¹⁰ Ruth Jackson-Tal, personal communication (July 2007).¹¹ "Imperial cast translucent coloured bowls."¹² Ruth Jackson-Tal, personal communication (July 2007).¹³ R. Amiran and A. Eitan, "Excavations in the Courtyard of the Citadel, Jerusalem, 1968–1969 (Preliminary Report)," *IEJ* 20 (1970): 9–17 (here 13).¹⁴ Millefori bowls.¹⁵ Ariel, *Excavations at the City of David*, 151, fg. 29.¹⁶ Gorin-Rosen, "Glass vessels from Area A," 381–382, pl. 15.2:G16, 15.5:G51.

Table 1 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Colourless Cast Bowls	Coloured Cast Bowls	Polychrome/ Mosaic Vessels
Jerusalem, Jewish Quarter, Area E, "Herodian Mansion" ¹⁷	city, house	Judaea	late 1CBCE	extensive	1		1
Jerusalem, Jewish Quarter, Area E ¹⁸	city, houses	Judaea	late 1CBCE	limited	1	1	1
Jerusalem, Jewish Quarter, Area E ¹⁹	city, related to street pavement	Judaea	late 1CBCE	limited			1
Jerusalem, Temple Mount ²⁰	city, near perimeter of mount	Judaea	2nd half of 1CCE			1 ²¹	

¹⁷ Gorin-Rosen, "Glass Vessels," 251, 252, pls. 10.4:G50, 10.5:G58.

¹⁸ Gorin-Rosen, "Glass Vessels," 251, 252, pls. 10.4:G51, 10.5:G55, G59.

¹⁹ Gorin-Rosen, "Glass Vessels," 252, pl. 10.5:G60.

²⁰ A. Engle, *1,000 Years of Glassmaking in Ancient Jerusalem* (Readings in Glass History 18; Jerusalem: Phoenix Publications, 1984), 34, fig. 15b.

²¹ This vessel is made of dark blue glass and its shape closely recalls the fine cast coloured wares, although this is not stated explicitly in the text.

Table 1 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Colourless Cast Bowls	Coloured Cast Bowls	Polychrome/ Mosaic Vessels
Maresha ²²	city, upper settlement/ subterranean complex	Idumaea	late HP (pre-1CBCE)	substantial			4
Masada ²³	royal palatial fortress	Dead Sea	HRP onwards	extensive	1 ²⁴		few fragments
Pella ²⁵	city	Decapolis				1	
Samaria ²⁶	city	Samaria	late 1CBCE onwards		1? ²⁷		fragments ²⁸
Scythopolis (Bethshean) ²⁹	city	Decapolis	1CBCE-1CCE			1	

²² R. E. Jackson-Tal, "A Preliminary Survey of the Late Hellenistic Glass from Maresha (Marisa), Israel," *Annales du 16^e Congrès de l'Association Internationale pour l'Histoire du Verre* (2005): 49-53 (here 51, fig. 2.3).

²³ Barag, "The Contribution of Masada," 138-139.

²⁴ Found in a post-73/74 CE context; therefore associated with the Roman re-occupation of Masada.

²⁵ O'Hea, "The Glass and Personal Adornment," 257.

²⁶ Crowfoot, "Glass," 407, 409, fig. 93:12; Jackson-Tal, "The Late Hellenistic Glass Industry," 25.

²⁷ This is an opaque red vessel.

²⁸ These are of uncertain date.

²⁹ Matheson, *Ancient Glass*, 14, no. 44.

Table 2. Core-formed vessels from late 2nd century BCE, 1st century BCE, and 1st century CE sites in Palestine

Site	Site Type/Context	Region	Date	Extent of Excavation	Core-formed Vessels
'Akko ¹	city	Coastal Plain	2CBCE–1CBCE		1
Bethsaida ²	town, courtyard buildings	Galilee	late HP (incl. early part of 1CBCE)		1
Cypros ³	royal palatial fortress	Dead Sea	HsP–HrP	substantial	1
Dor ⁴	city	Coastal Plain	3CBCE–1CBCE? ⁵		few examples
Gamla ⁶	town, residential quarter	Galilee	1CBCE?	substantial	9 fragments
Herodium ⁷	royal palace/ royal palatial fortress	Judaea	HrP onwards	extensive	1

¹ Jackson-Tal, "The Late Hellenistic Glass Industry," 16.

² Rottloff, "Hellenistic, Roman and Islamic Glass," 142, fig. 2.4.

³ Ruth Jackson-Tal, personal communication (July 2007).

⁴ Gorin-Rosen, "Glass Vessels from Area A," 375.

⁵ The core-formed glass from Dor is not published yet, however, Gorin-Rosen states that the fragments found there come from a period earlier than those found in the Jewish Quarter. Gorin-Rosen states the same thing for the core-formed vessels from Maresha, which were later preliminarily published by Jackson-Tal and typologically dated between the 3rd and 1st centuries BCE.

⁶ Jackson-Tal, "Early Roman Glass in Context."

⁷ Ruth Jackson-Tal, personal communication (July 2007).

Table 2 (cont.)

Site	Site Type/Context	Region	Date	Extent of Excavation	Core-formed Vessels
Jericho, Tomb D12 ⁸	town, cemetery	Dead Sea	ICBCE		1
Jericho ⁹	royal palaces	Dead Sea	HsP–HrP onwards	extensive	1
Jerusalem, City of David ¹⁰	city, dumps (from destruction of city-houses)	Judaea	ICBCE–ICCE (till 70 CE)		2 ¹¹
Jerusalem, Jewish Quarter, Area A ¹²	city, fills	Judaea	ICCE (till 70 CE)		1 fragment
Jerusalem, site of the convention centre ¹³	city, pottery workshop	Judaea	ICBCE–ICCE	substantial	1

⁸ Hachlili and Killebrew, "The Glass Vessels," 134, fg.III.71:1.

⁹ Ruth Jackson-Tal, personal communication (July 2007).

¹⁰ Ariel, *Excavations at the City of David*, 150, fg. 26.

¹¹ These come from a 1st century BCE–1st century CE dump, but the vessels themselves may date from an earlier period.

¹² Gorin-Rosen, "Glass Vessels from Area A," 375, pl. 15.3:G20.

¹³ Y. Gorin-Rosen, "The Glass," in *Excavations on the Site of the Jerusalem International Convention Center (Binyanei ha'Uma): a settlement of the late First to Second Temple Period, the Tenth Legion's Kilnworks, and a Byzantine Monastic Complex: The Pottery and Other Small Finds* (ed. B. Arubas and H. Goldfus; Portsmouth, Rhode Island: Journal of Roman Archaeology, 2005), 195–210 (here 196).

Table 2 (*cont.*)

Site	Site Type/Context	Region	Date	Extent of Excavation	Core-formed Vessels
Maresha ¹⁴	city, upper settlement/subterranean complex	Idumaea	3CBCE/mid-2CBCE-1CBCE	substantial	10 fragments
Masada ¹⁵	royal palatial fortress	Dead Sea	HrP onwards	extensive	few fragments
Samaria ¹⁶	city	Samaria	late 2CBCE-1CBCE?		1 fragment
Tel Abu Shusha (Geva), Mishmar Ha'Emeq ¹⁷	burial	Jezreel Valley	2nd half of 1CCE		1
Tel Anafa ¹⁸	villa	Galilee	late 2CBCE-early 1CBCE	substantial	few fragments

¹⁴ Jackson-Tal, "A Preliminary Survey," 51.

¹⁵ Barag, "The Contribution of Masada," 138.

¹⁶ Crowfoot, "Glass," 407, fg. 93:9.

¹⁷ Gorin-Rosen, "Glass Vessels from Area A," 375.

¹⁸ Weinberg, "Tel Anafa," 101.

Table 3. Sagged vessels from late 2nd century BCE, 1st century BCE, and 1st century CE sites in Palestine

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
'Akko ¹	city	Coastal Plain				found			found ²
'Akko, Courthouse Parking Lot ³	city, corner of a building (domestic?)	Coastal Plain	2CBCE– 1CBCE	limited			2		
'Akko, Ha'arba'a Road ⁴	city, room	Coastal Plain	late 2CBCE	limited		1			
'Akko, Ha-Gedud Ha'ivri Street ⁵	city, residential quarter	Coastal Plain	3CBCE– 1CBCE	limited	found				
Amman ⁶	city	Decapolis	3CBCE– 2CBCE				found		

¹ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.

² Sagged bowls with vegetal designs and fluted bowls.

³ D. Avshalom-Gorni, "'Akko, the Courthouse Parking Lot," *ESI* 19 (1999): 12*–14* (English), 17–21 (Hebrew) (here 13*, fg. 22:1–2).

⁴ E. Stern, "'Akko, Ha'arba'a Road," *ESI* 16 (1997): 27–29 (here 28, fg. 28).

⁵ E. J. Stern and M. Shalvi-Abbas, "'Akko, Ha-Gedud Ha-'ivri Street," *ESI* 19 (1999): 10*–12* (English), 12–16 (Hebrew) (here 10*).

⁶ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Ashdod, Area A ⁷	city	Coastal Plain	late 2CBCE– 1CBCE		relatively large number			found	found ⁸
Ashqelon, Semadar Hotel, Area A ⁹	city, fills/ dumps	Coastal Plain	late HP			1			
Bethsaida ¹⁰	town	Galilee	early RP					found	
Bethsaida ¹¹	town, courtyard buildings	Galilee	late HP (incl. the 1CBCE)			found		found	

⁷ D. P. Barag, "The Glass Vessels," in *Ashdod I: The First Season of Excavations 1962* (Atiqot 7; ed. M. Dothan and P. N. Freedman; Jerusalem: The Department of Antiquities and Museums in the Ministry of Education and Culture/The Department of Archaeology, Hebrew University; The Israel Exploration Society, 1967), 36–37 (here 36, fig. 16:1–10); D. P. Barag, "The Glass Vessels," in *Ashdod II–III: The Second and Third Seasons of Excavations 1963, 1965* (Atiqot 9; ed. M. Dothan; Jerusalem: The Department of Antiquities and Museums in the Ministry of Education and Culture/The Department of Archaeology, Hebrew University/The Israel Exploration Society, 1971), 202–205 (here 202–204, 205 fig. 105:1,2,4,6–8,10); Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.

⁸ Linear-cut bowls, bowls with beaded decoration, and a fluted bowl.

⁹ Katsnelson and Jackson-Tal, "The Glass Vessels from Ashqelon," 100, fig. 1:1.

¹⁰ Rottloff, "Hellenistic, Roman and Islamic Glass," 142, fig. 1.

¹¹ Rottloff, "Hellenistic, Roman and Islamic Glass," 142, fig. 1.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Caesarea Maritima ¹²	city, various areas	Coastal Plain	late HP				common	common	found ¹³
Cypros ¹⁴	royal palatial fortress	Dead Sea	HsP + HrP onwards	substantial				1	5 ¹⁵
Dor ¹⁶	city	Coastal Plain				found			
'Ein Boqueq ¹⁷	farmstead/ industrial site	Dead Sea	ICCE (till 55 CE)	extensive				11 vessels; 2 rims; 10 fragments	1 ¹⁸
'Ein ez-Zara, Building 2 ¹⁹	villa	Dead Sea	late 1CBCE– 1CCE	substantial		1	2	2	

¹² Israeli, "The Glass Vessels," 370–371.¹³ Sagged bowls with beaded decoration.¹⁴ Ruth Jackson-Tal, personal communication (July 2007; October 2007).¹⁵ Linear-cut bowls.¹⁶ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.¹⁷ R. E. Jackson-Tal, "Glass Vessels," in *'En Boqueq: Excavations in an Oasis on the Dead Sea: Volume II: The Officina: An Early Roman Building on the Dead Sea Shore* (ed. M. Fischer, M. Gichon, and O. Tal; Mainz: Verlag Philipp Von Zabern, 2000), 73–77 (here 73–74, fig. 4.1).¹⁸ Linear-cut bowl.¹⁹ O. Dussart, "Les verres," in C. Clamer et al., *Fouilles Archéologiques de 'Ain ez-Zara/Callirrhôé: villégiature hérodiennne* (Beyrouth: Institut Français d'Archéologie du Proche-Orient, 1997), 96–102 (here 97, pls. 22:5, 23:22–24).

Table 3 (*cont.*)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
'Ein Gedi ²⁰	village	Dead Sea	1CCE ²¹	limited			1		
'Ein Gedi, Bathhouse ²²	village, bathhouse	Dead Sea	1CCE (post-70 CE)	extensive			1		
Gadara ²³	city	Decapolis				found			
Gamla ²⁴	town, residential quarter	Gaulanitis	1CBCE + 1CCE	substantial	found	large quantities	large quantities		found ²⁵
Gerasa ²⁶	city, near the southern gate	Decapolis	end of 1CCE			6	2		

²⁰ Jackson-Tal, "Glass Vessels from En-Gedi," 481, pl. 5:1.

²¹ Typologically, this Ribbed bowl dates to the first half of the 1st century CE, but it was found in a later context.

²² Jackson-Tal, "Glass Vessels from En-Gedi," 477, pl. 2:1.

²³ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.

²⁴ Jackson-Tal, "Early Roman Glass in Context."

²⁵ Linear-cut bowls.

²⁶ O. Dussart, "Analyse du matériel de verre," in *Jerash Archaeological Project 1981-1983: I* (ed. F. Zayadine; Amman: The Department of Antiquities of Jordan, 1986), 74-76 (here 74, fig. 21).

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Hagosherim ²⁷	village, burial	Galilee	1CCE– late 1CCE				1(?)		
Hagosherim ²⁸	village	Galilee	1CBCE– 1CCE			found		found	
Herodium ²⁹	royal palatial fortress	Judaea	HrP onwards	extensive				8	10 ³⁰
Horvat 'Aqav ³¹	fortified farmstead	Coastal Plain	late 1CBCE– 1CCE (till 70 CE)	extensive		11		3	
Horvat 'Eleq ³²	rural estate	Coastal Plain	late 1CBCE– 1CCE (till 70 CE)	extensive		20		18	

²⁷ R. Ovadiah, "A Burial Cave of the Hellenistic and Early Roman Periods at Hagosherim," *Atiqot* 38 (1999): 223–224 (English Summary), 33*–47* (Hebrew) (here fig. 3:1).

²⁸ Weinberg, "Notes on Glass."

²⁹ Ruth Jackson-Tal, personal communication (July 2007; October 2007).

³⁰ Linear-cut bowls.

³¹ E. Cohen, "Roman and Byzantine Glass," in *Ramat Hanadiv Excavations: Final Report of the 1984–1998 Seasons* (ed. Y. Hirschfeld; Jerusalem: The Israel Exploration Society, 2000), 166–176 (here 166, pl.I:1–4).

³² E. Cohen, "Early Roman Glass," in *Ramat Hanadiv Excavations: Final Report of the 1984–1998 Seasons* (ed. Y. Hirschfeld; Jerusalem: The Israel Exploration Society, 2000), 470–472.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Horvat Hermeshit ³³	agricultural settlement	Judaea	early RP	limited			1		
Jaffa ³⁴	town	Coastal Plain	late HP-early RP			found	found	found	found ³⁵
Jericho ³⁶	royal palaces	Dead Sea	HsP + HrP onwards	extensive		5+	8+		15 ³⁷
Jerusalem, Citadel ³⁸	city, near Jaffa Gate	Judaea	early 1CBCE			1			
Jerusalem, City of David ³⁹	city, dumps	Judaea	1CBCE- 1CCE (till 70 CE)		13	2	~50	~30	~20 ⁴⁰

³³ T. Winter, "The Glass Vessels from Horvat Hermeshit (1988-1990)," *Atiqot* 34 (1998): 10* (English Summary), 173-177 (Hebrew) (here 10, fig. 1:1).

³⁴ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.

³⁵ Sagged bowls with vegetal designs and fluted bowls.

³⁶ J. B. Pritchard, *The Excavation at Herodian Jericho, 1951* (AASOR 32-33; New Haven: American Schools of Oriental Research, 1958), 53-54, pl. 53:1,2,5; Ruth Jackson-Tal, personal communication (July 2007).

³⁷ Linear-cut bowls.

³⁸ C. N. Johns, "The Citadel, Jerusalem," *QDAP* 14 (1950): 121-188 (here 139-140, fig. 10a).

³⁹ Ariel, *Excavations at the City of David*, 150-151, 161, figs. 27-28, 33.

⁴⁰ Linear-cut bowls.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Jerusalem, Jason's Tomb ⁴¹	city, burial cave	Judaea	early-mid 1CBCE			2	1		
Jerusalem, Jewish Quarter, Area A ⁴²	city, structural remains + fills	Judaea	mid-2CBCE– 1CBCE + 1CCE			common	common	common	found ⁴³
Jerusalem, Jewish Quarter, Area E, "Herodian Mansion" ⁴⁴	city, house	Judaea	late 1CBCE	extensive		1	4	2	3 ⁴⁵

⁴¹ L. Y. Rahmani, "Jason's Tomb," *IEJ* 17 (1967): 61–100 (here 89, fig. 18).⁴² Gorin-Rosen, "Glass Vessels from Area A," 365–367, pls. 15.1–15.7.⁴³ Linear-cut bowls.⁴⁴ Gorin-Rosen, "Glass Vessels," 240–250, pls. 10.1–10.4.⁴⁵ Linear-cut bowls.

Table 3 (*cont.*)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Jerusalem, Jewish Quarter, Area E ⁴⁶	city, houses	Judaea	late 1CBCE	limited		10	12	7 ⁴⁷	
Jerusalem, Jewish Quarter, Area J ⁴⁸	city, fill within <i>miqweh</i> (refuse of a glass workshop)	Judaea	mid-1CBCE		100+	found	found	found ⁴⁹	
Jerusalem, Jewish Quarter, Area P, "Palatial Mansion" ⁵⁰	city, house	Judaea	1CCE (pre-70 CE)	extensive			1		

⁴⁶ Gorin-Rosen, "Glass Vessels," 240–250, pls. 10.1–10.4.

⁴⁷ 5 linear-cut bowls, a fluted bowl, and a bowl with floral decoration.

⁴⁸ Israeli and Katsnelson, "Refuse of a Glass Workshop," 421–428, pls. 21.12–21.23.

⁴⁹ 3 bowls with vegetal decoration, a few fluted bowls, and a marbled bowl, the latter of which is an extremely rare type in Palestine.

⁵⁰ N. Avigad, *Discovering Jerusalem* (Nashville: T. Nelson, 1983), 117, fig. 114.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Jerusalem, Khirbet Ṭabaliya ⁵¹	farm	Judaea	late HP– early RP	extensive	1	1		1	
Jerusalem, Ras Abu Ma'aruf ⁵²	farmstead	Judaea	mid-1CBCE– mid-1CCE	extensive				1	
Jerusalem, site of the convention centre ⁵³	city, pottery workshop	Judaea	1CBCE– 1CCE	substantial		2			
Khirbet Shema ⁵⁴	village	Galilee	late HP			found	found	found	

⁵¹ Y. Gorin-Rosen, "The Glass Vessels from Khirbet Ṭabaliya (Giv'at Hamatos)," *Atiqot* 40 (2000): 165–166 (English Summary), 81*–94* (Hebrew) (here 166, fig. 1:1–2).

⁵² Y. Gorin-Rosen, "Glass Vessels from Ras Abu Ma'aruf (Pigsat Ze'ev East A)," *Atiqot* 38 (1999b): 205–214 (here 205, fig. 1:1).

⁵³ Gorin-Rosen, "The Glass," 196, fig. 1:2–3.

⁵⁴ E. M. Meyers, A. T. Kraabel, and J. F. Strange, *Ancient Synagogue Excavations at Khirbet Shema, Upper Galilee, Israel, 1970–1972* (AASOR 42; Durham: Duke University Press, 1976), 245, pl. 8.4:1–9.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Machaerus ⁵⁵	royal palatial fortress	Dead Sea	ICCE (70 CE contexts)	substantial		1	1		
Maresha ⁵⁶	city, upper settlement/ sub-terranean complex	Idumaea	3CBCE- 1CBCE	substantial		found	188	1	found ⁵⁷
Masada ⁵⁸	royal palatial fortress	Dead Sea	HrP onwards	extensive					common
Meiron ⁵⁹	village, burial cave	Galilee	late HP + HrP		1? ⁶⁰				

⁵⁵ S. Loffreda, "Alcuni vasi ben datati della fortezza di Macheronte," *LA* 30 (1980): 377-402 (here 389, pl. 97:75); S. Loffreda, *La Ceramica di Macheronte e dell'Herodion (90 a.C.-135 d.C.)* (Jerusalem: Franciscan Printing Press, 1996), 115, fig. 52:12,15.

⁵⁶ Jackson-Tal, "A Preliminary Survey," 51, figs. 1-2, table 1.

⁵⁷ Sagged bowls with vegetal designs and 5 fluted bowls, one of which has a vegetal design.

⁵⁸ Barag, "The Contribution of Masada," 138.

⁵⁹ E. M. Meyers, C. L. Meyers, and J. F. Strange, "Excavations at Meiron in Upper Galilee—1974, 1975: Second Preliminary Report," *AASOR* 43 (1976): 73-98 (here 93-94).

⁶⁰ This bowl is described as a fine decorated cast bowl.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Mount Gerizim ⁶¹		Samaria					found		found ⁶²
Pella ⁶³	city, residential area	Decapolis	late HP	limited			common		found ⁶⁴
Pella, Area IX ⁶⁵	city	Decapolis	late HP			1			
Samaria ⁶⁶	city, various areas	Samaria	late 2CBCE– 1CBCE + 1CCE			100+	100+	50+	found ⁶⁷

⁶¹ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.

⁶² Fluted bowls.

⁶³ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2; O'Hea, "Late Hellenistic Glass," 45–46.

⁶⁴ Sagged bowls with vegetal designs.

⁶⁵ R. H. Smith and L. P. Day, "The artifacts," in *Pella of the Decapolis: Volume 2: Final Report on the College of Wooster Excavations in Area IX, the Civic Complex, 1979–1985* (ed. R. H. Smith and L. P. Day; Australia: The College of Wooster, 1989), 95–141 (here 97, fig. 29:3).

⁶⁶ Crowfoot, "Glass," 403–404, 406–407, fig. 93:1–4, 6; Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.

⁶⁷ Bowls with beaded decoration and 3 fluted bowls.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Scythopolis (Bethshean) ⁶⁸	city	Decapolis				found	found		found ⁶⁹
Tel Anafá ⁷⁰	villa	Galilee	late 2CBCE– early 1CBCE	substantial	1000s of fragments	found	very common	very common	~5 ⁷¹
Tel Michal ⁷²	fortress	Coastal Plain	1CCE	substantial			3		
Tel Michal ⁷³	fortress	Coastal Plain	1CBCE (HSP)	substantial		1	2		
Tell Qiri ⁷⁴	village	Samaria	late 1CBCE– early 1CCE	limited		4	4	4	3 ⁷⁵

⁶⁸ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.⁶⁹ Fluted bowls.⁷⁰ Weinberg, "Hellenistic glass from Tel Anafá"; Weinberg, "Tel Anafá," 99, 101, fig. 6.⁷¹ Fluted bowls.⁷² T. Kertesz, "Glass Artifacts," in *Excavations at Tel Michal, Israel* (ed. Z. Herzog, G. Rapp, Jr., and O. Negbi; Minnesota: University of Minnesota Press, 1989), 365–369 (here fig. 33.1:14–16).⁷³ Kertesz, "Glass artifacts," fig. 33.1:8–9, 13.⁷⁴ D. P. Barag, "The Glass," in *Tell Qiri: A Village in the Jezreel Valley: Report of the Archaeological Excavations 1975–1977* (Qedem 24; ed. A. Ben-Tor and Y. Portugali; Jerusalem: The Institute of Archaeology, The Hebrew University of Jerusalem, 1987), 34–36, 49 (here 34–35, fig. 6:1–11).⁷⁵ Linear-cut bowls.

Table 3 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Sagged Vessels	Bowls (plain)	Bowls (grooved)	Bowls (ribbed)	Bowls (rare types)
Yavne-Yam ⁷⁶	town	Coastal Plain	2CBCE- 1CBCE			found	found		found ⁷⁷
Ziqim ⁷⁸	column- barium	Coastal Plain	3CBCE- late 2CBCE/ early 1CBCE	extensive					1 ⁷⁹

⁷⁶ Jackson-Tal, "The Late Hellenistic Glass Industry," 22, table 2.

⁷⁷ Fluted bowls.

⁷⁸ B. Zissu and S. Rokach, "A Hellenistic Columbarium at Ziqim," *Atiqot* 38 (1999): 65-73 (here 67, fig. 5:23).

⁷⁹ Fluted bowl.

Table 4. Free-blown vessels from 1st century BCE–1st century CE sites in Palestine

Site ¹	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles ²	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Abila, Tomb L15 ³	city, burial cave	Decapolis	late HP–early RP		1			
‘Akko ⁴	city, cemetery	Coastal Plain	ICCE		numerous (p)			1 ⁵
‘Akko, Ha-Gedud Ha’Ivri Street ⁶	city, residential quarter	Coastal Plain	ICCE–3CCE	limited		found (c)		
Amman ⁷	city, burial cave	Decapolis	1CBCE–1CCE		11			
Ashdod, Area A ⁸	city	Coastal Plain	RP	limited	1 ⁹	1 (p)		

¹ “*” denotes a site that is not illustrated on the maps.

² “(p)” = pyriform bottles; “(c)” = candlestick bottles.

³ W. Harold Mare et al., “The 1986 Season at Abila of the Decapolis,” *ADAJ* 31 (1987): 205–19 (here 213).

⁴ M. T. Fortuna, “I vetri soffiati della necropolis di Akko,” *JGS* 7 (1965): 17–25 (here 18–19, 24); Stern, *The Toledo Museum of Art*, 160 (note 1).

⁵ Carinated blown bowl.

⁶ Stern and Shalvi-Abbas, “‘Akko,” 11*.

⁷ L. Harding, “A Nabataean Tomb at ‘Amman,” *QDAP* 12 (1946): 58–62 (here 61, pl. XX:9–19).

⁸ Barag, “The Glass Vessels,” 204, fig. 105:9,11.

⁹ Ribbed cup/bowl/bottle.

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Bethsaida ¹⁰	town	Galilee	early RP (pre-Flavian)		1 ¹¹			2
Caesarea Maritima ¹²	city, various areas	Coastal Plain	ICCE			found	found	found
Caesarea Maritima ¹³	city, burial cave	Coastal Plain	ICCE			1 (p)		
Capernaum ¹⁴	village, near a fill	Galilee	mid-1CCE- early 2CCE			1?	2	12
Cypros ¹⁵	royal palatial fortress	Dead Sea	mid-1CBCE onwards	substantial		1		7 ¹⁶

¹⁰ Rottloff, "Hellenistic, Roman and Islamic Glass," 142, fig. 2:10,17-18.

¹¹ Skyphos-handle.

¹² Israeli, "The Glass Vessels," 372-376.

¹³ Y. Porath, "Burials from the Roman and Byzantine Periods at Caesarea," *Atiqot* 55 (2007): 56-57 (English Summary), 45-56 (Hebrew) (here 56, fig. 2:1).

¹⁴ S. Loffreda, "Vasi in vetro e in argilla trovati a Cafarnaon nel 1984: rapporto preliminare," *LA* 34 (1984): 385-408 (here 400, 403-405).

¹⁵ Ruth Jackson-Tal, personal communication (July 2007; October 2007).

¹⁶ Three are beakers, two of which have exterior incisions (Isings Forms 12 and 29?).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Dor ¹⁷	city, residential quarter	Coastal Plain	early RP			found		
'Ein Boqe ¹⁸	tower	Dead Sea	late ICBCE	extensive		1? (p)		1
'Ein Boqe ¹⁹	farmstead/ industrial site	Dead Sea	ICCE (till 55CE)	extensive	found ²⁰	1? ²¹ (p)	1	9
'Ein el-Ghazlan, east of Banias ²²	masonry pit-grave	Galilee	ICCE-2CCE			5		

¹⁷ E. Stern, *Dor: Ruler of the Seas* (Jerusalem: Israel Exploration Society, 1994), 252.

¹⁸ Jackson-Tal, "Glass Vessels," 75-76, fig. 4.2:1,1,1.

¹⁹ Jackson-Tal, "Glass Vessels," 75-76, fig. 4.2:2,5-10,12.

²⁰ A number of fragments from Stratum II, decorated with applied thin white trails, may belong to a decorated bottle.

²¹ This bottle comes from an unclear context, from either Stratum III or II, and hence it dates from the mid-1st century BCE until 30/31 CE.

This vessel is comparable to an early bottle from 'Ein Gedi, and hence it could belong to Stratum II (the tower).

²² M. Hartal, "En el-Ghazlan (Wadi Naqib)," *ESI* 4 (1985): 26.

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
'Ein ez-Zara, Building 2 ²³	villa	Dead Sea	ICCE-2CCE	extensive	3 ²⁴	2	3 ²⁵	20+ ²⁶
'Ein Feshkha ²⁷	farmstead	Dead Sea	late ICBCCE- ICCE (till 68 CE)	extensive	glass fragment	1		
'Ein Gedi ²⁸	village	Dead Sea	late ICCE- 2CCE ²⁹	limited	4 fragments ³⁰	4 (c)	2	3
'Ein Gedi, Naḥal David ³¹	village, burial caves	Dead Sea	HsP			1 (p)		

²³ Dussart, "Les verres," 96-98, pls. 22-23.

²⁴ Three handles, two of which bear decoration in relief.

²⁵ Two have a funnel-like rim; also present is a two-handled flask, which is rare in the east (found also at Dura Europos and Khirbet Kerak).
²⁶ One of these is an elongated beaker with applied decoration (Isings Form 33); the rest are cups/bowls of various forms, some of which may be bottles (one of which is ribbed).

²⁷ Humbert, Chambon, and Pfann, *The Excavations of Khirbet Qumran and Ain Feshkha*, 86, 88.

²⁸ Jackson-Tal, "Glass vessels from En-Gedi," 479-483, pls. 4-5.

²⁹ Most of the finds date from the end of 1st century CE onwards.

³⁰ These could be cups, bowls or bottles (ribbed).

³¹ N. Avigad, "Expedition A—Naḥal David," *IEJ* 12 (1962): 169-183 (here 183).

Table 4 (*cont.*)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
'Ein Gedi, Bathhouse ³²	village, bathhouse	Dead Sea	late ICCE (post-70 CE)– 2CCE	extensive		2 (c)	1	2
'Ein Gedi, "Essene Site" ³³	cells + small buildings	Dead Sea	late ICCE (post-70 CE)– 2CCE	extensive	100 fragments	2+ (c)	1	10
Gamla ³⁴	town, residential quarter	Gaulanitis	ICBCE–ICCE	substantial		few		common
Gerasa, Tombs 6 + 7 ³⁵	city, burial caves	Decapolis	ICCE–early 2CCE			6 (p); numerous fragments of bottles		

³² Jackson-Tal, "Glass Vessels from En-Gedi," 477–478, pl. 2:2–6.

³³ Y. Hirschfeld, "A Settlement of Hermits above 'En Gedi,'" *Tel Aviv* 27 (2000b): 103–155 (here 132); Jackson-Tal, "Glass Vessels from En-Gedi," 474–476, pl. 1.

³⁴ Jackson-Tal, "Early Roman Glass in Context."

³⁵ R. Abu-Dalu, "Three Tombs near the Hippodrome at Jerash. A Preliminary Report," *ADAJ* 39 (1995): 169–173 (here 171).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Hagosherim ³⁶	village, burial cave	Galilee	ICCE-late ICCE			11 (p) + (c)	3 ³⁷	2 ³⁸
Hebron, Alon Shevut ³⁹	ritual bath	Judaea	late ICCE- early 2CCE	extensive		5 (c)		17
Herodium ⁴⁰	royal palatial fortress	Judaea	HrP onwards	substantial				29 ⁴¹
Horbat Zefiyya ⁴²	village, burial cave	Judaea	ICCE-2CCE			1 (p)		
Ibthan ⁴³	village, burial cave	near Coastal Plain	ICCE-2CCE			1 (c)		

³⁶ Ovadiah, "A Burial Cave," 224, fgs. 3-4.³⁷ Two large bottles/jugs, and a two-handled jug.³⁸ Elongated beakers with horizontal incisions.³⁹ Gorin-Rosen, "The Glass Vessels from the *Miqveh*," 85-89, fgs. 1-2.⁴⁰ Ruth Jackson-Tal, personal communication (July 2007; October 2007).⁴¹ Three ribbed bowls/bottles; seven beakers with incisions (Isings 1957; Forms 12, 29?).⁴² P. Nahshoni et al., "Horbat Zefiyya," *ESI* 109 (1999): 84*-85* (English), 129-130 (Hebrew) (here 85*).⁴³ A. Ganor and A. Avganim, "Ibthan," *ESI* 109 (1999): 46* (English), 65-66 (Hebrew) (here 46*).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Jatt (A) ⁴⁴	village, burial cave	near Coastal Plain	ICCE–2CCE					4
Jericho ⁴⁵	royal palaces	Dead Sea	mid-1CBCE onwards	extensive		8		15
Jericho, cemetery ⁴⁶	town, cemetery	Dead Sea	ICCE			found (c)		
Jericho, Tomb K23 ⁴⁷	town, burial	Dead Sea	ICCE–2CCE			12 (c)		

⁴⁴ M. Masarwa, "Jatt (A)," *ESI* 116 (2004): 24*–25* (English), 29–31 (Hebrew) (here 25*, fig. 43:1–4).

⁴⁵ Pritchard, *The Excavation at Herodian Jericho*, 54, pl. 53:8; Ruth Jackson-Tal, personal communication (July 2007; October 2007).

⁴⁶ Hachlili and Killebrew, "The Glass Vessels," 134, fig. III.7:1:2–5.

⁴⁷ C.-M. Bennett, "Tombs of the Roman Period," in *Excavations at Jericho: Volume Two: The Tombs Excavated in 1955–8* (ed. K. M. Kenyon; Jerusalem: British School of Archaeology, 1965), 516–545 (here 528–529, fig. 269).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Jerusalem, Akeldama Tombs ⁴⁸	city, burial caves	Judaea	ICCE onwards			several (p) + (c)	2 ⁴⁹	
Jerusalem, City of David ⁵⁰	city, dumps	Judaea	ICBCE-ICCE (until 70 CE)		found ⁵¹	found ⁵²	3	found ⁵³
Jerusalem, Dominus Flevit ⁵⁴	city, burial cave	Judaea	ICCE			1 (p) ⁵⁵		

⁴⁸ T. Winter, "The Glass Vessels," in *The Akeldama Tombs: Three Burial Caves in the Kidron Valley, Jerusalem* (ed. G. Avni and Z. Greenhut; Jerusalem: Israel Antiquities Authority, 1996), 95ff.

⁴⁹ One is a beaker with horizontal incisions, while the other is a two-handled beaker, not found elsewhere in Palestine (1st century CE).

⁵⁰ Ariel, *Excavation at the City of David*, 151, 156, 161, 163, fgs. 30, 33.

⁵¹ Strata 5 and 6, together, have at least 62 diagnostic blown vessels.

⁵² One of the blown bottles is ribbed; another has a spiralling white thread decoration at its bottom.

⁵³ One of the blown bowls is of the carinated type.

⁵⁴ B. Bagatti and J. T. Milik, *Gli scavi del "Dominus Flevit" I: la necropoli del periodo romano* (Jerusalem: PP. Francescani, 1958), fig. 33:13.

⁵⁵ A bottle with a spiralling thread around the neck (paralleled by a similar find in a burial cave on Mount Scopus) but made of yellow glass rather than blue glass.

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Jerusalem, Giv'at Hamivtar, Cave III ⁵⁶	city, burial cave	Judaea	ICCE			1 ⁵⁷		
Jerusalem, Huqoq ⁵⁸	city, burial caves	Judaea	ICCE onwards			numerous (p)+ (c)		
Jerusalem, Jewish Quarter, Area A ⁵⁹	city, fills	Judaea	ICCE		few	found		found ⁶⁰
Jerusalem, Jewish Quarter, Area E ⁶¹	city, Stratum 3 (but may be intrusive)	Judaea	ICCE(?)	substantial		3		5 ⁶²

⁵⁶ D. Bahat, "Tombs of the Second Temple Period in Jerusalem: Burial Caves on Giv'at Hamivtar," *Aiqot* (Hebrew Series) 8 (1982a): 4*-5* (English Summary), 35-40 (Hebrew) (here 5*).

⁵⁷ A glass spindle-shaped bottle.

⁵⁸ B. Ravani and P. P. Kahane, "Rock-Cut Tombs at Huqoq," *Aiqot* 3 (1961): 121-147.

⁵⁹ Gorin-Rosen, "Glass Vessels from Area A," 382-384.

⁶⁰ Two of these resemble Isings Forms 12 and 29.

⁶¹ Gorin-Rosen, "Glass Vessels," 253, 254, 255, pl. 10.5:G61-G63, G66-G67, G70-G72.

⁶² Two of these are elongated beakers with horizontal incisions; one is a bowl with applied tool trailing on the rim.

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Jerusalem, Jewish Quarter, Area P ⁶³	city, Cistern A (ass. with a mansion)	Judaea	ICCE (pre-70 CE)					2 ⁶⁴
Jerusalem, Jewish Quarter, "Burnt House" ⁶⁵	city, house	Judaea	ICCE (pre-70 CE)	extensive		several		
Jerusalem, French Hill ⁶⁶	city, burial caves	Judaea	2TP			1		
Jerusalem, Mount of Olives ⁶⁷	city, burial cave	Judaea	ICCE (pre-70 CE)			1		

⁶³ Engle, *1,000 Years of Glassmaking*, 53, fig. 23:c.⁶⁴ Beakers with horizontal incisions.⁶⁵ Avigad, *Discovering Jerusalem*, 127, fig. 124.⁶⁶ J. F. Strange, "Late Hellenistic and Herodian Ossuary Tombs at French Hill, Jerusalem," *BASOR* 219 (1975): 39-67 (here 62).⁶⁷ R. A. Raza, "Jerusalem, Mount of Olives," *ESI* 16 (1997): 109-110 (here 110).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Jerusalem, Mount Scopus ⁶⁸	city, burial cave	Judaea	ICBCE–ICCE (pre-70 CE)			1 (c)		
Jerusalem, Mount Scopus, Augusta Victoria ⁶⁹	city, burial cave	Judaea	2TP		found ⁷⁰			
Jerusalem, Mount Scopus, Nazirite Family Tomb ⁷¹	city, burial cave	Judaea	1st half of ICCE			1 (p)		
Jerusalem, Mt. Scopus (Har Hazoferim), Cave A ⁷²	city, burial cave	Judaea	late ICBCE– ICCE (pre-70 CE)			1 (p)		

⁶⁸ V. Tsaferis, "Tombs of the Second Temple Period in Jerusalem: Rock-Cut Tombs on Mount Scopus," *Atiqot* (Hebrew Series) 8 (1982): 6* (English Summary), 49–52 (Hebrew) (here 6*, fig. 2;7).

⁶⁹ V. Sussman, "A Burial Cave on Mount Scopus," *Atiqot* 21 (1992): 89–95 (here 95).

⁷⁰ Blown glass vessels paralleled by finds from 1st century CE Herculaneum.

⁷¹ N. Avigad, "The Burial-Vault of a Nazirite Family on Mount Scopus," *IEJ* 21 (1971): 185–200 (here fig. 6).

⁷² S. Weksler-Bdolah, "Burial Caves and Installations of the Second Temple Period at the Har Hazoferim Observatory (Mt. Scopus, Jerusalem)," *Atiqot* 35 (1998): 161–163 (English Summary), 23*–54* (Hebrew) (here fig. 33:16).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Jerusalem, North Talpiyot, Caiaphas Tomb ⁷³	city, burial cave	Judaea	ICCE			1 (p)		
Jerusalem, Pigsat Ze'ev ⁷⁴	city, burial cave	Judaea	2nd half of ICCE			1 (c)		
Jerusalem, Rehov Binyamin Mitudela ⁷⁵	city, burial cave	Judaea	mid-1CBCE– ICCE (pre-70 CE)			4		
Jerusalem, Robinson's Arch ⁷⁶	city	Judaea	late 2TP			numerous		
Jerusalem, Sderot Ben-Zvi ⁷⁷	city, burial cave	Judaea	ICCE			4 (c)		

⁷³ Z. Greenhut, "The 'Caiaphas' Tomb in North Talpiyot, Jerusalem," *Atiqot* 21 (1992): 63–71 (here 68, 70, fig. 9).

⁷⁴ O. Shurkin, "Burial Grounds and an Industrial Area in Wadi el-Halaf (near Khirbat Ras Abu Ma'aruf) in Pigsat Ze'ev, Jerusalem," *Atiqot* 48 (2004): 27*–58* (English), 152–155 (Hebrew) (here 153, fig. 20:2).

⁷⁵ L. Y. Rahmani, "Jewish Rock-Cut Tombs in Jerusalem," *Atiqot* 3 (1961): 91–120 (here 115–116).

⁷⁶ Engle, *1,000 Years of Glassmaking*, 22.

⁷⁷ D. Bahat, "Tombs of the Second Temple Period in Jerusalem: Two Burial Caves at Sderot Ben-Zvi," *Atiqot* (Hebrew Series) 8 (1982b): 8* (English Summary), 66–68 (Hebrew) (here 8*, fig. 2:6–8).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Jerusalem, site of the convention centre ⁷⁸	city, pottery workshop	Judaea	1CBCE–1CCE	substantial				3 ⁷⁹
Jerusalem, West Slope of Mount Scopus ⁸⁰	city, burial cave	Judaea	1CCE (pre-70 CE)			4 (p)		
Kabri, Burial Cave 3 ⁸¹	village, burial cave	Galilee	1CCE–early 2CCE		1 ⁸²	7 (p) + (c)		3
Kafr Yamma, Cave B ⁸³	village, burial cave	Galilee	1CCE–2CCE			3 (2 = (p))	1	1

⁷⁸ Gorin-Rosen, "The Glass", 197, fig. 1:6.

⁷⁹ One is reminiscent of the *Ripperschalen* bowls; the other two are just bases, but one preserves some ribbing while the other is plain.

⁸⁰ F. Vitto, "Burial Caves from the Second Temple Period in Jerusalem (Mount Scopus, Giv'at Hamivtar, Neveh Ya'akov)", *'Atiqot* 40 (2000): 65–121 (here 90–91, fig. 49).

⁸¹ E. J. Stern and Y. Gorin-Rosen, "Burial Caves near Kabri," *'Atiqot* 33 (1997): 7*–8* (English Summary), 1–22 (Hebrew) (here 7*, fig. 2).

⁸² One glass pyxis.

⁸³ Y. Arbel, "Kafr Yamma," *ESI* 110 (1999): 36*–37* (English), 46–48 (Hebrew) (here 37*, fig. 70).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Machaerus ⁸⁴	royal palatial fortress	Dead Sea	ICCE (70 CE contexts)	substantial		2		13 ⁸⁵
Masada ⁸⁶	royal palatial fortress	Dead Sea	HrP onwards	extensive	1000s fragments	numerous ⁸⁷	few	found ⁸⁸
Meiron ⁸⁹	village, burial cave	Galilee	late HP + HrP onwards				1 ⁹⁰	
Nazareth ⁹¹	village, burial cave	Galilee	ICCE (post-70 CE?)			3 (c)		

⁸⁴ Loffreda, *La Ceramica*, 115, fig. 52.

⁸⁵ Most of these are elongated beakers with or without horizontal incisions (Isings Forms 12, 27, 34, and 36[?]); some are cups, while one is a dish that is very reminiscent of Isings Form 46.

⁸⁶ Barag, "The Contribution of Masada," 138.

⁸⁷ Some candlestick-type bottles, found in small quantities, come from the post-73/74 CE phase.

⁸⁸ Isings 1957; Form 12.

⁸⁹ Meyers, Meyers, and Strange, "Excavations at Meiron," 93–94.

⁹⁰ Fine glass juglet.

⁹¹ Z. Yavor, "Nazareth," *ESI* 18 (1998): 32 (English), 48 (Hebrew).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Netanya ⁹²	village, burial ground	Coastal Plain	end of ICCE– 3CCE			found	found	
Northern Judaean Desert, Cave VII/1 ⁹³	cave	Dead Sea	ICCE–2CCE	extensive		1		4
Parod ⁹⁴	columbarium/ burial cave	Galilee	early RP (probably post-70 CE)	extensive		1		
Pella, Area VI, Tomb 54 ⁹⁵	city, burial cave	Decapolis	mid-1CCE– mid-2CCE			6 (c)	1	12 ⁹⁶

⁹² R. E. Jackson-Tal, "The Glass Vessels," in E. C. M. van den Brink, "A 'Provincial' Roman-Period Samaritan Burial Ground in Pardes Ha-Gedud, Netanya," *Atiqot* 47 (2004b): 143–148.

⁹³ R. E. Jackson-Tal, "The Glass Vessels," in O. Sion, "Regions IV and VI: Survey and Excavations of Caves Along the Jebel Abu Saraj Cliff," *Atiqot* 41 (2) (2002): 63 (here 110–111, fig. 6).

⁹⁴ O. Tal *et al.*, "Parod," *ESI* 110 (1999): 7*–9* (English), 7–10 (Hebrew) (here 8*, fig. 13.3).

⁹⁵ Smith and McNicoll, "The Roman Period," 127–129, 130–132, pl. 87:8–26.

⁹⁶ Two elongated beakers with horizontal incisions (Isings Forms 12 and 29); an elongated footed beaker paralleled only by one example from Machaerus; an elongated beaker with vertical depressions (indented beaker) (Isings Form 32).

Table 4 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Qiryat Tiv'on ⁹⁷	village, burial cave	Galilee	mid-1CCE– 3CCE			2 (c)		
Rujm el-Bahr ⁹⁸	fortress + anchorage	Dead Sea	1CBCE–1CCE	substantial			2	5 ⁹⁹
Sajur* ¹⁰⁰	village, burial cave	Galilee	1CCE–2CCE			1 (c)		
Samaria ¹⁰¹	city	Samaria	1CCE(?)			1 ¹⁰²		1 ¹⁰³
Samaria, Cave B ¹⁰⁴	city, burial cave	Samaria	1CCE–2CCE			found		

⁹⁷ A. Beck, "Qiryat Tiv'on," *ESI* 111 (2000): 20*–21* (English), 26–27 (Hebrew) (here 21*, fig. 39:1–2).

⁹⁸ P. Bar-Adon, *Excavations in the Judean Desert* (Atiqot 9; Jerusalem: Israel Antiquities Authority, 1989), fig. 11:9–15.

⁹⁹ One of these could be a bottle (ribbed).

¹⁰⁰ M. Avi'am, "A Burial Cave at Sajur," *Atiqot* 33 (1997): 13* (English Summary), 69 (Hebrew).

¹⁰¹ Crowfoot, "Glass," 407, fig. 93:5,7.

¹⁰² Bottle made of dark blue glass with a yellow spiral thread.

¹⁰³ Beaker with horizontal incisions.

¹⁰⁴ O. Sion, "Sebastiya," *ESI* 12 (1994): 37–38 (here 38).

Table 4 (*cont.*)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Free-blown Vessels	Bottles	Flasks/ Jugs	Cups/ Bowls/ Beakers/ Plates
Scythopolis (Bethshean) ¹⁰⁵	city, burial cave	Decapolis	late ICCE– 2CCE			several		
Shoham, East ¹⁰⁶	village, burial cave	Judaea	HrP			1 (p)		
Tel Anafa ¹⁰⁷	settlement, pit	Galilee	RP			very few		
Tel Goded, Cave 4 ¹⁰⁸	village, burial cave	Judaea	ICCE–mid- 2CCE			2 (c)		
Tell Qiri ¹⁰⁹	village	Samaria	late 1C BCE– early 1C CE	limited		1		

¹⁰⁵ V. Tsafiris and N. Yadin, "Burial caves in Beth Shean," *'Atiqot* (Hebrew Series) 8 (1982): 2* (English Summary), 12–15 (Hebrew) (here 2*).

¹⁰⁶ B. Badhi and H. Torgé, "Shoham (East; B)," *ESI* 111 (2000): 45*–46* (English), 58 (Hebrew) (here 46).

¹⁰⁷ Weinberg, "Tel Anafa," 101.

¹⁰⁸ N. Sagiv, B. Zissu, and G. Avni, "Tombs of the Second Temple Period at Tel Goded, Judean Foothills," *'Atiqot* 35 (1998): 159–161 (English Summary), 7*–21* (Hebrew) (here 160–161, fig. 13).

¹⁰⁹ Barag, "The Glass," 35, fig. 6:13.

Table 5. Mould-blown vessels from 1st century CE sites in Palestine

Site ¹	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs/ Flasks (plain)	Bottles/ Jugs (decorated)	Bowls/ Elongated Beakers (decorated)	"Sidonian" Wares (decorated; inscribed) ²
Abila, Tomb L15 ³	city, burial cave	Decapolis	early RP		1				
'Ain Arrub ⁴	hiding complex	Judaea	ICCE (c. 70 CE)	limited			2 ⁵	1 ⁶	
'Akko ⁷	city, cemetery	Coastal Plain	ICCE			1 ⁸			
'Aroer ⁹	fortress + settlement	Idumaea	ICCE	substantial				1 ¹⁰	

¹ "x" denotes a site that is not illustrated on the maps.

² This includes beakers, cups, jugs/pitchers, and bottles.

³ Harold Mare et al., "The 1986 Season at Abila," 213.

⁴ Tsafir and Zissu, "A Hiding Complex," 26, fig. 17:1-3.

⁵ One bowl has diagonal ribbing, and is paralleled by a vessel from Vindonissa; the other vessel is an elongated beaker with almond-like decoration.

⁶ Decorated-inscribed beaker.

⁷ Fortuna, "I vetri soffiat," 19-20; Stern, *The Toledo Museum of Art*, 159-160, no. 69.

⁸ A glass flask with two handles and decorated with concentric mould-blown ribs.

⁹ M. Hershkovitz, "Aroer at the End of the Second Temple Period," *EI* 23 (1992): 156* (English summary), 309-319 (Hebrew) (here 156*, 313, fig. 7:5).

¹⁰ Decorated-inscribed beaker.

Table 5 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs/ Flasks (plain)	Bottles/ Jugs (decorated)	Bowls/ Elongated Beakers (decorated)	“Sidonian” Wares (decorated; inscribed)
Bethsaida ¹¹	town	Galilee	early RP					5 ¹²	
Caesarea Maritima ¹³	city	Coastal Plain						3 ¹⁴	1 ¹⁵
Castra ¹⁶	settlement, burial cave	Coastal Plain						1 ¹⁷	
Dor, Area D2 ¹⁸	city, fill	Coastal Plain	RP				1 ¹⁹		

¹¹ Rottloff, “Hellenistic, Roman and Islamic Glass,” 142, fig. 2:11–15.

¹² Ribbed bowls and blobbed bowls.

¹³ S. Finocchi, “La cinta erodiana,” in *Scavi de Caesarea Maritima* (ed. G. Dell’Amore et al.; Rome: Bretschneider, 1966), 247–292 (here 267, fig. 337); Israeli, “The Glass Vessels,” 372.

¹⁴ Mould-blown ribbed bowls.

¹⁵ Decorated-inscribed beaker.

¹⁶ Y. Gorin-Rosen and N. Katsnelson, “The Glass Vessels,” in Z. Yeivin and G. Finkelsztejn “Horbat Castra—1993–1997,” *ESI* 109 (1999): 27*.

¹⁷ Elongated beaker with almond-like decoration.

¹⁸ E. Stern et al., “Tel Dor—1999,” *ESI* 112 (2000): 29*–33* (English), 34–38 (Hebrew) (here 30*–31*, fig. 45).

¹⁹ A jug decorated with an almond pattern.

Table 5 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs/ Flasks (plain)	Bottles/ Jugs (decorated)	Bowls/ Elongated Beakers (decorated)	"Sidonian" Wares (decorated; inscribed)
'Ein ez-Zara, Building 2 ²⁰	villa	Dead Sea	1CCE– 2CCE	extensive				2 ²¹	1 ²²
'Ein Gedi ²³	village	Dead Sea	early RP	limited				2 ²⁴	1 ²⁵
Gamla ²⁶	town, residential quarter	Gaulanitis	1CCE	substantial			found ²⁷	found ²⁸	found ²⁹
Gerasa, Tombs 6 + 7 ³⁰	city, burial caves	Decapolis	1CCE–early 2CCE				1 ³¹		1 ³²

²⁰ Dussart, "Les verres," 96, pl. 22:2–3.

²¹ Blobbed decoration/grape-like decoration (milk-white colour); a mould-blown ribbed bowl (*zarte Rippenschalen*).

²² A glass fragment with a palm-leaf motif (probably part of a beaker carrying floral decoration and an inscription).

²³ Jackson-Tal, "Glass Vessels from Ein-Gedi," 480, pls. 4:10, 5:3–4, fig. 5.

²⁴ One of the fragments has a complete preserved base, which is concave and with two mould-blown concentric circles on the exterior side.

²⁵ Decorated-inscribed beaker.

²⁶ Jackson-Tal, "Early Roman Glass in Context."

²⁷ Mould-blown bottles, jugs, and flasks (some of which have delicate flutes/upturned gadroons), and a date-shaped bottle.

²⁸ Mould-blown ribbed bowls, and a bowl with almond-like decoration.

²⁹ Juglets and small flasks with vertical ribbing, and a hexagonal bottle with decoration in relief.

³⁰ Abu-Dalu, "Three Tombs," 171, figs. 8–9.

³¹ A bottle/jug with a radiated pattern in relief.

³² A fragment from a beaker, carrying floral decoration but no inscription.

Table 5 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs Flasks (plain)	Bottles/ Jugs (decorated)	Bowls/ Elongated Beakers (decorated)	“Sidonian” Wares (decorated; inscribed)
Herodium ³³	royal palatial fortress	Dead Sea	1CCE	extensive				found ³⁴	
Jerusalem ³⁵	city	Judaea	1CCE		1			found ³⁶	1 ³⁷
Jerusalem, City of David ³⁸	city, dumps	Judaea	1CCE (till 70 CE)						2 ³⁹
Jerusalem, Hulda Gates ⁴⁰	city, building near gates	Judaea	1CCE				1 ⁴¹		1 ⁴²

³³ Ruth Jackson-Tal, personal communication (July 2007; October 2007).

³⁴ A blobbed bowl and mould-blown ribbed bowls (*zarte Rippenschaten*).

³⁵ Barag, “Phoenicia and Mould-Blowing,” 79; Y. Israeli, “Sidonian Mold-Blown Glass Vessels in the Museum Haaretz,” *JGS* 6 (1964): 34–41 (here 34–35, figs. 1–3); Stern, *The Toledo Museum of Art*, 111–112, no. 13.

³⁶ Finely ribbed hemispherical vessels.

³⁷ A decorated pitcher/jug which is similar to the ones from the “Palatial Mansion” in the Jewish Quarter.

³⁸ Ariel, *Excavation at the City of David*, 151–152, fig. 33:GL100–GL101.

³⁹ Two fragments with honeycomb-pattern relief decoration (one of dark-yellow colour), which are reminiscent of the Ennion pitcher from the “Palatial Mansion” in the Jewish Quarter.

⁴⁰ Engle, *1,000 Years of Glassmaking*, 37, 54, figs. 17, 23:e.

⁴¹ Grape-shaped bottle of uncertain date.

⁴² A fragment from a vessel similar to the two pitchers found in the “Palatial Mansion” in the Jewish Quarter.

Table 5 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs/ Flasks (plain)	Bottles/ Jugs (decorated)	Bowls/ Elongated Beakers (decorated)	"Sidonian" Wares (decorated; inscribed)
Jerusalem, Jewish Quarter ⁴³	city	Judaea	1CCE (till 70 CE)						2 ⁴⁴
Jerusalem, Jewish Quarter, Area P, "Palatial Mansion" ⁴⁵	city, house	Judaea	1CCE (till 70 CE)	extensive					3 ⁴⁶
Jerusalem, Jewish Quarter, Area A ⁴⁷	city, fills	Judaea	1CCE		1(?) ⁴⁸			2 ⁴⁹	

⁴³ Engle, *1,000 Years of Glassmaking*, 41–42, fig. 20; Jackson-Tal, "Glass Vessels from En-Gedi," 482.

⁴⁴ A bottle with mould-blown floral and figurative decoration in relief, and a decorated-inscribed beaker.

⁴⁵ Avigad, *Discovering Jerusalem*, 107, 117, figs. 95–96, 112.

⁴⁶ Two pitchers/jugs with mould-blown geometric and floral decoration, with an inscription saying "Ennion made it", and a hexagonal bottle with ivy wreath decoration and a depiction of a suspended jug.

⁴⁷ Gorin-Rosen, "Glass vessels from Area A," 383, pls. 15.6:G60–G61, 15.8:GL90.

⁴⁸ Mould-blown decorated beaker, but whose decoration is unlike the "Sidonian" wares.

⁴⁹ Mould-blown ribbed bowls (*zarte Rippenschalen*).

Table 5 (*cont.*)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs/ Flasks (plain)	Bottles/ Jugs (decorated)	Bowls/ Elongated Beakers (decorated)	“Sidonian” Wares (decorated; inscribed)
Jerusalem, Jewish Quarter, Area E ⁵⁰	city, related to street pavement + mixed deposits	Judaea	late 1CBCE– 1CCE (till 70 CE)	limited				3 ⁵¹	1? ⁵²
Jerusalem, Jewish Quarter, Area P ⁵³	city, Cistern A (ass. with a mansion)	Judaea	1CCE (till 70 CE)				1 ⁵⁴		
Jerusalem, Ophel ⁵⁵	city	Judaea	1CCE?						1 ⁵⁶

⁵⁰ Gorin-Rosen, “Glass Vessels,” 253–255, 256, pl. 10.5:G64, G68–G69, G73.

⁵¹ A *zarte Rippenschale* bowl (blue; imported), and two elongated beakers with almond-like decoration.

⁵² A handle, which may belong to a one-handed cup with mould-blown decoration signed by Ennion.

⁵³ Engle, *1,000 Years of Glassmaking*, 54, fig. 23:d.

⁵⁴ Date-shaped bottle.

⁵⁵ D. Whitehouse, *Roman Glass in The Corning Museum of Glass: Volume Two* (New York: The Corning Museum of Glass, 2001), 22–23, no. 485.

⁵⁶ Decorated-inscribed beaker.

Table 5 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs/ Flasks (plain)	Bottles/ Jugs (decorated)	Bowls/ Elongated Beakers (decorated)	"Sidonian" Wares (decorated; inscribed)
Jerusalem, Robinson's Arch + Temple Mount ⁵⁷	city	Judaea	1CCE			1	1 ⁵⁸		
Jerusalem, site of the convention centre ⁵⁹	city, pottery workshop	Judaea	1CCE (till 70 CE)	substantial					1 ⁶⁰
Masada ⁶¹	royal palatial fortress	Dead Sea	1CCE (till 70 CE)	extensive	fairly common	1	found ⁶²	found ⁶³	

⁵⁷ Engle, *1,000 Years of Glassmaking*, 53, fig. 23:b.⁵⁸ Elongated beaker with almond-like decoration.⁵⁹ Gorin-Kosen, "The Glass," 196–197, fig. 1:4.⁶⁰ Decorated-inscribed beaker.⁶¹ Barag, "The Contribution of Masada," 139; Whitehouse, *Roman Glass*, 14, 21–22, no. 484.⁶² Ribbed bowls with marvered white threads (*zarte Rippenschaalen*), and elongated beakers with almond-like decoration.⁶³ At least three beakers carrying an inscription and, possibly, floral decoration; also found were beakers with figures, and "Sidonian-type bottles" (probably, hexagonal bottles with decoration in relief).

Table 5 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs/ Flasks (plain)	Bowls/ Elongated Beakers (decorated)	"Sidonian" Wares (decorated; inscribed)
Mount Carmel ⁶⁴		Coastal Plain	ICCE					1 ⁶⁵
Nazareth ⁶⁶	village	Galilee	RP		4			
Northern Judaean Desert, Cave VII/1 ⁶⁷	cave	Dead Sea	ICCE– 2CCE	extensive			1 ⁶⁸	
Scythopolis (Bethshean) ⁶⁹	city	Decapolis	early ICCE					found ⁷⁰

⁶⁴ Matheson, *Ancient Glass*, 46, no. 122.

⁶⁵ Bottle, said to have been found at Mt. Carmel, which is decorated with vases and architectural motifs.

⁶⁶ Harden, "Two Tomb Groups," 83.

⁶⁷ Jackson-Tal, "The Glass Vessels," 110–111, fig. 6:6.

⁶⁸ Elongated beaker with almond-like decoration.

⁶⁹ Stern, *The Toledo Museum of Art*, 138ff., nos. 43–44.

⁷⁰ Hexagonal bottles with decoration in relief.

Table 5 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Mould- blown Vessels	Bottles/ Jugs/ Flasks (plain)	Bottles/ Jugs (decorated)	Bowls/ Elongated Beakers (decorated)	"Sidonian" Wares (decorated; inscribed)
Tel el Hassan ^{*71}		Galilee	1CCE?				found ⁷²		
Tell Abu-Shusha (Geva), Mishmar Ha'-Emeq ⁷³		Jezreel Valley	1CCE?						1 ⁷⁴
Tell Qiri ⁷⁵	village	Samaria	late 1CBCE– early 1CCE	limited					1 ⁷⁶

⁷¹ Stern, *The Toledo Museum of Art*, 169–170.

⁷² Jugs, whose decoration is reminiscent of decorated mould-blown cylindrical boxes.

⁷³ Stern, *The Toledo Museum of Art*, 115, 117, note 4i.

⁷⁴ A decorated hexagonal bottle.

⁷⁵ Barag, "The Glass," 35, fig. 6:12.

⁷⁶ A mould-blown ribbed bowl (*zarte Rippenschale*).

Table 6. Some unique or imported glass from 1st century BCE–1st century CE sites in Palestine

Site	Site Type/ Context	Region	Date	Extent of Excavation	Description
'Ain Arrub ¹	hiding complex	Judaea	ICCE (c. 70 CE)	limited	1 (from Vindonissa?)
'Akko ²	city	Coastal Plain	ICCE		cups produced in western workshops
Caesarea Maritima ³	city	Coastal Plain	late HP–early RP		orange-red bowl
Castra ⁴		Coastal Plain	ICCE		cups produced in western workshops
Gamla ⁵	town, residential quarter	Gaulanitis	ICBCE–ICCE	substantial	3 fragments of colour-banded striped vessels
Jerusalem, Jewish Quarter, Area A ⁶	city, open space + fills	Judaea	early ICBCE + unstratified		2 different bowls with a flaring rim; ⁷ other rare blown pieces

¹ Tsafir and Zissu, "A Hiding Complex," 26, fig. 17:1–3.

² Stern, *Roman, Byzantine, and Early Medieval Glass*, 84–85.

³ Israeli, "The Glass Vessels," 372.

⁴ Stern, *Roman, Byzantine, and Early Medieval Glass*, 84–85.

⁵ Jackson-Tal, "Early Roman Glass in Context."

⁶ Gorin-Rosen, "Glass Vessels from Area A," 378, 383–384.

⁷ This is a very rare type of bowl, which is largely unattested in the eastern Mediterranean; a possible parallel is one bowl from Maresha; there are also some examples from Delos.

Table 6 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Description
Jerusalem, Jewish Quarter, Area E ⁸	city, related to street pavement	Judaea	late 1CBCE	limited	1 <i>zarte Rippenschale</i> bowl of blue colour, typical of imported ones not local ones
Jerusalem, Mount Scopus, Augusta Victoria ⁹	city, burial cave	Judaea	2TP		blown-glass paralleling finds from Herculanum
Jerusalem, Mount Scopus, Cave A1 ¹⁰	city, burial cave	Judaea	2CBCE–1CBCE		2 vessels imported from the W.Med
Maresha ¹¹	city, upper settlement/ subterranean complexes	Idumaea	3CBCE–1CBCE	substantial	1 bowl with flaring rim

⁸ Gorin-Rosen, "Glass Vessels," 253–254, pl. 10.5:G64.

⁹ Sussman, "A Burial Cave," 95.

¹⁰ R. A. Raya and B. Zissu, "Burial Caves from the Second Temple Period on Mount Scopus," *Atiqot* 40 (2000): 157 (English Summary), 1*–12* (Hebrew) (here 157, fig. 6).

¹¹ Jackson-Tal, "A Preliminary Survey," 51, fig. 2:1.

Table 6 (cont.)

Site	Site Type/ Context	Region	Date	Extent of Excavation	Description
Masada ¹²	royal palatial fortress	Dead Sea	HrP onwards	extensive	ribbed bowls with marvered white threads of the <i>zarte Rippenschalen</i> type; dark blue bowls with polychrome paintings of birds and garlands ¹³
Pella, Area VI, Tomb 54 ¹⁴	city, burial cave	Decapolis	mid-1CCE–mid-2CCE		13 blown cups, dishes, and beakers which are very rare in the eastern Mediterranean; these are paralleled by finds from the west, especially Pompeii

¹² Barag, "The Contribution of Masada," 139.

¹³ Either from a West Mediterranean workshop or possibly from Alexandria.

¹⁴ Smith and McNicoll, "The Roman Period," 130–132, pl. 87:8–20.

Table 7. Glass vessels from the R. de Vaux excavations at Khirbet Qumran (data from the first five columns was gathered from: R. de Vaux's unpublished catalogue of the Qumran finds (courtesy of the École Biblique); Humbert and Chambon, *Fouilles de Khirbet Qumrân et de Ain Feshkha*; Humbert, Chambon, and Pfann, *The Excavations of Khirbet Qumran and Ain Feshkha*; Wouters et al., "Antique Glass from Khirbet Qumrân")

KhQ No./IRPA No.	Glass Object	Description	Date-of-Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
70	vitreous substance (sample)		04/12/51	L.4	surface, before excavation of locus started	post-68 CE
94/54 (IRPA)	cup	free-blown goblet with a widened lip (bluish)	11-12/12/51	L.6	unclear context; beneath or above upper floor (last used in Period III)? ¹	pre-68 CE/ post-68 CE
101	cup	free-blown cup	04/12/51	L.3—against the western wall, near the surface	unclear context; free-blown cups became common during the ICCE	pre-68 CE/ post-68 CE
157/73 (IRPA)	beaker	fragment of a mould-blown vessel, decorated with palmettes (greenish)	18/02/53	L.99, 128, 148—NW glaciis (west trench)	ancient dump; mould-blown vessels became common during the ICCE	pre-68 CE/ post-68 CE

¹ The upper floor of L.6-40 appears to have a *terminus post quem* date of the early-to-mid-1st century CE, as evinced by the presence of a coin (KhQ.1612) of a Procurator under Tiberius (Humbert and Chambon, *Fouilles de Khirbet Qumrân et de Ain Feshkha*, 306) found beneath the upper floor (KhQ.1612 was recorded on the "04/04/54", and is labelled as "L.40—lower level"); therefore, one cannot attribute the lower floor exclusively to the early 1st century BCE because it seems that it was still in use during the early decades of the 1st century CE. Consequently, the material from the lower level is attributed to Period II, this being the last phase of occupation associated with this level, whereas the material from the upper floor is attributed to Period III, on the basis of the same reasoning. Since de Vaux does not mention any other floor in this area, besides the lower and the upper one, the Period III occupation probably re-used the upper floor, and thus the finds above this floor should theoretically belong to this later occupation (unless they are clearly residual).

Table 7 (cont.)

KhQ No./IRPA No.	Glass Object Description	Date-of-Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
190/63 (IRPA)	cup bottom of a free-blown glass bowl with a footed base (greenish)	24/02/53	L.8—upper level	upper floor; last phase of occupation = Period III ²	post-68 CE

² This note concerns the stratigraphy of the loci within the tower (that is, L.8, L.8A, L.9, L.9A, L.10, L.10A, L.11, L.28, and L.29) and the occupation they represent, something which has not been satisfactorily explained yet in the literature. It seems that the tower was already built and occupied by the early 1st century BCE, and it probably consisted of two storeys. L.8A, L.9A, L.10A, and L.28–29 represent the lower storeys, whereas the L.8, L.9, L.10, and L.11 represent the upper storeys. The ceramic and the numismatic evidence suggest that the earthquake of 31 BCE led to the collapse of the upper floor of L.10 into L.10A; the latter was subsequently filled, sealed, and a new floor was laid over it, hence effectively eliminating the lower part of L.10 altogether. Otherwise, the rest of the tower appears to have functioned as before. Everything seems to have changed when the post-68 CE occupation re-used the tower. It is most probable that in the case of L.8, L.9, and L.10, only the upper storeys were used, whereby L.8A and L.9A, now filled with destruction debris (a result of the site's destruction around 68 CE), were filled in and sealed, like L.10A, with new floors being laid on top of the destruction debris and the levelling fills; on the other hand, the Period III inhabitants probably re-used the pre-existing upper floor of L.10, built after 31 BCE. The fact that the remnants of floors were detected in all these three loci is proof of this, because otherwise if the lower storey was also in use during Period III, the upper floor would have collapsed into the lower storey (after the site was abandoned by the Period III occupants) leaving no floor traces whatsoever; on the contrary, traces of the post-68 CE floors survived in these three loci because they were laid down upon a solid levelling fill. The fact that a number of pottery vessels were found on the upper floor of L.8 (in which the staircase was formerly located) further substantiates the point that only the tower storey was in use, since if L.8 was still being used as a staircase one would not find evidence of an occupation within it (in fact, L.8A, the lower part of the staircase [before it went out of use around 68 CE] yielded only a single pottery sherd). In contrast, in L.11 no traces of an upper floor have been detected instead, stone debris covering the floors of L.28–29 was found), hence implying that in this part of the tower the lower storey was still being used during Period III. This is further substantiated by the presence of a small hoard of 2nd century CE coins under the lower floor of L.28–29, which betrays the fact that the lower storey was still accessible in this part of the tower after 68 CE. Two floors were evident in this lower level, which were separated by 40cm of fill; the lowermost floor was probably used during Period II, whereas the uppermost floor was probably built after the destruction of the site in 68 CE (however, when the hoard was hidden the individual concerned dug into the lowermost floor as well).

Therefore, the material remains from L.8A and L.9A must have belonged to the pre-68 CE period (this being the last occupation phase associated with these loci), whereas the pottery from L.8, L.9, and L.10 must have belonged to the post-68 CE period, which represents the last occupation phase in these loci, not to mention that, technically, the extant upper floors in L.8, and L.9 were probably built in Period III, hence making them effectively Period III loci. The material from L.11 and that above the upper floor of L.28–29 must also be attributed to Period III (for de Vaux's description of these loci, see Humbert and Chambon, *Fouilles de Khirbet Qumrân et de Ain Feshkha*, 294–296, 301–302).

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
196/61 (IRPA)	bottle (large)	neck of a spherical free-blown bottle (bluish)	25/02/53	L.11—upper level, NE corner of tower	last phase of occupation = Period III ³	post-68 CE
197	vessel (base + fragments)	free-blown decorated vessel, with radiant relief decoration (ribbed?)	25/02/53	L.11—upper level, NE corner of tower	last phase of occupation = Period III ⁴	post-68 CE
225/51 (IRPA)	bottle	free-blown bottle (greenish)	26/02/53	L.11—upper level	last phase of occupation = Period III ⁵	post-68 CE
235/50 (IRPA)	flask/goblet	bottom of a free-blown glass vessel (possibly a goblet or a flask) (greenish)	26/02/53	L.10—upper level	upper floor; last phase of occupation = Period III ⁶	post-68 CE
298/22+59 (IRPA)	flask	flask with handle decorated with vertical lines in relief (slightly greenish)	05/03/53	L.16—near the surface	Period III locus	post-68 CE

³ See note 2.⁴ See note 2.⁵ See note 2.⁶ See note 2.

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
570/48 (IRPA)	cup	free-blown cup with a flat base, a flaring wall and a round rim (bluish)	25/03/53	L.9A	beneath upper floor (last used in Period III); last phase of occupation = Period II ⁷	pre-68 CE
654	bottle	free-blown candlestick-shaped bottle	29/03/53	L.31—upper level	beneath (= L.36) or above Period III floor? <u>BUT</u> "upper level" <u>AND</u> typology is more typical of the late ICCE and onwards	post- 68 CE (?)
717/34 (IRPA)	bowl/cup ⁸	bottom of a free-blown glass cup with a footed ring-base (greenish)	08/04/53	L.41—upper level	upper level; last phase of occupation = Period III ⁹	post- 68 CE (?)

⁷ See note 2.

⁸ R. de Vaux describes this as a bottle (Humbert and Chambon, *Fouilles de Khirbet Qumrân et de Aïn Feshkhā*, 306), but his drawing in the official inventory and the photograph suggests that it is a free-blown cup with a footed ring-base.

⁹ All the finds in L.38–41 that were recorded on the "08/04/53" or before (that is, they were found on the upper floor, with which three ovens are associated) are assigned a post-68 CE date, even if this floor might have originally been used by the pre-68 CE inhabitants, as commonly believed. Considering that no other floor above this one was detected, and in light of a possible Second Revolt coin (KhQ.714 cf. Humbert and Chambon, *Fouilles de Khirbet Qumrân et de Aïn Feshkhā*, 306) found within the context of this same floor (this was recorded on the "08/04/53" and labelled "L.41—upper level"), it is probable that the post-68 CE residents re-used the same floor; hence theoretically all the finds from this upper floor should be ascribed to this phase.

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
985/47 (IRPA)	bottle	free-blown bottle (colourless?)	18/02/54	L.55—upper level	fill of basin after it went out of use (Period II material) ¹⁰	pre-68 CE
1170/75 (IRPA)	beaker	free-blown elongated beaker with vertical depressions	02/03/54	L.45, south— ashes, including the future L.84 and the upper part of L.64	unclear context; related either to last intensive use of this area (= Period II) or to the less intensive Period III use	pre-68 CE/ post-68 CE
1441/23.1-2 (IRPA)	goblet	free-blown goblet with a widened lip (greenish)	13/03/54 OR 15/03/54	L.47— intermediate level	pre-reinforcement lower floor? (upper floor built after the mid-40s CE) ¹¹	pre-68 CE (?)

¹⁰ Material coming from fills within cisterns and basins is usually ascribed a date corresponding to the last phase in which the cistern was used. This is because such fills usually consist of material that was used before these cisterns went into disuse, unless this material comes from the surface, in which case it could possibly represent material which was discarded at a later point.

¹¹ A coin (KhQ.719) of Herod Agrippa I (Humbert and Chambon, *Fouilles de Khirbet Qumrân et de Ain Feshkha*, 305) was found beneath the upper floor of L.39-47 (this coin was recorded on the "08/04/83", and labelled as "L.39—lower level"). Moreover, an inscribed jar-sherd (KhQ.734) from the lower level of L.39 has been dated to Period II (see A. Lemaire, "Inscriptions de Qumrân et Ain Feshkha," in *Khirbet Qumrân et Ain Feshkha: II: Études d'anthropologie, de physique et de chimie (Studies of Anthropology, Physics and Chemistry* (ed. J.-B. Humbert and J. Gunneweg; Fribourg: Academic Press; Göttingen: Vandenhoeck & Ruprecht, 2003), 341-388 (here 350)). Therefore, it appears that the upper floor was built after the 40s CE.

Table 7 (*cont.*)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
1 (IRPA)	cup	free-blown cup			unclear context; free-blown cups became common during the 1CCE	pre-68 CE/ post-68 CE
2 (IRPA)	bowl	free-blown ribbed cup with base (greenish)	24/03/53	L.9A	beneath upper floor (last used in Period III); last phase of occupation = Period II ¹²	pre-68 CE
3 (IRPA)	goblet	free-blown ribbed goblet (greenish)	29/03/53	L.34 (?) ¹³	last phase of occupation = Period II <u>BUT</u> close to surface <u>AND</u> 4CCE coins found on same day	pre-68 CE/ post-68 CE
4 (IRPA)	bottle	free-blown bottle (green)	29/03/53	L.34 (?) ¹⁴	last phase of occupation = Period II <u>BUT</u> close to surface <u>AND</u> 4CCE coins found on same day	pre-68 CE/ post-68 CE

¹² See note 2.¹³ The label for this find reads: "no.34 53-3-29" (Wouters *et al.*, "Antique Glass from Khirbet Qumrân").¹⁴ The label for this find reads: "no.34 53-3-29" (Wouters *et al.*, "Antique Glass from Khirbet Qumrân").

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
5 (IRPA)	goblet	free-blown goblet (bluish)		L.34	unclear context <u>BUT</u> last phase of occupation = Period II	pre-68 CE (?)
6 (IRPA)	goblet	free-blown goblet with flat base (greenish)		L.34	unclear context <u>BUT</u> last phase of occupation = Period II	pre-68 CE (?)
7 (IRPA)	bowl/ bottle	base of a free-blown ribbed rounded bowl or bottle (greenish)		L.34	unclear context <u>BUT</u> last phase of occupation = Period II	pre-68 CE (?)
8 (IRPA)	cup	free-blown cup (greenish)		L.34	unclear context <u>BUT</u> last phase of occupation = Period II	pre-68 CE (?)
9 (IRPA)	bottle/goblet	base of free-blown bottle or goblet (bluish)		L.34	unclear context <u>BUT</u> last phase of occupation = Period II	pre-68 CE (?)
10 (IRPA)	goblet	free-blown goblet with a widened lip (greenish)		L.34	unclear context <u>BUT</u> last phase of occupation = Period II	pre-68 CE (?)
11 (IRPA)	bottle	free-blown bottle (greenish)		L.43	unclear context <u>BUT</u> Period III locus	post-68 CE (?)

Table 7 (*cont.*)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
12 (IRPA) ¹⁵	goblet	mould-blown goblet (greenish)		L.34	unclear context BUT last phase of occupation = Period II	pre-68 CE (?)
13 (IRPA)	bottle	free-blown bottle (greenish)	12/03/52	L.10	on upper floor (last used in Period III) or beneath it (= L.10A)?; projection corresponding to upper floor found on this day; free-blown bottles started to be produced from the mid-1CBCE onwards ¹⁶	pre-31 BCE/ post-68 CE
14 (IRPA)	goblet	goblet with fluted body (sagged?) (greenish)	12/03/53	L.10	on upper floor (last used in Period III) or beneath it (= L.10A)?; projection corresponding to upper floor found on this day; typology is very peculiar of early 1CBCE sagged glass ¹⁷	post-68 CE (?)

¹⁵ This may join with no.IRPA 73.¹⁶ See note 2.¹⁷ See note 2.

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
15 (IRPA)	bottle	free-blown bottle (greenish)	16/03/(?)	L.10	beneath upper floor (last used in Period III)?; = L.10A (sealed after 31 BCE) ¹⁸	pre-31 BCE = (?)
16 (IRPA) ¹⁹	bottle	free-blown bottle	12/03/53	L.10	on upper floor (last used in Period III) or beneath it (= L.10A)?; projection corresponding to upper floor found on this day; free-blown bottles started to be produced from the mid-1CBCE onwards ²⁰	pre-31 BCE/ post-68 CE
17 (IRPA)	cup (?)	free-blown cup (colour/less?)	28/02/53	L.10	upper floor; last phase of occupation = Period III ²¹	post-68 CE
18.1 (IRPA)	bowl	free-blown ribbed cup with base (bluish)		L.11	last phase of occupation = Period III ²²	post-68 CE

¹⁸ See note 2.¹⁹ This may join with no. IRPA 15, but if this is so, then no. IRPA 15 should be attributed to the post-68 CE phase or vice-versa.²⁰ See note 2.²¹ See note 2.²² See note 2.

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
19 (IRPA)	bottle (large)	large free-blown bottle (green)	11/03/53	L.24	last phase of occupation = Period III ²³	post-68 CE
20 (IRPA)	goblet	free-blown goblet with flat base (bluish)	11/03/53	L.24	last phase of occupation = Period III ²⁴	post-68 CE
21.1 (IRPA)	goblet (?)	free-blown goblet (dense mauve)			unclear context; free-blown cups became common during the ICCE	pre-68 CE/ post-68 CE
21.2 (IRPA)	goblet	free-blown goblet with a widened lip (green)			unclear context; free-blown cups became common during the ICCE	pre-68 CE/ post-68 CE
24 (IRPA)	chalice/ goblet	free-blown chalice/ goblet with a footed base (greenish)	01/03/54	L.48	date-of-recording uncertain; fill of cistern after it went out of use (Period II material)? ²⁵	pre-68 CE (?)

²³ L.24 forms part of the central courtyard, made up of L.23, L.24, L.25, and L.37, in which only one occupation floor was detected (see Humbert and Chambon, *Fouilles de Khirbet Qumrân et de Aïn Feshkha*, 300, 301). The same floor of this courtyard was therefore used throughout all the phases of occupation, and thus, with the exception of some clear residual finds, most of the finds from these loci probably belonged to the post-68 CE occupiers, who last used these loci.

²⁴ See note 23.

²⁵ See note 10.

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
25 (IRPA)	bottle (large)	large free-blown bottle (greenish)	28/03/53	L.33	upper floor; last phase of occupation = Period III	post-68 CE
26 (IRPA)	bottle	free-blown bottle (greenish)	11/04/53	L.33—lower	lower floor; last phase of occupation = Period II	pre-68 CE
27.1 (IRPA)	flask	(greenish)	18/03/53	L.28	uncertain context; beneath or above upper floor (last used in Period III)? ²⁶	pre-68 CE/ post-68 CE
27.2 (IRPA)	bottle (large)	large free-blown bottle (greenish)	18/03/53	L.28	uncertain context; beneath or above upper floor (last used in Period III)? ²⁷	pre-68 CE/ post-68 CE
28 (IRPA)	bottle	free-blown bottle (greenish)	08/04/53	L.39	uncertain context; beneath or above upper floor (last used in Period III)? ²⁸	pre-68 CE/ post-68 CE
29 (IRPA)	goblet	free-blown goblet with flat base (bluish)	01/03/53 OR 02/03/53	L.13	within thick layer of ashes, west of L.14 but lower	pre-68 CE

²⁶ See note 2.²⁷ See note 2.²⁸ See note 11.

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
30 (IRPA)	cup	free-blown ribbed cup with base (greenish/ bluish?)	12/02/55	L.111	upper floor; last phase of occupation = Period II	pre-68 CE
31.1 (IRPA)	bottle	free-blown bottle (greenish)	03/03/53	L.14	Period III locus	post-68 CE
32 (IRPA)	flask	(greenish)	08/03/53	L.19	within L.26 ("platform")?	post-68 CE (?)
33 (IRPA)	bottle (large)	large free-blown bottle (greenish)	02/04/53	Trench—West	ancient dump; free-blown bottles started to be produced from the mid- 1CBCE onwards	1CBCE— 1CCE
35 (IRPA)	bowl	sagged ribbed bowl (yellowish)	24/03/53	L.3	unclear context; sagged bowls were common during both the 1CBCE and the 1CCE	1CBCE— 1CCE
36 (IRPA)	bottle	free-blown bottle (bluish?)	08/04/53	L.39	uncertain context; beneath or above upper floor (last used in Period III)? ²⁹	pre-68 CE/ post-68 CE

²⁹ See note 11.

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
37 (IRPA)	bottle	free-blown bottle		east of L.133	unclear context; free-blown bottles started to be produced from the mid-1CBCE onwards	1CBCE– 1CCE
38 (IRPA)	bottle	free-blown bottle (greenish)	09/04/53	L.39	beneath upper floor (built after the mid-40s CE) ³⁰	pre-68 CE
39 (IRPA)	goblet	free-blown goblet decorated with a glass-string in relief (bluish)	29/03/53	L.31	beneath (= L.36) or above Period III floor?	pre-68 CE/ post-68 CE
40 (IRPA)	goblet	free-blown goblet with flat base (greenish with yellow streaks)	21/03/53	L.22	Period III locus	post-68 CE
41 (IRPA)	bottle	free-blown bottle (greenish)	07/06/53 = 07/04/53?	L.39	date-of-recording uncertain (probably = "07/04/53"; upper level?; last phase of occupation = Period III) ³¹	post-68 CE (?)

³⁰ See note 11.³¹ See note 11.

Table 7 (*cont.*)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
42 (IRPA)	bottle	free-blown bottle (greenish)	26/03/53	L.32	closer to surface; upper level; last phase of occupation = Period III	post-68 CE (?)
43 (IRPA)	goblet	incised/grooved goblet (sagged?) (greenish)	02/04/53	Northern Trench	ancient dump; mixed deposit (1CBCE + 1CCE coins); sagged bowls were common during both the 1CBCE and the 1CCE	1CBCE- 1CCE
44 (IRPA)	goblet	free-blown goblet with widened lips (greenish)	01/04/5(?)	L.48	date-of-recording uncertain; fill of cistern after it went out of use (Period II material)? ³²	pre-68 CE (?)
45 (IRPA)	bottle	free-blown bottle (colourless)	01 or 02/03/53	L.12	fill underneath Period III floor?	pre-68 CE (?)
46 (IRPA)	cup	free-blown cup with a widened lip			unclear context; free-blown cups became common during the 1CCE	pre-68 CE/ post-68 CE

³² See note 10.

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
49.1 (IRPA)	goblet	free-blown ribbed goblet (greenish)		L.97 (?) ³³	last phase of occupation = Period II	pre-68 CE (?)
49.2 (IRPA)	bowl	free-blown ribbed cup with base (bluish)		L.97 (?) ³⁴	last phase of occupation = Period II	pre-68 CE (?)
52 (IRPA)	unclear	(blue)	01/03/53 <u>OR</u> 02/03/53	L.13	within thick layer of ashes, west of L.14 but lower	pre-68 CE
53 (IRPA)	cup (?)	free-blown cup (greenish)	03/03/53	east of tower	L.19?; on the surface?	post-68 CE (?)
55 (IRPA)	bowl	free-blown ribbed cup with base (bluish)	07/03/53	L.16	Period III locus	post-68 CE
56 (IRPA)	bottle	(greenish)	02/03/53	L.16	Period III locus	post-68 CE
57 (IRPA)	bottle	free-blown bottle			unclear context; free-blown bottles started to be produced from the mid-1CBCE onwards	1CBCE– 1CCE

³³ The label for this find reads: "KhQ 197 ou L.97?" (Wouters et al., "Antique Glass from Khirbet Qumrán").³⁴ The label for this find reads: "KhQ 197 ou L.97?" (Wouters et al., "Antique Glass from Khirbet Qumrán").

Table 7 (*cont.*)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
58 (IRPA)	unclear				unclear context	ICBCE- ICCE
60 (IRPA)	goblet	mould-blown goblet (yellowish)	08/03/53	L.19	within L.26 ("platform")?	post-68 CE (?)
62 (IRPA)	flask	(greenish)	08/03/53	L.19	within L.26 ("platform")?	post-68 CE (?)
64 (IRPA)	unclear				unclear context	ICBCE- ICCE
65 (IRPA)	goblet	mould-blown goblet decorated with vines/ ivy scrolls (yellowish/ greenish)			unclear context; mould- blown vessels became common during the ICCE	pre-68 CE/ post-68 CE
66 (IRPA)	goblet	mould-blown goblet (greenish)	04/04/53	L.32—lower	lower level; last phase of occupation = Period II	pre-68 CE
67 (IRPA)	unclear				unclear context	ICBCE- ICCE
68 (IRPA)	goblet	incised/grooved goblet (sagged?) (slightly greenish)	07/03/53	L.16	Period III locus	post-68 CE

Table 7 (cont.)

KhQ No./ IRPA No.	Glass Object	Description	Date-of- Recording	Locus	"Stratigraphic" Context	Probable Date-Of-Use
69 (IRPA)	cup (?)	free-blown cup (greenish)	01/03/53 <u>OR</u> 02/03/53	L.13	within thick layer of ashes, west of L.14 but lower	pre-68 CE
70 (IRPA)	unclear	(greenish)	03/03/53	east of tower	L.19?; on the surface?	post-68 CE (?)
71 (IRPA)	unclear	(greenish)	03/03/53		unclear context	ICBCE- ICCE
72 (IRPA)	unclear				unclear context	ICBCE- ICCE
74 (IRPA)	goblet	mould-blown goblet ³⁵ (greenish)	15/04/53	L.46	last phase of occupation = Period III	post-68 CE
77 (IRPA)	unclear	(greenish)			unclear context	ICBCE- ICCE

³⁵ According to Wouters et al. this vessel belongs to a goblet bearing an inscription, which also carried a horizontal band of stylised palm-leaves. However, the photograph shows no such details, but no. IRPA 73 does. Is this a mistake?



Figure 1. Map showing 1st century BCE and 1st century CE sites in Palestine that have yielded glass vessels

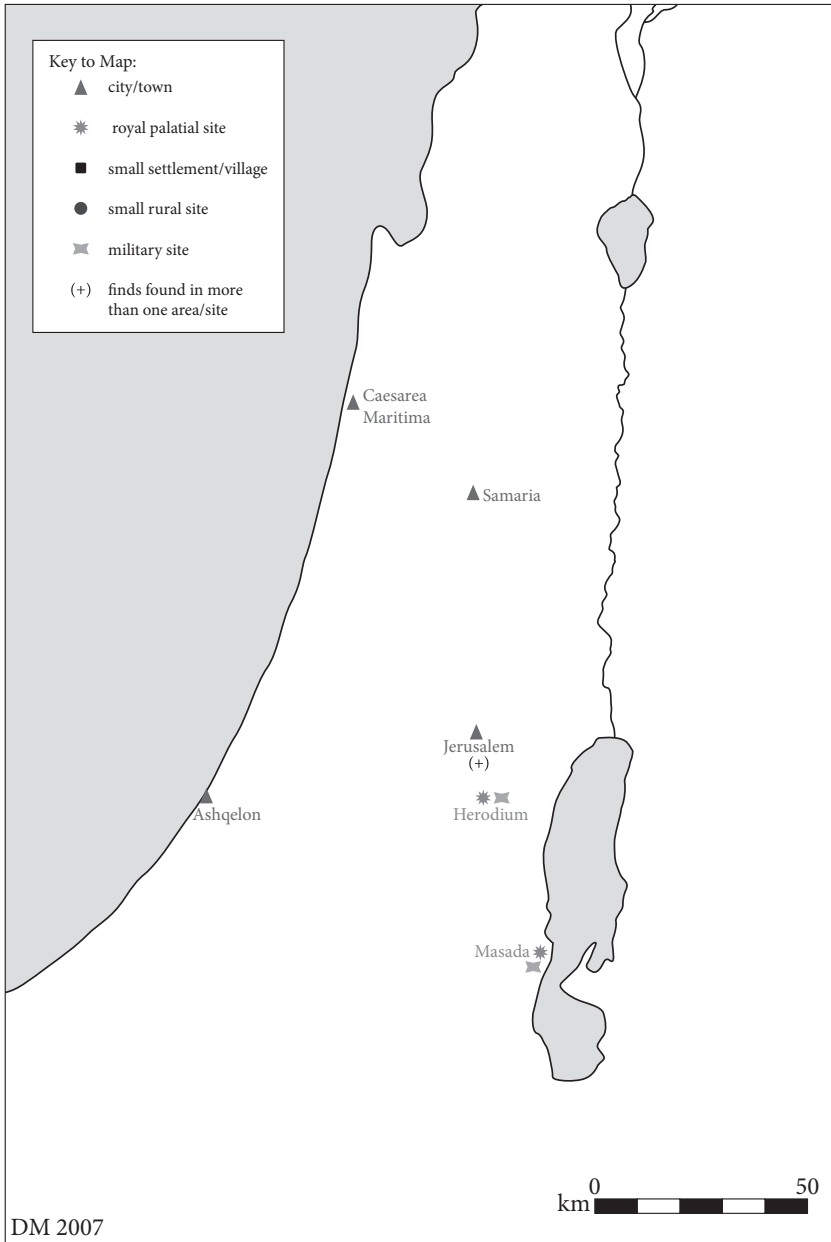


Figure 2. Map showing the distribution of fine cast vessels in 1st century BCE and 1st century CE Palestine

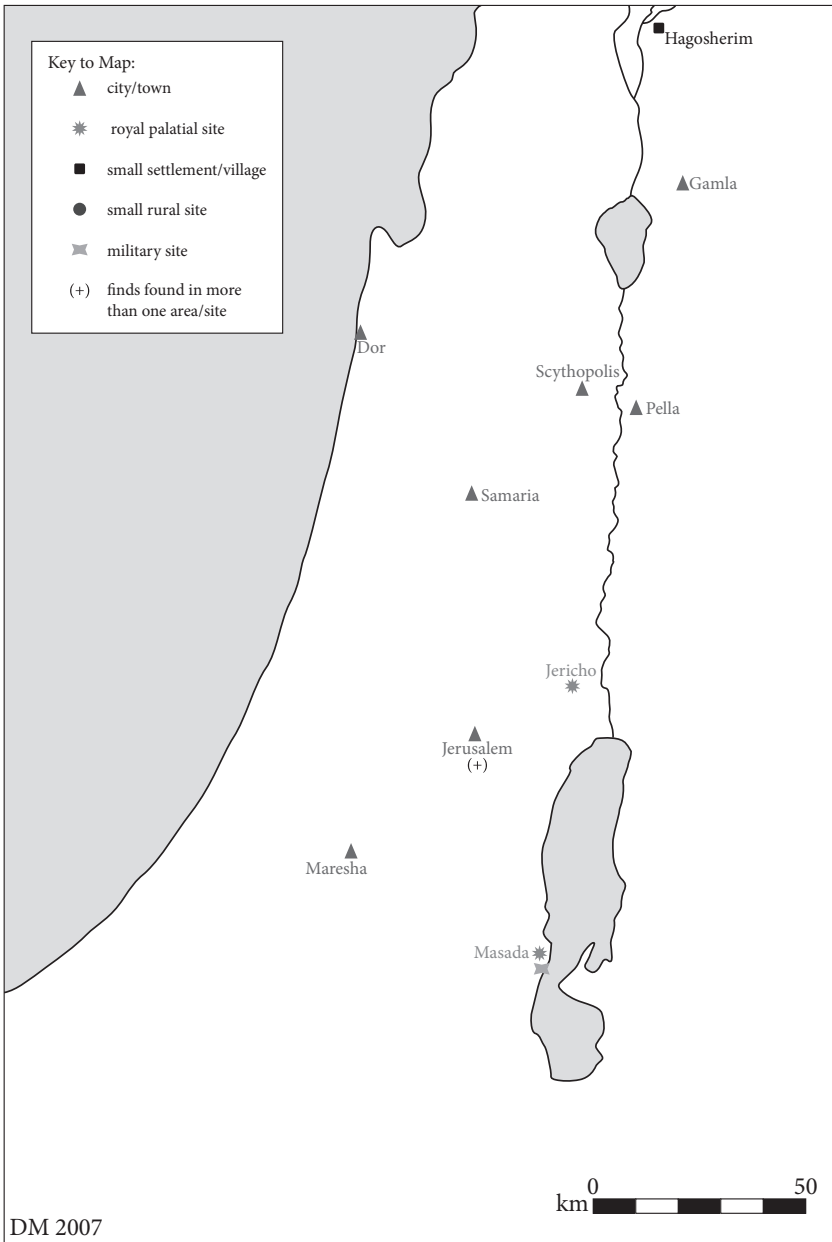


Figure 3. Map showing the distribution of polychrome vessels in 1st century BCE and 1st century CE Palestine

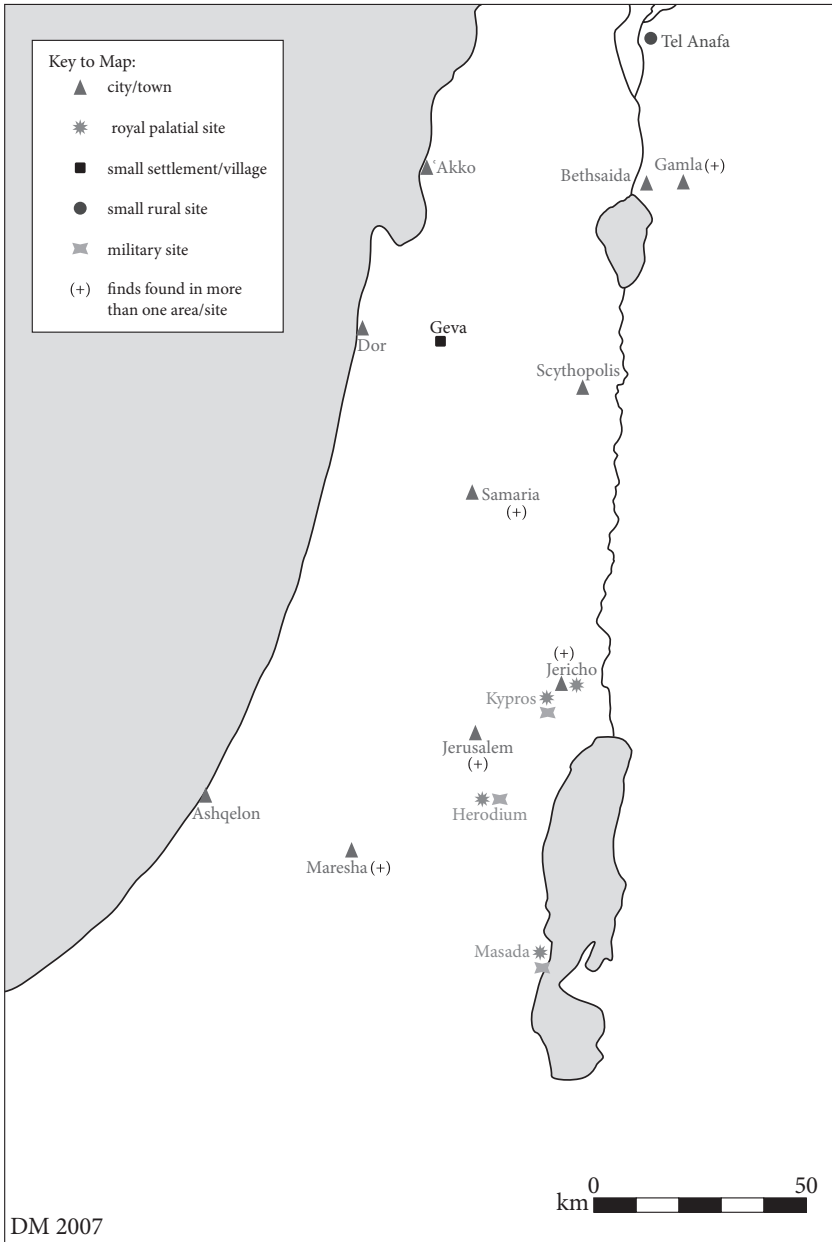


Figure 4. Map showing the distribution of core-formed vessels in 1st century BCE and 1st century CE Palestine



Figure 5. Map showing the distribution of sagged vessels in 1st century BCE and 1st century CE Palestine



Figure 6a. Map showing the distribution of free-blown vessels in 1st century BCE and 1st century CE Palestine



Figure 6b. Map showing the distribution of free-blown vessels in 1st century BCE and 1st century CE (pre-70 CE) Palestine

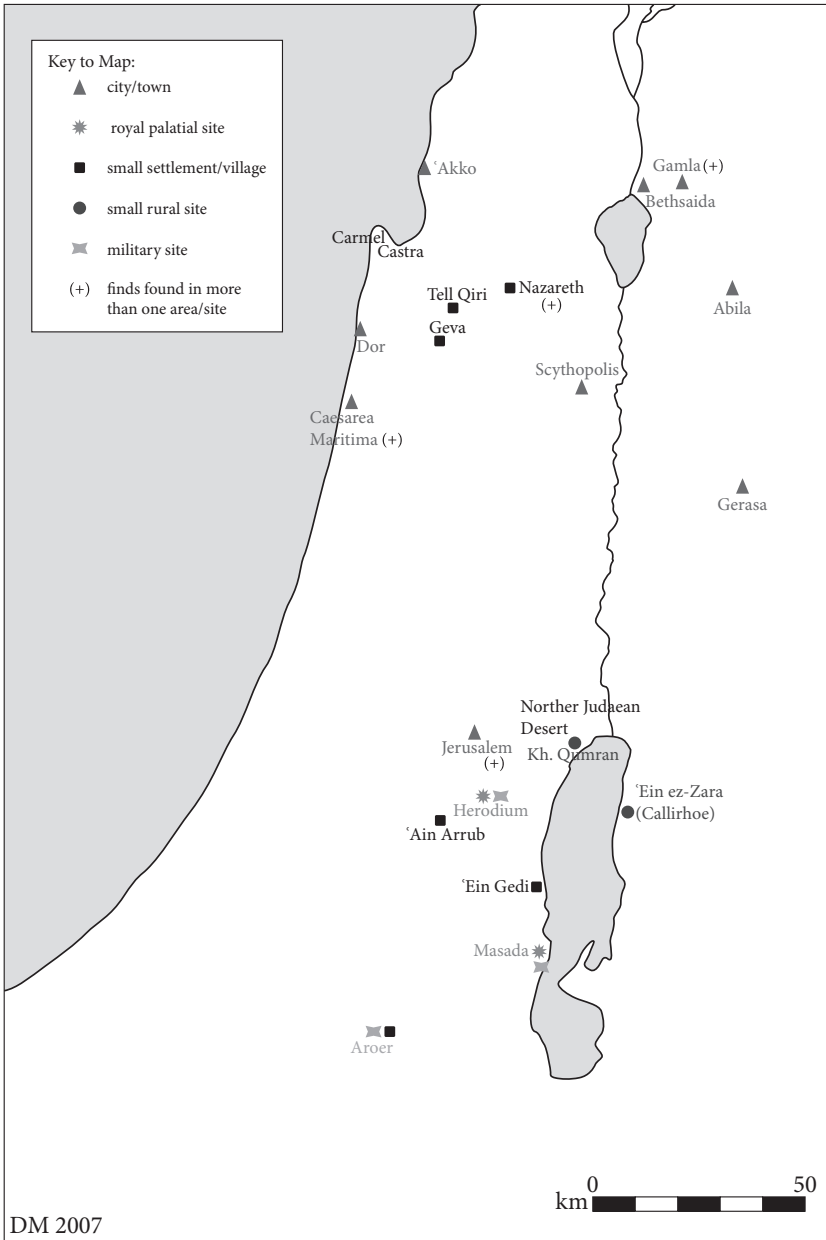


Figure 7a. Map showing the distribution of mould-blown vessels in 1st century CE Palestine

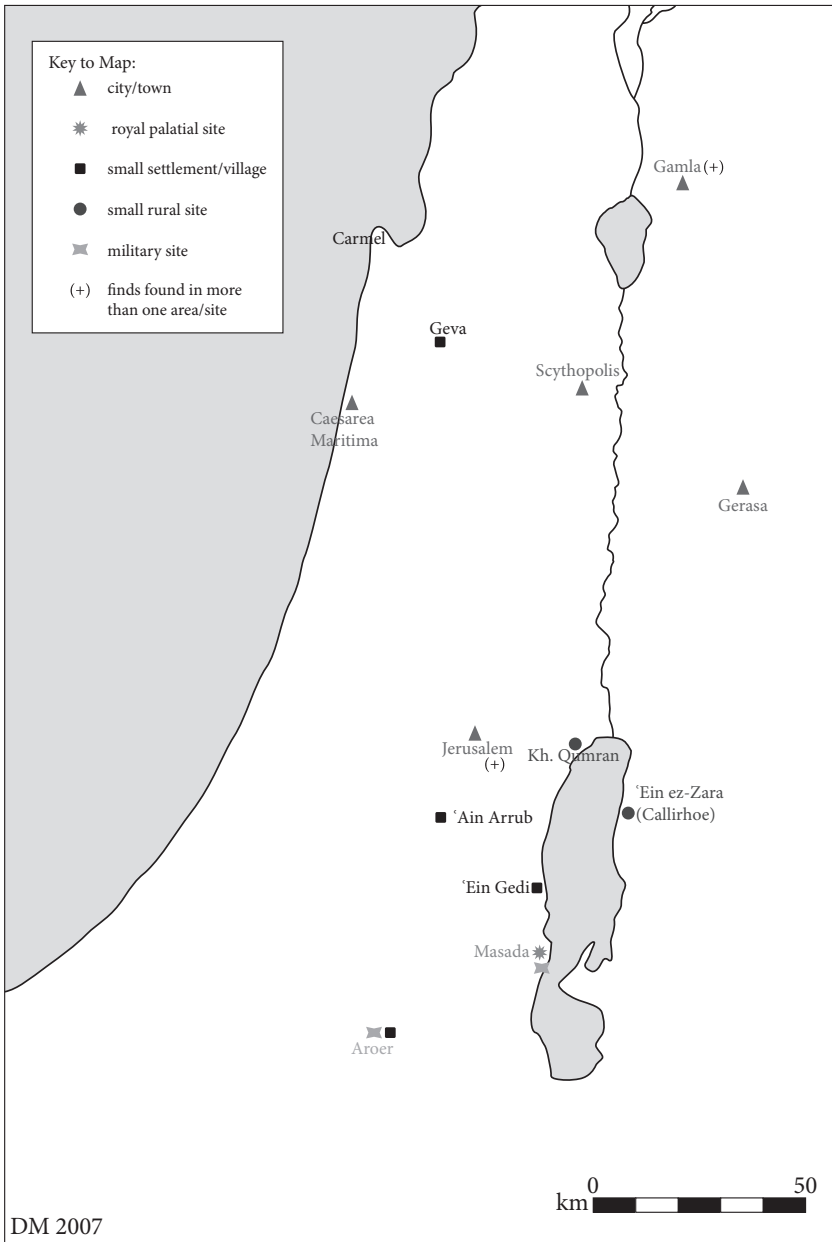


Figure 7b. Map showing the distribution of “Sidonian” glass vessels in 1st century CE Palestine

CAVE 11 IN CONTEXT

FLORENTINO GARCÍA MARTÍNEZ

At the last meeting of the IOQS in Ljubljana I revisited Cave 1.¹ The idea was to see what difference it makes to look at the holdings of the cave from the perspective acquired after sixty years of research. There, I considered three scholarly assessments of Cave 1. Harmut Stegemann has proposed that the Cave 1 manuscripts “constituted the portion of the Qumran Library holdings that the Qumran settlers saw as especially worthy of urgent rescue.”² George Brooke argued that Cave 1 would have been a repository of discarded manuscripts (a *genizah*) and suggested that the deposit in the Cave occurred well before the end of the first century BCE.³ Finally, Devorah Dimant proposed that the manuscripts deposited in Cave 1 were particularly respected by the Qumranites and may have served as model copies for major sectarian works.⁴ I came to the conclusion that all these interpretations were problematic and reached the following conclusion:

All things considered, the traditional opinion, which sees Cave 1 as the repository of part of the treasures of the Library of Qumran in order to hide and protect them from impending danger, when presented in an orderly and thoughtful manner, still seems the best explanation. If we take seriously the high number of jars, already broken in antiquity, and the high number of linen textiles found in the Cave, we may conclude that the orderly hiding of the manuscripts was interrupted and never completed, or that Cave 1 was emptied of part of its treasures before modern times as Stegemann concluded for Cave 3. We will never know.

¹ See F. García Martínez, “Reconsidering the Cave 1 Texts Sixty Years After Their Discovery: An Overview,” in *Qumran Cave 1 Revisited: Proceedings of the Sixth Meeting of the IOQS, Ljubljana 2007* (STDJ; ed. D. Falk, Sarianna Metso and E. Tigchelaar; Leiden: Brill, forthcoming).

² H. Stegemann, *Die Essener, Qumran, Johannes der Täufer und Jesus* (Freiburg: Herder, 1993). Quotes are from the English translation of the 5th German edition: *The Library of Qumran: On the Essenes, Qumran, John the Baptist, and Jesus* (Grand Rapids: Eerdmans, 1998), here, 68.

³ George J. Brooke, *Qumran and the Jewish Jesus: Reading the New Testament in the Light of the Scrolls* (Cambridge: Grove Books, 2005), 9.

⁴ Devorah Dimant, “The Composite Character of the Qumran Sectarian Literature as an Indication of Its Date and Provenance,” *RevQ* 22/88 (2006): 615–630.

What we do know is what we have: a few well-preserved manuscripts and many more small remains of other compositions. And when we consider all of them, we have a perfect sample of the library of which the holdings of Cave 1 were once a part—a cross section, as it were, of the Qumran collection as a whole.⁵

The conclusion I arrived at is not particularly surprising and could be considered as rather conservative. My purpose here is to try a similar exercise with the contents of Cave 11. What difference does it make to look at the contents of the “Dutch Cave” from the perspective acquired after sixty years of research? We can split this exercise into two questions:

- What is peculiar to Cave 11?
- How do the materials from Cave 11 relate to the Qumran collection as whole, now that all the manuscripts have been published?

In what follows I will try to address each of these questions in turn.

I. *Peculiarities of Cave 11*

The answer to the first question is facilitated by an article of Emanuel Tov which addresses precisely the same question, although from a somewhat different perspective.⁶ Tov’s article takes as its starting point a well-founded analytical premise, very carefully drafted:

It seems that the great majority of the texts from this cave was either copied according to the Qumran scribal practice, or was of interest to the Qumran community; in most cases, both conditions are met.⁷

From this qualified observation which is argued for and substantiated in the bulk of the article, Tov derives two consequences (also duly qualified):

⁵ García Martínez, “Reconsidering the Cave 1 Texts.”

⁶ E. Tov, “The Special Character of the Texts Found in Qumran Cave 11,” in *Things Revealed: Studies in Early Jewish and Christian Literature in Honor of Michael E. Stone* (JSJSup 89; ed. E. G. Chazon, D. Satran and R. A. Clements; Leiden: Brill, 2004), 187–196.

⁷ Tov, “The Special Character,” 187.

1. The evidence presented in this paper suggests that the texts from this cave are more homogeneous with regard to their content than those found in the other caves.⁸

and

2. We would like to suggest that the collection of items in Cave 11 reflects a common origin, being more sectarian, so to speak, than the contents of the other caves.⁹

The general conclusion of the article is much more strongly worded:

A strong sectarian connection of the fragments from Cave 11, stronger than that of the other caves, together with the preponderance of handle sheets among Cave 11 texts characterize the contents of this cave. These characteristics suggest that the collection of texts found in Cave 11 must have come as a whole from the Qumran community itself, possibly brought from a specific location.¹⁰

This is of course an important conclusion for the characterization of Cave 11, and, if it holds up to scrutiny, our first question would already have been answered: the peculiarity of Cave 11 would consist of its more pronounced sectarian character. I have no quarrels with Tov's conclusion that more handle sheets have been preserved in Cave 11 than in other caves. However, his conclusion that the fragments from Cave 11 display stronger sectarian connections than other caves (particularly Cave 1) seems to me open for discussion.

For the purposes of this paper I will take the tables and qualifications of the manuscripts given by Tov at face value, even though using more recent discussions that appeared since the publication of Devorah Dimant's classification of sectarian and non-sectarian texts in 1995 might have changed the numbers a little.¹¹ I am not taking issue with Tov's statistics. Rather, I am concerned about the way in which Tov employs the statistics when he compares Cave 11 to the remainder of the caves. In particular, it seems questionable to me that

⁸ Tov, "The Special Character," 187.

⁹ Tov, "The Special Character," 187.

¹⁰ Tov, "The Special Character," 196.

¹¹ D. Dimant, "The Qumran Manuscripts: Contents and Significance," in *Time to Prepare the Way in the Wilderness* (STDJ 16; ed. D. Dimant and L. H. Schiffman; Leiden: Brill, 1995), 23–58.

we should compare the contents of Cave 11 to all of the non-Cave 11 manuscripts (thus relating Cave 11 with the rest of the finds as a whole) rather than comparing the sectarian connections of the other single caves. It seems to me that in order to be compelling statistical comparisons ought to be made between individual caves. For example, if we compare Cave 11 to Cave 1, I am not so sure Tov's conclusion that Cave 11 presents a more homogeneous collection of "sectarian character" can be upheld.

The criteria generally used for determining the "sectarian" or "non-sectarian" character of each composition (those used by Tov in the section "Sectarian Content and Terminology") are, on the whole, abstracted from the analysis of the main manuscripts found in Cave 1: the *Serek*, *Hodayoth*, *Pesharim* and *Milhamah* Scrolls. With the possible exception of the tiny fragment 11Q29 which does not provide any data on scribal practice, none of these documents are attested in Cave 11. According to the "Sectarian Content and Terminology" criteria employed by Tov, I think that only 11Q13 (*Melchizedek*), 11Q14 (*Sefer ha-Milhama*), 11Q17 (*Shirot 'Olat ha-Shabbat*) and, finally, the tiny 11Q29, can be classified as "sectarian."¹² Moreover, several colleagues will dispute even this shorter list.¹³

When we consider the totality of the holdings recovered from Cave 1 in order to ascertain its "sectarian" or "non sectarian" character (i.e. the seven big manuscripts published outside the DJD Series¹⁴ and the

¹² I consider 11Q5 (11QP^s^a) to be a biblical scroll. In spite of the calendar used in the description of David's Compositions this manuscript is generally not considered sectarian.

¹³ For example, after some initial hesitation Carol Newsom—the editor of the copies of the *Shirot* from Cave 4 and from Masada—now holds that, "on balance a pre-Qumran origin seems more likely." See C. A. Newsom, "Songs of the Sabbath Sacrifice," in *Encyclopedia of the Dead Sea Scrolls* (2 vols.; ed. L. H. Schiffman and J. C. VanderKam; New York: Oxford, 2000) 2: 887–889, here 887. See also in more detail her article "'Sectually Explicit' Literature from Qumran," in *The Hebrew Bible and Its Interpreters* (ed. W. H. Propp, B. Halpern and D. N. Freedman; Winona Lake: Eisenbrauns, 1990), 167–187.

¹⁴ 1QIsa^a, 1QpHab and 1QS were published in M. Burrows, J. C. Trever and W. H. Brownlee *The Dead Sea Scrolls of St Mark's Monastery* I and II (New Haven: ASOR, 1950 and 1951). 1QIsa^b, 1QH and 1QM were published by E. L. Sukenik in *The Dead Sea Scrolls of the Hebrew University* (Jerusalem: Magnes, 1955) and 1QapGen was published by N. Avigad and Y. Yadin, *A Genesis Apocryphon: A Scroll from the Wilderness of Judaea* (Jerusalem: Magnes, 1956).

forty manuscripts published in DJD 1,¹⁵ leaving out of consideration the thirty other unclassified and unidentified manuscripts reproduced on Plates XXXIII–XXXVII of DJD 1) we come to the following numbers:

- 15 “biblical manuscripts”
- 9 “sectarian” compositions
- 22 “para-biblical non sectarian” compositions.¹⁶

We are thus left with 9 “sectarian” and 37 “non sectarian” compositions from Cave 1, with the “sectarian” compositions constituting 15% out of a total of 46 compositions.

Cave 11 revealed two manuscripts published elsewhere (the *Temple Scroll* [11Q19] published by Yadin¹⁷ and the *Paleo-Hebrew Leviticus Scroll* [11Q1] published by Freedman and Mathews¹⁸) as well as the twenty manuscripts published in the DJD Series.¹⁹ Here I am again leaving out of consideration ten unclassified or unidentified manuscripts reproduced on plates XLVIII–LII of DJD 23. The profile of the “sectarian character” of Cave 11 emerges as follows:

- 9 “biblical” manuscripts
- 3 (or 4) “sectarian” compositions
- and 8 (or 9) “para-biblical non sectarian” compositions.

In all this leaves us with 3 or 4 “sectarian” and 17 or 18 “non sectarian” compositions in Cave 11, or 14% or 18% out a total of 21 compositions

¹⁵ D. Barthélemy and J. T. Milik, *Qumran Cave 1* (DJD 1; Oxford: Clarendon, 1955).

¹⁶ I use quotation marks throughout to underline that I consider the terminology “biblical-non biblical” and “sectarian—non sectarian” anachronistic and unsatisfactory; see most recently, F. García Martínez, “¿Sectario, non-sectario, o qué? Problemas de una taxonomía correcta de los textos qumránicos,” *RevQ* 23/91 (2008): 383–394.

¹⁷ Y. Yadin, *The Temple Scroll* (3 vols.; Jerusalem: Israel Exploration Society, 1977) [Hebrew].

¹⁸ D. N. Freedman and K. A. Mathews, *The Paleo-Hebrew Leviticus Scrolls (11QpaleoLev)* (Winona Lake: ASOR, 1985).

¹⁹ Cf. 11Q5 published by J. A. Sanders, *The Psalm Scroll of Qumran Cave 11 (11QP^a)* (DJD 4; Oxford: Clarendon, 1965) and the texts published by F. García Martínez, E. J. C. Tigchelaar and A. S. van der Woude, eds., *Qumran Cave 11. II: 11Q2–18, 11Q20–31* (DJD 23; Oxford: Clarendon, 1998).

(with the variation depending on whether we count the tiny 11Q29 in one category or in another).

In sum it seems to me that Emanuel Tov's characterization of Cave 11 as being "more sectarian" than the other caves fails to convince, at least when this cave is compared to Cave 1 the contents of which served to determine the "sectarian" character of the manuscripts. Rather, in terms of the 'sectarian' or 'non-sectarian' character of their holdings the profile of both caves is, in practical terms, identical.

A different approach has been proposed by Daniel Stökl Ben Ezra who put forward a theory of "Old Caves and Young Caves" that has recently been published in *Dead Sea Discoveries*.²⁰ The central tenet of this theory is formulated as follows,

According to the calculations below, the average age of the dated scrolls from Cave 4 and from Cave 1 differs to such an extent from that of the manuscripts of Caves 2, 3, 5, 6 and 11 that the possibility that they are all randomly chosen samples of the same 'population,' the same library, becomes improbable. In other words, it can be shown statistically to be highly unlikely that the manuscripts from Caves 1 and 4 are random samples coming from the same collection of manuscripts as those from Caves 2,3,5,6 and 11, hidden in an emergency just before 68 CE.²¹

On this view the materials from Caves 1 and 4 are "old" with an average age of the dated manuscript deposits that is noticeably older than the average age of the dated manuscript deposited in the remaining caves.²² Stökl Ben Ezra goes on to suggest that Caves 1 and 4 contained the remains of the Qumran library brought to safety and hidden between 9/8 BCE and 4 BCE, possibly when Qumran was destroyed by a fire. On Stökl Ben Ezra's interpretation the contents of the "old" caves remained undisturbed and forgotten during the re-occupation of the Khirbeh after the reconstruction of the buildings. He further observes,

Unlike the "young" Caves 2, 3, 5, 6, and 11, the "old" Caves 1 and 4 were not emergency hiding places in 68 CE, but contained most or all

²⁰ Daniel Stökl Ben Ezra, "Old Caves and Young Caves: A Statistical Reevaluation of a Qumran Consensus," *DSD* 14 (2007): 313–333.

²¹ "Old Caves and Young Caves," 315–316.

²² "The ASA [average scroll age] of both old caves together is 42.9 BCE as opposed to the ASA of all young caves (10.9 CE). The manuscripts from the old caves are on average more than 50 years older than those of the young caves." "Old Caves and Young Caves," 318.

of their manuscripts already at an earlier point in history: Cave 1 as an emergency hide out, Cave 4 as an emergency hiding place, library, or depository.²³

According to this theory, Cave 11 is characterized as a “young” cave (alongside Caves 2, 3, 5 and 6) and it is suggested that its contents would have been deposited in 68 CE. Thus, Stökl Ben Ezra proposes, “Caves 2, 3, 6, and 11 served as emergency hiding places (of the new library) just before the Roman attack.”²⁴ On this view the peculiarity of Cave 11 would reside in the fact that its holdings were deposited at a later date than the materials from Caves 1 and 4.

That Cave 11 is a “young” cave seems certain, since Herodian and late-Herodian manuscripts make up the majority of its holdings. However, this does not seem peculiar to me since Cave 1 also contains a number of manuscripts dated by Carbon 14 outside of the range necessary for a deposit in 9 or 4 BCE (1QapGen and 1QpHab), and a larger number of manuscripts (ten on my count) which are dated palaeographically to the Herodian or late-Herodian period. Since in my view the date of the latest manuscript provides a *terminus a quo* for the deposit, it is impossible to accept that the deposits from Cave 1 were placed there “around the turn of the era.” In addition, we have a manuscript from Cave 11 (11Q20, *Temple Scroll^b*) which was penned by the same scribe as 1QpHab. This suggests, I would think, that both deposits go back to the same time and that the manuscripts from both caves were deposited in similar circumstances.

I conclude, therefore, that neither the “sectarian” character asserted by Tov, nor the date of the deposit postulated by Stökl Ben Ezra successfully account for the peculiar character of Cave 11. We need to look elsewhere in our attempt to distinguish Cave 11 from the other caves.

Cave 1 and Cave 11 present many common characteristics and in some aspects they are the most similar of all the manuscript caves. Both caves offered favorable storage conditions with the conditions in Cave 1 having been better as indicated by the number of manuscripts wrapped in linen and preserved in their entirety as well as the number of storage jars recovered, etc. Nevertheless the storage conditions in both caves were certainly similar. Thus, a substantial number of

²³ “Old Caves and Young Caves,” 327.

²⁴ “Old Caves and Young Caves,” 329.

manuscripts in a relatively good state of preservation have been recovered from both caves. Cave 1 revealed the seven well preserved manuscripts published outside the DJD Series and Cave 11 brought forth the well preserved 11Q1 (the *Paleo-Hebrew Leviticus Scroll*), 11Q5 (the *Psalms Scroll*), but also 11Qtargum of Job and Yadin's *Temple Scroll*—if the latter indeed comes from Cave 11 about which there is no absolute certainty. Moreover, Cave 1 revealed a very large amount of linen textiles used to protect the manuscript deposits,²⁵ and Cave 11 also contained the remains of linen (cf., for example, Box 988 which also contained some unpublished fragments of 11Q1 and the photograph showing the linen textile used to protect the *Temple Scroll*).²⁶

In spite of these similarities we also note some significant differences. These may offer us important clues in our quest to define the peculiar character of Cave 11.

In my view the most significant difference between the two caves is the “habitability” of Cave 11 when compared with the “habitability” of Cave 1. The archaeological report of the excavation of Cave 1 published in DJD 1 and the notes about the exploration of the caves published by de Vaux in *Revue Biblique*²⁷ indicate that the habitability of Cave 1 is uncertain.²⁸ It is not impossible that Cave 1 was inhabited, but this is considered unlikely. With respect to Cave 11, by contrast, de Vaux affirms explicitly that this cave was inhabited, both in the preliminary report published in *Revue Biblique*²⁹ and in the synthesis published in *Archaeology and the Dead Sea Scrolls*.³⁰ Indeed, in his preliminary report de Vaux is rather emphatic on the topic,

²⁵ See G. M. Crowfoot, “The Linen Textiles,” in D. Barthélemy and J. T. Milik, *Qumran Cave 1* (DJD 1; Oxford: Clarendon, 1955), 18–38.

²⁶ This photograph has been reproduced in F. Mébarki and E. Puech, *Les manuscrits de la mer Morte* (Rodez: Éditions de Rouergue, 2002), 31. On the textiles from Qumran, see Mireille Bélis, “Des textiles, catalogues et commentaires,” in *Khirbet Qumrân et 'Ain Feshkha II: Études d'anthropologie, de physique et de chimie* (NTOA Series Archaeologica 3; ed. J.-B. Humbert and J. Gunneweg; Fribourg /Göttingen: Academic Press/Vandenhoeck & Ruprecht, 2006), 207–276.

²⁷ R. de Vaux, “La grotte des manuscrits hébreux,” *RB* 56 (1949): 586–609.

²⁸ Cf. Barthélemy and Milik, *Qumran Cave 1*, 13: “La première grotte était difficilement habitable mais, comme beaucoup d'autres trous du rocher, qui contiennent aussi des jarres et un peu de vaisselle domestique, elle a pu servir de magasin ou de cachette à des gens qui vivaient à proximité sous des tentes ou des huttes.”

²⁹ R. de Vaux, “Fouilles de Khirbet Qumrân: Rapport préliminaire sur les 3^e, 4^e et 5^e campagnes,” *RB* 63 (1956): 533–577.

³⁰ Cf. R. de Vaux, *Archaeology and the Dead Sea Scrolls* (Oxford: OUP, 1973), 51: “Cave 11 was inhabited in the Chalcolithic period, in Iron Age II, and finally at the same period as Khirbet Qumran, as the pottery found there (but rare elsewhere) attests.”

La chambre antérieure a été la plus habitée. On distingue trois périodes d'occupation. Au-dessus du sol vierge, une couche contient des tessons chalcolithiques de facture très grossière; la seule pièce vraiment caractéristique est une petite jarre incomplète à col bas, avec anse horizontale à impressions digitales et de grands traits obliques incisés autour du col. Cette couche est surmontée d'un dépôt naturel de terre jeune, puis d'une couche israélite, avec des fragments de jarres, deux lampes à bec pincé et à base épaisse, une cruchette sphérique: l'ensemble date du VII^e siècle avant notre ère. Il y a enfin une couche contemporaine de l'occupation de Khirbet Qumrân. Elle contenait quelques objets de fer, une piochette, un ciseau (ou une lime), un couteau, et peu de poterie; mais les formes sont bien caractéristiques et ont leurs parallèles au Khirbet Qumrân et dans les autres grottes, en particulier une cruchette et deux couvercles en forme de bol renversé. Dans cette couche ont été recueillis des débris de linge et de vannerie, des bouts de cordes et quelques fragments inscrits sur peau, dont plusieurs en caractères paléo-hébreux.³¹

In light of this report of the excavation of Cave 11 by de Vaux, which is still the most detailed available to date, Stökl Ben Ezra's assertion of that, "The marl caves (Caves 4, 5 and 7-9) were designed as dwelling places, while the limestone caves (Caves 1-3, 6 and 11) were not," is difficult to accept.³²

The habitability of Cave 11 seems thus assured, and this element is highly relevant: somebody was living there before the destruction of the Khirbeh. Although we are still awaiting the full publication report of the excavations from Cave 11, de Vaux included some samples of the pottery and other utensils found in the cave, and the forms resemble those from the late period of the occupation of Khirbet Qumran. Can this element, the fact that Cave 11 was inhabited before the Khirbeh was abandoned, explain the peculiarity of this cave? I think it may, since it would allow us to consider its holdings as the "personal" library of its inhabitant, an hypothesis already put forth by R. de Vaux himself,

Si l'on considère seulement les grottes qui contenaient des documents écrits, la présence de ceux-ci s'explique de différentes façons. Ces textes

³¹ De Vaux, "Fouilles de Khirbet Qumran," 574.

³² "Old Caves and Young Caves," 322. In note 31, he recognizes that de Vaux "assumed that among the limestone caves, Cave 3 (before the collapse) and 11 could have been temporarily habitable," but dismisses the opinion of the excavator on the basis of the assertion by J. Patrich that there is no evidence of habitation in the limestone caves and the oral information by Hanan Eshel that "Cave 11 cannot possibly have been used for habitation, since among other reasons, the floor is uneven and there is not enough air."

peuvent être ceux qu'un membre ou un petit group de la communauté avaient à leur usage et qu'ils ont abandonnés dans la grotte qu'ils habitaient (grottes 5Q, 7 à 9Q, 11Q) ou qu'ils ont entreposés ou cachés, avec leur vaisselle, dans une cavité voisine de leur lieu de campement (grottes 2Q, 3Q, 6Q).³³

Two obstacles, however, seem to render this explanation less likely:

1. although we do not have many data on personal libraries in antiquity, the quantity of manuscripts recovered from Cave 11 (i.e. 31 in total) seems disproportionately large for a "personal library" and difficult to reconcile with the economics of scroll production at the time; and
2. the presence of multiple copies of the same compositions³⁴ is extremely difficult to account for if this was a personal library.

In my view, a more likely scenario is to imagine that at the point of trying to save the library of the community, the inhabitant of Cave 11 brought some of the holdings of the library of the Khirbeh to Cave 11 for safe keeping. The location of Cave 11 some considerable distance away from the Khirbeh, the presence of the same jars and linen attesting the same manner of preservation and transport of the manuscripts as in Cave 1, and even the fact that the entrance to Cave 11 was concealed in antiquity, would be consonant with this interpretation.

II. *The Relationship of Cave 11 to the Qumran Collection as a Whole*

I will be very brief in my attempt to answer the second question I posed above: How do the materials from Cave 11 relate to the collection of Qumran as a whole, now that all the texts have been published?

In my opinion the most significant observation to make in the wake of the full publication of the Scrolls in the DJD Series concerns the *proportions* of the categories of manuscripts which formed the collection as a whole. We now have some idea of the full spectrum of preserved material and are no longer dependent on the best preserved

³³ R. de Vaux, "Archéologie," in M. Baillet, J. T. Milik, and R. de Vaux, *Les 'Petites Grottes' de Qumrân* (DJD 3; Oxford: Clarendon, 1962), 34.

³⁴ 11Q1 and 11Q2 are copies of Leviticus; 11Q5, 11Q6, 11Q7, 11Q8 and, possibly, 11Q9 are copies of Psalms; 11Q19, 11Q20 and, possibly, 11Q21 are copies of the *Temple Scroll*.

manuscripts from Cave 1 which were published relatively speedily. Looking at the collection as a whole we notice a significant shift in the proportions of manuscripts that have been classified as “biblical,” “para-biblical,” and “sectarian”. In particular, the increased importance of “non-sectarian” “para-biblical” material compared with the other two categories is noteworthy. It is now possible to state without exaggeration that these sorts of materials constitute the majority of the collection outnumbering both the “biblical” and the “sectarian” manuscripts put together.³⁵

If we recall the overview over the contents of Cave 11 spelt out above (9 “biblical” texts, 3 or 4 “sectarian” compositions, and 8 or 9 “para-biblical” texts) we may safely conclude that the general profile of Cave 11 is very similar and practically identical to the profile of the collection as a whole as it emerges today. Like the contents of Cave 1, the materials from Cave 11 form a perfect sample of the library of which the holdings of Cave 11 once formed a part and thus represent a cross-section of the Qumran collection as a whole.

³⁵ See F. García Martínez, “Qumrân, 60 ans après la découverte,” *The Qumran Chronicle* 15 (2007): 111–138.

FURTHER REFLECTIONS ON CAVES 1 AND 11:
A RESPONSE TO FLORENTINO GARCÍA MARTÍNEZ

DANIEL STÖKL BEN EZRA

In two recent papers, one of them in this volume, Florentino García Martínez addressed, among other theories, also the problems and proposed solutions raised in my *DSD* article “Old Caves and Young Caves.”¹ While García Martínez raises important points, his argumentation also reveals some misunderstandings here and there. Part of this is due to the criss-crossing of publications: García Martínez wrote his contributions on the basis of the internet prepublication² in October 2005; I emended my original proposal following the first and stormy internet discussion and did not express this clearly enough in the conclusion;³ García Martínez could only revise his papers slightly on the basis of my final *DSD* printed version in the autumn of 2007. Part of it may also be due to the unusualness of arguments based on statistics and age ranges in the field of religious studies. On the suggestion of Florentino García Martínez, Charlotte Hempel has kindly agreed to include a clarifying response by the present author in this volume and I would like to thank both of them warmly for this privilege. The main aim of this brief response⁴ is to keep the scholarly discussion as lucid as possible in order to avoid an unintended *dialogue de sourds*.⁵

¹ I am most grateful to my distinguished colleague for sending me the papers before their publication: The Ljubljana address will be published as F. García Martínez “Reconsidering the Cave 1 Texts Sixty Years After Their Discovery: An Overview,” in *Qumran Cave 1 Revisited: Reconsidering the Cave 1 Texts Sixty Years after Their Discovery* (STDJ; ed. D. Falk, Sarianna Metso, and E. Tigchelaar; Leiden: Brill, forthcoming); for the Birmingham contribution “Cave 11 in Context” see 199–209 above.

² See http://hal.archives_ouvertes.fr/hal_0014828/fr/, and http://www.nnqs.org/Old_Caves_and_Young_Caves.nordic.brief.doc.

³ D. Stökl Ben Ezra, “Old Caves and Young Caves,” *DSD* 14 (2007): 313–333. The main emendation can be found at 330–331 and notes 63 and 64.

⁴ A much more detailed reevaluation will be published in German in a volume edited by Jörg Frey and Carsten Clausen.

⁵ Particularly, Greg Doudna’s theory and mine should not be confounded. This is explicitly stated by García Martínez but some readers might miss it. G. Doudna, “Dating the Scrolls on the Basis of Radiocarbon Analysis,” in *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment* (ed. P. W. Flint and J. C. VanderKam; Leiden: Brill, 1998), 1: 430–471.

In “Old Caves and Young Caves” I have tried to distinguish sharply between two levels of certitude: on the one hand the observation of a new fundamental problem in Qumran studies and, on the other hand, two possible explanations. I consider the distinction between old and young caves a ‘hard’ fact until proven wrong, a hard fact in need of an explanation.⁶ The explanations given in my article are, as openly noted there, highly speculative and I would invite others to come up with theories that can explain the observation more convincingly. When García Martínez raises objections against my ‘theory,’ he seems to mean only the ‘speculative *explanation*’ for the observation, but he is not completely clear on this.⁷

The ‘hard facts’ observation is based on calculations and statistics of roughly 60% of all manuscripts and 100% of all dated manuscripts from the chronological list in DJD 39. There are two different types of manuscript caves, the “old caves” 1 and 4 and the “young caves” 2, 3, 5, 6, 11 with a significantly different distribution and average age of the dated manuscripts.

In the second part of the article, I further mention two possible scenarios that could have led to the age differences: Both scenarios assume that the Qumranites had two book collections, a younger library in the upper settlement and older stacks or a Geniza in Cave 4. (Parts of) the young upper library ended up in the young caves while the older library was deposited in caves 1 and 4.

In the first speculative historical scenario the two collections of the same Jewish group were deposited in the same area at two different dates. Most of the manuscripts in the old caves were deposited at some point between 9 and 4 BCE when Qumran was first destroyed. The manuscripts in the young caves were deposited in 68 CE. Cave 4 also includes manuscripts younger than 4 BCE being used as Geniza in period II after the manuscripts from the first collection in this cave had been mutilated. Cave 1 includes some period II manuscripts, which may have been brought there when the cave was revisited in 68 CE.⁸

⁶ Obviously, the hardness of “hard facts” is relative, too. I mentioned some possible factors of error in “Old Caves and Young Caves,” at 321 note 29.

⁷ See below. He accepts the characterization of Cave 11 as “young cave,” yet he seems to object to the classification of Cave 1 as “old cave,” at least he does not affirm his opinion.

⁸ “If Cave 1 contains a small number of manuscripts or artifacts from period II, we might consider the possibility that Cave 1, already filled with most of the scrolls

According to an alternative explanation suggested by Hanan Eshel, the two collections were deposited at the *same* dates. Cave 1 is a selection of Cave 4 manuscripts. Cave 4 served as stacks of the upper library in the settlement with mainly older scrolls while the scrolls in the other scroll caves come from a younger upper library. In this scenario, all manuscripts were deposited in 68 CE apart from the contents of Cave 4 which contained manuscripts already much earlier. (See now, H. Eshel, *Qumran* [Jerusalem Carta, 2009], 124–125).

García Martínez raises the following issues:

1. “The date of the latest manuscript provides a *terminus a quo* for the deposit.”⁹
2. The palaeographic and Carbon 14 dates of four Cave 1 scrolls listed in the chronological index of DJD 39 are incompatible with an early deposit theory.
3. The chronological index in DJD 39 is incomplete. As many as ten undated scrolls from Cave 1 should be dated in the late Herodian period.
4. Cave 11 is a “young” cave.
5. Manuscripts of the same scribe were found in Caves 1 and 11.
6. Cave 11 was inhabited.

Let me commence by stating that I do, of course, agree with García Martínez’s amiable remark on methodology that “the date of the latest manuscript provides a *terminus a quo* for the deposit.” Yet, we should not forget that *stricto sensu* the date of the latest manuscript provides a *terminus a quo* only for the deposit of *this* manuscript.¹⁰ I shall come back to this point at the end of this brief contribution.

Secondly, the papers by García Martínez reveal a mathematical misunderstanding when comparing date ranges. In order to counter the theory of a deposit of the Cave 1 scrolls already in 4 BCE, one would have to point to Cave 1 texts with probable copy dates that

at the end of period Ib, has been revisited at the end of period II (or even later), e.g. on the search for a new emergency hideout.” Stökl Ben Ezra, “Old Caves and Young Caves,” 330–331.

⁹ García Martínez “Reconsidering the Cave 1 Texts” ms., 8.

¹⁰ At least when it is not attached in a bundle with other manuscripts or something similar. 1Q71 and 1Q72 were found in quite an extraordinary fashion together with 1Q34, which might be an argument to see these manuscripts as intruders, see below.

begin after 4 BCE.¹¹ Most scrolls listed by García Martínez do *not* fulfill this criterion:¹² 1QInstruction (30 BCE–30 CE), 1QapGen (30 BCE–68 CE), 1QJN? ar (30 BCE–68 CE), 1QpHab (1–50 CE).¹³ Of these manuscripts *only* the last (1QpHab) would be incompatible with a deposit date in 4 BCE because its earliest date given here is 1 CE. It is likely that the three scrolls 1QInstruction, 1QapGen and 1QJN(?) were written *before* 4 BCE. In addition, not even 1QpHab contradicts a deposit date in 4 BCE since the chronological index in DJD 39 proves unreliable for this scroll.¹⁴ Usually, palaeographers date 1QpHab to the early Herodian period (30–1 BCE).¹⁵ The Carbon 14 date also supports a date *before* the Common Era (88–2 BCE, 1 σ -probability) *contra* García Martínez.¹⁶

Thirdly, as stated above, I principally agree with García Martínez that there are scrolls from Cave 1 that were probably copied in the mid or late Herodian period. I disagree, however, as to the identification and the number of these scrolls. In his Ljubljana paper, he states precisely as to which Cave 1 manuscripts he would ascribe to period II:

This list [of the dated manuscripts in DJD 39] indexes only the 23 compositions better preserved, but a look at the plates of DJD I shows that the number of *late* Herodian writings is much larger. Without going into a detailed paleographical analysis, I would not hesitate to place into the first century CE the following manuscripts: 1Q1 (Genesis) and 1Q27

¹¹ We can compare the situation to a letter that is dated to the year 2008 but not the day or the month. A theory saying that its writer died on February 1, 2008 cannot be proven or disproven with such a letter. Only an indication on the letter such as “summer 2008” would contradict such a theory.

¹² B. Webster, “Chronological Index of the Texts from the Judaean Desert,” in *The Texts from the Judaean Desert* (DJD 39; ed. E. Tov; Oxford: Clarendon, 2002), 351–446. García Martínez writes: These are “listed [in DJD 39] in a range of dates that are incompatible... with Stökl Ben Ezra’s supposition of a deposit in the Cave in 9 or 4 BCE”—García Martínez, “Reconsidering the Cave 1 Texts,” ms., 9.

¹³ García Martínez, “Reconsidering the Cave 1 Texts,” ms., 9. 1QInstruction is 1Q26, 1QJN? is 1Q32.

¹⁴ As I indicated in “Old Caves and Young Caves,” 330 note 63.

¹⁵ Cross, “Introduction,” in Cross, Freedman, and Sanders *Scrolls from Qumrân Cave I*, 4.

¹⁶ García Martínez, “Reconsidering the Cave 1 Texts,” ms., 9. Also for 1QapGen (47 BCE–48 CE) the radiocarbon dating leaves a good chance for a date before 4 BCE. For the dates see G. Bonani et al., “Radiocarbon Dating of Fourteen Dead Sea Scrolls,” *Radiocarbon* 34 (1992): 843–849; A. Jull et al., “Radiocarbon Dating of Scrolls and Linen Fragments from the Judean Desert,” *Radiocarbon* 37 (1995): 11–19 and the update with the 1997 recalibration: Doudna, “Dating the Scrolls on the Basis of Radiocarbon Analysis,” 469.

(Mysteries)... 1Q12 (Psalm 44), 1Q14 and 1Q16 (two of the pesharim...), 1Q34 (1QLiturgical prayers), 1Q37 and 1Q39 (Hymnic compositions), as well as 1QH^a and 1QH^b.¹⁷

With all due respect to my distinguished colleague, I disagree on a classification of most of these manuscripts as mid or late Herodian. In my opinion—without a detailed palaeographical analysis but after having spent some hours over the highly enlarged photos—most of these scrolls are rather *early* Herodian (30–1 BCE in Cross's periodization) or the transition period from late Hasmonean to early Herodian (50–25 BCE).¹⁸ This is not at all a maverick judgment—other scholars have dated some of these scrolls to the early Herodian period as well.¹⁹ My more conservative dating would also be in agreement with an important general statement of Frank Cross: “The formal scripts of the final phase of the Herodian era are poorly represented in Cave 1.”²⁰ We should note that a statement from his Birmingham paper seems to indicate that García Martínez has become more hesitant with regard to an extremely late dating of such a great number of scrolls. There he qualifies these ten manuscripts as “*Herodian or late Herodian*,” which is considerably less categorical than “I would not hesitate to place [these manuscripts] in the first century CE.”²¹

Of the ten manuscripts listed by García Martínez, I would agree on only two as probably mid or late Herodian: 1QH^a and 1Q34.²² However,

¹⁷ García Martínez, “Reconsidering the Cave 1 Texts” ms., 9. My emphasis.

¹⁸ For more precise numbers, see below.

¹⁹ 1Q14 is dated as mid first century BCE in A. Steudel, ed., *Die Texte aus Qumran II* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2001), 215. Cf. also the BCE dates for 1Q14 and 1Q16 (proposed by J. H. Charlesworth) in Maurya Horgan's edition of these texts in J. H. Charlesworth et al., eds., *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*. Volume 6B: *Pesharim, Other Commentaries, and Related Documents* (Tübingen/Louisville: Mohr Siebeck/Westminster John Knox Press, 2002), 25, 133.

²⁰ F. M. Cross, “The Development of the Jewish Scripts,” in *The Bible and the Ancient Near East: Essays in Honor of William Foxwell Albright* (ed. G. Wright; Garden City NY: Doubleday, 1961), 133–202, here 199 note 136.

²¹ See “Cave 11 in Context,” 205, above. My emphasis.

²² The first (1QH^a) is already mentioned in the *DSD* article and García Martínez added it to his list. Note, however, that Devorah Dimant has compared the scribe of 1QH^a to that of 4Q387, dated to 50–25 BCE, cf. Devorah Dimant, ed., *Qumran Cave 4. XXI: Parabiblical Texts, Part 4: Pseudo-Prophetic Texts* (DJD 30; Oxford: Clarendon, 2001), 374. For the date of 1Q34, see D. Falk, *Daily, Sabbath, and Festival Prayers in the Dead Sea Scrolls* (STDJ 27; Leiden: Brill, 1998), 155 who accepts J. Trever, “Completion of the Publication of Some Fragments from Qumran Cave 1,” *RevQ* 5 (1965):

I would add three other manuscripts to his list as probable cases for mid or late Herodian dates: 1Q30, 1Q71 and 1Q72.²³ The late dating of the hands of five manuscripts does indeed contradict a clear-cut early deposit versus late deposit distinction for Cave 1 versus e.g. Cave 11. This was my reason for emending my original proposal in the way that I now suggest that Cave 1 may have been revisited around 68 CE after an original deposit between 9 and 4 BCE. In this respect, we should note that at least three out of the five late scrolls (1Q34, 1Q71, 1Q72) were bundled together in a rather remarkable and exceptional fashion that might hint at the possibility that they reached the caves in a way different from the other scrolls.²⁴ Regarding the pottery of Cave 1, I would like to point out that Jodi Magness has already suggested that the Hellenistic jars and the wheelmade 'Herodian' Roman lamps, which are certainly not from *one* period alone are unlikely to come from one single deposit.²⁵

Were we to agree with the late dating of so many manuscripts from Cave 1, the papers of García Martínez would suggest further ramifications—without stating it *expressis verbis*. Assigning a late date to a great number of undated manuscripts attacks not only the speculative scenarios but also the “hard” fact foundation of the statistics. And this is much more important and fundamental. The calculations for the age of Cave 1 published in the *DSD* article were based on fifteen scrolls. I mentioned as a possible error factor the relatively small group of dated manuscripts compared to a sizable group of undated manuscripts from Cave 1. If the undated scrolls can be shown to have a very differ-

323–344, here 333. Contra Falk, who accepts Trever's second assertion that the scribe of 1Q34 also corrected 1QIsa^a XXVIII, I accept F. Cross's judgment that this correction should be dated to the early Herodian period, cf. F. M. Cross, “Introduction,” 4. 1Q39 might also be late Herodian but I do not think the fragments attest enough letters to allow a sufficiently certain judgment.

²³ Having learnt about their dates after I had submitted the article (Greg Doudna was so kind to draw my attention to 1Q71 and 1Q72 and a rereading of Cross and Yardeni caused me to reassess 1Q30 and 1QH^a), I referred to them mainly in a footnote in the final *DSD* version of the Caves article (at 330, note 63) and this footnote was not yet accessible to García Martínez when he wrote the conference presentations. I did, however, mention them in the discussion of his paper in Ljubljana. 1Q34 should be added to the manuscripts listed in my *DSD* article.

²⁴ See Trever, “Completion of the Publication of Some Fragments from Qumran.”

²⁵ J. Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids MI: Eerdmans, 2002), 85–87, quoted in “Old Caves and Young Caves,” 331 note 64. Cf. also R. de Vaux, “La grotte des manuscrits hébreux,” *RB* 56 (1949): 587–88 (an opinion later retracted).

ent average scroll age (ASA) than the dated ones, this could influence the results.²⁶ While it is very hard to change the average scroll age of a cave, ten new scrolls that are *all* late would indeed do this as they add *more than 60%* of the sample size in *one direction only*.²⁷

Let us therefore recalculate the ASA of Cave 1 and perform the statistical tests in such a “worst case” scenario.²⁸ In addition to the fifteen dated scrolls from DJD 39, we have thirteen scrolls from the mid-late Herodian period (1–68 CE).²⁹ We should not forget, however, that among the undated (sizeable) scrolls from DJD 1 (1Q1–1Q40) are sixteen manuscripts that García Martínez did not consider to be mid or late Herodian. They are presumably older. It seems justified to give these scrolls (at least) an early Herodian dating (30–1 BCE).³⁰ While in such a “worst case” scenario, Cave 1 would indeed no longer be an “old cave,” it does not become a young cave either. Its ASA would be about 8.2 BCE. New Kruskal-Wallis tests³¹ indicate that if we re-date Cave 1 in such a way, the manuscripts contained in it would neither likely to a sample from the same collection as the old caves (Cave 4) nor from that behind the young caves (2, 3, 5, 6, 11).³² In other words, Cave 1 would form its own kind of “middle-aged” cave, a *third* type in between old and young caves. We would then have to explain this tripartite finding, which might turn out to be even more difficult than the old caves versus young caves bipartition. However, as argued

²⁶ “Old Caves and Young Caves,” 321–322 note 29.

²⁷ It is important to bear in mind that statistics are usually based on a random or *representative sample* of a population. The larger the sample the safer the basis for the conclusions. In order to predict election results, the sample size is usually much smaller than 1%. In the *DSD* paper, Cave 1 was represented by about 30% of its datable scrolls; all other caves were represented by more than 50% of their scrolls.

²⁸ In the following calculations, I disregarded all scrolls in palaeo-Hebrew and in Cryptic or in Greek scripts as their palaeography is even less established than that of the regular Jewish script. In order to smoothen out the data and reduce the amount of tied ranks, I let the computer assign random year numbers to each scroll between the oldest and youngest possible ages given in DJD 39 and repeated the tests several times. Combined with neglecting all scrolls in paleo-Hebrew, Cryptic or Greek script this resulted in a different exact value of *p* in most cases from values given in the *DSD* article. The important factor is not the exact value of *p* but whether *p* is smaller or greater than the level of significance of 1%.

²⁹ Ten listed by García Martínez and three added by myself.

³⁰ Some of them, such as 1Q22 and 1Q25, are probably considerably older.

³¹ Please see below for a simplified explanation as to how the Kruskal Wallis test functions.

³² Cave 1–Cave 4: $p=0.0003$. Cave 1, 2, 3, 5, 6, 11: $p=0.0032$. Both probabilities are smaller than 1%.

above, the large number of late Herodian scrolls in Cave 1 proposed by García Martínez is exaggerated and does not fit the overall assessment of the scripts in Cave 1 by Cross.

The following dates seem more conservative in my eyes and should be taken with a grain of salt. As stated above, they are not the result of a painstakingly detailed palaeographical analysis but preliminary suggestions open for discussion:³³

<i>Suggested Palaeographical Dating</i>	<i>Scrolls from Cave 1</i>
Hasmonean (125–75 BCE)	1Q22, 1QS, 1QSa, 1QSB and 1QIsa ^a
late Hasmonean (100–50 BCE)	1Q25
late Hasmonean to transition (75–25 BCE)	1Q4, 1Q10, 1Q18
transition (50–25 BCE)	1Q12, 1Q23
transition to early Herodian (50–1 BCE)	1Q5a, ³⁴ 1Q6, 1Q7, 1Q8, 1Q11, 1Q14, 1Q17, 1Q29, 1Q37
early Herodian (30–1 BCE)	1Q1, 1Q2, 1Q16, 1Q19, 1Q19a, ³⁵ 1Q26, 1Q27, 1Q38, 1QpHab, 1QM
early to mid Herodian (30 BCE to 30 CE)	1Q21, 1QH ^b , 1Q36
mid Herodian (1–30 CE)	1Q30, 1QH ^a
mid or late Herodian (1–68 CE)	1QapGen, 1Q34, 1Q71, 1Q72

³³ For some scrolls, these datings differ slightly from those in DJD 39: For example, 1QapGen and 1Q21 seem younger (!) to me than indicated in DJD 39. With regard to the two dates given for 1Q26 (first century BCE versus early-mid Herodian), I propose an early Herodian date. The other scrolls are too fragmentary to be dated with certainty or written in paleo-Hebrew script.

³⁴ At the IOQS meeting in Ljubljana, I presented a detailed palaeographical study arguing that 1Q5 has been written by at least two scribes and should be separated into at least two scrolls: D. Stökl Ben Ezra, “Paleographical Observations Regarding 1Q5—One or Several Scrolls?,” in *Qumran Cave 1 Revisited: Reconsidering the Cave 1 Texts Sixty Years after Their Discovery* (STDJ); ed. D. Falk, Sarianna Metso, E. Tigchelaar; Leiden: Brill, forthcoming).

³⁵ In a forthcoming article, Claire Pfann has shown that 1Q19 should be separated into (at least) two scrolls on palaeographical grounds: C. Pfann, “A Note on 1Q19 The ‘Book of Noah,’” in *After the Deluge: The Apocryphal Noah Books and Traditions* (ed. A. Amihay and M. E. Stone, forthcoming) referred to by E. Eshel, “The Genesis Apocryphon and Other Related Aramaic Texts from Qumran: The Birth of Noah,” in *Aramaica Qumranica: The Aix-en-Provence Colloquium on the Aramaic Dead Sea Scrolls* (STDJ); ed. Katell Berthelot and D. Stökl Ben Ezra; Leiden: Brill, forthcoming). While I have not yet seen C. Pfann’s article, a glance on the plates of DJD 1 convinces me that her thesis is extremely probable.

If we perform the Kruskal-Wallis tests using these datings for the undated manuscripts, Cave 1 stays an “old cave” together with Cave 4 and distinct from the second group, the “young caves” (2, 3, 5, 6, 11).³⁶

García Martínez’s paper in the present volume contains the following paragraph with a number of similar points that seem to me to be misunderstandings:

That Cave 11 is a “young” cave seems certain, since Herodian and late-Herodian manuscripts make up the majority of its holdings. However, this does not seem peculiar to me since Cave 1 also contains a number of manuscripts dated by Carbon 14 outside of the range necessary for a deposit in 9 or 4 BCE (1QapGen and 1QpHab), and a larger number of manuscripts (ten on my count) which are dated palaeographically to the Herodian or late-Herodian period. Since in my view the date of the latest manuscript provides a *terminus a quo* for the deposit, it is impossible to accept that the deposits from Cave 1 were placed there “around the turn of the era.”³⁷

Firstly, while Cave 11 is a young cave, Cave 1 is not, even if it contains manuscripts from period II. The crucial difference between old caves and young caves is not the maximum and minimum age of the scrolls therein but the significantly uneven distribution of old and young scrolls expressed among others by a greatly varying average scroll age. Similarly, when a family with a newborn child visits the grandmother living in a nursing home, the minimum and the maximum age of the people in the building might be about the same as in a kindergarten visited by a grandfather. What will differ, however, are the average age and the distribution (the curve).

Secondly, as stated above, a palaeographic date covering the whole Herodian period simply does not speak against a deposit before 4 BCE: Palaeographically speaking, the Herodian period lasted from 30 BCE to 70 CE. Any manuscript written in this 100 year long time span would have a good chance to have been written in the first quarter of this period (between 30 and 4 BCE). The Carbon 14 dates of 1QapGen and 1QpHab have been discussed above as not being arguments against a deposit before 4 BCE.

García Martínez argues also that “we do have a manuscript from Cave 11 (11Q20, Temple Scroll^b) which was penned by the same scribe

³⁶ Cave 1–Cave 4: $p=0.4138$; cave 1, 2, 3, 5, 6, 11: $p<0.0001$. Caves 2, 3, 5, 6, 11: $p=0.8228$.

³⁷ García Martínez, “Cave 11 in Context,” 205 above.

who copied 1QpHab.”³⁸ Indeed, 11Q20 has been dated to 20–50 CE by the editors of DJD 23.³⁹ I consent that it is entirely possible that the (first) scribe of 1QpHab also wrote 11Q20. Yet, I consider Cross’s earlier date for this scribe to the early Herodian period preferable, which also matches much better the latest probable date of the 1σ-Carbon 14 date for 1QpHab.⁴⁰ Furthermore, I do not see a problem with regard to the assumption that manuscripts by the same scribe end up in old and young caves.⁴¹ Manuscripts by the same scribe might end up in different collections, especially if they are closely related and belong to the same group over the period of only two generations.⁴²

Finally, based on remarks by de Vaux, García Martínez considers the habitability of Cave 11 before the destruction of Khirbet Qumran as certain.⁴³ With regard to the question whether Cave 11 was inhabited or not in period II, I would maintain that it is difficult to imagine if we speak of a prolonged period (and not only of some weeks or so) and this for two reasons not mentioned in the *DSD* article: Cave 11 is quite far from the site (almost 2 km as the crow flies) and does not have water. In addition, as far as I understand, one argument for the habitation of a place is the existence of storage, cooking and eating vessels. This is not the case for Cave 11.⁴⁴

³⁸ García Martínez, “Cave 11 in Context,” 205 above.

³⁹ Cf. F. García Martínez, E. Tigchelaar and A. van der Woude, *Qumran Cave 11. II: 11Q2–18, 11Q20–31* (DJD 23; Oxford: Clarendon, 1998), 364.

⁴⁰ *Waw* and *yod* are undistinguished (as noted in García Martínez, E. Tigchelaar and A. van der Woude, *Qumran Cave 11. II*, 364), which is a typical phenomenon of the early Herodian hand, cf. F. M. Cross, “The Development of the Jewish Scripts,” 176. The final *mem* is long and sometimes still open. Sometimes ticks but no proper *kerata* on *gimel*, *zayin*, *nun* occur.

⁴¹ If Ada Yardeni is right in her ascription of more than 50 scrolls to one scribe, his works were included in many different caves as he wrote 1Q32, 1Q65, 1Q69 as well as 2Q24, 3Q14, 11Q18, the Masada *Apocryphon of Joshua*, and many scrolls from Cave 4. See Ada Yardeni, “A Note on a Qumran Scribe,” in *New Seals and Inscriptions* (Hebrew Bible Monographs 8; ed. M. Lubetsky; Sheffield: Sheffield Phoenix, 2007), 281–292. I would like to express my deep gratitude to her for sending me a copy of her article before its publication.

⁴² This would be an argument against the analysis of S. Pfann, “Reassessing the Judean Desert Caves: Libraries, Archives, Genizas and Hiding Places,” *Bulletin of the Anglo-Israel Archaeological Society* 25 (2007): 139–162. Pfann’s claim that almost every cave in and around Qumran and Masada represents a different sociological group is hardly substantiated or credible.

⁴³ García Martínez, “Cave 11 in Context,” 206–8 above.

⁴⁴ J.-B. Humbert and A. Chambon, *Fouilles de Khirbet Qumrân et de Ain Feshkha I: Album de photographies, répertoire du fonds photographique, synthèse des notes de*

In sum, none of García Martínez's arguments makes void the 'hard fact' observation with regard to two different types of caves, one with an old average manuscript age, the other with a significantly younger average manuscript age. We should note that he agrees with my assessment of Cave 11 as a young cave, which means that it has different characteristics than Cave 4. However, he does not seem to agree with my assessment of Cave 1 as an old cave. To quote myself: "I would like to emphasize that the young dates suggested for some of these Cave 1 scrolls do *not* turn Cave 1 into a young cave."⁴⁵ Even were we to accept late dates for all ten scrolls mentioned by García Martínez, Cave 1 would still not turn out to be a young cave.

With regard to the speculative scenarios, García Martínez and I share the opinion that some scrolls from Cave 1 were probably copied in period II. As is the case with any emendated theory, also my double-deposit scenario might seem less convincing than the original clear-cut double deposit theory once we assume that Cave 1 was revisited at a later point in time. Yet, Hanan Eshel's proposal to solve the problem posed by the age differences remains completely untouched by García Martínez's arguments.

To those not convinced by either my or Eshel's explanation I would like to emphasize again that the *problem* of the statistically significant divergence of the average age of the caves still remains a serious problem that needs an explanation, be it mine, Eshel's or someone else's. On the way to a solution, a nuanced analysis of the pottery, the tissues from the caves and the undated scrolls from Cave 1 might be helpful and, of course, further re-examinations of dated and undated scrolls.⁴⁶

Appendix: A Simplified Introduction to the Kruskal-Wallis Test

To those who would like to know more about the statistical test, I include here a simplified explanation.⁴⁷ The Kruskal-Wallis test

chantier du Père Roland de Vaux OP (NTOA.SA 1; Fribourg/Göttingen: Editions Universitaires Fribourg Suisse/Vandenhoeck & Ruprecht, 1994), 344.

⁴⁵ Stökl Ben Ezra, "Old Caves and Young Caves," 330, note 63, emphasis in the original.

⁴⁶ With regard to pottery and tissues S. Pfann, "Reassessing the Judean Desert Caves," has taken a step in this direction.

⁴⁷ A good online explanation can be found at <http://udel.edu/~mcdonald/statkruskalwallis.html>. The now standard test was first published by W. H. Kruskal

analyses whether two⁴⁸ or more independent samples are unlikely to come from the same or identical population. The Kruskal-Wallis test is non-parametric as, unlike the very common Student or T-Test, it does *not* assume a normal distribution of the data (Gauss-curve). Also the number of observations in each sample can vary. In a simplified version it functions in the following way: First the values of the samples are converted into ranks in the overall data set. The smallest value gets 1, the next 2 and so on and the highest gets n . Tied observations get average ranks.⁴⁹ For example, let us take three samples A, B and C with the following absolute values:

Sample A: 30, 55, 65, 65, 90;

Sample B: 15, 35, 36, 91, 92;

Sample C: 10, 93, 94, 95, 96, 97, 98, 99.

The ranks of the overall set would be: 10 = 1, 15 = 2, 30 = 3, 35 = 4, 36 = 5, 55 = 6, 65 = 7.5 (the average of 7 and 8), 90 = 9, 91 = 10, 92 = 11, 93 = 12, 94 = 13, 95 = 14, 96 = 15, 97 = 16, 98 = 17, 99 = 18. Note that Sample C encompasses the lowest and the seven highest values and such a distribution seems rather unlikely as the result of a random selection. In detail, the distribution of the ranks in each sample would be:

Sample A 3, 6, 7.5, 7.5 and 9—giving a mean rank: $(3 + 6 + 7.5 + 7.5 + 9) / 5 = 33/5 = 6.6$;

Sample B 2, 4, 5, 10 and 11—giving a mean rank: $(2 + 4 + 5 + 10 + 11) / 5 = 32/5 = 6.4$;

Sample C 1, 12, 13, 14, 15, 16, 17, 18—giving a mean rank: $(1 + 12 + 13 + 14 + 15 + 16 + 17 + 18) / 8 = 106/8 = 13.25$.

The probability p is calculated with a rather complex mathematical formula that compares the distances of the mean rank of each group to the mean total rank on the one hand and the distance of the rank

and W. A. Wallis, "Use of Ranks in One-Criterion Variance Analysis," *Journal of the American Statistical Association* 47/260 (1952): 584–621.

⁴⁸ The U or Mann-Whitney-Wilcoxon test would be applied for two samples. This test functions analogously to the Kruskal-Wallis test.

⁴⁹ Thus, the Kruskal-Wallis test does not calculate with the ASA, which is the mean value, but with mean ranks. I have always given the ASA as it might be easier to understand giving a value that has a meaning for historians.

of each element to the mean total rank on the other hand.⁵⁰ Only the mean rank of each *group* depends on the actual distribution of the elements in each group, the other values stay constant if we switch elements between groups. If elements are distributed unevenly among the groups (e.g. all or many low ranks in one group and all or many high ranks in another) the mean ranks will vary, as in our example. The greater the difference of the mean ranks of each group the lower the probability p will be.

The calculated probability p of the example above is 0.0285, i.e. 2.85%.⁵¹ This is lower than a lenient 5% threshold but higher than a more restrictive 1% threshold. As quite unlikely things are known to have happened in human history, I would rather propose a strict threshold of at least 1% for a historical scenario. In this case, the three samples are still likely enough to be random samples from the same population and I would *not* exclude a historical probability despite the fact that they already look quite unlikely.

If we compare only samples A and B their mean ranks are almost the same.⁵² The value of p would be 0.9166. They almost certainly come from the same population (or from two populations with identical characteristics). Were we to exclude the single low value from Sample C (value 10 with rank 1), p for the three samples would decrease to 0.0029.⁵³ This would be lower than a 1% threshold. Note that the Kruskal-Wallis tests for the old and young caves gave even lower results than the seemingly unlikely example given above meaning that assuming a random distribution of scrolls from one collection among old and young caves is much more unlikely.

⁵⁰ The formula is explained at: http://en.wikipedia.org/wiki/Kruskal-Wallis_one-way_analysis_of_variance:

$$K = (N - 1) \frac{\sum_{i=1}^g n_i (\bar{r}_i - \bar{r})^2}{\sum_{i=1}^g \sum_{j=1}^{n_i} (\bar{r}_{ij} - \bar{r})^2}.$$

p is calculated from K by looking up the value of K and the degrees of freedom (number of samples reduced by one) in a chi-square table.

⁵¹ K would be 7.12.

⁵² If we exclude sample C the mean ranks of samples A and B have to be reduced by one as the smallest overall value 10 belongs to sample C.

⁵³ K would be 11.68.

PART THREE

TEMPLE, PRIESTHOOD AND 4QMMT

TEMPLE MYSTICISM AND THE TEMPLE OF MEN

TORLEIF ELGVIN

A number of sectarian texts presuppose a union between the earthly temple of men and the heavenly sanctuary, between the officiating members of the *Yahad* below and the angels above. As a liturgical unity the *Yahad* is an earthly counterpart of the heavenly sanctuary where God's angels stand in priestly ministry before the heavenly king. The thesis of this paper is that these concepts represent adaptations of earlier temple theology from the pre-Maccabean temple. An investigation of this background may illuminate how ideas of an earthly and heavenly temple were formative in the crystallizing of sectarian identity.

I. Foundational Texts from the First Temple Period

God's heavenly entourage is described in early mountain theophanies, usually connected with the Sinai event. According to Deut 33:2, "YHWH came from Sinai, and dawned over them from Seir, he shone forth from Mount Paran, He came with myriads of holy ones."¹ Similar theophanies are found in Judg 5:4–5; Ps 68:8–9; Hab 3:3. According to Deuteronomy 33, the Lord comes with myriads of holy ones, i.e. angels. Ps 68:18 describes YHWH accompanied by myriads of angelic chariots, while Judges 5:20 portrays the stars as heavenly beings fighting with Israel against her enemies. These theophany descriptions are so vivid and visually drawn that their origin may be sought among early Israelite mystical seers visualizing the Sinai event.

The early Sinai tradition also knows of God's heavenly abode. Exod 24:9–11 preserves the memory of Moses, Aaron and his two sons, and seventy elders of Israel, dining with and receiving a vision of the God of Israel, enthroned above a sapphire floor (cf. רקיע 'firmament' in Ezekiel and later tradition): "God did not raise his hand against these leaders of the Israelites; they saw God, and they ate and drank." Here

¹ English translations usually follow the NIV.

there is no heavenly entourage, only a vision of God and his throne. As texts contained in the Torah, Exodus 24 and Deuteronomy 33 would carry particular importance for Second Temple visionaries and theologians.

In the Ancient Near East the temple could be perceived as a symbolic mountain and God's abode. Thus, biblical authors transferred traditions and epithets connected to the Sinai revelation to Zion, God's elect place of dwelling. Theophanies connected to Zion in Ps 50:1–4 and Ps 68 (vv. 17, 25–30, 36) are examples of this theological transfer. Subsequently the Priestly Source recognizes a visible revelation of the cloud of God's glory at sacred moments in the Jerusalem temple, modelled upon God's theophanic presence at Sinai (Exod 40:34; 1 Kgs 8:10–11, cf. Exod 24:16; Isa 6:4).

Isaiah 6 bridges priestly and prophetic traditions. In Isaiah's vision earthly and heavenly temple converge. The Jerusalemite Isaiah, his vision and subsequent legitimating report presuppose basic elements of the priestly tradition at home in this temple.² We encounter God's abode in the temple, the enthroned Lord surrounded by angelic beings, angelic praise, smoke filling the temple, the incense altar, man's impurity and need for cleansing and atonement. According to Isaiah 6, priestly procedures go on in the heavenly temple.

Texts with a northern background demonstrate that the tradition of the enthroned God surrounded by his angelic entourage and the heavenly temple is at home also in the northern kingdom. Key texts here are Psalm 68 with its roots in the north before it was adapted to the Jerusalemite tradition after the fall of Samaria,³ and Mika ben Yimla's vision of the the enthroned Lord surrounded by his heavenly

² Israeli scholars such as Haran, Weinfeld, Hurwitz, and Schwartz have for decades viewed (the main elements of) P as a pre-exilic source (while the *public edition* may be post-exilic). Israel Knohl has demonstrated that parts of the Priestly Code should be dated before Isaiah, see *The Sanctuary of Silence: The Priestly Torah and the Holiness School* (Minneapolis: Fortress, 1995). For a similar early dating of P see J. Milgrom, *Leviticus 1–16* (AB 3; New York: Doubleday, 1991), 13–35. In contrast, C. Nihan upholds a Persian dating for the Priestly Source, cf. *From Priestly Torah to Pentateuch* (FAT 2.25; Tübingen: Mohr Siebeck, 2007). The Ketef Hinnom amulet containing a priestly blessing from ca. 650 BCE demonstrates the antiquity of elements of the priestly tradition, see G. Barkay, M. Lundberg, A. Vaughn, and B. Zuckerman, "The Amulets from Ketef Hinnom. A New Edition and Evaluation," *BASOR* 334 (2004): 41–71.

³ Cf. S. Terrien, *The Psalms: Strophic Structure and Theological Commentary* (Grand Rapids: Eerdmans, 2003), 497; F.-L. Hossfeld and E. Zenger, *Psalmen 51–100* (HThKAT; Freiburg: Herder, 2000), 250.

host in 1 Kings 22. However, these ideas are no Israelite inventions. Rather, biblical authors adapted these concepts from a wider Near Eastern tradition.

II. *Exilic and Post-Exilic Texts*

In Isa 40:1–9, the prologue to the Isaianic Book of Consolation, angelic voices commissioned by the God of Israel are being heard. If Ulrich Berges is right in associating Deutero-Isaiah with a group of Levitic singers rather than an individual, Isaiah 40–55 would be another example of the convergence of priestly and prophetic traditions.⁴ In this context it should be remembered that biblical and post-biblical sources assign a central role in temple liturgies to the Levites.⁵

According to the Priestly Source (Exod 25:9, 40), the tabernacle is built according to the תבנית ('model'/structure) that was shown to Moses on the mountain. For later tradition (see 1 Chr 28:19; Heb 8:5; Acts 7:44 and cf. the eschatological temple in 11QT^a XXIX, 7–10), תבנית is not an architectural drawing or blueprint, but refers to a vision of the heavenly temple given to Moses that serves as a 'model' for the earthly sanctuary.⁶ Given this background liturgical hymns in the earthly temple could easily be linked to the song of the angels in its heavenly counterpart.

⁴ U. Berges, *Jesaja 40–48: Übersetzt und ausgelegt von Ulrich Berges* (HThKAT, Freiburg: Herder, 2008), 38–43.

⁵ A. Büchler points to a number of sources relating to the role of the Levites in temple liturgy: 1 Chr 23:4; 2 Chr 19:11; Sirach 50, 1 Macc 4:36; 6:54; Ezra 6:16–18; 3 Ezra 4:47–58; *Ant.* 11.59–63; 20.216–218; *m. Middot* 2:5–6; *m. Sukkah* 5:4; *m. Tamid* 7:3; *m. Bikkurim* 3:3; *m. 'Arakin* 2:2, 7, cf. A. Büchler, *Die Priester und der Cultus im letzten Jahrzehnt des Jerusalemischen Tempels* (Wien: Verlag der Israel.-theol. Lehranstalt, 1895), 118–32. I would add *m. Pesahim* 5:7 to his list. According to H. Gese, non-levitic temple singers were included into the levitic guilds during the early Second Temple period, cf. "Zur Geschichte der Kultsänger am zweiten Tempel," in *Vom Sinai zum Zion: Alttestamentliche Beiträge zur biblischen Theologie* (München: Kaiser, 1974), 147–58.

⁶ M. Wilcox, "'According to the Pattern (tbnyt) . . .': Exodus 25,40 in the New Testament and early Jewish Thought," *RevQ* 49–52 (1988): 647–56. A. Hurowitz argues that *tabnit* refers to an architectural drawing in Exodus 25 and 1 Chr 28:11f., whereas 1 Chr 28:19 depicts the earthly temple as a replica of the heavenly sanctuary, see *I Have Built You an Exalted House: Temple Building in the Bible in Light of Mesopotamian and Northwest Semitic Writings* (JSOTSup 115; Sheffield: Sheffield Academic Press, 1992), 168–70. Hurowitz points to the related image of God as builder of the cosmic, eternal temple in Exod 15:17 and Ps 78:69 (*ibidem*, 332–7).

A number of biblical psalms testify to the mystical presence of the divine in the temple. Ps 22:4 depicts the Lord enthroned over the cherubim in the Holy of Holies (cf. Exod 25:22; 1 Sam 4:4; 2 Kgs 19:15; Isa 37:16), presiding over the praises of Israel. This verse could provide legitimation for earthly temple singers envisioning themselves in communion with God's heavenly throne. The יהוה מלך hymns (Pss 93; 96–99) describe the enthroned Lord marching forth to judge his enemies and redeem his people, comparable to the early theophany descriptions of God from Sinai. At this stage of the tradition the place of God's appearance would be Zion and the temple.

Further, some Second Temple psalms (e.g. Pss 11:7; 25:14, cp. Prov 3:32) demonstrate a charismatic piety where the singer may gaze the face of the Lord and be taken into his intimate council, the סוד אלהים that was previously the prerogative of elect prophets (1 Kings 22; Jer 23:18, 22).⁷ According to F. Nötscher, 'seeing the face of the Lord' reflects an intense seeking of God in the temple, not a visionary experience. The texts surveyed above, however, may suggest that Levites singing these psalms could indeed entertain a hope of visionary experience.⁸ Indeed, Ps 11:4 understands the temple below as an earthly antetype to a heavenly archetype.⁹ Against this background a vision of the above for the pious one below is easily understood.

III. *Post-Biblical Texts*

Priestly and levitic tradition continue to treasure the option of divine revelation to individuals in the temple. Josephus reports revelations to the high priest Jaddus at the time of Alexander the Great (*Ant.*

⁷ F. Nötscher, "Das Angesicht Gottes Schauen" in *biblischer und babylonischer Auffassung* (Würzburg: C. J. Becker, 1924; repr., Darmstadt: Wissenschaftliche Buchgesellschaft, 1969), 53–118.

⁸ J. Levenson describes the expectations of pilgrims and those seeking asylum in the temple who could be forced to stay there for years: "The apogee of the spiritual experience of the visitor to the Temple was a vision of God... Psalm 11 asserts a reciprocity of vision: YHWH, enthroned in His Temple, conducts a visual inspection of humanity, and those found worthy are granted a vision of his 'face,'" cf. "The Jerusalem Temple in Devotional and Visionary Experience," in *Jewish Spirituality* (ed. A. Green; London: SCM, 1989), I: 32–61, here 43. Cf. v. 7 ישר יחזו פנימו "the upright shall gaze his face." These singers would certainly take the promise of Isa 33:17 ("Your eyes will see the king in his beauty.") to heart.

⁹ *Ibidem*, 38f.

11:326–8) and to Jochanan Hyrcanus (*Ant.* 13:282–3).¹⁰ Rabbinic tradition refer to an angel appearing to the high priest in the sanctuary during the Yom Kippur liturgy.¹¹ Three Lucan texts can also be mentioned: Zechariah's encounter with the angel (Luke 1:5–23), the story about Simon and Anna in the temple (Luke 2:25–38), and Stephen's vision of the enthroned Son of Man (Acts 7:55f.). Stephen's vision probably took place in *lishkat hagazit*, located in the temple precincts or its immediate surroundings. The Book of Revelation reflects visionary access to the heavenly sanctuary, although in this case the seer is distanced from the earthly temple. It also presupposes levitic traditions about the union between worshippers below and the heavenly sanctuary above since the angelic hymns in chapters 4–5 were probably used in earthly liturgies in Asia Minor.¹²

Qumran texts referring to a union between earthly and heavenly subjects¹³ probably also originated with temple circles. The priestly writings of Aramaic Levi and *Jubilees* conceive of a priestly ministry in unison with the angels. In ALD 6:5 Levi is told by Isaac, "You are near to God and near to all his holy ones." Similarly, *Jub.* 31:14 foresees that Levi will "serve in his temple like the angels of the presence and like the holy ones."¹⁴

¹⁰ R. Gnuse, "The Temple Theophanies of Jaddus, Hyrcanus, and Zechariah," *Biblica* 79 (1998): 457–72.

¹¹ See the tradition connected with Shimon the Righteous in *t. Sotah* 13:8; *y. Yoma* 5:2; *LevR* 21:12; *b. Yoma* 39b; *b. Menahot* 109b.

¹² T. Elgvin, "Priests on Earth as in Heaven. Jewish Light on the Book of Revelation," in *Echoes from the Caves* (ed. F. García Martínez; Leiden: Brill, 2009), 257–78.

¹³ Cf. M. Weinfeld, "The Heavenly Praise in Unison," in *Festschrift für Georg Molin an seinem 75. Geburtstag* (ed. I. Seybold; Graz: Akademische Druck- und Verlagsanstalt, 1983), 427–37, repr. in M. Weinfeld, *Normative and Sectarian Judaism in the Second Temple Period* (LSTS 54; London: T & T Clark, 2005), 45–52; *idem*, "The Angelic Song over the Luminaries in the Qumran Texts," in *Time to Prepare the Way in the Wilderness* (ed. D. Dimant and L. H. Schiffman; Leiden: Brill, 1995), 131–57; E. G. Chazon, "Liturgical Communion with the Angels at Qumran," in *Sapiential, Liturgical and Poetical Texts from Qumran* (STDJ 35; ed. D. K. Falk, F. García Martínez, and Eileen M. Schuller; Leiden: Brill, 2000), 95–105; *eadem*, "Human and Angelic Prayer in Light of the Dead Sea Scrolls," in *Liturgical Perspectives: Prayer and Poetry in Light of the Dead Sea Scrolls* (STDJ 48; ed. E. G. Chazon; Leiden: Brill, 2003), 35–47.

¹⁴ English translation from J. C. VanderKam, see *The Book of Jubilees: Translated by James C. VanderKam* (CSCO 511; Louvain: Peeters, 1989), 204. Cf. the following remarks by Aschim, "These expressions establish a connection between the earthly cult, performed by Levi and his descendants, and the heavenly cult, performed by angels," A. Aschim, "Melchizedek and Levi," in *The Dead Sea Scrolls Fifty Years After Their Discovery: Major Issues and New Approaches: Proceedings of the Jerusalem Congress, July 20–25, 1997* (ed. L. Schiffman, E. Tov, and J. C. VanderKam; Jerusalem: IES,

The non-biblical hymns of 11QPsalms^a and 4QPsalms^f could derive from the pre-Maccabean temple. With the possible exception of the prose David's Composition that reflects the same 364-day calendar as *Jubilees*, the Enochic astronomical book and Yaḥad documents, these hymns do not demonstrate any sectarian characteristics. The Apostrophe to Zion in 11QPs^a and 4QPs^f envisages a future national redemption centred around Zion, which suggests an origin more likely before 164 BCE than the early Hasmonean period.¹⁵ The parallels with Zion hymns in Tobit 13 and Sirach 36 also point to the pre-Maccabean period.¹⁶

Further, two hymns in these scrolls specifically reflect the concept of a union between earthly and heavenly worshippers. In 11QPs^a Hymn to the Creator angelic powers surround God's throne in praise. As Chazon has shown, this hymn forges ideas from Isaiah 6 and Ezekiel 1–2 that prefigure later hekhalot traditions. In its theophanic description God marches forth accompanied by the tumult of mighty waters (as noted in Ezek 1:24). Angelic powers surround God's throne, and the threefold use of *qadosh* in the first strophe recalls the *trishagion* of Isa 6:3.¹⁷ Chazon demonstrates that the hymn's reworking of Jer 10:17

2000), 773–88, here 780. References to ALD are given according to J. C. Greenfield, M. E. Stone, and E. Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary* (SVTP 19; Leiden: Brill, 2004).

¹⁵ On this hymn see M. Morgenstern, "The Apostrophe to Zion—A Philological and Structural Analysis," *DSD* 14 (2007): 178–98; J. Strugnell and H. Eshel, "Alphabetical Acrostics in Pre-Tannaic Hebrew," *CBQ* 62 (2000): 441–58. H. Eshel is critical of my early dating of Apostrophe to Zion (oral communication) and suggests that the *mem* and *nun* stichoi display a critical attitude towards misbehaviour in the temple that more likely reflects a period after 175 BCE: "Whom has righteousness ever destroyed, or escaped in iniquity? Man is tested according to his ways, and each repaid according to his needs." I struggle to see in these lines a reaction to serious flaws in the temple management. They express a common sapiential/deuteronomic theology.

¹⁶ The hymnic address to Zion (11QPs^a ApostrZion; Tob 13:8–18; *Pss. Sol.* 11) is a *novum* in Israelite psalmody in this period, see T. Elgvin and M. Hallermayer, "Schøyen ms. 5234: Ein neues Tobit-Fragment vom Toten Meer," *RevQ* 22 (2006): 451–61. Sirach 36:1–22 is probably a pre-Sirachide hymn (similar to 24:1–22; 51:1–12, 13–30) included in ben Sira's book.

¹⁷ גדול וקדוש יהוה קדוש קדשים לדור ודור "Great and Holy are you Lord, holy among the holy ones from generation to generation" (translation my own). According to Chazon, "The Hymn's appropriation of Isa 6:3's angelic *trishagion* and its description of the angelic song imply that by reciting this Hymn, the human worshippers were joining the angels in praising God," E. G. Chazon, "The Use of the Bible as a Key to Meaning in Psalms from Qumran," in *Emanuel: Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov* (ed. S. M. Paul et al.; Leiden: Brill, 2003), 85–96, here 94. On the links between the Hymn to the Creator and later synagogal liturgy, see Weinfeld, "The Angelic Song," 132–49.

(“*Blessed be he* who made the earth by his power, and established the world by his wisdom”), prefacing a description of God’s act of creation with *baruk*, shows a liturgical setting.¹⁸ Chazon does not hint at any *Sitz im Leben* of this hymn. As Isaiah 6, a base text for this hymn, merges the earthly and the heavenly temple, the most illuminating liturgical setting for the Hymn to the Creator would be the Jerusalem temple. The hymn describes the angels singing when they witnessed the act of creation. It is hardly possible that our singers would imagine the angels turning silent in the continuation.

Similar tunes are heard in 4Q88 (Apostrophe to Judah) where “heavens and earth give praise in unison.” This singer instructs the stars to join the jubilation of Judah at the festivals in the temple. The *Sitz im Leben* of this song was surely temple liturgy.

I would relate the origin and liturgical setting of all the non-biblical hymns in 11QPsalms^a and 4QPsalms^f to the pre-Maccabean temple. These compositions were probably authored in the period 300–180 BCE, perhaps too late to be included in one of the sub-collections that were combined into the growing biblical psalter in the third and second centuries.¹⁹

The sabbath liturgy contained in the pre-sectarian *Words of the Luminaries* also echoes the *trishagion* of Isaiah 6 as well as Ezekiel 1 and envisages heaven and earth praising the Creator (cf. 4Q504 1–2 VII). In the preserved text the root *qadosh* occurs twice, a possible third reference could be restored: “Give thanks...to his holy name forever...all the angels of the holy firmament, [from down below up] to the heavens, the earth and all its schemers, [praise his holy name, yeah, even the]great [abyss], Abaddon, the waters and all that is [in them, praise him]always[, the earth with]all its creatures, forever.” Among those participating in the choir are angels of the holy firmament (רקייע), a term echoing Ezekiel’s throne vision (1:22–26) and perhaps alluding to Exod 24:9–11. Divre Hameorot’s links with later

¹⁸ Chazon, “The Use of the Bible,” 91f.

¹⁹ Cf. H. Gese, “Die Entstehung der Büchereinteilung des Psalters,” in *Vom Sinai zum Zion*, 159–67. These sub-collections may have been closed units long before the Psalter had reached its final stage of 150/151 psalms. In a forthcoming article A. Lange argues that 11QPs^a Plea for Deliverance is a fourth century psalm since 11Q5 XIX 15 אַל תְּשַׁלֵּט בִּי שָׂטָן “Let no satan (demonic adversary) have dominion over me” is integrated into Levi’s prayer in the third century Aramaic Levi Document 3:9 (4Q213a 1 17) see “Satanic Verses: The Adversary in the Qumran Manuscripts and Elsewhere,” *RevQ* 24 (2009): 35–48.

synagogal liturgy suggest a common Israelite setting for this liturgy. The most likely setting would be the Levitic liturgy in the temple.²⁰

Should we conceive of a temple *Sitz im Leben* (imaginary or real) also for the pre-Qumranic liturgy for morning and evening (4Q503 Daily Prayers)? Here the sons of the covenant sing praise in unison with the “troops of light” and “hosts of angels” and praise God for the regular renewal of the heavenly lights, similar to later synagogal liturgy.²¹ The angels are portrayed as testifying to the congregation on earth from their abode in the Holy of Holies.

I now turn to a composition that is neither hymnic, liturgical nor collective by nature. 4Q541 (4QapocrLevi^bar) should be considered extra-sectarian or pre-sectarian like other Aramaic texts from Qumran. Fragment 9 portrays an end-time priest whose teaching and words are like the words of heaven. Tested through trials, his (or: God’s) eternal sun will shine and its fire burn unto the ends of the earth. Although this priest is earthly, his ministry resonates with the heavenly realms. Such a description suggests a relation to priestly or Levitic circles that conceived of the officiating temple priest as being connected with the heavenly temple and the angels serving above.

A related tradition, evidenced in the Greek *Testament of Levi* 3:4–6; 5:1–2; 8:18–19 and Aramaic Levi 4:4–13, refers to the ascent of Levi to the heavenly realms.²² Moreover, Yaḥad texts that refer to the officiating high priest standing in the midst of angels in the heavenly sanctuary (cf. 1QSB III–IV,²³ the Self-Glorification Hymn) may have their roots in pre-Maccabean temple theology that conceived of a union between temple liturgy below and angelic priestly service above. The portrayal of the eschatological priest in the pre-sectarian 4Q541 pro-

²⁰ Rachel Elior regards *Words of the Luminaries* as a sectarian document, disregarding the early date of one of the copies (ca. 150 BCE) and Chazon’s classification of this work as pre-sectarian, cf. Elior, *The Three Temples: On the Emergence of Jewish Mysticism* (Oxford and Portland: The Littman Library of Jewish Civilization, 2004). Cf. E. Chazon, “Is *Divrei ha-me’orot* a Sectarian Prayer?” in *The Dead Sea Scrolls: Forty Years of Research* (STDJ 10; ed. D. Dimant and U. Rappaport; Leiden and Jerusalem: Brill and Magnes, 1992), 3–17.

²¹ Chazon, “Liturgical Communion with the Angels,” 97–8. Similar to the Songs of the Sabbath Sacrifice 4Q503 presupposes a solar calendar of 364 days.

²² See Greenfield, Stone, and Eshel, *The Aramaic Levi Document*, 66–9.

²³ The blessing of the high priest in 1QSB that sees him serving among the angels may be the result of an adaptation of earlier (high-)priestly concepts on the part of the Yaḥad. A related rabbinic tradition judges the officiating high priest as more important than the angels: according to *y. Yoma* 5:2, neither angels nor the son of man are present in the Tent of Meeting on Yom Kippur, only the high priest and God.

vided the matrix that enabled a sectarian author to compose the ‘Self-Glorification Hymn’ modelled upon the Teacher who was understood as a priestly figure of the end-times.²⁴

We continue with another pre-sectarian text, partly hymnic by nature. 4Q301 (4QMyst^c?) is either a copy of Mysteries (so Lange), another edition of Mysteries (Tigchelaar), or a related writing drawing from the same pool of material (Elgvin). While Lange dates Mysteries to the mid-second century BCE, Tigchelaar and the present writer have argued that Mysteries should be located close to temple circles in the pre-Maccabean period (regardless of whether the four scrolls reflect one or two compositions).²⁵ 4Q301 combines didactic material and hymnic, hekhalot-like passages. I have argued that this scroll opened with a call to attention and two or three didactic columns.²⁶ On the second sheet the composition continues with hymnic material, a change evident in fragment 2b. This fragment opens with a series of rhetoric didactic questions and ends with references to praising with the angels: במלאכי [מ...]הללים “with/among angels of [...]raising” (lines 6–7, while line 5 refers to those “seeking the presence of light, so that the luminaries [will shine upon you]”). Scholars have noted ways in which fragment 3 displays similarities with later hekhalot texts.²⁷ It repeatedly praises God as the exalted and honoured one. He who reigns on earth is honoured by his holy people below, his holy and chosen community. Although the fragment does not explicitly mention angelic praise, its parallels with the Songs of the Sabbath Sacrifice indicate that 4Q301 did not separate angelic praise from earthly doxol-

²⁴ Cf. C. Newsom’s discussion of the Teacher Hymns in *The Self as Symbolic Space: Constructing Identity and Community at Qumran* (STDJ 52; Leiden: Brill, 2004), 287–346.

²⁵ See A. Lange, “In Diskussion mit dem Tempel. Zur Auseinandersetzung zwischen Kohelet und weisheitlichen Kreisen am Jerusalemer Tempel,” in *Kohelet in the Context of Wisdom* (BETHL 136; ed. A. Schoors; Leuven: Peeters, 1998), 113–59; E. J. C. Tigchelaar, “Your Wisdom and Your Folly: The Case of 1–4QMysteries,” in *Wisdom and Apocalypticism in the Dead Sea Scrolls and the Biblical Tradition* (BETHL 168; ed. F. García Martínez; Leuven: Peeters, 2003), 69–88; T. Elgvin, “Priestly Sages? The Milieu of Origin of 4QMysteries and 4QInstruction,” in *Sapiential Perspectives: Wisdom Literature in Light of the Dead Sea Scrolls* (STDJ 51; ed. J. J. Collins, G. E. Sterling, and R. A. Clements; Leiden: Brill, 2004), 67–87, here 78, n. 40.

²⁶ “4QMysteries^c: A New Edition,” in *From 4QMMT to Resurrection: Mélanges qumraniens en hommage à Émile Puech* (ed. F. García Martínez, A. Steudel, and E. Tigchelaar; Leiden: Brill, 2006), 75–85.

²⁷ Cf. T. Elgvin et al., *Qumran Cave 4. XV: Sapiential Texts, Part 1* (DJD 20; Oxford: Clarendon, 1997), 113, 117–19.

ogies. In a context of God's splendour and highness fragment 4 speaks about angels knowing the Lord.²⁸ Fragment 5 contains a description of the royal temple where God is surrounded by great light. This combination of didactic and hymnic material, of earthly and angelic praise, in 4Q301 again points to a priestly or Levitic setting.

We could further point to the detailed description of the gleaming divine chariot in 4QPseudo-Ezekiel^a (4Q385 6).²⁹ This passage belongs to a group of texts describing throne visions from the third and second centuries: *1 Enoch* 14, Daniel 7, and a passage from the Enochic *Book of Giants* (4Q530 2 II). The origin of the *Book of Watchers* is usually sought in scribal priestly or Levitic circles.³⁰ Thus, the vision of the divine throne in *1 Enoch* 14 shows how temple mysticism was still thriving in the third century.

Against the background of the biblical and post-biblical material surveyed here, one would expect to find liturgical material of the kind found in the Songs of the Sabbath Sacrifice and 4QBerakot in the Jerusalem temple rather than in peripheral sectarian sources. I therefore concur with those scholars who view the Sabbath Songs as a presectarian document.³¹ I would classify the Sabbath Songs as a pre-sectarian

²⁸ כּוֹל רוּחַ בִּינְתּוֹ should be interpreted "all the angels who have knowledge of him" rather than "every spirit of His discernment", thus *Qumran Cave 4. XV*, 20, 120. Cf. the use of בִּינְתּוֹ דַּעַת connected to praising angels in the sabbath songs (4Q405 23 II, 12) and Weinfeld, "The Angelic Song," 149–53.

²⁹ D. Dimant locates 4QPseudo-Ezekiel in priestly circles that were precursors of the Yahad, cf. "New Light From Qumran on the Jewish Pseudepigrapha—4Q390," in *Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21. March 1991* (2 vols.; STDJ 11; ed. J. Treballe Barrera and L. Vegas Montaner; Leiden: Brill, 1992), 2: 405–448.

³⁰ G. W. E. Nickelsburg, *1 Enoch 1: A Commentary on the Book of 1 Enoch, 1–36; 81–108* (Minneapolis: Fortress, 2001), 67; M. E. Stone, "The Book of Enoch and Judaism in the Third Century B.C.E.," *CBQ* 40 (1978): 479–92; B. G. Wright, "Putting the Puzzle Together: Some Suggestions Concerning the Social Location of the Wisdom of Ben Sira," *SBLSP* 35 (1996): 133–49.

³¹ Thus, C. Newsom in *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations, vol. 4B. Angelic Liturgy: Songs of the Sabbath Sacrifice* (ed. J. H. Charlesworth; Tübingen: Mohr Siebeck, 1999). Newsom tends "to assume that the *Songs of the Sabbath Sacrifice* originated outside of and probably prior to the emergence of the Qumran Community but was appropriated by the Qumran Community and influenced the composition of the sectarian texts, Berakot and Songs of the Sage" (5). Cf. Elgvin, "Priestly Sages?" 78, n. 40. P. Alexander takes the Songs of the Sabbath Sacrifice to be a Yahad adaptation of earlier tradition, cf. *The Mystical Texts* (Edinburgh: T & T Clark, 2006), 128–31. Alexander here follows the lead of scholars such as Maier and Gruenwald. See also C. H. T. Fletcher-Louis, *All the Glory of Adam: Liturgical Anthropology in the Dead Sea Scrolls* (STDJ 42; Leiden: Brill, 2001) and Elior, *The Three Temples*.

levitic hymnal.³² The ascription לַמְשָׁבִיל in the introduction of each song probably signals an adaptation by the Yaḥad community.³³ Both the Songs of the Sabbath Sacrifice and 4QDaily Prayers presuppose the 364-day calendar. They could only have been used as temple liturgy if this calendar was followed in the pre-Maccabean temple, as has been asserted by scholars such as Jaubert and VanderKam. Alternatively they could have been composed as ‘temple liturgies to be’ by oppositional levitic groups.

Based on biblical images, the concepts of the celestial sanctuary as the model and counterpart of the earthly one, of communion between heaven and earthly choirs, and human insight into angelic liturgies were part and parcel of the priestly temple milieu long before the crystallisation of the Yaḥad.

Most of us who are sceptical about the theory of the Righteous Teacher as the deposed high priest from 152 BCE acknowledge the presence of priests and Levites in the Yaḥad from the very beginning. The scrolls testify to the threefold division of the sons of Aaron, sons of Levi, and Israel. Based on my survey of pre-Yaḥad texts and traditions describing the heavenly temple it seems likely that deposed or exiled priests and Levites would by necessity experience a deep identity crisis after being deprived of the communion with the divine realms above. Onias IV tried to overcome this crisis by building another temple for YHWH in Leontopolis in Egypt and would find support for this in scriptures such as Isa 19:19–21. Such an option would be politically impossible in the Hasmonean state. For exiled Yaḥad priests and Levites the only feasible option would be a spiritualisation of their own temple theology. Therefore Yaḥad theology of the spiritual temple, the temple of men,³⁴ is no incidental development over time. Nor did it develop only as a substitute for the physical temple. It is rather a *theology*

³² The thematical and terminological links between the Sabbath Songs and the Hymn to the Creator support this assertion: God and his throne are surrounded by angelic beings. Terms that recur in both are the angels rejoice (רָגַן), holiness, praise (בָּרַךְ), God’s greatness (גָּדַל). The many parallels with the sabbath liturgy in the pre-sectarian *Words of the Luminaries* (4Q504 1–2r VII) point in the same direction.

³³ לַמְשָׁבִיל is restored in the title of the sixth Sabbath Song in MasShirShabb I, 8. The main line of argument in this paper does not require a pre-sectarian dating of the sabbath songs.

³⁴ Cf. A. M. Schwemer, “Gott als König und seine Königsherrschaft in den Sabbatliedern aus Qumran,” in *Königsherrschaft Gottes und himmlischer Kult im Judentum, Urchristentum und in der hellenistischen Welt* (ed. M. Hengel and A. M. Schwemer; Tübingen: Mohr Siebeck, 1991), 45–118, here 74f.

of crisis that emanated from the Teacher and his followers, a theological reinterpretation by priests and Levites who desperately wanted to continue to sing in unison with their liturgical counterparts above.

Eschatological temple imagery in Yahad texts that are not mystical by nature may shed more light on our theme. The Teacher-Hymn containing flourishing Eden motives in 1QH^a XVI, 4–26 displays a rich garden symbolism that reflects biblical temple ideology. The Garden of God in Genesis 2–3 is related to the image of God’s temple, a common connection in Ancient Near Eastern symbolism.³⁵ Both garden and sanctuary are connected to waters of life and are guarded by cherubs. A number of biblical texts associate fountain and temple.³⁶ This tradition continues in the post-biblical period.³⁷ The land of Israel or the people within it can be designated as a garden or a planting.³⁸ But in a number of biblical and post-biblical texts ‘garden’ and related terms

³⁵ See D. E. Callender Jr., *Adam in Myth and History: Ancient Israelite Perspectives on the Primal Human* (Winona Lake: Eisenbrauns, 2000), 50–54; T. Stordalen, *Echoes of Eden: Genesis 2–3 and Symbolism of the Eden Garden in Biblical Hebrew Literature* (Leuven: Peeters, 2000), 111–38, 307–10, 372–7, 409–54, 466; O. Keel, *The Symbolism of the Biblical World: Ancient Near Eastern Iconography and the Book of Psalms* (New York: Seabury, 1978), 116–18; 140–43, 186–8 (cf. especially illustrations 153a, 185–191 and 256); M. Görg, “‘Wo lag das Paradies?’ Einige Beobachtungen zu einer alten Frage,” *Biblische Notizen* 2 (1977): 23–32; U. Berges, “Gottesgarten und Tempel: Die neue Schöpfung im Jesajabuch,” in *Gottesstadt und Gottesgarten: Zur Geschichte und Theologie des Jerusalemer Tempels* (ed. O. Keel and E. Zenger; Freiburg: Herder, 2002), 69–98.

³⁶ Cf. Gen 2:6; 10–14; Isa 32:2; 33:20–21 (cf. Isa 35:6–11; 41:17–20); Ezekiel 47; Joel 4:18; Zech 13:1; 14:8; Pss 65:10; 46:5. Cf. B. Janowski, “Die heilige Wohnung des Höchsten. Kosmologische Implikationen der Jerusalemer Tempeltheologie,” in Keel and Zenger, eds., *Gottesstadt und Gottesgarten*, 24–68; J. C. VanderKam, “Adam’s Incense Offering (Jubilees 3:27),” in *Meghillot: Studies in the Dead Sea Scrolls V–VI. A Festschrift for Devorah Dimant* (ed. M. Bar-Asher and Emanuel Tov; Jerusalem: Bialik Institute Haifa University Press, 2007), 141–156.

³⁷ 1 Enoch 13:7; 26:1–2; John 7:37–38; Rev 21:6; 22:1–2; 4 Ezra 5:25. On 1 Enoch 13 see G. W. E. Nickelsburg, “Enoch, Levi, and Peter: Recipients of Revelation in Upper Galilee,” *JBL* 100 (1981): 575–600: “If Mount Hermon is the ladder from the heavenly sanctuary (12:4; 15:3) to earth, the waters of Dan stand in polar relationship to the gates of heaven and, through them, to the sanctuary and the throne of God.” (584).

³⁸ Isa 5:1–7; Jer 2:21; 31:28; 32:41; 42:10; Ezek 17:22–24; Amos 9:13–15; Ps 44:3. On the garden as image for salvation in the Bible, see W. Berg, “Israels Land, der Garten Gottes. Der Garten als Bild des Heiles im Alten Testament,” *BZ NF* 32 (1988): 35–51; G. M. Müller, *Gottes Pflanzung—Gottes Bau—Gottes Tempel: Die metaphorische Dimension paulinischer Gemeintheologie in I Kor 3,5–17* (Meisenheim: Josef Knecht, 1995), 67–80; cf. N. M. Sarna, *Understanding Genesis* (New York: Schocken, 1966), 23–28.

(גפן, כרם, נטע, מטע) are associated with the temple.³⁹ When these images ‘overflow’ in selected circles in the second century BCE, as seen in *1 Enoch*, the Genesis Apocryphon, 4QInstruction,⁴⁰ and Yaḥad writings,⁴¹ they represent an eschatological interpretation of both Eden and the temple. One may note also that the pro-Hasmonean 1 Maccabees ascribes eschatological-messianic connotations to the reign of Simon (142–135 BCE): “He established peace in the land, and Israel knew great joy. Each man sat under his own vine and his own fig tree, and there was no one to make them afraid... He gave new splendour to the temple,” (14:11–15).⁴²

Few scholars see an intrinsic connection between the images garden, planting, fountain, and the Yaḥad’s self-understanding as a spiritual

³⁹ Genesis 2–3; Exod 15:17; 2 Sam 7:10; Isa 27:2–6; 51:3; 60:21; 61:3, 11; Jer 11:15–17; Ezek 28:12–19; 31:2–9; Ps 80:9–18; 84:7; *1 Enoch* 24–25; *Biblical Antiquities* (Pseudo-Philo) 12:8–9; 1 Cor 3:9; 4 *Ezra* 5:23–26; *t. Sukkah* 3:15; *Tg. Ps.-J.* on Isa 5:2.

⁴⁰ Cf. *1 Enoch* 10:3 (Greek text of Syncellus), 10:16, 84:6, 93:2.5, 93:10; 1QapGen XIV, 13f.; 4Q418 81 10–14; 4Q423 1–2 7.

⁴¹ See 1QS V, 5–7; VIII, 1–10; IX, 3–6; CD III, 19–4 1; 1QpHab XII, 1–6; 4Q164 (4QpIsa^d) fragment 1; 4Q174 (4QMidrEschat^a) 3 6–7. On the spiritual temple in the thinking of the Yaḥad, see O. Betz, “Felsenmann und Felsengemeinde,” *ZNW* 48 (1957): 49–77; B. Gärtner, *The Temple and the Community in Qumran and the New Testament: A Comparative Study in the Temple Symbolism of the Qumran Texts and the New Testament* (Cambridge: CUP, 1965), 1–46; R. J. McKelvey, *The New Temple* (Oxford: OUP, 1969), 36–8, 46–57; G. Klinzing, *Die Umdeutung des Kultus in der Qumrangemeinde und im Neuen Testament* (Göttingen: Vandenhoeck & Ruprecht, 1971), 11–166; D. Dimant, “4QFlorilegium and the Idea of the Community as Temple,” in *Hellenica et Judaica. Hommage à Valentin Nikiprowetzky* (ed. A. Caquot, M. Hadas-Lebel, and J. Riaud; Leuven: Peeters, 1986), 165–89. **עולם מטע** recurs in sectarian literature as a designation for the remnant community; 1QS VIII, 5–6; XI, 8; 1QH^a XIV (VI), 15; XVI (VIII), 4–26. **מטע/מטע** is used as an image of the community in 1QH^a XVI (VIII), 5, 9, 20, 21; see also CD I, 7 **שורש מטע**. On the imagery of the eternal planting in Qumran literature and rabbinic tradition, see J. Licht, “The Plant Eternal and the People of Divine Deliverance” in *Essays on the Dead Sea Scrolls in Memory of E. L. Sukenik* (ed. C. Rabin and Y. Yadin; Jerusalem: Hekhal ha-Sefer, 1961), 1–27 [Hebrew]; D. Flusser, “He has Planted it [i.e. the Law] as Eternal Life in Our Midst,” *Tarbiz* 58 (1988–89): 147–53 [Hebrew]; D. Dimant, “Qumran Sectarian Literature,” in *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus* (CRINT II, ii; ed. M. E. Stone; Assen/Maastricht Minneapolis: van Gorkum Fortress, 1984), 483–550, 539; S. Fujita, “The Metaphor of Plant in Jewish Literature of the Intertestamental Period,” *JSJ* 7 (1976): 30–45; P. A. Tiller, “The ‘Eternal Planting’ in the Dead Sea Scrolls,” *DSD* 4 (1997): 312–35.

⁴² The blessings of the land and the peaceful living under the vine and the fig tree refer to the promise in Mic 4:4. See also the description of Judah Maccabee in messianic terms according to 1 Macc 3:3–9, cf. T. Elgvin, *Mine lepper spiller fløyte: Jødiske bøtter for Jesus* (Oslo: Verbum, 2003), 90–92, 144–5.

temple.⁴³ The hymn in 1QH^a XVI⁴⁴ demonstrates that ‘planting’ can designate both the physical temple as well as the community as temple.⁴⁵ Instead of those priests who triumphed illegitimately in ‘their planting’ (the physical temple, lines 9–10), God has established the new community of the Teacher as an ‘eternal planting’ (line 6),

⁴³ Fujita hints at it: “Of great significance in the Qumran metaphor of the plant is that the righteous plants (the sectarians) themselves are in a symbolic way considered a temple.” “The Metaphor,” 40. In his dissertation Fujita connects the source imagery in this *hodayah* with the temple source in Ezekiel 47, cf. *The Temple Theology of the Qumran Sect and the Book of Ezekiel: Their Relationship to Jewish Literature of the Last Two Centuries B.C.* (Ph.D. Diss., Princeton, 1970), 279–84. Gärtner sees no logical connection between the combination of plant and temple images in some post-biblical texts (1QH^a XIV [VI], 15–18; 1QS XI, 6–9; 1 Enoch 24–26) and attributes it to “Jewish speculations on the subject of the rock of the temple and Paradise,” *The Temple and the Community*, 27–9. Klinzing comments “Es ist anzunehmen, dass Pflanzung und Tempel als eschatologische Vorstellungen miteinander verbunden wurden,” *Die Umdeutung des Kultus*, 55.

⁴⁴ J. H. Charlesworth presents a fine analysis of the first part of this hymn in “Jesus as ‘Son’ and the Righteous Teacher as ‘Gardener,’” in *Jesus and the Dead Sea Scrolls* (ed. J. H. Charlesworth; New York: Doubleday, 1992), 140–175. He notes that the Teacher is the ‘eternal fountain,’ his disciples are ‘trees of life,’ the community is the ‘garden’ and the ‘planting.’ Charlesworth acknowledges that the polemic against the ‘tre[es] of water who shall exalt themselves in their planting, but their roots do not reach the stream’ (lines 9–10), refers to the present priests in the temple, opponents of the *Yahad*. But he does not recognize the temple symbolism inherent all through the *hodayah* through the repeated use of the images of garden, fountain and planting. On this hymn, see further J. R. Davila, “The Hodayot Hymnist and the Four who Entered Paradise,” *RevQ* 17 (1996): 457–78; M. C. Douglas, *Power and Praise in the Hodayot: A Literary Critical Study of 1QH 9:1–18:14* (Ph.D. Diss., University of Chicago, 1998), 144–170. In her analysis of this poem J. A. Hughes recognizes allusions to temple passages such as Ezek 47:1–12 and Isa 60:13, see *Scriptural Allusions and Exegesis in the Hodayot* (STDJ 59; Leiden: Brill, 2006), 135–83. She concludes, “the poem... reflects how the community interpreted its identity in light of scripture.” Further, allusions to garden images in Second Isaiah “encourage the reader to simultaneously interpret the planting metaphor as the community of God’s righteous people, the garden of the Lord, and the temple sanctuary” (180, 168).

⁴⁵ The same is reflected in 1 Cor 3:5–17 “you are God’s planting, God’s building” (v. 9). Also, 4Q500 (4QpapBen) connects the planting with the temple, as it uses the phrases “your planting and the streams of your glory” with reference to the temple (4Q500 1 5). This text connects Isa 5:1–7 with the temple, as does *Tg. Ps.-J.* on Isa 5:2 (“And I built My sanctuary among them and also My altar I gave as atonement for their sins”); and *t. Sukkah* 3:15 (“And He built a tower in the midst of it—this is the sanctuary; And hewed out a vat therein—this is the altar; And also hewed out a vat therein—this is the pits.”) See Brooke, “4Q500 1 and the Use of Scripture in the Parable of the Vineyard,” *DSD* 2 (1995): 268–294; J. M. Baumgarten, “4Q500 and the Ancient Conception of the Lord’s Vineyard,” *JJS* 40 (1989): 1–6; *idem*, “Purification after Childbirth and the Sacred Garden in 4Q265 and Jubilees,” in *New Qumran Texts and Studies: Proceedings of the First Meeting of the International Organization for Qumran Studies, Paris 1992* (STDJ 15; ed. G. J. Brooke with F. García Martínez; Leiden: Brill, 1994), 3–10.

i.e. a temple that will last forever. This planting will have access to 'everflowing water' and become an 'everlasting fountain' (lines 7–8, 16). The community can be portrayed as 'trees of life' that are connected to the 'secret source' (lines 5f.), but also as the 'source of life' (מעין חיים, מקור חיים, lines 12, 14). This source is the eschatological source of the temple mount (Ezekiel 47; Zech 14:8, cf. 13:1) that now nourishes an exiled priestly community who sees itself as the eschatological temple in communion with the heavenly sanctuary and the officiating angels.⁴⁶

These non-mystical texts supplement the temple dimensions in the other texts discussed here. In the Yaḥad divine liturgy is eschatological. The Yaḥad had to conceive of itself as an end-time community of Aaron, Levi, and Israel, which continues to enjoy union with heavenly counterparts, and therefore confirms the Yaḥad's nature as a temple of men on earth. Angelic liturgies now had to be sung outside the physical temple to secure pure liturgical partners for the angels. And no wonder that the Self-Glorification Hymn sees an earthly priestly leader elevated to a prime position among the heavenly counterparts of his community. For the community hymns, the purified one "can take his stand in Your presence with the perpetual host and the spirits... in a jubilating union" (1QH^a XIX, 16–17).⁴⁷ These purified singers may be direct successors of purified priests and Levites in sacrificial and liturgical service in the temple.

The Yaḥad's angelic communion provided a venue where lay Israelites could partake in Levitic traditions. The spiritualisation of temple ideology thus opened up a democratisation of mystical experience previously cherished by Levites.⁴⁸ A member's identification with the praying 'I' in the Hodayot would give the faithful access to the source of mystical revelation and communion with God. As part of a community where praise and supplication rise like incense before the heav-

⁴⁶ The Community could still hope for an eschatological restoration of the physical temple resulting in a reconstituted unity of spiritual and physical temple, as evidenced in the War Scroll.

⁴⁷ Cf. Chazon, "Human and Angelic Prayer," 43–45.

⁴⁸ Already the pre-sectarian 4QInstruction re-interprets the prerogative of Aaron/Levi on the (faithful's relation to the) Lord himself as the spiritual inheritance of the elect (4Q418 81 3, cf. Num 18:20; Deut 10:9). Charismatic communities will by necessity bring about changes in the religious status and self-understanding of their members and enable unprivileged lay members to 'climb' in religious status. Cf. B. Wilson, *Religious Sects: A Sociological Study* (London: Weidenfeld and Nicholson, 1970), 22–23.

only throne (4Q174 *מַעֲשֵׂי תוֹדָה*; 1QS VIII, 9–10; cf. Rev 5:8; 8:3–4), the non-priestly member is transformed into attaining some kind of priestly status, experienced in particular during the liturgical performance of Songs of the Sabbath Sacrifice and 4QBerakot.⁴⁹

The early stages of the Yaḥad may have given rise to a charismatic democratisation of religious experience by giving lay Israelites access to Levitic enthusiasm. Such an outpouring of the spirit would be seen as a sign of the community of the end-time (Joel 3:1–5, cf. Num 11:25; Acts 2:14–36). If this suggestion indeed holds true, the experiences of an enthusiastic community could in their turn have led to the need for more control on the part of community leaders, as evidenced in the growth of more hierarchic structures within the community.⁵⁰

The mystical prayer and praise of the Yaḥad may be seen as a precursor of the Pharisees' and early Jewish Christians' realization of the idea of a 'kingdom of priests' in Exod 19:6 (cf. 1 Pet 2:5; Eph 2:21f.; Rev 1:6; 5:8,12).

⁴⁹ Cf. C. Newsom's observations, "This ideal realm is made vividly present through the human community's act of worship in invoking the angelic praise and describing it in sensuous and evocative language." In "He has Established for Himself Priests: Human and Angelic Priesthood in the Qumran Sabbath *shiroṭ*," in *Archaeology and History in the Dead Sea Scrolls* (ed. L.H. Schiffman; Sheffield: Sheffield Academic Press, 1990), 100–120, here 117.

⁵⁰ Thus, Kugler, Metso, and Bockmuehl have argued that the growing stages of the S tradition show a steadily more hierarchic structure of the Community, see R. A. Kugler, "Priests," in *Encyclopedia of the Dead Sea Scrolls* (2 vols.; ed. L. H. Schiffman and J. C. VanderKam; New York: OUP, 2000), 2: 688–93, 691f.; *idem*, "The Priesthood at Qumran: The Evidence of References to Levi and the Levites," in *The Provo International Conference on the Dead Sea Scrolls: Technological Innovations, New Texts, and Reformulated Issues* (STDJ 30; ed. D. Parry and E. Ulrich; Leiden: Brill, 1999), 465–79; M. Bockmuehl, "Redaction and Ideology in the Rule of the Community," *RevQ* 18 (1998): 541–60; Sarianna Metso, "The Redaction of the Community Rule," in Schiffman, Tov, and VanderKam, *The Dead Sea Scrolls Fifty Years After Their Discovery*, 377–84; *eadem*, *The Serekh Texts* (LSTS 62; London: T & T Clark, 2007), 15–19. According to Max Weber, rational religion will have a tendency to control and suppress ecstatic and passionate religiosity, cf. *The Sociology of Religion* (London: Methuen, 1965), 160f. For a similar process in early Christianity note Paul's control of charismatic enthusiasm in 1 and 2 Corinthians.

PRIESTS AT QUMRAN A REASSESSMENT

HEINZ-JOSEF FABRY

There are many reasons which support the notion that priests played a major role at Qumran, not least of which is the high probability that the community was founded by a high priest in Jerusalem. The community itself was essentially defined by priestly structures and its theology was based upon a priestly self-consciousness. In this paper I would like to reply to Jürgen Zangenberg's claim that "das Jerusalemer Priestertum als »missing link« zwischen Jerusalem, den Rollen und Qumran fungieren könnte, hat in der Tat viel für sich. Der Gedanke ist nicht neu. So haben in Deutschland etwa Johann Maier und Heinz-Josef Fabry immer wieder auf die zentrale Rolle von Priestern in und neben Qumran hingewiesen, doch möglicherweise noch nicht die durchschlagenden Konsequenzen aus diesem Ansatz gezogen."¹

I. *History of Research—A Review*

The literature dealing with priesthood at Qumran is very expansive. In addition to the early thesis by Christian Hauer² one should consult the relevant articles by both Daniel Schwartz,³ who argued for a clear distinction between Qumranic Zadokites und Aaronidic Hasmoneans, and Joseph Baumgarten,⁴ who understood the appellations as different conceptions of the priesthood. Jacob Milgrom⁵ took the re-assessment

¹ Cf. his preface to Y. Hirschfeld, *Qumran—die ganze Wahrheit* (Gütersloh: Gütersloher Verlagshaus, 2006), 16–17.

² Chr. Hauer, *The Priests at Qumran* (Ph.D. diss., Vanderbilt University, 1959).

³ D. Schwartz, "On Two Aspects of the Priestly View of Descent at Qumran," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin* (ed. L. H. Schiffman; Sheffield: Sheffield University Press, 1990), 157–179 against Jacob Liver, "The Sons of Zadok, the Priests in the Dead Sea Sect," *RevQ* 6 (1967): 3–30, who does not want to see any anti-Hasmonean implications in the appellation "Sons of Zadok".

⁴ J. Baumgarten, "The Heavenly Tribunal and the Personification of Sedeq in Jewish Apocalyptic," in *Aufstieg und Niedergang der römischen Welt* 2, 19,1 (ed. H. Temporini and W. Haase; Berlin: de Gruyter, 1979), 233–236.

⁵ J. Milgrom, "Studies in the Temple Scroll," *JBL* 97 (1978): 501–523.

of the Levites beyond the Old Testament's view as a sign of controversy resulting from opposition to the temple in Jerusalem.

In "Schürer II"⁶ Geza Vermes⁷ emphasised that the terms "Sons of Aaron" and "Sons of Zadok" are synonymous in the Qumran texts. Later he contended that this problem was neglected for almost four decades, during which time this thesis was accepted based on the assumption that the Zadokites represented the executive committee of the Qumran community. The edition of the texts from 4Q (esp. 4Q256 and 258) with their variants from 1QS have been taken to indicate that the different versions apparently look back to different phases in the history of the community. Vermes concludes that the Qumran community was originally a *mixtum compositum* of priests and laity, in which the Aaronidic priests had a given advantage because of their qualifications and competency.

Not before the migration of the Leontopolis-group of Onias III (which certainly did not involve the participation of all Zadokites), the Zadokite priests looked for new confederates, which they found among the conservatives. This alliance evolved into a "take over" on the part of the Zadokites.⁸ This theory sounds very plausible, but has not yet been proven.

For C. T. Robert Hayward⁹ Qumran basically corresponds—probably in a metaphorical sense—to the priestly ideals of Simon II., whereby the priesthood at Qumran is viewed as being almost programmatically Zadokite. Due to the fact that he merely refers to 1QSb III,22–25 and IV,24–26, in which he finds a confirmation of Sirach's apotheosis of the Zadokites, he omits the evidence on the Aaronites. In principle I would tend to accept his position, however his selection of Qumranic evidence is too arbitrary. He does not address the relationship between Zadokites and Aaronites.

⁶ G. Vermes in E. Schürer, *A History of the Jewish People in the Time of Jesus Christ: A New English Version Revised and Edited by G. Vermes, F. Millar, and M. Black* (Edinburgh: T & T Clark, 1979), 2: 253, n. 56.

⁷ See also: G. Vermes, "The Leadership of the Qumran Community: Sons of Zadok—Priests—Congregation," in *Geschichte-Tradition-Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag: Vol. 1. Judentum* (ed. H. Cancik, H. Lichtenberger, and P. Schäfer; Tübingen: Mohr Siebeck, 1996), 375–384, esp. 379.

⁸ Vermes, "Leadership of the Qumran Community," 383–384.

⁹ C. T. R. Hayward, "Behind the Dead Sea Scrolls: The Sons of Zadok, the Priests and Their Priestly Ideology," *Toronto Journal of Theology* 13/1 (1997): 7–21.

The most extensive analysis was presented by Robert A. Kugler, who questions current hypotheses in two essays.¹⁰ The astonishing reassessment of the Levites up to Levi himself as the ancestor of the whole priesthood (4QLevi ar) “likely indicates community fondness for traditions that elevate a traditionally oppressed priestly class, a fondness rooted in the community’s identity as a protest group *vis-à-vis* the temple and its clergy.”¹¹ Confident of the redactional study of 1QS/4QS proposed by Sarianna Metso and of CD/4QD by Charlotte Hempel he formulates the thesis that Aaronites and Zadokites were inserted into the texts in that order by an editor. He then formulates a curious thesis:

It is apparent, that priests emerged as important figures only over time, and only clearly so in a literary world. It is in no way certain that there were corresponding social realities to those expressed in the texts, which after all preserve *Aaronites* and *Zadokites* side by side as authoritative types of priests.¹²

By disputing the existence of priests at Qumran his theory has consequences for the larger understanding of the community. He continues:

One must admit that the oft-stated view of the community as being essentially a “priestly group” originating from a withdrawal of Zadokite priests from the temple over Hasmonean seizure of the high priest’s office is also undetermined by the evidence.¹³

Following this, Kugler once again hypothesised about the meaning of the priesthood at Qumran in a detailed encyclopaedia article.¹⁴ He now expounds the popular thesis that the appellations Zadokites, Aaronites and Levites signal—for Qumran—a continuity of different priestly traditions in the texts. Despite the fact that the terms seem to feature synonymously in the Qumran texts we often notice differences within them and have to find a solution concerning a complex

¹⁰ R. A. Kugler, “Priesthood at Qumran,” in *The Dead Sea Scrolls After Fifty Years: A Comprehensive Assessment* (2 vols.; ed. P. W. Flint and J. C. VanderKam; Leiden: Brill, 1999), 2: 93–116; *idem*, “The Priesthood at Qumran: The Evidence of References to Levi and the Levites,” in *The Provo International Conference on the Dead Sea Scrolls: Technological Innovations, New Texts and Reformulated Issues* (ed. D. W. Parry and E. Ulrich; STDJ 30; Leiden: Brill, 1999), 465–479.

¹¹ Kugler, “The Priesthood at Qumran,” 112.

¹² Kugler, “The Priesthood at Qumran,” 113.

¹³ Kugler, “The Priesthood at Qumran,” 114.

¹⁴ R. A. Kugler, “Priests”, in *Encyclopedia of the Dead Sea Scrolls* (ed. L. H. Schiffman and J. C. VanderKam; New York: OUP, 2000), 2: 688–693.

diachrony. By reassessing the Levites beyond the well-known prerogatives of the biblical Chronicles, he confronts significant differences to the Old Testament and there he finds the place, from which we should begin to analyse the Qumranic priesthood. It is hard to imagine that both essays and the encyclopaedia article should come from the same author—even though they're written within a one year period—because they are completely inconsistent. I merely want to conclude that when considering Kugler's interpretations we do not yet have any sustainable results regarding the exploration of the Qumranic priesthood.

II. Questions

If we agree with Kugler's view of 1999, more than 250 items of *kohen/kohanîm* in the Qumran texts will become chimaeras without any base in reality. That is totally improbable, but not easy to disprove! The base, which Kugler and others prepared, is a vantage point to raise the question of the role of the priests in the community anew. I notice some problematic premises in his line of argumentation:

1. He argues that *Aaronites* and *Zadokites* do not occur in the early Qumran texts and therefore concludes that they have no connection to the early history of the community. Is that right?
2. He frequently cites parts of the Temple Scroll to add weight to his argument, which is based on research into 1QS/4QS and CD/4QD. In this case I believe his dating to be insufficiently supported. The special character of the Temple Scroll is not taken into consideration.
3. He takes the appreciation of *Levi* essentially out of non-Qumranic literature (e.g. TLevi ar), which makes his interpretations relative.
4. Kugler does not consider the peculiar Qumranic preference for "alternative" priestly lineages at all. How should we evaluate the esteemed view of Melchisedek in Qumran?
5. The priestly character of the Qumran community is aware of lay elements and does not attempt to eliminate them, but rather debates about priestly categories. As a result, we cannot view the positioning of *Aaronites* and *Zadokites* simply as a literary phenomenon; we have to suppose the prerogatives of the different priestly groups beyond the text.

6. It is, finally, time to abandon the settled hypothesis concerning the Essenes in favour of a thesis which intensively incorporates the priests. The question of the priests seems to be the most obvious question.

Other questions remain: If Zadokites predominated at Qumran, or if they came to predominate as a result of “a hostile takeover”, why did they fail to carry out a consistent *damnatio memoriae* of the Aaronites? Why did they consistently adhere to the existing topos “Messiah (out) of Aaron” and finally initiate or tolerate the reception of extensive priestly traditions, which are not clearly pro-Zadokite?

III. Aaronites and Zadokites—A Difficult Relationship

a. Aaronites and Zadokites in the Late Books of the Old Testament

The Zadokite succession lasted for a long time only to be finally interrupted by the ejection of the Zadokite Highpriest Onias III during the reign of Antiochus IV Epiphanes. Demetrius I later deployed the Aaronite (or Zadokite)¹⁵ Alcimus as Highpriest against the Maccabeans (1 Macc 7:9,14; 2 Macc 14:3ff.; *Ant.* XII 9,7f.); he, however, gained little recognition because of his policy of Hellenization. A Hasmonean priesthood emerged under the Maccabeans (152 BCE); a priesthood which sought to hide its dubitable origins using a reconstructed, theologically fictitious genealogy in the line of Phineas and Eleazar (cf. 1 Macc 2:54). The Zadokites, in any case, had lost their position of power and prominence for the time being and themselves became lost in the surroundings of Leontopolis and arguably also in Hassidic exclaves.

The opposition of Aaronites and Zadokites is not resolved by this explanation. Jesus Sirach, who maintained a reserved approach to the Levites¹⁶ and who took no notice of the pro-Levitic traditions in Chronicles, accepted solely the Highpriest Simon¹⁷ whom he regarded as adored amongst his Aaronite priests.¹⁸ Sirach was pro-Aaronite

¹⁵ According to 1 Macc 7:14 Alcimus descended from the Aaronide-line but was not an Oniade (Josephus, *Ant.* xx 10, 3).

¹⁶ Only Sir 45: 6 mentions that Aaron is “of the tribe of Levi”.

¹⁷ Simon II (ca. 218–192 BCE) is intended here.

¹⁸ It remains incomprehensible to me how C. T. R. Hayward, “Behind the Dead Sea Scrolls,” 10ff. can fundamentally speak of “Zadokites” in a context, in which Sirach speaks decidedly of “Aaronites.”

elsewhere as well; one should note the great attention which Sirach pays to Aaron (Sir 45:6–22) and the Aaronites (Sir 45:23–26: Phinhas;¹⁹ 50:13,16: Aaronite priests)—they are to be honoured and hallowed at Sirach’s request (Sir 7:29–31).²⁰ In the “Praise of the Fathers”, the Siracide dedicated seventeen detailed verses to Aaron, the latter being chosen for eternal priesthood (vv. 6–22). Moses acted as the agent of Aaron’s inclusion into the covenant of eternal priesthood, which was surrendered solely to him and his sons. Consequently, Sirach stylized Aaron—and not Moses—as a teacher of the law for Israel.

According to Sirach, the true succession proceeded from Aaron via Eleazar to Phineas, with whom God entered a priest-covenant (Sir 7:23–25; cf. 50:24b). This emphasis on the Phineas-succession is almost certainly related to the fact that the Hasmoneans also referred to this succession after the end of the Zadokite-line (1 Macc 2:54). At that time, it was clearly important to remember the proverbial religious zeal of Phineas (Num 25:7f.). The Aaronites played an exclusive role in the dialogue between state-run and priestly power in the Judaea of the second century BCE. All of this raises the question: What happened to the former “great clerical power” of the Zadokites?

The textual-history (*Textgeschichte*) of the book of Sirach did not maintain this pro-Aaronitic position. In Sir 51:1–12 an extensive thanksgiving prayer is added, and the ending of this prayer is expanded once again by a litany in the style of Ps 136 that was redactionally inserted (Sir 51:12a–o).²¹ The Siracide translator did not translate this psalm, either because he did not know it yet, or because he purposely ignored it. It is also possible that this prayer stems from the Qumran community²² and thus found its way into the Hebrew textual tradition of the book of Sirach at a later stage. The praying man’s thanksgiving addresses the “Custodian of Israel”, the creator, the redeemer, who col-

¹⁹ Cf. esp. H.-J. Fabry, “Wir wollen nun loben Männer von gutem Ruf” (Sir 44,1). Der Pinhas-Bund im ‘Lob der Väter’,” in *Für immer verbündet: Studien zur Bundestheologie der Bibel* (FS Frank-Lothar Hossfeld; SBS 211; ed. C. Dohmen and C. Frevel; Stuttgart: Katholisches Bibelwerk, 2007), 49–60.

²⁰ Cf. B. G. Wright III, “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, Soesterberg NL* (ed. P. C. Beentjes; Berlin: de Gruyter 1997), 189–222.

²¹ The text is only attested in Ms. B of the Cairo Genizah.

²² L. Schrader, *Leiden und Gerechtigkeit: Studien zu Theologie und Textgeschichte des Sirachbuches* (BET 27; Frankfurt a. M.: Peter Lang, 1994), 74–75.

lects the stragglers of Israel, who builds the city and the temple, who strengthens the house of David and who elects a Zadokite Highpriest. It seemed important to the redactor to correct the “pan-Aaronism” of the Siracide and even to work towards erecting a balance in the direction of the Zadokites. These observations concerning the relationship between Zadokites and Aaronites in the late scriptures of the Old Testament point to differences, enmities and postulates. In this way, an essential and hermeneutical approach to solving the problem in Qumran is offered.

b. *Aaronites and Zadokites in Qumran*

An introductory overview over the history of research can be limited to a few dates. According to the articles by A. I. Baumgarten and Eyal Regev²³ I attempted to shed light on the relationship between Zadokites and Aaronites in Qumran.²⁴ I pointed out that the passages in the Qumran-texts mirror a development, which clearly shows that an original Aaronitic dominance was gradually superceded by a Zadokite one. I am still convinced by this view, although I have to admit that some extensive adjustments are necessary. These adjustments are needed, because my attempt to trace the development of the respective competencies of Aaronites and Zadokites in the history of Qumran led to an aporia, where various lines mixed because of the parallel use of both designations (e.g. 1QS/1QSa).

Charlotte Hempel addresses this issue in a recent article about Aaron and calls for the need for further historical differentiation.²⁵ She additionally distinguishes between Aaronite-passages in a national context from references in a community-specific context. She identifies a certain trajectory in the references to priestly authority in the Scrolls beginning with the sons of Aaron in a national/non-community-specific context (D), via the sons of Aaron as priestly authorities

²³ A. I. Baumgarten, “The Zadokite Priests at Qumran: A Reconsideration,” *DSD* 4 (1997): 137–156. E. Regev, “Were the Priests all the Same? Qumranic Halakhah in Comparison with Sadducean Halakhah,” *DSD* 12 (2005): 158–188.

²⁴ Cf. H.-J. Fabry, “Zadokiden und Aaroniden in Qumran,” in *Das Manna fällt auch heute noch: Beiträge zur Geschichte und Theologie des Alten, Ersten Testaments* (FS E. Zenger; HBS 44; ed. F. L. Hossfeld and L. Schwienhorst-Schönberger; Freiburg: Herder, 2004), 201–217.

²⁵ Charlotte Hempel, “Do the Scrolls Suggest Rivalry Between the Sons of Aaron and the Sons of Zadok and If So was it Mutual?” *RevQ* 24 (2009): 135–153.

within the community (S), to the sons of *Zadok* as priestly authorities within the community in a different literary stage of S. Hempel does not contradict my view, but renders the question more specific in an excellent way by pointing out that the frequently expressed thesis, that the Zadokites played a key role in the foundation of the community of Qumran has no basis in the texts. She further stresses that the tension-filled passages of 1QS have to be reconciled with the evidence of 4QS.

At this point one has to start anew and ask whether further specifications are possible. For that purpose four steps are to be taken:

1. The passages must firstly be presented in synchronic order;
2. then, the functions of the particular priestly groups are to be outlined;
3. the issue of whether these functions focus on general-Israelite or community-specific Qumranic functions has to be investigated;
4. finally, we must attempt to present the passages diachronically in order to attempt to trace a development.

b. i. *The Passages*

If we assume an identity between the Torah of Moses, propagated in Qumran, and the Pentateuch, then according to the appointments in Exod 28f.; Lev 8–10 and Num 16–18, at least verbaliter (!), solely the “*Sons of Aaron*” would be qualified for the priesthood. That this appointment was actually followed could be concluded from the high number of attestations of “*Aaron*” (76 times + 9 times in Aramaic), “*Sons of Aaron*” (30 times), compared with the considerably lower number of attestations of “*Zadok*” (14 times + 1 Aramaic) and “*Sons of Zadok*” (11 times) in the Scrolls. It is noticeable, however, that the “*Sons of Aaron*” are called “the priests” 9 times, whereas the “*Sons of Zadok*” are called “*the priests*” 7 times. The latter figure is considerably greater in terms of percentages. If we assume an interpretation that is consistent with the Torah, these latter records should be non-existent! How did they arise and how can they be explained? Either, the wording of the Torah had been differently interpreted in this regard, or both designations had become identical. The latter suggestion is improbable due to their prehistory in the late Old Testament.

b. i. α . Presentation of the Records in Synchronic Order

$\alpha\alpha$) Passages that speak exclusively of “*Aaronites*” include the Temple Scroll²⁶ (in addition to Levites), 4QMMT²⁷ and the M-Tradition.²⁸ In these texts, the “*Aaronites*” are “*the priests*”. The text of 1QM XVII, 3 further shows its proximity to “*Aaron*” by the election of the Ithamar-line. The name “*Aaron*” is, in addition to Levi, to be on the big “sign-post.”²⁹ Furthermore, with one exception (4QD^a 5 I, 16) all the 4QD- and 4QS-passages speak solely of “*Aaronites*”.

$\alpha\beta$) In contrast to this, the texts of CD, 1QSb and 4QMidrEschat speak exclusively of “*Zadokites*”. CD additionally mentions “*Aaron*” several times and the “*anointed from Aaron*”. 4QMidrEschat also speaks of “*Aaron*” once.

$\alpha\gamma$) The passages that mix both denominations demand special notice: 1QS (2 times and 2 times) and 1QSa (3 times and 3 times) speak 5 times both of the “*Sons of Aaron*” and the “*Sons of Zadok*”. The parallel version 4QS^d twice speaks solely of the “*Aaronites*”. Normally, these parallel versions are used for a table of diachrony.³⁰ To avoid confusion, Jacob Liver—followed by Charlotte Hempel—suggests that in this case we speak of an allegoric use,³¹ meaning that we are to regard “*Zadokites*” as a synonym for the whole community. This appears to me to be an attempt to evade the problem.

b. i. β . The Functions Mentioned in the Passages

We now have to consider which functions are assigned to the particular priestly dominations in the passages.

²⁶ 11QT^a XXII, 4–5 and 11QT^b V, 25; cf. also 11QT^a XXXIV, 13; XLIV, 5.

²⁷ 4Q394 3–7 II, 1; 4Q395 11; 4Q396 1–2 IV, 8.

²⁸ 1QM VII, 10; 4Q493 1.

²⁹ 1QM III, 14; V, 1; 4Q496 10:4.

³⁰ The versions of S can be dated with some confidence; in the meantime, the various ages of the underlying sources have also been established. Accordingly, the oldest preserved Community Rule (in 1QS V–IX, from ca. 100 BCE) can be found in 4Q255 (S^a); 4Q258 (S^d) and later 1QS follows. Sections 1QS VIII, 15b–IX, 11 do not belong to the prototype and possibly originated with 1QS. A diachronic sequence of occurrences there presents itself here.

³¹ Liver, “Sons of Zadok,” cf. n. 3.

β α) Priestly functions: The Temple Scroll regards the Aaronites as active in the sacrificial service at the temple; MMT, along with 4QD^a/D^b and 4QOrd^b, refer to them in the context of purity laws and “Vermischungsverbot”. M regards the Aaronite priests as active in the—cultically understood—eschatological war. In contrast to this, the Zadokites are mentioned only once in a decidedly cultic context (CD IV, 1).

β β) Functions in the hierarchy of the community: 1QS par. 4QS^d and 1QSa view the Aaronites in hierarchical positions (in the same way as 4Q279 [Four Lots] 4) and entrusted with a responsible role in the context of the *introitus* into the community. The Zadokites are also encountered in this function in 1QS 5 and in 1QSa, where they are clearly called “*the priests*”.

β γ) Functions as honourable individuals: The title “men of knowledge” is given solely to the Aaronites in 4QD^b 5 III, 8. The Zadokites, by contrast, are more frequently given honourable names: “converts of Israel” (4QD^a 5 I, 15f.), “elect ones” (CD IV, 3; 1QSb III, 22), “men of the council” (4QMdrEschat III, 17).

β δ) Functions with regard to the foundation of the community and the covenant: It is not certain whether any particular genealogical group of priests was even involved in the foundation of the community. However, both Aaronites and Zadokites are associated with the fundamental self-conception of the community in 1QSa. Nevertheless, we can observe a Zadokite preponderance, where the separation of the community from the impure temple is traced back to the Zadokites (1QSa I, 2). They are the guarantors of divine election (1QSb III, 22; CD IV, 3) and stand for absolute loyalty to God’s covenant with Israel (1QS V, 2.9) and to the Torah (1QS V, 2).

β ϵ) Functions in education: God kept the real Torah hidden until the appearance of Zadok (CD V, 5) because of extensive idolatry. The status of the Zadokite “Teacher of Righteousness” in salvation-history is thereby confirmed. This statement is influenced by the contemporary Jewish belief that the true Torah was linked to the Eleazar-Phineas-Zadok-line. This, however, presented a conflux, namely the fiction of an ultimate identity of the Aaron-line and the Zadok-line. If there actually was a real attempt to identify the Eleazar-Phineas-line with other lines in Qumran at any time, it probably would have been modified rather

quickly in the Zadokite direction—a “Phineas” was unacceptable for Qumran because of his connection to the Hasmoneans. In that way, one can regard the designation *b^enê zædæq*, “sons of justice” (e.g. 1QS III, 20.22; 1QM I, 8), which the community frequently gives itself, as a position opposed to the Hasmonean Phineas-line. They were the only pure ones, suitable to perform the eschatological temple-service in a state of purity (CD IV, 1) and to lead the community (1QSa II, 3).

b i γ. Differentiation of Functions: General-Israelitic or Community-Focused

In the Temple Scroll the Aaronites are wholly connected with the sacrificial service of the temple. 4QMMT views them in connection with purity rituals and applies the “*Vermischungsverbot*” to them (cf. 4QOrd^b 10 II, 8) based on the “prohibition of mixed marriages” from the late Old Testament. M also envisages exclusively the Aaronites as being active in the eschatological war. None of this is particularly community-specific. 4QD likewise assesses the Aaronites and can even enumerate historically negative events involving the Aaronites.

Beginning with 4QD^b, and including 4QS, 1QS and 1QSa, we have a progression of texts which view the Aaronites in community-specific contexts (Introitus-ritual, hierarchy). At the same time, one should notice that these compositions also view the Zadokites as playing an active role in the same functions. It seems that CD has prepared this functional parallelism with a cultic and community-focused integration of the Zadokites.

b. i. δ. Attempt at Diachronic Arrangement

I am aware of the fact that we cannot speak with any certainty about the dating of many of the texts from Qumran. The dating of some texts would be rendered even more complex if the Essene-hypothesis were to be disregarded. I rely on the widely accepted consensus to justify the following datings:

δ α) The early compositions Temple Scroll (pre-hassidic), 4QMMT and M (hassidic-pre-Qumranic) speak solely of the Aaronites. It is therefore noteworthy that these texts speak of the high priest exclusively in liturgical terms with liturgical functions. Whether this pro-Aaronitic assessment became consensus is questionable, since Qumran also preserved the memory of an Aaronitic apostasy in the tradition (4QapocrJerC^e 1 3).

δβ) At the end of the 2nd century BCE 1QSa (a text from the period of the foundation of the hassidic communities) obviously uses “*Sons of Aaron*” and “*Sons of Zadok*” interchangeably and without a noticeable distinction, a fact that emerges from the almost identical phrases in 1QSa I, 16 and I, 26. If one examines 1QSa synchronically both groups are clearly called “*the priests*”. The following is attested: 1QSa understands itself as an “order for the whole community of Israel at the end of days, when they assemble to walk according to the judgment of the ‘*Sons of Aaron, the Priests*’” (I, 2). The granting of access is judged by the “*Sons of Aaron, the priests*” (I, 16). The correct standing of the *Levites* is overseen by the “*Sons of Aaron*” (I, 23). The *Levites* in turn oversee the observance of the hierarchies at the command of the “*Sons of Zadok, the priests*” (I, 24). Finally, the plenary meeting assembles before the “*Sons of Zadok, the priests*” (II, 3). The “*Priest*” enters this assembly of “men of names” gathered for the feast, with his brothers, the “*Sons of Aaron, the priests*” (II, 13). From this, the impression could be gained that, in spite of the similarity in formulation, the *Zadokites* are assigned basic tasks whereas the *Aaronites* are entrusted with executive tasks.³²

1QSB, which can be dated to approximately the same time, speaks solely of the “*Sons of Zadok, the priests*”. The teacher is to bless them with a particular blessing (III, 22) as they are chosen by god and they established the covenant.

δγ) 4QS^d (ca. 100 BCE) describes the task of the “volunteers” to establish a community which stood for loyalty, humility, justice, righteousness and solidarity, in order to make the community a “sanctuary for Aaron and to make his house symbolise the truth of Israel” (I, 1–5). In this community the “*Sons of Aaron*” are the volunteers who adhere to the covenant of God (II, 1), those who have the power to make decisions about possessions and law (VII, 7), and those who hold a majority stake in the community of the “*House of Aaron*”. In substance the text is an identical parallel to the later version 1QS V and IX. In both versions of the Serekh, *Aaronites* seem to have a primary position in the basic structure of the Qumran community.

³² A hypothesis which remains completely unsatisfactory is that of Kugler who assigns the promiscuous use to at least one, or even two levels of redaction. A detailed case against his argument cannot be substantiated in the confines of this paper.

Since the Aaronites and the general assembly were still recognised as the supreme authority of the community at the early stages of the Serekh, the question must be asked why the Zadokites failed here, while they are so prominent in the community in 1QSa and 1QSB. The solution probably lies in the fact that at that time (about 100 BCE) CD only speaks of the Zadokites. There must be a high tension between CD and S. In the final days the Zadokites will assume a leading role (CD III, 20-IV, 4), and the ultimate revelation will be revealed to them (CD V, 3-5). CD never identifies the “*Sons of Zadok*” as priests, while the pro-Zadokite paralleltext 4Q267 (4QD^b) favours this title.

δδ) 1QS (post 100 BCE) is evidently a later version of Serekh. Parallel to 4QS^d, the “*Sons of Aaron*” are the faithful ones who adhere to the covenant of God (V, 21), those who have the power to make decisions about possession and law (IX, 7). However, this later version of Serekh incorporates another text which reflects certain characteristics of the Serekh-tradition. Now the *community* is responsible for law and possession, whilst the “*Sons of Zadok*” preserve the covenant (V, 2). The new entrant into the community obliges them with a binding oath to convert, because they are recipients of the highest revelation (V, 9). Maybe here the S-tradition imports the D-tradition.

δε) 4QD^a (100-50 BCE) does not seem to represent a pro-Aaronitic line. It speaks of the Aaronites half a dozen times, but four passages have negative connotations by referring to the apostasy of the priests. 4QD^a speaks of the “*Zadokites*” alone once and calls them “the converts.” This reference occurs in an eschatological context, however, in that “the last interpretation of the Torah” is mentioned (4Q266 5 I, 16).³³ 4QD^b refers to the Aaronites as “men of knowledge” and 4QD^a views them as acting in the context of the “leprosy-torah” (cf. 4QD^a 6 I, 13). Apparently the 4QD-line was pro-Zadokite, but not strictissime.

δζ) 4QMidrEschat (Qumranic; 70 BCE) speaks solely of “*Zadokites*” and seeks to highlight their dominance in the eschaton. The relevant passage (according to the edition by A. Steudel III, 17) is interesting for several reasons. On the one hand it deals with a consistent

³³ For this reason even the decline from the pre-Qumranic Aaronites to the Qumranic Zadokites in the D-literature, which is observed by G. Vermes, is foiled.

interpretation of the prophecy of Ezekiel³⁴ about the Israelites (Ezek 37:23) with a focus on the *Zadokites* (“neither shall they defile themselves any more”), on the other hand one can find a curious characterization of the *Zadokites*, which should be considered rather carefully because of the fragmentary text: “*They (refers to) the sons of Zadok and (to) the men of [the]ir council, those who see[k jus]tice eagerly, who have come after them to the council of the community*”.³⁵ It looks as if the midrash indicates a chronological development right here.

b. ii. *Preliminary Summary*

The observations presented thus far reveal two things relating to synchronic, diachronic and functional aspects of the priestly terminology:

1. It is absolutely certain that “*Aaronites*” and “*Zadokites*” are not identical and that the termini were not used synonymously.³⁶
2. Traces of a development can be observed. However, it is very difficult to describe this development exactly. From a diachronic perspective a disparity appears between *Aaronites* and *Zadokites* which is clearly parallel to the tradition of the book of Sirach.

c. *Analysis of the Mixed Passages in the S-Tradition*

In order to establish whether more precise adjustments are possible beyond the apparent development from *Aaronites* to *Zadokites*, the passages in the S-tradition must be examined more closely.

For that purpose, I take up the analyses of Sarianna Metso and Charlotte Hempel, who have traced the obvious differences in the description of the structure of the community in 4QS and 1QS back to different redactional layers. In doing so, the similarities of both versions are tracked back to an older version of the Serekh. “It seems to me that the earliest elements in the growth of the S tradition are to be

³⁴ In the OT, only Ezekiel uses the terminology “Sons of Zadok” (Ezek 40:46; 44:15; 48:11); otherwise, in the singular only 2 Sam 18:19.22.27 (Ahimaaz); 1 Kgs 4:2 (Azariah) and Ezra 7:2 (genealogy of Ezra).

³⁵ Translation by F. García Martínez and E. J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (Leiden: Brill, 1997), 1: 355. Cf. also the translation by A. Steudel, *Die Texte aus Qumran II* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2001), 197: “Sie sind die Söhne Zadoks und die Männer ihres Rates, die sich erbarmen (?), die hineinkamen (?) nach ihnen (בְּאַחֲרֵיהֶם) in den Rat der Gemeinschaft.”

³⁶ With Charlotte Hempel contra G. A. Anderson, “Aaron,” in Schiffman and VanderKam, eds., *Encyclopedia of the Dead Sea Scrolls*, 1: 1–2; M. A. Knibb, *The Qumran Community* (Cambridge Commentaries on Writings of the Jewish and Christian World 200 BC to AD 200; Cambridge: CUP, 1987), 105 et al.

found in the common ground between the manuscripts, allowing us glimpses of the state of affairs before the manuscripts went their separate ways... What is significant for our current enquiry is the presence in the S-tradition... of an endorsement of the sons of Aaron's leading role in the community."³⁷

Synopsis 1 (Introitus-Ritual) (later layer) common *peculiar*

4QS ^d I	1QS V
(1) Instruction for the <i>maskil</i> concerning the men of the Torah to convert	(1) This is the rule for the men of the Community to convert
(2) to be a Community in Torah and possession	(2) in order to constitute a Community in law and possession <i>acquiesce to the authority of the sons of Zadok, the priests,</i>
and giving answer in accordance with the opinion of the multitude	and the authority of the multitude of the men of the Community
(4) as a Community for everyone who freely pledges himself to holiness in Aaron and a house of truth for Israel	... (6) who freely volunteer for holiness in Aaron and for the house of truth in Israel
...	(7) These are the regulations of their behaviour:
(7) to revert to the law of Moses..., everything revealed from the Torah ... the council of the men of Community the purity of the men of holiness. (II.1) and their deeds in the Torah in accordance with the opinion of the sons of Aaron...	... (9) to revert to the law of Moses... with all that has been revealed of it <i>to the sons of Zadok, the priests,</i> who keep the covenant and interpret his will and to the multitude of the <i>men of their covenant...</i>
(2) in accordance with the opinion of the multitude of Israel.	(20) And when someone enters the covenant... <i>Under the authority of the sons of Aaron...</i> and under the authority of the multitude of Israel.

³⁷ Charlotte Hempel, "The Sons of Aaron in the Dead Sea Scrolls," in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez* (JSJSup 122; ed. A. Hilhorst, É. Puech, and E. Tigchelaar; Leiden: Brill, 2007), 207–224, here 213.

If we assume—along with Metso and Hempel—that the textual tradition attested by 4QS^d is the older one, then we can identify the later addition in 1QS very clearly. In both cases, the Zadokite priests are not only parallel to the plenary meeting but range before the multitude.

A synopsis of 4QS^d VII, 4f.—1QS IX, 3–7 shows how carefully the later 1QS deals with the older tradition and how carefully it enhances it. At the same time, the synopsis points out that the S-tradition adheres to the fact that *Zadokites* are not present at the time of the foundation of the community, and that the community consequently traces itself back to an *Aaronite* priestly-tradition.

The historical questions which emerge from this are briefly to be hinted at here. If we maintain the traditional thesis regarding a separation from the Temple of Jerusalem on the part of the community, the “teacher” can only have been a Zadokite. The “manifesto for the foundation of the community” (1QS VIII, 1–10a.12b–16a; IX, 3–X, 8a), however, does not suggest this. From this it follows either that Kugler’s “teacher”-hypothesis is to be abandoned, or that the people of Qumran decidedly dispelled everything from their tradition that reminded them of the Sadducees of the Jerusalem Temple—at least for a short time after the emergence of the community. However, the memory remained alive—at least in the important circles of the Damascus community—and established itself less than one generation later in the S-literature and was even applied to eschatological expectations (4QMidrEschat). The same development did not occur with the messianic expectation which was intimately associated with a “Messiah from Aaron.”

IV. *Further Priestly Traditions in Qumran*

It is reasonable to assume that a solution of the issues relating to *Aaronites* and *Zadokites* is merely a rudimentary contribution to the role of the priesthood at Qumran. Even though the role played by the *Aaronites* during the foundational phase of the community seems to have become clearer, the origins of the community remain ambiguous. One perceives a clear tension between Qumranic and the non-Qumranic literature. A relationship doubtlessly exists between the D and S communities, but we cannot deny the peculiar disjunction between the *Zadokite* predominance in D, and the *Aaronitic* predominance in S. How is this diastasis explicable in the main corpus of legislation, and

how can we interpret the diligent maintenance of further priestly traditions in Qumran?

It seems probable that this diastasis between Aaronites and Zadokites evoked remorse in the Qumranic liturgist, who understood the rivalry between these two traditional priesthoods as dangerous for the cult without the temple. From my point of view they approached these difficulties with a threefold strategy: firstly, the archiving of extensive materials of the Levi tradition; secondly, the reception of further priestly traditions from the prehistory of Zadok and Aaron; thirdly, the transforming and apotheosis of Melchizedek.

a. *Levi*

It is particularly noticeable that there is an archive of extensive materials relating to the Levi tradition in Qumran. The latent rivalry between two priestly traditions must have urged the Qumranites to search for common historical roots in order to ease the tension. They found these roots in the pre-Zadokide and pre-Aaronitic traditions of the Levites (4Q542; 4Q543–548; 4Q549) and even in the tradition of Noah (1Q19; 1QapGen; 4Q534). Because of his knowledge of the recte-et-rite performance of the sacrifice (so *T. Levi* ar), Levi was seen as a priest, who was used to bridge the gap between the order of divine creation and priestly Aaronitic dogma. There are several indications of this in contemporary literature: *The Testaments of the Twelve Patriarchs* talks about the priesthood of the Levites (*T. Levi* 5) as well as the godlessness of the high priests (*T. Levi* 14). *The Book of Jubilees* knows only Levites functioning as priests. Similarly, one can evaluate the anti-Zadokite evidence of the *Testament of Moses* (4:8) and *1 Enoch* 89:79. Contemporary literature shares one essential element indicating that it represents Levitic claims in the reception history of the Books of Chronicles.³⁸ The Levites became peripheral, pushed aside by the Zadokites and Aaronites; the former must, therefore, be viewed as antagonists of the latter in these writings.

This priest-critical literature from the end of the 3rd century BCE (*Book of Watchers* [*1 Enoch* 6–36], the *Astronomic Book* [*1 Enoch* 77–82], *Aramaic Levi Document*) rejected this label. Sirach thus took

³⁸ G. W. E. Nickelsburg, *Jewish Literature Between the Bible and the Mishnah: A Historical and Literary Introduction* (Philadelphia: Fortress, 1981), 83 speaks in this context of the claims of the “disenfranchised priests.”

a stand by presenting the Aaronite Simon II. (who is historically better seen as a Zadokite) as *the* ideal paradigm of a high priest. Sirach rejected the strong predominance of the Levites in the contemporary literature of the 2nd–1st centuries BCE. In denying these demands he exclusively endorsed Aaronitic claims. The re-distribution of balance was reserved for a secondary or even tertiary editor in Sirach 51:12. The question still remains of why he still insists on a Zadokite endorsement despite the fact that at this time there were no more Zadokites in existence.

b. *Eleazar, Ithamar, Phineas*

The difficult situation without temple and sacrifices led the community to a search for additional means of justification. These were not only found in the pre-Zadokite genealogy of Aaron, but rather mainly in the rare genealogies of Eleazar, Ithamar and Phineas. Whilst the genealogies of Eleazar and Ithamar are not attested at Qumran, the tradition of Phineas³⁹ must have provoked interest at Qumran, as his priesthood was completely unrelated to any cultic activity. Phineas was a zealot, just like the Qumranites, and both embodied similar moral qualities.⁴⁰ However, the proper name “Phineas” is only attested three times in very fragmentary contexts (cf. 4Q243 28;⁴¹ 4Q522[4QApocrJosh^c];⁴² 6Q13). The Qumran texts hardly touch upon Phineas, even though they condemn anything related to intermarriage and prostitution—a position following the *Book of Jubilees*. The strict halakhah of purity and endogamy of the priests (4QMMT B 72–82)⁴³ is formulated completely without a recollection of Phineas. By *damnatio memoriae* Qumran therefore declares him a *persona non grata*. That is the way Qumran treats someone who is highly admired by the Hasmoneans.

³⁹ Cf. Fabry, “Wir wollen nun loben Männer von gutem Ruf,” 49–60.

⁴⁰ Cf. for a more detailed account N. Ilg, “Überlegungen zum Verständnis von ברית in den Qumrântexten,” in *Qumrân: Sa piété, sa théologie et son milieu* (BETHL 46; ed. M. Delcor; Leuven: Peeters, 1978), 257–263, esp. 261–262.

⁴¹ Cf. J. Collins and P. Flint, “243. 4Qpseudo-Daniel^a ar,” in G. Brooke et al., *Qumran Cave 4. 17: Parabiblical Texts, Part 3* (DJD 22; Oxford: Clarendon, 1996), 97–121, here 116.

⁴² Cf. E. Tov, “The Rewritten Book of Joshua as Found at Qumran and Masada,” in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls* (STDJ 28; ed. M. Stone and E. G. Chazon; Leiden: Brill, 1998), 233–256, esp. 247.

⁴³ Cf. C. J. Sharp, “Phinean Zeal and Rhetorical Strategy in 4QMMT,” *RevQ* 18 (1997): 207–222.

c. *Qahat, Amram and Others*

Because Aaronites were part of the diastasis with the Zadokites, one was anxious to revive pre-Aaronitic priestly-traditions as a method of avoiding further diastasis. Those traditions were found in the records of Qahat (son of Levi; 4Q542 [TQahat ar]),⁴⁴ of Amram (son of Qahat; 4Q543–548 [Amram^{a-f}]),⁴⁵ of Hur and of Mirjam (sister of Aaron, 4Q549).

d. *Melchizedek*

The tradition of Melchizedek (11Q13 [Melch]) was maintained and understood as a cultural memory in view of the primordial Jerusalem, home to the community's first ancestor Zadok. Here it is important to touch upon the recent research of Florentino García Martínez⁴⁶ who argues as follows: in the texts from Qumran, especially in the "sectarian" writings, Melchizedek can only be identified with a huge amount of uncertainty. 11Q13 (dated to the middle of the 1st century BCE) is an exception. Here the proto-priest of Jerusalem, Melchizedek (cf. Gen 14), is stylised as a celestial messianic emancipator and antagonist of Belial. His original priestly tasks were blurred. 11Q13 deals with a "celestial messenger" (cf. Isa 52:7) who has often been identified with the "teacher of righteousness." According to García Martínez, on the other hand, he is actually a "prophetic Messiah" (cf. 4Q521).

V. Conclusion

Even though in some details the situation is not as observed by Géza Vermes, the following tendency can still be recognised:

The relationship between Zadokites and Aaronites is not to be explained as a simple linear development; cf. the complex relationship of the Damascus community and the yaḥad. It is important that the

⁴⁴ Cf. É. Puech, "Le Testament de Qahat en araméen de la Grotte 4 (4QTQah)," *RevQ* 15 (1991): 2–54; E. Cook, "Remarks on the Testament of Qohat from Qumran Cave 4," *JSS* 44 (1993): 205–219.

⁴⁵ Compare J. T. Milik, "Écrits préesséniens de Qumrân: d'Hénoch à Amram," in Delcor, ed., *Qumrân: Sa piété, sa théologie et son milieu*, 91–106; *idem*, "4Q Visions de Amram et une citation d'Origène," *RB* 79 (1971): 77–97.

⁴⁶ F. García Martínez, "The Traditions about Melchizedek in the Dead Sea Scrolls," *Qumranica Minora II: Thematic Studies on the Dead Sea Scrolls* (Leiden: Brill, 2007), 95–108.

serekh literature mentions Zadokite priests, Aaronites and Levites at the time of the foundation of the yahad, but that the “Manifesto of Foundation” (1QS VIII–IX) speaks only of Aaronites!

For 1QSa I,2 and 1Qsb it is clear, that the Zadokites were active in the context of the foundation of the community and they, therefore, receive the highest blessing. However, the older manuscript 4QSD sees the Aaronites at work; shortly after, 1QS presents both priestly groups as acting side by side and they appear to be interchangeable (cf. 1QS V,20f.; IX,7; 1QSa I,15f.23). CD speaks only of Zadokites, and its younger recensions allocate a leading position to the Aaronites.

I proposed several solutions for resolving these problems above. However, we should also reckon with the possibility that the Qumranites concealed the truth in order to suppress multiple claims and to concentrate on the singularly important divine service.

The diachronic presentation alludes to two parallel lines which intersect with one another at several points. There is no reason to believe that the reality of the community was different. Both lines can draw support from the *raison d'être* of the community. But the differences remained clear: Aaronites are associated predominantly with cultic functions, Zadokites with official-administrative functions and last but not least there are conceptual differences.

THE QUMRAN SECTARIANS AND THE TEMPLE IN JERUSALEM

MARTIN GOODMAN

It is commonly agreed by specialists in the Dead Sea Scrolls that the Qumran sectarians had turned their back on the Temple in Jerusalem and constructed for themselves a new Judaism in which the life and prayers and sacred meals of the community took the place of the sacrifices performed by the priests¹—such a separation is indeed taken so much for granted that texts which profess a more positive attitude to the Temple are sometimes deemed to belong to an early period in the history of the sect simply for this reason.² I shall examine in this study whether this assumption is justified.

The texts on which the standard picture is based refer to a time in the past when the (or a) community, or its leader (the Teacher of Righteousness), broke with a wicked priest,³ and to a time in the future when a corrupt priest or priests will suffer for their sins.⁴ The texts also in some places describe the community as being itself in some sense now a sacrifice offered to God in atonement for sin.⁵ Plenty of texts suggest dissatisfaction with the way that the Temple is run,⁶ and Peshier Habakkuk may suggest disagreement over how the calendar should be fixed, which many have argued would have prevented the sectarians from acknowledging the validity of what the Temple priests

¹ So, for example, E. Schürer, G. Vermes, F. Millar, and M. Black, *The History of the Jewish People in the Age of Jesus Christ* (rev. ed.; 3 vols.; Edinburgh: T & T Clark, 1979), 2: 582.

² For example L. H. Schiffmann, "Halakhah and Sectarianism in the Dead Sea Scrolls," in *The Dead Sea Scrolls in their Historical Context* (ed. T. H. Lim et al.; Edinburgh: T & T Clark, 2000), 123–42 (cf. 139–41, on the dating of some legal disputes in the Scrolls to the pre-Maccabean period on the grounds of 'Zadokite' halakhic trends); cf. also Charlotte Hempel in this volume.

³ 1QpHab XI, 4–6.

⁴ 1QpHab XI, 10–15; XII, 2–6.

⁵ 1QS VIII, 4–6 // 4QS^c II, 11–15.

⁶ B. Gärtner, *The Temple and the Community in Qumran and the New Testament: A Comparative Study in the Temple Symbolism of the Qumran Texts and the New Testament* (Cambridge: CUP, 1965).

did and encouraged their separation from the mainstream.⁷ I do not intend here to challenge all such interpretations but to ask whether the evidence from such texts is enough to encourage the view that sectarian Jews with such beliefs would cut themselves off from the Temple.

At the heart of the issue is the much wider question of the model of Second Temple Judaism against which the Qumran evidence should be interpreted. It is familiar that scholars on the scrolls occasionally complain that their colleagues stress too much either the Christian aspects of the texts (such as messianism),⁸ or the rabbinic (by describing sectarian rules as *halakha*),⁹ but in principle neither Christianity nor rabbinic Judaism should provide the obvious model, since both religious systems developed out of earlier Judaism only in the first century CE, after the composition and writing down of many of the scrolls.

Clearly the Dead Sea sectarians may have had a great deal in common with both Christians and rabbinic Jews simply because they shared texts which they all treated as in some sense authoritative, but, as is obvious from the difference between rabbis and Christians, they might also have evolved in quite different ways in the interpretation of those texts. In the study of other ancient religions, it is taken for granted that the use of later material to interpret earlier data is unhelpful—there is no good reason, for instance, to read into the archaeological and epigraphic evidence for Mithraism in the late first century CE, when it first started to spread through the Roman world, any of the sophisticated philosophical and synthetic notions to be found among worshippers of Mithras in the fourth century CE.¹⁰

My suggestion, then, is that one should try to study the scrolls in the light of the evidence which has not been affected by either Christianity

⁷ 1QpHab XI, 6–9; on the significance of the calendar for the alleged break with the Temple, see (e.g.) J. G. Campbell, *Deciphering the Dead Sea Scrolls* (2nd edn.; Oxford: Blackwell, 2002), 106–7.

⁸ See L. H. Schiffmann, *Reclaiming the Dead Sea Scrolls: Background of Christianity, Judaism and the Lost Library of Qumran* (Philadelphia: JPS, 1995).

⁹ For objections to the use of the term ‘*halakha*’ to refer to the legal rulings in the sectarian scrolls, see e.g. J. Strugnell, “MMT: Second Thoughts on a Forthcoming Edition,” in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls* (ed. E. Ulrich and J. C. VanderKam; Notre Dame: Notre Dame University Press, 1994), 57–73, esp. 65–6.

¹⁰ See (for example) R. L. Beck, “The Mysteries of Mithras: A New Account of their Genesis,” *JRS* 88 (1998):115–28; M. Claus, *The Roman Cult of Mithras: The God and his Mysteries* (trans. R. Gordon; Edinburgh: Edinburgh University Press, 2000), chapter 4.

or rabbinic Judaism. This is not all that easy to achieve, but it is worth, as an experiment, asking what would be known about Second Temple Judaism if the only data were archaeological and epigraphic remains, the comments of pagan authors, and (of course) the scrolls themselves. The evidence to be taken into account will naturally include not only the scrolls but the caves where they were found and the site of Qumran itself, but it will be appropriate, in light of reasonable uncertainties about the relationship between the scrolls, the caves, and the settlement site, to seek to understand each of these types of evidence separately before they are considered in the light of each other. The site at Qumran needs to be examined in its regional context to see which aspects of the site encourage an interpretation as a settlement of religious sectarians; a variety of explanations of the archaeological continuities between the site and the caves need to be explored before it can be assumed that they demonstrate that the people who used the caves lived on the site; arguments that the scrolls could have been brought from elsewhere before being deposited in the caves need to be taken seriously.¹¹ That is to say: an attempt needs to be made to understand the scrolls without preconceptions.

The rationale for attempting to escape rabbinic and Christian categories to understand the scrolls rests not simply on basic principles in the study of ancient religions but more precisely in the history of the interpretation of Judaism in this period. It is sobering to realise that the Judaism of Philo was unknown to the world of rabbinic Judaism until the writings of Azariah de Rossi in the sixteenth century;¹² that most of the Jewish pseudepigrapha preserved in the Christian tradition either in Greek or in translations from the Greek were only recognised as what they are in the eighteenth and nineteenth centuries;¹³ that the revolution in knowledge of early medieval Judaism brought about by the discovery of the Cairo Genizah occurred only at the end of the nineteenth century;¹⁴ and that the Dead Sea Scrolls themselves

¹¹ Many of the negative arguments propounded by N. Golb, *Who Wrote the Dead Sea Scrolls?* (London: Scribner, 1995) are powerful, even if the alternative hypotheses he puts forward do not always convince.

¹² See Azariah de' Rossi, *The Light of the Eyes* (transl. and annotated by Joanna Weinberg; New Haven: Yale University Press, 2001).

¹³ See J. H. Charlesworth, *The Pseudepigrapha and Modern Research* (Septuagint and Cognate Studies Series 7; Atlanta: Scholars Press, 1976).

¹⁴ S. C. Reif, ed., *A Jewish Archive from Old Cairo: The History of Cambridge University's Genizah Collection* (Richmond, Surrey: Curzon, 2000).

have been known only for sixty years.¹⁵ We can now be certain that if a learned rabbi like Rashi believed, before the Renaissance, that he knew the nature of Second Temple Judaism from the rabbinic texts, he will have been wrong, but it is just as naïve for us now to believe that we have a full set of data from which to understand the nature of Judaism in this period. It is perfectly possible that new evidence will turn up, not least through investigations in the Judaeen Desert itself,¹⁶ and in the meantime it is essential for historians to recognise how much there will always be that we cannot possibly know.

One thing we do not know is the number of Jewish religious groups that were to be formed in Judaea in this period.¹⁷ If only the rabbinic texts survived, we would know about Pharisees and Sadducees but not Essenes. If we relied only on the writings of Philo, we would know about Essenes but not about Pharisees or Sadducees. The New Testament texts say nothing about Essenes, but do refer to Pharisees and Sadducees. Only Josephus referred to all three groups, but there is no reason to suppose that he gave a full account of the extent of religious variety in his time: in his *War* and *Antiquities*, where he described the three ‘philosophies’ of Pharisees, Sadducees and Essenes, he was writing history, not ethnography;¹⁸ in his apologetic work *Against Apion* he actually claimed that there are no divisions within Judaism of any kind, since all Jews (so he alleged) enjoy total unanimity in their notions both about God and about correct worship.¹⁹ In light of this it is more probable than not that the sectarian scrolls were produced by a group or groups of Jews unattested in the later sources, and that similarities between groups are to be explained through their common origin in early forms of Judaism.

From these remarks it will be clear that I think it best not to pre-judge the meaning of the Scrolls by reading them in the light of the Greek and Latin sources on the Essenes, as is still common in con-

¹⁵ For the history of research, J. C. VanderKam, *The Dead Sea Scrolls Today* (Grand Rapids: Eerdmans, 1994), still provides one of the best accounts. See now also J. VanderKam and P. Flint, *The Meaning of the Dead Sea Scrolls: Their Significance for Understanding the Bible, Judaism, Jesus, and Christianity. With a Foreword by E. Tov* (London: T. & T. Clark, 2002).

¹⁶ For continuing new archaeological discoveries, see, for instance, H. Eshel, “Qumran Archaeology,” *JAOS* 125.3 (2005): 389–94 as well as H. Eshel in this volume.

¹⁷ See. M. Goodman, “Josephus and Variety in First-Century Judaism,” in *idem*, *Judaism in the Roman World: Collected Essays* (Leiden: Brill, 2007), 33–46.

¹⁸ Josephus, *J.W.* 2.119–61; *Ant.* 18. 11–22.

¹⁹ Josephus, *Ag. Ap.* 2.179–210, esp. 178–81.

temporary scholarship despite the legitimate concerns that have been raised about this procedure by a variety of historians in recent years.²⁰ This caveat is particularly important in discussion of the present topic, since passages in Josephus and Philo have been taken as evidence that Essenes either avoided the Temple or avoided sacrifices altogether, and if this were true, and if the Qumran sectarians were Essenes, this would naturally have a major influence on the way the sectarian scrolls are understood.²¹ It is worth noting that in fact the passages in Josephus and Philo about the Essenes are ambiguous, and that it is in any case uncertain whether Essenes avoided the Temple,²² so that the standard conflation of evidence about the Temple from the scrolls with evidence about the Essenes is doubly uncertain.

If none of the data preserved by later Jews and Christians had been preserved and we relied on pagan testimonia alone, we would have no hint of any variety within Judaism at this time: Pliny and Dio Chrysostom referred to Essenes, but without any suggestion that these religious enthusiasts espoused any sort of Judaism,²³ and pagan authors, who were well aware of the origins of Christus in Judaea, did not therefore consider Christianity a type of Judaism—on the contrary, Christianity was accused specifically of novelty.²⁴ We would also be ignorant of the importance within Judaism of halakha and midrash (since for pagan authors Moses was generally seen as the founder of all Jewish customs),²⁵ and we would find quite baffling the Theodotos inscription from Jerusalem, with its references to the synagogue as an institution, since the distinctive character of synagogue worship—its reliance on the reading of a text as the central liturgical action rather than sacrifice—seems (curiously) to have made no impact on the classical pagan

²⁰ For my views on this in more detail, see my article, “A Note on the Qumran Sectarians, the Essenes and Josephus,” in Goodman, *Judaism in the Roman World*, 137–43.

²¹ Josephus, *Ant.* 18.19; Philo, *Prob.* 75.

²² See J. M. Baumgarten, “The Essenes and the Temple: A Reappraisal,” in *idem*, *Studies in Qumran Law* (Leiden: Brill, 1977), 59–62; A. I. Baumgarten, “Josephus on Essene Sacrifice,” *JJS* 45 (1994): 169–83; J. E. Taylor, “Philo of Alexandria on the Essenes: A Case Study on the Use of Classical Sources in Discussions of the Qumran-Essene Hypothesis,” *Studia Philonica Annual* 19 (2007): 1–28, esp. 11–14.

²³ Pliny the Elder, *Naturalis historia* 5.15. 4 (73); Dio Chrysostom *apud* Synesius of Cyrene, *Dio* 3.2.

²⁴ Tacitus, *Ann.* 15.44; cf. M. Beard, J. North and S. Price, *Religions of Rome* (2 vols.; Cambridge: CUP, 1998), 1: 226.

²⁵ J. Gager, *Moses in Greco-Roman Paganism* (Nashville: Abingdon, 1972).

writers who refer to the Jews.²⁶ Even the Jewish emphasis on eschatology would escape us: Roman authors knew that the Jews had an oracle which predicted that the ruler of the world came from Judaea, but they seem to have been unaware that this notion belonged to a much larger framework of Jewish expectation for the end of time (which explains the ease with which Jewish expectations were interpreted as divine foreknowledge of the accession to the principate of Vespasian while engaged in Judaea as commander of the Roman army in the war against the Jews).²⁷

Of the characteristics of Judaism which would be familiar from the pagan evidence and the archaeology, most obvious would be the distinctive customs of the Jews (primarily their diet, their observance of the Sabbath—interpreted either as evidence of a philosophical bent or of indolence—and of male circumcision), and their obstinate refusal to worship the gods of others and to depict the divinity to whom their own worship was directed.²⁸ And the Jerusalem Temple would quite clearly be placed at the centre of Jewish worship. Numerous pagan authors attest the significance of the Temple for Jews and the role of the High Priests and the priestly caste: worship through sacrifices and offerings by priests in a sanctuary was one of the aspects of Judaism which outsiders found quite easy to accept, since it conformed to the normal religious behaviour of others in the Hellenistic and Roman world.²⁹ What particularly distinguished the Jewish Temple was, as Hecataeus remarked in the early third century BCE,³⁰ primarily its size and magnificence (a result, although pagans did not note this themselves, of the centralisation of the Jewish cult in one place, so that the Jerusalem building and its liturgy were financed not just by locals but by offerings from all over the extended Jewish world).³¹ And the

²⁶ For the Theodotos inscription, see J. B. Frey, *Corpus Inscriptionum Judaicarum* (Rome: Pontifical Institute of Christian Archaeology, 1936), 2: no. 1404; on the pagan evidence, see S. J. D. Cohen, "Pagan and Christian Evidence on the Ancient Synagogue," in *The Synagogue in Late Antiquity* (ed. L. I. Levine; Philadelphia: ASOR, 1987), 159–81.

²⁷ Suetonius, *Vesp.* 4.5; Tacitus, *Hist.* 5.13.2.

²⁸ See M. Goodman, "Jews, Greeks and Romans," in *Jews in a Graeco-Roman World* (ed. M. Goodman; Oxford: Clarendon, 1998), chapter 1.

²⁹ Cf. Goodman, "Jews, Greeks and Romans," 10.

³⁰ Cf. Hecataeus ap. Diodorus Siculus, *Bibliotheca Historica* 40.3 in M. Stern, *Greek and Latin Authors on Jews and Judaism* (3 vols.; Jerusalem: Israel Academy of Sciences and Humanities, 1974), 1: 26–9.

³¹ See Goodman, *Judaism in the Roman World*, chapters 4–5.



impression that the Jerusalem shrine far surpassed other temples in the Hellenistic world in size and magnificence can be amply confirmed by the archaeological discoveries in the city.³²

If this had constituted all our knowledge of Judaism in this period before 1947, the discovery of the Dead Sea Scrolls would not have challenged but confirmed the impression of the centrality of the Jerusalem Temple to Jews. Prescriptions for sacrifices and references to the Temple are scattered widely through the biblical texts from Qumran,³³ and there are also to be found 63 references to Jerusalem in the non-biblical texts (and few references to other cities),³⁴ detailed rules in the Temple Scroll for the Temple cult, building and furnishings,³⁵ calendars for the priestly courses in the Mishmarot,³⁶ frequent references in a variety of texts to priests and Aaron,³⁷ and, by no means of least significance, the list of (apparently) Temple treasures to be found in the enigmatic Copper Scroll.³⁸

From all of which evidence the obvious conclusion might seem to be that the Jews who produced the Scrolls were as much committed to the Jerusalem cult as other Jews. The helpful advice to be found in MMT on how to run the Temple undoubtedly reflects disputes among Jews as to how this should be done, but does not read like the polemic of a group which has cut itself off from the Temple altogether.³⁹ It was perfectly possible to interpret the sacrifices symbolically without thereby implying that the sacrifices should not also be carried out in practice, as Philo insisted in his attack on extreme allegorists for suggesting the contrary:⁴⁰ in a world in which sacrifices on altars were seen as the natural way to worship the gods,⁴¹ and within a religious system which relied on a sacred text which not only enjoined all Jews

³² N. Avigad, *Discovering Jerusalem* (Oxford: Blackwell, 1984).

³³ M. G. Abegg, P. Flint and E. Ulrich, eds., *The Dead Sea Scrolls Bible* (Edinburgh: T & T Clark, 1999).

³⁴ Cf. Emanuel Tov, *The Texts from the Judaean Desert: Indices and Introduction* (DJD 39; Oxford: Clarendon, 2002), 232. In his contribution to this volume George Brooke also emphasizes the prominent role attributed to Jerusalem in the *pesharim*.

³⁵ 11QT^a XLVI–XLVII, and *passim*.

³⁶ E.g. 4Q320 4 III.

³⁷ E.g. 1QS VIII, 8–9 // 4QS^d VI, 2–3 // 4QS^c II, 16–18.

³⁸ Cf. the Copper Scroll (3Q15) XI, 7.

³⁹ See 4Q395 (MMT^b) 3–9 and *passim*.

⁴⁰ Philo, *Migr.* 92.

⁴¹ M.-Z. Petropoulou, *Animal Sacrifice in Ancient Greek Religion, Judaism and Christianity, 100 BC to AD 200* (New York: OUP, 2008).

to perform such sacrifices but gave precise instructions, based on a divine mandate, as to how this was to be done,⁴² the Temple cult was not lightly to be abandoned. The Yaḥad might see itself as pure and separate from sin, and its prayers as like sacrifices in the eyes of God,⁴³ but adoption of such imagery did not obviously encourage abandonment of the sacrifices which the Torah so explicitly enjoined.

It had of course proved perfectly possible for Jews in earlier generations to criticise a reliance on sacrifices by those who did not care to keep the rest of God's commandment, without therefore advocating abstention from the sacrificial cult.⁴⁴ Thus, Amos declared that in his displeasure with Israel God would refuse the offerings brought to the altar because justice and righteous mattered more,⁴⁵ and Isaiah, whose book was preserved in multiple copies at Qumran, asserted that the Lord does not delight in the blood of bulls, lambs and goats when the hands of the people are full of blood.⁴⁶ Yet neither Amos nor Isaiah thereby implied that sacrificial offerings were irrelevant or to be shunned. Deuteronomy, the most frequently attested book of the Pentateuch among the biblical Dead Sea Scrolls,⁴⁷ provides the most explicit injunctions to participate in the pilgrimage festivals,⁴⁸ and similar injunctions are found, in detail, in the Temple Scroll.⁴⁹ It may well be possible to find numerous different attitudes to the Temple expressed in the sectarian scrolls, and to suggest that these reveal either different stages in the development and changing use of Temple ideology and language about the Temple by sectarians or a number of different groups which related to the Temple in different ways,⁵⁰ but none of these attitudes

⁴² E.g. Leviticus 23: 1–21.

⁴³ E.g. 1QS VIII, 4–6 // 4QS^c II, 11–15; 1QS VIII, 10 // 4QS^d VI, 4; 1QS IX, 3–6 // 4QS^d VII, 4–6.

⁴⁴ See G. A. Anderson, *Sacrifices and Offerings in Ancient Israel: Studies in Their Social and Political Importance* (Harvard Semitic Monographs; Atlanta: Scholars Press, 1987).

⁴⁵ Amos 5: 21–24.

⁴⁶ Isaiah 1:11–15.

⁴⁷ Tov, *Texts from the Judaean Desert: Indices and Introduction*, 167–70.

⁴⁸ Deut 16: 1–16; cf. 4QDeut^c for Deut 16:2–3, 6–11, 21–22, and the list in Tov, *Texts from the Judaean Desert: Indices and Introduction*, 189–91.

⁴⁹ 11QT^a XIII–XXIX.

⁵⁰ So G. J. Brooke, "The Ten Temples in the Dead Sea Scrolls," in *Temple and Worship in Biblical Israel* (ed. John Day; London: T & T Clark, 2005), 417–34. H. E. Kapfer, "The Relationship between the Damascus Document and the Community Rule: Attitudes Towards the Temple as a Test Case," *DSD* 14 (2007):152–77, takes the

should be taken to indicate the withdrawal from the actual Temple and Jerusalem which has so often been assumed.

This does not mean, of course, that those who wrote the Scrolls were happy with the way that the Temple was being run in their day, and there is of course much evidence for criticism, but there are reasons to suppose that such dissatisfaction with the Temple was widespread in the late Second Temple period without dissatisfaction leading to withdrawal from Temple worship. According to Josephus, the priests in the Temple will have followed the rulings of the Pharisees with regard to prayers and sacrifices, since the Pharisees wielded greatest influence among the people in such matters.⁵¹ If this is true, a Sadducee High Priest like Ananus son of Ananus⁵² will have presided over a cult in which the priests followed a process of purification which he himself viewed as invalid.⁵³ If the rabbinic sources which record the dispute between Pharisees and Boethusians on the counting of the omer are to be believed,⁵⁴ and if Boethusians here are to be identified with Sadducees, and if Josephus was right, the pilgrimage festival of Shavuot will have been celebrated in the Temple on a day which Sadducees believed incorrectly calculated. (And if Josephus was wrong, and the Temple followed Sadducaic rulings, Pharisees will similarly have believed that the wrong calendar was being followed; so the Pharisees will have been peeved instead). But there is absolutely no reason to suggest that either Pharisees or Sadducees ever boycotted the Temple and much evidence to the contrary: when, for instance, Jerusalem was on the verge of revolt in 66 CE, leading Pharisees were among those who urged the continuation of loyal sacrifices on behalf of the Roman empire;⁵⁵ and Josephus' own career showed that it was possible to be both a Pharisee and a priest;⁵⁶ and the Sadducee Ananus had been High Priest only a few years before.⁵⁷

It is right to imagine the Temple as a public arena for the expression of strong disagreement between different groups of Jews, not

different attitudes exhibited as evidence of the priority of one document compared to the other.

⁵¹ Josephus, *Ant.* 18.15–17.

⁵² Josephus, *Ant.* 20.199.

⁵³ *m. Parah* 3:7.

⁵⁴ *m. Menahot* 10:3.

⁵⁵ Josephus, *J.W.* 2.411–16.

⁵⁶ Josephus, *Life* 1.10–12.

⁵⁷ Josephus, *Ant.* 20.197.

least about the conduct of the cult itself (as, for instance, in the very public demonstration by Pharisees that in their view the stringency demanded by Sadducees in the purity of the priest who carried out the red heifer sacrifice was excessive).⁵⁸ The Qumran sectarians will undoubtedly have become very upset by such issues—after all, the Damascus Document explicitly asserts that “no-one should send to the altar a sacrifice, or an offering, or incense, or wood, by the hand of a man impure from any of the impurities, so allowing him to defile the altar,”⁵⁹ and that those who have been brought into the covenant “shall not enter the Temple to kindle his altar in vain,”⁶⁰ but the emphasis of this latter passage, which cites Malachi 1:10, is precisely the need to take care to worship properly as the law requires,⁶¹ and the same must be true of the Dead Sea sect. No sectarian text threatens sectarians that they will suffer in some way if they enter the Temple, and, as has been seen, it would have been bizarre for any group of Jews to turn their back on the Temple in its magnificence unless, like the exiled High Priest Onias in Egypt in the second century BCE, they sought to set up a rival Temple cult elsewhere,⁶² of which the scrolls from Qumran give no hint whatsoever: the suggestion (found quite frequently in the scholarly literature) that animal bones found on the Qumran site provide evidence of an alternative sacrificial practice is not at all plausible.⁶³

If the notion that the Dead Sea sectarians cut themselves off from the Temple is bizarre and is not required by a simple reading of the texts, it is not difficult to see why it has nonetheless enjoyed such widespread acceptance for so long. Both rabbinic Judaism and Christianity have evolved ways to worship God while professing to take seriously the sacred texts in which sacrifices are enjoined but without

⁵⁸ *m. Parah* 3:7; cf. M. Goodman, *Mission and Conversion: Proselytizing in the Religious History of the Roman Empire* (Oxford: Clarendon, 1994), 171–2.

⁵⁹ CD XI, 18–21.

⁶⁰ CD VI, 11–12; as Hanan Eshel pointed out to me, the editor of 4Q266 reconstructs this text *ad loc.* (3 II, 18) without $\square\nu\nu$ “in vain,” but it is hard to know how much to rely on a conjectural interpretation of a conjectured omission in a missing section of a very fragmentary line of a fragment, see J. M. Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)* (DJD 18; Oxford: Clarendon, 1996), 41–43.

⁶¹ CD VI, 13–VII, 4.

⁶² Josephus, *J.W.* 7. 426–32, esp. 431.

⁶³ J. Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2002), 105–33; cf. also Brooke, “Ten Temples,” 429–30.

actually performing those sacrifices. Indeed Christians quite early in their history, and rabbinic Jews at a rather later stage, even managed to claim their lack of sacrifices as a virtue.⁶⁴ But these developments, in both cases, occurred after the destruction of the Temple by Rome in 70 CE, and especially after it became increasingly and devastatingly apparent that the Romans would not allow the Temple to be rebuilt.⁶⁵ Such a disaster would be impossible to imagine while the Temple was still standing—after all, although there had indeed been a catastrophic destruction of the First Temple in 586 BCE, it had in due course been rebuilt, and if disaster struck again, the same would surely happen. To understand the Dead Sea sectarians through a perspective based on what was to happen after the sect had (so far as we know) ceased to exist is deeply misleading, and this analysis of attitudes to the Temple may serve as a general warning about the dangers inherent in reading the scrolls through a rabbinic lens or a Christian.

⁶⁴ On Christian claims, see Petropoulou, *Animal Sacrifice*; for Jewish claims, see Maimonides, *Guide for the Perplexed* 3. 32.

⁶⁵ M. Goodman, *Rome and Jerusalem: The Clash of Ancient Civilizations* (London: Allen Lane, 2007), chapter 12.

THE CONTEXT OF 4QMMT AND COMFORTABLE THEORIES*

CHARLOTTE HEMPEL

I. *Introduction*

Six copies of the so-called Halakhic Letter 4QMMT were found in Qumran Cave 4, and palaeographers have suggested that they were copied over a period of about 100 years or more (ca. 75 BCE–50 CE). Whether or not the work was composed at Qumran, it was obviously copied over a long period of time and must, therefore, have been regarded as important. The document falls into three parts: a calendric section, a halakhic section, and a homiletic section presented as sections A, B, and C in the *editio princeps* published as volume 10 of the Series Discoveries in the Judean Desert.¹ It is a matter of dispute whether or not the calendric section A at the beginning of the work forms an integral part of the document or not.² The halakhic section B forms the central part of the document and lists a number of legal issues where a ‘we’ group addresses a you plural group to try and convince them of their legal standpoint. Apart from the writers (we) and the addressees (you plural) the document also refers to a ‘they’ group who adopt different, and in the authors’ views intolerable, legal practices. The last part C is usually referred to as the homiletic epilogue. This last part at times addresses an individual, often thought to be a political ruler, who is asked to consider the kings of Israel. The

* Outside of the Birmingham conference that gave rise to this volume I presented the material contained in this chapter to the Senior New Testament Seminar in Cambridge, UK, and at the Centre for Judaic Studies at Yale University, USA. I am grateful to Prof. Judy Lieu (Cambridge) and Prof. Steven Fraade (Yale) for their invitations and to the learned audiences in both institutions for their contributions.

¹ Elisha Qimron and John Strugnell, *Qumran Cave 4. V. Miqṣat Ma’āšeh ha-Torah* (DJD 10; Oxford: Clarendon, 1994).

² Cf. F. García Martínez, “Dos Notas Sobre 4QMMT,” *RevQ* 16 (1993): 293–297; J. VanderKam, “The Calendar, 4Q327, and 4Q394,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies Published in Honour of Joseph M. Baumgarten* (ed. M. Bernstein, F. García Martínez and J. Kampen; Leiden: Brill, 1997), 179–194; and most recently Hanne von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue* (STDJ 82; Leiden: Brill, 2009), 33–38.

epilogue also contains a reference to a separation from the majority of the people on the part of the 'we' group. When this text was first introduced to scholars the editors argued that we are dealing with a letter by the teacher of righteousness to the wicked priest that goes back to the time just before the teacher's group segregated itself.³ More recently scholars have become slightly more cautious in their assessment of this text.⁴

Some twelve years ago I published a paper on 4QMMT and the Laws of the Damascus Document presented at a symposium at the Hebrew University.⁵ On that occasion I tried to show that parts of the legal section of MMT and parts of the Laws of the Damascus Document deal with the same halakhic issues, and at times even address the same scriptural texts in the same sequence. I concluded that such close links indicate that the compiler/author of MMT probably made us of a halakhic source in a similar manner to the author/compiler of the Damascus Document. If this conclusion were correct, it speaks against considering the document as a letter composed from scratch by the teacher. Almost at the same time and entirely independently, Perez Fernandez also argued for the composite nature of MMT on stylistic grounds.⁶

II. *Looking Back*

An important avenue of current research is the question of how the more recently published material fits in with the texts we have known and studied for some decades.⁷ In particular, we may want to ask

³ E. Qimron and J. Strugnell, "An Unpublished Halakhic Letter from Qumran," in *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, April 1984* (Jerusalem: IES, 1985), 400–407.

⁴ See, e.g., J. Strugnell, "MMT: Second Thoughts on a Forthcoming Edition," in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls* (ed. E. Ulrich and J. VanderKam; Notre Dame: University of Notre Dame Press, 1994), 57–73. For a recent overview see von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 17–25.

⁵ Charlotte Hempel, "The Laws of the Damascus Document and 4QMMT," in *The Damascus Document: A Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center, 4–8 February 1998* (STDJ 34; Leiden: Brill, 2000), 69–84.

⁶ M. Perez Fernandez, "4QMMT: Redactional Study," *RevQ* 18 (1997): 191–205.

⁷ For an assessment of the current climate in Qumran Studies along these lines see Charlotte Hempel, "Texts, Scribes, Caves and Scholars: Reflections on a Busy Decade in Dead Sea Scrolls Research," *Expository Times* 120/6 (2009): 272–276.

whether some of the texts that reached us more recently were, in fact, allowed to tell their story, or whether their voices were made to fit into the script of a much larger narrative. One thinks of the analogy of a rather poor conversation in which one partner might say a couple of words and the impatient other partner immediately barges in with their interpretation of events without having heard or understood what the former has to say. We've all experienced this, many of us from either side of the fence!

To a considerable degree it is, of course, a natural and proper thing to approach the unfamiliar by reference to things we know.⁸ In fact, it is impossible not to do so. The question is whether we should stop there *or* continue to ask questions and be prepared to allow for areas where the picture is less smooth and remains thought-provoking and uneven. This kind of scenario, characterised by an unnatural haste, to fit a text into a preconceived framework seems to apply more than in most other cases with reference to the interpretation of 4QMMT.⁹

There is another increasingly important factor that comes into play here, and that is the assumption that guided us for many years that the corpus of the non-biblical scrolls is just that: 'a corpus'. We saw this assumption being refined over the last couple of decades by increasingly making allowance for the fact that a large number of the new texts are non-sectarian.¹⁰ A vital question is then how this non-sectarian material relates to the wider world.¹¹ Given that the distinction between sectarian and non-sectarian is not a straightforward,

⁸ See the pertinent and methodologically cautious approach already advocated by Moshe Bernstein, "The Employment and Interpretation of Scripture in MMT," in *Reading MMT: New Perspectives on Qumran Law and History* (ed. J. Kampen and M. Bernstein; Atlanta: Scholars Press, 1996), 29–51, here 30–31. See also in the same volume D. R. Schwartz, "MMT, Josephus, and the Pharisees," 67–80, esp. 74–75.

⁹ Note in this context the comparable critique by Fergus Millar with reference to Dura Europos, F. Millar, *The Greek World, the Jews, and the East* (ed. Hannah M. Cotton and G. M. Rogers; Chapel Hill NC: University of North Carolina Press, 2006), 429 where he speaks of "over-ambitious and over-hasty interpretations" on the part of the excavators.

¹⁰ See the seminal study by D. Dimant, "The Qumran Manuscripts: Contents and Significance," in *Time To Prepare The Way in the Wilderness. Papers on the Qumran Scrolls by Fellows of the Institute for Advanced Studies of the Hebrew University, Jerusalem, 1989–1990* (STDJ 16; ed. Devorah Dimant and L. H. Schiffman; Leiden, Brill, 1995), 23–58.

¹¹ On this issue see now Charlotte Hempel, "1QS 6:2c–4a–Satellites or Precursors of the Yahad?" in *The Dead Sea Scrolls and Contemporary Culture: Proceedings of the International Conference held at the Israel Museum, Jerusalem (July 6–8, 2008)* (ed. A. Roitman, L. H. Schiffman, and Shani Tzoref; Leiden: Brill, forthcoming).

clean-cut distinction but rather a continuum we are in a potentially rather fluid situation.¹²

III. *MMTian U-turns*

The fact that the interpretation of MMT is a particularly helpful example to illustrate wider methodological issues is already self-evident in the relatively brief history of scholarship on this text. MMT has been made to bear a lot of weight relating to a variety of issues. The question is, does the evidence of MMT itself prove to be strong enough to bear the weight? In many cases this has proved not to be the case, and I label a number of these cases significant u-turns. I will discuss a selection of those u-turns before claiming that another such u-turn is in the air and deserves reinforcing. All the while I hope that the exercise of reflecting on how we *have* been reading this text will be of value in thinking about how we *should* be reading it and others besides.

Before I take my first example, I must clarify that not every u-turn is taken by all scholars. We might think of a hierarchy of u-turns with some already in evidence in the *editio princeps* in DJD 10 (which despite being the *editio princeps* already represents a certain amount of taking stock of and re-evaluating some initial pre-publication assessments of MMT). I cannot resist quoting Florentino García Martínez on the various minor disagreements between the two editors of MMT in the *editio princeps* and beyond. By beyond I mainly refer to the wonderful and revealing title of an article that co-editor Strugnell published in the wake of DJD 10 “Second Thoughts on a Forthcoming Edition.”¹³ García Martínez captures the dynamics of the collaborative edition beautifully when he notes that he is left with “the impression of being witness of a couple who, after the love has become sour, are fighting for the custody of the only child.”¹⁴ Other u-turns, by contrast, have

¹² See most recently Jutta Jokiranta, *Identity on a Continuum: Constructing and Expressing Sectarian Social Identity in Qumran Serakhim and Pesharim* (Ph.D. diss., University of Helsinki, 2005); G. J. Brooke, “From Jesus to the Early Christian Communities: Modes of Sectarianism in the Light of the Dead Sea Scrolls,” in *The Dead Sea Scrolls and Contemporary Culture* and F. García Martínez, “¿Sectario, no-sectario, o qué? Problemas de una taxonomía correcta de los textos qumránicos,” *RevQ* 23 (2008): 383–394.

¹³ See note 4 above.

¹⁴ F. García Martínez, “4QMMT in a Qumran Context,” in *Reading MMT*, 15–27, here 15.

been advocated by some scholars and are not necessarily followed by others. It is, nevertheless worthwhile reviewing a number of changes of course that scholars have taken in their assessment of MMT.

– MMT was written by the teacher of righteousness to the wicked priest.

Although this view is still held by some we note already in the *editio princeps* a softening of earlier statements partly because Strugnell became increasingly reluctant to promote such a reading whereas Qimron's voice is more confident about the likelihood of this interpretation.¹⁵ Thus, whereas MMT was initially announced as a letter by the teacher, a number of scholars subsequently advocated much more caution. Let me quote one example of a more cautious position advocated by John Kampen who wrote in 2001,

That this anonymous author is the Teacher of Righteousness is sheer conjecture. Such a hypothesis probably obscures our ability to understand the historical and sociological matrix of the document...¹⁶

– The initial identification of the genre of MMT as a letter has been challenged and refined.

A number of scholars have questioned the identification of the genre of the text as a letter and argued for more refinement raising the various options of an epistle or a treatise.¹⁷ Moreover, others still have questioned the genre of the text as a letter and/or epistle to an outside party suggesting instead plausible ways of reading it as an intra-mural text, so Fraade and Grossman.¹⁸ It seems to me important to distinguish

¹⁵ For a favourable view on this initial assessment see recently E. Regev, *Sectarianism in Qumran: A Cross-Cultural Perspective* (Berlin: de Gruyter, 2007), 102 n. 21, 104–107 and H. Eshel, *The Dead Sea Scrolls and the Hasmonean State* (Grand Rapids: Eerdmans, 2008), 29–61.

¹⁶ J. Kampen, "4QMMT and New Testament Studies," in *Reading MMT*, 129–144, here 132.

¹⁷ Armin Lange and U. Mittmann Richert classify MMT in the larger category of 'Texts Concerned with Religious Law' and more particularly as an 'Epistolary Treatise Concerned with Religious Law', cf. "Annotated List of the Texts from the Judaean Desert Classified by Content and Genre," in *The Texts from the Judaean Desert: Indices and an Introduction to the Discoveries in the Judaean Desert Series* (DJD 39; ed. E. Tov; Oxford: Clarendon, 2002), 115–164, here 132. For an extensive recent discussion see von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 143–168.

¹⁸ Cf. S. Fraade, "To Whom it May Concern: 4QMMT and Its Addressee(s)," *RevQ* 19 (2000): 507–526 and Maxine Grossman, "Reading MMT: Genre and History," *RevQ* 20 (2001): 3–22.

between the composition of the document and its subsequent reception in the community which continued to copy it. On the level of its original setting and background, an ‘intra-mural’ reading presupposes ‘walls’, clearly defined boundaries that may not be evident in the text. Suffice it to say that my own interest here is not the reception of the document in a much more developed later community but its background.¹⁹

– Initial reports about a new, clear reference to the tripartite canon in MMT have been vocally challenged in recent years by scholars such as Gene Ulrich and recently Berthelot and others.²⁰

In short, we seem to be able to identify a number of waves in the scholarly appreciation of MMT that start with initial confidence only to be subjected to increasing levels of caution on closer scrutiny. Not everyone will agree with the ‘second wave’ in a number of instances, but the presence of a pattern along these lines seems fairly clear.

Let me now turn to another area where I perceive a growing tidal wave of change in our reading of a crucial passage in MMT, i.e., the view that the work contains a reference to the emergence of the community. One of the most fascinating and talked about statements in MMT, the reference to a separation on the part of the authors of the text from the multitude of the people, deserves to be scrutinized more than appears to have been the case. Because this statement occurs in the final part of the text, the epilogue, I will begin with some remarks on the epilogue in current scholarship.

¹⁹ Fraade’s multi-faceted conclusion lays out three options, cf. “To Whom It May Concern”, 524–525. He prefers to read the text as having been composed with an intra-mural audience in mind. It is unlikely, however, that such a reading would have emerged on the basis of MMT alone without having studied a number of other texts first. On this issue see also Perez Fernandez, “4QMMT: Redactional Study,” 193.

²⁰ See, e.g., Katell Berthelot, “4QMMT et la question du canon de la Bible hébraïque,” in *From 4QMMT to Resurrection. Mélanges qumraniens en hommage à Émile Puech*, (ed. F. García Martínez, Annette Steudel, and E. Tigchelaar; Leiden: Brill 2006), 1–14 and E. Ulrich, “The Non-Attestation of a Tripartite Canon in 4QMMT,” *CBQ* 65 (2003): 202–214. See also R. Kratz, “Mose und die Propheten: Zur Interpretation von 4QMMT C,” in *From 4QMMT to Resurrection*, 151–176, esp. 158–160.

IV. *The Epilogue*

The Epilogue has received a great deal of attention, and rightly so.²¹ Most recently Hanne von Weissenberg has written an important monograph that is devoted chiefly, though not exclusively, to the Epilogue of MMT.²²

a. *Where Does the Epilogue Begin? And How Does it Start?*

One crucial issue among many that is being raised with increasing frequency is the question of where the epilogue begins.²³ Three of the six manuscripts of MMT contain material from the epilogue. Although neither of the six manuscripts undisputedly preserves the transition from halakhah to epilogue, two manuscripts contain material from the first preserved parts of the epilogue. These two crucial manuscripts are 4Q397 (MMT^d) and 4Q398 (MMT^e).

The two most crucial issues are:

1. Where are fragments 11–13 of manuscript e to be placed? On this issue the co-editors of the text Strugnell and Qimron diverged.²⁴
2. Has the material from manuscript d currently positioned at the beginning of the epilogue in the *editio princeps* been placed correctly? This placement makes sense in terms of content, but may be materially difficult. The question of the correct placement of a series of crucial fragments in 4Q397 (d) 14–21 and 4Q398 (e) 11–13 in the composite text of the *editio princeps* is rightly being scrutinized

²¹ See Bernstein, “The Employment and Interpretation of Scripture,” 46–51; García Martínez, “4QMMT in a Qumran Context;” S. Fraade, “Rhetorics and Hermeneutic in Miqsat Ma’aseh ha-Torah (4QMMT): The Case of the Blessings and Curses,” *DSD* 10 (2003): 150–161; and Kratz, “Mose und die Propheten.”

²² 4QMMT: *Reevaluating the Text, the Function, and the Meaning of the Epilogue*.

²³ See Qimron and Strugnell, *Qumran Cave 4. 5*, 111 and Strugnell’s Appendix 3 in the same volume, 204–205. See also von Weissenberg, 4QMMT: *Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 85–104.

²⁴ See Qimron and Strugnell, *Qumran Cave 4. 5*, Appendices 2 and 3; García Martínez, “4QMMT in a Qumran Context;” 15–16, 27. Callaway asks whether some of these groups of fragments may belong to separate manuscripts, cf. P. Callaway, “4QMMT and Recent Hypotheses on the Origin of the Qumran Community,” in *Mogilany 1993: Papers on the Dead Sea Scrolls* (ed. Z. Kapera; Krakow: Enigma, 1996), 15–29, esp. 19 n. 17, 22.

at present.²⁵ Crucially, it is one of these groups of fragments that contains the much talked about ‘separation’ passage.

A number of crucial preliminary issues that are at the forefront of current scholarship were emphasized early on by Strugnell,²⁶ Qimron,²⁷ Bernstein,²⁸ and others and have been looked at more recently by von Weissenberg and Reinhard Kratz.²⁹ A number of these scholars made use of the important work on the reconstruction of these fragmentary manuscripts undertaken by the late Hartmut Stegemann.³⁰ In her recent treatment of this complex question Hanne von Weissenberg offers an alternative arrangement of the epilogue to the one found in the *editio princeps*. This alternative arrangement places the ‘separation passage’ in the body of the epilogue rather than near its beginning.³¹

In sum, the current arrangement of the composite text with the separation passage placed near the beginning of the epilogue has a lot to commend it in terms of content. However, a number of serious reservations have been raised on material grounds that make such a composite text difficult to defend.³² Some excellent and detailed work on the material reconstruction of the epilogue is being undertaken at the moment by Prof. Reinhard Kratz in Göttingen based on the extensive but unpublished preliminary work of Stegemann.

It is worth bearing in mind that these important and difficult questions which we are struggling to answer are mainly posed in relation to the composite text. It may be permissible for the purposes of this chapter to focus on one manuscript and to leave aside for the moment the quite different issue of how this manuscript is best conflated with other manuscripts. A focus on individual manuscripts suggests itself

²⁵ See Qimron and Strugnell, *Qumran Cave 4. 5*, 58–59.

²⁶ Appendix 3 in Qimron and Strugnell, *Qumran Cave 4. 5* and “Second Thoughts on a Forthcoming Edition.”

²⁷ E. Qimron, “The Nature of the Reconstructed Composite Text of 4QMMT,” in *Reading MMT*, 9–13.

²⁸ “The Employment and Interpretation of Scripture,” 46–47.

²⁹ Von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue* and Kratz, “Mose und die Propheten.”

³⁰ See, e.g., Strugnell’s Appendix 3 in *Qumran Cave 4. 5*, 205.

³¹ I. e. starting with 4Q398 fragments 11–13 and continuing with 4Q397 fragments 14–21 1–9; see *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 95–104.

³² For a good summary of the key issues, esp. varying line lengths, see von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue*, esp. 88–89.

in light of recent studies emphasizing the likelihood that the two crucial manuscripts d and e differed from one another.³³ In other words, alternative sequential arrangements in a composite text of fragments from different manuscripts that minimally overlap with one another may not be the only possible explanation of the evidence. Indeed, it is one of the virtues of recent approaches to highlight the significance of a number of variants in different manuscripts of the epilogue, and it seems timely, therefore, to be open to the full spectrum of possible explanations of the evidence including the possibility that a conflation into a single composite text of all of manuscripts d and e may not be the right way forward.³⁴ One may imagine, by way of illustration, the amount of ink that would have been spilt had we endeavoured to produce such a composite text for the Community Rule. Fortunately and purely by chance we know that there are huge differences in the extent of the manuscripts.

In the remainder of this chapter I will focus on the contents of one manuscript: 4Q397 (d), esp. fragments 14–21, 1–8, the ‘separation’ passage. A number of scholars have drawn attention to the fact that the fragmentary remains of the opening lines of these fragments share formal characteristics with the halakhic portion of MMT, esp. the heading *ועל הנשים*.³⁵ In Bernstein’s view, for instance, the separation statement is the transition between laws and epilogue, or more precisely, the beginning of the epilogue. Perez Fernandez takes the separation passage and the following two lines as still part of the halakhic portion on stylistic grounds, and in his view the epilogue proper begins with the words: ‘We write to you’ (his translation) in line 10 of our manuscript and also C 10 of the composite text.³⁶ It is on the basis of these considerations of the contents of fragments 14–21 that it looks as though 4Q397 may, after all, have preserved the fragmentary transition between halakhah and epilogue.

³³ See von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 91 and Kratz, “Mose und die Propheten,” 160.

³⁴ See also Callaway, “4QMMT and Recent Hypotheses,” 22: “It is extremely difficult to determine whether 4Q397 14–21 ever actually overlapped with 4Q398.”

³⁵ Cf. Bernstein, “The Employment and Interpretation of Scripture,” 46–47.

³⁶ “4QMMT: Redactional Study,” 196–197.

V. Separation

One of the most important statements in 4QMMT is commonly read as a reference to the separation on the part of the authors of the document from society at large. This separation is furthermore frequently associated with the earliest phase of the Qumran community's existence or conceivably its parent movement.

There is no agreement on this. Thus, Qimron holds that the text clearly refers to the Qumran community³⁷ whereas others³⁸ are more circumspect preferring to speak in terms of a pre- or early Qumranic setting.³⁹

This reference to a separation in terms of community origins has recently rightly been challenged. Perez Fernandez allows for the possibility that the reference to separation from the people still deals with the issue of intermarriage between priests and Israelites.⁴⁰ Sharp takes

³⁷ See Qimron and Strugnell, *Qumran Cave 4. 5*, 121.

³⁸ García Martínez, "4QMMT in a Qumran Context," 17, 27 ("pre-Qumranic context, closely related to the later Qumran group."); L. H. Schiffman, "The Place of MMT in the Corpus of Qumran Manuscripts," in *Reading MMT*, 81–98, here 97–98 ("formative period of the Qumran sect"); G. Vermes, *The Dead Sea Scrolls: Qumran in Perspective* (rev. third edn.; London: SCM, 1994), 74 ("probably echoes the pre-history or early history of the sect"); Bernstein, "The Employment and Interpretation of Scripture," 30–31 ("early Qumranic"); and Regev, *Sectarianism*, 95 ("dawning of the sect").

³⁹ This issue is complicated by the intriguing fact that MMT uses a number of terms that may, in isolation, clearly refer to an organized communal framework familiar from the Damascus Document and the Community Rule, i.e. camp(s) and *tohorah*. However, when we look more closely it is clear that camp is not used as part of a structure involving a *mebaqqer* but rather in an exegetical sense, see also Schiffman, "Place of 4QMMT," 88–89. Similarly, although *tohorah* and esp. also *tohorat harabim* eventually became technical terms for the purity especially in the context of meals in the community, here and elsewhere it can also be used in a more general sense, cf. 11QT^a LXIII, 10–15. Strugnell seems entirely correct when he observes in Appendix 3 to *Qumran Cave 4. 5*, "In general, the absence from all of MMT of Qumranic sectarian language, organizational or theological, requires some explanation, especially in light of the similarity of the legal part of MMT to the legal traditions of the Qumran sect." 205.

⁴⁰ "4QMMT: Redactional Study," 194 n. 23. Similarly J. Strugnell, "More on Wives and Marriage in the Dead Sea Scrolls: (4Q416 2 ii [Cf. 1 Thess 4:4] and 4QMMT §B)," *RevQ* 17 (1996): 537–547, here 546. Others prefer to see the issue as marriage between Israelites and non-Israelites. See, e.g., L. H. Schiffman, "Prohibited Marriages in the Dead Sea Scrolls and Rabbinic Literature," in *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls* (ed. S. Fraade, A. Shemesh, and Ruth Clements; Leiden: Brill, 2006), 113–125, here 121–122 and C. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: OUP, 2002), 82–91.

the separation to refer to marriage between Israelites and non-Jews.⁴¹ Her emphasis on the prominence of marital issues in MMT and terminological connections to Ezra/Nehemiah are well taken, but she overstates her case dramatically when she argues for marital and sexual innuendo in some much less likely cases.

Hanne von Weissenberg, on the other hand, still believes that the text refers to a separation from the majority of the people but convincingly challenges the view that this refers to a general withdrawal from society at large on the part of the authors' group. Thus, she writes in her dissertation,

Furthermore, when the epilogue is read carefully, the separation from the rest of the people is not the main emphasis of the epilogue; rather the author/redactor's main focus is on the repentance and reformation of the Jerusalem cult, which could not be achieved by separation only.⁴²

If we stay with a translation along 'separation' lines, this does not necessarily mean that this passage speaks—in the words of the editors of DJD 10—of “the creation of ‘sects.’”⁴³ It seems to me that the way in which this passage is interpreted is still very much part and parcel of the way the text was initially read and categorized. However, as many scholars have frequently stressed, the tone of the document is eirenic and conciliatory and rather difficult to reconcile with a schism. This issue is often solved by emphasizing that the document witnesses a very early phase in the schism. If we imagine the schismatic development to be represented by a linear image it seems to be defying clarity to speak of the emergence of the community, a schism, only to qualify this by emphasizing the early composition date of the text and its friendly tone. If we take it back to an early and very benign phase in relations it is simply not a schism. And my suspicion is that the schism and community emergence idea is partly a relic from the phase in the study of MMT that unreservedly believed it to be purely and simply a letter by the Teacher of Righteousness to the Wicked Priest explaining the grievances of the teacher and his followers. It is this basic presupposition: that the separation statement speaks of the

⁴¹ Carolyn Sharp, “Phinean Zeal and Rhetorical Strategy in 4QMMT,” *RevQ* 18 (1997): 207–222, esp. 212.

⁴² 4QMMT: *Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 235. See already Callaway, “MMT and Recent Hypotheses,” 25.

⁴³ Qimron and Strugnell, *Qumran Cave 4. 5*, 111.

emergence of the/a community attested in the Scrolls that is rightly being reconsidered in most recent scholarship.

VI. *The Reading in 4Q397 14–21 7*

Despite the large number of publications that speak unreservedly of the separation from the multitude of the people as attested in MMT, the reading is not beyond doubt. Only traces of the *ayin* are preserved and the *mem* is entirely reconstructed. The *ayin* seems a probable reading, but we cannot pretend the whole word ‘people’ is in the text. I am struck that scholars frequently indicate the restored *mem* in the Hebrew but not in the English translations beginning with DJD 10 itself.⁴⁴

Moreover *the terminology here is quite distinct from the terminology used in the context of defining moments in D and S*. This is noted already by Qimron when he observes: “The terminology here differs from the standard sectarian use in QH. It may predate it, or it may be that our text here reflects the terminology of opponents.”⁴⁵ As far as the latter suggestion is concerned, there is no evidence to indicate we are dealing with the language of opponents, and one cannot help suspecting that this line of thought is influenced by the on-going debate on the origins of the name of the Pharisees.

Qimron notes that this is the first attestation of the meaning ‘depart, secede’ of פִּרְשׁ⁴⁶ and also observes, “The neutral, or even positive, use of the verb פִּרְשׁ to describe the creation of ‘sects’ and especially of MMT’s sect is noteworthy.”⁴⁷ This leads me to ask:

1. Are we therefore correct to speak of ‘MMT’s sect’?
2. Is the translation and interpretation of the term as a reference to secession/creation of a sect correct?

⁴⁴ Cf. Qimron and Strugnell, *Qumran Cave 4. 5*, 59. The text might conceivably read ‘peoples’ (*ammim*), for instance. For further critical reflections on this crucial passage see the paper presented by Elitzur A. Bar-Asher Siegal at the Qumran Section of the Annual Meeting of the *Society of Biblical Literature* in New Orleans in November 2009 (“Who Separated from Whom and Why? A Closer Look at MMT”).

⁴⁵ Qimron and Strugnell, *Qumran Cave 4. 5*, 99.

⁴⁶ *Qumran Cave 4. 5*, 58.

⁴⁷ *Qumran Cave 4. 5*, 111.

The overall tenor and content of the text rather points in the direction of a separation on the part of the authors from people and practices that are inappropriate. This could refer to nothing more than a particular halakhic stance. Read in this way the separation passage may be taken as a fitting summary statement on the halakhic examples selected for criticism.⁴⁸ In other words, going back to the linear image extending from disagreement to schism, I prefer to refer to the disagreement end of the spectrum in the context of MMT. It seems likely that the schism notion has been imported into this particular text from outside, it is part of the baggage of an overall assessment of this document that is now being questioned.

Another factor worth taking into account is how we envisage the parent-movement or earliest phase of communal life attested in the Scrolls. Here again opinions differ. In my view, one of the characteristics of the parent movement is that it takes participation in the cult for granted and identifies itself positively with the people of Israel, see e.g. CD XI, 18–22; XVI, 13–17.⁴⁹ From this perspective it is extremely difficult to reconcile the supposed schism of MMT with the earliest phase of communal life.

VII. *The People*

If the reading and restoration of people (העם)⁵⁰ is correct at this crucial juncture it will be helpful to examine the use and portrayal of the people in the wider context of MMT, and the epilogue in particular. Qimron takes the majority of the people to refer to the ‘they’ group which he in turn identifies with the precursors of the Pharisees or the rabbis.⁵¹ Though this would be historically neat, it rather seems to be the case that the ‘they’ group mentioned in the halakhah is a misguided priestly group. The dominance of the priestly realm in the halakhah

⁴⁸ Similarly also von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 235.

⁴⁹ See Charlotte Hempel, *The Laws of the Damascus Document: Sources, Traditions, and Redaction* (STDJ 29; Leiden: Brill, 1998/SBL 2006), 37–38.

⁵⁰ On the term see Qimron and Strugnell, *Qumran Cave 4. 5*, 86.

⁵¹ Cf. *Qumran Cave 4. 5*, 111, 115. Elsewhere he takes ‘people’ in B 13, 75 to refer to ‘the laity’ as opposed to priests because of his understanding of the marriage prohibition, cf. *Qumran Cave 4. 5*, 94. He further argues that in B 13, 27 ׀ע is used to refer to the people of Israel, cf. *Qumran Cave 4. 5*, 86. See also Regev, *Sectarianism*, 102–103.

has frequently been noted by scholars.⁵² In particular B 80 criticizes some of the priests, and a repeated formula admonishes the priests to take care (participle q of הִרְאֵה) so the people do not bear guilt, e.g. B 25–27.⁵³ It is important to stress, furthermore, that the ‘they’ group do not figure in the epilogue at all, as rightly stressed by von Weissenberg.⁵⁴ A different approach is taken by Hanan Eshel and Daniel Schwartz for whom the majority of the people are a different group altogether and unrelated to the addressees of the text.⁵⁵ Somewhat confusingly, Schwartz paraphrases the message of MMT elsewhere as follows: “don’t mix us up with other priests, we separated ourselves from them,” which is not what the text reads.⁵⁶ Fraade similarly elaborates on MMT when he refers to “the community’s separation from the rest of Israel, especially its temple and priesthood”.⁵⁷ Regev favours a distinction between the criticism levelled in the halakhah and the moral orientation of the epilogue and interprets MMT as a whole as “an appeal to end segregation.”⁵⁸ I would like to stress, by contrast, that the people are not the problem in the halakhic part of MMT. Moreover, even elsewhere in the epilogue we find a reference in C 27 to you sg. and your people,⁵⁹ and in C 31–32 “your welfare and the welfare of Israel” are mentioned entirely in positive terms.

It seems to me, in sum, that in the larger context of MMT, both in the halakhah and in the epilogue, the people are on the whole a

⁵² Cf. Callaway, “4QMMT and Recent Hypotheses,” 17; Hempel, “The Laws of the Damascus Document and 4QMMT;” Perez Fernandez, “4QMMT: Redactional Study,” 202–203; Y. Sussman, “The History of the Halakha and the Dead Sea Scrolls. Preliminary Talmudic Observations on 4QMMT. Appendix 1,” in Qimron and Strugnell, *Qumran Cave 4. 5*, 179–200, here 187; and Hanne von Weissenberg, “4QMMT-Towards an Understanding of the Epilogue,” *RevQ* 21 (2003): 29–45, 37–38.

⁵³ For the suggestion that this formula is secondary see Perez Fernandez, “4QMMT: Redactional Study,” 202 who speaks of “editorial comments directed at the priests.”

⁵⁴ 4QMMT: *Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 21.

⁵⁵ Eshel, “4QMMT and the History of the Hasmonean Period,” in *Reading MMT*, 53–65; and Schwartz, “MMT, Josephus, and the Pharisees,” *ibidem*, 75–76.

⁵⁶ Schwartz, “MMT, Josephus, and the Pharisees,” 80.

⁵⁷ “To Whom it May Concern,” 524.

⁵⁸ Regev, *Sectarianism*, 108 see also 103–104, 110, 132. Rather unusually he understands this separation to pre-date the halakhic debate: “I therefore suggest that the MMT is an effort not only to amend the sacrificial system, but to terminate the authors’ period of withdrawal, which commenced when they separated themselves from the ‘Multitude of the People.’” (108). But compare what appears to be a slightly different reading on the following page: “MMT was written by a group that was in the process of developing its sectarian doctrine of separation, although it had not abandoned hope that its social segregation could soon be reversed.” (109).

⁵⁹ ‘Your people’ is lacking in 4Q399.

positive entity.⁶⁰ They fall short of marital practices, but even in this matter they are misguided by priests.⁶¹ Therefore, the question arises: If the authors had separated from the majority of the people in light of what has been said in this text, how do we account for the considerate attitude displayed towards the people in this text? According to the logic of MMT the fate of the people seems to be in the hands of others, the priests according to B 11–13; 26–27 and the individual addressed in the second person singular who may be a political or priestly leader (or simply a way of addressing an individual in the you pl. group as most recently proposed by Steven Fraade)⁶² in C. The people are not the major source of irritation in this text, and to read a reference to a separation from the people as the culmination of the critique voiced in the halakhic part would be something of a *non sequitur*.

Strugnell's assessment that the epilogue should be taken as an "exhortation on the observance of the previously mentioned laws"⁶³ seems right. However, the group with whom the authors are in dispute are not the people, but misguided priests. By contrast, the authors appear, as we saw, to display a protectionist attitude towards the people, not an antagonistic one.

VIII. *Conclusion and Outlook*

In sum, it seems to me that the still dominant reading of the separation statement as a reference to community origins tallies beautifully with views of the Qumran community and its withdrawal from wider society but ties in rather awkwardly with the fragmentary evidence of MMT itself. The intellectual acrobatics necessary to reconcile the eirenic tone of the text with rupture become unnecessary if we allow for the possibility that the text is not about rupture. MMT, perhaps more than any other text from Qumran, was read in light of a number of preconceptions with scholars not infrequently pouncing on a phrase and building a case on their reading of it. I hope to have shown that

⁶⁰ Pace Regev, *Sectarianism*, 98.

⁶¹ Cf. B39–49 which mentions wrongful sexual unions among some of the people; B75 refers to *zenut* among the people with regard to marriage balanced by B 80 'some of the priests'. See M. Bernstein, "Women and Children in Legal and Liturgical Texts from Qumran," *DSD* 11 (2004): 191–211, here 202–203.

⁶² "To Whom It May Concern," 513.

⁶³ *Qumran Cave 4. 5*, 205.

this happened to a considerable degree also with the famous separation statement. A similar point is made by Joan Taylor with reference to the ways in which Philo's accounts of the Essenes have at times been 'quarried' for 'snippets'. "Small bits of Philo's works are claimed as arguments by proponents of theories either for or against the Qumran-Essene hypothesis, without due care."⁶⁴ This is a good time to acknowledge the concept of a 'comfortable theory' which I adopted in my title. The notion is taken from an article by Samuel Sandmel of 1979 where he describes a comfortable theory as follows:

A comfortable theory is one which satisfies the needs of the interpreter, whether theological or only personal, when the evidence can seem to point in one of two opposite directions.⁶⁵

I think when MMT first hit the scholarly scene with a bang of excitement and subsequent drama it was very much read by means of the most comfortable theory to hand. It seems to me that more recently we are moving out of that comfort zone. I would like to close by proposing an alternative interpretative avenue. What do we make of this text if we seriously entertain the possibility that it is not about the establishment of the Qumran group?

a. *Language*

The language of MMT is very different from that of other texts found at Qumran, be they sectarian or non-sectarian. The once unchallenged identification of the document as a letter to outsiders is often employed as an argument for the difference in language and style.⁶⁶ Now that the identification of the text as a letter is highly debated we need to take the difference in style and language more seriously.⁶⁷ This is but one

⁶⁴ Joan Taylor, "Philo of Alexandria on the Essenes: A Case Study of the Use of Classical Sources in Discussions of the Qumran-Essene Hypothesis," *Studia Philonica Annual* 19 (2007): 1–28, esp. 27–28.

⁶⁵ S. Sandmel, "Palestinian and Hellenistic Judaism and Christianity: The Question of the Comfortable Theory," *HUCA* 50 (1979): 137–148, here 139.

⁶⁶ See Bernstein, "The Employment and Interpretation of Scripture in MMT," 32–33; Perez Fernandez, "4QMMT: Redactional Study," 195; and M. Kister, "Studies in 4QMiqsat Ma'aseh Ha-Torah and Related Texts: Law, Theology, Language and Calendar," *Tarbiz* 68 (1999): V–VI [English abstract], 317–371 [Hebrew]. See also Callaway, "4QMMT and Recent Hypotheses," 27–28 who is critical of the 'spoken Hebrew' hypothesis.

⁶⁷ See L. H. Schiffman, "The Contribution of the Dead Sea Scrolls to the Study of Hebrew Language and Literature," in *Turim: Studies in Jewish History and Literature*

example demonstrating how some parts of the complex interpretative structure built upon MMT have lost ground, and yet other elements that are closely tied in with the now reconsidered views have not been re-examined.

Holger Gzella recently addressed the problems of historical linguistics and issues of linguistic classification and stratification with reference to the Aramaic texts from Qumran. In this context he stressed the importance of ‘registers.’⁶⁸ In my view the halakhic part of MMT, the bulk of the document, is written in the same ‘register’ of legal debate that later found its way into the Mishnah.

b. *Halakhic Debate*

If MMT does not speak of sectarian origins, it is worth pondering about the halakhic debate it testifies to beyond the narrow confines of the Teacher and/or the Qumran groups versus the Jerusalem establishment. It seems likely that the kinds of arguments we have in MMT, the cut and thrust of halakhic debate, would have occupied all concerned with Jewish observance and priestly lore at this time. Prior to the publication of MMT this type of halakhic dialogue was attested in written form only in more formalised ways in the Mishnah. The true significance of MMT is that it provides us significantly earlier testimony to inner-Jewish halakhic debate than previously available.⁶⁹ If we leave behind the comfortable theory of MMT’s key role in Qumran origins and contemplate instead a broader halakhic context, the text’s significance may go far beyond the confines of a particular group. Thus, it

Presented to Dr. Bernard Lander (ed. M. H. Shmidman; Jersey City: Ktav, 2007), 233–255, esp. 244–245.

⁶⁸ H. Gzella, “Dating the Aramaic Texts from Qumran: Possibilities and Limits,” *RevQ* 24 (2009): 61–78, esp. 75.

⁶⁹ See also Kampen, “4QMMT and New Testament Studies,” 143–144. See also the paper presented by Martha Himmelfarb, “The Polemic Against the *Tevul Yom*: A Reexamination” at the 2005 Orion Symposium entitled *New Perspectives on Old Texts*, the proceedings of which are to be published by E. J. Brill in due course. Himmelfarb argues in favour of appreciating the *tevil yom* controversy from an exegetical direction (differences are rooted in scripture) as opposed to the predominant polemical interpretation (differences of halakhic point of view are characteristic of particular groups). See also Paul Mandel, “Midrashic Exegesis and Its Precedents in the Dead Sea Scrolls,” *DSD* 8 (2001): 149–168; L. Doering, “Parallels Without ‘Parallelomania’: Methodological Reflections on Comparative Analysis of Halakhah in the Dead Sea Scrolls,” in *Rabbinic Perspectives*, 13–42; also von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue*, 115–117.

is perhaps more likely that the characteristic phrases of MMT such as 'you know' and 'we say' are part of an ongoing dialogue rather than indicative of a rift. In this context the comments by Sussman with regard to the formulation of halakhah in MMT are pertinent: "a developed halakhic terminology, hitherto known only from rabbinic literature, already appears here, fully crystallised and formulated in fixed phraseology."⁷⁰ We simply do not know how common this type of exchange may have been and how widely some of the halakhic issues were debated. But there is no reason to assume that the views and the terms of reference employed in MMT are unique and particular to the group behind the Scrolls.

c. *The Importance of Scripture*

Scholars studying MMT have increasingly stressed the strong and almost overriding concern with intermarriage, the big influence of Deuteronomy⁷¹ as well as Ezra-Nehemiah.⁷² These correctives seem to me on the right track. In this context John Collins's emphasis on the scriptures as "common ground" between the author and the addressee(s) on which questions of scriptural interpretation are based is noteworthy.⁷³ If we accept the suggestion to move away from identifying the separation passage with sectarian origins, Collins's observation can be fruitfully applied to my reading of the text: different Jewish groups were engaged in legal debate and thrashed out their views in a lively manner. We have later testimony of this in a much more formalized way in the Mishnah. MMT gives us a glimpse of how this kind of debate occurred in the late Second Temple Period.

⁷⁰ Sussman, "History of the Halakha," 186.

⁷¹ So, e.g., Berthelot, "4QMMT et la question du canon;" von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue*; Kratz, "Mose und die Propheten;" and Fraade, "Rhetorics and Hermeneutics."

⁷² So, e.g., Sharp, "Phinean Zeal."

⁷³ J. J. Collins, "Sectarian Consciousness in the Dead Sea Scrolls," in *Interpretation, Identity and Tradition in Ancient Judaism* (JSJSup 199; ed. L. LiDonnici and A. Lieber; Leiden: Brill, 2007), 177–192, here 184.

THE CENTRALITY OF THE TEMPLE IN 4QMMT*

HANNE VON WEISSENBERG

In the earliest decades of Qumran scholarship, the scholarly reconstructions of the history and identity of the Qumran community were largely based on the documents found in Cave 1 and the Damascus Document. It was furthermore assumed that this Qumran community was somehow affiliated, even though not entirely identical, with the Essenes, known from the classical sources such as Josephus, Philo of Alexandria, and Pliny the Elder. This Qumran group, or its predecessors, was in disagreement with the Temple establishment over certain religious matters, such as the high priesthood, the festival calendar, halakhic and purity issues. This disagreement created an increasing tension with the Temple establishment, ultimately leading to the separation and isolation of the Qumran group, and the rejection of the Jerusalem Temple as polluted. The break with the Temple is often understood in contemporary scholarship as a dramatic turning point in the community's history.

When one of the most important documents from Cave 4, the legal text called 4QMMT, was first announced and published,¹ it was thought that this fascinating text would solve the question of the origins of the Qumran movement, and the reasons for their schism with the rest of Judaism.² 4QMMT was dated by the editors, Elisha Qimron and John Strugnell, to around 150 BCE and it is generally considered one of the earliest Qumran writings or, alternatively, pre-Qumranic in its origin. In the subsequent scholarly discussions the authors/redactors of 4QMMT were identified as representatives of the Qumran movement or their ancestors. The early dating for this text was partly based on the assumption that the moderateness of the document's polemical tone must reflect the early history or prehistory of

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¹ E. Qimron and J. Strugnell, *Qumran Cave 4. V: Miqṣat Ma'āšeh Ha-Torah* (DJD 10; Oxford: Clarendon, 1994).

² See, for instance, L. H. Schiffman, "The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect," *BA* 53 (1990): 64–73.

the Qumran community. At this point in the community's history, an eirenic discussion between the Qumran community, and those outside of the group would have been possible.³

Against the historical background sketched above, 4QMMT has been interpreted in a variety of ways. The interpretations vary in their details; however, in most cases 4QMMT has been defined as the very document explicating the main disputes of the Qumranites or Qumran-Essenes with the Temple establishment in Jerusalem. Its purpose is viewed and summarized by most scholars as a document created "to justify the sectarian schism".⁴ In several, slightly variant, interpretations of 4QMMT it is assumed that the document was addressed to a group of 'outsiders', probably the Temple establishment, either just before the rift or soon after it. After the break with this group, the Qumran community's relationship with their opponents remained hostile and defensive, and no more efforts were made toward reconciliation or reformation of the situation in the Jerusalem Temple.⁵ For instance, according to Eyal Regev, 4QMMT was originally written during the early history of the Qumranites with the purpose of reforming the practices at the Temple. After failing in this effort, the "Qumran sectarians" simply removed themselves from the Temple cult, whose rituals and practices were considered to be morally defiling. In Regev's opinion, after the failed attempt of a reform, the Temple with its rituals became irrelevant for them.⁶ Stephen Hultgren, on the other hand, agrees with the scholarly consensus about the early dating of 4QMMT and places it in the pre-Qumranic period. He further states that the "group behind 4QMMT has already decided to boycott the Temple"—but they are still cherishing a hope of return, and the author(s)/redactor(s) of 4QMMT may still have been in Jerusalem at the time of the document's composition.⁷

³ Qimron and Strugnell, *Qumran Cave 4. V*, 117.

⁴ The phrase is used by L. H. Schiffman in his article "Miqtsat Ma'asei ha-Torah," in *Encyclopedia of the Dead Sea Scrolls* (ed. L. H. Schiffman and J. C. VanderKam; New York: OUP, 2000), 1: 558–560, here 558. See also A. I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation* (JSJSup 55; Leiden: Brill, 1997) 75.

⁵ One of the most recent advocates of this view is E. Regev, "Abominated Temple and a Holy Community: The Formation of the Notions of Purity and Impurity in Qumran," *DSD* 10 (2003): 243–278, here 277.

⁶ Regev, "Abominated Temple and a Holy Community."

⁷ S. Hultgren, *From the Damascus Covenant to the Covenant of the Community: Literary, Historical and Theological Studies in the Dead Sea Scrolls* (STDJ 66; Leiden: Brill, 2007), 251, 256–257.

It is often stated by contemporary scholars that the Qumran community rejected the Jerusalem Temple completely, and that they created other forms of worship in its stead. In particular, it has been suggested that the community at Qumran, its communal practices and prayers, became a substitute for the Temple worship.⁸ Traces of this rejection of the Temple are, accordingly, found in the texts of the Qumran library. Some scholars suggest that the attitude towards the Temple might even help us to distinguish between texts that were of particular Qumranic origin, or to date redactional layers in the community's texts.⁹

Since the publication of the entire collection of Qumran material in the 1990s, the initial interpretation of the Qumran community's relationship to the Jerusalem Temple has been modified. It is now acknowledged that there is more diversity in the attitudes and descriptions of the Jerusalem Temple in the texts of the Qumran library than scholars had originally thought. Rather than containing one monolithic view on the Temple, there are various descriptions of the Temple in the Qumran texts, each with varying degrees of significance. George Brooke has suggested that there are as many as ten different descriptions of the Temple detectable in the texts found in the Qumran caves. These ten descriptions can, according to Brooke, further be reduced into three major categories: the earthly Temple, heavenly worship as Temple, and the community as a temporary replacement for a future, eschatological Temple.¹⁰ More importantly, the assumption of a complete rejection of the Jerusalem Temple does not completely explain the rather large number of late copies of 4QMMT found at Qumran.

⁸ F. García Martínez, "The Problem of Purity: The Qumran Solution," in *The People of the Dead Sea Scrolls: Their Writings, Beliefs and Practices* (ed. F. García Martínez and J. Trebolle Barrera; Leiden: Brill, 1995), 139–57, here 157.

⁹ This view is implied, for instance, by Sarianna Metso in her redaction critical analysis of the Community Rule. According to Metso's analysis of the textual development of the Community Rule, the final psalm of manuscript 1QS (1QS IX, 26b–XI, 22), also containing calendrical references, did not belong to the earliest stages of the redaction of the Community Rule. According to Metso's analysis 4QS^c (4Q259) represents an earlier version of the Community Rule that concludes with the calendrical text 4QOtot (4Q319). Metso suggests that 4QOtot, a text concerning the weekly services of certain priestly families in the Temple, was no longer relevant in a community which had rejected the Temple as defiled; Metso, *The Textual Development of the Qumran Community Rule* (STDJ 21; Leiden: Brill, 1997), 183.

¹⁰ G. J. Brooke, "The Ten Temples in the Dead Sea Scrolls," in *Temple and Worship in Biblical Israel* (LHBOTS 422; ed. J. Day. London: T & T Clark, 2005), 417–434. See also Johann Maier's article "Temple," in *The Encyclopedia of the Dead Sea Scrolls* (ed. L. H. Schiffman and J. C. VanderKam; New York: OUP, 2000), 2: 921–927.

Six or seven manuscripts from the late Hasmonean or early Herodian period were found in Cave 4. The document continued to be copied and studied at a late period of the Qumran community's existence. Obviously, the number of manuscripts is a witness to the lasting importance and authority of this text for the Qumran community.¹¹

Alternative readings of 4QMMT have been proposed by Steven Fraade¹² and Maxine Grossman, who have questioned the polemical character of 4QMMT. Grossman, in particular, makes a very important point by demonstrating how the genre assumptions made by modern readers result in differing interpretations of the historical significance of the document. According to Grossman, 4QMMT can be read and understood as an extra-communal epistle, as an intra-communal treatise, and as a document-after-the-fact.¹³

In presenting the various possible settings and interpretations, Grossman and Fraade list several reasons for writing, preserving, and studying 4QMMT in the first century BCE/CE,¹⁴ but they do not discuss what is perhaps the most obvious one: a continuous, real and acute concern for the purity of the Temple cult. Apparently even these scholars conform to the general assumption that once the break with the Jerusalem Temple was a reality, the group remained isolated and discussions with outsiders were ended.¹⁵ However, as Brooke has suggested, the number of late copies may imply that,

the issues discussed at the time of the break with the Jerusalem Temple were revisited from time to time by members of the community, perhaps at times when there seemed to be the possibility of genuine reform and reconstruction, such as with Herod.¹⁶

The importance and centrality of the Temple in 4QMMT is illuminated by an analysis of the structure and contents of 4QMMT, both

¹¹ Similarly the editors Qimron and Strugnell, *Qumran Cave 4. V*, 112; R. Kugler, "Rewriting Rubrics: Sacrifice and the Religion of Qumran," in *Religion in the Dead Sea Scrolls* (ed. J. J. Collins and R. A. Kugler; Grand Rapids: Eerdmans, 2000), 90–112, 95 n. 20.

¹² S. Fraade, "To Whom it May Concern: 4QMMT and Its Addressees," *RevQ* 19 (2000): 507–526.

¹³ Maxine Grossman, "Reading 4QMMT: Genre and History," *RevQ* 20 (2001): 3–22.

¹⁴ See also G. Brin, "Review of Qimron and Strugnell, *Qumran Cave 4. V*," *JSS* 40 (1995): 334–342, here 335.

¹⁵ See, for instance, Fraade, "To Whom It May Concern," 525–526 and n. 63.

¹⁶ Brooke, "The Ten Temples in the Dead Sea Scrolls," 424.

of which imply a grave concern for the purity of the Temple cult. I am proposing that both the amount of copies and the contents of the document are witnesses to the importance of the Jerusalem Temple and its cult. The date of the extant copies suggests that concern for the Jerusalem Temple remained very much alive well into the latter years of the community's existence. Moreover, the contents of 4QMMT as a whole reflect the importance of the Temple and a concern for the purity of the cult in Jerusalem as an expression of covenantal faithfulness.

I. *The Temple in 4QMMT*

One of the most important indicators of the centrality of the Temple is the use of the Deuteronomic *maqom*-formula in the legal section of 4QMMT. The explicit identification of the central cultic place as Jerusalem made in 4QMMT is a significant and rare occurrence.¹⁷

It is a well-known fact that the legal topics of 4QMMT mainly relate to the ritual purity laws and other regulations connected with the Temple. Accordingly, the main scriptural source texts for the halakhic section are Leviticus and Numbers. Deuteronomy is clearly not the main source text for the legal interpretations of 4QMMT. Therefore, it would seem to be all the more important that the core of Deuteronomy, the basic commandment of cultic centralization (i.e. Deuteronomy 12), is cited twice in the halakhic section. It is used as the scriptural basis for two rulings in 4QMMT: first when the correct procedure of slaughtering is described in B 27–33, and secondly when dogs are banned from the city of the sanctuary in order to maintain the purity of Jerusalem in B 58–62.¹⁸

It would seem that the references to the *maqom*-formula in 4QMMT are of particular importance, since they appear to reflect the attitude of the author(s)/redactor(s) toward the Jerusalem Temple. Evidently, the

¹⁷ As Reinhard Kratz points out (referring to lines B 27–35 in the composite text of the edition in Qimron and Strugnell, *Qumran Cave 4. V*) this passage is “one of the few instances we know of that makes this explicit identification;” see Kratz, “‘The Place Which He Has Chosen’: The Identification of the Cult Place of Deut. 12 and Lev. 17 in 4QMMT,” in *Meghillot: Studies in the Dead Sea Scrolls V–VI: A Festschrift for Devorah Dimant* (ed. M. Bar-Asher and E. Tov; Jerusalem: Bialik Institute/Haifa University Press, 2007), 57–80, here 57.

¹⁸ For the composite text of 4QMMT see Qimron and Strugnell, *Qumran Cave 4. V*.

group responsible for the authoring of 4QMMT, even though criticizing the current practices at the Jerusalem Temple, still considered it to be the only legitimate cultic place.

In Deuteronomy, the legal section (Deut 12–26) begins with a definition of the one and only correct cultic place.¹⁹ The command of cultic centralization is repeated and interpreted several times in Deuteronomy 12.²⁰ The introduction of cultic centralization resulted in the elimination of the provincial cult and had important consequences for Israelite religion and its legal interpretations. As the cult was centralized, the local sphere was secularized.²¹ One of the major innovations of Deuteronomy was its requirement that sacrifices of animals be restricted to Jerusalem, and that all profane slaughter take place beyond the confines of the holy city, which resulted in a radical reinterpretation of the laws of the Covenant Code.²² However, the authors of the Holiness Code developed the commandments concerning the cultic centralization of Deuteronomy 12. In Lev 17:3–7, it is commanded that all slaughtering, even profane slaughter, should be concentrated at the Temple.²³

¹⁹ T. Veijola, *Das fünfte Buch Mose: Deuteronomium Kapitel 1,1–16,17* (ATD 8,1; Göttingen: Vandenhoeck & Ruprecht, 2004), 264.

²⁰ Deuteronomy 12 is conventionally divided into four passages (vv. 2–7, 8–12, 13–19, 20–28) and a concluding paragraph (vv. 29–31). See, for instance, G. von Rad, *Das fünfte Buch Mose: Deuteronomium* (ATD 8; Göttingen: Vandenhoeck & Ruprecht, 1983), 63; A. D. H. Mayes, *Deuteronomy* (NCBC; Grand Rapids: Eerdmans, 1987), 220–22; B. Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation* (New York: OUP, 1997), 23; M. Rose, *5. Mose: Mose 12–25: Einführung und Gesetze* (ZBK AT 5.1; Zürich: Theologischer Verlag, 1992), 11. It is generally believed that the earliest core of the centralization law is found in Deut. 12:13–19; whereas Deut 12:2–7 and 12:29–31 originate from the same redactor and make up the latest redactional layer of Deut 12.

²¹ The wide ranging consequences of cultic centralization have been discussed by several scholars; see, for instance, Veijola, *Das fünfte Buch Mose*; Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*. Whether a complete centralization of the Israelite cult was ever realized, is a debated issue. One clear exception would be the Samaritan cultic place on Mt. Gerizim. One of the most recent contributions to the discussion on how Jerusalem's centrality was practised is an investigation based on both the biblical and the archaeological data by Melody D. Knowles, *Centrality Practiced: Jerusalem in the Religious Practice of Yehud and the Diaspora in the Persian Period* (SBL Archaeology and Biblical Studies 16; Atlanta: SBL, 2006).

²² See, for instance Levinson, *Deuteronomy and the Hermeneutics of Legal Innovation*, 23–52; M. Aspinen, "Getting Sharper and Sharper: Comparing Deuteronomy 12–13 and 16:18–17:13," in *Houses Full of All Good Things: Essays in Memory of Timo Veijola* (ed. J. Pakkala and M. Nissinen; Helsinki/Göttingen: Finnish Exegetical Society/Vandenhoeck & Ruprecht, 2008), 42–61.

²³ That Leviticus 17 is later than Deuteronomy 12, and dependent on it, is argued by A. Cholewinski, *Heiligkeitsgesetz und Deuteronomium: Eine vergleichende Studie*

One of the two passages referring to the *maqom*-formula is found in the composite text of DJD 10 in lines B 27b–33, where the author(s)/redactor(s) of 4QMMT discuss the correct place for slaughtering.²⁴ Importantly, the author(s)/redactor(s) combine the evidence derived from both Leviticus 17 and Deuteronomy 12:

27 [And concer]ning what is written [...] 28 outside the camp a bull, or a sheep or a goat, for...[...] in the n]orthern part of the camp. 29 And we think that the Temple [is the tent of meeting, and Je]rusale[m] 30 is the camp; and outside the camp [is outside of Jerusalem;] it is the camp of 31 their cities. Outside the ca[mp...]...[...] the sin-offe]ring [and] removing the ashes 32 of [the] altar and bur[ning there the sin-offering, for Jerusalem] is the place which 33 [he has chosen] among all the trib[es of Israel...]²⁵

The text is fragmentary at this point and the editors have used a similar passage in B 58–62 for their reconstruction. The occurrence of the relative pronoun אשר in line B 32 is the only documented occasion in 4QMMT where it is used in the longer form; otherwise the short form -ש is always used. The use of the longer form is probably caused by the formulaic nature of the centralization law that is being cited from Deuteronomy 12.

The rule referring to the correct place of slaughtering is poorly preserved and therefore difficult to interpret. It is, however, possible that the writers of 4QMMT wanted to confine all slaughter, both profane and sacral, to the Temple (B 27–35). This idea has its origin in the passage of the Holiness Code, Lev 17:3–7. According to Kratz, the author(s)/redactor(s) of 4QMMT combined the laws of Deut 12 and Lev 17 by equating the “camp” of Lev 17:3 with the “place he has chosen” of Deut 12. In addition, both scriptural references (מחנה and יהוה אשר יבחר יהוה) are now explicitly identified with Jerusalem.²⁶

(AnBib 66; Rome: Biblical Institute Press, 1976), 145–178, and accepted by at least Veijola, *Das fünfte Buch Mose*, 265. Jacob Milgrom, however, proposes the reverse and suggests that D is dependent on H, cf. J. Milgrom, *Leviticus 17–22: A New Translation with Introduction and Commentary* (AB 3A; New York: Doubleday, 2000), 1357–61.

²⁴ Similarly Kratz, “The Place which He has Chosen,” 58–62. Qimron, however, is of the opinion that the fragmentary state of this passage makes it impossible to know what the ruling is really about, see Qimron and Strugnell, *Qumran Cave 4. V*, 156–157. Qimron’s cautious approach is followed by I. Werrett, cf. *Ritual Purity and the Dead Sea Scrolls* (STDJ 72; Leiden: Brill, 2007) 191–192.

²⁵ The text of lines B 27–33 is fragmentarily preserved in manuscripts 4Q394 and 4Q397. The translation is based on Qimron and Strugnell, *Qumran Cave 4. V*, with some minor adjustments resulting from my own reading of the manuscripts.

²⁶ Kratz, “The Place which He Has Chosen,” 61–62.

At the same time, the idea of holiness is extended to cover the entire holy city, not only the Temple.²⁷ This can be seen in the second passage in the halakhic section of 4QMMT, which cites the *maqom*-formula: lines B 58b–62 in the composite text of Qimron and Strugnell. In this case it is used to justify the ruling introduced by the author(s)/redactor(s). The purity of the city of the sanctuary is assured by prohibiting dogs from entering Jerusalem, a ruling which is unattested elsewhere:

58 And one should not let dogs enter the h[o]ly camp, because they 59 might eat some of the bones from the temp[le with] the flesh on them. For 60 Jerusalem is the holy camp and it is the place he has chosen among all the tribes of Israel. For Jerusalem is the head of 62 the camps of Israel.²⁸

In sum, although these two passages from the halakhic section of 4QMMT are not explicit quotations, they clearly allude to the language and to the theological emphasis on one, central cultic site, as presented in Deuteronomy 12.²⁹ Importantly, the identification of the central cultic place with Jerusalem, only implied in Deuteronomy, is explicit in 4QMMT.³⁰ Jerusalem is also identified with the camp, *מחנה*. Evidently, the particular concern for the purity of the Temple and the Holy City in the halakhic section, as well as the use of the centralization formula and the explicit identification of Jerusalem as “the place he has chosen,” all reflect 4QMMT’s interest in and emphasis on the

²⁷ The passage from 4QMMT can be compared with the Temple Scroll 11QT^a LII, 13b–LIII, 8. Both texts attest to the centrality of the Temple and the city of the sanctuary: Jerusalem. The Temple Scroll was published by Y. Yadin, *The Temple Scroll: Volume One, Introduction; Volume Two: Text and Commentary* (Jerusalem: IES, 1983); Yadin, *The Temple Scroll, Volume Three: Plates and Text* (Jerusalem: IES, 1977).

²⁸ The text of lines B 58–62 is partly preserved in manuscripts 4Q394, 4Q396, and 4Q397. The translation is based on Qimron and Strugnell, *Qumran Cave 4. V*, with some minor adjustments.

²⁹ While adjusting the Deuteronomy passage to his text, the author of 4QMMT omits the divine name. This can also be seen in the Deuteronomy citations on lines C 13–14, C 19–21 and C 30 of the composite text arranged by Qimron and Strugnell. The avoidance of the *tetragrammaton* is probably intentional; see G. J. Brooke, “The Explicit Presentation of Scripture in 4QMMT,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organisation for Qumran Studies* (ed. M. J. Bernstein, F. Garcia Martínez and J. Kampen; Leiden: Brill, 1997), 67–88, esp. 77; M. Rösel, “Names of God,” in Schiffman and VanderKam, eds., *Encyclopedia of the Dead Sea Scrolls*, 2: 600–2.

³⁰ See also Kratz, “The Place which He Has Chosen,” 57.

holiness and importance of Jerusalem and the Temple. The whole city is equated with the holy camp, requiring a high standard of purity.³¹

II. *Temple and Covenant in Light of the Epilogue*

Given the fact that most of the laws in the halakhic section are related to the Temple combined with the presence of two important references to the *maqom*-formula, it seems improbable that the author(s)/redactor(s) of this text would have seen the Temple as being anything but the legitimate sanctuary. When these references are read in the context of 4QMMT as a whole, the importance of the Temple emerges even more clearly. The analysis of the structure of the document and the use of scriptural references in the epilogue of 4QMMT reveal a concern for covenantal faithfulness, related to the Temple and its cult.

I have demonstrated elsewhere that the structure of 4QMMT is an adjustment of the covenantal pattern (*Bundesformular*) known from the legal and treaty texts of the Hebrew Bible and Ancient Near East.³² Covenantal faithfulness becomes one of the main themes of the epilogue as the author(s)/redactor(s) further develop the covenantal themes derived from the quoted scriptural passages, even though the term covenant is nowhere explicitly mentioned.

The epilogue of 4QMMT uses Scripture in a variety of ways. The text contains both allusions and explicit quotations, where the citation of the scriptural source text and its interpretation are intertwined. In the epilogue, the author(s)/redactor(s) appeal to Deuteronomic language and theology, the ideology of cultic centralization and its consequences. In the epilogue, the blessings and curses, which are the guarantee for the covenantal obligation, are woven together with paraenetic material. The reader of the epilogue is reminded of the consequences of covenantal obedience and disobedience by historical references and models of right and wrong behaviour. The audience is exhorted to repent and to return, and, to emphasize the importance of the matter, the author(s)/redactor(s) draw on Deuteronomic language

³¹ J. Murphy-O'Connor, "Jerusalem," in Schiffman and VanderKam, eds., *Encyclopedia of the Dead Sea Scrolls*, 1: 402–4; Hannah Harrington, "Holiness in the Laws of 4QMMT," in Bernstein et al., eds., *Legal Texts and Legal Issues*, 109–128, here 109, 113–117, 128–129.

³² Hanne von Weissenberg, "4QMMT—Towards an Understanding of the Epilogue," *RevQ* 21 (2003): 29–45.

and theology and the idea of cultic centralization. The epilogue can be outlined as follows:³³

- a. *A History-Based Exhortation with a Reference to the Blessings and Curses*
Composite text lines 01–7; 4Q398 fragments 11–13
- b. *An Admonition to Maintain the Purity of the Cult with a Statement about Separation*
Composite text lines 8–16; 4Q397 fragments 14–21 1–8 (Deut 7:26; 12:2; 12:31)
- c. *Lines 17–19: Mss 4Q397 and 4Q398, no composite text*
- d. *An Exhortation to Repentance and Return with a Reference to the Blessings and Curses*
Composite text lines 20–22[24]; 4Q397 fragments 14–21 12b–16 and 4Q398 fragments 14–17 I, 5–8 (Deut 4: 29–30; 30:1–2; 31:29)
- e. *A Paraenetic Conclusion with a Reference to the Halakhic Interpretation*
Composite text lines 25–32; 4Q397 fragment 23, 4Q398 fragments 14–17 II, 1–8 and 4Q399 (Gen 15:6; Ps 106:31; Deut 6:18; 6:24–25; 12:28)

In my arrangement of the composite text of the epilogue, the extant text begins with a historical exhortation and a reference to the blessings and curses. This passage recalls events and persons of Israelite history, giving the history an interpretation clearly indebted to Deuteronomi(ist)c theology. Its purpose is to convince the audience to follow the correct interpretation of the law. In the epilogue, references to history are combined with Deuteronomic language of repentance (Deut 3:1–2; 31:29; 4:29–30). Repentance means returning to the covenant, and in 4QMMT this implies adopting the legal interpretations of the authors.

Another passage from the epilogue contains an admonition to maintain the purity of the cult:

12 for in these (matters) [...] violence and fornication [...] 13 places have been destroyed. [And also] it is writ[ten in the book of Moses:

³³ The line numbers of the composite text refer to the alternative arrangement of the composite text, published in H. von Weissenberg, *4QMMT: Reevaluating the Text, the Function, and the Meaning of the Epilogue* (STDJ 82; Leiden: Brill, 2009). In this book a more detailed analysis of the epilogue of 4QMMT can be found.

“And] you shall not bring an abomination in[to your house for] 14 an abomination is a hateful thing.”

This passage is highly intertextual, and it contains quotations and allusions to the following passages of the scriptural source text: Deuteronomy 12:2; 7:26; and 12:31. Both Deuteronomy 12:2 and 12:31 originate from the late frame of Deuteronomy 12, and the main theme of the source text is cultic purity achieved through cultic unity. The use of the word *maqom*, which is not a neutral term in Deuteronomy 12:2, but a reference to a cult place, can be interpreted in a similar manner in 4QMMT. In this passage of 4QMMT the use of the term *maqom* combined with the reference “do not bring an abomination to your house” point specifically to the Temple in Jerusalem.³⁴ The Holy places (the Temple) have been destroyed because of moral impurity in the Israelite past.

The author(s)/redactor(s) of 4QMMT are using Deuteronomic language to convince the audience to accept the fact that the cult of Jerusalem needs to be reformed in order to restore the purity of the Temple and to protect the covenantal relationship with God. The author(s)/redactor(s) of 4QMMT relate the theological ideas of the Deuteronomic source text to their own time: this time the reform entails following the regulations described in the halakhic section. The epilogue continues with an exhortation to repentance and return including references to the blessings and curses and closes with a paraenetic conclusion comprising an allusion to the halakhic interpretations. Covenantal faithfulness, demonstrated by protecting the Temple and the cult from wrong practices will be regarded as righteousness for the addressees of 4QMMT.

III. *Conclusions*

In the first descriptions of the ideology of the Qumran community, the community's criticisms of the Temple were emphasized. It was generally concluded that the community saw the Temple and the priesthood as polluted. Accordingly, they rejected the Temple completely and withdrew to form a desert community. Even though hopes

³⁴ In its original setting in Deut 7:26 ‘house’ refers to one’s home. However, in the epilogue of 4QMMT, when the quotation is read in light of both the epilogue and the halakhic section discussing the purity of the Temple cult, it could be understood as referring to the Temple.

of restitution and return to Jerusalem were cherished, this would happen only during the eschatological period.

After the publication of the entire collection of Qumran material, this initial interpretation has changed somewhat. As is increasingly being acknowledged, the attitude of the Qumran community towards the Temple was far more complex than was initially suggested in the scholarly literature. The attitudes and descriptions of the Jerusalem Temple found in the texts of the Qumran library are diverse. Rather than containing one monolithic view on the Temple there are various portraits of the Temple. The complex issue of how the ideology or theology of the group responsible for the collection and preservation of the texts found in the Qumran caves changed is beyond the scope of this study. However, it is possible to assume that over the time of the community's existence some development took place in its self-understanding and its understanding of the Temple.³⁵ On the other hand, it could be asked whether the diversity of views in the Qumran library suggests that the texts found at Qumran have a more complicated history and background than has so far been assumed. There seem to be several possible ways of interpreting the conflicting evidence. If all the different texts belonged to the same community, it could be that the community evolved over time and its attitudes towards certain religious issues changed according to its experiences. Alternatively, the community may have been characterised by an unbelievable openness and tolerance towards diversity in matters of religion, sacred texts, interpretation of religious law, and daily life. Another possibility is that the diversity is due to different origins of the texts, which may reflect the ideas of a variety of groups.³⁶ In light of the publication of the textual material found at Qumran, the history of the Qumran movement will have to be rewritten. Therefore, during this particular phase of Qumran scholarship, caution is needed when the texts are analyzed and interpreted in order to avoid an artificial forcing of the literary documents into historical models that are under reconsideration and which might have to be revised.³⁷

³⁵ An investigation tracing a development is conducted by Brooke, "The Ten Temples in the Dead Sea Scrolls," 417–431, esp. 431.

³⁶ Cf. the effect of the full publication of the Nag Hammadi texts on the scholarly understanding of Gnosticism; see the contributions in Antti Marjanen, ed., *Was There a Gnostic Religion?* (Publications of the Finnish Exegetical Society 87; Helsinki/Göttingen: Finnish Exegetical Society/Vandenhoeck & Ruprecht, 2005).

³⁷ See also Charlotte Hempel's contribution "The Context of 4QMMT and Comfortable Theories" in this volume, 275–292 above.

In 4QMMT, the focus of the halakhic section, and of the document as a whole, is the Temple, its cult, and the ritual and purity issues contained therein. Evidently the original setting of 4QMMT and the purpose of its composition reflect issues where the halakhic interpretation of the author(s)/redactor(s) differed from those of the Temple establishment. The author(s)/redactor(s) were seriously concerned for the Temple and the purity of the cult. The differences in legal interpretation could have led the group behind 4QMMT to distance themselves from practices that on their understanding were polluting the Temple and violating its sanctity. There is, however, no need to assume a complete and total separation from the Temple and Jerusalem. The late copies of 4QMMT found at Qumran suggest that, at least for some part of the community, the Jerusalem Temple was the only legitimate sanctuary until the very end, despite its current condition.³⁸ In 4QMMT the references to Jerusalem “as the place He has chosen”, the seriousness of the exhortations and the Deuteronomic language of repentance together with the historical warnings suggest that the purity of the Temple cult was too grave an issue to be ignored—after all, the Temple was still standing. For the author(s)/redactor(s) of 4QMMT Jerusalem was the only proper cultic place, in accordance with the centralization of the cult.³⁹

³⁸ Cf. J. M. Baumgarten, *Studies in Qumran Law* (SJLA 24; Leiden: Brill, 1977), 61, 74. See also the important study by J. Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: OUP, 2006), 145–174. While he admits that there are clear anti-Temple polemics detectable in the Qumran texts, he convincingly argues that the rituals of the community were never a satisfactory solution for the Qumranites. He also points out that the evidence for a “boycott of the temple” is not necessarily conclusive and suggests that the anti-temple attitudes of modern scholars might have coloured the interpretation of the data. See also the contribution by Martin Goodman (“The Qumran Sectarrians and the Temple in Jerusalem”) in this volume, 263–273 above.

³⁹ During its history of transmission 4QMMT could have had different functions. The document could, for instance, have served the purpose of an intra-communal, pedagogical text, as suggested by Fraade, “To Whom It May Concern,” 524. Similarly Grossman, “Reading 4QMMT: Genre and History,” 19–20. According to Fraade, this could have been either 4QMMT’s original function, or one adopted in a later historical situation. In this case, the study of this document could have functioned as an instrument for strengthening the identity and ideology of the Qumran community. It has also been suggested by Kugler (“Rewriting Rubrics,” 90–112) that the study of the law could have served as some kind of substitute for the sacrificial cult. It is possible, however, that even the readers of the late copies of 4QMMT were convinced by the urgency of the Deuteronomic language, which might have resulted in concrete efforts to change the actual situation in Jerusalem. Similarly Brooke, “The Ten Temples in the Dead Sea Scrolls,” 424, 431.

PART FOUR

STUDIES ON PARTICULAR TEXTS AND ISSUES

ROOM FOR INTERPRETATION:
AN ANALYSIS OF SPATIAL IMAGERY IN THE
QUMRAN PESHARIM

GEORGE J. BROOKE

I. *Spatial Perspectives*

a. *Introduction*

Within the theme of “Texts and Context” this paper investigates whether there is any information in the Qumran *pesharim* that might indicate where they were created and used. The principal concern, then, is to reconsider most of the obvious spatial language in the *pesharim* to discern what sense of space and place they might disclose.

The sense of space and place which was variously stressed by Michel Foucault,¹ and then popularised for the English-speaking world by Edward Soja, especially through his writings on thirdspace,² have provided a welcome balance to two or more centuries of scholarship that have prioritised time over space, chronology over place, history over territory, and eschatology over immanence. Though the terms “space” and “place” are commonly used interchangeably as virtual synonyms, several thinkers have tried to differentiate them or defined them in terms of a spectrum of meaning, in particular suggesting that “space” refers to the undifferentiated infinite, whereas “place” refers to a particular locality or spot.³

¹ M. Foucault, *Power Knowledge: Selected Interviews and Other Writings 1972–77* (New York: Pantheon, 1980).

² Edward Soja, *Thirdspace: Journeys to Los Angeles and Other Real-and-Imagined Places* (Cambridge MA: Blackwell, 1996).

³ See the helpful summary of the debate about definitions in John Inge, *A Christian Theology of Place* (Explorations in Practical, Pastoral and Empirical Theology; Aldershot: Ashgate, 2003), 1–13. In addition to Foucault, Inge cites Michel de Certeau, *The Practice of Everyday Life* (Berkeley CA: University of California Press, 1984), 117 (“places” have a multitude of particular “spaces”) and Jean-Yves Lacoste, *Expérience et absolu* (Paris: Presses Universitaires de France, 1994), 8 (“space” is geometric; “place” gives us the coordinates).

b. *Aspects of Spatial Awareness in Qumran Studies*

In this short study I am concerned to ask briefly how spatial language is used in one particular genre of sectarian texts found in the caves at and near Qumran. For Qumran itself the study of space and place has had three aspects to it. In the first place there has been some reflection on various significant spatial motifs, most notably the “wilderness” language used by the community. In a landmark study Shemaryahu Talmon addressed the topic in a summary fashion.⁴ The particular use of wilderness and exile language in the *Rule of the Community* has likewise occupied several commentators.⁵ For my own part I still consider that the terminology was understood initially as a scriptural designation for the place from which divine salvation would appear, but that subsequently the actual move by some members of the sectarian group caused the scriptural typology to be taken literally, so that in the final form of the *Rule of the Community* the motif has been transformed from referring to the space of salvation into the concrete place where salvation might first become a reality.⁶

The second aspect of place in some scholarly discussion has been a focus on the archaeology of the Qumran site. Some interpreters have insisted on divorcing the finds of scrolls from the finds at the site, despite the discovery of ostraca and writing implements amongst the ruins themselves, and despite some manuscript caves only being accessible through the Qumran site and others being on the very next marl promontory. But for the majority of interpreters the caves and their contents are to be associated with the site of Qumran, even if only in terms of the majority of the manuscripts having been brought to the caves by those who occupied the site itself. In several cases various

⁴ Shemaryahu Talmon, “The ‘Desert’ Motif in the Bible and in Qumran Literature,” in *Biblical Motifs: Origins and Transformations* (Philip W. Lown Institute of Advanced Judaic Studies, Studies and Texts 3; ed. Alexander Altmann; Cambridge MA: Harvard University Press, 1966), 31–63.

⁵ E.g., see recently Devorah Dimant, “Non pas l’exil au desert mais l’exil spirituel: l’interprétation d’Isaïe 40,3 dans la *Règle de la Communauté*,” in *Qoumrân et le Judaïsme du tournant de notre ère: Actes de la Table Ronde, Collège de France, 16 Novembre 2004* (Collection de la REJ 40; ed. A. Lemaire and S. C. Mimouni; Leuven: Peeters, 2006), 17–36; Hindy Najman, “Towards a Study of the Uses of the Concept of Wilderness in Ancient Judaism,” *DSD* 13 (2006): 99–113.

⁶ See George J. Brooke, “Isaiah 40:3 and the Wilderness Community,” in *New Qumran Texts and Studies: Proceedings of the First Meeting of the International Organization for Qumran Studies, Paris 1992* (STDJ 15; ed. G. J. Brooke with the assistance of F. García Martínez; Leiden: Brill, 1994), 117–32.

suggestions have been made about how the features of the site might reflect aspects of the life of the community referred to in some of the sectarian scrolls. I made some suggestions in this direction myself twenty years ago,⁷ but the most extensive recent description that relates the site with various aspects of the contents of the scrolls is that by Jodi Magness.⁸ In particular the water system of the site most readily lends itself to juxtaposition with the several textual descriptions of the important place that water played in the life of the sectarians.

The third aspect of the consideration of space and place in the scrolls and at Qumran has been a series of studies that have variously engaged with spatial theory to assist in the better understanding of both scrolls and site. Amongst these have been the studies by Jean-Baptiste Humbert on sacred space at Qumran,⁹ by Jodi Magness on communal meals and sacred space,¹⁰ and by Stephen Pfann on similar topics.¹¹ More challenging theoretically in its readings of the site, the texts and the ideologies of the communities represented by them has been the analysis by Philip Davies in which he has argued that physical and metaphorical spatial terminology variously reflect sectarian self-understandings and their implied boundaries.¹² Joan Branham has taken up one aspect of the topic of liminality, namely physical

⁷ George J. Brooke, "The Temple Scroll and the Archaeology of Qumran, 'Ain Feshkha and Masada," *RevQ* 13 (1988): 225–37.

⁸ Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Studies in the Dead Sea Scrolls and Related Literature; Grand Rapids: Eerdmans, 2002), 32–46 and throughout.

⁹ J.-B. Humbert, "L'espace sacré à Qumrân: propositions pour l'archéologie," *RB* 101 (1994): 161–211.

¹⁰ Jodi Magness, "Communal Meals and Sacred Space at Qumran," in *Shaping Community: The Art and Archaeology of Monasticism. Papers from a Symposium Held at the Frederick R. Weisman Museum, University of Minnesota, March 10–12, 2000* (BAR International Series 941; ed. Sheila McNally; Oxford: Archaeopress, 2001), 15–28; repr. as Chapter 6 in Jodi Magness, *Debating Qumran: Collected Essays on its Archaeology* (Interdisciplinary Studies in Ancient Culture and Religion 4; Leuven: Peeters, 2004).

¹¹ Stephen J. Pfann, "A Table in the Wilderness: Pantries and Tables, Pure Food and Sacred Space," in *Qumran, the Site of the Dead Sea Scrolls: Archaeological Interpretations and Debates. Proceedings of a Conference held at Brown University, November 17–19, 2002* (STDJ 57; ed. Katharina Galor, J.-B. Humbert and J. Zangenberg; Leiden: Brill, 2006), 159–78.

¹² Philip R. Davies, "Space and Sects in the Qumran Scrolls," in *'Imagining' Biblical Worlds: Studies in Spatial, Social and Historical Constructs in Honor of James W. Flanagan* (JSOTSup 359; ed. D. M. Gunn and Paula M. McNutt; London: Sheffield Academic Press, 2002), 81–98.

boundary marking, in relation to the Qumran site,¹³ which includes the demarcation of cemeteries. Liv Lied, who has applied “third-space” ideas to the unresolved conundrum concerning the location of Damascus,¹⁴ and Jorunn Øklund, who has tried to mark out sacred space in the *Temple Scroll*,¹⁵ are amongst those who have undertaken the analysis of spatial terminology and perspectives in the study of specific texts.

c. *The Purpose of This Study*

Although there are warnings about undertaking a spatial analysis of texts,¹⁶ my concern is to ignore them partially and to take some texts that are widely agreed to have belonged to the community that lived at Qumran itself to see what is said in them about space and place. I have chosen the so-called continuous *pesharim*¹⁷ for this short study because it is indeed quite likely that they were composed at Qumran and so might be construed as reflecting the ideology of those who lived there more than some of the other sectarian community texts that could have had an extensive pre-Qumran life or extensive use outside Qumran. These texts, more than any other form of scriptural interpretation found in manuscripts from the Qumran caves stand a chance of reflecting their immediate context in the running commentary. Furthermore, there has as yet been no spatial analysis of this sub-genre of biblical commentary from the Qumran caves. Davies has rightly noted that the spatiality of the *yahad* community can be conceived

¹³ Joan Branham, “Hedging the Holy at Qumran: Walls as Symbolic Devices,” in *Qumran, the Site of the Dead Sea Scrolls*, 117–31.

¹⁴ Liv I. Lied, “Another Look at the Land of Damascus: The Spaces of the *Damascus Document* in the Light of Edward W. Soja’s Thirdspace Approach,” in *New Directions in Qumran Studies: Proceedings of the Bristol Colloquium on the Dead Sea Scrolls, 8–10 September 2003* (LSTS 52; ed. J. G. Campbell, W. J. Lyons and L. K. Pietersen; London: T & T Clark International, 2005), 101–25.

¹⁵ Jorunn Øklund, “The Language of Gates and Entering: On Sacred Space in the *Temple Scroll*,” in *New Directions in Qumran Studies*, 149–65.

¹⁶ See Henri Lefebvre, *The Production of Space* (French original 1974; Oxford: Basil Blackwell, 1991), 15: “[A]ny search for space in literary texts will find it everywhere and in every guise: encoded, projected, dreamt of, speculated about,” cited by Davies, “Space and Sects in the Qumran Scrolls,” 81 n. 1.

¹⁷ Distinguishing the so-called continuous *pesharim* as a group for investigation is somewhat problematic, since scholars now acknowledge that there are not simply two types of sectarian commentary, thematic and continuous, but that there was a range of commentary types. Moreover, the technical term “pesher” occurs across a spectrum of different commentaries.

quite apart from whether or not it occupied the Qumran site.¹⁸ It is certainly appropriate not to tie the concepts of the *Rule of the Community* exclusively to Qumran, since much in that composition probably belongs to pre-Qumran times by one or two generations. But the quest of this investigation is an analysis of the spatial terminology of the continuous *pesharim* because they can be taken as contemporary with the Qumran site itself and might well be the products of the community that lived there.¹⁹

II. *Space and Place in the Continuous Pesharim*

a. *Qumran Commentaries?*

If the continuous *pesharim* are indeed contemporary with the occupation of the Qumran site by a sectarian community and were possibly the product of that same community,²⁰ then one can suitably ask how they deserve the label “*Qumran commentaries*,” indicating not just the place of their discovery but also how they might reflect the life, beliefs and practices of the community that lived there. Before attempting to answer the question, it is important to bear in mind three factors. First, it is clear that in the so-called continuous *pesharim* the scriptural text exercises a controlling role, often providing much of the vocabulary

¹⁸ Philip R. Davies, “Space and Sects in the Qumran Scrolls,” 97: “Whether or not this space was conceived at Qumran is really somewhat irrelevant.” This point has been developed in a somewhat different historical fashion by John J. Collins, “The Yaḥad and “The Qumran Community,” in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb* (JSJSup 111; ed. Charlotte Hempel and Judith M. Lieu; Leiden: Brill, 2006), 81–96: “The settlement at Qumran may well have been occupied by members of the yaḥad, but the yaḥad cannot be equated with ‘the Qumran community’” (96). Similar matters are debated by Sarianna Metso, “Whom Does the Term Yaḥad Identify?” in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*, 213–35; repr. in *Defining Identities: We, You, and the Other in the Dead Sea Scrolls: Proceedings of the Fifth Meeting of the IOQS in Groningen* (STDJ 70; ed. F. García Martínez and M. Popović; Leiden: Brill, 2008), 63–84.

¹⁹ The assertion by some that the continuous *pesharim* are autographs is highly problematic, not least because there are five manuscripts that contain *pesharim* on Isaiah and because there are two scribal hands in 1QpHab.

²⁰ The continuous *pesharim* reflect most of the same scribal practices as can be found in many of the manuscripts containing sectarian compositions. This has led to them being viewed as products of the so-called Qumran scribal school, but not with a complete homogeneity of scribal practice: see Emanuel Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert* (STDJ 54; Leiden: Brill, 2004), 258–59.

of the commentary and certainly playing a part in what was being selected as worthy of comment in the commentator's present experience or eschatological hope; thus the vocabulary of the *pesharim* is not entirely an independent witness to contemporary contexts. Second, it is widely acknowledged that the language of the *pesharim* is notoriously and probably deliberately non-specific. The widespread use of sobriquets throughout the genre has resulted in an extensive scholarly literature dedicated to the specific identity of certain individuals and groups. Third, the discourse of the *pesharim* is focussed on people rather than places; the rhetorical strategies of the *pesharim* are designed to construct social identity in various ways rather than to endorse the priority of a particular sectarian location.²¹ Thus in several ways the very character of the language of the commentaries inhibits our quest from the start.

Perhaps because of the non-specificity of the language of the *pesharim*, the first striking phenomenon to notice is that there is virtually nothing in the spatial language of the commentaries that can be clearly identified with Qumran in any explicit or direct fashion. There is no reference to Secacah. Just as for the individuals and groups, so for the possible places the non-specificity and polyvalence of the terminology makes it difficult to link the distinctive commentary activity with any particular aspect of the Qumran site. There are no references to the room for interpretation where the study of the prophets might have taken place. One possible explanation for this rests in the descriptions of communal study themselves. Three texts come to mind: in the somewhat idealistic *Rule of the Congregation* (1QSa) there is some information: "From his yo[uth they shall instru]ct him (ילמ[דהו]) in the Book of Hagi/u, and according to his age they shall enlighten him (ישביליהו) in the law[s of] the covenant. [And according to his understanding they shall] teach him (י[י]סרו) their regulations" (1QSa I, 6–8). Lawrence Schiffman has argued that the three elements of the curriculum here are the Book of Hagi/u, that is the Torah, the laws of the covenant, that is "practical application of the commandments," and the regulations of the sect.²² The identification of the Book of Hagi/u

²¹ See, e.g., Jutta Jokiranta, "Social Identity Approach: Identity-Constructing Elements in the Psalms Peshar," in *Defining Identities: We, You, and the Other in the Dead Sea Scrolls: Proceedings of the Fifth Meeting of the IOQS in Groningen*, 85–109.

²² Lawrence H. Schiffman, *The Eschatological Community of the Dead Sea Scrolls: A Study of the Rule of the Congregation* (SBLMS 38; Atlanta, GA: Scholars Press, 1989), 14–15.

with the Torah has not been universally accepted, but it is quite likely, given the parallel between CD XIII, 2–3, “And in a place of ten, there shall not be lacking a priest learned in the Book of Meditation,” and 1QS VI, 6–8, “And in the place where there are ten, there shall not be lacking a man who studies the Torah day and night continually.”²³ It is the study of the Law and its various extensions in community life that are the focus of this communal task, not the study of the prophets. Perhaps the study of the unfulfilled prophecies, blessings, curses, promises and other topics was undertaken in a solitary fashion by a particularly gifted or inspired interpreter. As such he might still have referred to the cave or room where he undertook this activity or used it analogously in his interpretations, but it so happens that such evidence does not survive.

b. *Some Specific Locations?*

To my mind, perhaps the closest that the continuous *pesharim* come to naming an actual place is in 4QpPs^a 1–10 III, 15–16 where the person described in Ps 37:23–24 as “the one whom the Lord supports” is described as לעמוד. Maurya Horgan has taken this nominally and translated the phrase, which seems to refer to the Teacher of Righteousness, “as a pillar.”²⁴ Obviously this is metaphorical, but one wonders whether the interpreter could point to an actual pillar as he spoke; in which case does that limit the number of rooms at Qumran where such a statement might have been made most forcefully? Florentino García Martínez and Eibert Tigchelaar take it as a verbal form and speak rather of the one whom “God [ch]ose to stand.”²⁵ The nominal translation might seem preferable, since the interpretation continues

²³ As pointed out by Steven D. Fraade, “Hagu, Book of,” in *Encyclopedia of the Dead Sea Scrolls* (ed. Lawrence H. Schiffman and James C. VanderKam; New York: Oxford University Press, 2000), 1: 327, who also writes, “Both passages are commonly understood to be reworkings of Joshua 1.8 (with an echo of Psalm 1.2), in which God charges Joshua: ‘Let this Book of Torah not cease (*lo’ yamush*) from your lips, but recite (*hagita*) it day and night, so that you may observe faithfully all that is written in it.’”

²⁴ Maurya P. Horgan, “Pesharim,” in *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations. Pesharim, Other Commentaries, and Related Documents* (Princeton Theological Seminary Dead Sea Scrolls Project 6B; ed. J. H. Charlesworth; Tübingen: Mohr Siebeck/Louisville: Westminster John Knox Press, 2002), 17.

²⁵ Florentino García Martínez and Eibert Tigchelaar, *The Dead Sea Scrolls Study Edition* (2 vols.; Leiden: Brill/Grand Rapids: Eerdmans, 2000), 1: 345.

by describing how this figure was established to build (לְבַנוֹת) a congregation for him; but the verbal translation shows that the two infinitives in the interpretation form a neat literary balance. Whatever the case, it is possible to see here some construction language,²⁶ and buildings need locations; if the allusion is to an actual pillar at Qumran, then the possibilities for the site of such communal interpretative activity are restricted to locus 77.

A second term for consideration is “wilderness.” I have already mentioned the way in which the liminal motif of the wilderness has played a specific role in understanding the location of the Qumran community, particularly as that is played out in the *Rule of the Community*. The term occurs twice in the continuous *pescharim* and as such might be taken as confirming the interpretation given it in the *Rule of the Community*. In 4QpPs^a 1–10 III, 1–2 the interpretation of the blameless of Ps 37:18–19a identifies them as the “returnees of the wilderness (שְׁבֵי הַמִּדְבָּר),” either those who “return to the wilderness”²⁷ or those “who have returned from the wilderness”²⁸ to whom will be given all the inheritance of Adam. The unlocated group of the Psalm is located firmly in the wilderness. It is possible to think that the inheritance of Adam has a geographical implication. The only other occurrence of מִדְבָּר in the continuous *pescharim* is in a very broken interpretation of Isa 10:24–27 in 4QpIsa^a 2–6 II, 18: “when they return from the wilderness of the peoples.” The implication of the interpretation is that the term wilderness describes the place of exile and oppression, whether in Assyria or Egypt, from which the Prince of the Congregation will have a role in delivering the people. It is unlikely this can be conceived as a reference, however oblique, to Qumran.²⁹

A third term deserves a little consideration. The phrase “house of Judah” occurs twice in the extant portions of the continuous *pescharim*. In 1QpHab VIII, 1 the righteous of Hab 2:4 are “those who do the Law in the House of Judah” (cf. CD IV, 11). It would be nice if

²⁶ I am grateful to Hanan Eshel for also observing that in several instances Hebrew vocabulary referring to buildings was subsequently adapted metaphorically and applied to aspects of literary activity.

²⁷ As Horgan, “Pesharim,” 15.

²⁸ As García Martínez and Tigchelaar, *The Dead Sea Scrolls Study Edition*, 1:345.

²⁹ Eyal Regev, *Sectarianism in Qumran: A Cross-Cultural Perspective* (Religion and Society 45; Berlin: de Gruyter, 2007), 45–46, supposes helpfully that ideas such as “exile” serve a thematic rather than geographical function and as such are essentially allocative.

a lintel had been found at Qumran with *בית יהודה* inscribed on it, but the options for the best understanding of the label are either as a designation that distinguishes the community from the house of Israel for some reason, or as a self-reference for the sect itself, or as a definition of the group as the party of the Teacher whose name may have been Judah.³⁰ In 4QpPs^a 1–10 II, 13–14 Ps 37:12–13 is interpreted to refer to those in the “house of Judah” who plot against those who do the Torah. The phrase “house of Judah” also occurs in Hos 5:14a in 4QpHos^b 2 3, but the comment is too fragmentary to discern how it is interpreted. The widespread metaphorical use of the term “house” makes the identification of a specific location with the “house of Judah” virtually impossible.³¹ The same has to be said for the “house of Absalom” of 1QpHab V, 9.

Lastly, the designation “house of his exile (*בית גלותו*)” (1QpHab XI, 6) has commonly been supposed to be a reference to Qumran. To my mind this is only possible by way of transfer. If the Teacher had never actually been to Qumran, because he was active in the movement before it was established, then the referent of this phrase is certainly unknown.

c. *Qumran as a Holy Place?*

If there is little or nothing in the spatial language of the continuous *pesharim* that can be associated with the physical location of Qumran and its spatiality, one can nevertheless ask whether there is anything in the imagery of the commentaries that might indirectly refer to the site and the manner of its occupation. If indeed the *Rule of the Community* has been correctly identified as reflecting in some way the *yahad* of Qumran, and even the changes that that community underwent as it apparently moved from being highly priestly and hierarchical towards being something more egalitarian in outlook,³² then one might expect

³⁰ The options are laid out by William H. Brownlee, *The Midrash Peshar of Habakkuk* (SBLMS 24; Missoula: Scholars Press, 1979), 126. In addition it should be noted that 4QpNah which otherwise does not speak of the Righteous Teacher, nevertheless talks of the time “when the glory of Judah is revealed” (4Q169 3–4 III, 4).

³¹ 1QpMic 20–21 2 refers to the “men of his house,” but the context is too fragmentary to know if this is a reference to a particular building.

³² See, e.g., George J. Brooke, “From ‘Assembly of Supreme Holiness for Aaron’ to ‘Sanctuary of Adam’: The Laicization of Temple Ideology in the Qumran Scrolls and Its Wider Implications,” *Journal for Semitics* 8/2 (1996): 119–45.

the commentaries to reflect, even if only indirectly, such hierarchical priestliness and gradual changes away from that. Perhaps, even in a much more general way, if the site functioned as a temporary substitute for or extension of the temple in Jerusalem or as a place of purification,³³ then maybe such concepts should be reflected in the continuous *pesharim*. However, perhaps somewhat surprisingly, a term such as *מקדש* occurs but twice in the continuous *pesharim*. In 1QpHab XII, 9 it refers to the divine sanctuary in Jerusalem, and in 4Q167 20 1 the context is too broken for interpretation to be sure, but the phrase “sanctuary of Israel” probably also implies a reference to Jerusalem. The term *היכל* does not occur in the commentary sections of the continuous *pesharim*.

At best, for my purposes, the commentaries reflect various boundary distinctions which may have been particularly pertinent at the Qumran site, but which cannot be demonstrated as needing Qumran (or any other particular site for that matter) for their suitable understanding.

Perhaps we should not be searching for horizontal spatiality in the *pesharim*. After all, the continuous *pesharim* can themselves be understood as some kind of prophecy. The interpretations that they contain are understood as God-given like the prophetic texts that are the basis of the commentary: the interpreter is the one to whom “God made known all the mysteries of his servants the prophets.”

This reflects the kind of vertical spatiality to which Davies has drawn attention as characteristic of the *yahad*'s conceptualisation of space and place,³⁴ rather than the horizontal sense of place we could use to identify a particular location.

d. *Actual Place-Names in the Pesharim*

From what has been indicated so far, it seems unlikely that there is any direct reference in the continuous commentaries to the Qumran

³³ As suggested by Edward M. Cook, “What was Qumran? A Ritual Purification Centre,” *BAR* 22/6 (1996): 39, 48–51, 73–75.

³⁴ Philip Davies, “Space and Sects in the Qumran Scrolls,” 97: “Internally, then, the space of the society is unique, entirely different from the space of the rest of the world; it is shared, it is single, it is vertically oriented.” The vertical orientation can be best discerned in some of the community’s worship texts in which the commingling of heaven and earth through the presence of angels in the worshipping community is clear.

site and its role in framing the prophetic interpretative practices of the community. It is natural, then, that we should turn our attention to the actual geographical place-names that feature in the commentaries.

In several instances places are named in the scriptural *lemmata*.³⁵ A few examples can be mentioned, such as 4QpPs^a 13, a fragment that contains a quotation of Ps 60:8–9 which speaks of Shechem and the Valley of Succoth. 4QpIsa^c 6–7 II, 1–6 provides a fragmentary reading of Isa 10:12–19b in which the King of Assyria, against whose arrogance Isaiah's text is directed, seems to be interpreted as king of Babylon, since the region is mentioned in the comment. This transfer from Assyria to Babylon does not seem to have been difficult for the commentator. The returning remnant of the house of Jacob of Isa 10:22–23 are identified with the penitents or returnees of Israel (שְׁבִי יִשְׂרָאֵל). 4QpIsa^c 21 2–3 mentions Lebanon and Carmel in the fragmentary interpretation, probably of Isa 29:17, that precedes the citation of Isa 30:1–5. It is not possible to comprehend precisely what the interpretation is about, though the geographical labels appear to be given human referents. The same is more certain in 4Q169 1–2 5–9 where Carmel and the blossoms of Lebanon are almost certainly identified as the leaders of particular groups. Egypt figures prominently in 4Q163 21 11, 12, 13; 25 5; 28 1; as well as in 4Q167 17 1.

4QpIsa^c 23 II, 3–10 contains a citation of Isa 30:15–18 which describes those left as a flagstaff on a mountaintop and as a standard on a hill.³⁶ The only line of the interpretation that follows identifies the principal characters of the passage with the “Seekers-after-Smooth-Things” who are in Jerusalem. In 1QpPs 9, part of a very fragmentary manuscript, there is one place where Ps 68:30 is cited; the verse can be restored with confidence with its reference to Jerusalem, because the interpretation seems to keep a literal reference to Jerusalem. In col. II of 4QpIsa^b the woe of Isa 5:11–14 and its follow-up in Isa 5:24c–25 are both interpreted explicitly as referring to the congregation of the men

³⁵ I am grateful to Hanan Eshel for observing during the discussion of this paper that the place names that survive in the Isaiah *pesharim* in particular are all a long way from Qumran and so it is not altogether surprising that the interpretations discuss matters geographically distant from the site.

³⁶ It would certainly seem inappropriate to think of such images as assisting in the identification of the settlements on the hill tops above Ein Gedi as the principal Essene settlement, “below (infra)” which was Ein Gedi as Pliny describes (*Natural History* 5:73). See Yizhar Hirschfeld, “A Community of Hermits above Ein Gedi,” *Cathedra* 96 (2000): 8–40 [Hebrew].

of mockery who are in Jerusalem; the interpreter has taken his cue from the prophecy's address in Isa 5:3 to the inhabitants of Jerusalem, to identify the wicked there. Indeed it is Jerusalem that is mentioned more than any other place in the continuous *peshtarim*.³⁷ The important matter to note is that in the more complete commentaries the name Jerusalem is introduced in the comment where it is not to be found in the scriptural lemma.³⁸ This happens twice in the Habakkuk Commentary: 1QpHab IX, 4 and XII, 7. In 4Q169 3–4 I, 2, 10 and 11 there are three mentions of Jerusalem in the comments where there are none in the scriptural lemmata. All this reinforces the view that the community at Qumran was more focussed on Jerusalem than on its own immediate surroundings.³⁹

The designation Israel presents a peculiar problem, since it can refer to either people or land, or one by virtue of the other.⁴⁰ It tells us little or nothing about the relationship between the continuous *peshtarim* and the Qumran context, even though it might be convenient to argue that Qumran was either clearly understood as within the land, as on the west side of the Jordan, or as outside the land in exile as some of the sectarian writings might imply.

e. *General Locative Terminology*

In addition to the specific geographical place names that are mentioned in the continuous *peshtarim*, there are a number of general terms such as ארץ and מקום that occur. What is the referent of these terms?

In fact, מקום occurs but twice. In 1Q14 1–5 2 the context is too broken to permit comment. In 4Q171 1–2 II, 6 Ps 37:10b, “When I look carefully at his territory (מקומו), he will not be there,” speaks of the wicked and is interpreted as concerning what takes place at

³⁷ 1QpHab IX, 4; XII, 7; 1Q14 8–10 3; 11 1; 1Q16 9–10 2; 4Q161 5–6 9 and 13; 4Q162 II, 7 and 10; 4Q163 23 II, 11; 4Q165 1–2 2; 4Q168 1 1; 4Q169 3–4 I, 2, 10 and 11.

³⁸ I am grateful to Albert I. Baumgarten for observing during the discussion of this paper that in some similar ways some aspects of Zionism paid particular attention to how certain attitudes to the land might be validated.

³⁹ See, e.g., George J. Brooke, “Moving Mountains: From Sinai to Jerusalem,” in *The Significance of Sinai: Traditions about Divine Revelation in Judaism and Christianity* (Themes in Biblical Narrative 12; ed. G. J. Brooke, Hindy Najman and L. T. Stuckenbruck; Leiden: Brill, 2008), 73–89.

⁴⁰ It occurs in 1QpHab VIII, 10; 4Q161 1 2; 8–10 3; 4Q162 II, 8; 4Q163 4–7 I, 3; II, 7, 12 and 13; 23 II, 2 and 3; 25 7; 4Q164 1 1 and 7; 4Q165 6 1; 4Q167 10 2; 4Q169 3–4 I, 8 and 12; III, 3 and 5; IV, 3; 5 2; 4Q171 1+3–4 III, 11 and 12; 3–10 IV, 24; 11 2.

the end of forty years: “they will be consumed, and there will not be found on earth any [wi]cked man.” This reads as the opposite of the rapture theology of some modern apocalypticists; it is the wicked who will disappear so that the righteous inherit the earth, as the subsequent interpretation of Ps 37:11 makes clear. The referent of ארץ seems to be the land of Israel, rather than the whole earth, since the interpretation contains Deuteronomic echoes that relate to the promised land.

In 4QpPs^a 1–10 III, 8–11 Ps 37:21–22 describes those blessed as inheriting the land. In the interpretation of this verse the land is famously substituted by the “high mountain of Isra[el],” on which the blessed will delight. ארץ is very widely used in the Qumran corpus. In *Pesher Habakkuk* alone it occurs eleven times.⁴¹ In 1QpHab III, 1, for example, the comment speaks of the “cities of the land” by way of describing the extent of the devastation to be wrought by the Chaldeans, namely the Kittim; it is entirely appropriate to take the referent of “cities of the land” in its plain sense and not to try to see it as a cipher for the camps of the movement of which the Qumran community was a part. The subsequent verse, Hab 1:6b, which speaks of “dwelling places (משכנות),” is interpreted simply as the cunning and deceit that the *Kittim* will deal with all peoples and the land in the comment on Hab 1:8–9 is best understood as a reference to the land of Israel.⁴²

As for other general locative terms, there are several references to mountains. הר occurs in 1Q14 1–5 3; 4Q161 5–6 9; 4Q162 II, 9; 4Q163 23 II, 7; 24 1; 57 1; 4Q169 1–2 9; and 4Q171 1+3–4 III, 11. The fortress (מבצר) of Hab 1:10 is not understood to refer to the fortifications of Qumran, since in the comment it is generalized into “the fortifications of the peoples (מבצרי העמים)” (1QpHab IV, 4–6). The word מקוה, possibly referring to a reservoir or ritual bath, sadly never occurs in extant parts of the continuous *pesharim*.

As for 4QpIsa^b I, 1–2, the spatial images of Isa 5:5b–6a, the hedge being removed, the wall broken down, etc., appear to be interpreted simply in an abstract fashion in terms of divine abandonment. Not enough text survives to say more, but this seems to correspond with

⁴¹ 1QpHab III, 1, 10; IV, 13; VI, 8; IX, 8; X, 14; XII, 1, 7, 9; XIII, 1 and 4.

⁴² It features too in 1Q14 1–5 3; 1Q15 2 and 5; 4Q161 2–4 5; 4Q162 II, 1 and 2; 4Q163 2–3 3; 8–10 5; 31 5; 4Q165 1–2 4; 4Q169 1–2 2 and 10; 4Q171 1–2 II, 4, 7, 8, 10; 1+3–4 III, 9; 3–10 IV, 11.

several other places where spatial images are taken abstractly rather than related to concrete surroundings.

f. *Places as People*

The Israelite tribal designations encourage the close association of people with particular places or regions. In the late Second Temple period these are transferred to Israel as a whole. In sectarian texts the assumption is that the promises made to Israel are the inheritance of the sectarian movement alone.

In several texts it is clear that the location of divine promises or indeed of the covenant is with people. In 4QpPs^a 1–10 II, 4–5 Psalm 37:9b describes those who wait for the Lord as those who will inherit the land. Intriguingly this is interpreted in the commentary without any reference to territory as simply being about “the congregation of his chosen ones, those who do his will.” In 1QpMic Mic 1:5c, “And what are the high places of Judah? Is it not Jerusalem?” is interpreted as a reference to the “Righteous Teac[h]er, who is the one [...]w and to a[l]l who volunteer to be added to the chosen ones of [...] in the Council of the Community.”⁴³ Perhaps Judah is understood as the name of the Righteous Teacher; whatever the case might be, the places of Mic 1:5 are identified with the Teacher and the chosen community. The community is in some sense a restored Jerusalem in anticipation. Famously, in 1QpHab XII, 3–4 “Lebanon is the Council of the Community.”⁴⁴

In 4QpPs^a 1–10 IV, 13–15, Ps 37:35–36 speaks of the place of the wicked, but the interpretation does not seem to pick up on the spatial image at all, simply condemning the Man of the Lie to judgment. In 4Q169 3–4 II, 1–2, the “city of Ephraim” is identified as “the Seekers-After-Smooth-Things at the latter days.” In 4Q169 Manasseh and Ephraim are identified with their supposed inhabitants as ciphers for opponents of those to whom the commentary is addressed. Most explicitly in 1QpHab X, 5–13 there is the quotation of Hab 2:12–13 concerning the one who builds a city. This is interpreted in an extensive comment as the “Spouter of the Lie” who has built a “city of emp-

⁴³ Horgan, “Pesharim,” 135.

⁴⁴ Geza Vermes, “Lebanon—The Historical Development of an Exegetical Tradition,” in *Scripture and Tradition in Judaism: Haggadic Studies* (SPB 4; 2nd edn.; Leiden: Brill, 1983), 26–39.

tiness” and a “congregation of falsehood.” The place is made into a group of people.

A closing comment to this sub-section is possibly pertinent. Those who describe the phenomenon of Christian monasticism commonly note that the monastery is not just an alternative place to which the members of an order can retreat. Rather, it is a place of social and political statement where a new community is established to replace the inadequacies of the world that the rest of the population inhabit. In the monastery the community of fictive kinship is a substitute for the sinful urban culture of others and a proleptic place where the focus is on perfection. Though there are obvious differences between the Qumran community (and the movement of which it was a part) and later Christian monasticism, such as the relative paucity of the language of fictive kinship, nevertheless, the transformation of space into community renders the bounded place of restricted access useful but essentially transient, as place for those with such commitment is actually “the whole inhabited world.”⁴⁵

III. Conclusion

Perhaps the journey of this short study has been largely a negative one. There seems little or nothing in the continuous *pesharim* that can be used to locate them or the practice of prophetic interpretation to which they attest at the Qumran site. We cannot locate where there was a room for interpretation. Their point of reference is not the wilderness location or the walled enclosure erected there.

Nevertheless, this observation in itself allows us to affirm several things about the continuous *pesharim*. First, their structure displays the fact that they are put together in many ways under the control of the scriptural text; it is that which most commonly provides the language of the commentary, not the immediate spatial environment of the commentator. Second, the dominant self-reference in the commentaries is to the community in some form. It is people who localize many of the spatial referents of the scriptural texts. Third, where there are specific places named in the commentary sections,

⁴⁵ See the helpful comments of Philip Sheldrake, *Spaces for the Sacred* (London: SCM Press, 2001), esp. chapter 4, “The Practice of Place: Monasteries and Utopias,” 90–118, here 118.

it is Jerusalem that dominates in the discourse. Jerusalem is the place where the ideological battle is being fought out; this is probably an accurate reflection of circumstances in the first century BCE when the continuous *pesharim* were being composed. Jerusalem, purified and cleansed, is the place to which the community aspires in the imminent future. In the continuous *pesharim* the room for interpretation is the scripturally-rooted longing of the community to which they are addressed.

DEMONSTRABLE INSTANCES OF THE USE OF SOURCES IN THE PSEUDEPIGRAPHA

VERED HILLEL

The question of the relationship between Aramaic Levi Document (ALD), *Jubilees* and the Greek *Testament of Levi* (TPL) has long intrigued scholars. A number of more or less detailed comparisons of the relationship between ALD and TPL have been undertaken and most conclude that TPL stands in some sort of literary dependence on ALD.¹ In contrast, there is no general consensus regarding the connection between *Jubilees*, ALD and TPL.² Earlier studies were

¹ See, for example, M. de Jonge, *The Testaments of the Twelve Patriarchs: A Study of Their Text, Composition, and Origin* (Assen: Van Gorcum, 1953), 38–52; *idem*, “Notes on Testament of Levi II–VII,” in *Studies on the Testaments of the Twelve Patriarchs: Text and Interpretation* (SVTP 3; ed. M. de Jonge; Leiden: Brill, 1975), 247–60; *idem*, “The Testament of Levi and ‘Aramaic Levi,’” *RevQ* 13 (1988): 367–85; repr. in *Jewish Eschatology, Early Christology and the Testaments of the Twelve Patriarchs* (Leiden: Brill, 1991), 244–62; *idem*, “Jacob’s Son Levi in the Old Testament Pseudepigrapha and Related Literature,” in *Biblical Figures Outside the Bible* (ed. M. E. Stone and T. A. Bergren; Harrisburg PA: Trinity Press International, 1998), 203–36; D. Haupt, “Das Testament des Levi: Untersuchungen zu seiner Entstehung und Überlieferungsgeschichte” (Th.D. diss., Halle-Wittenberg, 1969); A. Hultgård, *L’eschatologie des Testaments des Douze Patriarches 2: Composition de l’ouvrage, textes et traductions* (Acta Universitatis Upsaliensis, Historia Religionum 7; Uppsala: Almqvist & Wiksell, 1982), 93–106; M. E. Stone, “Aramaic Levi Document and Greek Testament of Levi,” in *Emanuel: Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov* (SVTP 94; ed. S. M. Paul et al.; Leiden: Brill, 2003), 429–37; and J. Becker, *Untersuchungen zur Entstehungsgeschichte der Testamente der Zwölf Patriarchen* (Arbeiten zur Geschichte des antiken Judentums und des Urchristentums 8; Leiden: Brill, 1970), 67–105, who denies any literary dependence and assumes a relatively stable oral cycle of narrative material.

² The relationship between TPL, *Jubilees* and ALD are discussed at length by many scholars, examples of such works are: Becker *Untersuchungen*, 79–87; H. W. Hollander and M. de Jonge, *The Testaments of the Twelve Patriarchs: A Commentary* (SVTP 8; Leiden: Brill, 1985), 17–24; M. E. Stone, “Enoch, Aramaic Levi and Sectarian Origins,” *JSJ* 19 (1988): 159–70; repr. in *Selected Studies in Pseudepigrapha and Apocrypha* (SVTP 9; ed. M. E. Stone; Leiden: Brill, 1991), 247–58; J. Kugel, “Levi’s Elevation to the Priesthood in Second Temple Writings,” *HTR* 86 (1993): 1–64, esp. 45–46, 52–58; R. Kugler, *From Patriarch to Priest: The Levi-Priestly Tradition from Aramaic Levi to Testament of Levi* (SBLEJL 9; Atlanta: Scholars Press, 1996), 92–93, 110–11, 130–31 and 146–55 with references to other studies and *idem*, *The Testaments of the Twelve Patriarchs* (Guides to Apocrypha and Pseudepigrapha; Sheffield: Sheffield Academic Press, 2001), 48–49; M. Knibb, “Perspectives on the Apocrypha and Pseudepigrapha:

impeded by the fragmentary state of the Qumran Aramaic Levi material (1Q21, 4Q213–14, 4Q540).³ Two monographs published in 2004, one by Greenfield, Stone and Eshel, and the other by Drawnel,⁴ along with Kugler's book of 1996,⁵ alleviate this problem. They clarify the relationship between the Geniza and the Qumran Aramaic Levi fragments and present all the fragments as parts of a single document that we entitle ALD. As a result, it is now easier to analyze ways in which later authors adopted and adapted source material.⁶

There are two facets to an analysis of the relationship between texts. On the one hand, one must account for shared features, on the other hand, for divergences. For example, the ordering of events and explicit citations reflect the direct dependence of TPL on some form of ALD. Similarly, overlaps between ALD and *Jubilees*, particularly in the Levi section of *Jub.* 30:1–32:9,⁷ suggest that *Jubilees* also may have been “dependent on *Aramaic Levi* or on the tradition that lies behind it.”⁸

The Levi Traditions,” in *Perspectives in the Study of the Old Testament and Early Judaism: A Symposium in Honour of Adam S. van der Woude on the Occasion of His 70th Birthday* (ed. F. García Martínez and E. Noort, Leiden: Brill, 1998), 197–213, esp. 210–213; M. de Jonge, “Levi in Aramaic Levi and in the Testament of Levi,” in *Pseudepigraphic Perspectives: The Apocrypha and Pseudepigrapha in Light of the Dead Sea Scrolls* (STDJ 31; ed. E. Chazon and M. E. Stone; Leiden: Brill, 1999), 71–89, esp. 84–89; cf. J. C. Greenfield, M. E. Stone and E. Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary* (SVTP 19; Leiden: Brill, 2004) and H. Drawnel, *An Aramaic Wisdom Text From Qumran: A New Interpretation of the Levi Document* (JSJSup 86; Leiden: Brill, 2004). For a more comprehensive view of scholarly opinion and bibliography until 1996 see Kugler, *Patriarch*, 172 n. 3 and *Testaments*, 48–49 for updated arguments and bibliography.

³ The fragmentary state of ALD caused many uncertainties about its form and stages of transmission. Consequently, studies have focused on the reconstruction, translation and interpretation of ALD.

⁴ Greenfield, Stone and Eshel, *Aramaic Levi*; Drawnel, *Wisdom Text*.

⁵ Kugler's reconstruction, which was made before the Qumran fragments were published, has met with some resistance, see for example M. Morgenstern, “Review of R. A. Kugler, *From Patriarch to Priest*, Atlanta, 1996,” *JSS* 44 (1999): 135–37.

⁶ The amount of secondary literature on ALD and the relationship between it, *Jubilees* and TPL is copious and dissenting. I have chosen to use the 2004 edition of ALD by Greenfield, Stone and Eshel as my primary witness for this work.

⁷ A number of extra-biblical motifs in this section are also attested in ALD; for example, Levi's appointment as a priest, Jacob's sacrifice to Levi, and strong teaching of endogamy in the same context. See J. VanderKam, *The Book of Jubilees* (Guide to Apocrypha and Pseudepigrapha; Sheffield: Sheffield Academic Press, 2001), 138.

⁸ VanderKam, *Jubilees*, 138. Kugel (*Levi's Elevation* and “How Old is the Aramaic Levi Document” *DSD* 14 [2007]: 291–312) holds that *Jubilees* served as a source for ALD. While interesting, his opinion is based on the creation of two hypothetical documents, “Levi's Apocalypse” and “Levi's Priestly Initiation” in order to explain the exegetical traditions that he presumes lie behind ALD and *Jubilees*. I see no reason to

Despite their shared features, there are also many differences between TPL and ALD. Some of those deviations can be accounted for by the activity of the author (I use this term for convenience) of TPL who modified the source in order to bring it into line with the purpose of the testament and with the overall ideology and themes of the *Testaments of the Twelve Patriarchs (Testaments)*. Explanations for other divergences must be sought in material outside ALD, such as the analogous exegetical traditions preserved in the *Book of Jubilees*.

In this chapter I focus on Levi's elevation to the priesthood in order to demonstrate how TPL and *Jubilees* adopted and adapted material from ALD to suit their purposes. Limitations of space preclude me from laying out in detail the points at which *Jubilees* and TPL share exegetical traditions or how *Jubilees* may have served as an intermediary between ALD and TPL in exegetical development.⁹ I do, however, present one instance where TPL reflects the ideology of *Jubilees* in opposition to ALD.

Before commencing that undertaking, let me first make explicit that I regard ALD as a third century or very early second century BCE composition,¹⁰ I hold with VanderKam's dating of *Jubilees* to between 160–150 BCE,¹¹ and following M. de Jonge I view the *Testaments* as a Christian document of the late second century CE.¹²

I. TPL in the Testaments of the Twelve Patriarchs

The *Testaments of the Twelve Patriarchs* emphasizes parenesis. This didactic teaching, which stems from Abraham, Isaac and Jacob, and implicitly from Enoch, Noah and Shem (*T. Benjamin* 10:4, 6), is to be handed down as an inheritance from one generation to another (*T. Benjamin* 10:4–5). Levi, along with Joseph and Judah are central figures. Levi is exalted as a perfect servant of the Lord and ideal priest.

posit non-existing text in order to prove an exegetical tradition. Kugel is concerned only with the exegetical background of the texts ("Levi's Elevation", 37) and does not deal with the complex issues of dating either *Jubilees* or ALD.

⁹ Such instances include the way in which the transmission of priestly lore or the travels of the patriarchs are used in all three documents.

¹⁰ Greenfield, Stone, and Eshel, *Aramaic Levi*, 19.

¹¹ VanderKam, *Jubliees*, 17–21; cf. *idem*, "The Origins and Purposes of the *Book of Jubilees*," in *Studies in the Book of Jubilees* (ed. M. Albani, J. Frey and A. Lange; Tübingen: Mohr Siebeck), 3–24, esp. 3–16.

¹² See, for example, Hollander and de Jonge, *Commentary*, 84–85.

He is an ethical man according to the standards of the *Testaments*: e.g., he loves and obeys God and His law (5:3–6:6, *T.Reuben* 6:8); works righteousness (2:3–4; 4:2, cf. 8:2; 13:5); teaches his children and walks in simplicity (13:1); loves his neighbour (17:5); seeks wisdom in the fear of God (13:7) and has a proper marriage (11:1; cf. 14:6).¹³

After the introductory comments, TPL relates two visions. The first includes a heavenly journey where Levi is informed of his calling as a priest and commanded to execute vengeance on Shechem. Levi awakens from this vision, fulfills the command and immediately thereafter has another vision in which he is ordained a priest by seven angels of the Lord (8:1–7). These visions are not just dreams or literary devices. They are regarded as very real events; Levi's investiture actually takes place in the heavenly realm. Despite this, his priesthood is enacted on earth. There is a direct spatial correspondence between the heavenly and the earthly in TPL; things are ordained in the heavens and also carried out on earth. God chooses and invests Levi by means of angels (8:2–17) and later confirms the investiture to Jacob in a dream.¹⁴ This heavenly-earthly correlation is also seen in Isaac's instruction to Levi: Isaac continually (e.g., on a daily basis) calls Levi before him to remind his grandson of the Law of the Lord that the angels had already showed Levi in the vision (heavenly element) and to teach Levi the laws of the priesthood (earthly element). Nevertheless, the time of Levi's priesthood is limited (5:2). His future descendants will not heed his warnings or commands. Consequently, they will ultimately be disqualified from the priesthood and replaced by a new priest who

¹³ Levi's attributes are drawn from his declaration of innocence (*T.Levi* 10:2–5) concerning his past and his descendants' future actions. Such declarations are common in the *Testaments* and help define the patriarch's character. His attributes are subtly reminiscent of Joseph who is the "good man" *par excellence* and, consequently, in line with the moral character that the *Testaments* holds so dear. For example, Levi felt grief for men and prayed that they might be saved (2:4). This characterizes the proper attitude of a man in distress (cf. *T.Joseph* 3:6–9). For an in-depth study of Joseph's ethical character in the *Testaments*, see H. W. Hollander, "The Ethical Character of the Patriarch Joseph: A Study in the Ethics of the *Testaments of the Twelve Patriarchs*," in *Studies on the Testament of Joseph* (ed. G. W. E. Nickelsburg; Missoula MO: Scholars Press, 1975), 47–104. This article was expanded into a book in 1981 (*Joseph as an Ethical Model in the Testaments of the Twelve Patriarchs* [Leiden: Brill]). For a summary of the characteristics of a "good man" see Hollander, *Joseph*, 93 and 57–61 for specific reference to Levi. Also see V. Hillel, "Naphtali, a Proto-Joseph in the *Testaments of the Twelve Patriarchs*," *JSP* 16.3 (2007): 171–201, esp. 178–84.

¹⁴ This is reminiscent of Joseph's dream in which an angel of the Lord explains that everything that had transpired with Mary was from the Lord (Matt 1:20).

will also be a king (chapter 18). Like Levi, this new priest arises in heaven and executes judgment upon the earth (18:2–3). Levi in TPL is a type of Christ.¹⁵

II. *ALD and TPL*

Clearly some form of ALD lies behind the investiture narrative in TPL 2:3–8:17, but with significant ideological differences. ALD emphasizes the status of the figure of Levi and the levitical line, as well as the transmission of correct priestly teaching.¹⁶ In ALD Levi's investiture is directly related to the book's stress on the transmission of correct priestly lore and cultic teaching from generation to generation. Cultic authority and teaching are rooted in history. They are anchored in prior traditions reaching all the way back to the antediluvian (or immediately post-diluvian) Book of Noah (ALD 10:10). Noah passes them on to Abraham who instructs Isaac (ALD 7:4); Isaac in turn educates Levi (ALD 5:8) who teaches his descendants.¹⁷ Thus ALD sets the levitical priesthood firmly into a line of tradition reaching back not just to Levi, but to Noah.¹⁸ ALD places great weight on both the purity of the levitical line and its descent.¹⁹ Indeed, it is Levi's lineage, not his personal attributes that qualify him for the priesthood and, in turn, his investiture "makes him fit to receive the priestly teaching".²⁰ Levi is not just another priest in the stream of transmission. For the

¹⁵ Hippolytus takes this a step further stating that Christ is a priest from the lineage of Levi (*Commentary on Genesis* 49). See M. de Jonge, "Hippolytus' 'Benedictions of Isaac, Jacob and Moses' and the Testaments of the Twelve Patriarchs," *Bijdragen* 46 (1985): 245–60; repr. in *Jewish Eschatology*, 204–19, 257–60.

¹⁶ J. C. Greenfield and M. E. Stone, "Remarks on the Aramaic Testament of Levi from the Geniza," *RB* 86 (1979): 214–30; repr. in M. E. Stone, *Selected Studies in Pseudopigrapha and Apocrypha*, 228–46; cf. Greenfield, Stone and Eshel, *Aramaic Levi*, 35–36. Drawnel aptly notes, "Most of the Aramaic composition deals with priestly education and indicates its basic principles and ideals in view of dominant social position of the Levitical priesthood in post-exilic Judea. Levi's priestly election and his professional education become a paradigm for his priestly descendants.", *Wisdom Text*, 7–18, here 12.

¹⁷ See Greenfield, Stone and Eshel, *Aramaic Levi*, 36; Drawnel, *Wisdom Text*, 80.

¹⁸ Stone traces the priestly tradition through Noah all the way back to Adam ("The Axis of History at Qumran," in Chazon and Stone, eds., *Pseudepigraphic Perspectives*, 133–149).

¹⁹ ALD stresses the endogamy of the Aaronide lineage, see Greenfield and Stone, *Remarks*, 222–24.

²⁰ Greenfield, Stone and Eshel, *Aramaic Levi*, 36; cf., ALD 10:4.

author of ALD he is the ideal priest who is endowed with priestly, royal and sapiential characteristics, a combination of which is unusual in Second Temple period texts.²¹ As a result, he has political, judicial and religious functions.²²

TPL modifies these characteristics. First, in keeping with views regnant in the *Testaments*, as well as most Second Temple literature,²³ the royal characteristics are removed from Levi and conferred to Judah. Second, although Levi is endowed with sapiential characteristics in both ALD and TPL and with a number of common themes and expressions in that context, in TPL they are adapted to the *Testaments'* Hellenistic context.²⁴ ALD 13 stresses truth and wisdom, whereas TPL 13 subordinates wisdom to the Law and fear of God. The one who knows the law of God will never be a stranger, no matter where he goes (13:3).²⁵ The Hellenistic idea that the wise man is a world citizen stands in the background of this verse.²⁶ Similarly, one who acquires wisdom will have a "fatherland in a strange country" (v. 8), which reflects the Hellenistic idea that if a wise man gives up his fatherland, family and friends, wisdom itself will be his fatherland.²⁷

In a similar vein, ALD presents Joseph as the wise man who teaches reading, writing, and wisdom and the one whom Levi's descendants are to emulate,²⁸ whereas TPL 13 depicts the Levites as the wise men

²¹ Royal language is used in connection with the priesthood, and "verses typical of Judah and the royal messiah are attributed to Levi", Greenfield, Stone and Eshel, *Aramaic Levi*, 20–21, 34–37, here 20; cf. also Drawnel, *Wisdom Text*, 80–89.

²² 4QLevi, a fragmentary text, mentions the offices of heads, judges, priests and kings in connection with Levi's descendants (ALD 13:16). See Greenfield, Stone and Eshel *Aramaic Levi*, 107, 214 and Drawnel, *Wisdom Text*, 342–44, 373.

²³ The roles of priest and king are separated in most Second Temple period literature, although they are mentioned together in a messianic context, e.g., CD XII, 2; XIV, 19; XIX, 10–11; XX, 1; 1QS IX, 11. This probably reflects the two sons of oil in Zech 4:14; cf. 4Q254 4: 2 or the priest and political ruler of Zech 3–4. Their combination in ALD is unique.

²⁴ For a discussion of the Hellenistic context of wisdom in the *Testaments*, see Hollander and de Jonge, *Commentary*, 166–67 and Hollander, *Ethical Model*, esp. 57–64.

²⁵ The concept of subordinating wisdom to the law and fear of God is already found in ben Sira, especially chapter 15.

²⁶ Cf., e.g., Plutarch, *De exilio* 7 (*Mor.* 601E); The Golden Sayings of Epictetus, 1.15–16; Philo, *Spec. Laws* 1.97.

²⁷ See Philo, *Flight* 77. Also the combination of πατρις φίλος is a standard theme in Hellenistic texts; see Hollander and de Jonge, *Commentary*, 167 note 13,8 for references.

²⁸ For information on reading and writing as characteristics of wisdom, see Drawnel, *Wisdom*, 328–33. The art of writing and reading, along with the teaching of wisdom, is very important in the *Book of Jubilees* and is often connected with halakhic instruc-

who are to teach their children to read in order that they can know and teach the law of God (vv. 2–3). If they do so they will be enthroned with kings, just like Joseph. The idea that a wise man will be enthroned with kings comes from Hellenistic wisdom literature, see, e.g., 2 Ezra (1 Esdras) 3:7; 4:42, Wisdom of Solomon 6:20 as well as other Hellenistic writers.²⁹ Likewise the Levites are to obtain wisdom, because unlike worldly possessions, it cannot be taken away (vv. 7–8). The background to these verses is found in Greek Hellenistic philosophers such as Plutarch.³⁰ The purpose of literacy in TPL is to enable people to read the law of God (13:2) in order to keep it and teach it to their descendants (13:9). This is the responsibility of the Levites in TPL.³¹ Joseph cannot be the example of the wise man in TPL because he does not meet the basic criterion, he is not a priest. Consequently, the author of TPL has re-modeled Joseph's role as a teacher of writing and wisdom and subordinated him to Levi and the Levitical line. Joseph simply represents someone who has attained a reward in the form of a king's throne, a reward that is given to every Levite who reads, teaches and keeps the law, and in so doing acquires wisdom.

III. *Jubilees and ALD*

One area in which *Jubilees* has modified material from ALD is the transmission of priestly teaching and its purpose. *Jubilees* embeds Levi's elevation to the priesthood in a larger narrative about Jacob. Levi's preminent role as the ideal priest is explained four different ways.³² First, he is rewarded for his zeal in avenging Dinah (30:18–20),

tion that is handed down to the sons. This art results in a distinct chain of tradition that relates back to Adam but not necessarily priestly teaching. See J. T. A. G. M. van Ruiten, *Primaeval History Interpreted: The Rewriting of Genesis 1–11 in the Book of Jubilees* (JSJSup 66; Leiden: Brill, 2000), 316–17.

²⁹ For example, Philo, *Sobriety* 57; *Migration* 197; *Names* no. 152, Diogenes Laertius, *Lives* 7.122.

³⁰ Plutarch, *De tranquillitate animi* 17 (*Mor.* 475 E); cf. Hollander, *Ethical Model*, 59–60 and Hollander and de Jonge, *Commentary*, 166–67.

³¹ The idea that the Levites and priests read and teach the law while the Israelites listen appears already in biblical and apocryphal traditions; see for example Deut 31:9–11, Neh 8: 2–5; 9:3–4; 1 Esdras 9:39–46.

³² Kugel ("Elevation," 7, 47–51) views the inclusion of these four different explanations as "overkill". He sees no reason for the author to have included four different reasons for Levi's elevation to the priesthood. However, as can be seen by the present discussion, these four reasons are an integral part of the document and reveal the

an act that reveals his righteous character.³³ *Jubilees* makes it clear that the agreement between Jacob and Shechem was intended to merge the two peoples (Gen 34:8–22). Levi and Simeon’s violence against the Shechemites prevented that abomination. Second, Isaac’s prophetic blessing pronounces Levi a priest (*Jub.* 31:12–32)³⁴ and establishes the link between Levi and the ancient, antediluvian priesthood, which in *Jubilees* goes back to Adam, Enoch and other early figures who brought priestly offerings to God.³⁵ Third, Levi has a divinely sent dream-vision in which he is appointed to the eternal priesthood of the Most High (32:1–9).³⁶ Lastly, he is appointed as a human tithe (32:2), that his father Jacob offers by counting backwards starting from Benjamin, who was still in the womb, with the tenth lot falling to Levi.³⁷ Unlike in ALD these investiture narratives attribute greater import to Levi’s character and deeds than to his lineage and the transmission of proper priestly teaching.

The transmission of cultic lore is de-emphasized in *Jubilees*. It is distanced from Levi’s installation as a priest and limited to two references connected to Abraham and Jacob. Abraham verbally passes on abbreviated cultic regulations to Isaac (*Jub.* 21:7–17)³⁸ and Jacob, at the end of his life, passes on all his books as well as the books of his fathers to Levi (45:16).³⁹ The parallel sacrificial instructions in ALD 6–10 are quite detailed and constitute close to fifty percent of the extant document.

heart of the narrative. Halpern-Amaru shows how these four reasons are not “overkill” (*The Empowerment of Women in the Book of Jubilees* [JSJSup 60; Leiden: Brill, 1999], 95–96) and addresses another instance where Kugel has incorrectly designated contradictory traditions as “overkill” (R. Kugel, *Traditions of the Bible: A Guide to the Bible As It Was at the Start of the Common Era*. [Cambridge MA: Harvard University Press, 1998], 61).

³³ *Jubilees* states that Levi was recorded on the heavenly tablets as a just man and friend of God (30:20). He is also called God’s friend in ALD 13:2.

³⁴ Isaac’s blessing of Levi and Judah in *Jub.* 31 is modeled on Gen 48, where Jacob blesses Joseph’s sons Ephraim and Manasseh.

³⁵ Kugel (“Elevation,” 17–18) develops this motif which he calls “chain of priests”.

³⁶ This divine title is reminiscent of Melchizedek (Gen 14:18–20); Jacob even repeats Abraham’s tithe to Melchizedek.

³⁷ Halpern-Amaru notes how the tradition that Levi was selected through human tithing explains both why Reuben and Simeon were passed over and also elevates Rachel by associating her with the most prestigious institution, the priesthood (*Empowerment*, 96).

³⁸ Other statements about cultic lore are made in relation to the festivals when the patriarchs offer sacrifices, but there is no mention of their transmission, only their implementation.

³⁹ *Jub.* 21:10 also mentions the books of his ancestors, and the words of Enoch and Noah, as the source of some sacrificial laws; cf. VanderKam, *Jubilees*, 56.

The quantity of priestly instruction alone indicates the importance of its proper transmission. In contrast, *Jubilees*, in keeping with its overall ideology, focuses on the purity of the priest.⁴⁰

Abraham's instruction to Isaac is bracketed by commands to avoid the consumption of blood and its association with purity and impurity: Isaac is told to serve God by avoiding impurity and idols, and by refraining from the consumption of blood. These directives lead to the sacrificial instructions, which conclude with concern for bodily purity when sacrificing and the avoidance of eating blood.⁴¹ Thereafter, Isaac is advised not to walk in evil or self-destructive ways but to obey God and receive His blessing. The cultic teaching itself indicates *Jubilees'* proclivity to focus on purity. Abraham's instructions cover three areas that are more or less parallel to ALD: 1) the peace offering (21:7–10); 2) the wood offering (21:12–14); and 3) the concern with washing and blood (21:16–18).⁴² The regulations about the peace offerings in both ALD and *Jubilees* are similar in that both mention sacrifice, both include biblical precepts about salt, fat and the accompanying libations, and each indicates that if the sacrifice is done properly, it will be a pleasing fragrance to the Lord. They differ in that ALD relates the mechanics of the sacrifice, the order in which the animal and the other constituent elements are to be placed on the altar, whereas *Jubilees* concentrates on the fat of the sacrifice and the actions of the priests. *Jubilees*, which reflects the underlying biblical text more closely than does ALD, is concerned with the proper implementation of the priestly instructions and not just the instructions themselves.

In their treatment of the wood offering, the documents share basic components, i.e., an account of the kinds of wood to be used, the instruction to examine it and to ensure its smoke has a pleasing aroma.⁴³ At the same time, *Jubilees* expands the instructions specifically

⁴⁰ *T. Levi* (9:6–14) also includes an abbreviated form of the priestly teaching from ALD 6–10 and modifies its purpose to match the ideology of *Testaments* that the patriarch's teaching is an inheritance to be passed on to his descendants. *T. Levi* follows the order of ALD; in both texts Isaac prefaces his priestly teaching with a warning about sexual purity and a command to marry properly.

⁴¹ For the significance of purity and impurity to the writer of *Jubilees*, see VanderKam, *Jubilees*, 131–32.

⁴² Salting of sacrifices is also mentioned in both documents (ALD 8:2 and *Jub.* 21:11), but this probably reflects the biblical command (Lev 2:3) and not a parallel between the two documents.

⁴³ The lists of trees and their parallels in other ancient literature can be found in VanderKam, *The Book of Jubilees* (CSCO 511/ScrAeth 88; Leuven: Peeters, 1989), 123–25 and Greenfield, Stone and Eshel, *Aramaic Levi*, 165–70.

by describing how the priests are to examine the wood to ensure its purity (*Jubilees* 21:15). Once again the emphasis is on the preservation of purity and on the actions of the priests and not simply on the content of the teaching itself. The author of *Jubilees* wants to make sure that the priestly teaching is carried out properly in order to ensure its purity.

The statutes about washing and blood in ALD and *Jubilees* are synonymous. They both include the same information,⁴⁴ only ALD records it in two sections (7:1–3 and 10:6–10) and *Jubilees* combines it into one (21:16–18). The major difference lies in the purpose of the material. In ALD these dictates encompass the overall cultic teaching. The manner of washing both introduces and concludes the priestly teaching. The teaching on blood, which is found alongside the instructions about washing at the end of the priestly teaching, stresses the life force of the blood itself and is linked to the Book of Noah.⁴⁵ In contrast, *Jubilees* summarizes the two subjects and uses them to introduce the subsequent teaching about the sanctity of human life and how the shedding of blood defiles the earth. This short synopsis demonstrates how ALD stresses the mechanics of the priestly teaching and in so doing the teaching itself. Conversely, *Jubilees* stresses the manner in which something is to be done with the ultimate purpose of maintaining the sanctity or purity of the action.

I stated earlier that in *Jubilees* the Shechem incident reveals Levi's righteous deeds and character. ALD does not develop Levi's personal attributes in this manner. That is not to say that ALD does not use the Shechem incident to validate the choice of Levi as a priest as do *Jubilees* and TPL. The fragmentary state of the beginning of ALD precludes such a conclusion. However, in the extant text, at least, ALD does not use the incident to point out or demonstrate the quality of Levi's character. *Jubilees*, on the other hand, states that Levi was recorded on the heavenly tablets as a just man and friend of God specifically because of his actions in regard to Shechem (30:20). *Jubilees* also demonstrates Levi's good character through his marriage to Melcha, a daughter of Aram (34:20), one of the descendants of Terah's sons (34:20). Such

⁴⁴ A priest is 1) to wash before entering the sanctuary; 2) to wash his hands and feet before and after sacrificing; 3) to get no blood on his clothing; 4) to cover all blood with dirt before eating; and 5) not to eat blood because it is the force of life.

⁴⁵ For the connection between the eating of blood and the Book of Noah, see Greenfield, Stone and Eshel, *Aramaic Levi*, 180.

an identification is significant given *Jubilees*' concern with the purity of the matriarchal line and the need to connect the genealogy of each matriarch to the line of Terah.

Jubilees narrates the Shechem event rather quickly, using it to preface a strong warning against defilement and intermarriage with the nations: no virgin should be defiled, no foreign marriages, no adultery, in short no impure person should be found within Israel because it is Holy to the Lord. Inappropriate marriages are associated with impurity and placed in the same category as child sacrifice. Consequently, anyone who violates the requirements for marital purity has done something so impure that the punishment is death (33:10–11; 41:25–26).⁴⁶ Since Israel is a holy people, a priestly nation, its priestly leader must marry properly in order to be pure.⁴⁷ As a result, Levi's proper marriage qualified him for the priesthood and likewise, Simeon's improper marriage to Adebah, a Canaanite woman, disqualified him (*Jubilees* 34:20).⁴⁸ In *Jubilees*, similar to TPL, it is deeds and character that qualify Levi for the priesthood. As a result, the priestly teaching is transmitted to enable him to carry out his priestly functions properly and in purity. This is in opposition to ALD where it is lineage that qualifies Levi for the priesthood and makes him fit to receive the priestly teaching.

IV. *Jubilees and TPL*

The Shechem episode also demonstrates shared exegetical traditions between TPL and *Jubilees*⁴⁹ and their modification to advance the *Testaments*' ideology. The Shechem incident has been viewed from many different perspectives, both in antiquity and in modern scholarship.⁵⁰ Ancient writers present three different standpoints: condemnation (Genesis 34 and 49:5–7; Josephus, *Antiquities of the Jews* 1.337–42); approval focused mainly on Levi (TPL and *Jubilees*), and a third stance

⁴⁶ See VanderKam, *Jubilees*, 131–32.

⁴⁷ On the importance of genealogical purity and the priesthood, see Halpern-Amaru, *Empowerment*, 118, n. 39.

⁴⁸ On Simeon's disqualification as a priest, see VanderKam, *Jubilees*, 69.

⁴⁹ T. Baarda, "The Shechem Episode in the Testament of Levi: A Comparison with Other Traditions," in *Sacred History and Sacred Texts* (ed. J. N. Bremmer and F. García Martínez; Kampen: Pharos, 1992), 11–73, 11–73.

⁵⁰ In 1992 both Baarda and Kugel wrote articles about the rape of Dinah and subsequent destruction of Hamor and his family.

that makes Simeon, not Levi, the central figure (Judith 9:2–4 and Theodotus in Eusebius, *Praeparatio Evangelica* 9, 21:19). The diverse interpretations demonstrate an exegetical link between TPL and *Jubilees*.

TPL (2:5–8:17), following *Jubilees* (30:18–20), presents Levi's involvement in the Shechem incident positively and as a reward for his zeal in avenging Dinah. At the conclusion of the first vision (2:5–5:7), immediately after the priesthood was declared to him (5:2), Levi was commanded to execute judgment against Shechem (5:3). Levi carried out God's commands explicitly: Levi killed Shechem (6:4a), then Simeon killed Hamor (6:4b) and after that the rest of the brothers smote the city (6:5). Levi is only responsible for the death of Shechem, exactly as he was commanded. Levi is rewarded for his obedience and zeal in the second vision when he is consecrated as a priest (8:1–18). The positive aspect of Levi's role is confirmed by the fact that this is the only place in the *Testaments* that the verb ζῆλώω is used in a positive sense about a human,⁵¹ everywhere else it has a negative meaning.⁵² TPL uses this incident to show Levi's righteous deeds and character.⁵³ Such a presentation is reminiscent of the *Jubilees* penchant for emphasizing Levi's deeds and character in opposition to ALD, where lineage and proper transmission of priestly teaching are stressed.⁵⁴ At the same time, TPL's use of the Shechem event to validate God's choice of Levi as a priest,⁵⁵ as well as the absence of the connection between the event and its injunction against intermarriage in *Jubilees* advances TPL's priorities and not those of *Jubilees*. This example does not show literary dependence of TPL upon *Jubilees*. It does indicate that the two works shared tradition without sharing text.

⁵¹ Note that ζῆλος is also used positively in *T. Asher* 4:5. But there it refers to the "zeal of God", not to that of a human.

⁵² *T. Reuben* 3:5, 6:4; *T. Simeon* 2:6; *T. Gad* 7:4; *T. Benjamin* 4:4; cf. ζῆλος is used negatively in *T. Reuben* 3:5, 6:4; *T. Simeon* 2:7, 4:5–9; *T. Judah* 13:3.

⁵³ Kugel does not think that the Shechem event in TPL presents the act as a righteous or upright deed (*Traditions*, 434–35). Conversely, he deduces that the meager treatment of the Dinah episode and ensuing war in *T. Simeon* credits the patriarch with an act of righteousness (*Traditions*, 432–35).

⁵⁴ The connection between zeal for the Lord and Phineas's priesthood is also made in Num 25:11–13; Sir 45:23–24; 1 Macc 2:54; cf. Wis 18:20–25; and Philo, *Spec. Laws* 1.57.

⁵⁵ The choice of Levi is explained in the structural analysis of TPL in V. Hillel, "Structure, Source and Composition of the Testaments of the Twelve Patriarchs" (Ph.D. diss., Hebrew University of Jerusalem, 2009), see esp. chapter 2, 2.1.1 Paretic Prose (2:3–9:14).

I could adduce other examples of analogous traditions such as the superiority of the priestly Levi over the kingly Judah in *Jubilees* and TPL in opposition to ALD and other Second Temple period literature. But that would be a paper in its own right and must be reserved for another time. The evidence I have presented demonstrates that *Jubilees* and TPL used some form of ALD as a source; that each adopted and adapted concepts according to their own ideology; and that so far, no special shared material has been uncovered in *Jubilees* and TPL that might have come from a literary source other (and perhaps older) than ALD.

One concluding note is in order. Insight gained into authorial use and adaptation of sources throws new light onto hitherto obscured aspects of literary activity in the Second Temple period. It can, and hopefully will, provide fresh perceptions of the interrelation of works, a fuller understanding of the character of compositional strategies, and perhaps further our knowledge about the groups, circles or schools in which the works were written, edited and, indeed, created.

MARRIAGE AND DIVORCE: FROM SOCIAL INSTITUTION TO HALAKHIC NORMS

BERNARD S. JACKSON

I. *Introduction and Biblical Sources*

When we talk today about the *halakhah*, or halakhic norms, we almost inevitably import models from secular jurisprudence. A legal norm is something which is binding, not optional; it normally has an authoritative verbal form, and it is the role of the courts to apply just that norm, in their function of enforcement. When *halakhah* is understood as *mishpat ivri*, this is the underlying assumption.¹ Undoubtedly, the history of the *halakhah* displays a movement in this direction. But the earlier we go back, the more misleading the application of this model seems to become. One may, indeed, argue that all systems of law have a pre-institutional history. In the case of the *halakhah*, this cannot be disentangled from religious ideology.

I argued in a recent book that what appears to be the earliest legal collection preserved in the Hebrew Bible, the *Mishpatim* of Exodus 21–22, originated as “wisdom-laws”, orally transmitted custom, whose interpretation and enforcement was left largely to the parties.² At best, such norms may reflect what we may call social institutions, as opposed to halakhic norms. The *Mishpatim* themselves contain very little “family law”, and when we look further afield for the origins of halakhic norms on marriage and divorce, what we find may also be described as social rather than legal institutions.³ Marriage represents the social recognition of particular forms—a range of forms—of ongoing sexual relationships; divorce is essentially the social recognition

¹ For a critique of this approach, see B. S. Jackson, “*Mishpat Ivri, Halakhah and Legal Philosophy: Agunah and the Theory of ‘Legal Sources’*,” *Jewish Studies, an Internet Journal* 1 (2002): 69–107, at <http://www.biu.ac.il/JS/JSIJ/1-2002/Jackson.pdf>.

² *Wisdom-Laws: A Study of the Mishpatim of Exodus 21:1–22:16* (Oxford: OUP, 2006).

³ See further B. S. Jackson, “The ‘Institutions’ of Marriage and Divorce in the Hebrew Bible,” in *Studies in Biblical Law and its Reception* (JSSSup; ed. G. Brooke and C. Nihan; Oxford: OUP, forthcoming); pre-publication version available at <http://www.Legaltheory.demon.co.uk/Marriage&Divorce.pdf>.

of expulsion from the household—or even, on one view, desertion of the wife by the husband.⁴ Biblical law is little interested in what I have called the “horizontal” family relationship between husband and wife, as opposed to “vertical” relationships between masters and slaves, parents and children (including surrogacy arrangements).⁵ Indeed, the famous formula of Exodus 21:10:

If he takes another wife to himself, he shall not diminish her food, her clothing, or her marital rights⁶

אם-אחרת יקח-לו שארה כסותה וענתה לא יגרע

still repeated in the contemporary Jewish *ketubah*, originated in the context of a particular form of debt-slavery, that of the Hebrew *amah*.

Biblical law is interested in sex, not marriage—and in prohibited sex at that. Though the Church may have appropriated the prohibitions of Leviticus for its tables of Affinity and Consanguinity, a man could hardly defend having sex with his sister, even his half-sister (Lev 18:9), on the grounds that he had not married her. Moreover, the range of prohibited relationships serves already in the Hebrew Bible as a marker of religious identity and status: though an Israelite may marry a divorcee or widow, a priest may not marry a divorcee (Lev 21:7), and a high

⁴ Samson’s first (matrilocal) marriage ends when his father-in-law interprets Samson’s departure in a fit of anger as desertion and gives Samson’s wife in marriage to another man: Judg 14:19–20, 15:1–2. See Y. Zakovitch, “The Woman’s Rights in the Biblical Law of Divorce,” *The Jewish Law Annual* 4 (1981): 28–46, at 36–38, comparing Saul’s transfer of Michal from David to Palti (1 Sam 25:44) and Jethro’s role in the marriage of Moses and Zipporah, the latter reflecting “the lack of formality in the ancient divorce custom”—in that Jethro still refers to himself as Moses’ father-in-law despite the apparent divorce (Exod 18:2, as interpreted in *Mekhilta Amalek* 3.) and despite the fact that Exod 4:20–26 records that Zipporah and her children had joined Moses in Egypt. Zakovitch sees this story as illustrating “the woman’s right to decide to return to the husband or her father’s right to make the decision for her”. It is not entirely clear whether he takes Moses’ initial departure for Egypt, without his family, as regarded by Jethro as a desertion/divorce, reversed by the subsequent arrival of Moses’ family in Egypt, or whether he takes Moses “sending away” of Zipporah (Exod 18:2) to refer to an (otherwise unattested) divorce subsequent to the family’s reunion in Egypt—in which case Jethro’s role in Exod 18 may be seen as the attempt to reunite the family (which succeeds), though Moses’ lack of any greeting to or communication with Zipporah on their arrival at Sinai is noteworthy.

⁵ B. S. Jackson, “Gender Critical Observations on Tripartite Breeding Relationships in the Hebrew Bible,” in *A Question of Sex? Gender and Difference in the Hebrew Bible and Beyond* (ed. D. Rooke; Sheffield: Sheffield Phoenix Press, 2007), 39–52.

⁶ All English Bible citations are taken from the RSV.

priest may not marry either a divorcee or a widow (Lev 21:13–15). Indeed, even an Israelite may not remarry his own divorcee once she has had a sexual relationship with another man. This appears to be the main concern⁷ of the “divorce law” of Deuteronomy 24:1–4, despite its long protasis which mentions the procedure of the *sefer keritut*: such a remarriage or second relationship, after the woman has become “defiled” (*hutama’ah*), is pronounced to be *to’evah*, an abomination:

(1) When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency in her, and he writes her a bill of divorce and puts it in her hand and sends her out of his house, and she departs out of his house, (2) and if she goes and becomes another man’s wife, (3) and the latter husband dislikes her and writes her a bill of divorce and puts it in her hand and sends her out of his house, or if the latter husband dies, who took her to be his wife, (4) then her former husband, who sent her away, may not take her again to be his wife, after she has been defiled (*hutama’ah*); for that is an abomination (*to’evah*) before the LORD, and you shall not bring guilt upon the land which the LORD your God gives you for an inheritance. (Deut 24:1–4)

I may add that though the woman’s second relationship in Deut 24:2 is always assumed to be marital (in the light of the divorce procedure mentioned in v.3), the language of v. 2, והיתה לאיש אחר, is not necessarily marital, and we should not interpret the situation as excluding a non-marital second relationship.⁸

II. *The Theology of Sectarian Marriage Law*

Jewish sources of the last two centuries of the Second Commonwealth interpret the Hebrew Bible in the context of eschatological fever. The

⁷ I have previously supported the “economic” interpretation of R. Westbrook, “The Prohibition on Restoration of Marriage in Deuteronomy 24:1–4,” *Scripta Hierosolymitana* 31 (1986): 387–405, though there may be a hint even in that of the first husband in effect “prostituting” his wife: see further Jackson, “Institutions,” n. 104, taking account also of A. Tosato, *Il Matrimonio Israelitico* (Rome: Biblical Institute Press, 1982), 145–46.

⁸ To do so would be to treat the language as already legally institutionalized. I have argued, rather, for a “narrative” reading of the language of biblical law, which evokes typical situations, without necessarily excluding non-typical situations which might appear to be excluded on a “literal” reading. See further B. S. Jackson, “Literal Meaning: Semantics and Narrative in Biblical Law and Modern Jurisprudence,” *International Journal for the Semiotics of Law/Revue Internationale de Sémiotique Juridique* 13/4 (2000): 433–457 (Italian version at *Ragion Pratica* 12 [1999]: 153–177).

“end of days” is thought to be nigh, and a maximal degree of purity is required of all individuals in preparation for it. The covenantal promise of Exod 19:6, to make the people “a kingdom of priests”, is taken very seriously in this context. It is invoked directly in Revelation 1:

To him who loves us and has freed us from our sins by his blood and made us a kingdom, priests to his God and Father, to him be glory and dominion for ever and ever. (Rev 1:5–6)

Compliance with the sexual purity required of a priest, even the high priest, is no longer a marker of the superior holiness of the priesthood as against the “laity”, but rather of whole sects who comply with such standards of holiness, as against their opponents, who do not. “Holier than Thou” is, indeed, the motto of the age.

There is, moreover, a further theological element in the approach to marriage and divorce in this period. Eschatological preparation involves recapitulation of the ideal state represented by the original creation—but in a context in which procreation will no longer be required (other than for the eschatological leader, in case he should die before the eschaton—a measure of what we may term eschatological pragmatism).⁹ Thus, the Temple Scroll stipulates,

... and he shall not take upon her another wife, for she alone shall be with him all the days of her life (כל ימי חייה). But should she die, he may (?) take unto himself another (wife) from the house of his father, from his family... (11QT^a LVII, 17–19)

17 ולוא יקח עליה אשה אחרת כי
18 היאה לבדה תהיה עמו כול ימי חייה ואם מתה ונשא
19 לו אחרת מבית אביו ממשפחתו

Both the Damascus Document and the New Testament cite Gen 1:27 (the former referring to it as the “foundation/principle of creation” (יסוד הבריאה) in this context:

The builders of the wall... will be caught twice in fornication (*zenut*): by taking two wives during their lifetime (לקחת שתי נשים בחייהם), whereas the principle of creation (יסוד הבריאה) is ‘male and female he created them’ (Gen 1:27). And those who went into the ark, ‘two by two

⁹ As argued recently in my *Essays on Halakhah in the New Testament* (Leiden: Brill, 2008), 173, 177, 179, 181.

they went into the ark.' (Gen 7:9). And concerning the prince (*nasi*) it is written: 'He shall not acquire many wives' (Deut 17:17). (CD IV, 20f.)¹⁰

In the New Testament Mark 10 and Matthew 19 both combine the reference to Gen 1:27 with the "one flesh" doctrine of Genesis 2:24:

(2) And Pharisees came up and in order to test him asked, "Is it lawful for a man to divorce his wife?" (3) He answered them, "What did Moses command you?" (4) They said, "Moses allowed a man to write a certificate of divorce, and to put her away." (5) But Jesus said to them, "For your hardness of heart he wrote you this commandment. (6) But from the beginning of creation, 'God made them male and female.' (Gen 1:27) (7) 'For this reason a man shall leave his father and mother and be joined to his wife, (8) and the two shall become one flesh.' (Gen 2:24) So they are no longer two but one flesh. (9) What therefore God has joined together, let not man put asunder." (10) And in the house the disciples asked him again about this matter. (11) And he said to them, "Whoever divorces his wife and marries another, commits adultery against her (μοιχᾶται ἐπ' αὐτήν); (12) and if she divorces her husband and marries another, she commits adultery." (Mark 10:2–12)

and

(3) And Pharisees came up to him and tested him by asking, "Is it lawful to divorce one's wife for any cause (κατὰ πᾶσαν αἰτίαν)?" (4) He answered, "Have you not read that he who made them from the beginning made them male and female, (5) and said, 'For this reason a man shall leave his father and mother and be joined to his wife, and the two shall become one flesh'? (6) So they are no longer two but one flesh. What therefore God has joined together, let not man put asunder." (7) They said to him, "Why then did Moses command (ἐνετείλατο) one to give a certificate of divorce, and to put her away?" (8) He said to them, "For your hardness of heart Moses allowed (ἐπέτρεψεν) you to divorce your wives, but from the beginning it was not so. (9) And I say to you: whoever divorces his wife, except for unchastity (μὴ ἐπὶ πορνείᾳ), and marries another, commits adultery (μοιχᾶται). (Matt 19:3–9)

What, in practice, does this mean? Ideally, it means celibacy, or at least abstinence. According to the Rule of the Congregation, one of the annexes to the Community Rule from Cave 1, males entering the community (at the age of 20) must be virgin:

¹⁰ For the translation see M. A. Knibb, *The Qumran Community* (Cambridge: CUP, 1987), 39.

And this is the Order for all the hosts of the congregation, for every native-born [Israelite] in Israel [cf. Lev 23.42]. From his youth he shall be taught in the Book of Hagu [?], and according to his age he shall be instructed in the ordinances of the Covenant, receiving his education in their commandments for ten years... At the age of twenty years, he shall pass before the examiners to be selected by ballot, in the midst of his clan, to join the holy congregation. And he shall not approach a woman to have sexual relations with her, unless he has reached his maturity of twenty years, so as [to be able] to know good and evil. (1QSa I, 6–11)¹¹

Moreover, once they qualify, at age 25, to enter the army for the eschatological battle envisaged in the War Scroll, they must be abstinent, since a soldier rendered impure by recent sexual intercourse may not enter the fray (in which angels are said to participate):

No young boy and no woman shall enter their encampments when they go forth from Jerusalem to go to battle, until their return. Anyone halt or blind or lame, or a man in whose body there is a permanent defect, or a man affected by the impurity of his flesh, all these shall not go forth to battle with them. All of them shall be volunteers for battle and sound in spirit and flesh and ready for the day of vengeance. Any man who is not pure with regard to his sexual organs on the day of battle shall not join them in battle, for holy angels are in communion with their hosts. There shall be a space between all their camps and the place of the “hand”, about two thousand cubits, and no unseemly evil thing shall be seen in the vicinity of their encampments. (1QM VII, 3–7)¹²

The evidence of the Scrolls is not, however, uniform on celibacy¹³—echoing perhaps the evidence of Josephus that there were both celibate and non-celibate groups of Essenes.¹⁴ The archaeological evidence has recently been reviewed by Magness, who concludes that it largely supports these literary sources: “...the archaeological evidence suggests

¹¹ Trans. M. Black, *The Scrolls and Christian Origins* (New York: Scribner, 1961), 28.

¹² Trans. Y. Yadin, *The Scroll of the War of the Sons of Light against the Sons of Darkness* (London: OUP, 1962), 290.

¹³ L. H. Schiffman, “Laws Pertaining to Women in the Temple Scroll,” in *The Dead Sea Scrolls: Forty Years of Research* (ed. D. Dimant and U. Rappaport; Leiden: Brill, 1992), 210–228, here 228, observes the absence of celibate or ascetic tendencies in the Temple Scroll. By contrast, J. Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2002), 166–67, notes that the Manual of Discipline provides a (here, strong) argument from silence in support of celibacy: the virtually complete absence of any mention of women throughout this disciplinary code.

¹⁴ Josephus, *J.W.* 2.160–161. See further Jackson, *Essays on Halakhah in the New Testament*, 179f., on Pliny, Philo and the modern discussion.

only minimal female presence at Qumran and an absence of families with children.”¹⁵

The exchange between Jesus and the disciples in Matthew 19, immediately following the divorce dispute with the Pharisees, also suggests that celibacy is the ideal for the elect:

(10) The disciples said to him, “If such is the case of a man with his wife, it is not expedient to marry.” (11) But he said to them, “Not all men can receive this saying, but only those to whom it is given. (12) For there are eunuchs who have been so from birth, and there are eunuchs who have made themselves eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. He who is able to receive this, let him receive it.” (13) Then children were brought to him that he might lay his hands on them and pray. The disciples rebuked the people; (14) but Jesus said, “Let the children come to me, and do not hinder them; for to such belongs the kingdom of heaven.” (15) And he laid his hands on them and went away. (Matt 19:10–15)

We may compare the teaching attributed to Jesus by Luke:

The sons of this age marry and are given in marriage; (35) but those who are accounted worthy to attain to that age and to the resurrection from the dead neither marry nor are given in marriage, (36) for they cannot die any more, because they are equal to angels and are sons of God, being sons of the resurrection. (Luke 20:34–36)¹⁶

A range of sources, from classical antiquity,¹⁷ through the New Testament¹⁸ and Gnostic sources,¹⁹ attest to a belief that humanity as originally created was androgynous. Rabbinic parallels have been noted. The most explicit is *Genesis Rabbah* 8:1:²⁰

¹⁵ Magness, *Archaeology of Qumran*, 168–85.

¹⁶ See Elaine H. Pagels, “Paul and Women: A Response to Recent Discussion,” *Journal of the American Academy of Religions* 42 (1974): 538–49, esp. 540–41, suggesting that this may have appealed to the example of Paul the celibate, comparing the views of second-century gnostic Christians (citing W. Meeks, “The Image of the Androgyne: Some Uses of a Symbol in Earliest Christianity,” *History of Religions* 13 [1974]: 165–208).

¹⁷ Cf. Plato, *Symp.* 190b.

¹⁸ Mary Rose D’Angelo, “Women and the Earliest Church: Reflecting on the Problematic of Christ and Culture”, in *Women Priests* (ed. Arlene Swidler and L. Swidler; London: Paulist Press, 1977), 191–201 at n. 24, observes that Mark 10:2–10, Gal 3:28 and 1 Cor 11:2–12 are usually taken as witnesses to the antiquity of the discussion.

¹⁹ See Meeks, “Image of the Androgyne.”

²⁰ See further (as applied in this context) Jackson, *Essays on Halakhah in the New Testament*, 180 n. 57, 183–88, 197, 199–221, 224–25, and literature there cited; additionally: D. Daube, “The Interpretation of a Generic Singular in Galatians 3.16,” *JQR*,

R. Jeremiah b. Leazar said: When the Holy one, blessed Be He, created Adam, he created him as an hermaphrodite [bi-sexual], for it is said (Gen. v, 2): *Male and female created He them* זכר ונקבה בראם.²¹

And in *Mek. ad* Exod 12:40,²² Gen 5:2 is one of the verses changed when writing the Torah for king Ptolemy: it is rendered: זכר ונקוביו בראו (“A male with corresponding female parts created He him”).

The theory of androgynous creation would reconcile the belief that humanity²³ was created in the image of God with an understanding that God does not indulge in sexual activity. Yet the Hebrew Bible was also familiar with a metaphor of the divine which did appear to admit of sexual activity: the prophetic marriage metaphor between God and Israel. This, however, would generate a model of mutual exclusivity: like the High Priest, a man should marry a woman who had no previous sexual partners (whether marital or not), nor should the man after such a marriage have any further sexual relationship. Yet this model, too, admitted of modalities in terms of the capacities, and relative holiness, of different members of a community. “Indissolubility” might mean (only) while both partners are alive, i.e. no divorce, or it might mean while either partner remains alive, i.e. no remarriage even after the death of one’s exclusive marital partner—a standard which does appear to be expected of bishops and elders in the pastoral epistles.²⁴

N.S., 35 (1944): 227–230; J. Levinson, “Androgyny in Rabbinic Literature,” in *From Athens to Jerusalem: Medicine in Hellenized Jewish Lore and in Early Christian Literature* (ed. S. Kottke and M. Hortsmanshoff; Rotterdam: Erasmus, 2000), 119–40. M. Gaster, “ANDROGYNOS (Hermaphrodite),” in *The Jewish Encyclopedia* (ed. I. Singer et al.; New York: Funk & Wagnall, 1901), 1:580–81, takes the notion of an androgynous creation as adopted by the Haggadists to have been borrowed from dualistic Gnosticism in the East, in order to reconcile the apparently conflicting creation statements of the Bible. He notes also that patristic sources condemned the theory as a “Jewish fable”, citing, *inter alia*, Augustine, *Commentary on Genesis, ad loc.* ch. 22.

²¹ English translation by H. Freedman, *Midrash Rabbah: Genesis* (2 vols.; ed. H. Freedman and M. Simon; London: Soncino, 1939), 1:54. In *Ber.* 61a R. Abbahu seeks to reconcile the following two apparently contradictory statements: on the one hand, “Male and female created He them” (the form in Gen 5:2), on the other: “For in the image of God made He man” (Gen 9:6). He does so on the grounds that: “At first the intention was to create two, but in the end only one was created”—despite the fact that a very similar statement, stating that man (singular) was created in the *demut* of God, is also found in Gen 5:1.

²² Cited by D. Daube, *The New Testament and Rabbinic Judaism* (London: Athlone, 1956), 72 n. 2.

²³ Note the inclusion of woman in Gen 5:2: “Male and female he created them, and he blessed them and named them Man when they were created (ויקרא את שמם) אדם ביום הבראם.”

²⁴ Thus, 1 Tim 3:1–2: “The saying is sure: If any one aspires to the office of bishop, he desires a noble task. Now a bishop must be above reproach, the husband of one

It is noticeable that Paul finds it necessary to teach explicitly that (in other cases) a widow may remarry, cf.

A wife is bound (δέδεταί) to her husband as long as he lives. If the husband dies, she is free (ἐλευθέρα) to be married to whom she wishes. (1 Cor 7:39)

and

Thus a married woman (ὑπανδρος γυνή) is bound (δέδεταί) by law to her husband as long as he lives; but if her husband dies she is discharged (κατήρηται) from the law concerning the husband. Accordingly, she will be called an adulteress if she lives with another man while her husband is alive. But if her husband dies she is free from that law, and if she marries another man she is not an adulteress. (Rom 7:2–3)

III. *Marriage and Divorce at Qumran and in the New Testament*

When we turn to consider the principal teachings on marriage and divorce from both Qumran and the New Testament in greater detail, we find a continuation of the biblical emphases, but taken to extremes. They are concerned with prohibited sex rather than marriage and divorce as such, and with the use of such rules as marks of sectarian identity. Thus, the famous text of the Damascus Covenant (CD IV, 20–21, quoted above) is best interpreted, in my view,²⁵ as a ban on any second sexual liaison within any one life: not only does this entail a ban on remarriage after divorce (where the latter is permissible); it also bans both “concurrent” polygamy and even “consecutive” polygamy: taking a second wife after the death of the first.

wife, temperate, sensible, dignified, hospitable, an apt teacher”; Titus 1:6, where elders are expected to be “blameless, the husband of one wife, and his children are believers and not open to the charge of being profligate or insubordinate”. On the interpretation of “the husband of one wife”, see B. Vawter, “Divorce and the New Testament,” *CBQ* 39 (1977): 528–542, 538, quoted in Jackson, *Essays on Halakhah in the New Testament*, 220–21.

²⁵ See further Jackson, *Essays on Halakhah in the New Testament*, 173–81. In addition to the literature there cited, see T. Holmén, “Divorce in CD 4:20–5:2 and in 11QT LVII, 17–18: Some Remarks on the Pertinence of the Question,” *RevQ* 18 (1998): 397–408; D. Instone-Brewer, “Nomological Exegesis in Qumran ‘Divorce’ Texts,” *RevQ* 18 (1998): 561–79; and C. Wassen, *Women in the Damascus Document* (Atlanta: SBL, 2005), 114–18 (all opposing the view that the CD text implies a prohibition of divorce).

As for divorce itself, scholars are divided. There are certainly texts at Qumran which mention divorce, apparently without disapproval, but none of them unequivocally refer to it as an institution which operates within the community itself.²⁶ It may well be that, here as elsewhere, the primary concern was with a prohibited relationship—sex after divorce—rather than divorce itself. As against this, an important text, is found in the Damascus Document:

Let no man do anything... without informing the Examiner (למבקר) in the camp... and so for one divorcing (למגרש) (CD XIII, 15–17)

which appears to give the *mevaqer* a role in divorce. Does that mean that the community “supervisor” exercises some form of jurisdiction, or control, over the granting of divorce? If so, that would be enormously significant for our purposes: it would manifest a form of institutionalization of divorce which we do not find in the Hebrew Bible—nor even in early rabbinics, at least where it is the man who seeks the divorce. Until recently, this interpretation was regarded as unreliable. Fitzmyer argued that there is no object of למגרש; the context is that of trading with children of the pit, and the verb may well refer to expulsion from the community.²⁷ Indeed, the root *garash* has a number of meanings in different contexts, including disinheritance: it is found in the Jephthah narrative in Judges 11 (there accompanied by another “divorce” term, שניא).²⁸ The reason is not hard to find: disinheritance and divorce are social institutions which commonly occur together (witness the expulsion of Hagar²⁹ and Ishmael³⁰). Thus, more

²⁶ See further Jackson, *Essays on Halakhah in the New Testament*, 178–79, on 11QT^a LIV, 4–5, LXVI, 8–11, CD XIII, 15–17 and the view of Instone-Brewer that divorce is not (even) criticised at Qumran (cf. D. Instone-Brewer, *Divorce and Remarriage in the Bible: The Social and Literary Context* [Grand Rapids MI: Eerdmans, 2002]); Vered Noam, “Divorce in Qumran in Light of Early Halakhah,” *JJS* 56 (2005): 206–223.

²⁷ J. A. Fitzmyer, “Divorce Among First-Century Palestinian Jews,” *Eretz-Israel* 14 (1978): 109*–110*. See also P. Davies, *Behind the Essenes: History and Ideology in the Dead Sea Scrolls* (BJS 94; Atlanta GA: Scholars Press, 1987), 80–81.

²⁸ On its use, see Jackson, *Essays on Halakhah in the New Testament*, 126.

²⁹ It is not to be objected that Hagar was not a “wife” and therefore not subject to “divorce”. The status of surrogates, as of other quasi-servile relationships entailing breeding, is inferior to that of primary wives but may be described (with deliberate avoidance of legal precision) as “akin to marriage”: see Jackson, “Gender Critical Observations”.

³⁰ On rabbinic traditions which include Ishmael as one of the children of Abraham’s “concubines” to whom gifts (i.e. legacies) are given in Gen 25, see Jackson, *Essays on Halakhah in the New Testament*, 123–26.

is needed in order to sustain the interpretation of CD XIII, 15–17 as referring to divorce procedures. Vered Noam³¹ has recently pointed to a new fragment of the Damascus Covenant, found only at Qumran:

Let no man bring [a woman into the ho]ly [covenant?] who has had sexual experience (ידעה לעשות מעשה בדבר), (whether) she had such [experience 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 [na]me in her maidenhood in her father's home, let no man take her, except [upon examination] by trustworthy [women] of repute selected by command of the supervisor (המבקר) over [the many. After] ward he may take her... (4Q271 3 10b–15a)³²

However, the role of the *mevaqer* here is not itself jurisdictional, nor is it concerned with divorce: rather, the *mevaqer* merely appoints women who will carry out a pre-marital physical examination of a woman with a bad reputation, in order to avoid a post-marital accusation based on Deut 22:13–19. We may note, at the same time, that this passage provides some support for the interpretation of the Damascus Document לקחת שתי נשים בחייהם as banning successive, and not merely concurrent, polygamy: a widow who has had sexual relations with a man after widowhood is an ineligible marriage partner for a member of the community: women must remain “virgins” both before and after marriage.³³ At the very least, the passage supports the view, as Aharon Shemesh argues, that “sectarian halakhah outlawed remarriage subsequent to divorce as long as the former spouse was still living”³⁴—a ban which applied, in his view, to both husband and wife. Shemesh explains this in terms of the indissolubility of the bond created by sexual relations (not necessarily marital, we may again note).³⁵

³¹ “Divorce in Qumran”, 208, 220–21; she seeks also to relate 4Q159 2–4 (the Qumran version of Deut 22:13–19) to this (at 209, 221).

³² See J. M. Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)* (DJD 18; Oxford: Clarendon, 1996), 175–176.

³³ True, the text does not go so far as to say that a widow who has not remained “untouched” is an ineligible partner. But the “principle of equal application” (“The law of incest [משפט העריות] is written in terms of males, but it is the same for women [וכהם הנשים]”) in CD V, 9–11 might be taken to justify such an inference from the CD text (as here interpreted). The translation is taken from P. R. Davies, *The Damascus Covenant: An Interpretation of the “Damascus Document”* (Sheffield: JSOT Press, 1982), 245.

³⁴ A. Shemesh, “4Q271.3: A Key to Sectarian Matrimonial Law,” *JJS* 49 (1998): 245–246, quoted (but not followed) by Noam, “Divorce in Qumran,” 209.

³⁵ Noam, “Divorce in Qumran,” 210, takes support for her view of the permissibility of divorce at Qumran also from Gershon Brin, whose principal argument is that

Similar issues arise in the New Testament. The sayings attributed to Jesus focus not on divorce itself but rather on remarriage after divorce. Of these, Luke 16:18 has been viewed as “the most demonstrably authentic form of Jesus’ teaching”:³⁶

Every one who divorces his wife and marries another commits adultery (μοιχεύει), and he who marries a woman divorced from her husband commits adultery (Luke 16:18).

We may note here not only the stress on post-divorce relationships rather than divorce itself, but also the eschatological context. For the teaching is preceded by:

(16) The law and the prophets were until John; since then the good news of the kingdom of God is preached, and every one enters it violently.
(17) But it is easier for heaven and earth to pass away, than for one dot of the law to become void. (Luke 16:16–17)

We have already noted the Markan controversy pericope (10:2–12), where Jesus follows up his quotation of the creation texts with “What therefore God has joined together, let not man put asunder”. New Testament scholarship is divided on whether this originally belonged in this context,³⁷ and indeed whether it goes back to Jesus.³⁸ When sub-

in the Qumran Cave 4 *Scroll of the Minor Prophets* the words of the prophet Malachi (2:16) (כי שנא שלח) “For I hate putting away” (i.e. divorce), were interpreted as כי אם שנתה שלח: “for if you hate her, send her away,” see R. Fuller, ‘4QXIIa’, in *Qumran Cave 4. X: The Prophets* (DJD 15; ed. E. Ulrich et al.; Oxford: Clarendon, 1997), 221–232. This interpretation, she argues, is fully consistent with R. Judah’s opinion found in the Babylonian Talmud: (אם שנאתה שלח), and Targum Jonathan: ארי אם (סנית לה פטרה). However, it is contrary to the plain meaning of the verses in Malachi, which imply that God hates divorce, viewing it as “the betrayal of the wife of your youth” (the view taken by other sages). However, Noam (following G. Brin, “Divorce at Qumran,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge 1995* [STD] 23; Leiden: Brill, 1997), 231–244) concludes that the sect sanctioned divorce, in the light of the Qumranic interpretation of Malachi.

³⁶ G. J. Wenham, “Matthew and Divorce: An Old Crux Revisited,” *JNTS* 22 (1984): 95–107, 96; see further Jackson, *Essays on Halakhah in the New Testament*, 169 n. 6.

³⁷ A. J. Hultgren, *Jesus and his Adversaries: The Form and Function of the Conflict Stories in the Synoptic Tradition* (Minneapolis: Augsburg Publishing House, 1979), 119, partly on the grounds that it appears superfluous after the “one flesh” doctrine, partly because “one flesh” is a different image of marriage than the “yoking” (the latter “less binding”). Jack Welch suggests to me that the “man” here may be the paramour.

³⁸ Hultgren, *Jesus and his Adversaries*, 120–21, sees it as originating in the Hellenistic church. See Jackson, *Essays on Halakhah in the New Testament*, 170 n. 13, for further literature. *Aliter*, J. A. Fitzmyer, “The Matthaean Divorce Texts and Some New

sequently questioned privately by the disciples, Jesus's response (vv. 11–12) is (as in Luke) entirely in terms of post-divorce relationships: "Whoever divorces his wife and marries another, commits adultery against her; and if she divorces her husband and marries another, she commits adultery." (Mark 10:11–12).³⁹ The structure of the argument in the Matthaean version (19:3–9) is different (especially in the concluding dialogue with the disciples). Jesus first responds to the question about divorce with the creation texts, plus "putting asunder". The Pharisees counter with Deut 24, to which Jesus explains that Moses was responding to the Israelites' hardness of heart,⁴⁰ but this was a (temporary) departure from the creation model: the latter entailed that "whoever divorces his wife, except for unchastity, and marries another, commits adultery". The form of Matthew's divorce antithesis in the Sermon on the Mount is taken to represent a separate tradition.⁴¹

(31) It was also said, "Whoever divorces his wife, let him give her a certificate of divorce." (32) But I say to you that every one who divorces his wife, except on the ground of unchastity, makes her an adulteress (ποιεῖ αὐτὴν μοιχευθῆναι); and whoever marries a divorced woman commits adultery (μοιχᾶται). (Matt 5:31–32)

This focuses on post-divorce relationships only in part: its concluding clause: "whoever marries a divorced woman commits adultery (μοιχᾶται)" is unproblematic; less so what precedes it: "I say to you that every one who divorces his wife, except on the ground of unchastity, makes her an adulteress." Why should (what is regarded as an invalid) act of divorce make its female recipient an adulteress?⁴² This formulation appears to ban divorce irrespective of any subsequent marriage, but seeks to do so in the (forbidden sex) language of the synoptics.

Palestinian Evidence," in *To Advance the Gospels: New Testament Studies* (2nd ed.; Grand Rapids MI: Eerdmans, 1998), 79–111, here 99 (originally published in 1976).

³⁹ See further Jackson, *Essays on Halakhah in the New Testament*, 197–98.

⁴⁰ Various interpretations: see Jackson, *Essays on Halakhah in the New Testament*, 197 n. 137. Of particular interest is the view of J. Dupont, *Mariage et divorce dans l'Évangile* (Bruges: Abbaye de Saint-André and Desclée de Brouwer, 1959), 18–19, approved by J. D. M. Derrett, *Law in the New Testament* (London: Darton, Longman and Todd, 1970), 376, that it refers to the inability of the husband to abstain from relations with an (apparently adulterous) wife—thus again emphasizing the issue of prohibited sex rather than divorce itself.

⁴¹ Fitzmyer, "The Matthaean Divorce Texts," 87.

⁴² See further Jackson, *Essays on Halakhah in the New Testament*, 200–201, 218, discussing Wenham, "Matthew and Divorce," 103–04.

Though the New Testament texts do not address the issue of polygamy explicitly, they do imply a regime of strict monogamy, insofar as they categorize even the man who enters into a marriage after divorce as committing adultery—a teaching common to Luke (16:18), the two controversy pericopae (Mark 10, Matt 19) and the Sermon (Matt 5): clearly, a man is not allowed to have two wives concurrently. Moreover, we have seen already that remarriage after the death of the first spouse is regarded as a concession, not granted (by Paul) to bishops and elders. It is, indeed, Paul in whose writings we find the most direct condemnation of divorce itself:

To the married I give charge, not I but the Lord, that the wife should not separate from her husband (μὴ χωρισθῆναι) (but if she does, let her remain single or else be reconciled to her husband)—and that the husband should not divorce his wife (μὴ ἀφίεναι). (1 Cor 7:10–11)

This difference between Jesus and Paul hardly seems accidental: Paul has institutional authority within the early church and is much concerned to position it in relation to its opponents.

Against this clear (perhaps too clear) distinction, it may be argued that the Jesus of Matthew is indeed concerned with criteria of divorce, in the famous *porneia* exception, found both in his final response to the Pharisees:

And I say to you: whoever divorces his wife, except for unchastity (μὴ ἐπὶ πορνείᾳ), and marries another, commits adultery (μοιχᾶται). (Matt 19:9)

and in the Sermon:

But I say to you that every one who divorces his wife, except on the ground of unchastity, makes her an adulteress (ποιεῖ αὐτὴν μοιχευθῆναι). (Matt 5:32)

Yet the issue here is not really when divorce is permitted, but rather when relations between a husband and a wife suspected of immorality themselves become prohibited. Indeed the exchange with the Pharisees in Matthew has the latter ask Jesus: “Why then did Moses *command* (ἐνετείλατο) one to give a certificate of divorce”, to which Jesus responds that “Moses (only) *allowed* (ἐπέτρεψεν) you to divorce your wives” in such circumstances (cf. Matt 19:7–8).⁴³ This echoes debates

⁴³ The distinction (and difference in this regard from the Markan version) was rightly stressed by A. Isaksson, *Marriage and Ministry in the New Temple* (Lund:

in other Jewish sources. Bockmuehl⁴⁴ cites *LXX* Prov 18:22a: “He who holds on to an adulteress is foolish and godless,” and Instone-Brewer observes: “Although divorce may not have been compulsory, it was generally assumed that a husband would *want* to divorce an unfaithful wife.”⁴⁵

IV. *The Early Rabbinic Sources*

It is noteworthy also that when this relationship—of a husband with his own adulterous wife—does come to be prohibited in rabbinic texts, the language used is still that of *arayot* rather than *gittin* (as is that of Matthew’s Pharisees): we do not read that the husband is “commanded to divorce”, but rather that the wife is “forbidden to her husband”:

... as she is forbidden to the husband (שֵׂאסוּרָה לְבַעַל) so is she forbidden to the paramour, for it is written, ... *And she is become unclean*. So R. Akiba. R. Joshua said: Thus used Zeḥariah b. Ha-Kazzab to expound. Rabbi says: twice in the section of Scripture is it written, *And she is become unclean, And she is become unclean (nitma’ah)*: once for the husband and once for the paramour. (*m. Soṭah* 5:1)⁴⁶

The context, of course, is that of the *sotah* procedure, and the exegesis of Num 5:11–32. In late Second Commonwealth times, adultery did, indeed, present practical problems. There was in principle a death penalty, imposed on the basis of a full criminal process before a panel of twenty three of the Sanhedrin—if, indeed, the Romans permitted such jurisdiction to continue to be exercised right up to 70 CE. But there was also the *sotah* procedure,⁴⁷ which according to the plain biblical

Gleerup, 1965), 89–90; E. Lövestam, “Divorce and Remarriage in the New Testament,” *The Jewish Law Annual* 4 (1981): 47–65, here 48. On the recent discussion by Instone-Brewer, *Divorce and Remarriage*, 133–52, see Jackson, *Essays on Halakhah in the New Testament*, 206–10 (and at 192–193 on the importance of modalities for the issue of institutionalization in general).

⁴⁴ M. Bockmuehl, “Matthew 5.32; 19.9 in the Light of Pre-Rabbinic Halakhah,” *NTS* 35 (1989): 291–95; repr. (with minor revisions) in his *Jewish Law in Gentile Churches* (Edinburgh: T & T Clark, 2000).

⁴⁵ *Divorce and Remarriage*, 97.

⁴⁶ The English translation is taken from H. Danby, *The Mishnah* (Oxford: OUP, 1933), 298.

⁴⁷ Two apocryphal gospels claim that Mary was subjected to the procedure: see the Protoevangelium of James §16, Pseudo-Matthew §12: whether the value of these texts as evidence of the persistence of the rite in late second commonwealth times is compromised by the fact that they claim that Joseph was also subjected to it may be

text was applicable when a jealous husband accused his wife *without* evidence. The passage commences:

If any man's wife goes astray and acts unfaithfully against him, (13) if a man lies with her carnally, and it is hidden from the eyes of her husband, and she is undetected though she has defiled herself, and there is no witness against her, since she was not taken in the act; (14) and if the spirit of jealousy comes upon him, and he is jealous of his wife who has defiled herself; or if the spirit of jealousy comes upon him, and he is jealous of his wife, though she has not defiled herself... (Num 5:12-14)

Despite this, rabbinic interpretation imposed a high evidentiary threshold before the *sotah* procedure could be used.⁴⁸ The question then arose as to the status of a woman against whom such evidence existed, but who nevertheless was cleared by the *sotah* procedure. Noam quotes *Sifre* Num 19:

R. Simeon b. Yoḥai says:... Why then is it stated, 'and if the woman be not defiled, but be clean' (Num 5:28)?⁴⁹ Since Scripture states, 'And the man that commiteth adultery with another man's wife, [both the adulterer and the adulteress shall surely be put to death]' (Lev 20:10). We know that that is the rule only when there are witnesses who have issued a prior warning to her.

לא שמענו אלא בזמן שיש לו עדים והתרו בה שהיא במיתה

But if there are witnesses who did not warn her, she is exempt from the death penalty. Since she is exempt from the death penalty, is she permitted to resume sexual relations with her husband (מותרת לבעלה)? But she is included in the rule that states: 'When a man taketh a wife and marrieth her (i.e. in the rule regarding divorce).' (Deut 24:1).⁵⁰

She explains (within her translation of the quotation),

debated. On the use of the biblical institution to support water ordeals in medieval times, see R. Bartlett, *Trial by Fire and Water: The Medieval Judicial Ordeal* (Oxford: Clarendon, 1986), 83-85.

⁴⁸ The husband must formally warn the wife about her behaviour (*m. Soṭah* 1: 4 compares this to a warning in capital cases; we may note, however, that this is a warning regarding future [not present] conduct and the language is *not* that of *hatra'ah*), followed by evidence (the quantum of which is debated) of seclusion. See *m. Soṭah* 1: 1-2, 4; B. D. Haberman, "The Suspected Adulteress: A Study of Textual Embodiment," *Prooftexts* 20 (2000): 12-42, 21-24, emphasizing the difference between the biblical and rabbinic approaches.

⁴⁹ With discussion of the *stam* by R. Yehudah and R. Yose. See also *b. Sanh.* 8b.

⁵⁰ The translation is taken from J. Neusner, *Sifre to Numbers: An American Translation and Explanation* (2 vols.; Atlanta GA: Scholars Press, 1986), 1: 120 with some revisions by Vered Noam, "Divorce at Qumran," 213.

In other words, why does the verse stress that the *sotah* may resume sexual relations with her husband only if she be completely 'clean,' and it does not suffice to say 'if the woman be not defiled'? The verse teaches us that if the woman was not proven guilty, but she is not completely 'clean,' she may not resume sexual relations with her husband.⁵¹

I take this to indicate that because there have been witnesses against her, and the only reason this did not lead to a criminal trial before the Sanhedrin is that they did not "warn" her, there remains a sufficient basis to render her prohibited from having sexual relations with her husband, even though she has been "acquitted" by the *sotah* procedure. Noam further argues,

Bet Shammai's opinion is generally regarded as an exceptional minority opinion, which, early on, was placed outside the bounds of legitimate halakhic debate. Later halakhah ruled according to Bet Hillel and presented broader options for divorce. However, in our midrash, this outcast opinion is presented as a distinct halakhic norm. Moreover, the midrash in *Sifre Num* makes divorce conditional on a judicial procedure. But, according to the accepted halakhic ruling, the decision to terminate a marriage is taken within the personal domain and does not require any authorisation by a judicial or social institution. According to the Babylonian Talmud (see below), Bet Shammai also required witnesses to the act of adultery in order to permit divorce. However, no mention was ever made of the need for prior warning, even according to Bet Shammai. Witnesses and a prior warning were required only in cases of capital punishment. Adultery backed up by witnesses who issued a prior warning was punishable by death, and a woman who was sentenced to death, does not need a divorce! Nevertheless, there is another passage in *Sifre* (*ibid.*) which proves the authenticity of this extraordinary ruling.⁵²

This latter reference is in fact to the version of *Sifre Num* 19 discussed above. In my view, Noam wrongly takes the final allusion to Deut 24 to refer to the evidentiary requirements for a divorce in that text (i.e. an interpretation of the long protasis of the passage), rather than to the apodosis which (as Noam's own expansion of the text indicates) shares the theme of the opening of the *Sifre* passage, i.e. the question of whether the (here, adulterous) wife is permitted to go back to her husband, when there is evidence against her, but that evidence generates no verdict against her, either in Sanhedrin proceedings or under *sotah*.

⁵¹ "Divorce in Qumran," 213.

⁵² "Divorce in Qumran," 213.

There is, indeed, reason to doubt the reading back of the details of Sifre's interpretation to Second Commonwealth times. It is far from clear that the rabbinic "warning" (*hatra'ah*) goes back that far, although the biblical commandment to "reprove" one's neighbour (Lev 19:17) does appear as a part of the (here, after-the-event) evidentiary procedure in the Damascus Document, where a (single) witness to a capital offence must make it known in the presence of the accused "with reproof (בהוכיח) to the *mevaqer*".⁵³ In that context, such evidence generates a purely ritual sanction: exclusion from the community meal. The rabbinic *hatra'ah* first appears in the particular context of the *ir hanidahat* in the *Mishnah* (*Sanh.* 10:4), and is extended in the *Tosefta* to other capital offences (*t. Sanh.* 11:1). Significantly, the same level of evidence as in *Sifre Num* 19—eyewitnesses who do *not* administer a *hatra'ah*—appears in the *Tosefta*⁵⁴ and an amoraic source⁵⁵ to define the evidentiary threshold where (what I have argued is) another form of divine ordeal⁵⁶ is to operate, namely the rule in *m. Sanh.* 9:5(b):

If a man committed murder but there were no witnesses, they must put him in prison and feed him with *the bread of adversity and the water of affliction*.⁵⁷

ההורג נפש שלא בעדים מכניסין אותו לכפה ומאכילין אותו לחם צר ומים לחץ

We may well understand the function of *hatra'ah* here (in the sense that the ordeal takes place only when the full evidence required for capital conviction—other than *hatra'ah*—is present) as a device used by later sources to explain the falling out of use of the "bread and water" ordeal of *m. Sanh.* 9:5(b). As for *sotah*, *Sifre Num* 19 may reflect confusion between two quite distinct forms of "warning": that required from the husband before the wife may be subjected to the ordeal,⁵⁸ and that (*hatra'ah*) required for a capital conviction. *Sifre Num* 19 argues that

⁵³ CD IX, 16–18; see further Jackson, *Essays on Halakhah in the New Testament*, 59, previously published in B. S. Jackson, *Essays in Jewish and Comparative Legal History* (Leiden, Brill, 1975), 173.

⁵⁴ *t. Sanh.* 12:7–8 (Abba Shaul); see further Jackson, *Essays on Halakhah in the New Testament*, 74–75.

⁵⁵ Samuel in *b. Sanh.* 81b.

⁵⁶ So interpreting the use of the quotation from Isa 30:20: see Jackson, *Essays on Halakhah in the New Testament*, 74 (originally in Jackson, *Essays in Jewish and Comparative Legal History*, 187).

⁵⁷ English translation by Danby, *Mishnah*, 396.

⁵⁸ See n. 48, *supra*.

the evidence may be sufficient to render the wife prohibited to her husband even when she cannot be convicted in a capital trial (because of lack of *hatra'ah*) and is acquitted by the *sotah* ordeal. We can hardly suppose, in the latter case, that the text contemplates the possibility that the *sotah* ordeal has made a mistake. The only explanation must be that the taboo of prohibited sex with an adulterous wife was so strong that it was maintained even in cases where (because of the evidence of the witnesses) rumour persisted, and the woman's reputation remained compromised. Yet even this strains credence. *Sifre* Num 19 may best be understood as purely exegetical, and lacking historical value as to how the evidentiary rules in relation to *dine nefashot*, *sotah* and divorce actually interacted in the Second Commonwealth period. It does, however, indicate that we have here an issue which requires further investigation.

Vered Noam uses these sources to argue for an early halakhic divorce procedure (which she seeks to associate with that attributed to Bet Shammai), which bears centrally upon our theme of the history of institutionalisation of the Jewish law of divorce. The early *halakhah*, she argues, (a) restricted divorce to adultery and (b) required that such adultery be proved in court (as, in her view, at Qumran) by the same standard of evidence which appears to be required for a criminal conviction for adultery. There is, indeed, one text, *Sifre* Num 7, which appears to bear this out (though it appears without attribution):

Speak unto the children of Israel, and say unto them: If any man's wife go aside... Why does Scripture present the present case [of the Sotah]? Since it is said, 'When a man taketh a wife and marrieth her' (Deut 24:1), we derive the rule that a woman leaves her husband with a writ of divorce only in a case in which the husband has witnesses who have given prior warning (to the wife, [as to the ban and the punishment]).

לא שמענו אלא בזמן שיש לו עדים והתרו בה שיוצאה ממנו בגט

But if there is a matter of doubt whether or not the woman has actually had sexual relations (לא נבעלה ספק לא נבעלה), we do not know the rule of what the man has to do to her. Accordingly, Scripture states: '[And the Lord spoke unto Moses, saying] Speak unto the children of Israel, and say unto them: If any man's wife go aside...' (Num 5: 11–12). Here, Scripture obliges her to drink the bitter water. For this purpose was the matter presented.⁵⁹

⁵⁹ The translation is taken from Neusner, *Sifre to Numbers*, 1: 83, again with some revisions by Vered Noam, "Divorce at Qumran," 212.

Here, the evidentiary threshold required for *sotah* is compared not with that in a Sanhedrin trial under Lev 20:10 (as in *Sifre* Num 19), but rather (though to the same effect) with that allegedly required for a divorce under Deut 24. The latter text is indeed cited in the other *Sifre* passage, but only to indicate that a woman exonerated in the *sotah* procedure is nevertheless not מותרת לבעלה, since the evidentiary threshold required to get her to the *sotah* procedure (itself requiring a “warning”, but not a *hatra'ah*) was itself sufficient to justify the (ritual) penalty of exclusion from marital relations. As a statement of the evidentiary requirements to be proved in court to get a divorce, this statement almost stands completely alone. Noam supports it by reference to the Amoraic continuation⁶⁰ of the Baraita in *Gittin* 90a, commenting on the Schools’ dispute regarding divorce, which has Beth Shammai explain *davar* in Deut 24 as required for a *gezerah shavah* with Deut 19:15:

What does Bet Shammai do with this word דבר = ‘thing’? ‘Thing’ is stated here [in the passage of divorce] and ‘thing’ is stated there: ‘According to the testimony of two witnesses or according to the testimony of three witnesses will a *matter* (דבר = thing) be established’ (Deut 19:15). Just as there by two witnesses, here also by two witnesses.⁶¹

But there is no mention of *hatra'ah* here, and any such would be truly extraordinary. We may reasonably conclude that the invocation of Deut 19 in the *baraita* is for purely exegetical purposes, and that the mention of witnesses and *hatra'ah* in *Sifre* Num 7 represents a garbled version of the tradition in *Sifre* Num 19.

However, Noam is not finished. She quotes an argument attributed to R. Meir in *t. Soṭah* 5:9, from which she seeks to deduce that he sided with the Shammaites in requiring some (sexual) “transgression” to justify a divorce:

‘and [she] goeth and becometh another man’s wife.’ (Deut 24:2) R. Meir would say...and Scripture calls him ‘another man,’ because he is not his match. The first man put her away because of transgression (מפני עבירה), and this other one comes along and stumbles through her. The second husband, if he has merit in Heaven, puts her away. And if not,

⁶⁰ וב"ש האי דבר מאי עבדי ליה? ליה.

⁶¹ The translation is taken from I. Epstein, *The Babylonian Talmud: Seder Nashim* (London: Soncino, 1936), 437 with some revision by Vered Noam, “Divorce at Qumran,” 215.

in the end she will bury him. Since it is said, or if the latter husband die, who took her to be his wife (Deut 24:3)—this man is deserving of death, for he received such a woman into his house.⁶²

Noam claims that the Shammaite view “restricts divorce to cases of adultery”, so that “all divorcees bear the stigma of immoral behaviour”.⁶³ She sees this passage as a later reflection of this attitude,⁶⁴ indeed as an attempt to prevent marriage to a divorcee despite the fact that such a remarriage is described without censure in the biblical text itself. But there is nothing in the argument incompatible with the Hillelite view: the latter accepted divorce as a grounds for adultery, but did not restrict it to those grounds. Even if “The first man [did] put her away because of transgression”, so that the second man was wrong to marry her, it does not follow that R. Meir would have taken the Shammaite view of *any* divorce as “bear[ing] the stigma of immoral behaviour”.

The section of the text which Noam has omitted, moreover, significantly affects the context, and thus the meaning of R. Meir’s view.⁶⁵ Indeed, the full text of *t. Soṭah* 5:9 casts light of a different kind upon just the issues of institutionalization with which I am here concerned. It reads:

- A. R. Meir would say, “Just as there are diverse tastes (דיעות) in regard to food, so there are diverse tastes in regard to women[’s behavior].
- B. “You can find a man on whose cup a fly flits by, and he will put it aside and won’t even taste what’s in the cup. This one is a bad lot (חלק רע) for women, for he is [always??] contemplating divorcing his wife (שנתן עיניו באשתו לגרשה).

⁶² Trans. J. Neusner, *The Tosefta Translated from the Hebrew: Third Division Nashim (The Order of Women)* (New York: Ktav, 1979), 167–168.

⁶³ Noam, “Divorce in Qumran,” 218, though she wavers somewhat, towards a wider criterion of suspicion of sexual immorality, when she writes at 220: “Rather than offering theological explanations of the sect’s philosophy with regard to the significance of marriage, it is simpler to explain this phenomenon in terms of the main topic of the CD passage—the prohibition against marrying a woman, whether single or widowed, which is suspected of sexual immorality. If indeed, under sectarian law as well as ancient Pharisaic law, the divorcee was suspected of such behaviour at the outset, she would inevitably be an unacceptable candidate for marriage.”

⁶⁴ Notwithstanding that, as she maintains, the Hillelite view had come to be accepted by this stage.

⁶⁵ Assuming that the whole passage is indeed to be attributed to him. Despite Noam’s presentation, the Tosefta does not begin with the quotation from Deut 24:2; the latter occurs only in H and I. Neusner’s punctuation (quoted below) implies that he takes R. Meir’s discourse to conclude with H.

- C. “You can find a man in whose cup a fly takes up residence. So he tosses it out and does not drink what is in it. Such a one is like Pappos b. Judah, who used to lock his door to keep his wife inside when he went out.
- D. “And you can find a man into whose cup a fly falls, and he tosses it away and drinks what is in the cup.
- E. “This is the trait of the ordinary man (מדת כל אדם), who sees his wife talking with her neighbors or with her relatives and leaves her be [cf. M. Soṭ. 4:4C].
- F. “And you have a man into whose meal a fly falls, and he picks it up and sucks it [for the soup it absorbed] and tosses it away, and then eats what is on his plate.
- G. “This is the trait of a bad man (מדת אדם רשע), who sees his wife going around with her hair in a mess, with her shoulders uncovered, shameless before her boy-servants, shameless before her girl-servants, going out and doing her spinning in the marketplace, bathing, talking with anybody at all.
- H. “It is a commandment to divorce such a woman (מצוה לגרשה) [cf. *Git.* 90a–b], as it is said, *When a man takes a wife and marries her, if then she finds no favor in his eyes because he has found some indecency in her, and he writes her a bill of divorce and puts it in her hand and sends her out of his house and she departs out of his house*” (Deut 24:1).
- I. *And if she goes and becomes another man’s wife* (Deut 24:2)—and Scripture calls him, “A different man,” because he is not his match.
- J. The first man put her away because of transgression (מפני עבירה), and this other one comes along and stumbles through her.
- L. The second husband, if he has merit in Heaven, puts her away. And if not, in the end, she will bury him,
- M. since it is said, *Or if the latter husband dies, who took her to be his wife* (Deut 24:3) —
- N. this man is deserving of death, for he received such a woman into his house.⁶⁶

Whether this is to be viewed as an interpretation of the Shammaite view may be doubted. That it may represent a reflection prompted by the vague biblical phrase *ervat davar* (here rendered *aveirah*—a distant pun?) is more likely: both Beth Shammai and Matthew avoid the direct terms for adultery: *porneia* (like *ervah*) covers a wider range of sexually immoral behaviour.⁶⁷ In fact, this text is concerned with how

⁶⁶ J. Neusner, *Tosefta: Nashim*, 167–68.

⁶⁷ On its relationship to *zenut*, and the range of the latter term, see Jackson, *Essays on Halakhah in the New Testament*, 180 n. 58, 187 n. 93, 204.

a man is recommended to behave when his wife indulges in immodest behaviour (always in public) *short of* adultery, and where the evidence of this is social rather than legal, a matter of common knowledge or rumour. The case to which R. Meir refers is that in G, where a man “sees his wife going around with her hair in a mess, with her shoulders uncovered, shameless before her boy-servants, shameless before her girl-servants, going out and doing her spinning in the marketplace, bathing, talking with anybody at all.” Even in Second Commonwealth times, this is far distant from evidence justifying recourse to the *sotah* procedure, let alone a trial before the Sanhedrin. Indeed, the phrase *מְצוּהָ לְגַרְשָׁהּ* in H is misleadingly rendered: “It is a commandment to divorce such a woman”. This is a recommendation, not a halakhic obligation; a man who fails to do so behaves like a *rasha* (G).⁶⁸ By implication, the cases described or alluded to in A–E do not merit even such a recommendation.

How, then, are we to regard the famous dispute between Beth Hillel and Beth Shammai in *m. Git.* 9:10?

The School of Shammai say: A man may not divorce his wife unless he has found unchastity (*devar ervah*) in her, for it is written, *Because he hath found in her indecency in anything (ervat davar)*. And the School of Hillel say: [He may divorce her] even if she spoiled a dish for him, for it is written, *Because he hath found in her indecency in anything*. R. Akiba says: Even if he found another fairer than she, for it is written, *And it shall be if she find no favour in his eyes*.⁶⁹

In an earlier treatment of this question, I argued that this apparent Houses dispute regarding the grounds for divorce serves as a literary appendix to this tractate of the Mishnah;⁷⁰ that the attribution to the

⁶⁸ Cf. my remarks, *ibid.*, 208 n. 191 on M. Bockmuehl, “Matthew 5.32; 19.9,” who cites this passage and interprets it as mandating divorce (a “commandment”). But *mitsvah* does not necessarily carry that modality. See also the version of this tradition in *b. Git.* 90a–b, where it is said to be a *mitsvah min hatorah* to divorce where a woman acts immodestly in that she goes out with her hair unfastened or spins in the street with her armpits uncovered or bathes in the same place as men. Instone-Brewer, *Divorce and Remarriage*, 98, cites *m. Ket.* 7:6 and *t. Ket.* 7:6, where much the same examples are given as grounds for divorce. But the Mishnah does not imply (nor does Instone-Brewer claim) that divorce is mandatory in these cases.

⁶⁹ Translation according to Danby, *Mishnah*, 321.

⁷⁰ The view of Beth Shammai is recorded also in *Sifre Deut* 296 and *y. Sotā* 16b (1.2): “The School of Shammai says: A man should not divorce his wife except if he found indecency in her.”

Schools is unreliable, and that the argument makes better sense in its exegetical context in *Midrash Sifre*. Indeed, I suggested that its very inclusion in the Mishnah might be regarded as a *reaction* to just those sectarian views (and particularly, in this period, that of Paul) which went beyond issues of prohibited sex and dealt with the legitimacy of divorce itself.⁷¹ Noam's reconstruction⁷² presents an entirely different picture; hence, the attention devoted to it in this paper.

I do not, however, wish to adopt too categorical, or unilinear, an approach to this history. It is not impossible that in the last decades of the Second Commonwealth, a more institutionalized approach was adopted than had been the case either before or later.⁷³ However, the evidence for it appears to me to be slim. Nor should we exclude from the equation halakhic reactions to the non-Jewish "legal" environment.⁷⁴ Most commonly, that environment is taken to reflect a "liberal" divorce law, and I myself have argued that the tightening of divorce recorded in *m. Ned.* 11:12 (where the claims of a woman on various grounds for divorce become admissible only on the basis of additional evidence, for fear that she may in reality be using these grounds to cover up the fact that really she "has cast her eyes on another") may represent a reaction

⁷¹ Jackson, *Essays on Halakhah in the New Testament*, 193–95, 203–8.

⁷² Interestingly, Noam, "Divorce in Qumran", 220, herself finds an element of polemic in the presentation of Beth Hillel's view in *Bar. Git.* 90a, though she sees this as directed against the implications of the Shammaite view: "Bet Hillel claims that the word *eravah* teaches us that even a woman who was divorced because of adulterous behaviour may marry someone else. The two midrashic interpretations of Bet Hillel are clearly deduced from one another. If a woman can be divorced on grounds other than adultery, then there is nothing wrong with marrying a divorcee, and Bet Hillel wishes to allow all divorcees, without exception, to remarry. This interpretation of Bet Hillel is clearly polemic in nature, attacking what must have been a widespread practice."

⁷³ In this context, the existence of local Jewish courts after 70 CE calls for reconsideration, not least in the light of the conclusions of J. G. Oudshoorn, *The Relationship between Roman and Local Law in the Babatha and Salome Komaise Archives: General Analysis and Three Case Studies on Law of Succession, Guardianship and Marriage* (STDJ 69; Leiden: Brill, 2007).

⁷⁴ B. S. Jackson, "How Jewish is Jewish Family Law?," *JJS* 55 (2004): 201–229. Marriage in Roman law was itself weakly institutionalized, being based in classical texts on the presence of *affectio maritalis*, divorce being based on its absence. *Affectio maritalis* (and its absence) could be demonstrated by many different types of social act. According to Tacitus, *Ann.* 11.26–27, 30, the Emperor Claudius was asked whether he was aware that he had been divorced by his wife Messalina: see B. S. Jackson, "The Divorces of the Herodian Princesses: Jewish Law, Roman Law or Palace Law?," in *Josephus and Jewish History in Flavian Rome and Beyond* (JSJSup 106; ed. J. Sievers and G. Lembi; Leiden: Brill, 2005), 343–368, at 363.

against the divorce practices of the Herodian princesses, recorded with disapproval by Josephus.⁷⁵ However, the Gentile cultural environment was not entirely liberal. In 18 BCE, the Emperor Augustus enacted the *lex Julia de adulteriis*, a measure designed to buttress the stability of the Roman family and increase the birth rate of the aristocracy. It includes a provision that defined adultery as including:⁷⁶

...if he married a woman knowing that she had been condemned for adultery or *did not divorce a wife taken in adultery* or made a profit from his wife's adultery or accepted money to conceal debauchery which he had discovered or provided a house where debauchery (*stuprum*) or adultery might take place.

Here, indeed, we have a criminal institutionalization of the condoning of specified grounds for divorce. Though the statute may well not have applied to *peregrini* in the provinces,⁷⁷ its educational message was clear, and we may well wonder whether the Shammaite view, or the attribution of that view to the Shammaites, may not be designed to indicate that Jewish standards of morality were no less than those of the Romans.

V. Conclusion

To conclude, the institutionalization of marriage and divorce is not to be regarded as a natural or inevitable legal process. We need to seek its sources in the politico-religious and cultural environment of its time. The Hebrew Bible is concerned with prohibited sex, for ritual reasons, rather than with marriage and divorce as such; the latter remain firmly within the sphere of social institutions. This emphasis continues at Qumran and in the New Testament, now fortified by a theology which insists that personal relationships in an age of eschatological expectation must replicate creationist models. Yet even here there is far greater emphasis on sexual relationships after the one

⁷⁵ "The Divorces of the Herodian Princesses," 368.

⁷⁶ A. Watson, ed., *The Digest of Justinian. Volume 1* (Philadelphia: University of Pennsylvania Press, 1998), 4.4.37.1, emphasis supplied.

⁷⁷ The *lex Julia* certainly seems to have applied in the provinces: see *Digest*, 48.2.3. pr (proconsul). Papinian in *Digest*, 48.5.6. pr. writes that it is restricted to free persons, but Ulpian in *Digest*, 48.2.5 has no doubt that slaves (thus, non-citizens) can be accused of adultery, and cites a rescript of the Emperor Marcus according to which a master may accuse even his own slave.

permitted union, rather than on divorce itself. Sects, however, develop their own internal disciplinary institutions, and it is here that the idea appears to have developed that the best way of ensuring no post-divorce relationships would be to ban divorce (no doubt already disapproved) entirely. Noam sees the institutionalization of divorce already at Qumran; I am happier to identify it with Paul. The early rabbinic sources continue the emphasis on forbidden relationships, *arayot*, but their consideration of the relationship between capital punishment for adultery and the *sotah* procedure led to the view that there were situations where the evidence might be insufficient for conviction in either of these “criminal” procedures but still sufficient to justify banning the husband from resuming sexual relations with his wife. This, indeed, is the interpretation given by some New Testament scholars to Jesus’s explanation that divorce in Deut 24 was permitted because of the Jews’ “hardness of heart”—that in such situations the husband would not be able to keep himself permanently away from the suspected wife who continued to live with him.⁷⁸ The ultimate institutionalization of criteria for divorce, in *m. Git.* 9:10, is to be understood against this background. Developments in sectarian halakhah prompted a reply. Marriage and divorce as such enter the Mishnah as halakhic norms, with tractates on *Kiddushin* and *Kethuboth* as well as *Giṭṭin*. Neusner has attempted to interpret those institutions too in theological terms. But that is another story.⁷⁹

⁷⁸ See Jackson, *Essays on Halakhah in the New Testament*, 197 n. 137.

⁷⁹ B. S. Jackson, “On Neusner’s Theology of Halakhah,” *Diné Israel* 25 (2008): 257–92, reprinted in *The Review of Rabbinic Judaism* 12/1 (2009): 129–56.

4Q318: A JEWISH ZODIAC CALENDAR AT QUMRAN?*

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The zodiology *4QZodiology and Brontology ar* (4Q318)¹ has been recognised as a calendar by several scholars. However, its method of functioning has hitherto been relatively unexplored, in contrast to the scholarship on the 364-day calendar traditions.²

This paper will explain how the zodiology, or selenodromion, described as a “zodiacal calendar” by the official editors³ and “a different calendrical system” by E. Tov,⁴ is an intricate calendar, astronomically. We shall show that it is a working, schematic calendar that is related directly to the Jewish calendar in use today. The relationship between the zodiology and the brontologion will also be reassessed, based on new evidence. We shall also trace and identify the historical and cultural background of *4QZodiology and Brontology ar* (4Q318) across the Classical world. The place of the Qumran zodiac calendar in the discourse on sectarianism is not discussed in depth in this essay.

I. Description

4Q318 is paleographically dated by Ada Yardeni to the early Herodian period (late first century BCE to the early first century CE).⁵ However,

* I am indebted to my supervisor, Professor George J. Brooke, for his helpful comments and to Dr Charlotte Hempel for her kind encouragement. This paper is based on a chapter of the author's PhD dissertation.

¹ Cf. J. C. Greenfield and M. Sokoloff, “318. 4QZodiology and Brontologion ar,” in *Qumran Cave 4. 26: Cryptic Texts and Miscellanea Part I* (DJD 36; ed. P. S. Alexander et al.; Oxford: Clarendon, 2000), 259–274; sections on paleography by Ada Yardeni, 259–61, and astronomical aspects by David Pingree, 270–73.

² The term preferred by Uwe Glessmer for the 364-day calendars in the Dead Sea Scrolls, in U. Glessmer, “Calendars in the Qumran Scrolls,” in *The Dead Sea Scrolls After Fifty Years: A Comprehensive Assessment* (ed. P. W. Flint and J. C. VanderKam; Leiden: Brill, 1999), 2: 213–278.

³ Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 259.

⁴ E. Tov, “Foreword,” in S. Talmon, J. Ben Dov, and U. Glessmer, *Qumran Cave 4. 16: Calendrical Texts* (DJD 21; Oxford: Clarendon, 2001), xi–xii, here xi.

⁵ A. Yardeni, “Palaeography,” in Alexander et al., *Qumran Cave 4. 26*, 259–261, here 260.

in the Shrine of the Book in Jerusalem, the text has, unusually, been assigned a different date, pushing it back a hundred years, to the late second century BCE.⁶

The zodiology concludes with almost four extant lines of a thunder-omen text, the brontologion. The days of the months are represented by Aramaic numeral signs, which are used in some documentary and non-documentary texts for numbers, or days of the week, months, or measurements.⁷ The extant Aramaic month names, Shevat שׁבַט (4Q318 VII, 4) and Adar אָדָר (4Q318 VIII, 1) were adopted by the Jews from the Standard Mesopotamian Calendar.⁸ The signs of the zodiac attested here are the earliest known in Aramaic.⁹

The calendar text describes a repeated formulaic arrangement reflecting a schematic monthly transit of the moon through the signs of the zodiac for twelve 30-day months: a 360-day year. As the moon orbits the earth, it spends on average about two and a half days in each sign; in the schematic arrangement of 4Q318, which does not deal with fractions, it spends two and three days in the signs.

The sun takes a month to traverse each zodiac sign, and a year to transit all twelve signs. (Variations of this astronomical paradigm are repeated throughout this essay in comparative texts). To place the 4Q318 calendar in its astronomical context, the lunar year is 354 days long and the solar year is approximately 365¼ days long: 11¼ days longer. In the Hebrew calendar, in order to keep the calendrical months in line with the seasons, every two to three years, an extra month is added to the year: seven times that are fixed in the 19-year cycle in the

⁶ Display card for the “Brontologion,” Shrine of the Book, Jerusalem, April, 2008.

⁷ E. Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert* (STDJ 54; Leiden: Brill, 2004), 212–213 n. 265; Talmon, Ben Dov, and Glessmer, *Qumran Cave 4. 16*, 42 and bibliography 137 n. 15; Yardeni, “Palaeography”, in Alexander et al., *Qumran Cave 4. 26*, 261.

⁸ M. E. Cohen, *Cultic Calendars of the Ancient Near East* (Bethesda MD: University Press of Maryland, 1993), 386. Later Jewish literature ascribes the adoption of the Aramaic month-names to the returnees from the Babylonian exile who brought the calendar back with them, *y.Roš Haš.* 1.56d.

⁹ J. C. Greenfield, “The Names of the Zodiacal Signs in Aramaic and Hebrew,” in *Au Carrefour des Religions: Mélanges Offerts à Phillipe Gignoux* (Res Orientales 7; ed. Rika Gyselen; Bures-sur-Yvette: Groupe pour l’Étude de la Civilisation du Moyen-Orient, 1995), 95–103; Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 267–9.

same position, for all time.¹⁰ This is a luni-solar calendar; if the extra month is not intercalated, the calendar would slip back by 11¼ days every year, which is the case with a purely lunar calendar.

When reconstructed according to the average amount of characters per line in the extant columns, the selenodromion consists of just over seven and a half columns.

The brontologion assigns almost three lines to the protasis-apodosis of thunder in Taurus (4Q318 VIII, 6–8); Gemini is incomplete at one line (4Q318 VIII, 9). If each prediction by thunder comprised, formulaically, about three lines per zodiac sign, as per the thunder in Taurus pericope, the brontologion would consist of almost four columns. If so, the entire, portable scroll containing the complete zodiology and brontologion would probably consist of almost twelve columns, assuming that the text began immediately with the zodiology without a preamble.

Below is a reconstruction of column VIII, which gives the moon's journey through the zodiac for the month of Adar, and the remains of the brontologion.

4Q318 VIII, 1–9: Adar 1–Adar 30 and Brontologion

[אדר ב/ וב/ דכרא ב/ וב/ תורא ב/ וב/ תאומיא]	1
[ב/ וב/ וטנא ב- וב- א/ ריא ב- וב- וטנא]	2
[בתו לתא ב- וב- מוזניא ב- וב- עקרבא]	3
	[^] 3
[ב- וב/ וטנא ב/ וב/ וטנא ב/ וב/ וטנא]	4
[דו לתא ב/ וב/ וטנא ב/ וב/ וטנא]	5
[דכר א] vacat [אם בתורא]	6
[ו] עמל למדינתא וחרב [בד] רת מלכא ובמדינת אב]	7
הוא ולערביא [א כפן ולהוון בזוין אלן כא] vacat	8
[אם בתאומיא ורעם דחלה וסרע מנכריא ומ]	9

1. Adar. In 1 and 2 Aries, in 3 and 4 Taurus, in 5 [and in 6 and in 7 Gemini]
2. in 8 in 9 Cancer, [in 10 and 11 Leo, in 12 and [in 13 and in 14]
3. Vir[go], in 15 and in [16 Libra, in 1]7 in 18 [Scorpio,]
4. in [1]9 and in 20, and < in 21 > Sagitt[arius, in 22 and in 23 Cap] ricorn, [in 24 and in 25]

¹⁰ The principle of this paradigm in antiquity is well summarised in W. K Pritchett and O. Neugebauer, *The Calendars of Athens* (Cambridge MA: Harvard University Press, 1947), 6. In the Hebrew calendar, the extra month is an additional Adar: every two to three years, there is an Adar I and Adar II.

5. Aquarius, in 26 and in 2[7 and in 28] Pi[scis and 29 and in 30]
6. Aries. *Vacat* [If in Taurus] it thunders (there will be) *msbt*¹¹ against
7. [and] affliction for the province, and a sword [in the cou]rt of the king and in the province,¹²[
8. will be. And to the Arabs [], hunger, and they will plunder each oth[er *vac*]at
9. *vacat* If in Gemini it thunders, (there will be) fear and sickness from the foreigners and *m*[
(English translation according to Greenfield and Sokoloff)¹³

a. Background

As Michael Wise has shown, there are close correspondences between the 4Q318 brontologion and the genre of late Greek brontologia and Akkadian omen literature.¹⁴ Pingree suggested that the Akkadian texts were probably a common ancestor, although the zodiac had not been introduced when they were written in the 8th to 7th centuries BCE. In the cuneiform corpus, predictions could be based on the occurrence of thunder in a particular month, or on the occurrence of thunder when the moon is visible at a particular phase.¹⁵

¹¹ Yardeni suggests the second letter is a *šade* (Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 263). For a discussion of the possible meaning of the reading *מסבת עלן* cf. M. O. Wise, *Thunder in Gemini and Other Essays on the History, Languages and Literature of Second Temple Palestine* (JSPSup 15; Sheffield: Sheffield Academic Press, 1994), 23–27. Greenfield and Sokoloff read the disputed letter as a *samech*, cf. “4QZodiology and Brontologion ar,” 263; see also Ursula Schattner-Rieser, *Textes Araméens de la Mer Morte* (LACA 5; Brussels: Safran, 2005), 126–28, nn. 165, 167; Klaus Beyer transcribes the questionable letter as a *šin* in the 1994 edition and as a *kap* in the 2004 edition, cf. *Die aramäischen Texte: Ergänzungsband* (Göttingen: Vandenhoeck & Ruprecht, 1994), 128–9; Beyer, *Die aramäischen Texte vom Toten Meer* (Göttingen: Vandenhoeck & Ruprecht, 2004), 2: 167–8.

¹² Greenfield and Sokoloff argue that *ובמדנית אבן* should be read as *ובמדניתא בן*, cf. Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 264; Wise reads *באבן* as connected to a toponym, in *Thunder in Gemini*, 29–32; so, Beyer, *Die aramäischen Texte*, 2: 167–8.

¹³ Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 264.

¹⁴ Wise, *Thunder in Gemini*, 23–34, nn. 24, 29, 31, 36–39, 46, 47–50, 57, 58, 63, 66, 67, 69, 70, 71, 75, 77; R. Leicht, *Astrologumena Judaica: Untersuchungen zur Geschichte der astrologischen Literatur der Juden* (Tübingen: Mohr Siebeck, 2006), 18–24.

¹⁵ D. Pingree, “Astronomical Aspects,” in Alexander et al., *Qumran Cave 4*. 26, 270–272. H. Hunger, *Astrological Reports to Assyrian Kings* (State Archives of Assyria 8; Helsinki: Helsinki University Press, 1992), cf. for example texts 31: 4, r.1–3; 32: 1–5; 33: 1–6; 444: 1–4; 119: 5–9 (I thank Dr Jon Taylor of the British Museum for the last reference).

b. 4Q318: *Babylonian Month-names*

Aramaic month-names appear in the post-exilic biblical books,¹⁶ in 5th century BCE documents from Elephantine,¹⁷ and in a substantial number of Persian-era papyri from Wadi Daliyeh.¹⁸ The Standard Mesopotamian Calendar, based on the Metonic cycle (seven additional months over nineteen years), was standardised in Mesopotamia in the fifth century BCE.¹⁹

In addition to 4Q318, the other texts with Babylonian calendar month-names from Qumran Cave 4 include 4Q332 *4QHistorical Text D* (ca. 25 BCE) 2 2: שבט (Shevat)²⁰ and 4Q322a *4QHistorical Text H?* 2 5:] לַמְּ[רַח]שׁוֹן [(of Ma[rhe]svan).²¹ 4Q332 *4QHistorical Text D* 2 2–3 seems to synchronise two calendars:

¹⁶ Ezra 6:15; Neh 1:1; 2:1; Esth 2:16; 3:7,7,13; 8:9,12; 9:1,15,17,19,20; Zech 1:7; 7:1. See S. Stern, "The Babylonian Calendar at Elephantine," *Zeitschrift für Papyrologie und Epigraphik* 130 (2000): 159–171, 159 n. 4; *idem*, *Calendar and Community: A History of the Jewish Calendar Second Century BCE–Tenth Century CE* (Oxford: OUP, 2001), 29 n. 131.

¹⁷ B. Porten, *Archives from Elephantine* (Berkeley: University of California Press, 1968), 128–130, 311–314, pl. 9. S. Stern, "Babylonian Calendar," *idem*, *Calendar and Community*, 28–30; B. Porten and Ada Yardeni, eds., *Textbook of Aramaic Documents from Ancient Egypt* (2 vols.; Jerusalem: Hebrew University, 1989); J. C. VanderKam, *Calendars in the Dead Sea Scrolls: Measuring Time* (London: Routledge, 1988), 114; B. Porten, "The Calendar of Aramaic Texts from Achaemenid and Ptolemaic Egypt," *Irano-Judaica* 2 (1990): 13–32.

¹⁸ D. M. Gropp, *Wadi Daliyeh II: The Samaria Papyri from Wadi Daliyeh* (DJD 28; Oxford: Clarendon, 2001), 35. Papyri with extant or part-extant dating formulae include: WDSP 1.1 (20th Adar); 2.12 ([Tebe]t); 3.11–12 (3rd Shevat); 4.1; 5.1; 6.1 (10th Shevat); 7.19 (5th Adar); 8.12–13; 9.15–16; 10 recto 1, 12; 12. 10–11; 14.1; 15.1; 16.1; 17.1–2, 8–9; 18.11; 19.1; 20.1; 22.10–11; see also J. Dušek, *Les manuscrits araméens du Wadi Daliyeh et la Samarie vers 450–332 av. J-C* (Leiden: Brill, 2007).

¹⁹ O. Neugebauer, *The Exact Sciences in Antiquity* (New York: Dover Publications, 1969), 7; J. Britton and C. Walker, "Astronomy and Astrology in Mesopotamia," in *Astronomy Before the Telescope* (ed. C. Walker; New York: St Martin's, 1996), 42–67, here 46; (19 solar years are equivalent to 235 months comprised of 12 years of 12 months and seven years of 13 months).

²⁰ J. Fitzmyer, "332. 4QHistorical Text D," in Alexander et al., *Qumran Cave 4*. 26, 281–286, 283 and Pl. XVII; see also S. Talmon and J. Ben-Dov, "Mišmarot Lists (4Q322–324c) and 'Historical Texts' (4Q322a; 4Q331–4Q333) in Qumran Documents," in *Birkat Shalom: Studies in the Bible, Ancient Near Eastern Literature, and Postbiblical Judaism Presented to Shalom M. Paul on the Occasion of his Seventieth Birthday* (ed. C. Cohen; Winona Lake IN: Eisenbrauns, 2008), 2: 927–942.

²¹ E. J. C. Tigchelaar, "322a. 4QHistorical Text H?," in *Wadi Daliyeh II: The Samaria Papyri from Wadi Daliyeh* (DJD 28; ed. M. Gropp et al.; Oxford: Clarendon, 2001), 125–128, 127 and Pl. XL.

- 1 [to] give him honour among the Arab[s]
 2 [on the n]inth of Shebat,²² this (is) []
 ([] בת)שעה לשבט זה
 3 [] which is the [tw]entieth²³ in the month [of]
 ([] ה)שהוא [ע]שרים בחדש
 4 [] with secret counsel Salome (Shelamzion) came[
 5 [] to confront the[]
 6 [] Hyrcanus rebelled [against Aristobulus]
 7 [] to confront[]
 (4Q332 2, 1–7, transcriptions and translation according to Joseph Fitzmyer)²⁴

The apparent double-dating of a calendar with an Aramaic month-name (line 2) and the 364-day calendar tradition (line 3)²⁵ would suggest that the former was not rejected by the author, or authors, of the historical texts.²⁶ There is also an early documentary text with an Aramaic month-name: 4Q345Deed ar or Heb, possibly from Naḥal Ḥever²⁷ (373–171 BCE, carbon-dated, but glue-contaminated).²⁸

²² J. Fitzmyer, “4QHistorical Text D,” 283–84, Pl. XVII; Talmon, Ben Dov, and Glessmer, *Qumran Cave 4. 16*, 12–13, cf. S. Talmon, “What’s in a Calendar? Calendar Conformity and Calendar Controversy in Ancient Judaism: The Case of the ‘Community of the Renewed Covenant,’” in *The Bible and the Dead Sea Scrolls Vol. 2: The Dead Sea Scrolls and the Qumran Community* (ed. J. H. Charlesworth, Waco TX: Baylor University Press, 2006), 25–58, 40. Talmon states that the Babylonian month-names “only seldom” appear in the Dead Sea Scrolls.

²³ The letters in עשרים are “doubtful” see Fitzmyer, “4QHistorical Text D,” 283.

²⁴ See Fitzmyer, “4QHistorical Text D,” 283.

²⁵ M. G. Abegg, “The Calendar at Qumran,” in *Judaism in Late Antiquity, Part 5: The Judaism of Qumran. A Systemic Reading of The Dead Sea Scrolls* (ed. A. J. Avery-Peck et al.; Leiden: Brill, 2001), 1: 145–171, esp. 151–53; Talmon, Ben Dov, and Glessmer, *Qumran Cave 4. 16*, 13–14, 37–81; J. Ben-Dov, *Head of All Years: Studies in the Qumran Calendars and Astronomy in their Ancient Context* (STD) 78; Leiden: Brill, 2008), 11, 15–18.

²⁶ It is unclear how calendrical texts which include the Babylonian calendar fit into the various Essene hypotheses. The latter posit that a sect at Qumran rejected the lunar calendar and that calendrical differences were at the heart of an alleged schism between this group and “mainstream” Judaism; see, for example, VanderKam, *Calendars in the Dead Sea Scrolls*, 113–16; Talmon, “What’s in a Calendar?,” 25–58.

²⁷ Hannah M. Cotton and Ada Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts from Naḥal Ḥever and Other Sites with an Appendix Containing Alleged Qumran Texts* (DJD 27; Oxford: Clarendon, 1997), 292–295, fig. 29, Pl. LVI; cf. H. Eshel, “4Q348, 4Q343 and 4Q345: Three Economic Documents from Qumran Cave 4?,” *JJS* 52 (2001): 132–135. Eshel argues that the documents came from Qumran.

²⁸ A. J. T. Jull et al., “Radiocarbon Dating of Scrolls and Linen Fragments from the Judaean Desert,” *Radiocarbon* 37:1 (1995), 11–19, here 12. 4Q345: באלול (in Ellul) recto, upper version, line 1; lower version, line 10, see Cotton and Yardeni, *Aramaic, Hebrew, and Greek Documentary Texts*, 292–3.

At first, scholars working on 4Q318 assumed that the zodiology covered a 364-day year, and that 4Q318 was a sectarian text.²⁹ This theory was questioned separately by Matthias Albani, who stated that it was “most probably based on an ideal 360-day calendar attested in Babylonian and Hellenistic zodiacal astrology,”³⁰ and Uwe Glessmer.³¹ Greenfield and Sokoloff, in a 1995 paper, which underlies their edition in DJD 36, concluded that the 4Q318 zodiology was a 360-day calendar that was “non-sectarian in content,” because, as scholars agree, the sectarian group at Qumran did not produce texts in Aramaic and followed a calendar of 364 days.³²

II. *The Calendrical Scheme*

The table below provides a reconstruction of 4Q318 using the basic format employed by Michael Wise,³³ but reconstructed according to a year of 360 days (instead of 364 days), which is also the number of degrees in the zodiac. The table (fig. 1) is restored according to the schematic pattern in 4Q318, whereby the moon takes two days to traverse one sign, two days again for the next sign, and three days for the third sign. This pattern is repeated every month.

The months are synodic, meaning that the moon moves from conjunction with the sun, to the next conjunction, or from one phase to the next identical phase. When the moon is completing its orbit of

²⁹ Wise, *Thunder in Gemini*, 17–22; R. Eisenman and M. O. Wise, *The Dead Sea Scrolls Uncovered* (London: Penguin, 1993), 258–63.

³⁰ M. Albani, “Horoscopes in the Qumran Scrolls,” in *The Dead Sea Scrolls After Fifty Years* (2 vols.; ed. P. W. Flint and J. C. VanderKam; Leiden: Brill, 1999), 2: 279–330, esp. 296–301, here fig. 3 (298–9) and 296 n. 58; *idem*, “Der Zodiakos in 4Q318 und die Henoch-Astronomie,” *MBFJTF* 7 (1993): 3–42; *idem*, *Astronomie und Schöpfungsglaube: Untersuchungen zum Astronomischen Henochbuch* (WMANT 68; Neukirchen-Vluyn: Neukirchener Verlag, 1994), 83–87, 123–9.

³¹ U. Glessmer, “Calendars in the Qumran Scrolls,” in Flint and VanderKam, eds., *Dead Sea Scrolls After Fifty Years*, 2: 213–278, esp. 259–260.

³² J. C. Greenfield and M. Sokoloff, “An Astrological Text from Qumran (4Q318) and Reflections on Some Zodiacal Names,” *RevQ* 16 (1995): 507–25; see also Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 270. Under “Previous discussion,” Greenfield and Sokoloff list the authors’ 1995 paper only, “4QZodiology and Brontologion ar,” 259. Albani’s work is, however, noted, but Michael Wise’s detailed study of the zodiology and the brontologion in *Thunder in Gemini* is not cited at all.

³³ Wise, *Thunder in Gemini*, 22. Albani also reconstructed 4Q318 according to a 360-day calendar using a different format, cf. Albani, “Horoscopes in the Qumran Scrolls,” 298–99; he also questioned Wise’s 364-day reconstruction, *ibid.*, 297, 300, 299 note.

the earth, it passes through the first zodiac sign that it traversed at the beginning of the month again at the month's end. Hence, the moon passes through thirteen signs in a synodic month.

Each month begins with the zodiac sign following the sign which corresponds to the luni-solar month, for example, Nisan (March-April), the first month, is cognate with Aries, the first zodiac sign, and so forth. Thus, the first zodiac sign traversed by the moon is Taurus, the second sign of the zodiac (see fig. 1)—a significant feature that most puzzled Wise³⁴ and Sokoloff and Greenfield.³⁵

With 4Q318, it is possible to see that the calendar was intercalated because the data in the text itself show that the months are aligned to their correct seasons by their corresponding zodiac signs. Adar, the 12th month, is aligned to February to March, which corresponds to the sign of Pisces. As in the Babylonian calendar, day 1 of the month corresponds to the first crescent and day 14/15 is the full moon. The full moon moving through the zodiac on 14 Adar would be in the opposite sign to Pisces, which is Virgo. This information is given in the text at 4Q318 VIII, 2–3. Therefore, one can check the data are correct both from the position of the moon in the zodiac and the date. If the months and days were not given in the text, then it would be a simple astronomical table, but by adding in the months and days, it becomes a calendar. To be specific it becomes and a very basic lunar ephemeris.

As originally suggested by Wise, the 4Q318 zodiac calendar begins after the moon's conjunction with the sun, when the first crescent can be seen.³⁶

The Qumran zodiology tells us in which zodiac sign the moon is situated on most given Hebrew dates in most years. For example, November 1, 2007 (the date this presentation was given in Birmingham),

³⁴ Wise, *Thunder in Gemini*, 38–42.

³⁵ Sokoloff and Greenfield, "4QZodiology and Brontologion ar," 264–5, nn. 9,11. They attribute this feature to the order of the constellations in the MUL.APIN, by Albani, "Der Zodiakos," 27–32. See also, M. J. Geller, "New Documents from the Dead Sea: Babylonian Science in Aramaic," in *Boundaries of the Ancient Near Eastern World: A Tribute to Cyrus H. Gordon* (JSOTSup 273; ed. M. Lubetski et al.; Sheffield: Sheffield Academic Press, 1998), 224–229. David Pingree's astronomical explanation is correct, "Astronomical Aspects," in Alexander et al., *Qumran Cave 4. 26*, 271 (as this essay will show).

³⁶ Wise, *Thunder in Gemini*, 38–42. Wise subsequently dismissed the idea because it conflicts with the calendar of the Essene Hypothesis, see *ibid.*, 42.

Figure 1: 4Q318 Zodiac Calendar Reconstructed (extant frags. cols. IV, 5-9; VII, 1-9; VIII, 1-6)

	Nisan (Aries) <i>March-April</i>	Iyyar (Taurus) <i>April-May</i>	Sivan (Gemini) <i>May-June</i>	Tammuz (Cancer) <i>June-July</i>	Av (Leo) <i>July-Aug</i>	Elul (Virgo) <i>Aug-Sept</i>	Tishri (Libra) <i>Sept-Oct</i>	Heshvan (Scorpio) <i>Oct-Nov</i>	Kislev (Sagitt) <i>Nov-Dec</i>	Tebet (Capric) <i>Dec-Jan</i>	Shevat (Aquar) <i>Jan-Feb</i>	Adar (Pisces) <i>Feb-Mar</i>
1	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries
2	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries
3	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus
4	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus
5	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini
6	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini
7	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Gemini
8	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer
9	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer
10	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo
11	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo
12	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo
13	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo
14	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo
15	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra
16	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra
17	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio
18	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio
19	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt
20	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt
21	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt
22	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric
23	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric
24	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar
25	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar
26	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces
27	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces
28	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces
29	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries
30	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries

corresponds to Marchesvan 20, in an intercalary year in the Jewish calendar. According to 4Q318, the moon's position in the zodiac on Marchesvan (Heshvan) 19, 20 and 21, is in Leo (see fig. 1). In a modern ephemeris, based on the zodiac which was fixed by Ptolemy almost 2,000 years ago, (which does not take precession into account), the moon entered Leo on November 1, 2007.³⁷

For 4Q318 to be so accurate, suggests that a similar form of today's luni-solar Hebrew calendar may have been in use at the turn of the era³⁸ and that it was harmonised with the 360-day year³⁹ and the zodiacal arrangement in the text. The 4Q318 zodiac calendar would thereby integrate three cycles: the sun, the moon, and the stars (the zodiac) into a single, perpetual calendar.

While there is a scholarly dispute as to whether the 364-day year schemes began on the full moon,⁴⁰ or just after the full moon,⁴¹ or at last lunar visibility,⁴² or during the darkness of the new moon,⁴³ the 360-day zodiac calendar of 4Q318 begins when the first lunar crescent can be observed.

III. Evidence for Zodiac Calendars in Antiquity

Sources from different traditions inform us that:

1. the moon takes a month of thirty days to travel through all the zodiac signs (the lunar zodiac) from first crescent to the next month's first crescent, and two and half days to traverse each zodiac sign and

³⁷ N. F. Michelsen and R. Pottenger, *The American Ephemeris for the 21st Century 2000–2050 at Noon* (expanded 2nd ed.; San Diego: ACS, 1996).

³⁸ Extensive empirical testing of the 4Q318 zodiac calendar and the Hebrew calendar is contained in this author's PhD diss. (University of Manchester, forthcoming). Results show a stronger correlation in intercalary years.

³⁹ Lis Brack-Bernsen, "The 360-Day Year in Mesopotamia," in *Calendars and Years: Astronomy and Time in the Ancient Near East* (ed. J. Steele; Oxford: Oxbow Books, 2007), 83–100, esp. 93–96, 98.

⁴⁰ M. G. Abegg Jr., "Does Anyone Really Know What Time It Is: A Re-Examination of 4Q503 in Light of 4Q317," in *The Provo International Conference on the Dead Sea Scrolls: Technological Innovations, New Texts and Reformulated Issues* (ed. D. W. Parry and E. Ulrich; Leiden: Brill, 1999), 396–406.

⁴¹ Talmon, Ben Dov, and Glessmer, *Qumran Cave 4. 16*, 14.

⁴² J. Ben-Dov and W. Horowitz, "The Babylonian Lunar Three in Calendrical Scrolls from Qumran," *ZA* 95 (2005): 104–120.

⁴³ M. O. Wise, "Second Thoughts on קִיָּד, and the Qumran Synchronistic Calendars," in *Pursuing the Text* (JSOTSup 184; ed. J. C. Reeves and J. Kampen; Sheffield: Sheffield Academic Press, 1994), 98–120; Wise, *Thunder in Gemini*, 230–231.

2. that the sun takes a year to travel through the zodiac and a month to traverse a single zodiac sign (the solar zodiac).

Zodiac calendars existed in the Greco-Roman and Greco-Babylonian world from the late third century BCE until at least the first century BCE. The following sections will survey different cultural sources for this central theme in late antiquity. I will proceed by covering Hellenistic and Jewish literary sources, Hellenistic documentary sources, Hellenistic epigraphic and inscriptional texts, an Hellenistic epigraphic artefact, and Mesopotamian sources.

a. *Philo*

Philo (ca. 20 BCE–50 CE) provides the basic exposition of how the solar and lunar zodiacs work. The simple astronomical rule is inserted (as a kind of midrash) in the pericope on Joseph’s second dream (Gen 37: 9–11), in *Dreams* 2.112–13:

Well, the students of the upper world tell us that the Zodiac, the largest of the circles of heaven (τὸν ζῳδιακὸν κύκλον μέγιστον... οὐρανὸν), is formed into constellations out of twelve signs (δωκαίδεκα), called *zodia* (ζῳδίων) or “creatures,” from which it also takes its name. The sun and moon (ἥλιον δὲ καὶ σελήνην), they say, ever revolve along the circle (ζῳδίων) [*zodia*] and pass through each of the signs, though the two do not move at the same speed, but at unequal rates as measured in numbers: the sun taking thirty days (ἡμέραις τριάκοντα), and the moon about a twelfth (δωδεκατημορίῳ) of that time, that is, two and half days (ἡμερῶν δυεῖν καὶ ἡμίσεος). He, then, who saw that heaven-sent vision, dreamt that the eleven stars made him obeisance, thus classing himself as the twelfth (δωδέκατον), to complete the circle of the zodiac (ζῳδιακοῦ συμπλήρωσιν κύκλου).⁴⁴

Philo also refers to the lunar zodiac (*Spec. Laws* 2.142) in his explanation of the reasons for the celebration of the New Moon festival *noumenia* (νουμηνία), in the calendar of biblical feasts, (*Spec. Laws* 2.142–213):

... the moon traverses the zodiac in a shorter fixed period than any other heavenly body. (... οὐρανὸν ἀπάντων ἐν ἐλάττονι προθεσμία σελήνη τὸν ζῳφορόρον περιπολεῖ). For it accomplishes that revolution in the span of a single month, and therefore, the conclusion of its circuit, when the moon ends its course at the starting point at which it began...⁴⁵

⁴⁴ Philo, *Dreams* 2.112–13 (trans. Colson and Whitaker, LCL).

⁴⁵ Philo, *Spec. Laws* 2.142 (trans. Colson and Whitaker, LCL).

The pericope informs us that the lunar zodiac was part of the scientific vocabulary at that time. Philo refers to the solar zodiac while explaining the biblical rationale for Exod 12:2, that the year begins at the spring equinox when the sun is in Aries (*QE* 1.1):

For they call the Ram, the head of the zodiac (κεφαλὴν τοῦ ζωοφόρον... τὸν κριόν), since in it the sun appears to produce the vernal equinox.⁴⁶ (cf. Josephus. *Ant* 3. 248, below).

He also refers to the solar zodiac in terms of the equinoxes in *Creation* 1.116:

The sun, too, the great lord of the day, bringing about two equinoxes each year, in spring and autumn, the spring equinox in the constellation of the Ram (κριῶ) and autumn equinox in that of the Scales (ζυγῶ)...⁴⁷

The pericope brings to mind the explanation by Geminus that in the ancient Greek luni-solar calendar the days and months were reckoned by the moon and the years were reckoned by the course of the sun.⁴⁸ The separation between the solstices and equinoxes (the *tequfot*), which are solar, and the months, which are lunar, are suggested in Philo's statements on calendars and cosmology.

In *Moses* 2.124⁴⁹ within a lengthy passage associating the garments of the High Priest with the cosmos (*Moses* 2.122–126), Philo asserts that the twelve gems on the priestly breastplate represent the signs in the solar zodiac, arranged to correspond to the four seasons of the solar year.

... the [twelve] stones (δώδεκα λίθοι) at the breast, which are dissimilar in colour, and are distributed into four rows of threes, what else should they signify but the zodiac circle (ζωδιακοῦ κύκλου)? For that circle, when divided into four parts, constitutes by three signs (ζωδίων) in each case the seasons of the year—spring, summer, autumn, winter—those four, the transition in each of which (τροπὰς τέσσαρας, ὧν ἐκάστης) is determined by three signs (τρία ζῳδία), and made known to us by the

⁴⁶ Philo, *QE* 1, Question 1 (trans. Marcus, LCL).

⁴⁷ Philo, *Creation* 116 (trans. Colson and Whitaker, LCL).

⁴⁸ J. Evans and J. Lennart Berggren, *Geminus's Introduction to the Phenomena: A Translation and Study of a Hellenistic Survey of Astronomy* (Princeton: Princeton University Press, 2006), 176–7 (VIII. 5).

⁴⁹ Philo, *On Abraham. On Joseph. On Moses* (trans. Colson, LCL).

revolutions of the sun (ἡλίου περιφοραῖς)...⁵⁰ (cf. Josephus, *Ant.* 3.186, below).

In a similar vein, Philo relates the solar zodiac to the four seasons, without mentioning months, in relation to the Menorah in the Temple (Exod 25: 31–40),⁵¹ in *QE 2*, Questions, 76, 77:

(Question 76) [Exod 25:33 Heb.]: At each season of the year the sun completes (its course) through three zodiacal signs (ζωδίων)⁵² which He has called “mixing bowls”.... For example the spring (consists of) Aries, Taurus, Gemini; and again, in the summer, Cancer, Leo, Virgo; and in the autumn, Libra, Scorpio, Sagittarius; and in the winter, Capricorn, Aquarius, Pisces. And He likens the form and nature of the zodiacal signs to those of a nut...⁵³ (cf. Josephus, *Ant.* 3.182; *J.W.* 5.217, below).⁵⁴

(Ques. 77) [Exod 25: 34–6 Heb.]: Each branch constitutes one season of the year through three zodiacal signs (ζωδίων),⁵⁵ as has been said [Ques. 76, above], while the lampstand represents the seasons of the year, which are four.⁵⁶

An intriguing question arises concerning the details of Philo’s calendar in *Creation* 60; Philo’s commentary on Gen 1:14–17, includes a discourse about the stars, the sun, and the moon for determining signs, seasons, days, months and years (*Creation* 55–61) in which he appears to state that the year has 360 days, derived from 12 months of 30 days, cf. *Creation* 60:

The heavenly bodies were created also to furnish measures of time: for it is by regular revolutions of sun, moon and the other bodies, that days and months and years were constituted...For out of one day came “one,” out of two, “two,” out of three, “three,” out of a month “thirty” (καὶ ἐκ μηνὸς τὰ τριάκοντα), out of a year (καὶ ἐξ ἐνιαυτοῦ) the number equivalent to the days made up of twelve months (δώδεκα μηνῶν)...⁵⁷

⁵⁰ Philo, *On Moses*, 2.124 (trans. Colson, LCL); cf. the translation by Yonge, which includes the equinoxes and solstices, C. D. Yonge, *The Works of Philo* (Peabody MA: Hendrickson, 2004), 501.

⁵¹ Philo, *QE 2*, Questions 73–81 and 122–131, correspond.

⁵² Philo, *QE 2* (trans. Marcus, LCL). Question 76, 125 n. c.

⁵³ Philo, *QE 2* (trans. Marcus, LCL). Question 76, 125.

⁵⁴ Philo, *QE 2* (trans. Marcus, LCL); R. Marcus, “The Armenian Translation of Philo’s *Quaestiones in Genesim et Exodum*,” *JBL* 19.1 (1930): 61–64.

⁵⁵ Philo, *QE 2* (Marcus, LCL), 127 n. e.

⁵⁶ Philo, *QE 2* (trans. Marcus, LCL). Question 77, 127.

⁵⁷ Philo, *Creation* 1.60 (trans. Colson and Whitaker, LCL).

Elsewhere, Philo describes an awareness of calendar diversity, ostensibly between different nations.

(QE 1, Quest.1) [Exod 12: 2]: But not all (peoples) treat the months and years alike, but some in one way and some in another. Some reckon by the sun, others by the moon. And because of this, the initiators of the divine festivals have expressed divergent views about the beginning of the year... Wherefore (Scripture) has added, "This month (shall be) to you the beginning,"...⁵⁸

It is a moot point whether Philo really thought that the ordinance of Exod 12:2 should apply to all peoples,⁵⁹ or if he was referring to a problem of heterogeneous calendar practices by different groups of Jews.

In sum, Philo was certainly familiar with both the lunar and solar zodiacs; he may also have known of a 360-day year, which consisted of the zodiac traversed monthly by the moon, and a solar zodiac, orbited annually by the sun.

b. *Josephus*

In ancient Jewish literature, the frequent analogies between the zodiac and the Tabernacle are unique to Philo and Josephus.⁶⁰ As outlined above, most of Josephus's references to the zodiac and the calendar are similar to those of Philo. Although Josephus (37–c.100 CE) knew of Philo, he does not refer specifically to his writings, nor does he cite him as a source.

Josephus refers to the use of the zodiac in the Jewish, luni-solar calendar, when he wrote that Nisan, the first month of the year, corresponds to the Macedonian month Xanthicus/Xandikos.⁶¹

⁵⁸ Philo, QE 1 (trans. Marcus, LCL), 4–5.

⁵⁹ Cf. Philo, QE 1 (Marcus, LCL), 5 n. b.

⁶⁰ J. Klawans, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (Oxford: OUP, 2006), 125–128. Cf. Exod 28 LXX; Sir 45: 6–13; *Letter of Aristeas*, 96–99 and see N. Fernández Marcos, "Rewritten Bible or Imitatio? The Vestments of the High Priest," in *Studies in the Hebrew Bible, Qumran and the Septuagint Presented to Eugene Ulrich* (VTSup 101; ed. P. W. Flint, E. Tov and J. C. VanderKam; Leiden: Brill, 2006), 321–336.

⁶¹ A. E. Samuel, *Greek and Roman Chronology: Calendars and Years in Classical Antiquity* (HdA 1,7; München: C. H. Beck, 1972), 139–151. The Macedonian calendar was no longer luni-solar in the first century CE; Stern suggests that Josephus was drawing an equivalence with the Jewish months anachronistically, *Calendar and Community*, 37–8.

Τῷ δὲ μηνὶ τῷ Ξανθικῷ, ὃς Νισὰν παρ' ἡμῖν καλεῖται καὶ τοῦ ἔτους ἐστὶν ἀρχή, τεσσαρεσκαί—δεκάτη κατὰ σελήνην ἐν κριῷ τοῦ ἡλίου καθεστῶτος...

In the month of Xanthicus, which with us is called Nisan and begins the year, on the fourteenth day by lunar reckoning, the sun being then in Aries,...

Like Philo, Josephus also employs the zodiac in the context of attributing cosmological symbolism to the Tabernacle and the priestly vestments; however, in *Ant.* 3.186, Josephus equates the gems in the ephod with the (lunar) months of year⁶³ and the twelve signs of the zodiac:

Τὴν τε δωδεκάδα τῶν λίθων εἴτε τοὺς μῆνας τις θέλοι νοεῖν, εἴτε τὸν οὐτως ἀριθμὸν τῶν ἀστέρων, ὃν ζωδιακὸν κύκλον Ἕλληνες καλοῦσι,...

As for the twelve stones, whether one would prefer to read in them the months or the constellations of like number, which the Greeks call the circle of the zodiac...⁶⁴

Both Josephus and Philo refer to the twelve loaves on the table of the Tabernacle (Lev 24:6). According to Josephus the loaves overtly represent the zodiac and the calendar as emerges from two separate texts. In *J.W.* 5.217b, the zodiac signs are associated with the year and in *Ant.* 3.182a the loaves are associated with the months (cf. Philo, *Heir* 175–6):

J.W. 5.217b: ...the loaves on the table, twelve in number, the circle of the Zodiac and the year (οἱ δ' ἐπὶ τῆς τραπέζης ἄρτοι δώδεκα τὸν τε ζωδιακὸν κύκλον καὶ τὸν ἐνιαυτόν).⁶⁵

Ant. 3.182a: Again, by placing upon the table the twelve loaves, he signifies that the year is divided into as many [lunar] months (μῆνας)...

The first and second parts of the above passages are also connected to each other and Philo: according to *J.W.* 5.217a the seven planets are aligned to the seven branches of the Menorah (cf. Philo's *QE* 2, Questions 75 and 78); similarly, *Ant.* 3.182b which also deals with the

⁶² Josephus, *Ant.* 3.248 (trans. Thackeray, LCL).

⁶³ Elsewhere, Josephus emphasizes that the Jewish calendar was lunar: *Ant.* 2.318; 3.240; 3.248; 4.78; 4.84, see Stern, *Calendar and Community*, 22 n. 97, 35.

⁶⁴ Josephus, *Ant.* 3.186 (trans. Thackeray, LCL).

⁶⁵ Josephus, *J.W.* 5.217 (Thackeray, LCL).

⁶⁶ Josephus, *Ant.* 3.182b (Thackeray, LCL), Books 1–3, 404, n. a; *ibid.*, 403 n. c § 145.

Menorah (cf. Philo QE 2, Questions 75–79) uses the zodiac metaphorically and is explicitly astrological.

c. *Ovid*

Both the solar and lunar zodiacs are mentioned in Ovid's *Fasti*. Ovid (b. 43 BCE) imparts the history of Roman calendar reform, from the legendary past of Romulus, through to Julius Caesar (*Fasti*, 3. 99–166). He records that the prehistorical Roman calendar had 10 months.⁶⁷ Therefore, people could not have known that the sun takes 12 months to traverse the zodiac and that the moon covers the same distance in one month.

Who had then noticed... that the (zodiac) signs which the brother travels through in a long year, the horses of the sister traverse in a single month? The stars ran their courses free and unmarked throughout the year; yet everybody agreed that they were gods.⁶⁸

It is noteworthy that the Julian calendar (introduced during Ovid's lifetime in 46–45 BCE) was solar.⁶⁹ Yet, Ovid includes both the solar and lunar zodiac in his list of scientific paradigms known at this time. Vitruvius, the Roman writer, architect and engineer, explained the solar and lunar zodiac in *On Architecture*, which he presented to Augustus in the mid-20s BCE, around the time of our scroll. He concluded,

In other words, that circuit which the moon runs thirteen times in twelve months, the sun measures out only once in the same number of months.⁷⁰

⁶⁷ The scholarly consensus is that the very early Roman calendar had 304 days, consisting of 10 months: April, June, Sextilis, September, November and December had 30 days, and March, May, Quintilis and October, 31 days (Samuel, *Greek and Roman Chronology*, 167–70; R. Hannah, *Greek and Roman Calendars: Constructions of Time in the Classical World* [London: Duckworth, 2005], 98–100). The Latin month-names from Quintilis to December describe these months' numerical positions in the calendar in a year beginning in March (*Fasti* 3: 149–151).

⁶⁸ Ovid, *Fasti* 3.105–112 (Frazer, LCL). Frazer notes that Ovid is referring to "Apollo and Diana, the sun and moon, and the signs of the zodiac." 128 n. c.

⁶⁹ Bonnie Blackburn and L. Holford-Strevens, *The Oxford Companion to the Year* (Oxford: OUP, 1999), 671.

⁷⁰ Translation from Vitruvius, *On Architecture* 9.1.6, cf. *Vitruvius: Ten Books on Architecture* (trans. I. D. Rowland; ed., I. D. Rowland and T. N. Howe; Cambridge: CUP, 1999), 110.

d. *Era Dionysios*

A solar zodiac calendar, *Era Dionysios*, is attested in eight references to it in Ptolemy's *Almagest* (mid-2nd century CE).⁷¹ The calendar, which possibly originated in Alexandria,⁷² covers a 45-year period in the third century BCE. It began on the summer solstice, about four months before the regnal year of the co-regency of Ptolemy I Soter and his son Philadelphus Ptolemy II, in 285 BCE. The last recorded date was 241 BCE, during the reign of Ptolemy III Euergetes (246–222 BCE). It, therefore, spanned three generations of kings.⁷³

Ptolemy refers to a number of dates in the Dionysian calendar, each comprising the Era year number, day and month identified by its corresponding zodiac sign.⁷⁴ In several instances the date corresponds closely to the zodiac degree.

Where there is a discrepancy between the zodiacal date and the mean zodiacal longitude of the sun, it is a few days' difference of degrees.

Jones rejects the statements by the scholiasts that the dates and the degree of the sun's position in the zodiac were meant to coincide (see notes above and below), although he accepts that Ptolemy himself may have understood the Dionysian calendar in this way.⁷⁵ Jones also ques-

⁷¹ G. J. Toomer, *Ptolemy's Almagest* (London: Duckworth, 1984), 13–14, 450, 451, 452, 464, 464, 502, 505 n. 67, 522 (*Almagest* 9.7, 9.10, 10.9, 11.3).

⁷² A 9th–10th century scholion on the *Almagest*, translated by A. Jones in "A Posy of *Almagest* Scholia," *Centaurus* 45 (2003): 69–78, here 70–71, states: "Dionysius, who made his abode in Alexandria, made a practice of naming the months from the names of the pertinent zodiacal signs, so that Hydron is the same as Mechir according to the Alexandrian calendar, because the sun is then in Aquarius (Hydrochoos); and the same should be said for the remaining months." (Scholion to *Almagest* 9.7, text 1). (The practice of swapping months for their corresponding zodiac signs is also attested in cuneiform texts of the same period, see below).

⁷³ A. Jones, "Ptolemy's Ancient Planetary Observations," *Annals of Sciences* 63 (2006): 284–290, here 285 and n. 47. The co-regency was possibly established on December 1, 285 BCE; Ptolemy I died in 282 BCE, see Nina Collins, *The Library of Alexandria and the Bible in Greek* (Leiden: Brill, 2000), 23–24.

⁷⁴ See also A. Jones, "On Greek Stellar and Zodiacal Date-Reckoning," in Steele, ed., *Calendars and Years*, 149–167, esp. 150, 162–64; B. L. van der Waerden, "Greek Astronomical Calendars III: The Calendar of Dionysios," *Archive for the History of Exact Sciences* 29:2 (1984): 125–130. Van der Waerden states that the calendar began at the summer solstice, at 1 Cancer (June 26–284 = 285 BCE) and had 5 or 6 epogeminal days at the end of Gemini (in order to function annually, an extra day may have been added every fourth year to compensate for the 365-day Egyptian cultic calendar which was a quarter of a day short of the true solar year). O. Neugebauer, *A History of Ancient Mathematical Astronomy, Part 3* (3 vols; SHMPS 1; Berlin: Springer, 1975), 1066–7; Samuel, *Greek and Roman Chronology*, 50–1 and n. 6.

⁷⁵ Jones, "Posy," 73.

tions the accuracy of another scholiast, who had described the calendar as follows:

Dionysius named the twelve months, which had thirty days, by transference from the twelve zodiacal signs, and likewise (named) the days from the degrees at which the sun was approximately in mean motion... (Scholia to *Almagest* 11.3; text 2).⁷⁶

In Jones's view, the Dionysian calendar included five and six epogemal days in its count of the year⁷⁷ which were distributed among the months in a manner similar to the divisions in the *paraepgmata* (see below), where the zodiac is present. In these calendars, the solar zodiac months vary from 29 to 32 days, with the longer months in the summer, and comprise 365-day years.⁷⁸

Even if Jones is correct, the principle of the calendar of Dionysios (certainly, as understood by the scholiasts) in which the date was, arguably, intended to correspond with the degree of the sun in the zodiac, may be viewed as a similar, solar version of the 4Q318 zodiac calendar in which the date can tell us the zodiac sign of the moon on a particular day.

e. *Paraepgmata*

According to Evans and Berggren a *paraepgma* is a "(star calendar) that permits one to know the time of year by the observation of the stars."⁷⁹ Taub notes various forms concerned with weather.⁸⁰ Definitions of *paraepgmata* vary. This is partly because many different types of *paraepgmata* existed in antiquity (e.g. documentary texts, literature, an inscribed stone or wall with placement-holes for pegs designed to correspond to a date). *Paraepgmata* may display the sun's approximate position in the zodiac; the length of each of the four seasons, the length of day and night, and the risings and settings of constellations and stars.⁸¹

⁷⁶ Jones, "Posy," 73; see also "Greek Stellar and Zodiacal Date Reckoning," 160, 163.

⁷⁷ Jones, "Ptolemy's Ancient Planetary Observations," 289, and see note above.

⁷⁸ Jones, "Greek Stellar and Zodiacal Date Reckoning," 164; "Posy," 287–9.

⁷⁹ Evans and Berggren, *Geminus's Introduction*, 2.

⁸⁰ Liba Taub, *Ancient Meteorology* (London: Routledge, 2003), 51–2, 173–4.

⁸¹ In ancient astronomy, the length of daylight can be used to calculate which zodiacal constellation is rising over the eastern horizon at a given time and latitude; this can be used to ascertain the time, and to compute a horoscope, see J. Evans,

They could also list festivals, anniversaries and other significant dates, sometimes with reference to more than one local calendar (mostly solar calendars).⁸²

Lehoux discusses in detail whether extant *parapegmata* apparently containing zodiacal calendar-related data are actually based on lost zodiacal calendar systems constructed by late fifth, and fourth century BCE Greek astronomers, such as Eudoxus, Euctemon, Meton, and Callippus. These astronomers are frequently cited as authorities in *parapegmata*.⁸³ In contrast to Jones, Lehoux concludes that the *parapegmata* do not include lost zodiacal calendar systems.⁸⁴ This scholarly debate falls outside the scope of this research; however, the genre of *parapegmata* with zodiacal components are part of the background to 4Q318, particularly as they are known to have been combined with brontologia, see below.

f. *Parapegma with a Lost Brontologion*

The 13th century *Oxford Parapegma* (C. Baroccianus 131, fos. 423–423 v) contains a brontologion similar to that attested by 4Q318.⁸⁵ The thunder text appears at the end of one calendrical month only, i.e. February, when the sun is in Aquarius.⁸⁶ The days of the month are listed

The History and Practice of Astronomy (Oxford: OUP, 1998), 95–99, 109–125; Francesca Rochberg, “A Babylonian Rising Times Scheme in Non-Tabular Astronomical Texts,” in *Studies in the History of the Exact Sciences in Honour of David Pingree* (ed. C. Burnett et al.; Leiden: Brill, 1994), 56–94; *eadem*, *The Heavenly Writing: Divination, Horoscopy, and Astronomy in Mesopotamian Culture* (Cambridge: CUP, 2004), 24.

⁸² Daryn Lehoux, *Astronomy, Weather and Calendars in the Ancient World: Parapegmata and Related Texts in Classical and Near-Eastern Societies* (Cambridge: CUP, 2007).

⁸³ Lehoux, *Astronomy*, 72–87; 97. A. Rehm, “Das Parapegma des Euktemon,” in *Griechische Kalender II* (Sitzungsberichte der Heidelberger Akademie der Wissenschaften philosophisch-historische Klasse; ed. F. Boll; Heidelberg, 1913), 2–38; B. L. van der Waerden, “Greek Astronomical Calendars I: The Parapegma of Euctemon,” *Archive for the History of Exact Sciences* 29:2 (1984): 101–114; A. Bowen and B. R. Goldstein, “Meton of Athens and Astronomy in the Fifth Century BCE,” in *A Scientific Humanist: Studies in Memory of Abraham Sachs* (Occasional Publications of the Samuel Noah Kramer Fund 9; ed. E. Leichty et al.; Philadelphia: University of Pennsylvania Museum, 1988), 53–63; A. Jones, “Ptolemy’s Ancient Planetary Observations,” 287; *idem*, “Zodiacal Date Reckoning,” 156–162, 164.

⁸⁴ Lehoux, *Astronomy*, 77–9, 81–4.

⁸⁵ The manuscript is dated by N. G. Wilson to 1250–1280, cf. “A Byzantine Miscellany: MS Barocci 131 described,” in *Jahrbuch der Österreichischen Byzantinistik* 27 (1978): 157–79. My thanks to Colin Harris and Dr Bruce Barker-Benfield of the Bodleian Library, Oxford, for their assistance.

⁸⁶ Lehoux, *Astronomy*, 164, 392–399 (brontologion, 392, translation, 396).

according to the Julian calendar as newly-reformed under Augustus,⁸⁷ and the text includes astronomical (and astrological), calendrical and culture-specific data that can help us to date the original text.

The following is an extract from the parapegma, which uses Julian calendar dates, with the brontologion:

Risings and settings of the fixed stars.

February: according to the Greeks, Peritios. According to the Egyptians, Mechir...

26. The star on the knees rises, and there are contrary winds.

Also the swallows appear. (This month [February]) is situated in the constellation of Aquarius. The night is 13 hours, and the day is 11.

This month, when the moon is in Aquarius: if there is thunder, it signifies terrible wars on earth, confusion and diseases among men, ruin of grain and other crops, and the destruction of some lands. According to Eudoxos, many storms. What is sown will be no good. Destruction of beasts. If there is an earthquake, it signifies death.⁸⁸

Weinstock and Lehoux date the original parapegma to 15 CE based on the text's double-date for the Egyptian New Year with August 20 in the Julian calendar.⁸⁹ The parapegma also lists the birthday of Augustus on September 23, the autumn equinox; Weinstock locates the text in Asia Minor where the birthday of Augustus was officially celebrated.⁹⁰ However, as Augustus died in 14 CE and there is no entry for Tiberius who succeeded him in the same year, it may be that the parapegma was written in advance of the year for which it was intended.

The Oxford brontologion has similarities to folio 42v Suppl. Gr. 119, a 16th century manuscript from the Bibliothèque Nationale, Paris, as noted with reference to 4Q318 by Greenfield and Sokoloff, David Pingree and Michael Wise.⁹¹ According to Greenfield and Sokoloff the Paris zodiology and brontologion "can be viewed as being similar in

⁸⁷ Blackburn and Holford-Strevens, *The Oxford Companion to the Year*, 671.

⁸⁸ Lehoux, *Astronomy*, 164, 392–399.

⁸⁹ Lehoux, *Astronomy*, 398 n. 204; S. Weinstock, "A New Greek Calendar and Festivals of the Sun," *JRS* 38 (1948): 37–42, esp. 39–40. The Egyptian New Year is determined by the rising of Sirius (Sothis) which takes 1,460 years to return to the start of its calendrical cycle, on Thoth 1, which is July 19 in the Julian calendar. As it was known that a Sothic cycle was completed in 139 CE, it is possible to reckon the Julian year in the parapegma from the date that Thoth 1 falls in the text.

⁹⁰ Weinstock, "New Greek Calendar," 39–40.

⁹¹ Greenfield and Sokoloff, "4QZodiology and Brontologion ar," 270 n. 30; Pingree, "Astronomical Aspects," in Alexander et al., *Qumran Cave 4. 26*, 271–2, 271 n. 35; Wise, *Thunder in Gemini*, 35. The Greek manuscript was edited by P. Boudreaux, *Catalogus Codicum Astrologorum Graecorum* 8.3 (Brussels: Lamertin, 1912), 193–7.

construction” to 4Q318,⁹² and Wise refers to it as a “structural twin to the Qumran text.”⁹³

Pingree argues that the Aramaic brontologion and zodiology found in 4Q318 might not be connected.⁹⁴ His position is surprising considering that he himself drew attention to the similarity between 4Q318 and the Paris manuscript in which a brontologion follows the zodiology.

The Paris and the new Oxford brontologia both mention Eudoxus as a source; (the Paris brontologion further names the Egyptians [Αἰγύπτιοι], Babylonians [Βαβυλωνίους] and Chaldeans [Χαλδαῖοι] as authorities [γράφουσι] in its predictions).

The Oxford brontologion appears in the context of a parapegma mentioning the sun’s position in a corresponding constellation, whereas in the Paris MS (as with 4Q318), the brontologion follows a selenodromion, the lunar zodiac.⁹⁵

Prior to the publication of Lehoux’s book the complete Oxford parapegma (with the brontologion) was virtually unknown, as the thunder-omen pericope had been removed from the parapegma when it was published in 1952.⁹⁶ Although unaware of the text’s connection with the Dead Sea Scrolls, Lehoux pointedly notes Weinstock’s decision to excise the brontologion, as follows:

It is true that the material here is more or less what we should expect in a brontologia (sic) rather than what we should expect in a ‘pure’ parapegma. Nevertheless, parapegmata are flexible things, and it is clear that the material was seen as closely enough related to warrant inclusion in this text by a copyist. Far from ruining the urtext, the copyist has composed a new hybrid text of some interest. The inclusion of the Eudoxus reference is particularly noteworthy. Unfortunately, we only have this type of entry for the month of February.⁹⁷

We now have a close relative to the Qumran brontologion dating from the early first century CE providing further support to Yardeni’s

⁹² Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 270 n. 30 (unfortunately, they did not publish the translation by A. Wasserstein).

⁹³ Wise, *Thunder in Gemini*, 35.

⁹⁴ Pingree, “Astronomical Aspects,” in Alexander et al., *Qumran Cave 4*. 26, 271.

⁹⁵ Pingree, “Astronomical Aspects,” in Alexander et al., *Qumran Cave 4*. 26, 271.

⁹⁶ The parapegma was edited by S. Weinstock, *Catalogus Codicum Astrologorum Graecorum* 9.1 (Brussels: Lamertin, 1952), 128–37; Weinstock did not mention the brontologion in his article, “New Greek Calendar,” 37–42. (Ironically, Wise cited the article in *Thunder in Gemini*, 40 n. 90). Lehoux, *Astronomy*, 392–3 n. 195.

⁹⁷ Lehoux, *Astronomy*, 392–3, n. 195.

proposed date for 4Q318. The newly published complete Oxford parapegma confirms that there was a late Hellenistic tradition to add a brontologion to a corresponding calendrical text. 4Q318, then, was part of that tradition.

g. *Other Parapegmata*

The earliest parapegma, the Greco-Egyptian papyrus *P.Hibeh 27*⁹⁸ is dated to ca. 300 BCE; it contains dates according to the Egyptian calendar of when the sun is in successive zodiac signs,⁹⁹ star risings and settings, detailed mathematical data about day and night lengths, and cultic feast days.

As it is contemporary with the calendar of Dionysios this suggests that there was an interest in developing zodiacal calendar forms at least from the time of Ptolemy I Soter (305–282 BCE) onwards.

Miletus I is the only extant inscriptional parapegma with zodiacal data.¹⁰⁰ Originating from Greece, it is of comparatively late date, 110–109 BCE. There are placement holes for a peg, and the inscriptions list stellar risings and settings, winds, and the date on which the sun enters a zodiac sign.

The second century BCE Greek papyrus from Egypt *P.Rylands. 589*¹⁰¹ is extremely interesting as it correlates the known 25-year Egyptian solar calendar with the sun's position in the zodiac, apparent new moons, the corresponding luni-solar cycle (including intercalary months), and data of full and hollow (29 or 30-day) months.

Turner and Neugebauer date the calendar to ca. the summer of 180 BCE, the first regnal year of (the then five-year old) Ptolemy VI Philometor. Its astronomical basis—the position of the solstices and the equinoxes—is dated to 300 BCE.

⁹⁸ B. P. Grenfell and A. S. Hunt, *The Hibeh Papyri, Part 1* (London: Egypt Exploration Society, 1906), 138–57, esp. 140; Lehoux, *Astronomy*, 153–4, 217–223; Evans, *History and Practice of Ancient Astronomy*, 201–3. *P.Hibeh 27* IV–XIV.

⁹⁹ Jones, "Ptolemy's Ancient Planetary Observations," 287.

¹⁰⁰ Lehoux, *Astronomy*, 180–1, 478–80. *Miletus I* inv. 456 B; *idem*, "The Miletus Parapegma Fragments," *ZPE* 152 (2005): 125–140; H. Diels and A. Rehm, "Parapegmenfragmente aus Milet," *Sitzungsberichte der königlich preussischen Akademie der Wissenschaften, philosophisch-historische Klasse* 23 (1904): 92–111; H. Dessau, "Zu den Milesischen Kalenderfragmenten," *ibid.*, 266–8.

¹⁰¹ E. G. Turner and O. Neugebauer, "Gymnasium Debts and Full Moons," *Bulletin of the John Rylands Library* 32 (1949): 80–96. Formerly *P.Rylands 666*. (The papyrus also lists the accounts for a school). Lehoux, *Astronomy*, 179–180, 474–77. *P.Ryl. 589*, IX, frg 4; X, frg 4; X, frg 5; XI, frg 5; XI, frg 6; XII, frg 6.

Commenting on the correlation of the months to the zodiac signs Turner and Neugebauer observe that this component functions in a limited way (as the seasons retrogress in the Egyptian 365 day year by approximately one day every four years):

Thus we have to accept the fact that correlations between the zodiac and the wandering year were not considered without value in spite of their short-lived character.¹⁰²

Turner and Neugebauer's observations are resonant for 4Q318: in both calendars the sun, the moon, and the zodiac have been harmonised.

h. *Hellenistic Epigraphic Artifact*

The world's oldest-known geared mechanism, *The Antikythera Mechanism*, was called an ancient Greek "calendar computer" by Derek J. de Solla Price, the scholar who wrote the first modern study of it.¹⁰³ He dated the mechanism, in which one of its many astronomical features is the integration of the zodiac into the Egyptian calendar,¹⁰⁴ to ca. 80 BCE.

Price's research has largely been superseded by major advances in technology as reflected in the work of Michael T. Wright (with the late A. G. Bromley)¹⁰⁵ and the work of the international Antikythera Mechanism Project team; the latter have recently published their preliminary findings.¹⁰⁶

The bronze machine, now believed by a proportion of modern researchers to have been made by or during the period of Hipparchus (190–126 BCE), has been re-dated to 150–100 BCE on the basis of the epigraphic style of the engraved Greek lettering.¹⁰⁷ The great front dial

¹⁰² Turner and Neugebauer, "Gymnasium Debts," 83–84.

¹⁰³ D. J. de Solla Price, *Gears from the Greeks: The Antikythera Mechanism—A Calendar Computer from ca. 80 BC* (TAPS 64:7; Philadelphia: APS, 1974), 1–70 (repr. by Science History Publications, New York, 1975); *idem*, "An Ancient Greek Computer," *Scientific American* 200: 6 (June 1959): 60–67.

¹⁰⁴ The Egyptian calendar was used for astronomical purposes by the Greeks, see O. Neugebauer, *The Exact Sciences in Antiquity*, 95.

¹⁰⁵ M. T. Wright, "The Antikythera Mechanism Reconsidered," *Interdisciplinary Science Review* 32:1 (2007): 27–43.

¹⁰⁶ T. Freeth et al., "Decoding the Ancient Greek Astronomical Calculator Known as the Antikythera Mechanism," *Nature* 444 (Nov 2006): 587–591; N. Kollerstrom, "Decoding the Antikythera Mechanism," *Astronomy Now* 21:3 (2007): 28–31.

¹⁰⁷ According to Charalambos Kritzas, Director Emeritus of the Epigraphic Museum, Athens, in Freeth et al., "Decoding," online link to Supplementary Notes 2

displays two concentric scales. The inner scale, which is fixed, shows the Greek zodiac with 360 divisions: ΧΗΛΑΙ (Chēlai), Libra, is visible to the naked eye as are the last letters of [ΙΙΑΡΘΕ]ΝΟ[Ν] of Parthenon (Virgo) and very recently, with the aid of surface imaging, ΣΚΟΠΗΙΟΣ (Scorpio) can be seen.¹⁰⁸ The outer ring, which was designed to be moveable, is a calendar engraved with the Egyptian month-names in Greek letters with corresponding days, also in groups of 30.

According to Wright, the displays might have been used to compare the Egyptian solar calendar with different, local lunar calendars.¹⁰⁹ This idea is interesting in the light of the synchronised calendar texts in the Dead Sea Scrolls. If Wright is correct, the evidence of the mechanism and Qumran would suggest a possible preoccupation on the part of ancient astronomers, or a cross-cultural norm, to co-ordinate various calendrical systems prevalent in the region. In any event, the Antikythera Mechanism attests to a zodiac calendar system from Greece.

i. Evidence from Mesopotamia

The relationship between developments in astronomy between Greece, Egypt and Mesopotamia from the late fourth and third centuries BCE continues to be a subject of scholarly exploration. The consensus view is that the direction of transmission was from Mesopotamia to Greece rather than the other way round.¹¹⁰

(glyphs and inscriptions). <http://www.nature.com/nature/journal/v444/n7119/supinfo/nature05357.html>

¹⁰⁸ Kollerstrom, "Decoding," 30; Price, *Gears*, 17–18.

¹⁰⁹ M. T. Wright, "Counting Months and Years: The Upper Back Dial of the Antikythera Mechanism," *Bulletin of the Scientific Instrument Society* 87 (December 2005): 8–13. *Idem*, "Understanding the Antikythera Mechanism," *Proceedings of the 2nd International Conference on Ancient Greek Technology, Athens, 17–21 October, 2005* (Athens: Military Museum, 2006), 49–60.

¹¹⁰ A. Sachs, "Babylonian Horoscopes" *JCS* 6 (1952): 71–73; O. Neugebauer and A. Sachs, "The 'Dodekatemoria' in Babylonian Astrology," *AfO* 16 (1952–53): 65–66; J. Steele, "Greek Influence on Babylonian Astronomy?" *Mediterranean Archaeology and Archeometry* Special Issue 6. 3 (2006): 153–160; Francesca Rochberg, *The Heavenly Writing*, 1–16, 15–20, 238–244; A. Jones, "Evidence for Babylonian Arithmetical Schemes in Greek Astronomy," in *Die Rolle der Astronomie in den Kulturen Mesopotamiens* (GMS 3; ed. Hanne D. Galter; Graz: rm-Druck & Verlagsgesellschaft mbH, 1993), 77–94; G. J. Toomer, "Hipparchus and Babylonian Astronomy," in *A Scientific Humanist: Studies in Memory of Abraham Sachs* (Occasional Publications of the Samuel Noah Kramer Fund 9; ed. E. Leichty et al.; Philadelphia: University Museum, 1988), 353–362.

There appears to be a close relationship between the 4Q318 zodiology and a group of Babylonian lunar zodiacal texts, many of which were copied in Uruk and Babylon in the late second or early first century BCE.¹¹¹ These feature the *micro-zodiac*, in which each of the twelve signs of the zodiac are subdivided again into 12 signs.

Abraham Sachs was among the first to identify the micro-zodiac though he himself did not yet use that term. The micro-zodiac takes several forms and seems to serve a number of purposes: astrological, astronomical and calendrical. Sachs's text, TCL 6 no. 14 (AO 6483)¹¹² is known to be related to other compositions copied in Uruk during the Seleucid era, and one in Babylon in the Seleucid or Arsacid era.¹¹³

The tablet begins with a description of the main waxing and waning phases of the moon's disc in the lunar month: Last Quarter, Dark Moon, First Quarter, Full Moon, Dark Moon (Obv 1–4). There then follows an astrological formula (lines 7–12). The first sub-division of Aries is the micro-zodiac portion Aries; the sub-divisions follow each other in the order of the signs of the zodiac, ending with Pisces (lines 13–19). Each sub-division of the zodiac sign corresponds to two and a half days within a 30-day schematic lunar month (line 10).

The predictions for each position of a zodiac sign within the micro-zodiac mainly concern the nature of the horoscope subject's death and the overall quality of their lives (Obv 22–25). With reference to the early section detailing the micro-zodiac in Aries according to an astrological formula (lines 12–19), Sachs commented:

¹¹¹ Scholarship on the micro-zodiac includes Sachs, "Babylonian Horoscopes;" Neugebauer and Sachs, "Dodekatemoria;" Francesca Rochberg-Halton, "Elements of the Babylonian Contribution to Hellenistic Astrology," *JAOS* 108:1 (1988): 57–60; Erica Reiner, *Astral Magic in Mesopotamia* (Philadelphia: APS, 1995), 114–117; U. Koch-Westenholz, *Mesopotamian Astrology: An Introduction to Babylonian and Assyrian Celestial Divination* (Copenhagen: Museum Tusulanum, 1995), 165–170; H. Hunger and D. Pingree, *Astral Sciences in Mesopotamia* (Leiden: Brill, 1999), 29; Lis Brack-Bernsen and J. Steele, "Babylonian Mathemagics: Two Mathematical Astronomical-Astrological Texts," in Burnett et al., ed., *Studies in the History of the Exact Sciences*, 95–121; Francesca Rochberg, "A Babylonian Rising Times Scheme" in Burnett et al., ed., *Studies in the History of the Exact Sciences*, 56–94; H. Hunger, "How to Make the Gods Speak: A Late Babylonian Tablet Related to the Microzodiac," *AS* 27 (2007): 141–151; E. F. Weidner, "Gestirn-Darstellungen auf babylonischen Tontafeln," *Sitzungsberichte der Österreichischen Akademie der Wissenschaft, philosophisch-historische Klasse* 254: 2 (1967): 1–54: pls. 1, 5, 6, 9, 10 (VAT 7847 + AO 6448) and B. L. van der Waerden, "Die Zahlen der Texte (VAT 7815 and 7816)," *ibid.*, 50–52.

¹¹² Sachs, "Babylonian Horoscopes," 65–75.

¹¹³ Sachs, "Babylonian Horoscopes," 72 n. 54.

One possibility—which, however, is not very likely—is that we are dealing with essentially nothing more than a crude schematic description of an astronomical phenomenon, namely, the motion of the moon through the zodiac. Specifically, the text might be saying that if one starts with a conjunction of sun and moon at the beginning of Aries, the moon will pass through the whole zodiac in the ensuing 30 days, remaining in each sign of the zodiac $2\frac{1}{2}$ days, while the sun stays in Aries for the whole period of 30 days.¹¹⁴

Sachs's interpretation may receive support from the Hellenistic texts discussed above. His comments also describe a similar structure to the one attested in the 4Q318 zodiac calendar. A difference is that the Qumran micro-zodiac begins in Taurus and contains a two- and three-day schematic lunar zodiac arrangement (not two and half days). Furthermore, no explanatory prologue survives in 4Q318 and we can only speculate whether one originally existed.

j. *Mesopotamian Zodiac Calendars*

Assyriologists have divided the micro-zodiac texts into two closely related main groups: the *Dodekatemoria* and the *Kalendertexte* (calendar texts). Interestingly, the texts are written in a kind of code, or puzzle. In a substantial number of late Babylonian astrological and astronomical texts the month-numbers or the names of the months are used to indicate zodiac signs.¹¹⁵

In the *Kalendertexte* the month-number can represent the month-name and the zodiac sign, for example: I = Nisan, or Aries; II = Iyyar, or Taurus. There is also a column which states the degrees within the zodiac sign. In the *Dodekatemoria* month-names represent the corresponding zodiac sign, for example Av = Leo.¹¹⁶

Roughton et al. suggest that this “no doubt reflects the parallelism between the division of the ideal 360-day year into twelve 30-day months with the division of 360° into twelve 30° signs, which was

¹¹⁴ Sachs, “Babylonian Horoscopes,” 71.

¹¹⁵ Hunger and Pingree, *Astral Sciences*, 17; Brack-Bernsen and Steele, “Babylonian Mathemagics,” 95–121.

¹¹⁶ Brack-Bernsen and Steele, “Babylonian Mathemagics,” 101, 102; Lis Brack-Bernsen and H. Hunger, “The Babylonian Zodiac: Speculations on its Invention and Significance,” *Centaurus* 41 (1999): 280–291, 288; Lis Brack-Bernsen, “The Path of the Moon, the Rising Points of the Sun, and the Oblique Great Circle on the Celestial Sphere,” *Centaurus* 45 (2003): 16–31, here 25; Reiner, *Astral Magic*, 114–116.

the origin of the Babylonian zodiac.”¹¹⁷ Van der Waerden argues that zodiac signs, introduced in the late 5th century, were meant to correspond with months, as the unequal sizes of the constellations could not be calendrical.¹¹⁸

In the *Kalendertexte* the moon’s course through the zodiac is presented in a mathematical pattern, possibly to make the data more interesting.¹¹⁹ In these texts, the moon’s zodiacal position is represented by ordinals 277° apart;¹²⁰ in the *Dodekatemoria* group, the ordinals are consecutively 13° ahead of the next.¹²¹

When the *Kalendertext* puzzle is unravelled, a schematic zodiac calendar of twelve 30-day months in a 360-day year emerges: “a date in the schematic calendar corresponds directly to a position in the zodiac.”¹²²

Brack-Bernsen and Steele exchanged data from the *Kalendertexte* with the data from the *Dodekatemoria* texts and produced what they called a *Dodekatemoria scheme* consisting entirely of ordinals. This scheme gives the ideal position of the moon on a date in an ideal 360-day year.¹²³

If we convert the ordinals in the *Dodekatemoria scheme* back again into month-names and zodiac signs, the result is recognisably similar to the 4Q318 zodiology (cf. fig 2). One notable difference is that, like TCL 6 no. 14 (AO 6483) discussed above, the *Dodekatemoria scheme*

¹¹⁷ N. A. Roughton, J. M. Steele, and C. B. F. Walker, “A Late Babylonian Normal and *Ziqpu* Star Text,” *Archive for the History of the Exact Sciences* 58 (2004): 537–572, esp. 551–552; Brack-Bernsen, “The Path of the Moon,” 17, 24–26; Roehberg, *The Heavenly Writing*, 129–130; Glessmer, “Calendars in the Qumran Scrolls,” 259–260; Albani, “Horoscopes in the Qumran Scrolls,” 300 n. 68; Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 264.

¹¹⁸ B. L. van der Waerden, “History of the Zodiac,” *AfO* 16 (1952): 216–230, 221.

¹¹⁹ Brack-Bernsen and Steele, “Babylonian Mathemagics,” 112. Two of the *Kalendertexte*, published for the first time, came from a purchased collection which contained 5th century BCE tablets. This is earlier than other known *Kalendertexte*, which date to the late 4th, late 3rd and early 2nd century BCE (95, 105).

¹²⁰ Brack-Bernsen and Steele, “Babylonian Mathemagics,” 98, 102, 112; Brack-Bernsen and Hunger, “The Babylonian Zodiac,” 288; Reiner, *Astral Magic*, 114–5; Steele “Greek Influence?,” 3. Hunger and Pingree, *Astral Sciences*, 29–30; Weidner, “Gestirndarstellungen,” 50–52.

¹²¹ Brack-Bernsen and Steele, “Babylonian Mathemagics,” 102; Neugebauer and Sachs, “Dodekatemoria,” 52–3.

¹²² Brack-Bernsen and Steele, “Babylonian Mathemagics,” 102, 105.

¹²³ Brack-Bernsen and Steele, “Babylonian Mathemagics,” 106–119, especially 115 and 118.

begins in Aries whereas the Qumran text begins one sign ahead in Taurus.¹²⁴

Unlike TCL 6 no. 14 (AO 6483), the moon does not traverse each of the 12 zodiac signs in two and a half days in the *Dodekatemoria scheme*. Rather, like 4Q318, it moves through the signs in two and three day intervals. However, the two and three day arrangement attested in the *Dodekatemoria scheme* differs from that in 4Q318.¹²⁵

Another important difference is that the *Dodekatemoria scheme* includes the degrees at which the moon will enter the zodiac sign at sunset each day. There are no references to zodiacal degrees in the Qumran text.

The *Dodekatemoria scheme* begins at 13° Aries, and increases by 13° around the zodiac each day, the mean diurnal motion of the moon. This suggests that the texts were allowing about 24 hours after conjunction, an ideal 13° elongation of the moon from the sun, for the first lunar crescent to be observed.¹²⁶

This implies that the calculations were reckoned from 0° Aries as the beginning of the zodiac. The starting point of 0° Aries is intriguing, as it suggests that Babylonian scholars were using the tropical zodiac (in which the spring equinox corresponds with 0° Aries), a system which is attributed to Hipparchus (fl. ca. 150–120 BCE).¹²⁷ His knowledge of Babylonian astronomy is well-attested, although the process of transmission is unknown.¹²⁸

¹²⁴ I thank Dr. Jonathan Ben-Dov for our discussion on this key difference.

¹²⁵ The two to three-day lunar zodiac pattern in the *dodekatemoria scheme* is 2–2–2–3–2–2–3–2–2–3–2–2–3, Brack-Bernsen and Steele, “Babylonian Mathemagics,” 119; cf. 4Q318: 2–2–3–2–2–3–2–2–3–2–2–3–2–2.

¹²⁶ I am grateful to Professor Francesca Rochberg for our conversation on this matter.

¹²⁷ Evans, *History and Practice of Ancient Astronomy*, 213–214; Roughton et al. also found that micro-zodiac texts appear to situate the vernal equinox at 0° Aries, see “A Late Babylonian and Normal and *Ziqpu* Star Text,” 452 n. 28. (Re: the Antikythera Mechanism, Price found the autumn equinox at 0°–1° Libra, *Gears*, 18–19, n. 11).

¹²⁸ G. J. Toomer, “Hipparchus and Babylonian Astronomy,” 353–362; Evans, *History and Practice of Ancient Astronomy*, 214. B. R. Goldstein and A. C. Bowen, “A New View of Early Greek Astronomy,” *Isis* 74:3 (September 1983): 330–340, 339–340; A. Jones, “Evidence for Babylonian Arithmetical Schemes in Greek Astronomy,” 86–89. Neugebauer, *History of Ancient Mathematical Astronomy*, 613–614.

Figure 2: *Dodekatemoria* Scheme with Numbers Converted Back to Month-Names and Zodiac Signs

	Nisan (Aries) <i>March-April</i>	Iyyar (Taurus) <i>April-May</i>	Sivan (Gemini) <i>May-June</i>	Tammuz (Cancer) <i>June-July</i>	Av (Leo) <i>July-Aug</i>	Elul (Virgo) <i>Aug-Sept</i>	Tishri (Libra) <i>Sept-Oct</i>	Heshvan (Scorpio) <i>Oct-Nov</i>	Kislev (Sagitt) <i>Nov-Dec</i>	Tevet (Capric) <i>Dec-Jan</i>	Shevat (Aquar) <i>Jan-Feb</i>	Adar (Pisces) <i>Feb-Mar</i>	°
1	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	13
2	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	26
3	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Virgo	Sagitt	Capric	Aquar	Pisces	Aries	9
4	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Virgo	Sagitt	Capric	Aquar	Pisces	Aries	22
5	Gemini	Cancer	Leo	Virgo	Libra	Scorp	Libra	Capric	Aquar	Pisces	Aries	Taurus	5
6	Gemini	Cancer	Leo	Virgo	Libra	Scorp	Libra	Capric	Aquar	Pisces	Aries	Taurus	18
7	Cancer	Leo	Virgo	Libra	Scorp	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gem	1
8	Cancer	Leo	Virgo	Libra	Scorp	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gem	14
9	Cancer	Leo	Virgo	Libra	Scorp	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gem	27
10	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Canc	10
11	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Canc	23
12	Virgo	Libra	Scorp	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Canc	Leo	6
13	Virgo	Libra	Scorp	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Canc	Leo	19
14	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	2
15	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	15
16	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	28
17	Scorp	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Canc	Leo	Virgo	Libra	11
18	Scorp	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gemini	Canc	Leo	Virgo	Libra	24
19	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gem	Cancer	Leo	Virgo	Libra	Scorp	7
20	Sagitt	Capric	Aquar	Pisces	Aries	Taurus	Gem	Cancer	Leo	Virgo	Libra	Scorp	20
21	Capric	Aquar	Pisces	Aries	Taurus	Gem	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	3
22	Capric	Aquar	Pisces	Aries	Taurus	Gem	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	16
23	Capric	Aquar	Pisces	Aries	Taurus	Gem	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	29
24	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	12
25	Aquar	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	25
26	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	8
27	Pisces	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	21
28	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	4
29	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	17
30	Aries	Taurus	Gemini	Cancer	Leo	Virgo	Libra	Scorpio	Sagitt	Capric	Aquar	Pisces	20

However, according to the consensus view, Babylonian scholars did not use the tropical zodiac beginning with 0° Aries.¹²⁹ Thus, it seems that the data in the micro-zodiac texts imply that astronomical-astrological knowledge from Seleucid era Mesopotamia¹³⁰ reflected —apparently, later—developments in the Hellenistic world.

The astronomy behind 4Q318, in which the zodiac also begins at 0° Aries,¹³¹ could, therefore, be more accurately described as Greco-Babylonian, rather than Mesopotamian, as evidenced by complex, cross-cultural influences. Our zodiac calendar from Qumran appears to be a descendant from these texts.¹³²

IV. Conclusion

This essay argues that the 4Q318 zodiology is a functioning, schematic lunar zodiac calendar that can be used with the Jewish calendar today. This Qumran calendar is closely related to extant Greco-Babylonian zodiacal calendars and horoscopic cuneiform texts. It is also connected to a tradition of zodiac calendar systems which developed in Ptolemaic Egypt and Greece for which there is archaeological support.

There is little doubt that, with the chronological and cultural clarifications outlined above, the scholarly view that the 4Q318 zodiology is rooted (very broadly-speaking) in Mesopotamian and Hellenistic astronomy is correct.¹³³

The 4Q318 brontologion is now confirmed to belong to a late Hellenistic tradition of compositing zodiacal calendars with brontologia, a feature found in a datable early first century CE text. 4Q318 is a unique witness to both traditions in Aramaic.

¹²⁹ Neugebauer states, “As far as we know, this norm [0° Aries] is attested nowhere in Babylonian astronomy,” *History of Ancient Mathematical Astronomy*, 600.

¹³⁰ Or, possibly earlier as the date of the two new texts is uncertain, see Brack-Bernsen and Steele, *Babylonian Mathematics*, 105 (above).

¹³¹ As Pingree noted, “Astronomical Aspects,” in Alexander et al., *Qumran Cave 4*, 26, 271.

¹³² When the position of the moon in the zodiac in the Hebrew calendar is compared to the moon’s position in the corresponding dates in the *Dodekatemoria* scheme there is a correlation in non-intercalary years, cf. a better correlation in the intercalary years in 4Q318 (data in this author’s thesis).

¹³³ For example, A. Lange, “Pre-Maccabean Literature from the Qumran Library and the Hebrew Bible,” *DSD* 13:3 (2006): 277–305; Greenfield and Sokoloff, “4QZodiology and Brontologion ar,” 270.

The lunar and solar zodiac calendars are attested in the writings of Philo and Josephus, as well as Ovid, and are assigned sacred significance in the Jewish writers' works.¹³⁴ As well as being of relevance for the study of the history of the Jewish calendar, and of ancient calendars, astronomy and astrology,¹³⁵ the Qumran lunar zodiac calendar should stimulate discussion about the plurality of calendars in Second Temple Judaism. By excluding it from the discourse on calendars in the Dead Sea Scrolls and its use by Jewish groups in antiquity, we are ignoring the contextual significance of 4Q318 and every available testimony on this subject.

¹³⁴ The possible later reception of the Jewish zodiac calendar after the first century CE has not been explored in this paper.

¹³⁵ My thanks to Dr Mladen Popović for sending me a copy of his monograph on 4Q186 and 4Q561, *Reading the Human Body: Physiognomics and Astrology in the Dead Sea Scrolls and Hellenistic-Early Roman Period Judaism* (STDJ 67; Leiden: Brill, 2007).

QUMRAN AND THE RABBIS ON CORPSE-IMPURITY: COMMON EXEGESIS—TACIT POLEMIC

VERED NOAM

I. *Introduction*

Comparative study of the Qumran literature and the tannaitic midrashim may yield surprising results such as the reconstruction of ancient layers of pre-tannaitic halakhic midrash, an enriched understanding of the growth of early halakha, and insight into sectarian interpretative polemics from the Second Temple period. Each of these is illustrated in the following study, an investigation of laws of corpse-impurity in Qumran literature and in the two halakhic midrashim for Numbers, the Sifre Numbers and the Sifre Zuta on Numbers.¹

II. “A Whole Bone” and “A Whole Person:” *An Interpretative Polemic and the Evolution of Midrash*

וּכְלֵי אֲשֶׁר יִגַּע עַל פְּנֵי הַשְּׂדֵה בַחֲלָל חֶרֶב אוּ בַמָּת אוּ בַעֲצֵם אָדָם אוּ
בַקֶּבֶר יִטְמָא שִׁבְעַת יָמִים:

And in the open, whoever touches a person who was slain by the sword or who died naturally, or a human bone, or a grave, shall be unclean seven days. (Num 19:16)

In *Miqṣat Ma‘aṣe Hatorah* (henceforth MMT) the issue of the impurity of human bones is addressed in a passage the meaning and purpose of which is difficult to discern. The passage is restored and translated by the editors as follows:²

ועל [טמאת נפש]	72
האדם אנחנו אומרים שכול עצם ש[היא חסרה]	73
ושלמה כמשפט המת או החלל הוא	74

¹ Translations of scripture, Mishna and BT are adapted, with greater or lesser freedom, from *NJPS*, H. Danby, *The Mishnah* (Oxford: OUP, 1933), and the *Soncino Babylonian Talmud* (34 vols.; ed. I. Epstein; London: Soncino, 1935–1948) respectively. Translations of other works when not identified are my own.

² 4QMMT B 72–74, cf. E. Qimron and J. Strugnell, eds., *Qumran Cave 4. V: Miqṣat Ma‘aṣe Ha-Torah* (DJD 10; Oxford: Clarendon, 1994), 54–55.

- 72 And concerning [the impurity] of the [dead]
 73 person we say that³ every bone, [whether it]
 74 has flesh on it or [not], should be (treated) according to the law of
 the dead or the slain.

However, the restoration in line 72 must contain the word **עצם**, bone—**האדם [טמאת עצם]**, “impurity of human bone”—since it appears that the reference in the following lines is to the scriptural words “**עצם אדם**, human bone” (Num 19:16). As I will show, it also seems that lines 73–74 assert that an incomplete bone is treated just as a complete one. The following new restoration results from a recent oral discussion with one of the editors, Elisha Qimron:

[טמאת עצם]	72
האדם אנחנו אומרים שכול עצם ש[חסרה כמלאה]	73
ושלמה כמשפט המת או החלל הוא	74

- 72 And concerning [the impurity] of the human [bone]:
 73 we say that every bone that is [incomplete should be treated as
 whole]
 74 and complete, according to the law of the dead or the slain.

Now, the Temple Scroll contains an allusion to a dispute over the issue of the bone of a corpse:

וכול	4
איש אשר יגע על פני השדה בעצם אדם מת ובחלל חרב	5
או במת או בדם אדם מת או בקבר וטהר כחוק המשפט	6
.הזה	7

(11Q19 Temple Scroll L, 4–7)⁴

And every man in the open field who touches the bone of a dead man, or one who is slain with the sword, or a dead man, or the blood of a dead man, or a grave—he shall cleanse himself according to this statute of ordinance.⁵

³ The phrase “we say that” is Qimron’s revised translation in J. H. Charlesworth et al., eds., *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations. Volume 3: Damascus Document II, Some Works of the Torah, and Related Documents* (Tübingen: Mohr Siebeck, 2006), 245.

⁴ Cf. E. Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Beer Sheva/Jerusalem: Ben-Gurion University of the Negev Press/IES, 1996), 73.

⁵ Trans. Yigael Yadin, ed., *The Temple Scroll. II: Text and Commentary* (Jerusalem: IES/The Institute of Archaeology of the Hebrew University of Jerusalem/The Shrine of the Book, 1983), 389.

The Temple Scroll stresses that the scriptural phrase “human bone,” literally “a bone of a person” (Numbers 19:16) refers specifically to the bone of a *dead* person. As Yadin observed, the point is undoubtedly made in opposition to a contrary position, that “human bone” refers not to a bone of a corpse, but to a limb separated from a living body (אבר מן החי), as found in rabbinic literature:

Or a human bone (19:16): This refers to a limb from a living body. Do you say it refers to a limb from a living body, or does it not refer to a bone (from the dead) the size of a barley-seed? Since scripture says *on him who touched the bone* (19:18), bone (from the dead) the size of a barley-seed has been mentioned. What does scripture teach in *human bone*? A limb from a living body. Two bones are mentioned in this context—*human bone* (19:16) refers to a limb from a living body; *on him who⁶ touched the bone* (19:18) refers to a bone (from the dead) the size of a barley-seed. Another saying is: Just as a limb from the dead is flesh, tendons, and bone, so a limb from a living body must be in its original condition (for the rules on corpse-impurity to apply), flesh, tendons, and bone. (Sifre Num. 127)

The impurity of a limb from a living body is fundamental to the rabbinic laws of corpse impurity, and is found frequently in tannaitic halakha. The exegesis just quoted is based on the repeated mention of touching a bone: “On him who touched the bone” (19:18) refers to a bone of a corpse, of which the minimum defiling quantity is a barleycorn size; but the verse “And in the open, whoever touches . . . or human bone” (19:16) refers, contrary to its simple meaning, not to a bone from a corpse but to a limb from a living body.⁷ The homily goes on to extrapolate from a corpse to a limb severed from a living body, that to convey impurity the limb too must be “in its original condition” and comprise all the parts of a limb—flesh, tendons and

⁶ The scriptural quotation in the Hebrew original is וכל הנגע בעצם, in almost all textual witnesses of the Sifre (with the exception of the Yalkut and MS London, but including Rabenu Hillel). This quotation does not match the scriptural text in 19:18: ועל הנגע בעצם. However the apparent corruption in the text of the homily is a stubborn one, and found not only in the Sifre. H. S. Horovitz, ed., *Sifre Debe Rav: Numbers* (Leipzig: Gustav Fock, 1917), 165, refers to *Tosefot Yom-Tov* on *m. Kelim* 1:5, who found this reading in our homily, in the commentaries of Maimonides, Rabenu Shimshon, and Bartenura on that Mishna, as well as in a *baraita* in *b. Naz* 54a and in the commentaries of Rashi and Tosafot *ad loc*. The corruption appears to be a mechanical repetition of 19:16 וכל אשר יגע וכל.

⁷ For other homilies concerning limbs from a living body, see Sifre Zuta in M. I. Kahana, *The Geniza Fragments of the Halakhic Midrashim: Part I* (Jerusalem: Magnes, 2005), 216–17, 219 [Hebrew]. Cf. Horovitz, *Sifre Debe Rav*, 306–307, 309.

bone, just as these parts are found in a limb from a corpse. This rule is stated explicitly in the Tosefta: “That which has tendons and bones is considered a ‘limb,’ what does not have tendons and bones is not considered a ‘limb.’” (*t. ’Ohal. 1:7*).⁸ Hence if any of the bone is missing the limb is entirely pure.⁹ The passage in the Temple Scroll, then, is a polemic against some early version of this very homily. It dismisses the possibility that “or human bone” in 19:16 refers to a limb from a living body and insists that these words too refer to the bone of a corpse.

The question arises, then, whether the passage in MMT quoted above is part of that same polemic. The editors assumed correctly that it is not. It seems that the MMT passage does indeed not challenge the question of *אבר מן החי*, but rather other aspects of bone-impurity, namely the issue of the wholeness or incompleteness of the bone, as is evident in the use of the word *שלמה* and the emphasis placed by the word *כול*, in the phrase *כול עצם*, every bone.¹⁰ The editors surmised that MMT was engaged in a polemic with the Pharisaic-tannaitic rule that a limb of the dead which “does not bear its proper flesh” does not convey impurity by overshadowing, but only by contact and carrying.¹¹ (According to Num 19:14 and later elaborations, discussed below in section III, anyone and anything under the same tent with a corpse becomes impure. In what follows I use ‘impurity by overshadowing’ and ‘tent-impurity’ for impurity contracted in such a manner—*טומאת אהל*, *מטמא באהל*.) Thus Strugnell and Qimron restored “[ש]היא חסרה [ושלמה]”, “[whether it] has its flesh on it or [not],”¹² and explained that the principle in the scroll is that any bone, even if it is thoroughly stripped of flesh, conveys impurity by overshadowing just as a whole corpse does. They further proposed that the sect derived this rule from the proximity of the phrases, “a person who was slain by the sword or who died naturally,” and “human bone” in Num 19:16. A bone, any bone, has the same status as a dead or murdered person, *כמשפט המת או החלל הוא*. As evidence for their

⁸ See *ibid.* 1:4; and Maimonides, *Hilkhot Tum’at Met* 2:3.

⁹ See *m. ’Ohal. 2:5*; *t. ’Ohal. 1:4*; *Sifre* 127.

¹⁰ Strugnell and Qimron, *Qumran Cave 4. V*, 170–71. For this reason the editors rejected the possibility of restoring: *עצם ש[ל] אדם מת*.

¹¹ See *m. ’Ohal. 1:8*; 2:1, 3.

¹² The restorations *חסרה*, incomplete, and *שבורה*, broken, had already been proposed by Y. Sussman, “The History of Halakha and the Dead Sea Scrolls—A Preliminary to the Publication of 4QMMT,” *Tarbiz* 59 (1990): 11–76 at 32 note 90 [Hebrew].

interpretation of the restored phrase **עצם חסרה** as meaning a bone which does not bear its proper flesh,¹³ the editors adduce the phrase **חסר העצם** in *m. 'Ed. 6:3*.¹⁴

However, a mere glance at the text of that mishna reveals the very opposite: “חסר הבשר טמא; חסר העצם טהור,” “If any of the flesh is lacking it is (still) impure, but if any of the bone is lacking it is pure.” The mishna *distinguishes* between the cases where flesh is missing and **חסר העצם**. Here as well as elsewhere, **חסר העצם** invariably means “some of the *bone* is missing.”¹⁵ Missing flesh is never termed **חסר העצם**; even the phrase **חסר הבשר**, “missing flesh,” appears only in *m. 'Eduyyot*, and there by way of comparison to **חסר העצם**. Otherwise the expression regularly used for missing flesh is “**אין/יש עליו (על)**” **בשר כראוי** (האבר), (a limb) that bears/does not bear its proper flesh.”¹⁶ It appears, then, that the correct interpretation of the scroll is that it is concerned with the issue of a lack in the bone itself; it is the bone which is whole or incomplete.

What, then, is the rule that MMT teaches? A review of the analogous rabbinic doctrines on the impurity of bones is instructive. In the rabbinic view, bones per se do not impart tent-impurity. Any piece of bone of a corpse of at least the size of a barleycorn does convey impurity, but only by contact and carrying.¹⁷ Nonetheless, some particular bones do impart tent-impurity: “the backbone, or the skull, . . . a quarter-*kab* from the greater part (of a corpse, i.e. certain larger bones) or from the greater number (of bones, i.e. more than half of the bones in the human body); and the greater part of a corpse, or the greater number of its members, even if they are less than a quarter-*kab*.” (*m. 'Ohal. 2:1*).¹⁸ In other words, major bones of recognizable form, or bones that constitute the greater part of a human skeleton, in quality or quantity, convey impurity per se by overshadowing. At what point do such bones cease to convey impurity by overshadowing and convey impurity like all other bones only by contact and carrying? When they are incomplete, as stated in the following *mishnah*:

¹³ See *m. 'Ohal. 1:8, 2:1, 3*.

¹⁴ Strugnell and Qimron, *Qumran Cave 4. V*, 171 note 176.

¹⁵ Compare: “השיזרה והגולגלת שחסרו, וכמה הוא חסרוֹן” (*m. 'Ohal. 2:3*); and “ואבר מן החי שחסר עצמו” (*ibid. 2:5*).

¹⁶ E.g. *m. Naz. 7:2; 'Ed. 6:3; Kelim 1:5; 'Ohal. 1:8, 2:1, 3; t. 'Ed. 2:10*.

¹⁷ See e.g. *m. 'Ohal. 2:3; t. Sheqal. 1:5*.

¹⁸ See *m. Naz. 7:2; 'Ed. 1:7*.

These convey impurity by contact and carrying, but not by overshadowing: . . . a backbone or a skull in which aught is lacking. How much must be lacking in the backbone? The House of Shammai say: Two links. And the House of Hillel say: Even one link. And in the skull? The House of Shammai say: as much as (a hole made by) a drill. And the House of Hillel say: So much that, if it was taken from a living man, he would die. (*m. 'Ohal. 2:3*).

While the actual amount of missing bone is disputed here, the principle is not. This implies that the legal differentiation between bones that convey tent-impurity and those that do not, preceded the period of the Houses of Shammai and Hillel. These two schools flourished in the last century of the existence of the Second Temple. We can take it a step further. In *Eduyyot* the Mishna sets out the view of Shammai the Elder himself concerning the rule of “a quarter-*kav* of bones” that convey tent-impurity: “Shammai says: Even of one bone” (*m. 'Ed. 1:7*). In Shammai’s opinion even a single bone, if its volume comes to a quarter-*kav*, conveys tent-impurity. Hence, the determination that the volume of bones that will convey tent-impurity is a quarter-*kav* precedes Hillel and Shammai themselves. That brings us to the earliest generations of the sages, namely the period of the “Pairs,” or even earlier. Yaakov Sussman has demonstrated the anteriority of this rule from the following testimony of R. Eliezer:

R.[E]liezer says: At first the elders were divided. Some said: A quarter-*log* of blood and a quarter-*kab* of bones [defile]; and some said: A half-*kav* of bones and a half-*log* of blood. A later court said: A quarter-*log* of blood and a quarter-*kab* of bones [defile] *terumah* and *kodashim*; A half-*kav* of bones and a half-*log* of blood [defile] the *nazir* and the Temple. (*t. Naz. 5:1*)¹⁹

According to this tradition, the question of the minimum quantity of bone required to convey tent-impurity was disputed “at first” by “the elders,” and reviewed again by a later court; and both Talmudim testify that the decision of the *later* court was a tradition in the name of Haggai, Zechariah and Malachi.²⁰ These elders addressed only the question of the exact minima. This means that the rule itself that limits tent-impurity to a large quantity of bones must precede both groups of elders and hence date to the very beginnings of the oral law. In

¹⁹ See also *t. 'Ohal. 4:13–14* and parallels. See Sussman, “History,” 32 note 90.

²⁰ *Y. Naz. 7:2 56c; b. Naz. 53a*. See J. N. Epstein, *Introduction to Tannaitic Literature: Mishna, Tosephta and Halakhic Midrashim* (Jerusalem/Tel Aviv: Magnes/Dvir, 1957), 507–508.

light of all this it is reasonable to suppose that it was indeed the intent of MMT, composed at the time of the earliest sages, to dispute that already well established, basic rule and to put forward a contrary rule that even a small and incomplete bone conveys tent-impurity, just as the corpse of a dead or slain person does.²¹

However, it seems that scholarly literature has not yet noted the remarkable similarity of this sectarian rule to a rabbinic homily in *Sifre Zuta*.

אין לי אלא הנוגע בעצם מן [המת, מנ'] אף הנ[ו]גע בעצם [מן החי],
 תל' לו' 'או בעצם' (פס' טז). >יכול לא יטמא כל שהוא אבל יטמא
 כשעורה, שכן מצינו עצם כ[שעורה] טמא, א' שוב: 'בעצם < אדם' (שם).
 מה אדם שלם, אף עצם יהא שלם.

I have here only one who touches the bone of a corpse. From where do I know also about one who touches a bone severed from a living person? Scripture teaches: *or a [...] bone* (19:16). Could it be that though it will not convey impurity in any small quantity, it will convey impurity if it is at least the size of a barleycorn, for so we find that a bone the size of a barleycorn conveys impurity? He said again: *a human bone* (literally: *a bone of a person*) (19:16). Just as a person is whole, so a bone must be whole. (*Sifre Zuta* 19:11).²²

This homily is based on the same verse (19:16) as the rule in MMT. Its structure is the same as well: MMT applies to “bone” the law concerning “the dead or the slain” person; *Sifre Zuta* applies to “bone” the rule derived from the whole “person.” The terminology used in each is similar as well:

MMT	<i>Sifre Zuta</i>
שכול עצם ש[חסרה כמלאה] ושלמה כמשפט המת [...]	מה אדם שלם, אף עצם יהא שלם
That every bone that is [incomplete should be treated as whole] and complete, according to the law of the dead [...]	Just as a person is whole, so a bone must be whole.

²¹ As Sussman seems to intimate, “History,” 32 note 90.

²² See Kahana, *Geniza*, 216–17, and cf. Horovitz, *Sifre Debe Rav*, 306–307. The homily was badly mutilated both in the Genizah text and in the sources of the Horovitz edition (*Yalkut* and *Midrash Hagadol*). For the restored text reproduced above see J. N. Epstein, “Sifre Zuta Parashat Parah,” *Tarbiz* 1 (1930): 46–78 [Hebrew], here 63 note 1.

Thus, MMT is engaging in a polemic against just such a rule as is found in this midrash. The midrash argues that only a complete bone conveys impurity, and derives this from the rule on a corpse: Just as a corpse conveys impurity when it is whole, so does a bone convey impurity only if it is whole. MMT teaches the very opposite, i.e. even an incomplete bone conveys impurity, but derives this in the very same way: Just as a corpse conveys impurity, so does *any* bone, whether whole or not.

However, it must be noted that *Sifre Zuta* addresses not the issue of the bone of a dead person, but of one severed from a living person. This is stated clearly at the beginning of the passage. Indeed, completeness as a limiting condition for the impurity of a bone is found in rabbinic literature only with respect to a limb from a living person,²³ for a bone from the dead conveys impurity by contact and carrying even if its size is as small as a barleycorn. Should we, therefore, interpret MMT as a polemic on the issue of a limb from a living body, asserting a stringent rule that such a limb conveys impurity even when the bone is missing a part?²⁴ That would hardly be acceptable. The notion of מן החי אבר is totally absent from Qumranic writings in general, and from this passage in particular. Moreover, as we have shown above, the Temple Scroll explicitly rejects the possibility of deriving a rule on a severed limb from our verse. We must, therefore, return to our first interpretation, i.e. that MMT is addressing the issue of a bone from a corpse, which is the plain meaning of the biblical verse as well. According to MMT, every bone has the status of a complete corpse with regard to conveying tent-impurity, contrary to the Pharisaic/early-tannaitic halakha, which maintained that, with some exceptions, a bone does not convey tent-impurity.

In light of the similarity in context and wording between MMT and *Sifre Zuta* (note the words: שלם, עצם, מת/אדם, in both works), I suggest that the tannaitic midrash as found in its present form in *Sifre Zuta* is citing an earlier midrash, which originally did *not* relate to a limb from a living person, but contained only the laconic statement: מה אדם שלם, אף עצם יהא שלם (Just as a person is whole, so a bone must be whole). Its original intent was the ancient and well-established

²³ Compare the similar homily on the limb severed from a living body in the *Sifre*, quoted above, “Just as a limb from the dead is flesh, tendons, and bone, so a limb from a living body must be in its original condition, flesh, tendons, and bone.”

²⁴ Cf. *m. 'Ohal.* 2:5.

rule which exempted most bones from tent-impurity and limited that kind of impurity to bones that constitute the greater part of a skeleton by number or structure.

Since this substantially lenient rule is not found in scripture, from where does it arise? I suggest it arose from the fact that the verse on impurity by overshadowing mentions only אדם (person): אדם כי ימות באהל (When a person dies in a tent) (19:14). By contrast the verse which does mention “bone” treats only impurity conveyed by contact: וכל אשר יגע על פני השדה בחלל חרב או במת או בעצם אדם, (And in the open, whoever touches a person who was slain by the sword or who died naturally, or human bone) (19:16). The inference was that “human bone,” which is mentioned only in connection with contact and not with the tent, does not convey tent-impurity. Only bones that are similar to a complete corpse convey such impurity. It is reasonable to suppose that the rule on the bones of the dead was expressed in a homily very similar to the one in *Sifre Zuta*, “Just as a person is whole, so a bone must be whole.” In other words, the only bones that can convey impurity in the same manner as a corpse are those that are similar to a corpse, those that constitute most of a skeleton, by number or structure.²⁵ It should be recalled that in rabbinic literature rules are derived from a juxtaposition of “person” and “bones” with respect to other matters.²⁶ Furthermore, a comparable homily to the one we reconstructed is found in *Sifre Zuta* on another verse:

מה אני מקיים אדם (יט, יד: אדם כי ימות באהל), לרבות דבר אחר שיטמא כמת שלם, את מה אני מרבה, השיורה [וה]גולגולת,

How do I maintain “person” (19:14: *When a person dies in a tent*)? By extending it to include something else which conveys impurity in the same manner as a whole corpse does. What do I include? The spine and the skull. (*Sifre Zuta* 19:14)²⁷

Admittedly, the exact midrash reconstructed here, which expounds the phrase עצם אדם (bone of a person), extracting the condition of “wholeness” from אדם (person) and applying it to עצם (bone), with reference to tent-impurity, has not survived in our sources.

²⁵ Indeed, Sussman noted the tannaitic conception that “spine and skull” constitute a corpse: “R. Yossi says: the spine and skull are as a corpse,” (*m. 'Ohal.* 3:6). Sussman, “History,” 32 note 90.

²⁶ See the amoraic homilies at *b. Nid.* 55a.

²⁷ Kahana, *Geniza*, 219. Cf. Horowitz, *Sifre Debe Rav*, 309.

Nevertheless, there is an indication that this lost homily did exist, and indeed derived the limitation on impurity (by overshadowing) of bones of the dead from the phrase **עצם אדם** (bone of a person). An echo of such a homily is found in Maimonides' commentary to the Mishna:

The spine conveys impurity...as does the skull... Each of these conveys impurity by overshadowing because the form of a person is recognizable in each of them, and they are included in the expression "**עצם אדם**, a human bone (literally: a bone of a person)." ... We have already said that the basis for all this is in what scripture says "**בעצם אדם**." In each of these three measures²⁸ the bones are visibly recognizable as **עצם אדם**, human bone.

(Maimonides, Commentary to the Mishna, 'Ohal. 2:1).

Clearly Maimonides saw in the phrase **עצם אדם** (a bone of a person) the source for the rule that only such bones as reveal the form of a person convey impurity by overshadowing.

To summarize, early interpretation of scripture distinguished between a "person," that is, the corpse of a person, which does convey impurity by overshadowing (19:14), and a "human bone," which does not and is mentioned only in connection with contact (19:16). Hence the early halakha exempted bones from impurity by overshadowing, unless the bones constituted something similar to a whole corpse. This interpretation was supported by an early homily which derived from the proximity of "bone" to "person," or to "a person who was slain or who died naturally," in verse 19:16 that the bone must be whole just as a corpse is whole. In other words, only bones that are close to being a corpse (spine, skull, the greater part of a skeleton, and so on) convey tent-impurity. MMT, disputing this rule, proposes a contrary interpretation of its own, using the same midrashic strategy (inference from corpse to bone) and the same terminology ("whole bone"). It claims that the inference from corpse to bone operates contrariwise—just as a corpse conveys tent-impurity, so does "every (**כול**)" bone, whether whole or not. Later, Pharisaic-tannaitic midrash attached a different homily to verse 16 taking the verse to refer to a limb severed from a living person. In consequence, the earlier homily requiring the completeness of bone was detached from its context of impurity-by-overshadowing and converted to requiring completeness in the context of

²⁸ The three measures are the greater part of a skeleton by number and by structure, and the quarter-*kav*, all discussed in detail earlier in the Maimonidean passage.

limb-from-a-living-person. The original homily on the completeness of bones of the dead disappeared from our sources and survived only embedded in the language of Maimonides. Its reflection, however, is clearly visible in the polemical words of MMT, and this is what makes its reconstruction possible. Two phenomena of great interest are revealed—an early interpretative polemic in which scripture was expounded in two contrary directions, and the evolution of an ancient stratum of midrash which received new meaning in the later tannaitic layers.²⁹

III. *The Dead Fetus in Utero: A Latent Midrashic Polemic*

כל הנגע במת בנפש האדם אשר ימות ולא יתחטא את משכן ה' טמא
[...]

Whoever touches a corpse, the body of a person who has died, and does not cleanse himself, defiles the Lord's Tabernacle [...] (Num 19:13)

Qumran texts often lack clear signs of polemic or of scriptural reference. A comparison with rabbinic midrashim can nonetheless reveal obscured interpretative disputes generated by conflicting stances. A remarkable example can be found with reference to the issue of the impurity of a dead fetus *in utero* attested in the Temple Scroll:

ואשה כי תהיה מלאה וימות ולדה במעיה כול הימים אשר 10
הוא בתוכה מת תטמא כקבר כול בית אשר תבוא אליו יטמא 11
וכול כליו שבעת ימים וכול הנוגע בו טמא עד הערב ואם 12
לתוך הבית יבוא עמה וטמא שבעת ימים 13
(11Q19 Temple Scroll L, 10–13)³⁰

And if a woman is pregnant, and her child dies in her womb, all the days on which it is dead inside her, she is unclean like a grave; and every house she comes into is unclean, with all its furnishings, for seven days. And anyone who touches it shall be unclean until the evening; and if he enters the house with her, he shall be unclean seven days.³¹

²⁹ For a similar instance of a tannaitic homily changing the meaning of an earlier one, see M. Kister, "Studies in 4QMiqsat Ma'ase Ha-Torah and Related Texts: Law, Theology, Language and Calendar," *Tarbiz* 68 (1999): 333–35 [Hebrew]. For another pre-tannaitic halakha embedded in a Qumran document and in a halakhic midrash, see Vered Noam, "The Origin of the List of David's Songs in 'David's Compositions,'" *DSD* 13 (2005): 134–149.

³⁰ Cf. Qimron, *Temple Scroll*, 73.

³¹ Trans. Yadin, *Temple Scroll*, II: 391.

In the following lines instructions are given on procedures for purification of persons and utensils that touch the house with the pregnant woman or are found in it.

Rules concerning the fetus and its legal and moral status are among the most fascinating subjects, from both ontological and ethical perspectives. Qumranic halakha, like other legal systems in antiquity, considered a fetus to be a distinct individual. Accordingly it required ritual slaughtering of a fetus found in its dead mother and forbade the slaughtering of a pregnant animal because of the restriction on slaughtering an animal and its offspring on the same day.³² Moshe Weinfeld noted the similarity between the Qumranic view of the individuality of the fetus and a comparable view common in the Hellenistic world.³³ Against this theoretical background the impurity ascribed to the dead fetus is well explained, for it is considered a distinct individual, and hence can be impure and convey impurity just like an adult corpse. The sect did not recognize anything like what later rabbinic literature termed *בלועה טומאה* (absorbed impurity),³⁴ and hence determined that a dead fetus conveys impurity to the mother from within and that the impurity spreads past the woman's body and defiles the house surrounding her and its utensils according to the usual rules of impurity by overshadowing of a corpse.

Tannaitic halakha, on the other hand, stands out in its singularity on issues relating to fetuses. There the fetus does not have the status of a live person before birth.³⁵ Hence, killing a human fetus is not

³² 11QT^a 52:5–7; cf. Qimron, *Temple Scroll*, 76; MMT B 36–38, cf. Strugnell and Qimron, *Qumran Cave 4. V*, 50; 4Q270 2 II, 15–16, cf. J. M. Baumgarten, ed., *Qumran Cave 4. XIII: The Damascus Document* (DJD 18; Oxford: Clarendon, 1996), 144. For the Qumranic paraphrase of Exod 21:22–25, concerning one who pushes a pregnant woman, in 4Q251 frag. 13, see A. Shemesh, “4Q251: *Midrash Mishpatim*,” *DSD* 12 (2005): 280–302. See also Yadin, *Temple Scroll: Introduction*, 336–38; MMT Strugnell and Qimron, *Qumran Cave 4. V*, 157 (see there on Philo and Karaite halakha, similar to Qumranic halakha); J. M. Baumgarten, “A Fragment of Fetal Life and Pregnancy in 4Q270,” 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 et al.; Winona Lake: Eisenbrauns, 1995), 445–448 and Baumgarten, *Qumran Cave 4. XIII*, 146.

³³ M. Weinfeld, “The Genuine Jewish Attitude Towards Abortion,” *Zion* 42 (1977): 135–6, 142 [Hebrew].

³⁴ The term originates in the BT—see *b. Hul.* 71a–b, *b. Nid.* 42a–b—but the principle, that an absorbed impure object does not even defile anything else in the same body, is tannaitic. See further below.

³⁵ This is because it is in its mother's womb—“his mother's thigh” is the term particular to the BT—not because it is not fully formed (as in the Septuagint, for example, where the development of the fetus determines the punishment of the person who

considered murder;³⁶ separate ritual slaughtering of a fetus found in its slaughtered mother is not required; and the slaughtering of a pregnant animal is permitted without concern for the restriction on slaughtering an animal and its offspring on the same day.³⁷ We do nonetheless find the opinion that a fetus *in utero* conveys impurity in tannaitic literature:

וְכֹל אֲשֶׁר יִגַּע עַל פְּנֵי הַשְּׂדֵה—לְהוֹצִיא אֶת הָעוֹבֵר שְׁבַמְעֵי אִשָּׁה דַּבְּרֵי ר' יִשְׁמַעֵאל; ר' עֲקִיבָה אוֹמֵר לְהִבְיָא אֶת גּוֹלֵל וְדוֹפֵק.

And in the open, whoever touches a person who was slain by the sword or who died naturally, or human bone, or a grave, shall be unclean seven days. (Num 19:16)—This comes to exclude a fetus *in utero*, says R. Yishmael; R. Akiva says: This comes to include a *golel* (the stone that seals a grave) and *dofeq* (its buttressing stone). (Sifre 127).³⁸

R. Yishmael derives from the words “in the open” that corpse impurity is conveyed only outside the body, not inside it. Hence a dead fetus does not convey impurity to its mother while still *in utero*. R. Akiva,

struck a pregnant woman causing the death of the fetus, see Weinfeld, “Abortion,” 129 and the parallels referred to there). A stillborn fetus conveys impurity when it emerges from the womb, irrespective of its stage of development. (See e.g. *m. 'Ohal. 16:6, 18:7; t. 'Ohal 16:1*; Sifre Numbers 125, contra Weinfeld, “Abortion,” 142, who holds that the tannaitic view concerning a dead fetus *in utero* requires that a stillborn fetus will not be impure.) Indeed, the considerations in the BT’s deliberations concerning the status of a fetus are “its mother’s thigh” as against “it is destined to emerge,” but not the stage of the fetus’ development (*b. Naz. 51a*).

³⁶ See Exod 21:22. On rabbinic and other interpretations of the verse, and on other views of the matter in antiquity, see A. Aptowitz, “The Status of the Fetus in Jewish Penal Law,” *Sinai* 11 (1942–43): 9–32 [Hebrew]; G. Alon, “The Halakha in the Teaching of the Twelve Apostles (Didache),” in *idem, Studies in Jewish History in the Times of the Second Temple, the Mishna and the Talmud I* (Tel Aviv: Hakibutz Hameuchad: 1957), 274–294 at 279–80 [Hebrew]; E. Urbach, *The Sages: Their Concepts and Beliefs* (trans. I. Abrahams; Cambridge MA: Harvard University Press, 1979), 242–45; Weinfeld, “Abortion,” Baumgarten, “Fetal Life,” and the references in Strugnell and Qimron, *Qumran Cave 4. V*, 157 note 115.

³⁷ References and further halakhic implications are presented in A. Geiger, “Several Critical Comments Appended to My Large Book,” in *Ozar Nechmad. Briefe und Abhandlungen jüdische Literatur betreffend III* (ed. I. Blumenfeld, Vienna, 1860), 1–15 at 12–14 [Hebrew]; repr. *inter alia* in A. Geiger, *Urschrift und Übersetzungen der Bibel: in ihrer Abhängigkeit von der innern Entwicklung des Judentums* (2nd ed.; ed. N. Czortkowski; Frankfurt am Main: Mada, 1928), appendix, 26; the Hebrew translation of that volume, *Ha-Mikra Ve-Targumav: Bezikatam Lehitpathutah Hapenimit Shel Hayahadut* (trans. Y. L. Barukh; Jerusalem: Mossad Bialik, 1949), 343–46; and *Kevutzat Ma'amarim Me'et Avraham Geiger [Abraham Geiger's Gesammelte Abhandlungen in hebräischer Sprache]* (ed. S. Poznanski; Warsaw: Tuschijah, 1910; repr. Haifa: Lastudent, 1967), 116–20. See also the works cited in the previous note.

³⁸ Cf. Horovitz, *Sifre Debe Rav*, 164.

however, turns the exposition in another direction. It seems that R. Akiva's dispute with R. Yishmael centered not merely on the exposition of the verse, but also on the very rule that a dead fetus does not convey impurity.³⁹ Indeed, the Mishna indicates the potential of a fetus to convey impurity:

A woman's fetus died in utero; and a midwife inserted her hand and touched it: The midwife has seven-day impurity; the woman is pure until the fetus emerges. (*M. Hul.* 4:3).⁴⁰

The mishna appears to reflect the doctrine of R. Akiva that the fetus is impure, for the midwife receives impurity from contact with it.⁴¹ The Babylonian pericope on this mishna quotes the above midrash and asserts that the dispute between R. Akiva and R. Yishmael is not limited to the exegesis of the verse, but concerns the very status of the fetus. According to a *baraita* of R. Hoshai'a quoted there, R. Akiva explicitly derived the scriptural impurity of a fetus from Numbers 19:13:

³⁹ We cannot tell whether R. Akiva's view is a remnant of a general ancient view that defined the fetus as an individual distinct from its mother, with all that entails, which was rejected and marginalized by the tannaitic world, or whether R. Akiva addressed only the specific circumstance that the womb opened and that hence the fetus could be considered "quasi-born." Neither is it easy to determine whether R. Yishmael's contrary view that the fetus is free of any impurity flows from a fundamental doctrine that a fetus is considered "his mother's thigh," or rather from the less fundamental doctrine that "absorbed impurity" does not defile. Ever since its inception critical talmudic scholarship has deliberated this question. See Geiger, *Ha-Mikra*, 280–81, 343–46 [Hebrew]; *idem*, *Kevutzat Ma'amarim*, 116–20; Alon, "Didache," 280; Aptowitz, "Fetus," 12–13 note 8, 14–15 note 21. But see H. M. Pineles, *The Way of the Torah* (Vienna, 1861; repr. Jerusalem: Karmiel, 1965), 190–91 [Hebrew]; L. Ginzberg *apud* Geiger, *Kevutzat Ma'amarim*, 398–400 [Hebrew]; H. S. Horovitz and I. A. Rabin, *Mekhilta of Rabbi Ishmael* (Frankfurt: Kauffmann, 1931; repr. Jerusalem: Wahrman 1970), 275 line 3. H. Albeck, *Shisha Sidrei Mishna. Seder Kodashim* (Jerusalem/Tel Aviv: Mossad Bialik/Dvir, 1957), 377; Urbach, *Sages*, 242–43.

⁴⁰ On the similarity of the language of the mishna and that of the Temple Scroll, see Yadin, *Temple Scroll*, I: 336.

⁴¹ The BT interprets the mishna differently, aligning it with the determination of Shmuel that the impurity of the midwife in this case is only rabbinic (מדברי סופרים) rather than scriptural. Hence the mishna is not limited to the doctrine of R. Akiva, "but can be accommodated to that of R. Yishmael as well, who holds that a fetus in utero is pure, and even so it was decreed impure rabbinically (מדרבנן). Why was it so decreed? R. Hoshai'a said it was so decreed lest the fetus' head emerge." In other words, impurity was decreed for a dead fetus *in utero* out of concern for the case of a dead fetus whose head already emerged, which is certainly impure. This interpretation, however, surely does not fit the plain sense of the mishna. As we will show below, tannaitic midrash (*Sifre Zuta*) represents the rule in the mishna as deriving from scripture.

And R. Akiva, from where does he derive that a fetus in utero is impure from scripture? R. Oshaia said, Scripture says: **במת בנפש האדם** *Whoever touches a corpse in a body of a person* (19:13). Now what can “a corpse in a body of a person” refer to? You must say it refers to a [dead] fetus in the womb of its mother. (*B. Hul.* 72a).⁴²

Wresting the verse from its plain meaning,⁴³ R. Akiva derives the impurity of a dead fetus from the compound phrase **במת בנפש האדם** (*a corpse, a body of a person*, as if it refers to “a corpse *in* the body of a person”). Indeed, in *Sifre Zuta*, a Midrash from the school of R. Akiva, this very homily is found, ascribing impurity to a fetus and to the midwife who touches it:

ומנ' אף חכמה ששלחה ידה בתוך מעיה שלאשה תהא טמאה, תל' ל':
'הנוגע'.

And how do we know that even a midwife who inserted her hand into the womb of a woman is impure, scripture teaches, *Whoever touches* (Num 19:13). (*Sifre Zuta* 19:16).⁴⁴

The proof text appears in abbreviated form here, and undoubtedly the reference is to the subsequent words in the verse, **הנוגע [במת בנפש האדם]** (*Whoever touches [a corpse, a body of a person]*), taken as—*a corpse in the body of a person*, which is exactly the homily we just encountered in BT.

Nonetheless, the doctrine of R. Akiva is not identical with that of the Temple Scroll. It must be emphasized that in R. Akiva's view the impurity of the fetus is conveyed only by external contact, such as the hand of a midwife. It is unanimously agreed among the rabbis that impurity is not conveyed to the mother who carries the fetus in her

⁴² R. Yishmael derived from that verse the impurity of blood.

⁴³ In the plain sense of the phrase **במת בנפש האדם אשר ימות** the **ב** in both **במת בנפש** and **בנפש** indicates transitivity (P. Joüon, S.J., *A Grammar of Biblical Hebrew* [trans. and rev. T. Muraoka; Rome: Editrice Pontificio Istituto Biblico 1991, 1993], 448), and the phrase **אשר ימות** is in apposition to **במת**. The homily takes the **ב** of **האדם בנפש** in a spatial sense (*in*) (Joüon, *Grammar*, 486), the phrase **האדם בנפש** as subordinate to **במת**, and **אשר ימות** as modifying **במת**.

⁴⁴ Cf. Kahana, *Geniza*, 221; Horovitz, *Sifre Debe Rav*, 311. Though R. Akiva holds that the fetus is impure, other sages hold that “absorbed impurity” does not defile anything, not even that which is found with it inside the body, cf. *m. 'Ohal.* 7:5; *t. 'Ohal.* 8:8. The dispute in this mishna, and especially R. Meir's view there, is not easily understood nor accommodated in relation to the explanations given in the Tosefta passage. Rabenu Shimshon connects the dispute in *m. 'Ohalot* with the dispute of R. Akiva and R. Yishmael on the impurity of a fetus. In any case, it is clear that on both views, a dead fetus will not convey impurity to its live twin before its birth.

womb, and certainly not to persons in contact with her, nor to the house in which she is present.⁴⁵ Indeed, even *Sifre Zuta*, the Midrash from the school of R. Akiva, excludes pregnant women from the application of this impurity:

*A person who was killed (literally: Slain by the sword) (Num. 19:16): a victim of the sort that is killed by sword. This excludes a woman with a dead fetus in her womb. (Sifre Zuta ad loc.)*⁴⁶

And immediately following:

Could it be that for as many days as the midwife is impure the (pregnant) woman would also be impure? He said: *whoever touches* (19:16), excluding this. (*Sifre Zuta ad loc.*)

This homily is clearly intended to oppose a doctrine such as that of the sect.⁴⁷ It asserts that although the midwife does become impure, the mother herself does not contract impurity from the dead fetus in her womb, for she did not actually “touch” it with a visible external limb, such as hand or foot.⁴⁸ Since the pregnant woman herself is pure until she delivers the dead fetus, she certainly does not convey impurity to anyone who touches her, nor to the house in which she lives during the pregnancy. This view is also expressed in other sources which

⁴⁵ But see L. H. Schiffman, “The Impurity of the Dead in the Temple Scroll,” in *Archaeology and History in the Dead Sea Scrolls* (JSPSup 8; ed. L. H. Schiffman; Sheffield: JSOT Press, 1990), 135–156 at 150–151. According to David Weiss Halivni, the above-cited mishna contains an element of polemic against the view that the dead fetus conveys impurity to its mother. The words (here italicized) in the phrase “the woman is pure until the fetus emerges,” are superfluous, in his view, since it is obvious that the woman will be impure once the dead fetus emerges. The point of the phrase, then, is to emphasize that the woman is pure as long as the fetus is within her, contrary to the sectarian view that the dead fetus conveys impurity to her when still *in utero*. Thus Halivni in a lecture to the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls at the Hebrew University in Jerusalem, 2003, and in private oral communication. This is contrary to his previously expressed view in D. Weiss Halivni, *Midrash, Mishnah, and Gemara* (Cambridge MA: Harvard University Press, 1986), 35–37, where he argues that there is no conscious polemic between rabbinic doctrine and the views expressed in the Temple Scroll here. According to Halivni he now retracts his earlier view on the matter.

⁴⁶ The reasoning of this homily is not quite clear. It may be understood as follows: one who contracted impurity from a corpse does so by external contact, for it is in the nature of a corpse that it is exposed to external contact, just as the sword had pierced it previously from the outside. By contrast, a woman with a dead fetus *in utero* cannot be rendered impure by a contact which takes place inside her body.

⁴⁷ Note the intriguing similarity of the wording *יכול כל ימים שחכמה טמאה אף* in the midrash; and *ואשה... כול הימים אשר הוא בתוכה מת* in the midrash; and *תהא טמאה* in the midrash; and *תהא טמאה* in the *Temple Scroll*.

⁴⁸ Contra: Horovitz, *Sifre Debe Rav*, 312 note to line 1; Halivni, *Midrash*, 36.

stress that the house of a woman who miscarried becomes impure only when it is known that the womb opened while she was in the house, and the impurity of the dead fetus emerged and defiled the house. Until that point the house is pure.⁴⁹

There are, then, three doctrines on this issue:

1. That of the Temple Scroll, according to which a fetus is a distinct individual and as such can become impure and convey impurity just like an adult corpse. This entails that the fetus conveys impurity to its mother, an impurity which is in turn conveyed to the house where the mother is present, to the utensils in the house, and to anyone who enters the house.
2. That of R. Yishmael, according to which a dead fetus is pure, whether because it is considered “the thigh of its mother,” or because its impurity is “absorbed.” According to the plain meaning of tannaitic sources, R. Yishmael considers the midwife, who touched the dead fetus “externally,” from outside the mother’s body, to be pure as well, and so *a fortiori* the mother.
3. That of R. Akiva, which shares elements of each of the first two. On the one hand something remains of the ancient, severe doctrine which viewed the fetus to some extent as a distinct individual capable of conveying impurity upon death. On the other hand, the impurity affects only the midwife, whose contact with the fetus is “external,” and not the mother, whose contact with the fetus is “internal.” Furthermore, the notion that the fetus’s “absorbed impurity” does not even affect the mother, let alone the house and its utensils.

As we have seen, the two tannaitic doctrines rest on derivations from the same biblical verse, Num 19:16 (*And in the open [literally: on the surface of the field], whoever touches a person who was slain by the sword or who died naturally, or human bone, or a grave, shall be unclean seven days.*) R. Yishmael declares the fetus pure, by virtue of the phrase *on the surface of the field*; that is, to be effective impurity must be as open and uncovered as a field,⁵⁰ not hidden in someone

⁴⁹ *M. 'Ohal.* 7:4; *t. Yebam.* 9:5.

⁵⁰ See *Mek. Mishpatim, Nezikin* 14 (Horovitz and Rabin, *Mekhilta of Rabbi Ishmael*, 297): על פני השדה בגלוי אף הקמה בגלוי; and Rashi, *Hul.* 72a s.v. פני השדה. *Tg. Ps.-J.* here matches R. Yishmael: ולא במיתא דבכריסא דאמיה.

else's abdomen. R. Akiva declares the dead fetus and the midwife who touched him "externally" impure, and thus rejects R. Yishmael's inference. Yet R. Akiva himself also stresses that the mother is not impure until the fetus emerges, and this is derived by his school from the phrase *slain by the sword* in the same verse—"a victim of the sort that is killed by the sword: this excludes a woman with a dead fetus in her womb."

Let us now return to the Temple Scroll. *Prima facie* the Scroll does not adduce biblical verses here, neither does it explicitly oppose other views. Nonetheless, in light of the two homilies explicated above, an implicit midrash can be discerned in the text of the Temple Scroll. A woman with a dead fetus *in utero*, says the Temple Scroll, "shall be unclean *like a grave*." The comparison to a grave is undoubtedly an allusion to a third phrase in the same verse, "whoever touches... a grave." Surely this enables us to reconstruct a third homily: או בקבר—'לרבות האשה שוולד מת במעיה (or a grave, this includes a woman with a dead fetus in her womb.)

We may now be able to read between the lines a polemical interchange conducted between the three homilies. The implied homily in the Temple Scroll declares, "A woman carrying a dead fetus resembles the 'grave' mentioned in the verse, in which a corpse is placed. The corpse conveys impurity to the tomb, which, in turn, conveys impurity to anyone who touches it." The other two homilies, which support the more lenient doctrine that the fetus, or at least its mother, was pure, responded to that earlier exegesis by saying, "Not so. The legal status of a woman and her dead fetus should not be inferred from a grave, but rather from an open field, or from a person who was slain by the sword, mentioned in the same verse."

Homily of R. Yishmael (Sifre Numbers)	Homily of R. Akiva (Sifre Zuta)	Homily of Temple Scroll (reconstructed)
על פני השדה—'להוציא את העובר שבמע'י אשה	בחלל חרב'—פרט לאשה שהמת בתוך מעיה	"או בקבר"—לרבות האשה שוולד מת במעיה".<
<i>And in the open (literally: on the surface of the field)—this excludes a fetus in utero.</i>	<i>A person who was slain by the sword—this excludes a woman with a dead fetus in utero.</i>	<i>Or a grave—this includes a woman with a dead fetus in utero.</i>

Indeed, there is a circumstantial similarity between the grave in which a corpse is located, and the impurity of which is stressed by the Torah, and the woman carrying a dead body inside her. This similarity, implied in the Bible itself⁵¹ and evidenced by tannaitic terminology as well,⁵² provides a convenient basis for the Qumranic homily. Therefore, it seems that this homily is the most original one. It may also represent the earlier halakhah. The rabbinic evidence is, by contrast, rather forced. It must have originated as a reaction to opposing conceptions in the course of a halakhic dispute. This dispute has probably taken place during the Second Temple era, though the rabbinic homilies are transmitted by second century CE sages. It should also be noted that the position advocated in the Temple Scroll derives the rule on the dead fetus from the biblical reference to “a grave.” The scriptural foundation of this exegetical approach is implied and not spelt out explicitly as is the case in the tannaitic midrashim.

This is one more instance of a general characteristic of Qumranic midrash observed by scholarly research—Qumran homilies do not quote verses explicitly, and lack a distinct exegetic terminology.⁵³ Yet, the scriptural exegesis in the background of Qumranic texts can be discerned by other means. Aharon Shemesh demonstrated the presence of such exegesis by analyzing the sequence of statements in a Qumran text paralleling that of a scriptural text.⁵⁴ In our case the demonstration rests on the allusion to the scriptural word “grave,” and on the tannaitic parallels.

IV. *The Parts of a House: The History of an Ancient Halakha*

זאת התורה אדם כי ימות באהל כל הבא אל האהל וכל אשר באהל
יטמא שבעת ימים:

⁵¹ “Because he did not kill me before birth so that my mother might be my grave and her womb big [with me] for all time” (Jer 20:17, trans. *JPS*, Philadelphia 1999). I am indebted to Prof. Menahem Kister for this reference.

⁵² The term “grave” as a metaphor for a womb is quite common throughout rabbinic literature, see e.g. *m. 'Ohal.* 7:4; *t. 'Ohal.* 8:8.

⁵³ See, for example, S. D. Fraade, “Looking for Legal Midrash at Qumran,” in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls* (STDJ 28; ed. M. E. Stone and E. G. Chazon; Leiden: Brill, 1998), 59–79, and earlier bibliography mentioned there.

⁵⁴ Shemesh, “4Q251 Midrash Mishpatim.”

This is the law: When a person dies in a tent, whoever enters the tent and whatever is in the tent shall be unclean seven days. (Num 19:14, slightly revised)

ולקח אזוב וטבל במים איש טהור והזה על האהל ועל כל הכלים ועל הנפשות אשר היו שם [...]

A person who is clean shall take hyssop, dip it in water, and sprinkle on the tent and on all the vessels and people who were there [...]. (Num 19:18)

The Temple Scroll, like the Septuagint, Philo and Josephus, substitutes “house” for the “tent” of the dead in Numbers 19.⁵⁵ To the impurity of “everything which is in the house and every one who comes into the house” (XLIX, 6) the Scroll adds “every house in which a dead (man) died shall become unclean, seven days” (XLIX, 5–6).⁵⁶ It goes on to itemize the exacting measures taken to purify the defiled house—“And on the day on which they will take the dead body out of it, they shall sweep the house of any defiling smirch of oil and wine and moisture of water; they shall scrape its floor and its walls and its doors, and they shall wash with water its locks and its doorposts and its thresholds and its lintels (XLIX, 11–13).⁵⁷ A parallel law in the Damascus Document also instructs that the materials which make up the house contract corpse-impurity—

וכל העצים והאבנים והעפר אשר יגואלו בטמאת האדם לגאולי שמן בהם כפי טמאתם יטמא הנ[ו]גע בם וכל כלי (מסמר) מסמר או יתד בכותל אשר יהיו עם המת בבית וטמאו בטמאת אחד כלי מעשה.

And all the wood and the stones and the dust which are defiled by man’s impurity, while with stains of oil in them, in accordance with their uncleanness will make whoever touches them impure. And every utensil, nail or peg in the wall which is with a dead person in the house will be unclean in the same uncleanness as tools for work. (CD XII, 15–18).⁵⁸

⁵⁵ XLIX, 5–L, 19; Qimron, *Temple Scroll*, 70–73; Philo, *Spec.* 3.206; Josephus, *Ag. Ap.* 2.205; see the discussion by Yadin, *Temple Scroll*, I: 325–26.

⁵⁶ Trans. Yadin, *Temple Scroll*, II: 387.

⁵⁷ Trans. Yadin, *Temple Scroll*, II: 389.

⁵⁸ Cf. M. Broshi, ed., *The Damascus Document Reconsidered* (Jerusalem: IES/The Shrine of the Book/Israel Museum, 1992), 33. Trans. F. García Martínez and E. J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (2 vols.; Leiden: Brill, 1997), I: 571. A very fragmentary parallel is found in one of the Qumran copies of the Damascus Document, 4QD^a (= 4Q266) 9 II, 2–5, for which see Baumgarten, *Qumran Cave 4. XIII*, 68. Recently H. Eshel, “CD 12:15–17 and the Stone Vessels Found at Qumran,” in *The Damascus Document: A Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and*

The impurity of the tent itself, in addition to the persons and utensils found in it, is explicit in scripture—“and sprinkle on the tent and on all the vessels and people who were there” (Num 19:18). The halakhic midrash makes the same point—“*Sprinkle on the tent*: scripture comes to teach that the tent contracts impurity.” (Sifre 129).⁵⁹ However, as Yadin emphasized, according to rabbinic doctrine any covering fastened to the ground that is not made of cloth, skin or the like, but of materials characterizing permanent structures, such as wood, metal and stone, remains pure. That is, rabbinic doctrine—in contrast to the sectarian halakha—considered the house itself, the walls and floor, in which a corpse is found to be pure, and not in need of any purification. Only a tent made of tent cloths can itself become impure.⁶⁰ The amoraic justification for this rule, given in both Talmuds, is based on an analogy of the “tent” here and the “tent” of the tabernacle in the desert:

Here it is written, *This is the law: When a person dies in a tent* (Num 19:14); and there it is written, *He spread the tent over the Tabernacle* (Exod 40:19); just as there [the covering] of linen is designated ‘tent,’ so here too, [a covering] of linen is designated ‘tent.’ (*b. Shabb. 28a*).⁶¹

Associated Literature, 4–8 February 1998 (STDJ 34; ed. J. M. Baumgarten, Esther G. Chazon and Avital Pinnick; Leiden: Brill, 2000), 45–52 at 48–49, proposed returning to an old emendation of Louis Ginzberg and emending *והעצים והאבנים והעפר* for *וכלי העצים והאבנים והעפר* and *וכל העצים והאבנים והעפר* for *וכל העצים והאבנים והעפר*, thus detaching the impurity of wood, stone and earth in CD, where no house is mentioned, from the impurity of the floor and walls of the house of a corpse as described in the Temple Scroll. The proposal is made improbable by *Tg. Ps.-J.* (see below) where, in the context of the impurity of a *house*, the impurity of floor, stones and wood are explicitly mentioned, distinct from utensils (מנוי), mentioned separately later—“מכל דבמשכנא ואפילו קרקעיתה ואבנוי וקיסוי ומנוי.” Furthermore, CD does explicitly mention that “which is with a dead person *in the house*,” as well as features of the house—“nail or peg in the wall.” There can be no doubt that the rules in the Temple Scroll, CD, and *Tg. Ps.-J.* are in fact a single rule concerning the components of the house in which a dead person is found. See further below.

⁵⁹ Horovitz, *Sifre Debe Rav*, 166. Seven-day impurity of the tent itself is found in R. Akiva’s statement in *m. ’Ohal. 1:3*, listing four items liable to seven-day impurity—“the tent, the peg, the man that touches the peg, and the vessels that touch the man.” There are no grounds for Schiffman’s comment (“Impurity,” 139) that the sages in this mishna dissent on the very principle of the impurity of the tent itself. The dispute only relates to R. Akiva’s reference to it as a distinct level of impurity in his list of five such levels. See all commentaries to this mishna.

⁶⁰ This fundamental rule derives from several partial statements in tannaitic literature: *m. Shabb. 2:3*; *m. Kelim 27:1*; *Sifre Zuta 19:13*. See Epstein, “Parah,” 66 note to line 24. The rule is stated clearly and unambiguously by Maimonides, *Mishneh Torah, Hilchot Tum’at Met 5:12*, from which it is quoted by Yadin, *Temple Scroll*, I: 326.

⁶¹ See also *y. Shabb. 2:3, 4d*.

It can be inferred from the anonymous discussion in each of the Talmuds that not only linen, the biblical **שש**, but all the materials that were used to cover the tabernacle are designated tent, and they, and only they, contract seven-day impurity and require sprinkling with the water of the red heifer.

This is a surprising doctrine considering the general rabbinic notions interpreting the scriptural “tent.” Biblical “tent-impurity” involves two distinct issues open to interpretation—(a) a structure or overhang under which there is a corpse becomes itself impure for seven days and requires purification by sprinkling with “water of purification” (“and sprinkle on the tent,” 19:18); and (b) a structure or overhang conveys “tent-impurity” to persons and utensils that are in it when a corpse is in it even without contact (“whoever enters the tent and whatever is in the tent shall be unclean,” 19:14). Tents of this latter sort are said to be **מביאים** in tannaitic literature, that is, they give passage to, or bring, impurity.⁶² On this issue tannaitic halakha was expansive almost without limit. Yadin, who was searching for polemical strands in the Temple Scroll and for evidence of its propensity for stringency, placed great emphasis on the difference between the Temple Scroll and rabbinic halakha in the matter of the impurity of the house itself (a), but entirely ignored the other fundamental difference between rabbinic halakha and the Temple Scroll, namely, the expansive definition of “tent” in rabbinic halakha (b).⁶³ Here we have a tannaitic stringency of major proportions and with far-reaching implications, one that extends impurity very broadly in daily life.

Comparison with the Temple Scroll reveals the force of the innovation in the terms used by the rabbis. Tannaitic halakha extends the concept of “tent” not merely to houses but to virtually anything that overshadows. As halakhic midrashim state it, “How do you know to make all overhangs equivalent to a ‘tent?’” (*Sifre Num.* 126). “For it says ‘תורה, the law’—the law of the ‘tent:’ everything that overshadows.” (*Sifre Zuta* 19:14).⁶⁴ Tannaim thus stretched the definition of

⁶² Most objects which can “bring” can also “screen,” that is, they separate the place where the impurity is found, and spreads, from its environment, so that the impurity does not pass to another place. The sorts of utensils and other objects that variously bring and screen, bring but do not screen, screen but do not bring, and neither bring nor screen, are listed in *m. Ohal.* chapter 8.

⁶³ Yadin, *Temple Scroll*, I: 325–26.

⁶⁴ This midrash, starting from the word **התורה** extends the category of “tent” to a long list of overshadowing things, and from the word **זאת** excludes several others.

“tent” to include houses, cisterns, and caves;⁶⁵ persons and utensils,⁶⁶ chests, boxes, tanks on ships, sheets and mats, domesticated and undomesticated animals, plants and certain foods, pigeon-coops, rocks, overhanging trees, and much more.⁶⁷ Whereas for the Temple Scroll it was sufficient to extend the circumstances of the scriptural command from tent and desert, predictably, to house and city, the tannaim severed “tent” from its definition as a dwelling-place, movable or stationary, and transformed it from an *object* to a *condition* which may obtain under certain circumstances when anything, be it human, animal, vegetable or mineral, overshadows a corpse. In other words, as Jeffrey Rubenstein has shown at length, tannaitic halakha *turned the scriptural “tent” into an absolute abstraction*.⁶⁸

The far-reaching conceptual expansion described above found linguistic expression as well. Abraham Goldberg showed that the form אָהֵל (from which the plural אֹהֳלוֹת is formed), characteristic of the vocalized manuscripts of the Mishna, is not a variant form of the noun אוהל (tent) but rather a verbal noun, similar to those in the phrase מגע ומשא, contact and carrying, and in its form it is a participle of the *qal* conjugation, אָהֵל equivalent to אוהֵל.⁶⁹ In effect, the denotation of the whole complex of laws on corpse impurity,⁷⁰ and the title of the tractate treating them, אֹהֳלוֹת, is derived from the verbal noun for the action of overshadowing a corpse. The vast expansion of the definition of this state was perceived as the prime characteristic feature of the laws on corpse impurity, and consequently gave them its name.

The forms of the homilies of Sifre and Sifre Zuta are characteristic of their midrashic methods as a whole. Sifre, a product of the school of R. Yishmael, derives its rule by an *a fortiori* argument (קל וחומר) from the “leper;” Sifre Zuta, a product of the school of R. Akiva, does so by extension and limitation (ריבוי ומיעוט) of the relevant verse.

⁶⁵ Sifre Zuta, *ibid.*

⁶⁶ M. 'Ohal. 6.1: “Persons and vessels can serve as ‘tents’ so as to give passage to impurity.”

⁶⁷ See m. 'Ohal. 8. Overhangs which do *not* give passage to impurity are listed in 8:4–5; they are the exceptional ones, by virtue of not being permanent, stationary, woven, or the like. Cf. Maimonides, *Mishneh Torah, Tum'at Met* 13. For more overhanging things and their details, see especially m. 'Ohal. chapters 6 and 9; Sifre Zuta 19:14.

⁶⁸ J. L. Rubenstein, “On Some Abstract Concepts in Rabbinic Literature,” *JSQ* 4 (1997): 34–40.

⁶⁹ A. Goldberg, *The Mishnah Treatise Ohaloth: Critically Edited and Provided with Introduction, Commentary and Notes* (Jerusalem: Magnes, 1955) [Hebrew], 2.

⁷⁰ E.g., b. Pesah 50a; b. Hag. 11a, 14a.

Considering the enormous expansion of the class of “overhanging things” in tannaitic halakha, it is surprising that the tannaitic halakha reverses direction with respect to the impurity of the “tent” itself and limits its impurity to “tent” in the most literal sense, as it is in the plain meaning of the biblical text, and by *gezera shava* further limits the definition of “tent” by determination of the materials of which it is composed. This apparent discrepancy inherent in the tannaitic halakha is all the more striking when compared to Qumranic halakha, which is perfectly consistent in its move from tent to house, both with respect to “giving passage” to impurity and with respect to the impurity of the structure itself. Why, then, were the rabbis so severe in the matter of “overshadowing impurity,” assigning impurity to anything or anyone found under the same covering, of any sort, with a corpse, yet were so lenient in the matter of the definition of the impurity of the tent itself, limiting it to that composed of textile tent-sheets only? Conversely, why did the Qumran sect hold that only a house counts as a “tent,” yet take such a severe position on all the materials that make up a house even those attached to the ground? Which of these is the earlier halakha, and which is the innovation?

With respect to the definition of “tent” as any overhang, tannaitic law was indeed, uncharacteristically, much more severe than Qumranic law. However, the sophistication of the conceptual change is typical of rabbinic halakha and foreign to Qumranic halakha. On reading the Temple Scroll one does not sense any obvious polemic. The abstraction that turned people and objects into “tents” seems not to have occurred to the author of the Scroll. Philo and Josephus also appear unaware of any covering other than a house that “brings” impurity.⁷¹ Despite the absence of this sophisticated abstraction from the Second Temple Jewish literature, it is apparently of a surprisingly early provenance. Already well known by the time of the two schools of *Beit Hillel* and *Beit Shammai* who disagreed only with regard to its measurements.⁷² Hence, different circles in the Jewish society of the last centuries BCE must have had, simultaneously, extremely diverse conceptions of the biblical “tent.” A similar dispute took place within

⁷¹ Josephus, *Ag. Ap.* 2.205; Philo, *Alleg. Interp.* 3.206.

⁷² *m. Kelim* 17:8; *m. 'Ohal.* 16:1; *t. Shabb.* 1:18; *t. 'Ohal.* 15:12; *y. Shabb.* 1:4; *b. Shabb.* 16b–17a. Rubenstein, “Abstract Concepts,” 40, also believes that, “The concept of the rabbinic-tent evidently developed in early Tannaitic or pre-tannaitic times, for it is presupposed by the Tannaim and finds no opposition” (see also *ibid.*, 70).

the rabbinic sphere as well. The survival of a minority view limiting the definition of “tent” within the tannaitic world constitutes the exception that proves the rule. The doctrine of R. Yehudah states that “any tent” that is not made by the hands of man does not count as a “tent.” (*m. ’Ohal.* 3:7). This tradition is much closer to the plain meaning of the scriptural “tent,” but it constitutes a substantial departure from the common rabbinic rule classifying all covers as “tent,” and indeed was itself much limited in both tannaitic and amoraic halakha.⁷³ It is quite plausible that R. Yehudah, known as a tradent of ancient and eccentric halakhic traditions, sometimes those of R. Eliezer ben Hyrcanus,⁷⁴ preserves here an early tradition which became marginalized over time and otherwise disappeared.

Thus, the views of the Qumran sect contrast with tannaitic views in two aspects—(a) only tents and houses bring impurity by overshadowing; and (b) the materials that make up a house, even those attached to the ground, also contract impurity. How would these positions be justified by the sect? The first is explained simply by its closeness to the scriptural text. The text addresses a “tent,” and the extension to “house” is natural.

As for the second position of the Qumran sect, concerning the impurity of the parts of the house, varying explanations have been proposed. Yigael Yadin suggested that the sect’s requirement of purification for parts of a house was drawn from the rules concerning *צִרְעָת הַבַּיִת* (eruptions) in a house (Leviticus 14).⁷⁵ Chaim Rabin suggested that the source of the ruling was a popular feeling that the more purification

⁷³ In the same mishna cf.: “But he agrees that the rules apply to clefts and overhanging rocks.” Cf. *t. ’Ohal.* 5:4, and Epstein, *Introduction to the Text of the Mishna* (2nd ed.; Jerusalem/Tel Aviv: Magnes/Dvir, 1964, repr. 2000) [Hebrew]; Goldberg, *Ohaloth*, 32. See also *b. Sukah* 21a, where the eccentricity in the opinion of R. Yehudah is substantially moderated.

⁷⁴ See Epstein, *Introduction to Tannaitic Literature*, 106–107. For semi-sectarian elements in the halakhic thought of R. Eliezer himself, see Vered Noam, “Traces of Sectarian Halakha in the Rabbinic World,” in *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls. Proceedings of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 7–9 January, 2003* (STDJ 62; ed. S. D. Fraade, A. Shemesh, and Ruth A. Clements; Leiden: Brill, 2006), 67–85.

⁷⁵ Yadin, *Temple Scroll*, II: 389, interpretation of l. 12. This explanation is improbable. It is more likely that the sect distinguished between the house defiled by something other than itself, to wit a corpse, and the house defiled by an eruption, in which the source of impurity is the house itself.

applied to a house with a corpse the better.⁷⁶ Jacob Milgrom counted the impurity of the components of a house among the halakhot which underwent a process of what he calls “homogenization,” that is, a process by which rules affecting objects, animals or humans are extended to other things of the same sort. In our case, the scriptural rules on vessels and persons found in the tent with the corpse are extended to parts of the house itself.⁷⁷ Milgrom supposed that the impulse for this came not from the interpretation of texts, but rather from early halakhic traditions which the sect sought to anchor in the Pentateuch.⁷⁸ Louis Ginzberg attempted to reconstruct a stratum of early halakha within the rabbinic world that attributed impurity even to the ground and things attached to the ground. His evidence, apart from one testimony in the translation of the Torah attributed to Jonathan to be discussed below, is weak.⁷⁹ Common to all of these proposals is their attempt to explain away the sect’s ruling which is seen as a deviation from our accustomed (rabbinic) halakha that the house itself remains pure. However, it appears that in this instance an early homily indicates the direction in which this halakha developed and implies that the *tannaitic* rule—that which exempts houses from impurity—is the one that represents radical change and requires explanation, just as the expansion of the concept of “tent” was, almost certainly, a later halakhic revolution.

Several scholars have noted the affinity between the Qumran texts—Damascus Document and Temple Scroll—and Targum Pseudo-

⁷⁶ C. Rabin, *The Zadokite Documents* (Oxford: Clarendon, 1958), 63.

⁷⁷ J. Milgrom, “The Scriptural Foundations and Deviations in the Laws of Purity of the Temple Scroll,” in Schiffman, ed., *Archaeology and History in the Dead Sea Scrolls*, 83–99 at 93.

⁷⁸ *Ibid.*, 95.

⁷⁹ L. Ginzberg, *An Unknown Jewish Sect* (New York: The Jewish Theological Seminary of America, 1976) 81, 146–147, 351–355. The so-called “בריייתא דנידה” is irrelevant to our concerns, first because its content deals with menstrual, not corpse impurity; second because of its late date, and finally because of its general halakhic eccentricity. The particular rules concerning the implements used at the execution of criminals, *t. Sanh* 9:8, indicate nothing about the corpse-impurity of soil and stones in general; and in any case the readings of the text there are inconsistent (see Ginzberg, *Unknown Jewish Sect*, 352). Ginzberg’s interpretation of the cryptic matter of the watercourse in *m. Yad*. 4:7 is purely speculative. The rule that “the floor of the house down to the nethermost deep is reckoned like to the room itself” (*m. ’Ohal*. 15:5) relates to what has been hidden in the space under the floorboards, and not to the soil and stones. One must keep in mind Ginzberg’s general tendency to force the sectarian positions in CD in the direction of accepted rabbinic ones. For his attempt to emend וכל העצים to וכלי העצים, see above.

Jonathan, which presents here a halakha radically different from that of the rabbis. Yadin pointed to the explicit disagreement between these three (Temple Scroll, CD and *Ps.-J.*), on the one hand, and tannaitic halakhic midrash on the other.⁸⁰ However, attention does not seem to have been drawn to the existence of a single midrash which is echoed in these sources, nor to its implications for a reconstruction of the development of the halakha. Targum Pseudo-Jonathan, we note at the outset, reads: מכל דבמשכנא ואפילו קרקעיתיה ואבנוי וקיסוי ומנוי יהי מסאב שובעא יומין (Everything in the tent, and even its ground, stones, wood, and vessels, will be impure for seven days.)⁸¹ Let us now look at the wording of the three disparate sources:

1. Damascus Document: וכל העצים והאבנים והעפר (and all the wood, stones and soil);
2. Targum Pseudo-Jonathan: מכל דבמשכנא ואפילו קרקעיתיה ואבנוי וקיסוי ומנוי (everything in the tent, and even its ground, stones, wood, and vessels);
3. Tannaitic halakhic midrash: וכל אשר באהל: שומע אני אף הקש והחריות והעצים והאבנים והאדמה במשמע? ת"ל: על האהל ועל כל הכלים ועל כל הנפשות (Whatever is in the tent [Num. 19:14]: Do I hear that even the straw and the twigs, the wood, the stones and the soil are included?)

⁸⁰ Yadin, *Temple Scroll*, I: 328.

⁸¹ See Ginzberg, *Unknown Jewish Sect*, 81; Yadin, *Temple Scroll*, I: 328; Schiffman, "Impurity," 143; The frequently eccentric halakhot in Targum Jonathan have been the subject of critical study ever since Geiger's *Urschrift und Übersetzungen der Bibel* (1857). However, there does not seem to be a consensus concerning the date and source of these halakhic "deviations." For an informed survey of scholarship on Targum Jonathan and its history, see A. Shin'an, *The Embroidered Targum* (Jerusalem: Magnes, 1992) 35–43 [Hebrew], with generous bibliography. On the halakha in Targum Jonathan see E. Itzhaky, "The Halacha in Targum Yerushalmi I (Pseudo Jonathan ben Uziel)" (M. A. thesis, Bar Ilan University, Ramat Gan, 1979) [Hebrew]. The halakha under discussion is mentioned there at 44. However, the author was not yet aware of Qumranic halakha, which for the most part had not yet been published. See also the summary article of Y. Maori, "The Relationship of Targum Pseudo-Jonathan to Halakhic Sources," in *Studies in Talmudic Literature, in Post-Biblical Hebrew and in Biblical Exegesis* (Te'uda 3; ed. M. A. Friedman, A. Tal, and G. Brin; Tel Aviv: Tel Aviv University, 1983), 235–250 [Hebrew]. For further bibliography see Shin'an, *Embroidered Targum*, 44 note 155. Joseph Baumgarten appears to be the only scholar to have devoted a study (J. M. Baumgarten, "Qumran and the Halakha in the Aramaic Targumim," in *Proceedings of the Ninth World Congress of Jewish Studies, Panel Sessions—Bible Studies* [ed. M. Goshen-Gottstein; Jerusalem: Magnes, 1988], 45–57, especially 55) expressly to the question of the relation of the halakha in the targumim and that of Qumran, and he too refrains from firm conclusions.

Scripture teaches: *on the tent and on all the vessels and people* (Num 19:18). (*Sifre Numbers* 126).⁸²

In these three sources the voice of an ancient halakha is heard, one that listed the three items—wood, stones and soil—as receiving impurity. Presumably this halakha was derived from the words of the verse, “*whatever is in the tent.*” This is particularly clear in the view rejected by the tannaitic source, “*whatever is in the tent: Do I hear etc.*” In Targum Pseudo-Jonathan the list is also an amplification of the words, “*whatever is in the tent.*” Finally, the ancient homily has echoes in the language of the Damascus Document, “and *all* the wood, stones and soil.” It is a reasonable conclusion that this ancient halakhic formulation—enumerating wood, stones, and soil, and attached to the generalization in the verse “whatever is in the tent shall be unclean for seven days”—was intended to *apply* impurity to the wood, stones, and soil of the house where a corpse is found, and not to *exempt* them. The tannaitic homily, rejecting this rule, turns the tables on the earlier homily by stressing the itemization found in that same verse, “on all the vessels and people”—only these and *not* wood, stone and soil. All three sources, then, made use of a common halakhic text whose formulation preceded the Damascus Document. This halakhic text, known also to the authors of the tannaitic midrash who were impelled to dispute it, contained the instruction that the materials which composed the house itself—wood, stones, soil—were subject to corpse impurity. Clearly, then, the rule of the Qumran sect, by which the components of a house are subject to corpse impurity, preceded the rabbinic halakha which exempted them from impurity.

What lies at the root of this halakhic dispute? It seems that the issue of “tent” reveals something of the very concept of impurity in the early halakha. The extension of the rule on overshadowing characteristic of the tannaitic halakha arises from the notion that corpse impurity spreads to fill any enclosed space in which it is contained, and ends at the borders of that space (in rabbinic terminology “give passage” and “screen”). This is anchored in the plain meaning of the verse. Later halakha, with its tendency to more abstract categorical definitions, determined that there was no difference between various overhangs—tents, houses, persons, animals, utensils—for this purpose provided

⁸² Horovitz, *Sifre Debe Rav*, 162.

certain basic conditions were met.⁸³ When it came to the impurity of the tent itself, on the other hand, the rabbis held that the soil and stones of a constructed house were not susceptible to impurity, for this would conflict with another fundamental principle essential to the rabbinic concept of impurity: the intuitive perception that impurity can attach only to the world of human creativity, the world of culture, but not to the raw materials of nature. This perception is grounded in the spirit of the biblical texts. The Torah, in the various passages on impurities, speaks of the impurity attaching to persons and their clothing, to food and drink, to means for riding and bedding, and to various vessels, but stresses that “a spring or cistern in which water is collected” and “seed grain that is to be sown” which has not been watered cannot be defiled.⁸⁴ Hence, impurity does not attach to rock and earth, nor to vessels made from them.⁸⁵ Hence, too, plants rooted in the ground are not susceptible to impurity until they are severed from the ground; nor are utensils that are not fully “vessels” (e.g. that are still unfinished, that have no cavity, that are not normally moved, that are flawed to the point that they are unusable).⁸⁶ In the same vein, the rabbis determined that “what is joined to the undefilable is undefilable,” and that utensils which are normally used when attached to the ground are undefilable as well.⁸⁷ It is these basic principles which apparently prevented the application of impurity to buildings. Hence, the restriction on the defilability of the “tent” itself, on the one hand, and the extension of the capacity to “overshadow” on the other.

There may be another factor behind the rabbinic decision to exempt permanent buildings from impurity: the status of the Temple. We noted above the surprising analogy drawn by the midrash between the tent containing a corpse and the Tabernacle in the wilderness. This homily deserves a second look.

Here it is written, *This is the law: When a person dies in a tent* (Num 19:14); and there it is written, *He spread the tent over the Tabernacle* (Exod 40:19); just as there [the covering] of linen is designated ‘tent,’ so here too, [a covering] of linen is designated ‘tent.’ (*B. Shabb.* 28a)⁸⁸

⁸³ E.g. durability, see *m. 'Ohal.* 8:5. Exceptions include vessels and foods susceptible to impurity (do not screen). For details see *m. 'Ohalot* 8.

⁸⁴ Lev 11:32–39; 13:47–59; 15:4–12, 20–23, 26–27; Num 19:14–15, 18; 31:20–24.

⁸⁵ E.g., *m. Kelim* 10:1; *Sifre* 126, *b. Shabb.* 58a; *b. Yoma* 2a.

⁸⁶ E.g., *m. Kelim* 15:1; *Sifre Num.* 158.

⁸⁷ See *m. Kelim* 11:2; 12:2.

⁸⁸ See also *y. Shabb.* 2:3, 4d.

What is the meaning of the bold nexus between these opposite poles, i.e. the tent of impurity and the tent of holiness, created by the homily? At the root of the analogy is a conception of space common to both. The sanctity of the Tabernacle does not derive from the immanent sanctity of the place on which it stands, for, after all, the Tabernacle is portable and moves from place to place. Its sanctity derives rather from, and only from, the sanctity of the Holy Ark and the other furnishings within the Tabernacle. This sanctity spreads throughout the interior space of the Tabernacle and is limited by its physical borders, which are, as R. Yossi says in the following passage, the tent-sheets.

R. Yossi says, It is not the place that honors the man, but it is the man who honors the place. As long as the *Shekinah* was present on Mount [Sinai, whoever] ascended to the top was liable to the death penalty. When the *Shekhinah* departed, those with running issue or blemishes were permitted to ascend there. As long as the Tent of Meeting was pitched, whoever entered it was liable to the death penalty. When the Tent of Meeting was removed, those who were impure or with blemishes were [permitted to enter]. (*Mekhilta of Rabbi Shimeon Ben Yohai* 19:13)⁸⁹

In the parallel in the Babylonian Talmud the last part is phrased: "Once the curtains were rolled up, those with a running issue and the lepers were permitted to enter there." (*b. Ta'an.* 21b). The interior space of the tent with a corpse is impure only because of the presence of an impure object in it, and here too the special status, impurity in this case, spreads throughout that interior space delimited by the tent-sheets. The impurity of the tent with a corpse is a sort of symmetric mirror image of the sanctity of the Tent of Meeting; both are based on the same principle. If the association with the *Tabernacle* resonates in the discussion of the impurity of the *tent* with a corpse, it is possible that the association of the *Temple* resonates in the discussion of a *house* with a corpse. That this nexus was perceived is shown in the following homily:

An inference from the less to the greater: If with respect to the Temple, which is not subject to sprinkling (since it cannot become impure), an impure person entering it is liable to be punished by being cut off, all the more so with respect to the Tabernacle, which is subject to sprinkling

⁸⁹ J. N. Epstein and E. Z. Melamed (eds.), *Mekhilta D'Rabbi Sim'on b. Johai* (Jerusalem: Sumptibus Hillel, 1955), p. 141. Cf. *Mekhilta of Rabbi Ishmael*, Yitro, Baḥodesh, 3 (p. 123).

(since it can become impure), an impure person entering it should be liable to be punished by being cut off. (*Sifre Zuta* 19:13)

The homily considers the notion that the Tabernacle and the Temple would themselves become a “tent with a corpse;” and it presupposes that only the tent-sheets of the Tabernacle could contract impurity and require purification, but not the walls of the Temple, a permanently constructed building. In light of this, it may be that the rule exempting permanent structures, rather than tents, from impurity developed from the contrasting images of the Tabernacle and Temple. The rule exempting all permanent structures from impurity thus turned the Temple itself impervious to impurity.⁹⁰

Did the Qumran sect dispute the fundamental principle limiting impurity to persons and man-made objects? Did it not accept the exemption of natural, raw materials from impurity? We can hardly suppose that the sect ascribed impurity to land, or to plants growing on it. Yet impurity was ascribed to the soil and rocks of a building, no doubt for the simple and sensible reason that a building is an eminent product of adaptation and conversion of raw materials to human use. There is hardly a more outstanding product of “culture” than human habitation.⁹¹ It is reasonable to conjecture that the early halakha did indeed exempt raw nature from impurity, but made an exception for the constituent materials of a building containing a corpse because of the change in the nature of these materials once they became part of a man-made structure. This early, sensible concept could be supported by the scriptural text which declares “everything” in the tent impure. This rule may be reflected in the language used by Josephus, “the house and its inmates must be purified.”⁹²

The complete exemption granted by the rabbis of all permanent buildings from impurity thus emerges as a radical departure from

⁹⁰ We refer, of course, to the potential impurity of the structure itself, not to the interior space or to the contents of the building. These may always contract impurity. The extreme concern over the impurity of the Temple or the Temple Court is reflected in many sources, e.g. *m. Soṭah* 3:4; *t. Ed.* 3:3; *b. Yoma* 23a.

⁹¹ It is interesting to note that the eighteenth-century French abbot and writer on architecture Marc-Antoine Laugier, striving for establishing architecture on primitive principles of nature, considered walls not to be part of a building by nature, and therefore nothing more than a “licence,” cf. H.-W. Kruft, *A History of Architectural Theory: From Vitruvius to the Present* (London/New York: Zwemmer/Princeton Architectural Press, 1994), 152. My thanks to Mouli Vidas for directing me to this matter.

⁹² *Ag. Ap.* 2.205. For Philo, on the contrary, only persons and vessels in the house become impure, not the house itself (*Spec.* 3.206).

previous halakhic tradition. This departure seems to be a product of a revolution, one of bold and path-breaking conceptualization. The new halakhic construction of corpse-impurity rested on a virtual destruction that turned buildings back into their constituent materials, and defined them as “ground.” This new halakha, to paraphrase *b. Shabb. 34a*, approached the building, cast its eyes upon it, and reduced it to a pile of rocks.⁹³

What fired this revolution? Was this halakhic change a typical example of the process of abstraction and philosophical refinement which characterized the growth of Pharisaic/tannaitic thought? Or, alternatively, was it a polemical reaction to the obsessive concern of some groups with scraping and scrubbing the walls and floor of a house where a corpse had been, a reaction which brought the Pharisaic halakha, as in other instances, to a deliberately lenient approach? Whatever the case may be, the halakha on the “tent” of a corpse evident in tannaitic sources is the result of two separate developments, one toward leniency, the other toward stringency. Common to both is halakhic boldness and conceptual refinement. The secondary nature of the first development, which exempted the materials of the house from corpse impurity, is manifest from the reconstruction of an ancient midrash.

V. Summary

Our examination of Qumranic halakha by means of a comparison with parallels in halakhic midrash yielded a reconstruction of three ancient homilies formulated earlier than our Qumranic source and paraphrased in it. (a) “A bone of a person (19:16): Just as a person is whole, so a bone must be whole;” (b) “Or a grave (19:16): this includes a woman with a dead fetus *in utero*;” (c) “Whatever is in the tent (19:14): the wood, stones, and soil.” That these interpretations are of notably early date is significant for the much-debated question of the origin

⁹³ For the expression see *b. Ber. 58a*, *Shabb. 34a*, *B.Bat. 75a*. The rabbinic notion that material retains its separate identity even when incorporated in a building is reflected in the principle that a thief remains under the obligation to return stolen building material itself, even at the cost of dismantling a structure built with it, and that special, controversial legislation, *תקנת השבים*, was required to avoid the harsh consequences of the principle. *M. Git. 5:5*; *t. B.Q. 10:5*; *b. Git. 55a*. My thanks to Prof. Ranon Katzoff for this observation.

and date of halakhic midrash. This question, in turn, has implications for the history of biblical interpretation, for the development of rabbinic halakha, and for the circumstances of the birth of sectarianism in the Second Temple period.⁹⁴

Moreover, several ancient interpretative disputes have come to life before our eyes. The analogy of “human bone” to “corpse” gave rise to opposite interpretations in early Pharisaic halakha and in MMT, and ultimately was given a new interpretation and transferred to another matter altogether in the tannaitic halakhic midrash. The tannaitic exegete disputed the early midrash concerning the impurity of the components of a house; and the impurity of a dead fetus *in utero* was derived from the very same scriptural verse in three contrary ways.

Finally, the uncovering of early midrash often provides us with an opportunity to follow the fascinating development of the halakha, to identify the earlier rules, and to appreciate the revolutionary novelty of

⁹⁴ For the larger questions of the origin and date of the halakhic midrash, the forms of transmission of early halakha, and the relationship between traditional practice and midrash, see the surveys and the positions of the authors in, e.g., Epstein, *Introduction to Tannaitic Literature*, 501–15; H. Albeck, *Introduction to the Mishna* (Jerusalem/Tel Aviv: Bialik Institute/Dvir, 1959), 40–62 [Hebrew]; D. Weiss Halivni, *Midrash, Mishnah, and Gemara* (Cambridge MA: Harvard University Press, 1986), 18–37. The current trend seems to favour the view that midrashic form is later than “mishnaic” form. See E. E. Urbach, “The Homily as a Basis of the Halakha and the Problem of the Soferim,” *Tarbiz* 27 (1958): 166–82 [Hebrew], repr. in E. E. Urbach, *The World of the Sages: Collected Studies* (Jerusalem: Magnes, 1988), 50–66 [Hebrew]; English abstract in *The Second World Congress of Jewish Studies: Report* (Jerusalem 1957), 9–11; M. D. Herr, “Continuum in the Chain of Torah Transmission,” *Zion* 44 (1979): 43–56 at 53–54 [Hebrew]; A. Schremer, “[T]he[y] Did not Read in the Sealed Book: Qumran Halakhic Revolution and the Emergence of Torah Study in Second Temple Judaism,” in *Historical Perspectives: From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls. Proceedings of the Fourth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 27–31 January, 1999* (STDJ 37; ed. D. Goodblatt, Avital Pinnick, and D. R. Schwartz; et al.; Leiden: Brill, 2001), 105–126. See the critique of this view by Halivni, above in this note. The latter consider halakhic midrash a revolutionary innovation of the end of the Second Temple period. Even those who give a late date for the development of halakhic midrash do not deny the existence of an earlier tier of midrash, simple and primitive in nature, echoes of which can be found between the lines of Qumran literature, and whose traces are preserved here and there in rabbinic literature. For these very early homilies found in rabbinic literature see, e.g., Epstein, Albeck, and Halivni. On Qumranic midrash see studies by Menahem Kister, Moshe Bernstein, and others, listed in Schremer, 118 notes 41–44. See also the references to sources and studies collected by A. Rosenthal, “The Oral Torah and Torah from Sinai: Halakha and Practice,” in *Mehqerei Talmud: Talmudic Studies Dedicated to the Memory of Professor Eliezer Shimshon Rosenthal* (ed. M. Bar-Asher and D. Rosenthal; Jerusalem: Magnes, 1993), 448–489, here 451–52 note 13, and recently Shemesh, “4Q251: *Midrash Mishpatim*.”

the later rules. In the case of the bone of a dead person it is apparent that the earlier rule is that which is preserved in tannaitic sources, for the earlier homily supports that rule. In MMT we find a later, “reactive” homily. The situation is reversed in the case of “tent”-impurity. There the earliest midrash shows the Qumranic rule to be the first, whereas the tannaitic rules turn out to represent a bold and sophisticated upheaval. In the case of the dead fetus, the Qumran homily seems to be a natural extension of the associative similarity between the grave and the womb. By contrast, the tannaitic reactive homilies are remarkably forced. Therefore, we may assume that in this case as well, the Qumranic homily is an initial interpretation while the tannaitic reaction is a secondary polemic attempt to anchor the opposite stance in the biblical text. Our limited examination of several halakhic details arising from one biblical chapter is indicative of the wealth which awaits the comparative study of Qumranic halakha and tannaitic midrash.

BETWEEN TWO SECTS:
DIFFERENTIATING THE YAḤAD AND THE
DAMASCUS COVENANT

EYAL REGEV

I. *Introduction*

In 2004 I published an article in which I argued that the Yaḥad and the Damascus Covenant were two separate sects, each with a very different social structure, and at times also different organizational forms. This conclusion was the result of an analysis of the functions of the different officials in the various versions of the Community Rule and the Damascus Document. I also consequently concluded that the Yaḥad preceded the Damascus Covenant. Later, I revised and expanded this discussion in my book *Sectarianism in Qumran*.¹ In the past few years many new studies have discussed these questions. There is a growing awareness of the complexity of these texts and their transmission, and an increasing number of scholars now acknowledge the ideological and social/structural differences between the Yaḥad and the Covenant. In this article I would like to restate and revise my initial arguments using the fruitful results of recent studies by other scholars.

The Community Rule and the Damascus Document share many terms and perceptions: In both texts we find the *rabbim*, the *mebaqer*, the priest, *mishpatim*, cosmic dualism, two messiahs, etc. Nonetheless, almost forty years ago Licht had already distinguished between the two documents based on the different economic systems and the social organization of the Covenant, which was divided into “camps.”² However, some recent scholars still do not distinguish between the

¹ E. Regev, “The Yaḥad and the Damascus Covenant: Structure, Organization and Relationship,” *RevQ* 21 (2003): 233–262; *idem*, *Sectarianism in Qumran: A Cross-Cultural Perspective* (Religion and Society Series 45; Berlin: de Gruyter, 2007), 45–50, 81–86, 163–196.

² J. Licht, *The Rule Scroll: A Scroll from the Wilderness of Judaea, 1QS 1QSa 1QSB. Text, Introduction and Commentary* (Jerusalem: Bialik Institute, 1965), 14–17 [Hebrew]. One of the interpretations that he suggested in order to reconcile these differences is that the two groups allowed members to choose between a lenient or stricter way of life.

groups reflected in the Community Rule and the Damascus Document but rather regard them as one fluid movement which developed over time.³ Some scholars have pointed to parallels and similarities in both texts relating to terminology, law and theology, and noted literary connections between them.⁴ Among those who recognize the two as distinct groups, Esler believes that the Damascus Covenant is not a sect at all, while Davies acknowledges that it is also a sect but does not always define the social differences between the Covenant and the Yaḥad.⁵

In the present study I would like to reiterate and revise my recent work on the Yaḥad and the Damascus Covenant referring to several

³ Thus, for example, J. Collins "The Yaḥad and 'the Qumran Community,'" in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb* (JSJSup 111; ed. Charlotte Hempel and Judith M. Lieu; Leiden: Brill, 2006), 81–95, here 95: "we cannot posit any sharp break between the congregation of CD and the yaḥad. They cannot be regarded as two completely distinct communities." Sarianna Metso, "Whom Does the Term Yaḥad Identify?" *ibidem*, 213–235, (here, 222–223), suggested that the "man who studies the law" in 1QS VI, 6 is identical with the overseer in CD XIII, 5–6, or that certain laws in the Community Rule originated in the Damascus Document (such as those regarding the priest among the ten 1QS VI, 1–8 and CD XII, 22–XIII, 7). See also the discussion in Regev, *Sectarianism*, 165 and Hempel's theory of a "Serekh redaction" of D, discussed below.

⁴ P. R. Davies, *Sects and Scrolls: Essays on Qumran and Related Topics* (South Florida Studies in the History of Judaism, 134; Atlanta: Scholars Press, 1996), 139–150; Charlotte Hempel, "Community Structures in the Dead Sea Scrolls: Admission, Organization, Disciplinary Procedures," in *The Dead Sea Scrolls after Fifty Years* (ed. P. W. Flint and J. C. Vanderkam; Leiden: Brill, 1999), 2: 77–92; *eadem*, "CD Manuscript B and the Community Rule—Reflections on a Literary Relationship," *DSD* 16 (2009): 370–387.

⁵ P. F. Esler, *The First Christians in their Social World: Social Scientific Approaches to New Testament Interpretation* (London/New York: Routledge, 1994), 76–79, a chapter entitled "Inverted Sectarianism at Qumran and in the Johannine Community;" P. R. Davies, "The Judaism(s) of the Damascus Document," in *The Damascus Document: A Centennial of Discovery. Proceedings of the Third International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 4–8 February, 1998* (STDJ 34; ed. J. M. Baumgarten, E. G. Chazon, and A. Pinnick; Leiden: Brill, 2000), 27–43; *idem*, "Sects from Texts: On the Problems of Doing a Sociology of the Qumran Literature," in *New Directions in Qumran Studies: Proceedings of the Bristol Colloquium on the Dead Sea Scrolls, 8–10 September 2003* (ed. J. G. Campbell et al.; London/New York: T & T Clark, 2005), 77–82; *idem*, "Sect Formation in Early Judaism," in D. J. Chalcraft, ed., *Sectarianism in Early Judaism: Sociological Advances* (London: Equinox, 2007), 133–155. C. G. Kruse, "Community Functionaries in the Community Rule and the Damascus Document: A Test of Chronological Relationships," *RevQ* 10 (1981): 543–551, noticed several structural differences between the two texts, predating the Community Rule to the Damascus Document. However, Kruse pre-supposed that the Damascus Document was a direct development of the Community Rule, a view that is not supported by the organizational differences discussed below.

recent or forthcoming studies by other scholars. My initial aim is to show that while there are strong and complex literary connections between the two documents, awareness of the sociological characteristics of the Yaḥad and Damascus Covenant leads to the conclusion that these are two distinct social organizations. Reconstructing their social and historical relationship is difficult, and I can only suggest general ideas and tentative reconstructions.

The methodology I use is transforming the laws of these documents into social realia, that is, reconstructing the manner in which these groups were structured and how each organization operated. The emphasis on the plain sociological level stresses the differences between the Yaḥad and the Damascus Covenant. In doing so, I also use the results of the literary-critical analysis of the Community Rule and the Damascus Document including the Cave 4 manuscripts, or at least take them into consideration. However, at times I cannot accept the historical conclusions that other scholars have based on these literary studies.

II. *Social and Organizational Differences between the Yaḥad and the Damascus Covenant*

Although they use similar social designations, the social structure of the Yaḥad and the Damascus Covenant is quite different. The Covenant was run by overseers. The overseer of the camp instructed the members of the sect in God's deeds and wonders, took personal care of them and made sure that his congregation would not plunge into spiritual distress. The overseer also inspected aspiring new members of his camp, and had exclusive authority in accepting new members.⁶ The camp's overseer was consulted by members in matters of buying or selling property, marriage and divorce, and was responsible for the moral education of the camp's children.⁷ In other passages in the Damascus Document the overseer also instructed the priests in the laws of skin disease,⁸ registered complaints against other

⁶ CD XIII, 7–13; 4QD^b 9 IV, 3–11.

⁷ CD XIII, 15–19; 4QD^a 9 III, 1–10.

⁸ CD XIII, 4–7//4QD^b 9 IV, 1–3. Since the passage specifies that the instructed priest is standing in the camp, it is possible that the passage discusses the overseer of a specific camp.

members,⁹ conducted the initiation ceremony into the covenant and the expulsion of those who despised the Torah.¹⁰ These rules indicate that the camp overseers enjoyed exclusive authority in their own local camps. There was also a supreme overseer, “the overseer of all camps,” who “mastered all the secrets of the people and every language according to their families”.¹¹

A similar social structure is typical of the two other organizational forms of the Damascus Covenant, the *rabbim* and the groups of ten. The overseer of the *rabbim* in the Damascus Covenant was responsible for admitting new members, who took an oath in his presence. He also taught new members the (past) revelations of the Torah, and commanded each new member to study “up to one complete year according to his knowledge.”¹² The priest who was in charge of the *rabbim* was a learned person (“versed in the book of *hagi* and all the precepts of the Torah to declare them according to their judgment”). He preached to the “disciplined” (*mityasrim*) members who approached him and informed them of their sins, expressing their willingness to accept punishment as atonement. He also recited a ceremonial prayer and expelled members who rejected the sect’s regulations.¹³

The “priest among the ten” headed a community of at least ten members. He also had to be “learned in the Book of *hagi*”. The rule stressed that “all the members of the camp shall go out and come in at his word.”¹⁴ As I have shown elsewhere in each of these three organizational forms or phases—the camps, the *rabbim* and the ten—the leaders (overseer or priest) had parallel domains of authorities. This indicates that each organizational form was separate and independent.¹⁵

Nonetheless, the common denominator of all the phases is the total authority of the leaders and the complete subordination of the lay members. In all these instances the overseers and leading priests

⁹ CD IX, 16–20. Cf. 4QD^d 6 IV, 12–13. Note also that in 4QD^a 5 I, 13–14, the non-designated overseer has the authority to accept or reject new members, as the camp overseer.

¹⁰ 4QD^a 7 III; 4QD^b 8. In the three latter cases the designation of the overseer is obscure, but I think they refer to the camp’s overseer. See Regev, *Sectarianism*, 167.

¹¹ CD XIV, 8–12.

¹² CD XV, 7–13 // 4QD^a 8 I. Cf. 4QD^c 6 II, 5–7.

¹³ 4QD^a 11 1–16; 4QD^c 7 I, 15–21.

¹⁴ CD XIII, 2–4.

¹⁵ Regev, “The Yahad,” 246–253; *idem*, *Sectarianism*, 166–176.

enjoyed total authority in both religious and social realms. These overseers governed the sect and members obeyed their instructions.

In contrast, in the Yaḥad, the overseer had a certain but obscure role within the general assembly of the *rabbim* (1QS VI, 12). The “overseer of the *rabbim*’s work” was merely responsible for the registration and transfer of the new member’s property to the *rabbim*. He was an official who dealt with finances and the like and had no religious authority (1QS VI, 11–12, 20). The *paqid* of the *rabbim* took care of the first phase of a new member’s acceptance, performing the initial examination of the candidate and instructing him in the laws of the Yaḥad. But the *paqid* only began a long procedure of examination continued by the assembly of the *rabbim* (1QS VI, 14–15), hence he was a delegate of the assembly and not a real leader. Another interesting figure in the Yaḥad was the *maskil*, who had secret wisdom and was portrayed as a sage, but did not seem to carry out any specific administrative functions.¹⁶ None of these figures had the authority of the overseers in the Damascus Covenant. The Yaḥad did not have an absolute leader or leaders but only delegates with limited authority. Similarly, the priest among the ten in the Yaḥad was first among equals with no leadership duties, whereas the priest among the ten and the priest who was in charge on the *rabbim* in the Covenant were religious leaders with substantial authority.¹⁷

The root of this difference lies in a central social institution which was the heart of the Yaḥad organization but was completely lacking in the Covenant—the general assembly (*moshav harabbim*). The role of the assembly of the *rabbim* was to address questions concerning “judgment, any counsel, and (any) thing which is for the *rabbim*, to answer each man to his friend for the Council of the Yaḥad.”¹⁸ Seating in the

¹⁶ 1QS IX, 12–26; L. H. Schiffman, “Utopia and Reality: Political Leadership and Organization in the Dead Sea Scrolls Community,” in *Emanuel: Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov* (ed. S. M. Paul et al.; Leiden: Brill, 2003), 413–427, here 423.

¹⁷ Regev, *Sectarianism*, 167–171, 174–175. M. Himmelfarb, “Priesthood and Sectarianism: The Rule of the Community, the Damascus Document, and the Book of Revelation,” *A Kingdom of Priests: Ancestry and Merit in Ancient Judaism* (Philadelphia: University of Pennsylvania Press, 2006), 115–142 (here 118, 124–128) also concluded that in D priests play a significant role in the sect’s leadership, and in S they have only a limited role.

¹⁸ 1QS VI, 9–10// 4QS^b XI, 6–8// 4QS^d III. My translation follows Licht, *The Rule Scroll*, 143, who rightly interprets *mada’o* as “friend.” For *mada’o* as friend, see 1QS VII, 3; Licht, *ibidem*, 161.

assembly (corresponding with the order of speech) was arranged in the following order: priests were seated first, elders second, and each of the other members according to “his order of rank” (1QS VI, 8–13). This means that the Yaḥad was an organization with a democratic decision-making process. There was no single authority in the Yaḥad. There were indeed different degrees of authority, according to descent (priestly or lay) and a spiritual hierarchy based on “his spirit, insight and works in the Torah” (1QS V, 20–24). Even the much discussed “Sons of Zadok the priests” did not govern the Yaḥad but were only mentioned first among the rest of the members of the group (*rob anshei ha-Yaḥad*) as those who were responsible for the sect’s decision-making regarding “Torah, wealth and judgment” (1QS V, 2–4, 9–10).

In the Damascus Covenant there was no such assembly. The only instance in which all the members of the Covenant were present was “the assembly of all camps in the third month for cursing those who transgressed the law” (11 16–18), which was probably parallel to the annual “passing into the covenant” in 1QS II. Members of the local camp or the *rabbim* did not have the right to vote, speak at a public assembly or take part in leadership or decision-making.

All this indicates that the social structure of the Yaḥad and the Damascus Covenant was different. The similar literary genre of the organizational rules in the two documents, the identical titles of the officials and the modern reader’s basic association of the two bodies of literature with “the Qumran community” are misleading. These could not be similar organizations since they had quite dissimilar social systems. The social meaning and everyday experience of membership in the democratic and semi-egalitarian Yaḥad was extremely different from membership in the hierarchal Damascus Covenant. One should also bear in mind the difference in the economic system: The Yaḥad maintained common property ownership whereas members of the Covenant had private property, although they practiced a monthly charity tax.¹⁹

These differences show that the Yaḥad and the Damascus Covenant were two distinct and very dissimilar social organizations. From a strictly sociological perspective they were two independent sects, affiliated with the same religious movement.

¹⁹ 1QS I, 11–13; VI, 2, 18–23; CD XIII, 15–16; XIV, 13–18. I do not list marriage and family life as a difference between the two groups since I believe that the Yaḥad were not celibates. See E. Regev, “Chercher les femmes: Were the *yaḥad* celibates?” *DSD* 15 (2008): 253–284.

III. *Theological Differences Between the Yaḥad and the Damascus Covenant: The Concept of Revelation*

The Yaḥad and the Damascus Covenant differ in their perceptions and practice of divine revelations. Revelations concerning the true interpretation of the Torah played an important role in the Yaḥad self-identity. New members took an oath “to revert to the law of Moses...in compliance with *all that have been revealed of it* to the Sons of Zadok the priests...and the multitude of the men of their covenant” (1QS V, 8–10). This means that every member had the potential to experience revelation.

When the sect turned to the desert to seek God, its main purpose was to interpret the Torah according to these continuous revelations as well as the revelations of former biblical prophets: “This is the exegesis (*midrash*) of the law wh[i]ch He commanded through the hand of Moses, in order to act in compliance with all that has been revealed from time to time, and according to what the prophets have revealed through His holy spirit” (1QS VIII, 15–16). Thus, the Yaḥad believed in supernatural messages that persisted as an ongoing process which was “revealed from time to time” (*nigleh ‘et b’et*).²⁰ Revelations probably occurred during the study of Scripture.²¹ For the Yaḥad, revelation was considered to be the result of divine insight or a “divinely guided exegesis.”²² Similar revelations are also frequently mentioned in the *Hodayot*.²³

²⁰ 1QS VIII, 14–18; IX, 13–14. Cf. 1QS I, 9; L. H. Schiffman *The Halakhah at Qumran* (SJLA 16; Leiden: Brill, 1975), 25–27; 1993, 47–48; A. I. Baumgarten, “The Zadokite Priests at Qumran: A Reconsideration,” *DSD* 4 (1997): 137–156.

²¹ See 1QS VI, 6–8. A. Shemesh and C. Werman, “Hidden Things and Their Revelations,” *RevQ* 18 (1998): 418–423, referring to 1QS VIII, 11–16 and CD III, 16; VI, 2–11. See also M. Bockmuehl, *Revelation and Mystery in Ancient Judaism and Pauline Christianity* (WUNT 2.36, Tübingen: Mohr-Siebeck, 1990), 44–46. That all members may share the experience of revelation is apparent from 1QS VIII, 1–2, 11–12. See also Alex P. Jassen, *Mediating the Divine: Prophecy and Revelation in the Dead Sea Scrolls and Second Temple Judaism* (Leiden: Brill, 2007), 49–52.

²² L. H. Schiffman, *Reclaiming the Dead Sea Scrolls* (Philadelphia: Jewish Publication Society 1995), 247–248; Baumgarten, “The Zadokite Priests,” 142–143. The study of Torah was constant, and continued through the night in shifts (1QS VI, 6–8), probably to avoid missing any potential glimpse of heavenly insight. More general or cosmological revelations (“mysteries”, “wisdom” and “glory”) are attested to in 1QS XI, 3–8.

²³ 1QH^a V, 7–10 [Sukeniik XIII, 1–3]; IX [I], 21; XII [IV], 27–30; XV [VII], 26–27; XIX [XI], 4, 28; XX [XII], 11–13, 20–22; XXI, 1–9 + XIII, 10–15 [=XVIII, 10–27]. For the relationship of those hymns to the *yaḥad*, see J. Licht, *The Thanksgiving Scroll* (Jerusalem: Bialik Institute, 1957), 45–52 [Hebrew].

Revelations concerning interpretations of the rules of the Torah also appear in the Damascus Document. Here, however, the process of revelation is an act of the past in which the sect's current members were not personally involved. "But with those who remained steadfast in God's precepts... God established His covenant with Israel for ever, revealing to them hidden matters (*nistarot*) in which Israel had gone astray" (CD III, 12–14). These revelations concern the Sabbath, festivals, morality and other "wishes of His will" and are related to the past Covenanters ("the first ones who entered the covenant"). It does not refer to the current members of the Damascus Covenant. In another very obscure passage, revelation is once again the heritage of the past: "the revealed" was hidden due to the idolatry of the Israelites until the days of Zadok.²⁴ Here the entire phenomenon of revelation is relatively rare in comparison to the Community Rule.

Whereas a new member who joined the Yahad took an oath to obey the group's revelations, in CD XV, 9–10, the oath pertains to the Torah without mentioning revelation. Nowhere in the Damascus Document do we find the concept of continuous revelation "from time to time." It seems that members of the Covenant were not supposed to experience present revelations. Revelations referred only to past revelations that constituted the Covenant's legal heritage.²⁵

Thus, for the *Yahad*, revelation was a matter of a live experience. There is no evidence that members of the Damascus Covenant experienced such divine enlightenment, and there are no regulations pertaining to the processing (interpretation, implication, etc.) of revelations,

²⁴ CD V, 1–5; Schiffman, *Halakhah at Qumran*, 30–31. Perhaps the passage implies that the wisdom of *1 Enoch*, *Jubilees* and certain sapiential text was not acknowledged.

²⁵ Admittedly, there is one possible exception. Revelation is mentioned once again in the Damascus Document in the rule of admission of new members into the Covenant: "All that has been revealed (*niglah*) of the law for the multitude of the camp, if he inadvertently fails, the overseer should tea[ch h]im and give orders concerning him, and he should le[arn] for a full year" (CD XV, 13–15). Linguistically, the things or laws "revealed" to the entire group may seem similar to those revealed to the yahad in 1QS V, 9–10. However, *niglah* can also simply mean, "known." I do not think that this passage refers to a revelation presently *experienced* by the full members of the Damascus Covenant. I suggest that this passage refers to the contents of past revelations, hence revelation here is something which is *taught* rather than directly experienced. In support of my interpretation, I should mention that members of the Damascus Covenant were taught and instructed by the overseers and leading priests, and did not take any active part in religious decisions. It is inconceivable that such members who were merely expected to obey their leaders would experience revelations and have direct access to the divine word independent of their leaders.

as in the Community Rule. It should therefore be concluded that for the members of the Damascus Covenant, revelation was merely a conceptualization of religious traditions.

There are of course more general ideological and theological differences between the Community Rule and the Damascus Document, discussed by Davies, and recently also by Hultgren, Wassen and Jokiranta. The Community Rule does not discuss the relationship with gentiles; it is much less concerned with the people of Israel as a whole, and stresses social separation more than the Damascus Document.²⁶ In general, life in the Yaḥad was much more spiritually tensed and socially denser than in the Covenant.

IV. *The Character of the Corpora of the Community Rule and the Damascus Document and the Literary Relationship between Them*

The literary-critical analysis of the Cave 4 manuscripts of the Community Rule and the Damascus Document has taught us that they were transmitted in a complex procedure of composition of different sources into one single document, and went through intensive reworking and reduction processes. It is therefore impossible to regard IQS or CD as reflecting one single given community.

This recognition has been further developed by Philip Davies who argued that the versions and variations of the laws in these documents indicate that these texts introduce imaginative or ideal regulations. Davies concluded that since these laws were changed so frequently they could not seriously be considered historical reality. A less radical but still critical view was raised by Metso, who regarded these laws as records of past judicial decisions and archives of traditions, or as ideal theological constructs with no sociological clarity.²⁷

²⁶ Davies, "The Judaism(s) of the Damascus Document." S. Hultgren, *From the Damascus Covenant to the Covenant of the Community: Literary, Historical, and Theological Studies in the Dead Sea Scrolls* (STDJ 66; Leiden: Brill, 2007), 233–318 argues that D relates to all Israel and not to a specific group. C. Wassen and J. Jokiranta, "Groups in Tension: Sectarianism in the Damascus Document and the Community Rule," in Chalcraft, ed., *Sectarianism in Early Judaism: Sociological Advances*, 205–245, esp. 215–222, downplay the differences between D and S regarding family life, wealth, ownership of slaves, and the Temple. For a comparison between the social boundaries of the two groups, see Regev, *Sectarianism*, 45–50.

²⁷ P. R. Davies, *Sects and Scrolls*, 151–161; Sarianna Metso, "Qumran Community Structures and Terminology as Theological Statement," *RevQ* 20 (2002): 429–444;

Nevertheless, I believe that in their original form (at the very least), these organizational laws represent actual groups and real practices. I cannot think of a fictional parallel of such laws of social organization in antiquity, especially not with such great concern for details and variations which are relatively marginal. I think that when details matter, variations in the laws emerge (compare the debates between rabbinic sages in the Mishnah and Gemara). Previous scholars from Murphy O'Connor onwards regarded legal variations in the Community Rule texts as a result of diachronic social development.²⁸

Recent studies tend to continue pre-supposing that the different organizational forms and similar variations between 1QS and the 4QS fragments and within 1QS itself derived from a living and dynamic tradition, and not merely literary exercises. Hempel distinguished between two organizational-literary types in the different versions of the Community Rule, the *rabbim*, and the Yaḥad's "council" (*'aṣat hayaḥad*). These two independent traditions merged in certain passages of 1QS. Hempel regarded the "council" as a phase which preceded the *rabbim*.²⁹ Alison Schofield suggested a temporal-spatial model for grasping the variations within the S tradition. Instead of locating the extant copies somewhere along a sequential continuum, Schofield assumes that they are a result of different subgroups of the Yaḥad, thus reflecting a synchronic development according to a changing community practice.³⁰

eadem, "Methodological Problems in Reconstructing History from Rule Texts Found at Qumran," *DSD* 11 (2004): 315–335.

²⁸ J. Murphy O'Connor, "La genèse littéraire de la règle de la communauté," *RB* 76 (1969): 528–549; J. Pouilly, *La Règle de la Communauté de la Qumrân* (Paris: Gabalda, 1976); Baumgarten, "The Zadokite Priests;" M. Bockmuehl, "Redaction and Ideology in the Rule of the Community (1QS/4QS)," *RevQ* 18 (1998): 541–560. However, Sarianna Metso, *The Textual Development of the Qumran Community Rule* (STDJ 21; Leiden: Brill, 1997) discussed literary development but purposely refrained from addressing its social implications.

²⁹ Charlotte Hempel, "The Literary Development of the S Tradition: A New Paradigm," *RevQ* 22 (2006): 389–401; *eadem*, "Emerging Communal Life and Ideology in the S Tradition," in *Defining Identities: We, You, and the Other in the Dead Sea Scrolls, Proceedings of the Fifth Meeting of the IOQS Groningen* (ed. F. García Martínez and M. Popović; Leiden: Brill, 2007), 43–61.

³⁰ A. Schofield, "Rereading 1QS: New Paradigms of Textual Development in Light of the Cave 4 Serekh Copies," *DSD* 15 (2008): 96–120; *eadem*, *From Qumran to the Yaḥad: A New Paradigm of Textual Development for The Community Rule* (Leiden: Brill, 2008). See also Collins "The Yaḥad and "the Qumran Community," 95: "it is possible that different local communities preserved different forms of the rules."

It is important not to exaggerate the social significance of the variations within the textual tradition of the Community Rule and in the different phases of organization in the Damascus Document (the *rabbim*, camps and groups of at least ten headed by a priest). In the Yahad, whether or not the Sons of Zadok the priests led the interpretation of the Torah, or equal authority is given to all members of the *rabbim*, the mechanism of religious interpretation is based on divine revelations in which all the members participate. It does not matter whether the group includes ten, fifteen or numerous members who comprise the assembly of the *rabbim*, they are supposed to jointly discuss together religious and mundane issues on a relatively socially egalitarian basis. The general structure of communion applies to all types of rules and all textual recensions. Whether or not the length of the punishments of exclusion or food reduction is altered, the types of punishments and in most cases also the transgressions as well remain the same. In the Damascus Document, the complete hierarchal structure of overseers and priestly leadership is maintained in all three organizational forms. Thus, in both documents there is a relatively solid legal core which I have traced in my functional-sociological analysis. The variants do matter, of course, but it is much more difficult to reconstruct when and how they occurred and whether they applied to the whole sect, or reflect different types of Yahad groups and Covenant groups that existed side by side.

Recent studies and publications of new fragments such as 4Q265 *Miscellaneous Rules*, in particular have shown many connections between the Community Rule and the Damascus Document in terminology and even very similar passages in which one source redacted the other or the two were based on a common source.³¹ Indeed, the textual and redactional connections between the Community Rule and the Damascus Document were probably very complex. Nevertheless, when it comes to the societies they reflect, these are two completely separate and independent sectarian groups. The plausibility that the authors or redactors of one document were familiar with the other and probably used portions of it (especially the penal code) only stresses the social differences between the two sects. In spite of the commitment to shared tradition and common textual authority, the authors

³¹ J. Baumgarten et al., *Qumran Cave 4. XXV: Halakhic Texts* (DJD 35; Oxford: Calrendon, 1999), 57–78; Hempel, “Emerging Communal Life,” 58–59.

did not conceal, indeed could not conceal, the fact that the Yaḥad operated in a very different manner from the Damascus Covenant.

Excursus: The Social Organization of the Yaḥad

One important feature of a certain similarity between the Yaḥad and the Damascus Covenant, which attests to their social complexity, is the internal division into small sub-communities. Clearly, the Damascus Covenant was divided into different camps or groups of ten in certain (in my view later) phases of its evolution.³² It is more difficult to discern the internal social organization of the Yaḥad, the subject of several scholarly discussions. 1QS VI, 1–7 mentions groups of ten members “in their dwellings” which contain a part of the “council” of the Yaḥad. 1QS VIII, 1–4 introduces “the council” as consisting of “twelve men and people and three priests.” In my view, these two passages refer to different sub-divisions for different purposes. They point to certain divisions to sub-groups. I suggest that they allude to sub-divisions of the Yaḥad community, which one may call the *rabbim*, into sub-communities. Local and very small communities, it seems, were consolidated into one group of the Yaḥad’s *rabbim* which was assembled, I presume, quite frequently.³³

But was the entire congregation of the Yaḥad a single unit, a single assembly—the *rabbim*? The text of 1QS was always interpreted in such a manner, since there is no reference to multiple Yaḥad groups. The plain textual evidence notwithstanding, two arguments lead me to suggest that there were several independent Yaḥad groups. First, as Schofield suggested, the different versions and variations in the S tradition (between different 4Q manuscripts, but also, the differences within 1QS, discussed by Hempel) can be explained as the creations of

³² Regev, *Sectarianism*, 166–169, 174–176.

³³ In contrast to my earlier discussions of this problem (“The Yaḥad,” 135–240; *Sectarianism*, 183–184), the “council” cannot be regarded as a designation for these sub-groups (apart from 1QS VIII, 1), since in some cases the “council” is synonymous with the *rabbim*. See now Hempel, “Emerging Communal Life and Ideology.” Collins, “Forms of Community,” esp. 104, also pointed to small cell communities in 1QS VI, 1–8, and regarded the communal regulations as relating to small scale communities. Collins (*ibid.*, 87–88) rejected Metso’s view (*Textual Development* 115–116, 134–135; “Whom Does the Term Yaḥad Identify?” 218–221) that 1QS VI, 1–8 is a later assertion. See also Collins, “The Yaḥad and “the Qumran Community,” 84–89. Metso, “Methodological Problems,” 322–325 also suggested that this passage guides travelling members while visiting outlying settlements (but regards these settlements as an influence of the camps of CD on 1QS).

different independent and contemporaneous Yaḥad groups.³⁴ Second, as a comparative study of sectarianism would certainly show, almost any sect, and especially successful ones that existed for generations and spiritually flourished, as the Yaḥad's literature certainly attests to, is not comprised of one single congregation. Virtually all the famous sects were, in fact, comprised of groups of local communities with a collective ideology of self-identity, whether or not they were connected in a formal organization. I therefore suggest that the Community Rule is a rule for *a* Yaḥad group, and that until the "end of days," there was no administrative connection between the different groups and no supreme leadership, as is the case in the history of many sects such as the Old Order Amish, Hutterites, etc.³⁵

V. The Social and Historical Relationship between the Community Rule and the Damascus Document

Many have discussed the literary relationship between these two documents. Scholarly attention has focused on the question of what the original document or group was. Does it really matter that much who was first? I believe recognizing that these are two independent sects is more important than the historical relationship between them. Admittedly, this historical problem poses very interesting methodological questions regarding the relationship between literary analysis and social and historical interpretation. I believe that there are several literary and sociological considerations which may show, although quite tentatively, that the Yaḥad predated the Damascus Covenant.³⁶

Murphy O'Connor, Davies and Knibb regarded the Damascus Document as prior to the Community Rule since its Admonition describes the emergence of the sect of the Teacher of Righteousness.³⁷

³⁴ See nn. 29–30 above.

³⁵ On these patterns of sectarian organization in general, see Regev, *Sectarianism*, 285–296.

³⁶ Interestingly, my conclusion is in accordance with J. T. Milik, *Ten Years of Discovery in the Wilderness of Judaea* (trans. J. Strugnell; London: SCM Press, 1959) 83–93 and H. Stegemann, "Das Gesetzkorporus der Damaskusschrift," *RevQ* 14 (1990): 409–434; *idem*, *The Library of Qumran* (Grand Rapids: Eerdmans, 1998), 107–108, 110, 112, 116–118, 150–152, although they both used quite general arguments.

³⁷ J. Murphy O'Connor, "The Essenes and their History," *RB* 81 (1974): 215–244; P. R. Davies *The Damascus Covenant: An Interpretation of the "Damascus Document"* (Sheffield: Sheffield Academic Press, 1983), 173–201; M. Knibb, "The Place of

I think, however, that the historical outlook of the Admonition is misleading. The descriptions of the origins or early history of the sect in the Admonition telescope developments that were quite remote from the authors' time, and as Hempel has already shown, there are several attempts to construct the sect's early history.³⁸ There is no evidence that the social bodies described in the rules of the Damascus Document directly follow the Teacher's group. The authors certainly intend that the readers believe so, but they did not directly associate the groups of *rabbim*, "camps" or ten with the Teacher and his followers. On the other hand, the lack of any historical outlook or any reference to the Teacher in the Community Rule cannot attest to its being a later document. This absence derives solely from the genre of the Community Rule as an anthology of rules and ceremonial passages. One should also recall that the Pesharim which mention the Teacher and the early history of the sects, refer to the Yaḥad and not to the Damascus Covenant.³⁹ In fact, 1Q14 (pMic) relates *'aṣat ha-yaḥad* to the Teacher:

Its interpretation con]cerns the Teacher of Righteousness who [teaches the law to] his [council] and to a[l] those volunteering to join the chosen of [God, observing the law] in the *council of the Community*, those who will be saved from the day of judgment...⁴⁰

Here the members of the council are referred to as the direct disciples of the Teacher of Righteousness. Admittedly, the passage may be suspected in ascribing the identity of the council of the Yaḥad (the term council does not appear in CD) or its organizational form to the mythical Teacher's heritage. Nonetheless, it associates the members of that council, and indirectly, also the Yaḥad, with the Teacher, in a manner that is unparalleled in the passages dealing with the organization of the communities in CD or those referring to the "Community

the Damascus Document" in *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site* (ed. M. O. Wise et al.; New York: New York Academy of Sciences, 1994), 153–160.

³⁸ Charlotte Hempel, "Community Origins in the Damascus Document in the Light of Recent Scholarship," in *The Provo International Conference on the Dead Sea Scrolls* (ed. D. W. Parry and E. Ulrich; Leiden: Brill, 1999), 316–329, esp. 327–328. She concludes that the different descriptions pertain to the movement's different chronological phases (or groups).

³⁹ For the Yaḥad as the name of the group in the Pesharim, see 1QpHab XII, 4; 4Q164 (pIsa^d) 1 2; 4Q165 (pIsa^e) 9 3; 4Q171 (pPs^a) 3–10 IV, 19; 4Q174 (Florilegium) 1 17.

⁴⁰ 1Q14 (pMic) frags. 8–10, 6–9.

of the Renewed Covenant in the land of Damascus.”⁴¹ In short, there is evidence that the Yaḥad was actually associated more closely with the Teacher than the Damascus Covenant was.

Actually, one passage in the Admonition implies that the Yaḥad had already existed when the Admonition was composed. CD XX, 31–32 refers to the Yaḥad and the Teacher in the past tense and associates the men of the *yaḥid* (read: *yaḥad*) with the first precepts, presenting them as a model which the Covenant’s members should follow.⁴² Granted that this passage refers to the Yaḥad, the Yaḥad and its laws preceded this passage. Hence, the authors of the Admonition were already familiar with the Yaḥad group.

The penal code of the Cave 4 fragments of the Damascus Document mentions institutions, transgressions and penalties that are not mentioned elsewhere in the Damascus Document outside its penal code. Transgressions such as sleeping and lying in the assembly of the *rabbim*, as well as the penalties of separation from the *rabbim*’s purity and reduction of food are frequently mentioned.⁴³ However, elsewhere in the Damascus Document there is no *moshav harabbim*, no communal meals in which food can be reduced, and no exclusion of new members from the purity or *mashqeh* of the *rabbim* (probably the communal meals), that is, from full membership. (In the Damascus Document XIII, 11–12, XV, 5ff. acceptance of new members does not demand a probation period as in the Yaḥad). All these are unique to the Yaḥad and their presence in the Damascus Document is puzzling. The food reduction and the exclusion from the common meals are quite anomalous in the Damascus Covenant’s setting of communities of independent households.⁴⁴

⁴¹ CD VIII, 21. In XIX, 34–XX, 1 it seems that the Covenant postdates the Teacher’s death (which, as noted above, is called “the Teacher of the *yaḥid*”).

⁴² Cf. Davies, “Communities at Qumran,” 147–149. Indeed, one could argue that the reference to the Yaḥad is a later interpolation (Davies, *The Damascus Covenant* 173ff.), but the Pesharim demonstrate that the Yaḥad was a group which associated itself with the Teacher.

⁴³ For references to the assembly, see lines 9, 11, 12 and perhaps also 23, in the composite text of 4QD penal codes in Charlotte Hempel, *The Laws of the Damascus Document* (STJD 29; Leiden: Brill, 1998/SBL 2006), 141–142. For references to the separation from the sect’s purity, see *ibid.*, lines 6, 8, 10, 14, 15, 16, 19, 22. For food reduction, see *ibid.*, lines 5, 6–7.

⁴⁴ “Could reductions of food be effectively imposed upon independent households?” (J. M. Baumgarten, “The Cave 4 Versions of the Qumran Penal Code”, *JJS* 43 [1992]: 272).

Charlotte Hempel explained these discrepancies as redactional adaptations of the Damascus Document influenced by the Community Rule.⁴⁵ If Hempel meant that the Yaḥad redactors of the Damascus Document had tried to reshape it to reflect their own way of life, this solution seems, in my opinion, unrealistic. Such redactors could not fail to distinguish the basic social differences between the two sects and there was no use in trying to pretend that the Damascus Document is addressed to the Yaḥad (recall, for example, the different economic systems). A simpler and more sensible solution is that the penal code was simply copied from another source, probably a version of the Community Rule. Most of its rules, however, could not really apply to life in the Damascus Covenant. If this were the case, it serves as an indication that the Yaḥad preceded the Damascus Covenant and that the redactors of 4QD used a text related to the Community Rule. Its meaning may have been ideological and declarative, pointing to forbidden behaviour but listing impractical penalties.

Hultgren recently suggested that the Yaḥad grew out of the camps structure of D, as one of its later “camps.” At the basis of Hultgren’s thesis lies the unlikely presupposition that D’s earliest strata originated in the fourth century BCE. Hultgren argues that in several cases the rules in D were further developed in S, such as the council of ten as a development of the ten judges in (CD X, 4–6).⁴⁶ But the case can surely be reversed and literary criteria which he used to ascertain which came first can be reversed.

Another argument for the precedence of the Yaḥad, which is admittedly rather subjective but still relevant in terms of philological-historical methodology, relates to the use of the term *rabbim* in both

⁴⁵ Hempel, *Laws of the Damascus Document*, 83–84, 147; *eadem*, “The Penal Code Reconsidered,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995* (STDJ 23; ed. M. Bernstein, F. García Martínez and J. Kampen; Leiden: Brill, 1997), 337–348. Sarianna Metso, “The Relationship between the Damascus Document and the Community Rule,” in *The Damascus Document. A Centennial of Discovery*, 85–93, here 88–90, concluded that the two penal codes amended a common source. It seems that the Covenant did use this penal code, but it is hard to explain its references to the assembly of the *rabbim*. There are also indications that the *rabbim* passages in the penal code of the Damascus Document have been reworked (Hempel, *Laws of the Damascus Document*, 83–84).

⁴⁶ Hultgren, *From the Damascus Covenant to the Covenant of the Community*, 231–318, esp. 236, 249. Note that in contrast to his claim of legal continuity from CD to the Community Rule, in CD the number of judges is “up to ten,” unlike the *minimal* number of the council’s members.

texts. First, it should be clarified that the *rabbim* in the Damascus Document is substantially different from the *rabbim* in the Community Rule in terms of social structure and daily functions.⁴⁷ These are two separate groups that use a similar designation. Thus, the Damascus Document could never have been used as a binding law-book for the *yaḥad* (or *vice versa*) since its social basis is fundamentally inconsistent with the concepts of social organization on which the Yaḥad was based. The term *rabbim* is used thirty-four times in 1QS, mostly as a synonym for the Yaḥad. However, there are only four occurrences of the *rabbim* in CD's geniza versions, and another five in all the Cave 4 fragments that have no parallel in CD.⁴⁸ It represents only one (in my view, the first) of three community forms of the Covenant.

Consequently, I suggest that the sect that consistently used the term *rabbim* is the one which was established as *rabbim*. It therefore predates the one which used it infrequently, probably in its earliest and most primitive phase, before the division into local camps. Reversing the sequence is not impossible, but it would not explain the different use of the *rabbim* as a self-designation. According to my reconstruction, the Covenant's *rabbim* were inspired by the Yaḥad's *rabbim* and use many of its traditions but developed separately, and became a more complex and larger social organization comprised of multiple camps.

Turning to sociological criteria, some scholars believe that it is more reasonable that the less radical Covenant emerged before the social boundaries were increased by the Yaḥad. They probably regard sectarianism as a gradual process. Evans Kapfer has recently argued that it is unlikely that the Damascus Covenant returned to demonstrate fidelity towards the Jerusalem Temple after the Yaḥad had already rejected and fully substituted it.⁴⁹ In fact, a comparative survey of sect development leads to contradicting conclusions. The Mennonite, Amish and

⁴⁷ Hempel, *Laws of the Damascus Document*, 138–139 sensed the differences between the charity tax that begins with the heading “this is the rule of the *rabbim*” (CD XIV, 12) and the rules of the *rabbim* in the Community Rule, in terms of their attitude towards women, captives and private property. Nevertheless, she concluded that this was yet another “Serekh redaction.”

⁴⁸ Metso, “Qumran Community Structures and Terminology as Theological Statement,” 440.

⁴⁹ H. E. Kapfer, “The Relationship between the Damascus Document and the Community Rule: Attitudes towards the Temple as a Test Case,” *DSD* 14 (2007): 152–177, esp. 172, 175.

Quakers were at first more secluded and hostile to the outside society. In the past 150 years, modernization and social interaction with the American culture resulted in splits which led to the emergence of less secluded sub-movements (the Amish-Mennonites for example). In my comparative study of the different Anabaptist sects and the Quakers I noticed that all these sects were very radical and hostile to outsiders at their inception, and their doctrine and way of life did not develop gradually from moderate to more extreme attitudes towards the world.⁵⁰ In fact, Niebuhr presented a similar scenario in his famous theory that most of the American sects became denominations, that is, socially accommodating and well adjusted movements.⁵¹

Furthermore, the Yaḥad's practice of experiencing continuous revelations corresponds to the concepts of current revelations which is attributed to the Teacher of Righteousness in Peshar Habakkuk (VII, 4–5) and perhaps also in the so-called Teacher Hymns.⁵² If the Covenant, and not the Yaḥad, were the direct successors of the Teacher, why did the Covenant not practice revelations as the Yaḥad did? It is more reasonable that the Yaḥad developed the Teacher's concept of revelations, which were later routinized by the Covenant.

VI. Conclusions

I regard the Yaḥad and the Damascus Covenant as two interrelated but nevertheless independent sects. They shared common ideas and terminologies, but in daily life each operated separately. I think that the Yaḥad predated the Covenant, and that the Covenant developed using teachings and rules of the Yaḥad but transformed them, at times making radical changes (such as those regarding the social structure

⁵⁰ C. W. Redekop, *Mennonite Society* (Baltimore/London: Johns Hopkins University Press, 1989); P. M. Hamm, *Continuity and Change among the Canadian Mennonite Brethren* (Waterloo: Wilfrid Laurier University Press, 1987); S. M. Nolt, *A History of the Amish* (Intercourse PA: Good Books, 1992); T. D. Hamm, *The Transformation of American Quakerism: Orthodox Friends, 1800–1907*, (Bloomington/Indianapolis: Indiana University Press, 1992).

⁵¹ H. R. Niebuhr, *The Social Sources of Denominationalism* (New York: Henry Holt, 1929); Cf. B. R. Wilson, "An Analysis of Sect Development," *American Sociological Review* 24 (1959): 3–15.

⁵² For revelations and the so-called Teacher Hymns, see Regev, *Sectarianism*, 83–84.

and the economic system). It is very likely that the two existed side by side in the course of several generations.

Actually, their social systems were very complex. I think that in most of their historical and social phases, both were comprised of local communities, which in most cases were fully autonomous (the Covenant's camps being an exception), just like the Hutterite colonies and the Amish communities. I think that the organizational rules of the Community Rule and the Damascus Document represent very complicated social bodies, with several historical phases and possibly, minor variations from one local community to another as well.

My interpretation of the social structure of these sects and the relationship between them was sparked by my comparative study of early-modern sects. Most of the assertions I have made would not have been possible without the wider perspective I gained from a detailed study of the phenomenon of sectarianism from sociological and comparative perspectives.⁵³ In my view, understanding the way of life of the Qumran sectarians cannot be based merely on a literary examination of the scrolls.

⁵³ E. Regev, "Comparing Sectarian Practice and Organization: The Qumran Sect in Light of the Regulations of the Shakers, Hutterites, Mennonites and Amish," *Numen* 51 (2004): 146–181; *idem*, *Sectarianism*, esp. 33–93, 269–376.

FROM THE CAIRO GENIZAH TO QUMRAN:
THE INFLUENCE OF THE ZADOKITE FRAGMENTS ON THE
STUDY OF THE QUMRAN SCROLLS

LAWRENCE H. SCHIFFMAN

The first Dead Sea Scroll was not discovered by the Bedouin boy in 1947. In fact, more than half a century before, the Cairo genizah had yielded two medieval copies of a central sectarian text, the Zadokite Fragments,¹ now more usually termed the Damascus Document.² Along with it, several manuscripts of what we would now term apocryphal-type texts were found in the genizah: Ben Sira and the Aramaic Levi Document.³ This discovery triggered a substantial scholarly literature, and these texts, even before the momentous findings in the Qumran caves, had a profound effect on the study of ancient Judaism and its relevance to early Christianity.⁴ However, the context for

¹ S. C. Reif, "The Damascus Document from the Cairo Genizah: Its Discovery, Early Study and Historical Significance," in *The Damascus Document: A Centennial of Discovery: Proceedings of the Third International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 4–8 February 1998* (STDJ 34; ed. J. M. Baumgarten, E. G. Chazon and A. Pinnick; Leiden: Brill, 2000), 109–31; *idem*, *A Jewish Archive from Old Cairo: The History of Cambridge University's Genizah Collection* (Richmond, Surrey: Curzon, 2000), 112–16.

² This text was first published under the title "Fragments of a Zadokite Work," which was later shortened to "Zadokite Fragments." After the discovery of the Dead Sea Scrolls, the work was re-titled Damascus Document. The name of this text is abbreviated as CD, meaning "Cairo Damascus" document, that is, the document found in Cairo that refers to Damascus. Some earlier authors abbreviated CDC=Cairo Damascus Covenant. For the most accurate transcription of the manuscripts, see E. Qimron, "The Text of CDC," in *The Damascus Document Reconsidered* (ed. M. Broshi; Jerusalem: IES/Shrine of the Book/Israel Museum, 1992), 9–49.

³ L. H. Schiffman, "Second Temple Literature and the Cairo Genizah," *PAAJR* 63 (1997–2001): 139–61. The Aramaic Levi Document material from the genizah was published in H. L. Pass and J. Arendzen, "Fragment of an Aramaic Text of the Testament of Levi," *JQR* 12 (1900): 651–61; and R. H. Charles and A. Cowley, "An Early Source of the Testaments of the Patriarchs," *JQR* 19 (1907): 566–83. The manuscripts from Qumran are published by M. E. Stone and J. C. Greenfield in *Qumran Cave 4. XVII: Parabiblical Texts, Part 3* (DJD 22; ed. G. J. Brooke et al.; Oxford: Clarendon, 1996), 1–72. See also J. C. Greenfield, M. E. Stone, and E. Eshel, *The Aramaic Levi Document: Edition, Translation, Commentary* (SVTP 19; Leiden: Brill, 2004).

⁴ L. Ginzberg, *Eine unbekannte jüdische Sekte* (New York: L. Ginzberg, 1922), Reprint of articles that appeared in *MGWJ* 55 (1911)–58 (1914); *An Unknown Jewish Sect* (New York: Jewish Theological Seminary of America, 1976).

understanding these new texts, especially the Zadokite Fragments, was, from the point of view of hindsight, totally lacking. What we want to investigate here is how the creation of a wider context, resulting from the discovery, publication and research about the Qumran corpus, has affected our understanding of the Zadokite Fragments and of the wider relevance of this text to our field. The main point that we hope will emerge is that while our context does indeed allow a much improved literary and historical understanding, much of what we still believe to be true about this document was understood after its initial publication in 1911.

We will address the following topics: (1) the nature and literary characteristics of the document; (2) the provenance of the text and identity of "the sect"; (3) the halakhah of the Zadokite Fragments; (4) the Zadokite Fragments and the construction of the history of the sect reflected in the Scrolls; and (5) the role of the Zadokite Fragments in reconstructing the history of Judaism and the background of Christianity.

I. *Nature and Literary Character of the Document*

With the initial publication of the Zadokite Fragments, it was immediately recognized that the text was made up of two sections, the first of which, as evidenced in the genizah A manuscript, was the Admonition or Exhortation. That was followed in the manuscript by the laws, an assemblage of halakhot on a series of topics such as ritual purity, Sabbath, oaths and vows, etc. This section was immediately recognized as somehow at odds with rabbinic halakhah although, as we shall see below, differing explanations were given for this discrepancy. Even before the publication of the Qumran finds, great progress had taken place in interpreting the halakhic material in the genizah.

Our understanding of CD changed appreciably with the discovery of fragmentary manuscripts of this text in the caves of Qumran in the early 1950s. Yet it would be a long time until their contents would be in the hands of wider circles of scholars. Evidence for this text now available to us comes from several caves. Two manuscripts, 5Q12 and 6Q15, were published in 1962.⁵ The remaining eight manuscripts from

⁵ M. Baillet, J. T. Milik, and R. de Vaux, eds., *Les 'Petites Grottes' de Qumrân* (DJD 3; Oxford: Clarendon, 1962), 181, 128–30.

Cave 4 appeared only in 1996,⁶ bringing the total of partially preserved Qumran copies of this work to ten. This number of manuscripts has certainly led us to believe that this was quite a significant work among the sectarians.

The Rule of the Community, found in an almost complete manuscript in Cave 1⁷ and in several fragmentary copies in Qumran Cave 4,⁸ was initially associated with the Zadokite Fragments after its discovery because of the existence of common material.⁹ The intense communal life that the Rule describes makes it likely that its intent was to set down rules for the central sectarian community. The Zadokite Fragments, on the other hand, feature a truncated admission process to sectarian membership and so might have legislated for the so-called “camps,” the far-flung settlements of sectarians throughout the land of Israel.

It was only after the discovery of the Qumran texts that J. Murphy O'Connor¹⁰ and, more thoroughly, Philip Davies,¹¹ analyzed the literary structure of the Admonition, realizing that it was a composite document that exhibited a complex literary history. This work, as well

⁶ J. M. Baumgarten, ed., *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)* (DJD 18; Oxford: Clarendon, 1996), 23–198. Previous to this official publication, the text appeared in B. Z. Wacholder and M. G. Abegg, eds., *A Preliminary Edition of the Unpublished Dead Sea Scrolls: The Hebrew and Aramaic Texts from Cave Four, Fascicle 1* (Washington D.C.: BAS, 1991), 1–59.

⁷ M. Burrows, J. C. Trever, and W. H. Brownlee, eds., *The Dead Sea Scrolls of St. Mark's Monastery, Volume 2, Fascicle 2* (New Haven CT: ASOR, 1950–51); E. Qimron and J. H. Charlesworth, “Rule of the Community (1QS),” in *The Dead Sea Scrolls: Hebrew, Aramaic and Greek Texts with English Translations. Volume 1: Rule of the Community and Related Documents* (ed. J. H. Charlesworth; Tübingen: Mohr Siebeck, 1994), 1–52.

⁸ P. S. Alexander and G. Vermes, eds., *Qumran Cave 4. XIX: Serekh ha-Yahad and Two Related Texts* (DJD 26; Oxford: Clarendon, 1998), 1–206. These fragments also appear in Charlesworth, ed., *Rule of the Community and Related Documents*, 53–103.

⁹ E. L. Sukenik, *Megillot Genuzot mi-tokh Genizah Qedumah she-Nimse'ah be-Midbar Yehudah, Volume 1* (Jerusalem: Bialik Institute, 1948), 16 [Hebrew]. H. H. Rowley, *The Zadokite Fragments and the Dead Sea Scrolls* (Oxford: Blackwell, 1952), 31 takes this view and provides a list of those scholars who reached this conclusion already by this early date in n. 2, see also already 3.

¹⁰ J. Murphy-O'Connor, “An Essene Missionary Document? CD II,14–VI,1,” *RB* 77 (1970): 201–29; *idem*, “A Literary Analysis of Damascus Document VI, 2–VIII, 3,” *RB* 78 (1971): 210–32; *idem*, “A Literary Analysis of Damascus Document XIX, 33–XX, 34,” *RB* 79 (1972): 544–64.

¹¹ P. R. Davies, *The Damascus Covenant: An Interpretation of the “Damascus Document”* (Sheffield: Sheffield Academic Press, 1983), 48–55.

as that of Murphy-O'Connor¹² and J. Pouilly¹³ on 1QS, taken together with the literary aspects of J. Licht's work on that text,¹⁴ pointed the field to the realization that these texts were composites of earlier material. Our own work on CD extended this principle to the legal sections.¹⁵ Charlotte Hempel has gone way beyond her predecessors in analyzing CD and the Qumran manuscripts from this point of view.¹⁶

This research, however, must be seen in the wider context of Qumran studies. The existence of varied recensions of texts that emerge from small proto-texts seems to be a general phenomenon in the sectarian scrolls.¹⁷ Overall, therefore, the Qumran corpus has provided a context for a much deeper appreciation of the literary history of the Zadokite Fragments.

With the discovery of Cave 4, in the years before its publication, J. T. Milik provided information about the overall shape and contents of CD.¹⁸ These observations resulted from two kinds of data. First, the existence of the Cave 4 manuscripts made clear that Schechter's numeration of the manuscript pages in the broken leaves of the codex of manuscript A had been incorrect. Pages XV–XVI had to come before IX–XII.¹⁹ Further, Milik's materials provided a much longer document with the legal section expanding from some half to three-quarters of what must have been the full document.²⁰ Finally, new perspectives led to the realization that manuscripts A and B actually constituted differ-

¹² J. Murphy-O'Connor, "La genèse littéraire de la Règle de la Communauté," *RB* 76 (1969): 528–49.

¹³ J. Pouilly, "L'évolution de la législation pénale dans la communauté de Qumrân," *RB* 82 (1975): 522–51; *idem*, *La Règle de la Communauté de Qumrân: son évolution littéraire* (CahRB 17; Paris: J. Gabalda, 1976).

¹⁴ J. Licht, *Megillat ha-Serakhim mi-Megillot Midbar Yehudah* (Jerusalem: Bialik Institute, 1965), 25–38 [Hebrew].

¹⁵ L. H. Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code* (BJS 33; Chico CA: Scholars Press, 1983), 7–11.

¹⁶ Charlotte Hempel, *The Laws of the Damascus Document: Sources, Tradition and Redaction* (STDJ 29; Leiden: Brill, 1998); *eadem*, *The Damascus Texts* (CQS 1; Sheffield: Sheffield Academic Press, 2000).

¹⁷ Cf. Sarianna Metso, *The Textual Development of the Qumran Community Rule* (STDJ 21; Leiden: Brill, 1997), 69–155; *eadem*, *The Serekh Texts* (CQS 9/LSTS 62; London: T & T Clark, 2007), 15–20.

¹⁸ J. T. Milik, *Ten Years of Discovery in the Wilderness of Judaea* (trans. J. Strugnell; SBT 26; London: SCM, 1959), 38–39.

¹⁹ J. Fitzmyer, "Prolegomenon," in S. Schechter, *Documents of Jewish Sectaries: Volume 1. Fragments of a Zadokite Work* (Library of Biblical Studies; New York: Ktav, 1970), 9–37.

²⁰ Cf. Baumgarten, *Qumran Cave 4. XIII*, 6–7.

ing recensions, with manuscript B most likely an expansion of A,²¹ a fact that rendered useless the eclectic text of the overlapping sections created by C. Rabin.²² An attempt to assemble all of the remnants of text available to us has been made by B. Z. Wacholder.²³

II. *Provenance of the Text and Identity of the Sect*

The first editor of the Zadokite Fragments, Solomon Schechter, immediately realized a connection to the Zadokite/Sadducean tradition.²⁴ For this reason, he published the text as part I of a work, part II of which was a fragmentary Karaite text, the Book of the Commandments of Anan ben David, since he also understood Karaism to be in some way a continuation of Sadducee traditions.²⁵ He did not see the text as simply Sadducean, but felt that its overall features could only be explained as somehow linked to a Samaritan group called the Dositheans.²⁶ After he published the text, all possible theories were put forward for the Qumran scrolls.²⁷ Prominent were identifications with the Pharisees,²⁸ early Christians,²⁹ Zealots,³⁰ Ebionite

²¹ S. White Crawford, "A Comparison of the 'A' and 'B' Manuscripts of the Damascus Document," *RevQ* 12 (1987): 537–53.

²² C. Rabin, *The Zadokite Documents* (Oxford: Clarendon, 1954), viii, where he explains his editorial procedure.

²³ B. Z. Wacholder, *The New Damascus Document: The Midrash on the Eschatological Torah of the Dead Sea Scrolls. Reconstruction, Translation and Commentary* (STDJ 56; Leiden: Brill, 2007).

²⁴ S. Schechter, *Documents of Jewish Sectaries: Volume I, Fragments of a Zadokite Work* (Cambridge: CUP, 1910), XVIII–XXII (50–54 in the Ktav reprint). Schechter wrote at length of the Zadokite Fragments, indicating their Sadducean connection only at the end of his discussion and briefly.

²⁵ S. Schechter, *Documents of Jewish Sectaries: Volume II, Fragments of the Book of the Commandments by Anan* (Library of Biblical Studies; New York: Ktav, 1970), 121–75. Additional fragments were published in A. Harkavy, *Ha-Sarid Veha-Palit Mi-Sifre Ha-Mišvot Ha-Rishonim Li-Vene Miqra'* (Zikaron La-Rishonim 8; St. Petersburg, 1903; repr. Jerusalem: Maqor, 1988/89), 3–172.

²⁶ Cf. S. J. Isser, *The Dositheans: A Samaritan Sect in Late Antiquity* (SJLA 17; Leiden, Brill, 1976).

²⁷ Ginzberg, *Unknown Jewish Sect*, 304–37; L. H. Schiffman, *The Halakhah at Qumran* (SJLA 16; Leiden: Brill, 1975) 1–2.

²⁸ C. Rabin, *Qumran Studies* (Scripta Judaica 2; Oxford: OUP, 1957), esp. vii–ix.

²⁹ R. Eisler, "The Sadoqite Book of the New Covenant: Its Date and Origin," in *Occident and Orient: Being Studies in Honour of M. Gaster's 80th Birthday* (ed. B. Schindler and A. Marmorstein; London: Taylor's Foreign Press, 1936), 110–43.

³⁰ G. R. Driver, *The Judean Scrolls: The Problem and a Solution* (Oxford: Blackwell, 1965); C. Roth, *The Historical Background of the Dead Sea Scrolls* (Oxford: Blackwell, 1958). But see Fitzmyer, "Prolegomenon," 37 n. 15 for criticism of this theory.

Christians³¹ and Karaites.³² Curiously, the Essene hypothesis attracted little support in the pre-scrolls discussions.

The second question was how, if Schechter and Ginzberg were right that the text was ancient, these manuscripts describing Second Temple Jewish sectarians could have found their way into the medieval Cairo genizah. Some suggested that this material was the result of a living tradition that extended from ancient sectarian circles to medieval Karaism and thence to the Cairo genizah.³³ Others pointed to reports of pre-modern discoveries of Hebrew manuscripts in the Judean Desert and suggested that such texts as the Zadokite Fragments and Ben Sira were among those discovered.³⁴ Certain parallels in context and terminology had led some scholars mistakenly to identify the authors of the Zadokite Fragments as Karaite.³⁵ Such an identification was definitively ruled out with the Carbon-14 dating of the Dead Sea Scrolls.³⁶

This debate continued unabated until World War II and the Holocaust when it was muted, only to be reopened after the Qumran discoveries. The first to put forth the Essene identification after the Qumran materials became known was Eleazar Sukenik who immediately realized the link of this Qumran material to the Zadokite

³¹ J. L. Teicher, "The Dead Sea Scrolls: Documents of a Jewish Christian Sect of Ebionites," *JJS* 2 (1951): 67–99.

³² A. Büchler, "Schechter's 'Jewish Sectaries,'" *JQR* N.S. 3 (1912/13): 429–85. Cf. A. Marmorstein, "Eine unbekannte jüdische Sekte," *Theologisch tijdschrift* 52 (1918): 92–122 and the survey in Fitzmyer, "Prolegomenon," 14; S. Zeitlin, *The Zadokite Fragments* (JQRMS 1; Philadelphia: Dropsie College, 1952); *idem*, "Review of R. T. Hereford, *The Pharisees*," *JQR* N.S. 16 (1925/6): 385–6; *idem*, "History, Historians, and the Dead Sea Scrolls," *JQR* N.S. 55 (1964/5): 97–116; and earlier, "The Essenes and Messianic Expectations," *JQR* N.S. 45 (1954/5): 83–119; and "The Pharisees," *JQR* N.S. 52 (1961/2): 97–129. For an excellent study on the relationship of Karaism to the Dead Sea Scrolls, see N. Wieder, *The Judean Scrolls and Karaism* (2nd ed.; Jerusalem: Ben-Zvi Institute, 2005). Pages 333–481 include Wieder's articles containing much important material not included in the first edition as well as a bibliography on "The Judean Scrolls and Karaism" by B. D. Walfish, 485–502. Wieder mines Karaite literature for material relevant to the interpretation of the Dead Sea Scrolls while avoiding the pitfalls of attributing the scrolls to Karaite authorship.

³³ Reif, *Jewish Archive*, 115–16.

³⁴ P. E. Kahle, *The Cairo Geniza* (Oxford: Blackwell, 1959), 16–18; S. Lieberman, "Light on the Cave Scrolls from Rabbinic Sources," *PAAJR* 20 (1951): 395–404; repr. *Texts and Studies* (New York: Ktav, 1974), 190–99; Hempel, *Damascus Texts*, 17.

³⁵ See n. 32.

³⁶ G. L. Doudna, "Carbon-14 Dating," in *Encyclopedia of the Dead Sea Scrolls* (ed. L. H. Schiffman and J. C. VanderKam; New York: OUP, 2000), 1: 120–21 and the bibliography cited there.

Fragments/Damascus Document.³⁷ The widespread acceptance of the Essene hypothesis was greatly stimulated by the contents of 1QS,³⁸ and so it is clear that this view could never have emerged as dominant without the Qumran discoveries. Yet at the same time, the various qualifications of or disputes with this view that are advanced today could only have been suggested in the context of the larger scrolls corpus. We should note as well that certain identifications—Pharisees, Christians, and Karaites—have effectively been muted by the discovery and final publication of the entire Qumran corpus. Our own view is that the parallels to Sadducean aspects, and the constant mention of the Sons of Zadok, require historical explanations³⁹ and such explanations could not have been constructed without the knowledge of the full Qumran corpus—especially the Temple Scroll and MMT.

III. *The Halakhah of the Zadokite Fragments*

Closely related to the issue of the identity of the sect is that of the halakhah of the Zadokite Fragments.⁴⁰ Schechter had offered little in the way of proof of his Dosithean-Samaritan-Sadducean view, and in contrast the most thorough and successful analysis of the halakhic material was that of L. Ginzberg,⁴¹ followed extensively by all commentators since, most notably Ch. Rabin.⁴² Here we need to deal with two fundamental issues, the exegesis of specific passages and the overall characterization of the halakhic system of the Zadokite Fragments.

A quick comparison of the methodology of Ginzberg and those who wrote in his wake, but before the Qumran discoveries, reveals that the basic approach was to compare and contrast the laws found here with those of the rabbis that served as a sort of exegetical foil. The success

³⁷ Sukenik, *Megillot Genuzot*, 16.

³⁸ F. M. Cross, *The Ancient Library of Qumran* (3rd ed.; Sheffield: Sheffield Academic Press, 1995), 54–87; first published in 1958.

³⁹ L. H. Schiffman, “The New Halakhic Letter (4QMMT) and the Origins of the Dead Sea Sect,” *BA* 53 (1990): 64–73; *idem*, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (Philadelphia: JPS, 1994), 83–95.

⁴⁰ Cf. L. H. Schiffman, “Halakhah and History: The Contribution of the Dead Sea Scrolls to Recent Scholarship,” in *Jüdische Geschichte in hellenistisch-römischer Zeit* (Schriften des Historischen Kollegs, Kolloquien 44; ed. A. Oppenheimer and E. Müller-Luckner; Munich: Oldenbourg, 1999), 205–219.

⁴¹ Ginzberg, *Unknown Jewish Sect*, 105–54.

⁴² Rabin, *Zadokite Documents*, 44–77; *idem*, *Qumran Studies*, 71–111.

of this method in fact led Ginzberg to his incorrect view that these were Pharisees, an approach later taken by H. Stegemann.⁴³ But actually, the reason that this method succeeded was because of the base of “common Judaism”⁴⁴ that the various groups of halakho-centric Jews of this period shared with the early rabbinic strata. The Pharisaic-rabbinic way of life and the common context made rabbinic literature the convenient point of reference. Of course, Philo, Josephus, Karaite law, Ethiopic texts, Apocrypha and pseudepigrapha and other materials were all compared as well. The full discovery and publication of the scrolls essentially confirmed this method as can be seen by looking at the publications and commentaries on the Zadokite Fragments manuscripts from Qumran,⁴⁵ the Temple Scroll⁴⁶ and MMT.⁴⁷ All that was added was a rich array of new examples.

Basing an investigation solely on the genizah manuscripts, and working before the release of the Qumran Cave 4 materials, I suggested that the various legal compilations of the Zadokite Fragments originated in the study sessions of the community. The laws, derived from Scriptural interpretation, were collected from these sessions and recorded in lists of regulations known as *serakhim*.⁴⁸ Additional collections of this type were found at Qumran.⁴⁹ Both the genizah and the Qumran texts of the Zadokite Fragments feature headings such as “Regarding the Sabbath to observe it according to its regulation” (CD X, 14). Here we have evidence for subject organization of Jewish legal traditions even before the Mishnah was edited. Further, the assertion that the laws in

⁴³ H. Stegemann, “Das Gesetzeskorpus der ‘Damaskusschrift’ (CD IX–XVI),” *RevQ* 14 (1990): 409–34.

⁴⁴ A term borrowed from E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (2nd ed.; London/Philadelphia: SCM/Trinity Press International, 1994), defined on 45–47. Cf. S. Miller, *Sages and Commoners in Late Antique ‘Erez Israel: A Philological Inquiry into Local Traditions in Talmud Yerushalmi* (TSAJ 111; Tübingen: Mohr Siebeck, 2006), 21–28.

⁴⁵ Baumgarten, *Qumran Cave 4. XIII*, 23–198.

⁴⁶ Y. Yadin, *The Temple Scroll* (3 vols.; Jerusalem: IES and the Shrine of the Book, 1983); L. H. Schiffman, *The Courtyards of the House of the Lord: Studies on the Temple Scroll* (STDJ 75; ed. F. García Martínez; Leiden: Brill, 2008).

⁴⁷ E. Qimron and J. Strugnell, *Qumran Cave 4. V: Miqsat Ma’ase ha-Torah* (DJD 10; Oxford: Clarendon, 1994), 123–77.

⁴⁸ Schiffman, *Halakhah at Qumran*, 60–67; *idem*, “Legal Texts and Codification in the Dead Sea Scrolls,” in *Discussing Cultural Influences: Text, Context, and Non-text in Rabbinic Judaism* (Studies in Judaism; ed. R. Ulmer; Lanham MD: University Press of America, 2007), 21–31; Metso, *Serekh Texts*, 63–71.

⁴⁹ J. M. Baumgarten et al., eds., *Qumran Cave 4. XXV: Halakhic Texts* (DJD 35; Oxford: Clarendon, 1999).

this text stemmed from biblical interpretation is likewise confirmed by investigation of those laws that we encounter for the first time in the Qumran manuscripts of the Zadokite Fragments.⁵⁰

The new material led to a major change in regard to our understanding of the overall system of halakhah. When the *Wissenschaft des Judentums* scholars of the history of Jewish law examined the halakhah of the fragments, they operated on the false assumption that the history of Jewish law was a linear one in which a more stringent Second Temple period halakhah developed into a more lenient rabbinic system. Hence, even the Mishnah was understood to include remnants of the “older halakhah” from which it had developed. This widespread theory fit the Zadokite Fragments at first blush. Here was a corpus of older, stricter law on a variety of topics that stemmed from a particular sect, whose identity was under debate. Only A. Geiger put forward the more correct notion that in Second Temple times there were two basic approaches to law—the strict constructionist-Zadokite-Sadducee view and the loose constructionist-Pharisaic-rabbinic position.⁵¹ Had his views been heeded, the Zadokite Fragments would have been seen to be part of this former trend, revealed in its full splendour by this great manuscript discovery. But, alas, it took the Qumran discoveries to make this clear.

Today, we realize that in the Scrolls corpus, in all the halakhic material, as well as early strata of Samaritan materials and *Jubilees*, we have evidence of this first system of Jewish law that competed with the Pharisaic-rabbinic system in Second Temple times.⁵² Large numbers of laws can be shown to represent it, and many scholars now realize that these laws and their scriptural derivation allow us to extrapolate and to identify numerous elements of the first system. This new knowledge allows us not only better to interpret the Zadokite Fragments and the full corpus of Qumran halakhic materials, but also better to

⁵⁰ Cf. the discussion of the Sabbath laws in Schiffman, *Halakhah at Qumran*, 84–131.

⁵¹ A. Geiger, *Urschrift und Übersetzungen der Bibel in ihrer Abhängigkeit von der innern Entwicklung des Judentums* (Breslau: J. Hainauer, 1857). See the detailed study of the Sadducees by E. Regev, *Ha-Seduqim ve-Hilkhatam: ‘Al Dat ve-Hevrah bi-Yeme Bayit Shenit* (Jerusalem: Yad Ben-Zvi, 2005).

⁵² Y. Sussmann, “The History of the Halakha and the Dead Sea Scrolls: Preliminary Talmudic Observations on *Miqsat Ma’ase ha-Torah* (4QMMT),” in Qimron and Strugnell, eds., *Qumran Cave 4. V*, 179–200; *idem*, “Heqer Toldot ha-Halakhah u-Megillot Midbar Yehudah: Hirhurim Talmudiyim Rishonim le-’Or Megillat Miqsat Ma’ase ha-Torah,” *Tarbiz* 59 (1989/90): 11–76 [Hebrew].

understand aspects of Second Temple history and rabbinic literature.⁵³ While Geiger had already put forward this theory of two trends without the benefit of the scrolls, it was the wider context of the additional halakhic material that made clear that the two-trend approach is correct and truly explains the phenomenon of sectarian law.

A final area to be discussed is a sort of grey area between halakhah and organizational rules.⁵⁴ The latter are the regulations dealing with sectarian life, such as admission to the sect, conduct of meetings, Penal Code, etc. Already in the scholarly literature generated by the genizah manuscripts of the Zadokite Fragments in the pre-scroll era, the halakhic substratum of some of the organizational rules was discussed. Further, the legal sections of the Admonition linked sectarianism closely to the particular halakhic views advocated by the sect, however the various scholars identified them. Needless to say, without the benefit of the rest of the Qumran library, especially the Rule Scroll—the Rule of the Community and the eschatological Rule of the Congregation—not to mention all the Cave 4 fragments, MMT, Serekh-Damascus, and other minor texts,⁵⁵ it was impossible to understand the way in which halakhah was intertwined with sectarian self-definition and organization. With the release of the entire Qumran corpus, we can extract the halakhic substratum that we identify with the Sadducean trend in Jewish law known from rabbinic sources. The Zadokite Fragments embody many older halakhic traditions and interpretations that stem from this common priestly tradition that was inherited by the Dead Sea sectarians. The extent of this relationship between self-definition and halakhah has only recently begun to be fully dealt with in scholarship on the codified regulations—probably stimulated by the exaggerated claims of Greco-Roman influence made by M. Weinfeld⁵⁶ and others. Much future research will have to be devoted to this nexus of law and organization, but Licht's work on

⁵³ Cf. C. Albeck, *Das Buch der Jubiläen und die Halacha* (Berlin: Siebenundvierzigster Bericht der Hochschule für die Wissenschaft des Judentums in Berlin, 1930).

⁵⁴ Schiffman, "Legal Texts and Codification," 28–29; Sarianna Metso, *The Serekh Texts*, 67–68.

⁵⁵ For a review of the halakhic texts see Schiffman, "Legal Texts and Codification," 2–21.

⁵⁶ M. Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect: A Comparison with Guilds and Religious Associations of the Hellenistic-Roman Period* (NTOA 2; Fribourg/Göttingen: Éditions universitaires/Vandenhoeck & Ruprecht, 1986), 10–50. See especially his disagreement with me on 71–76.

purity and initiation constitutes a wonderful start.⁵⁷ Further study of the regulations not based on Scripture will also be of great value as shown by the work of S. Metso.⁵⁸

IV. *Zadokite Fragments and the Construction of the History of the Scrolls Sect*

Early discussions of the historical aspects of the Zadokite Fragments centered not only on establishing the identity of this elusive group but also on gleaning historical details from the Admonition. The basic narrative was taken at face value: 390 years after the destruction of the Temple, the group came into being in protest against the “mainstream” (as they understood it) in Jerusalem, and after twenty years came to be led by its formative leader—the Teacher of Righteousness. At the core was the Zadokite priesthood, at least a dissident group of them, and the sect stood up against opposition and removed itself from Temple participation.⁵⁹ While the number 390 was often not taken literally by scholars,⁶⁰ the overall narrative of the text was assumed to provide the history of the group, if only it could be correctly understood. The historical account of the Admonition, setting forth the sectarian *Heilsgeschichte* and ideology, was also lifted from the text by modern scholars.⁶¹ After all, with only one sectarian text, how else could scholars have proceeded? It was only after the discovery of the scrolls that the methods of source criticism were brought to bear on the Zadokite Fragments, as mentioned above, in the work of Murphy O’Connor, Davies, Hempel, Metso and others. These methods, of course, resulted in a more complex picture not only of the history of the text but also of the history of the group, and this has also been stimulated by the radically different ways in which we today look at the Second Temple period. In any case, these methodological approaches, as well as the wider context of the Qumran Scrolls, have led to a reopening of the

⁵⁷ Licht, *Serakhim*, 145–8, 294–303.

⁵⁸ Metso, *Serekh Texts*, 66–68.

⁵⁹ J. M. Baumgarten, *Studies in Qumran Law* (SJLA 24; Leiden: Brill, 1977), 39–56.

⁶⁰ I. Rabinowitz, “A Reconsideration of ‘Damascus’ and ‘390 Years’ in the ‘Damascus’ (‘Zadokite’) Fragments,” *JBL* 73 (1954): 11–35; H. H. Rowley, “The 390 Years of the Zadokite Work,” in *Mélanges bibliques rédigés en l’honneur de André Robert* (Paris: Bloud et Gay, 1957), 341–47.

⁶¹ E.g., Cross, *Ancient Library*, 104–5.

question of the historical relevance of this text. The problem is that it is not clear that any new consensus has emerged. The Zadokite Fragments have been fitted, like clay in the hands of the potter, into a variety of reconstructions of the history of the sect. While study of the laws proceeded with great specificity and exactitude, with details filled in from other texts, the historical issues remain a matter of great debate.

Let me give one important example, the meaning of Damascus.⁶² This place name was assumed by early scholars of the Zadokite Fragments to refer to the city in Syria, and some even proposed excavations to locate the sect's original Syrian location.⁶³ After the scrolls were discovered, the possibility of Damascus as a code word for Qumran was put forward⁶⁴—a view that I have followed.⁶⁵ Others have suggested a Babylonian period for the sect, or a Babylonian foundation, seeing Damascus as referring to Babylonia.⁶⁶ This view, in turn, relates to approaches that date the formation of the group to pre-Maccabean times, rejecting the Hasmonean date suggested by F. M. Cross⁶⁷ that I have accepted.⁶⁸ In essence, then, with everything we know from the vast array of texts at our disposal and the archaeology of the Qumran site,⁶⁹ the historical *Sitz im Leben* of the Zadokite Fragments remains a debated issue.

⁶² CD VI, 5.19; VII, 15.19 (=4Q266 3 III, 20); VIII, 21; XIX, 34; XX, 12. This place name does not occur elsewhere in the non-biblical scrolls. For an up-to-date survey of the views, see J. Murphy-O'Connor, "Damascus," in Schiffman and VanderKam, *Encyclopedia of the Dead Sea Scrolls*, 1:165–66.

⁶³ A. Rubinstein, "Urban Halakhah and Camp Rules in the 'Cairo Fragments of a Damascene Covenant,'" *Sefarad* 12 (1952): 283–96.

⁶⁴ R. North, "The Damascus of Qumran Geography," *PEQ* 86 (1955): 34–48.

⁶⁵ Schiffman, *Reclaiming*, 92–4.

⁶⁶ A. Jaubert, "Le pays de Damas," *RB* 65 (1958): 214–48; P. R. Davies, *The Damascus Covenant*, 67; *idem*, "The Birthplace of the Essenes: Where is 'Damascus?'" *RevQ* 14 (1990): 503–19; J. Murphy-O'Connor, "The Damascus Document Revisited," *RB* 92 (1985): 223–46.

⁶⁷ Cross, *Ancient Library*, 88–120.

⁶⁸ Schiffman, *Reclaiming*, 87–9.

⁶⁹ R. de Vaux, *Archaeology and the Dead Sea Scrolls* (Schweich Lectures 1959; London: British Academy/OUP, 1973); E. M. Laperoussaz, *Qumrân: L'établissement essénien des bords de la mer Morte* (Paris: Picard, 1976); J. Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids MI: Eerdmans, 2002); Y. Hirschfeld, *Qumran in Context: Reassessing the Archaeological Evidence* (Peabody MA: Hendrickson, 2004). While the latter takes a view radically at variance with mainstream Qumran scholarship, it does include much important and helpful information.

V. *The Role of the Zadokite Fragments in Reconstructing the History of Judaism and the Background of Christianity*

The discovery of the Zadokite Fragments was part of a revolution in the study of the history of ancient Judaism. In the Renaissance, Jews had begun to read Philo, Josephus, the Apocrypha and the New Testament to understand their history in the Second Temple period.⁷⁰ In the 17th to 18th centuries the discovery of various pseudepigrapha greatly enriched the corpus of texts of ancient Judaism.⁷¹ The discovery of the Cairo genizah from the 1860s on led to advances in rabbinic studies⁷² and to the discovery of the Zadokite Fragments, Ben Sira and the Aramaic Levi Document. The Zadokite Fragments, however this text was understood, was part of this revolution that would only come to its culmination with the discovery of the Judean Desert documents. So already, even before the Qumran discoveries, the Zadokite Fragments had awakened scholars of Judaism and Christianity to the fundamentally variegated nature of Second Temple Judaism and to the numerous issues of sectarianism and the history of Jewish law. From this point of view, the discovery of the other documents, principally the Qumran corpus, capped a long simmering process, and we are still working out its ramifications now. The pre-Qumran discovery of the Zadokite Fragments, then, was just a stage in the progression that I have outlined.

Curiously, in regard to the relationship to Christianity, the road has been a bit more rocky. The study of early Christianity had also experienced the finding of new sources. Rabbinic texts began to be mined for New Testament studies in the 17th century, and the 17th to 18th centuries saw the discovery of numerous pseudepigraphal texts. While there were attempts to see the Zadokite Fragments as Christian, their essentially Jewish character overcame this temptation, and they entered into the body of Jewish texts providing New Testament background—hence their inclusion in volume 2 of Charles' *The Apocrypha*

⁷⁰ Cf. Azariah de' Rossi, *The Light of the Eyes: Translated from the Hebrew with an Introduction and Annotations* by Joanna Weinberg (New Haven: Yale, 2001), xxv–xlii.

⁷¹ R. H. Charles, ed., *The Apocrypha and Pseudepigrapha of the Old Testament in English* (2 vols.; Oxford: Clarendon, 1913; repr. *The Apocrypha and Pseudepigrapha of the Old Testament* (2 vols.; Oxford: OUP, 1963); J. H. Charlesworth, ed., *The Old Testament Pseudepigrapha* (2 vols.; Garden City NY: Doubleday, 1983–85).

⁷² Reif, *Jewish Archive from Old Cairo*, 121–48.

and *Pseudepigrapha of the Old Testament in English*⁷³ along with the Mishnah Tractate *Avot*, Ethics of the Fathers.⁷⁴ When they joined the seven complete scrolls as the basis for the early post-Qumran discovery syntheses, the likes of Wilson,⁷⁵ Allegro⁷⁶ and Dupont-Sommer⁷⁷ assimilated them into their variously overdrawn constructs of the meaning of the scrolls for Christianity. Only with the victory of more sensible approaches over time, and now with the full release of the manuscripts of the Zadokite Fragments from Qumran and the other halakhic texts, are these documents again part of a balanced understanding of the value of the Scrolls for understanding the background of Christianity. The recent scholarly advances in our understanding of the sect and the full publication of the texts will now enable this material to take its rightful place again in research on the history of Judaism and the formative background of Christianity.

VI. Conclusion: From Zadokite Fragments to Damascus Document

I reserve for last the interesting question of the title of this text. In fact, it has numerous titles that indicate differing contextualizations within the pre- and post-Qumran discovery periods. Schechter's *Fragments of a Zadokite Work* (or *Zadokite Fragments* for short) was designed to emphasize the role of the Zadokites and their legal traditions in the text.⁷⁸ Already soon after, Hebrew articles began to call the text the *Berit Dameseq*, the Damascus Covenant,⁷⁹ emphasizing the idea of a new covenant found in the text,⁸⁰ even if understood in the Jewish

⁷³ R. H. Charles, ed., *The Apocrypha and Pseudepigrapha of the Old Testament in English: With Introductions and Critical Explanatory Notes to the Several Books* (Oxford: Clarendon, 1913), 2: 785–834.

⁷⁴ Charles, *Apocrypha and Pseudepigrapha*, 2: 686–714.

⁷⁵ E. Wilson, *The Scrolls from the Dead Sea* (New York: OUP, 1955).

⁷⁶ J. M. Allegro, *The Dead Sea Scrolls* (Harmondsworth: Penguin, 1956).

⁷⁷ A. Dupont-Sommer, *The Dead Sea Scrolls: A Preliminary Survey* (trans. E. M. Rowley; Oxford: Blackwell, 1952); *idem*, *The Jewish Sect of Qumran and the Essenes: New Studies on the Dead Sea Scrolls* (trans. R. D. Barnett; London: Vallentine Mitchell, 1954).

⁷⁸ Fitzmyer, "Prolegomenon," 13–15; Schechter, *Documents of Jewish Sectaries* (1910), xviii–xxii, xxv–xxvi; in 1970 repr. ed., 50–54, 57–58. Note the title of Rabin's edition, *The Zadokite Documents*, above n. 22.

⁷⁹ M. H. Segal, "Sefer Berit Dameseq," *Ha-Shiloah* 26 (1912): 390–406, 483–506 [Hebrew].

⁸⁰ Cf. Jer 31:31.

sense of the renewed covenant. Similar usage also occurred in German.⁸¹ But the shift to Damascus, especially in the form of Damascus Document,⁸² after the Qumran discoveries, meant a tilt toward the significance of Damascus either in eschatological terms⁸³ or as an actual place⁸⁴ and a de-emphasis on the halakhic aspects of the text. The title *Damaskusschrift*⁸⁵ made a similar point. In fact, it was part of the Christianization in early scrolls research about which I have so often complained.⁸⁶

In light of the recent scholarly debate about the role of the Zadokites in the early history of the sect, and in various recensions of the Rule of the Community,⁸⁷ the Zadokite Fragments would have been a much better title to retain. The Qumran scrolls and the varying role of the Zadokites in them call for emphasis on the clear centrality of this group in the formation of the sect according to the Admonition section of the text. But from the point of view of our overall discussion here, the early study of the text emphasized its priestly character and that of the sect. Later study, in the earlier years after the Qumran discoveries, seems to have turned to other aspects, de-emphasizing the priests and the law. Now, however, the context of Qumran studies as a whole, as well of the discovery of the Temple Scroll and the publication of the entire halakhic corpus of the scrolls, has re-contextualized the Zadokite Fragments as a text of Jewish priestly law and ideology belonging to a group of Second Temple Jews identified by most scholars by the even more elusive term Essenes.⁸⁸

⁸¹ R. Leszynsky, "Der neue Bund in Damaskus," *Jahrbuch für jüdische Geschichte und Literatur* (Berlin: 1914), 97–125; E. Meyer, *Die Gemeinde des neuen Bundes im Lande Damaskus: Eine jüdische Schrift aus der Seleukidenzeit* (Abhandlungen der Preussischen Akademie der Wissenschaften, Jahrgang 1919, philosophisch-historische Klasse, Nr. 9; Berlin: Verlag der Akademie der Wissenschaften in Kommission bei Walter de Gruyter, 1919).

⁸² E.g., Cross, *Ancient Library*, 100 and passim.

⁸³ Wieder, *Judean Scrolls and Karaism*, 1–51.

⁸⁴ See n. 64 above, North, n. 61.

⁸⁵ E. Lohse, *Die Texte aus Qumran: Hebräisch und Deutsch* (2nd ed.; München: Kösel, 1971), 63–64.

⁸⁶ L. H. Schiffman, "Confessionalism and the Study of the Dead Sea Scrolls," *Jewish Studies. Forum of the World Union of Jewish Studies* 31 (1991): 3–14.

⁸⁷ Metso, *Serekh Texts*, 17–19 summarizes her view as well those of other scholars and provides full bibliography. I remain of the view that the Zadokites were at the core of the original sectarian leadership.

⁸⁸ On this term, see T. S. Beall, "Essenes," in Schiffman and VanderKam, eds., *Encyclopedia of the Dead Sea Scrolls*, 1: 262.

Whatever approach one takes to these complex questions, it is clear that this document, called the Zadokite Fragments or Damascus Document, will never be studied again except in the context of the Dead Sea Scrolls as a whole. As we return to it, over and over, we need to remember that it was this text that started out the debate over what we now call the Qumran or Dead Sea sect and that it set the agenda for later study. This text continues to be an all-important key to understanding the corpus as a whole, as can be seen by the many new publications discussing it. Indeed, the history of its interpretation is the history of the discussion of the Dead Sea Scrolls, and we can expect it to remain at the center of our work for many years. At the same time, if I may borrow a rabbinic phrase, *lo hare zeh kehare zeh*. This, namely the study of the Zadokite Fragments as they emerged from the Cairo genizah, cannot be considered to be the same as the study of the Damascus Document as it has reemerged from the Qumran caves. Context is everything; to quote another rabbinic phrase, "Turn it and turn it, for everything is in it."⁸⁹ Context is everything!

⁸⁹ *M. 'Abot* 5:22.

DIO CHRYSOSTOM ON THE ESSENE LANDSCAPE

JOAN E. TAYLOR

Discussions about the classical sources attesting to the Essenes have generally focused on three first-century authors: Philo of Alexandria, Josephus and Pliny the Elder. Most importantly, in terms of the landscape of the Essenes, there has been special interest in Pliny. As is well-known, Pliny writes (*Nat.* 5.15, 4/73): *ab occidente litora esseni fugiunt usque qua nocent, gens sola...socio palmarum*, “in the west [of the Dead Sea] the Essenes flee all the way from the shores which are harmful, a people alone...in the company of palms;” *infra hos engada oppidum fuit...inde masada*, “below them was the town Engedi... from there Masada.”

However, it is less frequently noted that Pliny was not the only ancient author to make this association between the Essenes and the Dead Sea. This link was also made by Dio Chrysostom, in a lost discourse noted by Synesius (ca. 400 CE), in his essay on Dio. There are other relevant mentions of this association also, for example by Gaius Julius Solinus (late 3rd century CE) in his *Collectanea* 35. 1–12, and Martianus Capella (ca. 400 CE) in *De Nuptiis Philologiae et Mercurii* (*Satyricon*) 6. 679, while Epiphanius (ca. 375 CE) places his Ὀσσαῖοι on the other side of the Dead Sea within the regions of Nabataea and Peraea (*Pan.* 19. 1. 1; 19. 2. 2; cf. *Pan.* 53. 1. 1). Given the chronological priority of Pliny, the scholarly marginalisation of these other sources is due to an assumption that they must be derivative. In this chapter I will consider Dio again in terms of the evidence on the Essenes, arguing for his independence of Pliny, and will examine how he may contribute to our understanding of who the Essenes were and where they were located within the landscape of Judaea.

Dio was a contemporary of Josephus (37–ca. 110), and in Rome at about the same time. His death is usually given as around 115 to 120.¹ Part of a movement dubbed the ‘Second Sophistic’—a group

¹ See S. Swain, “Dio’s Life and Works,” in *Dio Chrysostom, Politics, Letters and Philosophy* (ed. S. Swain; Oxford: OUP, 2000), 1–10 at 1, his dates being here 45–115, also J. W. Cohoon, ed. and trans., *Dio Chrysostom* (5 vols.; LCL; Cambridge MA:

which included Lucian, Plutarch, Aristides and Galen—the bare details of his life may be reconstructed from what is written by Philostratus (*Lives of the Philosophers* 7.487–488) and in Dio's surviving speeches. Suffice to say, Cocceianus Dio² was, like Josephus, from a wealthy and influential family, in Dio's case from a Greek city, Prusa (modern Bursa), in the Roman province of Bithynia. Since the circumstances and environments of his life may have a bearing on how we assess Dio's comments on the Essenes, it is important to review these briefly, though his 'biography' is not without controversy.

Dio was the son of a certain Pasicrates who had spent beyond his means on the city, receiving high honours in return, only to die early and leave Dio with the job of paying the debts. The brilliant young Dio at this point was a sophist—a practitioner of smart eloquence and rhetoric—and, when he was in a position to, he travelled to Rome—as well as to Rhodes, Alexandria, and elsewhere³—with a repertoire of speeches, sometimes on trivial subjects (exemplified by his eulogies on a gnat, parrot, or hair). Under the Flavian dynasty (69–96 CE), when Josephus was writing his histories, it was not an easy time to be a philosopher. Dio appears to have been a student of the Stoic Musonius Rufus (ca. 20–90 CE), and, in the reign of Domitian (81–96), Dio fled from Rome and avoided also his homeland. He then wandered, pennilessly, dressed in rags, doing manual labour when he could, in the region of the northern Black Sea and along the Danube River, until Domitian was assassinated and Dio's exile ended. He returned to his home, and then headed an embassy back to Rome to express thanks. He was liked by the emperor Trajan. Secure, finally, Dio travelled to Alexandria and elsewhere in 102, then went

Harvard University Press, 1961), i, ix, where his dates are given as 40–120. For bibliography on Dio see B. F. Harris, "Dio of Prusa: A Survey of Recent Work," in *Aufstieg und Niedergang in der Römischen Welt* (ed. Hildegard Temporini and W. Haase; Berlin: de Gruyter, 1991), 2.33.5: 3853–3881, and for an assessment of his life and work see also, in the same volume, Paolo Desideri, "Dione di Prusa fra hellenismo e romantà," 3882–3902. Major examinations of Dio's life are to be found in *idem*, *Dione di Prusa: un intellettuale greco nell'impero romano* (Messina: G. D'Anna, 1978) and C. P. Jones, *The Roman World of Dio Chrysostom* (Cambridge MA: Harvard University Press, 1978).

² Jones argues that this surname was not acquired as an honour from the emperor Nerva but from some local Cocceianus, on the basis of inscriptions showing this name in the region, see Jones, *Dio*, 7.

³ The Alexandria Oration is dated early by both Jones, *Dio*, 36 and Desideri, *Dione*, 68–70.

back to Prusa, became a benefactor of the city, and in the course of official business met the imperial legate Pliny the Younger, in 111–112, nephew of Pliny the Elder.

It is on the basis of this official business that David Graf has suggested that Dio might have been introduced to Pliny the Elder and learnt about the Essenes,⁴ though Dio's residence in Rome during the 70s and his various journeys must have given him a considerable knowledge of all kinds of literature, oral traditions and reports. Clearly, in his massive repertoire of discourses, of which only some 76 survive, Dio drew very widely. He was not a stolid scholar tied to repeating or epitomising sources; it is largely impossible to locate exactly where he found information.

As noted above, the reference to the Essenes is not in one of Dio's extant discourses, but in a work about Dio written by Synesius of Cyrene, *Dio, sive de suo ipsius instituto*, in which Synesius takes Dio as a model of dedication to true philosophy.⁵ Dio's evidence on the Essenes is not given as a quotation or an epitome, but is reported as Synesius remembered it. The question is then not only where Dio took his information from but how precisely Synesius presents that information in terms of Dio's actual words.

As for Synesius, he was a contemporary of Augustine of Hippo, being born around 373, and was probably dead prior to 415 CE when his teacher in Alexandria, the Neoplatonist philosopher Hypatia, was viciously torn apart by a Christian lynch mob.⁶ Like Augustine, Synesius was a philosopher who ended up as a bishop, though his devotion to Christian theology was clearly nothing like that of his fellow North African. His intellectual home was Alexandria, and his main period of productivity was during the ten years he travelled between Cyrene and Alexandria, before accepting the position of bishop of Ptolemais in Libya in 410. Synesius' essay on Dio comes from this period, in which he also composed a witty discourse, *In Praise of*

⁴ D. Graf, "The Pagan Witness to the Essenes," *BA* 40/3 (1977): 125–129, at 129.

⁵ K. Treu, *Synesios von Kyrene, ein Kommentar zu seinem 'Dion'* (Texte und Untersuchungen zur Geschichte der altchristlichen Literatur 71; Berlin: Akademie, 1958).

⁶ See B.-A. Roos, *Synesius of Cyrene: A Study in His Personality* (Lund: Lund University Press, 1991); J. Bregman, *Synesius of Cyrene: Philosopher-Bishop* (Berkeley: University of California Press, 1982); H.-I. Marrou, "Synesius of Cyrene and Alexandrian Neoplatonism," in *The Conflict of Paganism and Christianity in the Fourth Century* (ed. A. Momigliano; Oxford: Clarendon, 1963), 126–150.

Baldness, which replies to Dio's *In Praise of Hair*. His *Dio* is addressed to the unborn son he had seen in a dream, and provides a kind of guide to reading *Dio* as a basis for forming a sound philosophy, while critiquing Philostratus' presentation, which, Synesius argues, does not sufficiently differentiate between Dio pre-exile and Dio post-, the young sophist and the mature philosopher.

In terms of the immediate context of the arrival of the Essenes in the piece, Synesius criticises Philostratus for mentioning Dio's *In Praise of a Parrot* and the *Euboean Discourse* (*Or.* 7) in the same breath (Philostratus, *Lives* 7.487), when the former is sophistry and the latter clearly philosophy. The *Euboean Discourse* might have an obscure subject—not the rulers of the noble *On Kingship*—but it presents a model of a happy life (εὐδαίμονος βίου) in deflating someone puffed up by wealth, to show that true happiness is to be found elsewhere, and in boosting the poor, by its focus on a simple Euboean hunter and his family. Synesius then continues:

Ἔτι καὶ τοὺς Ἑσσηνοὺς ἐπαινεῖ που, πόλιν ὅλην εὐδαίμονα τὴν παρὰ τὸ νεκρὸν ὕδωρ ἐν τῇ μεσογείᾳ τῆς Παλαιστίνης κειμένην παρ' αὐτά που τὰ Σόδομα. ὁ γὰρ ἀνὴρ ὅλως, ἐπειδὴ τοῦ φιλοσοφεῖν ἀπὴρξατο καὶ εἰς τὸ νουθετεῖν ἀνθρώπους ἀπέκλινεν, οὐδένα λόγον ἄκαρπον ἐξενήνοχε.

Furthermore, he somewhere [else] praises the Essenes, an entirely happy⁷ *polis* beside the dead water in the interior of Palaestina, lying somewhere near the [place of] Sodom itself.⁸ For the man, wholly, once he moved off to philosophy and turned to admonish humanity, produced no unfruitful work. (*Dion* 3. 2)

It is immediately apparent that, unlike with the other works mentioned by Synesius, in this case he does not give a title to the discourse in which the reference to the Essenes is found. Mention of the Essenes is recalled by him as being 'somewhere,' που. But Synesius knows his *Dio*, and expects that his unborn son—and other readers—

⁷ A. Kamesar, "Review of G. Vermes and M. D. Goodman, *The Essenes According to the Classical Sources*," in *Journal of the American Oriental Society* 111 (1991): 134–5, is rightly suspicious of a translation that would render Greek εὐδαίμονα as 'prosperous' here; rather, it needs to be read in line with Stoic philosophy, see below. The accusative ὅλην is probably to be understood adverbially, as in the LXX Song of Songs 4: 7.

⁸ The name Σόδομα is a plural form in the Septuagint and elsewhere, hence the plural αὐτά.

will find the discourse in question in due course; there is simply no reason for him to represent it inaccurately in this reference. To what extent this represents an entire discourse on the Essenes remains unknown, but the fact that Synesius refers to it additionally as being not an ‘unfruitful work,’ λόγον ἄκαρπον (in contrast to ‘In Praise of a Parrot’), would mean it was more than a passing treatment. The point here concerns obscure but worthy subject matter used by Dio for philosophy as opposed to sophistry, a work designed to ‘admonish humanity’ by showing an example of people worthy of praise who were clearly not the sophisticated citizens of Rome or any other major city. The emphasis for Synesius is on how uncommon and seemingly unworthy the Essenes are as a subject of philosophical discourse, like the hunter in Euboea, but they are not to be equated with the parrot of Dio’s youthful sophistry. They might live in ‘Timbuktu,’ but they are still a fitting subject for praise, because they have achieved true happiness—the philosopher’s goal—just as the Euboean hunter has achieved, in Dio’s words, ‘happiness and the blessed life’ (*Or.* 7. 65).

So Synesius tells us that these two examples have been used to illustrate how a happy lifestyle does not depend on wealth or any outside circumstances. This is exceptionally significant in terms of Dio’s themes. As Dio states explicitly in *Oration* 3: 1, happiness is not determined by possessions but ‘by each by himself and by his own mind (διανοία).’ Happiness of this kind is the ultimate goal of life, in the Stoic philosophy of Epictetus. To consider someone ‘happy’, as having well-being, is the greatest complement a Stoic could give to another. Happiness does not result from excellence in some skill, as Dio reflects upon in his *Oration* 24, or ‘Discourse on Happiness,’ but without knowledge of virtue and intelligence, everything one tries to do is of little worth, and will not lead to true happiness. This necessity of virtue and wisdom for happiness is found also in Dio’s *Oration* 23: “I believe that the wise man alone is fortunate and happy” (*Or.* 23. 9, cf. 12).

How far could Dio have managed to extract a notion of Essene happiness from Pliny (*Nat. Hist.* 5.15, 4/73)? Are Pliny’s Essenes happy, virtuous and wise? Not at all. In fact, in Pliny, the only really important feature about the Essenes—which is a wonder—is that they survive over the ages, despite their celibacy and austerity, by drawing on a reservoir of miserable people fleeing from the vicissitudes of life. Pliny writes:

ab occidente litora Esseni fugiunt usque qua nocent, gens sola et in toto orbe praeter ceteras mira, sine ulla femina, omni venere abdicata, sine pecunia, socia palmarum. in diem ex aequo convenarum turba renascitur, large frequentantibus quos vita fessos ad mores eorum fortuna fluctibus agit. ita per saeculorum milia—incredibile dictu—gens aeterna est, in qua nemo nascitur. tam fecunda illis aliorum vitae paenitentia est.⁹

on the west the Essenes flee away from the shores that are harmful, a people alone and in all the world remarkable above the rest, [being] without any woman, abdicating all sexual acts, without money, companioned by palms. Daily the swarm is renewed with equal multitudes, filled with huge numbers of those, wearied of life and the fluctuations of fortune, who keep to their ways of life. So through a thousand ages—incredible to say—it is an eternal people, in which no one is born, so fecund is this dissatisfaction (or: repentance) of life in others.

This is actually the very opposite of a happy group of people worthy of praise. The swarm (*turba* is not a positive word) of remarkable (*mira*) people resort to this grim and solitary lifestyle because of their exhaustion with the world and general unhappiness.

This grim portrayal of the Essenes has been noted by classical scholars who have considered Pliny's *Natural History* as a whole. For example, Mary Beagon writes that Pliny's attitude to the Essenes is one of 'baffled fascination rather than approval' and:

He notes as *mira* the rejection of normal human reproduction in the community of the Essenes on the Dead Sea. They are a paradox of Nature, their numbers being supplemented only by other men's *vitae paenitentia*.¹⁰

Trevor Murphy comments that the example of the Essenes is drawn upon in order to "revile asceticism, when luxury happens to confirm the moral universe of Roman power and asceticism threatens it."¹¹ Here, by Asphaltites,

The Essenes have removed themselves from all productive exchange... The encyclopaedia emphasizes the complete sterility of their society with a pun: 'so fruitful for them is others' distaste for life'... For the *Natural History*, the Essenes are not mystics who pursue some inner-directed goal; they are not Gymnosophists. Rather, their asceticism is

⁹ C. Mayhoff, ed., *Pliny, Naturalis Historiae* (Stuttgart: Tübingen, 1967), 391–393.

¹⁰ Mary Beagon, *Roman Nature: The Thought of Pliny the Elder* (Oxford: OUP, 1992), 79.

¹¹ T. Murphy, *Pliny the Elder's Natural History: The Empire in the Encyclopaedia* (New York: OUP, 2004), 113.

directed outwards, a marker of their disgust for the life the rest of us lead. It is a token of their rejection of the world, their repentance of life.¹²

Murphy points out that Pliny juxtaposes his description of the Essenes with places associated with death: with the life-denying, river-swallowing lake itself, and with En Gedi and Jerusalem—two charred pyres—and Masada, notorious for the mass suicide of Eleazar’s Sicarii (Josephus, *J.W.* 7. 275–406). The portrayal of the ascetics is ‘hostile,’ with the emphasis placed on their sterility and refusal of life itself.¹³

Therefore, Dio must have had more information than Pliny’s in order to create the Essenes as an example of the very opposite state, viz. of philosophical *eudaimonia*, or as people worthy of praise that could be used to admonish humanity. Pliny does not praise the Essenes; he sees them as remarkable (*mira*, perhaps here better translated as ‘strange’) in that they continue to exist throughout the ages despite no one being born into their *gens*. Their fecundity comes from people’s dissatisfaction with life. They are an oddity to marvel at as peculiar, not to praise.

What then of the attestation that the Essenes lived by the Dead Sea? Is this perhaps derivative of Pliny? Linguistically, clearly not. Dio, according to Synesius, uses the designation ‘the dead water,’ τὸ νεκρὸν ὕδωρ, for what in Pliny is *lacus Asphaltites*. The term τὸ νεκρὸν ὕδωρ, is—to my knowledge—unparalleled in any extant ancient literature (though of course it is close to ἡ νέκρα θάλασσα found in Pausanias, *Descr.* 5. 7 5) and is unlikely to be a term used by Synesius, whose language—given he was familiar with Christian Scripture—would have been Biblical: the Sea of Arabah (Deut 3: 17); the Salt Sea (Deut 3: 17; Josh 15: 5) or even the Eastern Sea (Ezek 47: 18), as well as the usual Dead Sea, as it is named in Eusebius’ *Onomasticon* (12.17–18; 16. 4; 22. 27–8; 42. 3) and elsewhere. Synesius seems to be positively overturning contemporary Christian terminology in order to represent the distinctive usage of Dio. The whole phraseology, “the dead water in the interior of Palaestina” serves to emphasise the remoteness of the Essenes, and the rough physical circumstances of their existence: the dead water is unnamed, a desolate place in a faraway land.

¹² Murphy, *Pliny the Elder’s Natural History*, 117.

¹³ Murphy, *Pliny the Elder’s Natural History*, 118.

The use of the term Palaestina is likewise not found in Pliny's description. It may be a modification by Synesius, since the Roman provincial name of the area of wider Judaea was not officially changed to Palaestina until the time of Hadrian, after the Bar Kokhba revolt in 132–135, and the southern part of Arabia—a Province of Rome from 106 CE—was designated as Palaestina Salutaris only after the provincial reforms of Diocletian in the late third century. However, the use of the term 'Syria Palaestina' as a geographical designation predates Roman official nomenclature, as can be seen in the writings of Herodotus (*Hist.* 1. 105; 2. 104, 106; 3. 91; 4. 39; 7. 89), who defined Syria Palaestina as stretching from Phoenicia to Gaza (*Hist.* 3. 5; 7. 89), and numerous authors followed suit, including Philo of Alexandria, who defined the Essenes themselves as living in *Suria Palaistinē* (*Good Person.* 75).¹⁴ Even in a Latin context, when the official provincial name of the region was 'Judaea,' Pomponius Mela defined that part of Syria called 'Palaestina' in geographical terms as being the region which touches on both Phoenicia and Arabia (*Chorografia* 1. 54). Relevantly, Aristotle, in *Meteorologica* 2. 3, abbreviated the term to the second word only, and defined an unnamed lake as lying 'in Palaestina,' which then forms the closest parallel to what we have in Dio according to Synesius.¹⁵

Then there is a reference to Sodom, which is not found in Pliny. It was assumed by C. P. Jones that mention of Sodom had to come from Synesius, "since Sodom is only likely to have been mentioned by one who lived in a largely Christian society."¹⁶ However, the association between Sodom and the Dead Sea was already made by Strabo (*Geogr.* 16. 2. 44), who mistakenly called the lake 'Sirbonis,' and by Tacitus (*Hist.* 5. 6–7), though Tacitus gave no name to either the lake or the cities that were destroyed there. Solinus—in describing Lake Asphaltites—also mentions Sodom, and Gomorra: *ibi duo oppida, Sodomum nominatum alterum, alterum Gomorrum*: "in that place [were] two towns, the one named Sodom, the other Gomorra (*Coll.* 35. 8)." In addition, like Josephus and Tacitus, Solinus links the burn-

¹⁴ See D. Jacobson, "Palestine and Israel," *BASOR* 313 (1999): 65–74.

¹⁵ That the lake's name was not as well-known as its features is shown also by Diodorus Siculus, *Bibl.* 2. 4 and Tacitus, *Hist.* 5. 6, neither of whom name it.

¹⁶ Jones, *Dio*, 64. Jones also assumes Sodom was located south of the Dead Sea, which is not so, see below.

ing of the towns, by lightning bolts, with ash-filled fruit, later dubbed “Sodom’s apples” (cf. Josephus, *War* 4. 484; Tacitus, *Hist.* 5. 7). That the destruction of Sodom and Gomorra was something known in the Graeco-Roman world outside Jewish and Christian circles may also be suggested by a graffito from Pompeii reading “Sodoma Gomora” (*CIL* IV, 4976) as well as by the (bizarre) love charm of *PGM* XXXVI, which includes mention of the angels of god descending and overthrowing “the pentapolis of Sodom, and Gomorra, Adama, Sebouie and Segor.” Celsus compared the story of Sodom and Gomorra with the narrative of Phaethon (Origen, *Contra Celsum* 4. 21, cf. Plato, *Timaeus* 22d).¹⁷ It may well be that the epic destruction of the cities of Sodom and Gomorra (Gen 19: 1–29) had the same kind of mythic resonances as the submerging of Atlantis and could be used by pagan authors otherwise quite uninterested in Biblical history. Strabo even mentions Eratosthenes as having an opinion on the matter. We do not then need to assume that only the Christian Synesius could have added the mention of Sodom to Dio’s discussion. Rather, Dio attests to Essenes by “the dead water somewhere near Sodom,” independently of Pliny.

As to where exactly Sodom was placed, Strabo wrote that 60 stadia from the central metropolis of Sodom everything remained unharmed, while within this range Sodom and its daughter towns were destroyed, and many were swallowed up with water (*Geogr.* 16. 2. 44) though some of the 13 (sic) cities were just abandoned. Josephus has Lot possessing the Jordan plain and river (Gen 13: 10–12) “not far from the city of the Sodomites” (*Ant.* 1. 169), but where exactly this city lay is unclear. To confuse matters slightly, Josephus distinguishes between the city itself and “the region of the Sodomites” as a whole. In his description in *J.W.* 4. 453–4 Josephus writes of two mountain ranges facing each other: in the east was the range beginning at Julius (north-east of the Sea of Galilee), extending all the way to Petra, and in the west was a range that went northwards to Scythopolis “and southwards to the region of the Sodomites and those [parts] the other side of the [lake] of Asphaltites:” κατὰ δὲ τὸ μεσημβρινὸν μέχρι τῆς Σοδομιτῶν χώρας καὶ τῶν περατῶν τῆς Ἀσφαλίτιδος. If this region

¹⁷ J. Granger Cook, *The Interpretation of the Old Testament in Greco-Roman Paganism* (Tübingen: Mohr Siebeck, 2004), 45–6, 48, 103–4.

of the Sodomites was entirely south of the lake it would be odd that Josephus added an additional southern point on the other side of Lake Asphaltites (it is hard to read it as emphatic); rather, here the “region of the Sodomites” seems to be the barren land stretching along the western (Judaean) side of the Dead Sea overall down to a point beyond the Dead Sea in the south. Josephus later notes that the lake itself stretched in its dimensions to Zoara of Arabia (*J.W.* 4. 482), and it seems that he places the barren region of the Sodomites up to that point (Zoara, though in fact fertile and inhabited, was one of the five cities), but the region is not confined there,¹⁸ for it is in a wide area that “the vestiges of *five* cities are still to be seen” (*J.W.* 4. 483–4). In other words, Josephus differentiates between the specific ruin of the city of Sodom, located apparently near the Jordan river and plain, and “the region of the Sodomites:” the extensive, barren area west and south (to Zoara) of the Dead Sea, in which the ruins of the five condemned cities were apparently visible.

Later, at the end of the fourth century, the Spanish nun Egeria (*Itin.* 12:5–6), identified “the whole country of the Sodomites” as lying to the left (south) of her look-out on Mount Nebo, east of the northern end of the Dead Sea, which likewise reflects a notion that it is a broad area of land bordering the lake. She noted that while Zoar/Segor remains as a town, “all that is left of the other [cities] is heaps of ruins, because they were burned to ashes.” In terms of the specific site of Sodom as a city, the sixth-century Piacenza Pilgrim, *Itin.* 10. 15. 21 writes that going westwards¹⁹ from Jericho (i.e. leaving Jericho on the west and then travelling south) “you encounter the ashes of Sodom and Gomorra, which are on your left.”²⁰ Adomnan, *Loc.*

¹⁸ In *J.W.* 4. 482 the subject is the lake, not Zoara, which is only a point to which it stretches. γειτινιά δ' ἡ [χώρα] Σοδομίτις ἀπὲρ [λίμνη] (*J.W.* 4. 483): “Bordering on this the [land of] Sodomites....” Thackeray read the Greek here as the cities of the plain were all lying adjacent to Zoara, perhaps at Jebel Usdum, though he notes that “[m]any older authorities located the cities of the plain to the *north* of the Dead Sea,” see H. St. J. Thackeray, ed., *Josephus III* (LCL; Cambridge: Harvard University Press, 1968), 143 note e.

¹⁹ The term can mean anything from north-west to south-west, here clearly south-south-west.

²⁰ The Piacenza Pilgrim also notes the ruins of the city of Segor on the eastern side of the Dead Sea: “From the Jordan it is eight miles to the place where Moses departed from this life, and a little further on is Segor.... and we saw too the tomb of Absalom” (*Itin.* 10/166). The place where Moses died is Ras el-Siyagha on Mount Nebo (Egeria, *Itin.* 12. 1; Theodosius, *Top.* 19/145; John Rufus, *Vita Per. Iber.* 85–89). The tomb of Absalom is also mentioned in the Copper Scroll (3Q15 12–13). Jose-

Sanct. 2. 17. 7 (cf. Bede, *Loc. Sanct.* 11. 1), on the basis of Arculf's journey of ca. 670–5 CE, measures the sea as 580 stadia from the north "to Zoar of Arabia" in the south and 150 stadia across "to the region of Sodom" (from Hegesippus, *Hist.* 4. 18), meaning either the eastern or western shore; given Josephus and the Piacenza Pilgrim, it is clearly the western.²¹ Whatever the case in terms of the exact location, Dio's placement of the Essenes near Sodom does not contradict the evidence of Pliny that the Essenes lived west of the Dead Sea, probably north of En Gedi,²² while the reference itself is not derivative of him.

Returning to Solinus, who—like Dio—mentions Sodom, it can be noted that he parallels Dio further by referring to the lake as being "in the interior of" the country, in this case the Plinian "Judaea" rather than "Palestine:" *interiora Iudaeae* (cf. ἐν τῇ μεσογείᾳ τῆς Παλαιστίνης).²³ This description of the situation of the lake cannot be derivative of Pliny's identification of Judaea as being *supra Idumaeam et Samariam*, even if *supra* indicates a place further inland ("beyond"), because with Dio and Solinus the references are specifically to the Dead Sea and not to Judaea as a whole.

It is worth examining Solinus' description of the Essenes (*Collectanea* 35. 9–12) with its curious overlaps with Dio more closely. It is itself not a simple replication of what is substantively in Pliny, but rather, as Christoph Burchard explored, we have here a separate unknown text embedded in Pliny.²⁴ Solinus writes:

Interiora Iudaeae occidentem quae contuentur Esseni tenent, qui praediti memorabili disciplina recesserunt a ritu gentium universarum,

phus, *Ant.* 7. 243 indicates a different tradition that the tomb of Absalom was in the "valley of the kings" two stadia (ca. 426 m) from Jerusalem. By the 12th century, this was identified with a monumental edifice in the Valley of Jehoshaphat (so Benjamin of Tudela 36), though it is too close to the walls (120 m) to match Josephus' attestation.

²¹ See Theodosius, *Top.* 20, *Gesta Francorum Expugnantium* 15; *Descriptio locorum* 25; *Second Guide* 127/9. Eusebius placed the cities close to Lasan (*Onom.* 150 cf. 60, 120), perhaps al-Lisan, the tongue which juts into the lake from its south-eastern side.

²² See Joan E. Taylor, "On Pliny, the Essene Location and Kh. Qumran," *DSD* 16 (2009): 1–21.

²³ Th. Mommsen, ed., *C. Iulii Solini Collectanea rerum memorabilium* (Berlin: Weidmann, 1895), 155.

²⁴ "Solin et les Esséniens: Remarques à propos d'un article négligé," *RB* 74 (1967): 392–407.

maiestatis ut reor providentia ad hunc morem destinati. nulla ibi femina: venere se penitus abdicaverunt. pecuniam nesciunt. palmis victitant. nemo ibi nascitur nec tamen deficit hominum multitudo. locus ipse addictus pudicitiae est: ad quem plurimi licet undique gentium properent, nullus admittitur, nisi quem castitatis fides et innocentiae meritum prosequatur: nam qui reus est vel levis culpa, quamvis summa ope adipisci ingressum velit, divinitus submovetur. ita per immensum spatium saeculorum, incredibile dictu, aeterna gens est cessantibus puerperiis.

The interior of Judaea, west of what is noted [as Lake Asphaltitis], the Essenes hold. [They are those] who, possessed by a remarkable discipline, retreat from the universal observance of people, to this way of excellence supposedly destined by providence. There is no woman there; they have abdicated sexual desire itself utterly. They are ignorant of money. They live by means of palms. No one is born there and yet they are not deficient in [maintaining] a multitude of human beings. The place itself is dedicated to virtue, into which, although many of the people hasten from everywhere, none is admitted, unless he is accompanied by merit, with continence, trust and innocence. For whoever is guilty of even a small thing, however much he wants to advance, is removed by the divinity. So, through the immense space of the ages— incredible to say—it is an eternal people devoid of childbirth.

If the non-Plinian source is detached, we get the following:

[In] the interior of Judaea [is a city (?) the Essenes] hold. [They are those] who, possessed by a remarkable discipline, retreat from the universal observance of people, to this way of excellence supposedly destined by providence. The place itself is dedicated to virtue, into which none is admitted, unless he is accompanied by merit, with continence, trust and innocence. For whoever is guilty of even a small thing, however much he wants to advance, is removed by the divinity.

Solinus not only adds in this material from a separate source, but he uses it to tone down Pliny's negativity about the Essenes. He inserts positive comments and deletes the more hostile statements. For example, where Pliny calls the *gens* of the Essenes *mira*, in regard to their peculiarity, Solinus admires them for being "possessed by a remarkable discipline," *praediti memorabili disciplina*, and he goes on to describe how this is manifested. He deletes mention of the incomers being weary of life and the fluctuations of fortune, but rather indicates that people are eagerly attracted to a lifestyle of virtue. He removes the negative word *turba*, "swarm, crowd," and refers to *plurimi... gentium* instead. He deletes the snide comment at the end, that "so fecund is this dissatisfaction of life in others."

Where did he get this radically different image of the Essenes from? In terms of Solinus' *Collectanea* as a whole,²⁵ Theodore Mommsen, who provided the critical edition of the little-known Solinus in 1895, noted that Solinus generally used both Pliny and the geographer Pomponius Mela, though he tended to paraphrase, contract or re-organise his sources.²⁶ Mommsen also suggested that Solinus used a *chronicle*—perhaps by Cornelius Bocchus—and possibly a kind of epitome of Pliny with additions made around the time of Hadrian. This theory of sources has been developed further by Gaetano Columba, who suggested that the second-century compiler reached back to a possibly Greek first-century source, along with Pliny.²⁷ It is this possibility that a compiler used a Greek source that allows us to explore such Greek sources in terms of Solinus' information. The emphasis is on a lifestyle dedicated to philosophical excellence: a theme for Philo and Josephus too when writing on the Essenes. There are correlations in terms of the note on destiny (cf. *Ant.* 13. 171–2; 18. 18) and the admission of people to the group on merit (cf. *J.W.* 2. 137–138; *Good Person* 76–77; *Hypothetica* 11. 2). However, there are no distinct verbal overlaps between anything written by Philo and Josephus and Solinus' source. In fact, there is one glaring difference: the removal of those guilty of even a small thing is the opposite of what Josephus says; he states that they are only removed for serious sins and sometimes brought back when they are near to starvation (*J.W.* 2. 143–144). Furthermore, as Burchard has noted, Philo and

²⁵ For which, see Th. H. Walter, *Die 'Collectanea rerum memorabilium' des C. Julius Solinus: Ihre Entstehung und die Echtheit ihrer Zweitfassung* (Wiesbaden: Franz Steiner Verlag, 1969); I. D. Hyksell, *A Study of the Latinity of Solinus* (Chicago: Chicago University Libraries, 1925). P. L. Schmidt has argued that Solinus' dates should be pushed to the fourth century, since some manuscripts have Constantius rather than Adventus as the dedicatee, and in both language and ethical tone Schmidt sees Christian influence, "Solinus Polyhistor in Wissenschaftsgeschichte und Geschichte," *Philologus* 139 (1995): 23–35, a view endorsed also by Z. von Martels, "Between Tertullian and Vincentius Lirinensis: On the Concept Constantia Veritatis and other 'Christian' Influences on Solinus," in *Learned Antiquity: Scholarship and Society in the Near East* (Groningen Studies in Cultural Change 5; ed. A. A. MacDonald, Michael W. Twomey, and G. J. Reinink; Leuven: Peeters, 2003), 63–79, though in fact the vague "Christian" language all too frequently seems indebted to Cicero and other Stoics, see citations by Von Martels, 71–72.

²⁶ Mommsen, *Iulii Solini*, xv–xxiv.

²⁷ G. M. Columba, "Le fonti di Giulio Solino," in *Rassegna di antichità classica* 2: 7–32; 2: 105–116 (1896), repr. as *idem*, *Ricerche storiche i. Geografia e Geografi del Mondo antico* (Palermo: Trimarchi, 1935).

Josephus describe Essenes in communities all over Judaea/Syria Palaestina, while here there is a clear focus on one centre only.²⁸

Are there further features of the description of Judaea as a whole that may also come from the mystery source? If we look at the beginning of the description, Solinus begins by stating: *Iudaea inlustris est aquis, sed natura non eadem aquarum omnium*—“Judaea is famous for waters, but not all of the waters are of one nature.” It is clear from what follows in Pliny that this is his theme, but these words are not stated, and this may be one of Solinus’ extrapolations. The description of the wonders of opobalsam found in Solinus appears in Pliny in another place altogether (Pliny, *Nat.* 12. 54. 111–115), but is placed geographically, and then there is a brief return to the account he begins with. These sections are typical of the manner in which Solinus uses Pliny and we therefore do not need to look for another source. However, the following section starts with a glaring anomaly. After mentioning Callirhoë as being near to Jerusalem, Solinus describes the lake itself as being far away (*Callirrhoe Hierusolymis proxima... Longo ab Hierusolymis recessu tristis sinus panditur*). Solinus then presents the story of Sodom and Gomorra, the barren lands and the ashy fruit. Strikingly, it is not so much the mention of Sodom that is surprising in Solinus, given the attestations of the town in other classical literature, but Gomorra. Even Josephus does not give us this name. Otherwise, Solinus’ description is somewhat similar to what we have in Tacitus and Josephus, though without any clear overlaps (*Collectanea* 35. 7–10):

Longo ab Hierusolymis recessu tristis sinus panditur, quem de caelo tactum testatur humus nigra et in cineram soluta. ibi duo oppida, Sodomum nominatum alterum, alterum Gomorrum, apud quae pomum quod gignitur, habeat licet speciem maturitatis, mandi tamen non potest: nam fuliginem intrinsecus favillaciam ambitio tantum extimae cutis cohibet, quae vel levi pressa tactu fumum exhalat et fatiscit in vagum pulverem.

Far from Jerusalem is spread out an isolated, sad shore, which was touched by the heavens, witnessed by black earth dissolving into cinders. In that place [were] two towns, Sodom named one, the other Gomorra, near which is an apple that is produced which, although it has the appearance of maturity, is nevertheless unable to be eaten, for inside the skin going around the outside it contains ashy black soot

²⁸ Burchard, “Solin et les Esséniens,” 400–401.

which at a lightly-pressed touch puffs out smoke and crumbles into loose powder.

Directly following on from this we have Solinus' Essenes. Curiously, despite Solinus' reputation for being interested only in wonders, Pliny's paradoxically-enduring but strange Essenes fit the genre of *mirabilia* much better than the virtuous people we have here in his work. And where could such Stoic-sounding words as *providentia* and *divinitus* have come from? If we extract the inserts from Pliny, we are left with a passage that begins with a reference to Jerusalem, then jumps to a location far from this city in the interior of the country. It contains a presentation of the grim landscape of a certain unnamed lake, the fate of Sodom and Gomorra, and the ashy fruit, followed by a passage about the admirable Essenes. The Essenes *tenent* 'hold' somewhere that would in this context most naturally be defined as a city (since it was cities that were indeed 'held'). Into this city no one could be admitted unless they were of merit. The Essenes have retreated from the vices of the ordinary world and live in a place where they have a distinctive, disciplined lifestyle of virtue, strict entrance requirements, and a law supposedly ordained by the divinity, who will remove anyone who transgresses. It is this source that at least in part overlaps with Dio. Does it derive from him? It was in fact Christoph Burchard who first tentatively suggested this possibility: "Quoi qu'il en soit, il reste toujours la possibilité que notre passage remonte à Dion ou à sa source, sur laquelle nous ne savons rien."²⁹ I would like to affirm this.

One can easily see how a presentation of the virtuous Essenes in an austere location next to the place where towns were destroyed for their moral depravity could well be used to "admonish humanity," as Synesius read from Dio.

Would Solinus' presumed second-century source have used Dio? It may be relevant that one of Dio's lost works was a *History of the Getae* (Philostratus, *Lives* 7/487), the Getae being Dacians, one of the Thracian tribes, people with whom he lived during his exile. It may be that the second-century compiler used by Solinus found Dio useful in this regard; Solinus does himself have geographical interests in Thrace (*Coll.* 9. 13). All the more teasingly, Josephus, *Ant.* 18. 22 has the strange comment that the Essenes "live a manner of life in no

²⁹ Burchard, "Solin et les Esséniens," 401.

way different, but as close as possible, to the Dacians called *Pleistoi*." Where Josephus found such a tidbit is anyone's guess, and it is often considered simply a copyist's blunder, with Dupont-Sommer suggesting the original was "Sadduceans," and Feldman suggesting for *Pleistoi* (literally: "Founders") the "Ctistae."³⁰ However, the manuscript reading has been very strongly defended by scholars who actually know the ancient literature on the Dacians,³¹ who have suggested the word *Pleistoi* is a form of paronomasia, whereby a Greek form is given to a Barbarian word, signifying the devotees of a Thracian god called Pleistoros by Herodotos (*Hist.* 9. 119, cf. Demosthenes, *Or.* 37. 4). The fact that Dio's (lost) work on the Dacians was produced just at the time Josephus was writing *Antiquities* remains a tantalising coincidence.³²

There is no reason to think that Solinus himself read Greek, but the suggestion that the mystery second-century Latin compiler used Greek material is relevant. Alternatively, perhaps there were versions of Dio's writings circulating in Latin, even works quarried early on by his bilingual pupil Favorinus of Arelate (ca. 80–160).³³ Since so much of Dio's writing is lost—not to mention all of Favorinus' works apart from two orations that might be his attributed to Dio, a papyrus with part of his *De Exilio*, and fragments found in both Latin (in Aulus Gellius) and Greek (in Philostratus, Galen, Diogenes Laertius, Suidas)—we simply do not know what may have existed in antiquity, but Favorinus' attestations in both languages is telling. Moreover, Favorinus wrote a work named Παντοδαπή Ἱστορία, *Miscellaneous History*, which seems to have included geographical, biographical and anecdotal as well as historical information (Diogenes Laertius,

³⁰ A. Dupont-Sommer, "On a Passage of Josephus Relating to the Essenes (Antiq. XVIII, 22)," *Journal of Semitic Studies* 1 (1956): 361–66; L. H. Feldman, ed., *Josephus IX* (LCL; Cambridge MA: Harvard University Press, 1965), 20–21, note a. The Ctistae were mentioned in Strabo, *Geogr.* 7. 33 (quoting from Posidonius) as being a tribe who lived without wives.

³¹ E. Lozovan and Safia F. Haddad, "Dacia Sacra," *History of Religions* 7 (1968): 209–243, at 219–228; J. Gagé, "Du culte thrace de Pleistoros à la secte dace des 'Pleistoi,' à propos d'une dédicace épigraphique à Diana Plestrensis," *Noul Album Macedo-Roman* (2 vols.; Freiburg i. Br.: Biblioteca Romana, 1959), 1: 15–26.

³² Regarding Josephus' sources, Lozovan and Haddad note: "It was about the same period in A.D. 95 that Dio Chrysostomus made his voyage to Olbia and penetrated the interior of the country to inquire about the Getae," "Dacia Sacra," 224, n. 68.

³³ Philostratus, *Lives* 8/489–91, cf. E. Amato, ed., and Y. Julien, trans., *Favorine d'Arles: Oeuvres I. Introduction général—témoignages—discours aux Corinthiens—sur la fortune* (Paris: Les Belles Lettres, 2005).

Lives 3. 24; 8. 12, 47).³⁴ The bridge between Greek sophistry and Latin geography is not as long as one might think.³⁵

It was Dio who—unlike Pliny—emphasised positive aspects of the Essenes. Dio complimented the Essenes as an “entirely happy *polis*,” πόλιν ὅλην εὐδαίμονα. The use of the word *polis* might at first seem a rather grand over-statement given what remains in terms of the archaeology in the region of the north-western Dead Sea, but it is important to remember that for a Stoic-influenced sophist like Dio the word *polis* did not necessarily carry the meaning of being a city made up of large number of dwellings, with major public buildings or walls. Paolo Desideri’s translation of Dio here writing of “a community of complete happiness” is one that expresses the community sense of the ideal Stoic *polis*.³⁶ The nature and proper rule of the *polis* are major themes in Dio’s work, since he was more than anything a political philosopher closely concerned in the actual running of his own city, Prusa, and very much concerned with everyone else’s, as his addresses to various cities of the Roman Empire make abundantly clear.³⁷ When Philostratus describes the essentials of Dio’s work, he focuses on how Dio rebuked or praised cities (*Lives* 7/487). Thematically, then, his description of the Essenes is placed at the service of his most important theme.

Here Dio continues the political interests of Zeno, who, in his *Politeia*, defined the ideal Stoic *polis* as a community consisting of virtuous people.³⁸ As Plutarch noted in *Alexander* 31, Zeno proposed that “the happiness of the city not less than the happiness of the individual consists basically in the exercise of virtue,” only this makes the citizens “free, self-sufficient and self-controlled.” It was Zeno who proposed that “good people are free,” the tenet on which Philo would hang his description of the Essenes (*That Every Good Person is Free*)

³⁴ A. Barigazzi, *Favorino di Arelate: Opere. Introduzione, testo critico e commento* (Testi Greci e Latini con commento filologico 4; Firenze: le Monnier, 1966).

³⁵ It may be noted also that Solinus describes the Essenes as if they are presently living by the Dead Sea; there is no sense that they used to live there before Vespasian’s army devastated the region in 68 CE.

³⁶ P. Desideri, “City and Country in Dio,” in Swain, ed., *Dio Chrysostom*, 93–107, here 103 cf. 98.

³⁷ See Swain, “Dio’s Life and Works,” 3.

³⁸ M. Schofield, *The Stoic Idea of the City* (Cambridge: CUP, 1991). See also A.-H. Chroust, “The Ideal Polity of the Early Stoics: Zeno’s Republic,” *The Review of Politics* 27 (1965): 173–83.

(Diogenes Laertius, *Lives* 7. 32).³⁹ Architecture was positively discouraged; as Chroust has pointed out, Zeno's cities were to be "simple unadorned dwelling places of contented people."⁴⁰

In the Dio passage within Solinus, the Essene lifestyle is "dedicated to virtue" and one in which "none is admitted, unless he is accompanied by merit, with continence, trust and innocence." The Essenes, "possessed by a remarkable discipline, retreat from the universal observance of people, to this way of excellence supposedly destined by providence." Here Dio, as a Stoic, explores the Essene *politeia*, even giving information on who might be accepted and who rejected: "For whoever is guilty of even a small thing, however much he wants to advance, is removed by the divinity." This relates perfectly to Zeno's conceptualisation of an ideal city, entirely composed of virtuous people, living under a strict law. According to Diogenes Laertius, all people who are not virtuous in Zeno's city are to be dubbed "enemies, troublemakers, slaves and aliens," that is people no longer accounted citizens, for "only the good are to be citizens, friends, kindred and free" (Diogenes Laertius, *Lives* 7. 33). Dio's extant works do not contain such a utopian programme explicitly, but the ideal of what a city should be lies close to his heart. The god that ultimately should rule is Zeus, called *Polieus* "god of cities" as one of his honorary titles (*Or.* 1. 39; 12. 75, 77), and good kings should be as much like Zeus as possible (*Or.* 1. 41; 53. 11). The attributes of Zeus, the heavenly Father and King, are those of the upholder of law, peacemaker; he is the kindly god who shows "goodness" (*Or.* 12. 77). Zeus, with providence (*pronoia*) and goodness of soul, rules and guides the universe under one law (*Or.* 1. 42) and—interestingly—Dio insists that the king who rejects goodness and behaves without justice will suffer the consequences of Phaethon (*Or.* 1. 46–7), burnt by a lightning bolt from Zeus (cf. *Or.* 12. 78), the very myth to which Sodom was compared by Celsus. The model city is one that reflects the rule of heaven by Zeus (*Or.* 36. 29–37).⁴¹

The rule of sound law is fundamental. Dio regarded a *polis* not so much as a place of habitation, but as "a group of people living under

³⁹ Philo knew enough Zeno to quote him in this essay (*Good Person* 53–57) and hailed him here as one who was "uncommonly led by virtue."

⁴⁰ Chroust, "Ideal Polity," 178.

⁴¹ S. Swain, *Hellenism and Empire: Language, Classicism and Power in the Greek World AD 50–250* (Oxford: Clarendon, 1996), 195–200.

the rule of law in the same place” (*Or.* 36. 20, cf. 29).⁴² This is true in terms of an ideal Stoic *polis*, though in real terms autonomy was a privilege and even Prusa did not have full powers to make its own laws.⁴³ That the ideal *polis* of the Essenes had such autonomy is implicit in Solinus and Dio and coheres well with what we find in Philo, when he writes of the Essenes as, quite precisely, ἀὐτονόμος (*Good Person* 91), “self-governing” according to their own law (cf. *Dreams* 2. 100, 293; *Joseph* 136, 242).⁴⁴ Likewise, Josephus presents the Essenes as having an independent jurisdiction: the Essenes had their own court made up of no less than 100 men (in Jerusalem?) to decide verdicts, and they could even pass a sentence of death for blasphemy (*J.W.* 2. 143–5).

Nevertheless, even with the presentation of the happy *polis* made of virtuous people adhering to their own (divinely-ordained) law, Dio cannot have lost sight of the physical *polis* situated on the ground as well, since in Synesius it is also a defined place which can be said to be ‘lying’ (τὴν...κειμένην) in a landscape. The Essenes are at once a conceptual *polis*, in terms of their virtuous state of happiness, and a physical entity that is given a location by the “dead water in the interior of Palestine,” proximate to the location which demonstrated the consequences of the opposite state.

Therefore Dio’s focus was not on the remarkable continuation of the Essene *gens*, despite their lack of procreation and personal money, as Pliny presented them, but the nature of their existence itself, the means by which they attained *eudaimonia*, happiness. Dio appears to have looked for praiseworthy examples of happiness where no one would expect it, whether among the poor hunters of Euboea he met in his wanderings in exile, or the Essenes living beside a dead lake, proximate to cities destroyed by the judgement of God: a story he encountered from hearsay or descriptions he read somewhere. His focus

⁴² A. Kamesar, “Review Vermes and Goodman, *The Essenes*.”

⁴³ C. P. Jones, *Dio*, 5; *idem*, *Greek City*, 135–136.

⁴⁴ Further, see Joan E. Taylor, “Philo of Alexandria on the Essenes: A Case Study on the Use of Classical Sources in Discussions of the Qumran-Essenes Hypothesis,” *The Studia Philonica Annual* 19 (2007): 1–28, at 17–18. For the function of courts in Eretz-Israel see: Sh. Safrai and M. Stern, eds., *The Jewish People in the First Century: Historical Geography, Political History, Social, Cultural and Religious Life* (Compendia Rerum Iudaicarum ad Novum Testamentum; Assen: Van Gorcum, 1974), 377–419, and the discussion of private law at 504–533.

was on examples illustrative of the simple, virtuous and self-sufficient life he greatly admired.⁴⁵

In sum, there is little reason to doubt that Synesius is giving us an accurate report of the substance of Dio's description, from one of his lost discourses, possibly from his *History of the Getae*, where it may have been a tangential passage. In addition, as I have argued here, this appears to be partly contained in the non-Plinian strand of Solinus' description of Judaea: the Essenes and the story of Sodom and Gomorra.

Significantly, Dio does provide independent evidence to that of Pliny for the Essenes living beside the Dead Sea, close to Sodom, at a location in the landscape of Judaea. Given Dio was possibly writing this at around the same time that Josephus was writing his *Antiquities*, he is not a late source to be discredited as derivative. His important evidence bolsters the chances that the Scrolls found within the landscape by the Dead Sea come from the Judaeian school of philosophy named the Essenes.

⁴⁵ See F. Brenk, 'With Unperfumed Voice': *Studies in Plutarch, in Greek Literature, Religion and Philosophy and in the New Testament* (Potsdamer Altertumswissenschaftliche Beiträge 21; Stuttgart: Franz Steiner, 2007), 279–300.

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