Law, Literature, and Society in Legal Texts from Qumran

Papers from the Ninth Meeting of the International Organization for Qumran Studies, Leuven 2016

Edited by
JUTTA JOKIRANTA AND MOLLY ZAHN

BRILL

Law, Literature, and Society in Legal Texts from Qumran

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Introduction and Acknowledgements

The study of early Jewish law and legal literature was greatly expanded by the discovery of the Dead Sea Scrolls in 1947–1956. For the first time in history, a great amount of new material surfaced that dated back to an era prior to the emergence of rabbinic literature. Before this discovery, it had been the publication of the Cairo Damascus Document in 1910 that had sparked new hope of access to ancient halakhah.[1] Even with the discovery of the Scrolls, however, the field did not advance very rapidly and the early Scrolls scholars did not show much interest in the legal aspects of the texts. One reason for this is the late discovery and publication of some central legal documents, such as the Temple Scroll, and the lack of access to Cave 4 material by scholars. Another is that the Christian scholars who made up the initial editorial team lacked expertise in the comparative material, rabbinic law.[2] This is why Alex Jassen, in his research historical article on Jewish law in the Scrolls,[3] places the "emergence of Jewish law as a field of Dead Sea Scrolls Scholarship" only in the 1970s. This decade saw the publication of Lawrence Schiffman's dissertation on halakhah (1975),[4] Yigael Yadin's Hebrew edition of the Temple Scroll (1977),[5] and Joseph M. Baumgarten's pivotal volume of collected essays (1977).[6] Another landmark came in the 1980s, with the introduction of 4QMMT into public awareness.[7]

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1 For an overview of the study of the Damascus Document prior to the discovery of the Scrolls, see Alex P. Jassen, "American Scholarship on Jewish Law in the Dead Sea Scrolls," in *The Dead Sea Scrolls in Scholarly Perspective: A History of Research*, ed. Devorah Dimant with the assistance of Ingo Kottsieper, STDJ 99 (Leiden: Brill, 2012), 101–54.

2 As Schiffman observes, early interpretations of the Scrolls tended to emphasize questions relevant to the development of either the Hebrew Bible or early Christianity, with the result that, prior to 1967, the Scrolls "were largely treated as a kind of curiosity" in relation to mainstream Judaism. See Lawrence H. Schiffman, "Halakhah and History: The Contribution of the Dead Sea Scrolls to Recent Scholarship," in idem, *Qumran and Jerusalem: Studies in the Dead Sea Scrolls and the History of Judaism* (Grand Rapids: Eerdmans, 2010), 70.

3 Jassen, "American Scholarship on Jewish Law," 138. For a similar view, see Aharon Shemesh, "Trends and Themes in Israeli Research of the Halakhah in the Dead Sea Scrolls," in Dimant, ed., *The Dead Sea Scrolls in Scholarly Perspective*, 345.

4 Lawrence H. Schiffman, *The Halakhah at Qumran*, SJLA 16 (Leiden: Brill, 1975).

5 Yigael Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, the Hebrew University, and the Shrine of the Book, 1977) (in Hebrew).

6 Joseph M. Baumgarten, *Studies in Qumran Law*, SJLA 24 (Leiden: Brill, 1977).

7 Jassen, "American Scholarship on Jewish Law," 138. Shemesh, "Trends and Themes," 347–48, mentions how many of these scholars consulted experts in rabbinic law for their work on the Scrolls.

Now scholars are much better equipped to understand the centrality of law in the study of the Scrolls. Cave 4 brought to light many more legal manuscripts. Still not very many scholars are experts in halakhah *per se*, but the field has, for example, embraced the idea that it was halakhic differences, not abstract theological dogma or high priestly ancestry, that set the Qumran movement apart.[8] Moreover, the laws and rules are now more often taken as evidence of wider Second Temple positions and practices, not necessarily restricted to a marginal movement. The rules, *serakhim*, on the other hand, have often been distinguished from halakhah, but this is changing too.[9] Scholars have been able to investigate legal issues, especially ritual purity, in light of the rules,[10] and rules are taken as one corpus of evidence for the derivation of laws and techniques of legal interpretation. Rather than theological considerations, legal issues and practices have emerged as crucial facets of identity in early Judaism. More broadly still, legal texts are increasingly conceptualized as key loci for understanding many different aspects of the religious and intellectual world of Second Temple Judaism, including scriptural interpretation, concepts of revelation, scribalism and text production, and the interactions or interrelationships between different groups or movements.

This volume exemplifies these various angles by which legal material from Qumran is now being approached. It includes essays originally presented at the IOQS meeting in Leuven in 2016, under the theme "Halakhic Texts and Rule Texts." Some of the contributions focus on halakhah as such, while others engage more with the question of how the *yaḥad* construed its own halakhically-formed identity in relation to other groups within Second Temple Judaism. In a testament to the central place these texts now possess in our understanding of literary production in early Judaism, around half the essays in the volume focuses on textual aspects of legal/rule manuscripts, in particular their development over time and engagement with existing written traditions.

The volume is aptly opened by *Lawrence Schiffman*'s article, "Second Temple Jewish Law in Light of the Dead Sea Scrolls: Widening the Paradigm." He offers an overview of the study and significance of halakhah in the Scrolls, focusing on the topics of Sabbath, purity, and the question of origins of the law (whether derived from scripture or whether scriptural links were only secondarily

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8   See Lawrence H. Schiffman, "The Qumran Scrolls and Rabbinic Judaism," in idem, *Qumran and Jerusalem*, 4–5.

9   E.g., Sarianna Metso, "Challenging the Dichotomy between Halakhah and Community Legislation," in *Crossing Imaginary Boundaries: The Dead Sea Scrolls in the Context of Second Temple Judaism*, ed. Mika Pajunen and Hanna Tervanotko, PFES 108 (Helsinki: Finnish Exegetical Society, 2015), 61–70.

10   See, e.g., Shemesh, "Trends and Themes," 350–51.

attached to justify laws). He advocates the view that halakhah in the Scrolls reveals special priestly/Zadokite/Sadducean concerns. Schiffman reminds us how far we have come in the study of Jewish Law in the Second Temple period, and also urges scholars to take the next step: to treat the legal texts from Qumran, not as a distinct/distinctive entity, but as part of the larger halakhic landscape of early Judaism.

The connections between rabbinic halakhah and Qumran halakhah have produced a lot of scholarly interest and studies. Yet *Dennis Mizzi* manages to take up an issue that has hitherto not been investigated: the question if leather (and papyrus) scrolls (as artefacts) could be susceptible to impurity. Mizzi first argues that scrolls too were understood as part of כלים, which is the central term in Torah legislation for listing artefacts in connection to purity laws. For the rabbis, the impurity potential of various artefacts depended on several factors, such as their raw material, degree of being processed, movability, function and use in work, human intention, and so on. Nevertheless scrolls, including sacred scriptures, were a special case since they were considered as permanently impure and defiling. In the Qumran evidence, by contrast, biblical legislation was interpreted in a literal or maximalist sense, making all human-made objects susceptible to impurity—including scrolls. This is then just one example of new halakhah created at the time of the Qumran movement, probably because of increased literacy and confusion over various views of how to apply earlier laws in practice.

Harry Fox addresses the matter of Second Temple halakhic debates from the angle of intergroup polemics, by offering a new interpretation of the well-known sobriquet דורשי החלקות. Without denying that the term most likely designates the Pharisees, Fox argues that the traditional rendering "seekers after smooth things" is less likely than a meaning linked to the root sense of חלק as "division"; thus "seekers of divisions/conflicts." The philological argument is accompanied by a wide-ranging analysis of what the Qumranites might have meant by characterizing their opponents in such terms. While he rejects the common scholarly explanation of the sobriquet as a punning reference to Pharisaic halakhah, Fox nevertheless emphasizes that the *yaḥad*'s opposition to the Pharisees was rooted in halakhic differences; indeed in a fundamentally contrary understanding of the nature and origins of halakhah.

The contribution by *Gareth Wearne* likewise addresses questions of the Qumran community's relations with other groups, but with an eye to possibly sympathetic groups rather than opponents. Building on recent challenges to the traditional interpretation of 4QMMT as a letter sent from the founders of the Qumran community at the time of their schism with Jerusalem authorities,

Wearne flips the script even further, proposing that MMT may not have origi-
nated with the *yaḥad* (or its direct forerunners) at all. He notes that the irenic
tone of the document ill fits a construal of the document's addressees as oppo-
nents, and that, as Charlotte Hempel has made clear, there is no good evidence
for schism between MMT's authors and the temple authorities at all: the fa-
mous reference to "separation" in the text's epilogue need not be interpreted as
physical separation but could merely involve specific halakhic practices. The
image of MMT as a communication between two parties sympathetic to one
another opens the possibility that the *yaḥad*, or some earlier version thereof,
were the *addressees* of MMT, rather than its authors. In other words, MMT may
have originated as a letter sent *to* the *yaḥad* by a group which similarly ob-
jected to certain halakhic practices, but did not reject worship at the temple (a
group Wearne associates with the ideology of the Damascus Document). Such
a scenario, Wearne argues, might better explain the preservation of MMT at
Qumran, as well as shed light on the early history of the *yaḥad* and the inter-
relationships between MMT, D, and the Serekh materials, but from a different
angle than typically imagined.

A cluster of contributions to the volume focuses on the Serekh traditions,
with a special interest in issues of textual development. Particular emphasis
is placed on the Treatise of the Two Spirits (1QS 3:13–4:26) and its place in
the textual history of 1QS and, by extension, the intellectual history of the
yaḥad. The Treatise as we know it from 1QS is an intriguing text that clearly
has a "doctrinal" flavor to it: It is no surprise that it was considered to reveal
the most distinctive characteristics of Qumran theology. Yet, when the 4QS
manuscripts were published and the Treatise was poorly represented in them,
scholars began to ask how central the Treatise actually was in the teachings of
the Qumran movement.

Furthermore, the origin of the Treatise is a focus of ongoing debates. First,
it was remarkable that the kind of dualism that was earlier attributed to
Hellenistic influence in some New Testament writings was now discovered in
an early Jewish text. The origin of the dualism in the Treatise was then traced to
Iranian influence,[11] and the Treatise was suggested to have had an earlier ("pre-
sectarian") existence, independent of the rest of the rule materials.[12] In the next
turn, the nature of the dualism in the Treatise was specified and different types

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11   Albert De Jong, "Iranian Connections in the Dead Sea Scrolls," in *The Oxford Handbook
      of the Dead Sea Scrolls*, ed. John J. Collins and Timothy H. Lim (Oxford: Oxford University
      Press, 2010), 479–500, discusses the fluctuation in Qumran scholarship to either deny or
      embrace the Iranian influence.

12   E.g., Hartmut Stegemann, "Zu Textbestand und Grundgedanken zu 1QS III,13–IV,26,"
      RevQ 13 (1988): 95–131.

of dualisms were identified within it that did not necessarily derive from one single origin.[13] This implied that the Treatise itself may have been created in multiple stages, although many scholars were reluctant to identify clear-cut redactional layers.[14] The scholars who engage this question here (forming a kind of Göttingen school of *Fortschreibung*) are all critical of the idea that the Treatise would have had an independent life before its incorporation into the Serekh.

According to *Peter Porzig*, the observations of the distinct nature of the Treatise are still valid, but if the theory of its pre-sectarian existence is not accepted, an alternative explanation for the Treatise must be sought. Porzig identifies terminological links between the Treatise and its context, both 1QS 1–3 and 1QS 5–11 (especially 5–7). Instead of scribes having known an earlier Treatise tradition, Porzig argues for the possibility that the scribes of the Treatise used the language from the earlier rule traditions to solve the problems present in their thought world and social reality; yet, the distinctive style of the Treatise shows that these scribes were not the same ones as the other rule scribes. Porzig thus regards the Treatise as a *Fortschreibung* of earlier forms of S.

While Porzig focuses on the relationship between the Treatise and its context in 1QS, *Meike Christian* reconstructs the textual growth of the Treatise itself in light of parallels with Instruction and the Hodayot. The theory is based on previous observations, especially that only parts of the Treatise (1QS 3:13–18 and 4:15–26) share strong similarities to Instruction and the Hodayot. Christian first studies these connections and argues that the Treatise is further developing ideas in the Hodayot and Instruction. She then examines the Treatise in more detail for its literary seams and layers. In the end, Christian presents a theory of major literary stages where the original core (1QS 3:13–14a*, 3:15b–18a + 4:15–23a) was expanded in the middle (with 1QS 3:18–4:14) as well from the end (1QS 4:23–26), with some further nuances. These stages transform the basic scheme of the composition. Whereas the focus was first on creation and the divinely predetermined course of history, the Treatise then became more and more coloured by various kinds of divisions (dualisms) as the lists of vices

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13   E.g., Jörg Frey, "Different Patterns of Dualistic Thought in the Qumran Library," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995; Published in Honor of Joseph M. Baumgarten*, ed. Moshe J. Bernstein, Florentino García Martínez, and John Kampen, STDJ 23 (Leiden: Brill, 1997), 275–335.

14   For a recent overview of research history of the Treatise and its evaluation, see Gwynned De Looijer, *The Qumran Paradigm: A Critical Evaluation of Some Foundational Hypotheses in the Construction of the Qumran Sect*, EJL 43 (Atlanta: Society of Biblical Literature, 2015), 189–252.

and virtues, cosmic struggle, and finally the inner struggle within the human being were added. How and when this literary growth took place is not yet discussed in this article, though Christian's work fits well with Porzig's proposal that the Treatise was composed for its context in 1QS.

James Tucker continues the focus on the compositional development of the Serekh materials, now examining a case where the expansion of S with the Treatise and the other materials now present in 1QS 1–4 may have led to textual changes elsewhere in the document. Tucker begins from one concrete intervention: he demonstrates that 4QS[b] 5a–b 12 cannot be reconstructed according to the parallel text in 1QS 6, and suggests that 4QS[b] most likely lacked a clause present in 1QS at this point. Though explanations such as haplography or deliberate omission might be considered here, as they have been for other minuses in 4QS[b,d] over against 1QS, Tucker argues that the clause represents a secondary addition in 1QS vis-à-vis an earlier text form represented by 4QS[b]. He defends his argument through a semantic analysis of the clause in comparison to the Treatise of the Two Spirits. The plus, he demonstrates, picks up key epistemic ideas found elsewhere in S only in 1QS 1–4 (and the Treatise in particular). Thus it can be explained as an attempt to clarify the legal passage in light of new theological ideas.

The Treatise, along with other portions of the Serekh, is one of the texts ascribed to the *maśkil*. This figure and its implications for the nature and inner structure of the Qumran movement is the subject of the contribution by *Michael Jost*. It is well known that the *yaḥad*, despite its emphasis on unity and gathering together a true community, presents itself as hierarchical in its entry ritual and decision making. Yet, liturgical communion with angels is one central aspect of the community's stress on unity, insofar as hierarchical distinctions become blurred. Jost argues that the teachings and performances of the *maśkil* play a special role in this unity: the *maśkil*'s role as a liturgical performer and a teacher represents the unity of the members; the *maśkil* is not a leader figure or mediator but rather a servant or ideal-typical character. It is significant that his teachings are put into writing, as this demonstrates that the personality of the *maśkil* is not important but the task of teaching is. Jost's analysis thus raises questions of authority: that the movement preserved so many writings in the name of/addressed to the *maśkil* might be taken to demonstrate a sort of Weberian "bureaucratic authority"—the formulated principles and recordings are important, not the personal charisma or (priestly or otherwise high-status) pedigree of the teacher. Priests still stand high in the hierarchical structure of the movement, but this is, according to Jost, due to the attempt to integrate them into the union rather than to ensure their power over others.

Two final contributions shift to another of the key legal texts known from Qumran, the Temple Scroll. Given that the Temple Scroll is constituted largely through rewriting, a full understanding of the authors' halakhic stances requires particular engagement with questions pertaining to the Scroll's use of earlier texts. *Tova Ganzel* sheds light on the Temple Scroll's ideological perspective by challenging the dominant scholarly tendency to construe this text largely in terms of its rewriting of the Pentateuch. She argues that the book of Ezekiel also played a substantial role in the composition of the Temple Scroll, especially influencing the author's conception of the holiness of the future utopian temple. She points to the use of similar language regarding sanctity and the divine presence, similar concerns to safeguard the holiness of the future temple, and similar attempts to sever the link between the utopian future temple and the physical city of Jerusalem.

Finally, *Molly Zahn* discusses the influences on and sources of the Temple Scroll and questions the often assumed dependence of the Temple Scroll on the books of Chronicles. What is at stake is not only the general understanding of the ideological world of the Temple Scroll, nor the dating of the Temple Scroll (if it drew on Chronicles, it must have been later than Chronicles), nor possible connections to Jerusalem and the Hasmoneans (associated with Chronicles), but a wider conceptual question of privileging canonical books over non-canonical ones. This canonical prioritizing has led most scholars to take it as a given that Chronicles was readily known and valued by the Temple Scroll authors. Instead, Zahn argues that both Chronicles and the Temple Scroll could be seen as employing similar rewriting practices, drawing on earlier written traditions. She demonstrates this with two case studies. First, the Levites have a prominent role in both Chronicles and the Temple Scroll, but the comparison of these and other texts provides no reason to regard Chronicles in this case as the source for the Temple Scroll. The second case study is the appointing of the royal council in 11QT[a] 57, which, in contrast to the ostensibly similar royal court described in 2 Chronicles 19, substantially constrains the king's role. Instead of the Temple Scroll depending here on Chronicles, as has often been suggested, Zahn argues that the similarities between the two result from the fact that both texts drew on the same source text in Deuteronomy, albeit for quite different purposes.

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Abbreviations

Abbreviations follow *The SBL Handbook of Style for Biblical Studies and Related Disciplines*. Second Edition. Edited by Patrick H. Alexander, John F. Kutsko, James D. Ernest, Shirley Decker-Lucke, and David L. Petersen. Atlanta: Society of Biblical Literature Press, 2014.

Second Temple Jewish Law in Light of the Dead Sea Scrolls: Widening the Paradigm

Lawrence H. Schiffman

1 Introduction

I would like to begin this discussion with a note of celebration. In 1974 when I completed my doctorate, I began to attend scholarly meetings. At that time the Society of Biblical Literature had a Qumran section that met in one session. Attendance consisted of at the most eight to ten people, most of whom were friends of presenters and were involved in other fields of research. In working on the field of halakhic texts, I joined our late esteemed and beloved colleague Joseph M. Baumgarten[1] in a group of two. Our work was considered strange since most colleagues, including even some Israelis, regarded the Dead Sea Scrolls as of primary interest for the history of Christianity and not for Judaism. We will not trace here the variety of factors that contributed to the eventual ascendance of Qumran Studies. Suffice it to say that the publication of the Temple Scroll[2] and the Cave 4 Jewish legal material[3] transformed the

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1 See Joseph M. Baumgarten, *Studies in Qumran Law*, SJLA 24 (Leiden: Brill, 1977) for some of his major studies. Full bibliography in Moshe J. Bernstein, Florentino García Martínez and John Kampen, eds., *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995: Published in Honour of Joseph M. Baumgarten*, STDJ 23 (Leiden: Brill, 1997), xix–xxv.

2 Yigael Yadin, *Megillat Hamiqdash*, 3 vols. (Jerusalem: The Israel Exploration Society and the Shrine of the Book, 1977); idem, *The Temple Scroll*, 3 vols. and suppl. (Jerusalem: The Israel Exploration Society and the Shrine of the Book, 1983); Elisha Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Beersheva and Jerusalem: Ben-Gurion University of the Negev and Israel Exploration Society, 1996); idem, *Megillot Midbar Yehudah: Haḥiburim Haʿivriyim*, Between Bible and Mishnah (Jerusalem: Yad Ben-Zvi Press, 2010), 1:137–206; Lawrence H. Schiffman, A. D. Gross, and M. C. Rand, eds., *Temple Scroll and Related Documents*, vol. 7 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, ed. James H. Charlesworth et al. (Tübingen: Mohr Siebeck, 2011); cf. Lawrence H. Schiffman, *The Courtyards of the House of the Lord: Studies on the Temple Scroll*, ed. Florentino García Martínez, STDJ 75 (Leiden: Brill, 2008).

3 Joseph M. Baumgarten, *Qumran Cave 4.XIII: The Damascus Document (4Q266–273)*, DJD 18 (Oxford: Clarendon Press, 1996); Joseph M. Baumgarten et al., *Qumran Cave 4.XXV: Halakhic Texts*, DJD 35 (Oxford: Clarendon Press, 1999).

field. Today, we are able to organize manifold sessions around rule scrolls and legal (halakhic) texts (among many other important topics) and we ought all to take pride in this amazing accomplishment.

Before launching into our study, a brief methodological note is in order regarding how we study the Dead Sea Scrolls. Many scholars have explored the Scrolls in order to learn about a small sect of Jews who inhabited the "settlement" at Qumran where the Dead Sea Scrolls were gathered and ultimately left for posterity. This approach, however, is not the one that we have taken. We have advocated looking at the corpus of Qumran Scrolls, along with other Second Temple literature known to us previously, as a means to uncovering, after due correction for the bias of our sources, information pertaining to the various manifestations of Second Temple Judaism.[4] Such an agenda looks at the nature of the biblical texts as examples of the state of the Hebrew Bible in the Land of Israel as a whole, and at the nonbiblical manuscripts as in many cases testifying to views and approaches much more widely held than only among the circles of the sectarians of Qumran. Further, this method of investigation examines anti-Pharisaic polemics in the Scrolls in order to make possible the reconstruction of numerous Pharisaic views, especially on Jewish law, as well as of much of the views of the Sadducees on Jewish law and exegesis, based on the Qumran corpus and other texts. In the spirit of this wider approach, we seek to use the Dead Sea Scrolls as part of the corpus of Second Temple halakhic material that enables us to gain a much more detailed picture of the competing views and at the same time to show that numerous aspects reflected in later sources can be securely dated to the Second Temple period.

The study of the history of Jewish law (termed by the rabbis "halakhah") has progressed enormously as a result of the study of the Dead Sea Scrolls.[5] The earliest origins of research in this area came from two different directions. Beginning in the Renaissance, Jewish scholars began to look at Josephus, Philo, and the apocryphal books and to realize that they provided what they then considered to be evidence for earlier forms of Jewish law than that enshrined in the rabbinic corpus. Not much later, to a great extent as a result of the Reformation, Christian scholars began to seek evidence in rabbinic sources, and to some extent in Second Temple materials, for practices of Judaism that

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4   This is the approach followed in Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (Philadelphia and Jerusalem: Jewish Publication Society, 1994).

5   Alex P. Jassen, "American Scholarship on Jewish Law in the Dead Sea Scrolls," in *The Dead Sea Scrolls in Scholarly Perspective: A History of Research*, ed. Devorah Dimant, STDJ 99 (Leiden: Brill, 2012), 101–54; Aharon Shemesh, "Trends and Themes in Israeli Research of the Halakhah in the Dead Sea Scrolls," in Dimant, *Dead Sea Scrolls in Scholarly Perspective*, 345–61.

were in evidence in New Testament writings. Beginning with the development of the *Wissenschaft des Judentums*, the scientific study of Judaism, in the early nineteenth century, and extending up to the beginning of the impact of the discovery of the Cairo Genizah, there were numerous stirrings towards the reconstruction of the Pharisee/Sadducee debates. Scholars realized that there was, indeed, a Sadducean system of Jewish law,[6] and attempted to discover what was termed the *halakhah yeshanah*, "the old law." None of this, however, rivaled the amazing effect of the discovery of what Solomon Schechter called the Fragments of a Zadokite Work,[7] now usually known as the Damascus Document.

This text, initially discovered in two medieval manuscripts and later found in ten fragmentary, ancient manuscripts at Qumran,[8] contained sufficient halakhic material to cause a complete reevaluation of these issues. But the real impact would have to await the full publication of the Qumran fragments, which doubled the size of the preserved document. The initial discovery touched off a debate that concerned the identity of the sectarian group that created the document. For our purposes, we might summarize as follows: Schechter got it right in his initial publication that there were aspects here highly similar to the legal views of the Sadducees and in realizing that there were similarities between this material and some Samaritan rulings. Those who suggested Karaite origins had correctly sensed parallels between this material and Karaite legal texts.[9] Finally, Louis Ginzberg, while incorrect in his conclusion that the new texts were of Pharisaic origin, created a study of the halakhic material that provided sources and explanations for understanding the work as a whole.[10]

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6   Abraham Geiger, *Hamiqra' veTargumav beZiqqatam leHitpatḥutah Hapenimit shel Hayahadut*, trans. Y. L. Baruch (Jerusalem: Mosad Harav Kook, 1948/9); trans. of *Urschrift und Übersetzung der Bibel in ihrer Abhängigkeit von der innern Entwicklung des Judentums* (Breslau: Julius Hainauer, 1857). For a thorough recent study, see Eyal Regev, *Haṣeduqim veHilkhatam: 'Al Dat veḤevrah biYeme Bayit Sheni* (Jerusalem: Yad Ben Zvi, 2005).

7   Solomon Schechter, *Fragments of a Zadokite Work*, vol. 1 of *Documents of Jewish Sectaries* (Cambridge: Cambridge University Press, 1910; repr. Library of Biblical Studies; New York: Ktav, 1970), 5–120 (following the sequential pagination of the reprint).

8   4Q266–273, 5Q12, and 6Q15. Cf. the synoptic edition of David Hamidovič, *L'Ecrit de Damas: le manifeste essénien*, Collection de la Revue des Études Juives 51 (Paris: Peeters, 2011).

9   The most thorough treatment of the relationship of Karaism to the Dead Sea Scrolls remains Naphtali Wieder, *The Judean Scrolls and Karaism* (London: East and West Library, 1962; repr. with addenda, corrigenda, and supplementary articles, Jerusalem: Ben Zvi Institute and the Hebrew University of Jerusalem, 2005).

10   Louis Ginzberg, *An Unknown Jewish Sect* (New York: Jewish Theological Seminary, 1976); trans. of *Eine unbekannte jüdische Sekte* (repr. New York: L. Ginzberg, 1922). The English edition contains several previously unpublished chapters. Ginzberg goes to great lengths to disprove the claim that this was a Karaite text (338–408).

Even before the Dead Sea Scrolls were discovered in 1947, sufficient material existed for us to have expected a major revision in the general understanding of Second Temple Judaism and its relationship to rabbinic Judaism and Christianity. The combination of apocryphal and pseudepigraphic works, Philo, Josephus, the New Testament, and now the Zadokite Fragments should have led in any case to a revolution that would have greatly influenced the understanding of Second Temple Jewish law. However, when the embers of the Holocaust died down and the Dead Sea Scrolls were discovered, the newly expanded corpus of Second Temple literature demanded renewed study of the field as a whole and of the history of Jewish law in ways that could not have been imagined before this pair of watershed events.[11] Tremendous progress was made in this field in the early years of Dead Sea Scrolls studies but with the full publication of the corpus, especially the publication of the Temple Scroll, the remaining manuscripts of the Damascus Document, 4QMMT,[12] and various other smaller halakhic fragments, the field would experience tremendous stimulus.

Strangely, while this literature was coming to light and while the study of Jewish law in the Dead Sea Scrolls has flourished so greatly, a parallel and, in fact, contradictory discussion was seeking to argue that virtually nothing preserved in rabbinic texts would provide accurate historical information about Judaism, and specifically Jewish law, previous to the destruction of the Temple in 70 CE. This discussion was primarily engendered by the work of Jacob Neusner,[13] who rightly argued against the assumption that early rabbinic material, primarily anonymous material in the Mishnah, should simply be assumed to date to before the destruction. Further, he correctly argued that evidence of sectarian groups cannot be assumed simply to be relevant to the rabbinic tradition. However, this discussion generally ignored the developing field of Qumran and Second Temple studies. Indeed, these arguments among experts in rabbinic literature should have been greatly tempered by the discoveries that were going on in the Qumran field. We (or should we say: they) need to know that when we find in the Dead Sea Scrolls what are apparently polemics

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11   Cf. Lawrence H. Schiffman "Halakhah and History: The Contribution of the Dead Sea Scrolls to Recent Scholarship," in *Jüdische Geschichte in hellenistisch-römischer Zeit*, ed. A. Oppenheimer and E. Müller-Luckner, Schriften des Historischen Kollegs, Kolloquien 44 (Munich: Oldenbourg, 1999), 205–19.

12   Elisha Qimron and John Strugnell, *Qumran Cave 4.V: Miqṣat Maʿaśe ha-Torah*, DJD 10 (Oxford: Clarendon Press, 1994).

13   Jacob Neusner, *The Rabbinic Traditions about the Pharisees before 70*, 3 vols. (Leiden: Brill, 1971); idem, *From Politics to Piety: The Emergence of Pharisaic Judaism*, 2nd ed. (New York: Ktav, 1979).

against views known only in later rabbinic literature, these polemics allow us to conclude that the relevant tannaitic views must have been in existence in Second Temple times in order to be argued against.

We have used this method over and over to show how material from the rabbinic corpus can be used in our reconstruction of Second Temple halakhah. I think it is fair to state that our colleagues who have been involved in the study of Qumran legal materials have drawn the conclusion that rabbinic literature can indeed be highly relevant and that, if used judiciously, it may provide important evidence.[14] However, Qumran halakhic research has not yet necessarily had sufficient impact on the study of rabbinic literature.

The argument that we wish to make here is that it is time to move from the study of Qumran halakhah to a much wider context, the study of Second Temple Jewish law as a whole. This argument, in fact, parallels my view regarding the study of the Dead Sea Scrolls in general and underlies the organization of the Second Temple literary corpus in the three volumes of which I was privileged to be one of the editors, along with Louis Feldman and James Kugel, *Outside the Bible: Ancient Jewish Writings Related to Scripture*. In this work we made an effort to categorize various Second Temple compositions by subject and genre and not by their source.[15] (The final classification system we followed owes much to the proposal of Ruth Clements whose editorial role in this project was invaluable.) The term Dead Sea Scrolls defines a group of texts simply by where they were found. Maintaining the division Apocrypha, Pseudepigrapha, Dead Sea Scrolls similarly classifies literature by how it came into our possession. One group of texts was handed down in Greek by Latin churches, one in various languages by Eastern churches, and one came from caves near the Dead Sea. This is not a reasonable way to perform research on our field. Rather, we argued in *Outside the Bible*, explicitly and implicitly, that this literature needs to be regarded as the general literature of Second Temple Judaism, and discussed by classifying texts by their content and subject

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14   Joseph M. Baumgarten, "Recent Qumran Discoveries and Halakhah in the Hellenistic-Roman Period," in *Jewish Civilization in the Hellenistic-Roman Period*, ed. S. Talmon, JSPSup 10 (Sheffield: JSOT Press, 1991), 147–58; Lawrence H. Schiffman, *The Halakhah at Qumran*, SJLA 16 (Leiden: Brill, 1975), 13–17; Aharon Shemesh, *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis*, The Taubman Lectures in Jewish Studies 6 (Berkeley: University of California Press, 2009), 33–38 and passim. See also Alex Jassen, review of *Halakhah in the Making*, by A. Shemesh, *AJS Review* 34 (2010): 418–21.

15   Louis H. Feldman, James Kugel, and Lawrence H. Schiffman, eds., *Outside the Bible: Ancient Jewish Writings Related to Scripture*, 3 vols. (Philadelphia: Jewish Publication Society; Lincoln: University of Nebraska, 2013), 1:vii–xi.

matter.[16] In doing so, we created a sort of unity of the (non-biblical) literature of this period. I would argue now that our study of Jewish law should reflect the very same concept. We are studying the wide variety of approaches to Jewish law in the Second Temple era, with one of the major sources being the Dead Sea Scrolls. Effectively, today I am deconstructing the title of my first book, *Halakhah at Qumran*,[17] arguing that the place in which these materials were found, even though they were gathered by a particular sect of Jews, needs to be deemphasized, and that research on all the materials in our possession needs to be conducted with a wider perspective.

One additional general question pertains to periodization. Let me say at the outset that while periodization should be an aid to our research, we have to be careful to avoid its pitfalls. Specifically, early research on the Second Temple period was guided primarily by the assumption that this era led up to the career—indeed the resurrection—of Jesus. Hence, it was assumed that a major transition took place in Judaism when the Jews rejected Jesus, thereby creating what was pejoratively denoted by the terms "rabbinism" and "legalism." This position fell out of favor with the rise of modern academic study and the concurrent scholarly turn away from anti-Jewish tropes in the aftermath of the Holocaust. Two alternatives were available. George Foote Moore, already in the early twentieth century, chose the beginning of the Second Temple period ca. 520 BCE as the cut-off point between Israelite religion and Judaism.[18] Later, Jacob Neusner dated the major transition from Second Temple to rabbinic Judaism to the destruction of the Temple in 70 CE.[19] While these are useful dates, major developments did not occur overnight on some calendar date designated by scholars. While we do indeed need periodization, we always have to be mindful of the gradual way in which transitions occur, especially in the history of religious ideas. Having said this, I would argue that the entire Second Temple period needs to be taken as a whole. In essence, I am accepting the work of some of our colleagues, especially Moshe Weinfeld,[20] who argues that aspects of developments that we see in the Dead Sea Scrolls and other Second Temple sources were already beginning to be evident in the period of the return and in the later books of the Hebrew Bible.

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16   *Outside the Bible*, 1:xvi–xvii.
17   See above n. 14.
18   George Foot Moore, *Judaism in the First Centuries of the Christian Era: The Age of the Tannaim*, 2 vols. (New York: Schocken, 1971), 3–28.
19   Neusner, *From Politics to Piety*, 2–3.
20   Moshe Weinfeld, *Normative and Sectarian Judaism in the Second Temple Period* (London: T&T Clark, 2005), 232–38.

So I argue that the study of Second Temple period Jewish law must begin in the late sixth century BCE.

In what follows, we will take up a few subjects and show how the discussion of these topics stretches through a number of sources throughout the Second Temple period and can best be understood in an integrated manner. In each of these issues, we will see the continuity and commonality of the agenda and the manner in which our sources help to illuminate the particular subject. To a great extent this discussion will be episodic—certainly not comprehensive. We seek to use the examples to highlight certain features of Second Temple Jewish law, while arguing for an integrated approach.

2   Sabbath

The Bible contains very limited information about how to observe the Sabbath, as was already observed by the rabbis in the Mishnah (m. Ḥag. 1:8). Beyond the general prohibition of labor, making fires, plowing, and harvesting are prohibited by the Torah with no other details. Jer 17:21–22 specifically discusses the prohibition of carrying out of a private domain to a public domain and vice versa on the Sabbath. Various matters pertaining to conduct of business (or of other normal affairs; the text is difficult) are discussed in Isa 58:13. When we reach the early Second Temple period, we find allusion in the book of Nehemiah to specific issues pertaining to carrying in and out of the city walls as well as doing business on the Sabbath (Neh 13:14–18). Essentially, this material, scant as it is, may be considered transitional in terms of the extensive definitions of Sabbath law that we encounter later on. As is well known, we possess very little literature from the early post-Hebrew Bible period of the Second Temple. However, by the time we reach Jubilees in circa 180 BCE we find an extensive list of Sabbath prohibitions (Jub. 50:6–13) including, among other things, sexual relations, business trips or commercial relations, drawing of water, carrying in or out of one domain to another, the requirement for food to be prepared in advance, prohibition of lighting fires, riding an animal, traveling, and slaughtering an animal.[21]

Several general observations may be made based on this passage in Jubilees. Already, we can see that there is no differentiation being made here between

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21   Cf. Chanoch Albeck, *Das Buch der Jubiläen und die Halacha* (Berlin: Siebenundvierzigster Bericht der Hochschule für die Wissenschaft des Judentums, 1930), 7–12; available in Hebrew translation in idem, "Sefer Hayovelot veHahalakhah," *Jewish Studies* 45 (2008): 9–17.

Torah and non-Torah prohibitions. Unlike the rabbis, the legal system operative here considered forbidden actions to be violations of the Torah's laws prohibiting labor on the Sabbath. Also, the presence of the prohibition on sexual relations (Jub. 50:8), likewise followed by the Karaites and derived by them from Exod 34:21,[22] already points to the fact, known from many other examples, that this text follows the priestly/Zadokite/Sadducean approach to Jewish law. Nonetheless, as may also be observed in the Dead Sea Scrolls corpus and in early rabbinic texts, specific lists of prohibited activities were developing in Second Temple times among virtually all groups of Jews. Many of the prohibitions, as one would have expected, are common to all the lists. This phenomenon highlights the common Judaism that is so central in our period. We scholars so often emphasize the differences between the various groups that we often forget that there was a basic, common substratum, termed by scholars "common Judaism," that unified the Jewish people. It seems that quite a number of activities prohibited on Shabbat were part of this common tradition.[23]

Continuing historically, we next encounter detailed Shabbat laws in the Damascus Document (Schechter's Zadokite Fragments), dating to somewhere after 120 BCE.[24] We should observe at this point that beyond the Sabbath sacrifice (11QTª 13:17–14:3), the Temple Scroll says nothing about Sabbath observance. We assume that the author sought to include primarily Temple-centered or Temple-relevant laws, or subjects where he sought to polemicize against the existing order.[25] In contrast, the Sabbath Code of the Damascus Document resembles later rabbinic law in the extensive nature of the prohibitions in the list. Extremely important is the fact that the Sabbath is said to begin on Friday night (CD 10:14–17), with a short period of extension reaching back into the afternoon, as in the rabbinic tradition as well.[26] Some laws are common, such as the existence of Sabbath limits for walking out of the settled area on the Sabbath, except that here there were two different limits, one for simply walking, 1000 cubits (CD 10:21), and the other, 2000, for pasturing

22   Salo W. Baron, *A Social and Religious History of the Jews*, 17 vols. (New York and London: Columbia University Press; Philadelphia: Jewish Publication Society of America, 1952–80), 5:217 and sources in 5:392 n. 9.

23   E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (London: SCM; Philadelphia: Trinity Press International, 1992), 208–11.

24   For a thorough discussion of these laws, see Schiffman, *Halakhah at Qumran*, 77–133.

25   On the character of this composition, see Schiffman, *Courtyards of the House of the Lord*, 33–49.

26   Schiffman, *Halakhah at Qumran*, 84–87.

animals (CD 11:5–7).[27] Specific activities understood to be forbidden are speci-
fied here. In many cases these laws are parallel to those that were followed by
the Pharisees. However, there is evidence in rabbinic literature that in certain
ways rabbinic teaching may have become more lenient than may have been
the case in earlier Pharisaic law.

One prescription that is especially noteworthy is that which describes
what to do when a person falls into a dangerous water source on the Sabbath
(CD 11:16–17 // 4Q270 6 v 19–20 // 4Q271 5 i 10–11). Because of textual problems
as well as other considerations, there was considerable debate as to whether
or not the sectarians allowed saving of human lives on the Sabbath when it
involved violation of legal prescriptions, what the rabbis called *piqquaḥ nefesh*.
I personally argued that they did,[28] but with no proof. This exchange took
place before the release of the Qumran fragments of the text. When those
manuscripts were released and published, they indicated that the Dead Sea
sectarians, like the rabbis and I assume the Pharisees, allowed for the setting
aside of Sabbath prohibitions to save human lives. This is certain from 4Q265
Miscellaneous Rules 6 6–7.[29] However, the sectarian text emphasized that
whenever possible, life-saving should be done without violation of Shabbat.[30]
It is interesting that Josephus's example of Essene Sabbath stringency beyond
biblically based prescriptions, namely, not using the toilet on Shabbat (*J.W.*
2.147), has no parallel in Qumran texts.

Our next stop on the timeline is Philo.[31] However, he essentially provides a
summary of the biblical laws of the Sabbath, not adding any specifics. He says
that the day should to some extent be devoted to hearing lessons on the Torah
(*Spec. Laws* 2.60–61), a concept also emphasized by Josephus (*Ag. Ap.* 2.175).
Philo also mentions the prohibition of profit-making crafts and professions as
well as business activity (*Moses* 2.211). He explains the case of the Torah's wood-
collector (Num 15:32–36) as analogous to what the rabbis would call *muqṣeh*,
that forbidden to be handled because it might lead to a transgression. He says
that picking up sticks was forbidden in itself, separate from the making of a

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27   Schiffman, *Halakhah at Qumran*, 91–98, 111–13.

28   Schiffman, *Halakhah at Qumran*, 125–28.

29   Baumgarten, DJD 35:68–69.

30   Baumgarten, DJD 18:162; Lawrence H. Schiffman, *Halakhah, Halikhah uMeshiḥiyut beKhat
      Midbar Yehudah* (Jerusalem: Merkaz Shazar, 1993), 129–31, esp. 129 n. 302.

31   Cf. Samuel Belkin, *Philo and the Oral Law: The Philonic Interpretation of Biblical Law in
      Relation to the Palestinian Halaka* (Cambridge, MA: Harvard University, 1940), 193–203;
      Yedidya Etzion, "Philo's Sabbath: A Study in Philo's Jewish Law," paper presented at the
      Philo of Alexandria Seminar, SBL Annual Meeting, San Diego, CA, 2014, http://torreys
      .org/sblpapers2014/YedidyaEtzion_Philos_Sabbath_SBL2014.pdf.

fire (*Moses* 2.219–20). Philo emphasizes the Torah's requirement to provide servants with a day of rest, even from tasks that Jews would be allowed to perform on Shabbat (*Spec. Laws* 2.67), also found in the Damascus Document (CD 11:11–12).

Josephus devotes considerable attention to Sabbath observance.[32] However, in his recapitulation of the Torah's legislation he simply summarizes its origins in *Ant.* 1.33 and mentions it in passing in 3.143, in discussing the changing of the showbread.[33] By quoting a passage from Agatharchides (*Ag. Ap.* 1.205), which may or may not be authentic,[34] Josephus tells us that the Sabbath requires abstention from work, bearing arms,[35] agricultural activity, and public service, and is to be devoted to prayer. Nicholaus of Damascus is quoted as saying that the Sabbath is devoted to the study of Jewish customs and laws that must be studied in order to avoid transgression (*Ant.* 16.43). The reading of the Torah on the Sabbath is referred to in *Against Apion* 2.173.[36]

When we reach the New Testament, we find several discussions of Sabbath observance. We will use as an example the case of removing an animal from a pit when the animal is in danger of drowning on the Sabbath (Matt 12:11 // Luke 14:5). This example gives us an opportunity to compare laws as explained in the New Testament, Dead Sea Scrolls, and rabbinic literature.[37] The New Testament is amazingly rich with details about Jewish practice and observance in the late Second Temple period. As regards the example under discussion, we know already that the Dead Sea Scrolls specifically state in the Damascus Document that it is forbidden to remove an animal from a pit on the Sabbath, even when the pit is filling with water (CD 11:13–14; 4Q265 6 5–6). Hence, one can assume that if left there, the animal would die. In early rabbinic texts, which we assume in this case to reflect also Pharisaic views, we find that the rabbis permitted placing pillows or other items in the pit so as to allow the

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32 Herold Weiss, "The Sabbath in the Writings of Josephus," *JSJ* 29 (1998): 363–90; See his n. 10–11 for general references.

33 Our treatment will not deal with the reports of Josephus regarding Sabbath exemptions as well as the frequent Greco-Roman ridicule of Jews' refraining from work on Shabbat. These reports, however, are evidence of widespread observance of the Sabbath by Jews in the Land of Israel and the Diaspora in the Greco-Roman period. For Josephus on Sabbath ritual performed in the Temple, see Weiss, "Sabbath," 368–70.

34 Weiss, "Sabbath," 366.

35 See Weiss, "Sabbath," 374–84.

36 Cf. Lawrence H. Schiffman, "Second Temple Period Rationales for the Torah's Commandments," in *Dine Yiśra'el* 32 (2018): 55*–76*.

37 Cf. Schiffman, *Halakhah at Qumran*, 121–2; Lawrence H. Schiffman, "Hahalakhah beSifre Habesorah shebiVerit Haḥadashah uviMegillot Midbar Yehudah," *Meghillot* 4 (2006): 141–50.

animal to climb out (t. Šabb. 14[15]:3).[38] This ruling is similar to that regarding helping an animal to give birth on the Sabbath, permissible to the rabbis provided that it entails no Sabbath violation (t. Šabb. 15[16]:2), but prohibited in the Damascus Document (11:13). The Gospels record a statement in the name of Jesus (Matt 12:11 // Luke 14:5) in which he simply states that it is proper to remove an animal from a pit on the Sabbath, in the context of justifying his healing of a man on the Sabbath. This discussion indicates that the followers of Jesus were of the opinion that an animal may be lifted out under any circumstances.[39] This example shows us how in general, the Qumran sectarians, and I might add those following the priestly strain in halakhah, tended to be on the stricter side, whereas the Pharisees occupied the middle ground, and the earliest followers of Jesus represented a more lenient approach. This more liberal tendency of Jesus is one of the reasons why it makes no sense to regard the proto-Christians as having developed out of the Dead Sea sectarians. A similar contrast is the Gospels' negative view on the role of purity law as a sectarian separator, an idea at the basis of the initiation rites and structure of the Dead Sea sect, as we will explain below.

When we approach the question of the Pharisaic tradition, for which no direct datable evidence exists,[40] we must triangulate back from rabbinic texts. The Torah had prohibited "all labor" but mentioned only a small number of specific Sabbath prohibitions. However, it is clear from Jubilees and the Damascus Document that, already in Hasmonean times and even before, there were developing lists of activities prohibited on the Sabbath. Indeed, an entire Sabbath code existed in the Damascus Document. Looking at rabbinic literature, therefore, we would argue that the list of prohibited actions mentioned in Mishnah Shabbat 7:2 should be dated to the pre-70 CE period. Further, observing that the rabbis have to justify this list artificially, trying to make it conform to a constructed list of activities involved in the building of the desert shrine, the Tabernacle (Exod 25–40), it is clear that this list preexisted the tannaitic discussion. Much of the mishnaic discussion of Shabbat revolves around the question of under what circumstances violations require the bringing of a sacrifice if they were committed unintentionally. Clearly, the list of Sabbath prohibitions is pre-70 CE, reflecting the emerging tannaitic approach.

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38   See also b. Šabb. 128b.

39   Cf. E. P. Sanders, *Jewish Law from Jesus to the Mishnah* (London: SCM Press, 1990), 6–23; John P. Meier, *A Marginal Jew: Rethinking the Historical Jesus*, 5 vols., Anchor Yale Bible Reference Library (New Haven: Yale University Press, 1991–2015), 4:245–341.

40   We cannot simply assume that anonymous tannaitic traditions date to the Second Temple period.

Taking all this material together as one whole allows us to construct an emerging history of Sabbath law in Second Temple times, bridging from the Bible to early rabbinic literature, but without falling into any of the pits into which our predecessors fell. We have not needed to conflate the various sources nor to assume that there is only one trend in halakhah, nor to assume hoary antiquity for later rabbinic material. However, we can see how each ancient Jewish approach developed out of a response to the limited biblical material and this approach helps us to understand what united and what divided Second Temple period Jews.

3   Purity

In contrast to our discussion above about Sabbath law, in the case of purity, the Torah contains an enormous amount of material. This material can be supplemented by numerous other references throughout the Bible.[41] In this context we should recall that, according to many scholars, at least the final stages in the composition of the priestly material date to the early Second Temple period.[42] One way or another, numerous materials regarding ritual purity existed already by the beginning of the Second Temple period. Manifold purity regulations dating to probably the late third or early second century BCE are found in the Aramaic Levi Document.[43] Our studies have shown that this document contains prescriptions agreeing with both Pharisaic and Sadducean positions, that is, that it is a mix of both.[44] Curiously, Jubilees contains so little purity law that some scholars see its omission as intentional. Jubilees mentions only that

41   See David P. Wright, "Unclean and Clean, Old Testament," *ABD* 6:729–41.

42   Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991), 3–13; Baruch A. Levine, *Leviticus: The Traditional Hebrew Text with the New JPS Translation* (Philadelphia: Jewish Publication Society, 1989), xxv–xxx.

43   For a thorough discussion of this text, see Robert A. Kugler, *From Patriarch to Priest: The Levi-Priestly Tradition from Aramaic Levi to Testament of Levi*, EJL 9 (Atlanta: Scholars Press, 1996). For commentary on the relevant passages, see Jonas C. Greenfield, Michael E. Stone, and Esther Eshel, *The Aramaic Levi Documents: Edition, Translation, Commentary*, SVTP 19 (Leiden: Brill, 2004), 157–61; Henryk Drawnel, *An Aramaic Wisdom Text from Qumran: A New Interpretation of the Levi Document*, JSJSup 86 (Leiden: Brill, 2004), 262–69.

44   Lawrence H. Schiffman, "Sacrificial Halakhah in the Fragments of the *Aramaic Levi Document* from Qumran, the Cairo Genizah, and Mt. Athos Monastery," in *Reworking the Bible: Apocryphal and Related Texts at Qumran, Proceedings of a Joint Symposium by the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature and the Hebrew University Institute for Advanced Studies Research Group on Qumran, 15–17 January, 2002*; ed. Esther G. Chazon, Devorah Dimant, and Ruth A. Clements; STDJ 58 (Leiden: Brill, 2005), 177–202.

sexual violations and intermarriage create actual impurity (Jub. 30:8–15). This issue in the Qumran texts has been thoroughly explored by a number of scholars. We will not spend time here arguing for the Sadducean priestly character of the purity regulations in Dead Sea Scrolls texts as that issue has been given much attention by us and other colleagues.[45] Frankly, we regard it as a given.

The material pertaining to the various forms of ritual purity discussed in the Dead Sea Scrolls corpus is so extensive that we cannot catalog the topics here.[46] Suffice it to say that virtually every topic mentioned in the Bible pertaining to purity and impurity is in some way represented in the Scrolls corpus, despite its fragmentary nature. Further, as is well known, ten ritual baths are scattered among the ruins of the Qumran site,[47] indicating that those who lived there were truly concerned with fulfilling these laws. What we hope to do in this discussion is to trace some basic facts pertaining to ritual purity and impurity in Second Temple times and the role of purity regulations in the religious debate and sectarian life.

First, a remark about the history of scholarly discussion: It is impossible to overestimate the significance of the publication of the Temple Scroll[48] and 4QMMT[49] in encouraging and greatly changing the study of purity and impurity in ancient Judaism. Previous to these publications, although we knew that there was material on this topic in the Scrolls, very little attention was given to it. Further, much of the attention to purity in the study of ancient Judaism had to do with two issues. First, there was a serious discussion about the question of the ʻam haʼaretz, the common people, as compared to the ḥaverim ("associates") or neʼemanim ("reliable ones"), those probably associated with Pharisaic-rabbinic tradition who strictly observed the laws of ritual purity and tithing, apparently both before and after the destruction of the Temple.[50] The other issue pertained to Mark 7:1–8 and the fact that purity laws had to be explained

45   Lawrence H. Schiffman, "The New *Halakhic Letter* (4QMMT) and the Origins of the Dead Sea Sect," *BA* 53 (1990): 64–73; Schiffman, *Reclaiming*, 83–95; Yaakov Sussman, "Ḥeqer Toledot Hahalakhah uMegillot Midbar Yehudah: Hirhurim Talmudiyim Rishonim leʼOr Megillat Miqṣat Maʻase Hatorah," *Tarbiẕ* 59 (1989/90): 11–76; idem, "The History of the Halakha and the Dead Sea Scrolls: Preliminary Talmudic Observations on Miqṣat Maʻaśe ha-Torah (4QMMT)," in Elisha Qimron, John Strugnell et al., *Qumran Cave 4.V: Miqṣat Maʻaśe ha-Torah*, DJD 10 (Oxford: Clarendon Press, 1994), 179–200.

46   Hannah K. Harrington, *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations*, SBLDS 143 (Atlanta: Scholars, 1993), 47–110.

47   Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2002), 134–62.

48   See above, n. 2.

49   See above, n. 12.

50   Aharon Oppenheimer, *The ʻAm ha-Aretz: A Study in the Social History of the Jewish People in the Hellenistic-Roman Period*, trans. I. H. Levine, ALGHJ 8 (Leiden: Brill, 1977).

to readers of the New Testament. With the publication of the Temple Scroll and 4QMMT this situation changed radically as a new world was opened to us.

Jacob Neusner had called attention to the role of purity in tannaitic depictions of Second Temple Judaism.[51] But he had seen the extensive and systematic purity laws of the Mishnah and Tosefta as essentially post-70 CE innovations. The Scrolls show without question that detailed purity legislation was certainly on the agenda much earlier in Second Temple times and, therefore, that we should expect the foundations of Pharisaic-rabbinic law on this topic to date as well to the Hasmonean period. The pre-70 CE dating of various Pharisaic-rabbinic purity laws can be readily and definitely established by sectarian polemical statements, such as those found in 4QMMT and more subtly in the Temple Scroll. Such polemics must necessarily presuppose the existence of the legislation against which they argue.

Earlier studies had made the assumption of a kind of chronological evolution in which the system of purity laws, originally limited to Israelites involved in sacrificial worship, was gradually extended out from the Temple area to the city of Jerusalem and the Land of Israel as a whole.[52] What is true is that certain rules of purity, at least in the rabbinic view, were apparently later innovations, and these include such things as the impurity of certain vessels[53] and the laws pertaining to impurity of the land outside of Israel.[54] Nonetheless, this model must be seriously modified. What we now know is that two approaches coexisted regarding purity law, the Pharisaic-rabbinic and the priestly/Sadducean/Zadokite.

All the various elites—the religious virtuosi of Second Temple Judaism, Pharisees, Sadducees, Essenes, Dead Sea sectarians, and others that we may not specifically know about—practiced ritual purity beyond the Temple in different ways and to some extent for different reasons. Further, it is most likely that earliest Galilean proto-Christianity represented Jews who apparently were part of the common people (termed by the rabbis *ʿam haʾaretz*) for whom purity laws were not expanded in this way. Such a view fits with the society

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51   Neusner, *From Politics to Piety*, 73–89.

52   Gedalyahu Alon, "The Bounds of the Laws of Levitical Cleanness," in idem, *Jews, Judaism and the Classical World*, trans. I. Abrahams (Jerusalem: Magnes, The Hebrew University, 1977), 190–234; and Yadin, *Temple Scroll*, 1:277–85.

53   On purity and impurity, see Jonathan Klawans, *Impurity and Sin in Ancient Judaism* (Oxford: Oxford University Press, 2000); idem, *Purity, Sacrifice, and the Temple: Symbolism and Supersessionism in the Study of Ancient Judaism* (New York: Oxford University Press, 2006).

54   For related issues, see Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002).

reflected in the Gospels and is the most likely explanation for the casting of Jesus as opposed to the strict application of these laws. Finally, it is possible to state also that in Second Temple times purity/impurity served partly as a separator between Jewish groups.

Indeed, various levels of purity and impurity were used to structure the procedures of initiation for the Dead Sea sectarians, for the ḥaverim, and for the Essenes as well.[55] What is amazing is that the same system—a primary source of impurity, then first, second, and third levels of impurity pertaining to various sanctified emoluments as well as to sacrificial offerings—seems to have been operative for all these groups.[56] In other words, there was a basic system of purity and impurity accepted by all, about which they may have disagreed on minor matters. This system could be used by each of the groups to create their initiation rituals, all of which were based on a common understanding of the Torah's purity laws.

A similar element of note is the designation of three camps, the central camp of the divine presence, the camp of the Levites, and the camp of Israel, that underlies the rabbinic understanding, and, we would assume, the Pharisaic approach to the purity of the Temple and its surrounding courts in the city of Jerusalem. We observe this very same system underlying the laws of the Temple Scroll and 4QMMT.[57] So here again we see that the basic system of purity and impurity could be used and interpreted in different ways by various groups in order to accomplish similar goals. If anything, this material shows us that there were common elements to the interpretive and legal systems that underlie the differences in purity law among the various Jewish groups in Second Temple times. Of course, we are talking here only about the elites, a fact illustrated by the anti-purity stance of the New Testament and of the proto-Christians.[58]

Again, we see these underlying similarities as calling for a unified approach—a unified field theory—to the study of Second Temple halakhah. We want to move ahead from the use of comparative material to illustrate and

55   Chaim Rabin, *Qumran Studies*, Scripta Judaica 2 (Oxford: Oxford University Press, 1957), 1–21.

56   Jacob Licht, *Megillat Haserakhim miMegillot Midbar Yehudah* (Jerusalem: Bialik Institute, 1965), 294–303.

57   Lawrence H. Schiffman, "Exclusion from the Sanctuary and the City of the Sanctuary in the *Temple Scroll*," in idem, *Courtyards of the House of the Lord*, 381–401.

58   Sanders, *Jewish Law from Jesus to the Mishnah*, 29–42; Meier, *A Marginal Jew*, 4:342–477; Thomas Kazen, *Jesus and Purity Halakhah: Was Jesus Indifferent to Purity?* ConBNT 38 (Stockholm: Almqvist & Wiksell, 2002).

explain one or the other corpus, for most of us the Qumran material, to an approach that seeks to place equal weight on the various sources and trends.

4   Biblical Exegesis and Law

In the late nineteenth century and most of the twentieth century there was an ongoing debate about whether or not midrash or mishnah came first.[59] From the point of view of the actual rabbinic texts themselves, there is no question that the texts developed simultaneously and interacted with one another throughout the rabbinic period. However, the real question was whether the earliest form of derivation of law proceeded from scriptural material to a conclusion through some form of hermeneutic or exegesis or whether laws were somehow formulated as apodictic prescriptions and then later on, at least in the rabbinic tradition, given scriptural derivations. Examination of the Dead Sea Scrolls material will indicate that at least for this corpus, as well as for a variety of other Second Temple texts, some preserved at Qumran such as Jubilees, exegesis played an unbelievably important role.[60] Nevertheless, the system of exegesis was not one that generated a literal explanation of the text in the modern sense. Rather, the starting point for the derivation of laws was in trying to explain verses in the Bible and to derive the specifics of law from that process. This approach seems to be common to all groups of Second Temple Jews.

For the Dead Sea corpus there is one element of law that does not follow this model, namely, laws of sectarian procedure.[61] Even if the claims of commonality between sectarian procedural law and the Greek societies[62] are greatly exaggerated (which they are),[63] there are sectarian procedures that do not derive from biblical sources. We are describing, rather, those topics that are roughly equivalent to what the rabbis later termed halakhah.

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59   Jacob Z. Lauterbach, *Rabbinic Essays* (Cincinnati: Hebrew Union College Press, 1951), 163–256; Ephraim E. Urbach, "Haderashah kiYesod Hahalakhah uVeʿayat Hasoferim," *Tarbiẕ* 27 (1957/8): 166–82, also in idem, *Hahalakhah: Meqorotehah veHitpatḥutah* (Masada: 1984), 69–78.

60   Schiffman, *Halakhah at Qumran*, 22–49, 54–60.

61   Sarianna Metso, *The Serekh Texts*, LSTS 62/Companion to the Qumran Scrolls 9 (London: T&T Clark, 2007), 41–44, 63–71.

62   Moshe Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect*, NTOA 2 (Fribourg, Switzerland: Éditions Universitaires; Göttingen: Vandenhoeck & Ruprecht, 1986).

63   Émile Puech, Review of *The Organizational Pattern and the Penal Code of the Qumran Sect*, by Moshe Weinfeld, *RevQ* 14 (1989): 147–48.

The roots of the exegetical approach to derivation of Jewish law are already observable in the Second Temple biblical texts[64] and represent the beginnings of midrashic exegesis, best defined as interpretation of one biblical passage in light of another. In an unpublished section of my doctoral dissertation, I discussed this issue in some detail.[65] I found that early midrash could be traced in Ezra and Nehemiah, regarding issues such as intermarriage (Ezra 9:1–3), building a sukkah (Neh 8:13–18), and legislation promulgated in the public Torah reading and covenant renewal ceremony (Nehemiah 10). Such exegesis is also found in Chronicles, a parade example being the case of the paschal offering. Here Exodus (12:9) says it is roasted while in Deuteronomy (16:7) it must be boiled. Chronicles ruled that the paschal offering was "boiled by fire" and also that the festival offering might be boiled (2 Chr 35:13).

The conclusion that exegesis is at the root of Second Temple Jewish law also has literary ramifications. If one examines the laws in the Damascus Document, for example, one will find that they are, for the most part, formulated based on bits and pieces of biblical phraseology. Investigating this phraseology carefully reveals the texts from which these laws were actually derived. The process of exegesis can be identified as that specifically in use in the priestly, Sadducean form of Jewish law. At the same time, this is not the only literary form in which such laws could be expressed. When one looks at the rewritten Bible approach, as is found in such texts as the Temple Scroll and parts of 4QReworked Pentateuch, one sees a manner of expressing laws in which the formulation of the biblical text is much more closely followed, even if other biblical texts may be playing a role in the derivation of the law.[66] These various literary forms can also be found elsewhere in the Qumran corpus as well as in Josephus, Jubilees, and other works of Second Temple literature. Further, in the Temple Scroll the textual basis for its derivations may sometimes be in a Hebrew biblical text that is at variance with the Masoretic Text.[67] Such derivations should be

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64   Michael Fishbane, "Inner Biblical Exegesis: Types and Strategies of Interpretation in Ancient Israel," in *Midrash and Literature*, ed. G. Hartman and S. Budick (New Haven: Yale University Press, 1986), 19–40.

65   Lawrence H. Schiffman, "The Halakhah at Qumran," PhD diss., Brandeis University, 1974, 159–66.

66   For what follows, cf. Lawrence H. Schiffman, "Legal Texts and Codification in the Dead Sea Scrolls," in *Discussing Cultural Influences: Text, Context, and Non-text in Rabbinic Judaism*, ed. R. Ulmer, Studies in Judaism (Lanham: University Press of America, 2007), 1–39.

67   Cf. Emanuel Tov, "Megillat Hamiqdash uViqoret Nusaḥ HaMiqra'," *Eretz Israel* 16 (1982): 100–11; Lawrence H. Schiffman, "The Septuagint and the *Temple Scroll*: Shared 'Halakhic' Variants," in idem, *Courtyards of the House of the Lord*, 85–98.

expected in light of the nature of the biblical manuscripts in the Dead Sea Scrolls and the ancient versions.[68]

What is often not realized is that there is a kind of intermediate literary form. There are some places in which what appear to be apodictic laws are actually much closer in form to reshaped biblical language and what appear to be rewritten Bible are actual legal statements.[69] We sought to make this point in our edition of 4QHalakha A, a text that is very closely connected to the Covenant Code of Exodus.[70] I am not exactly sure how one can demarcate a division between laws that were derived and formulated based on snippets of the Bible and those that rewrite the Bible. It seems, however, that the distinction has something to do with the extent to which the text deviates from a primary biblical text, making use of other biblical texts. Behind these literary forms, apodictic, rewritten or intermediary, therefore, is a form of midrash in which one biblical verse is interpreted in light of another, which we may call a kind of proto-midrash halakhah. This kind of exegesis can be found in virtually every Second Temple text dealing with halakhah.

One may parallel the two forms, apodictic and scriptural, that we have seen in the Scrolls to later literary forms for expressing Jewish law, mishnah and midrash. What is not clear is whether one can reason from the extensive evidence of Second Temple sources that the two approaches, apodictic and scriptural, were employed by the Pharisees in Second Temple times. What can be said is that there is evidence even in the Mishnah itself of the role of exegesis in the formulation of apodictic halakhic statements,[71] and future research may actually show that both these approaches were Pharisaic. For the moment we

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68   When I completed my doctoral dissertation and was ready to publish it, I feared that the not-yet-published Temple Scroll might in some way contradict my conclusions about the legal exegesis that underlay the laws of the Damascus Document. Having had the privilege of meeting Yigael Yadin by giving him a ride back to Providence after his lecture at Brandeis, I felt free to call him in Israel during a subsequent visit. He assured me that the new scroll would in no way contradict my conclusions, but told me that in the case of the Temple Scroll, some halakhic derivations were based on differing textual readings in the biblical *Vorlage*. Accordingly, he advised me to go ahead with my publication. I remain extremely grateful to him for this advice.

69   Thanks to Moshe Bernstein for calling attention to this phenomenon in an oral presentation.

70   Erik Larson, Manfred R. Lehmann, and Lawrence H. Schiffman, "4QHalakha A," in Joseph M. Baumgarten et al., *Qumran Cave 4.XXV: Halakhic Texts*, DJD 35 (Oxford: Clarendon, 1999) 25–51, plates III–IV. Cf. Aharon Shemesh, "4Q251: Midrash Mishpatim," *DSD* 12 (2005): 280–302.

71   Samuel Rosenblatt, *The Interpretation of the Bible in the Mishnah* (Baltimore: Johns Hopkins University Press, 1935); cf. idem, *The Interpretation of the Bible in the Tosefta*, JQRMS 4 (Philadelphia: Dropsie University, 1974).

need to remember that Josephus talks about the Pharisees as interpreters of the law (*J.W.* 1.110), but he (*Ant.* 13.297) and the Gospels (Mark 7:3) also note their possession of oral teachings. Were the apodictic laws and the exegesis mentioned by Josephus proto-mishnah and midrash? It is tempting to reach this conclusion.

The topic of mishnah/midrash raises the question of subject organization, first found in rabbinic tradition after the destruction of the Temple. According to most scholars of Rabbinics, it was introduced initially by Rabbi Akiva, then continued by his student Rabbi Meir, and then came to full fruition in the finished Mishnah of Rabbi Judah the Prince, c. 200 CE. However, subject organization, even with titles, is already present in some of the Dead Sea Scrolls texts, such as, "Regarding the Sabbath" (CD 10:14) and "Regarding forbidden consanguineous relations" (4Q251 17 1). Specifically, I am alluding to the *serakhim*, a designation for lists of laws gathered together on specific topics.[72] Detailed examination of the various rule texts will indicate that some form of subject organization is in operation; it is certainly the case with the largest of the apodictic-type legal texts, namely, the series of codes found in the Damascus Document.[73] From this point of view, we should note that subject division and classification of laws was apparently present at least in sectarian literature by approximately 120 BCE. We cannot argue for a common approach because Pharisaic material was by definition not preserved in written texts, and we simply have no evidence. We should note that late biblical halakhic material shows no evidence of such division. Josephus follows the biblical order[74] while for much of his work Philo uses the Ten Commandments as an organizational principle to classify Jewish law topics.

The final topic that we will treat is the question of the authority of non-biblical law. We have already mentioned Josephus's discussion of the Pharisees. It seems clear that the "traditions of the fathers" mentioned by him, as well as by the Gospels (Mark 7:1–8),[75] refer to a supplement to biblical law. Such a supplement seems to lie behind the Qumran sectarian terms *nigleh*, referring to the written law, and *nistar*, the hidden or even secret law of the sect, clearly the laws as derived from sectarian biblical exegesis, eventually organized into

72   Cf. Schiffman, *Halakhah at Qumran*, 60–68.

73   Cf. Charlotte Hempel, *The Laws of the Damascus Document: Sources, Traditions and Redaction*, STDJ 29 (Leiden: Brill, 1998); eadem, *The Damascus Texts*, Companion to the Qumran Scrolls 1 (Sheffield: Sheffield Academic Press, 2000), 8–23.

74   Cf. Louis H. Feldman, *Judean Antiquities 1–4*. Flavius Josephus: Translation and Commentary 3 (Leiden: Brill, 2000), xxxvii.

75   Cf. Amy-Jill Levine and Marc Zvi Brettler, eds., *The Jewish Annotated New Testament*, 2nd ed. (Oxford: Oxford University Press, 2017), 83–84.

serakhim.[76] These two categories are functionally equivalent to the rabbinic written law and oral law. But here, our goal of integration calls for serious caution. The full-fledged concept of oral law, including the dual-Torah concept, namely, the notion that God revealed two Torahs at Sinai, one written and one oral, is first in evidence in post-70 CE tannaitic texts. Only the idea of supplementary laws and their oral transmission is documented for the Pharisees.

In this context we should note the differing concept that seems to underlie the Temple Scroll and perhaps other halakhic rewritten Bible texts. The author/redactor held that there was a one-time revelation at Sinai of which his composition represented the correct, divinely intended interpretation. He does not seem to recognize a hidden law, despite the subtitle of Yadin's popular volume on the Temple Scroll, "The Hidden Law of the Dead Sea Sect."[77] This single revelation concept may stem from his Zadokite/Sadducean approach, which, according to both Josephus and much later rabbinic texts, held closely to the biblical text in a manner best termed strict constructionist, borrowing a term from American constitutional discourse.

What we have tried to show in this section of the discussion is that more general issues of literary and theological character can also be tackled from the wider perspective that we are advocating. Yet we must not make the mistake of obliterating historical, chronological, and ideological factors that separate texts and groups. Studying our period and its varied approaches to Jewish law as a whole cannot be allowed to result in the obscuring of these differences.

5   Conclusion

While we have touched on a variety of aspects of the study of Qumran and other halakhic material from the Second Temple period, I want to turn in the conclusions to my main point. I have tried to argue that even while continuing to maintain the necessary methodological cautions, we should be attempting to move beyond the limitation of our work on the Qumran corpus and begin to take a more integrative approach to the study of Second Temple Jewish law.

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76   For discussion of this term, see Schiffman, *Halakhah at Qumran*, 60–68.

77   Yigael Yadin, *The Temple Scroll: The Hidden Law of the Dead Sea Sect* (New York: Random House, 1985).

Much of my argument proceeds from a more general view of the Scrolls. I see them as representing part of a literature only some of which has survived, whose authors and copyists represented a wider circle than simply members of the Dead Sea sect. I believe that we need to treat the whole as the surviving literature of Second Temple Judaism. It follows naturally that this is the case as well with the area of Jewish law, where we have progressed so much in uncovering the second trend, the priestly/Sadducean/Zadokite.

We have all seen discussions in related fields—Hebrew Bible, New Testament, ancient Judaism, Rabbinics, earliest Christianity—where we have felt that the Scrolls have been ignored. The only remedy for this omission is for us to integrate our material into these more general, related fields. In the case of Jewish law, it should be an easier task, since many of us work in other corpora beyond the Dead Sea Scrolls. But in my view, our next challenge is to move the center from Qumran back to the land and people as a whole, using the Dead Sea Scrolls as part of a reconstruction of the rich halakhic development of the Second Temple period.

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Were Scrolls Susceptible to Impurity? The View from Qumran

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1 Introduction*

Rabbinic literature both preserves and endorses a view, attributed to the Pharisees, that is seemingly both puzzling and paradoxical—namely, that sacred scriptures defile the hands (cf. m. ʿEd. 5:3; m. Kelim 15:6; m. Yad. 3:4–5, 4:5–6; t. Kelim B. Meṣ. 5:8; b. Šabb. 14a; b. Meg. 7a). This decree has attracted much scholarly speculation with regard to its possible origins and rationale, especially because the rabbinic testimony itself remains wanting.[1] One consequence of this singular focus on sacred scriptures and hand impurity is that other questions regarding purity and scrolls—whether or not they constituted sacred scriptures—have been ignored. In this article, I want to explore the perspective of the group(s) behind the Qumran texts regarding scrolls and

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1 See, for example, Solomon Zeitlin, "An Historical Study of the Canonization of the Hebrew Scriptures," *PAAJR* 3 (1931–32): 121–58; Sid Z. Leiman, *The Canonization of Hebrew Scripture: The Talmudic and Midrashic Evidence* (Hamden, CT: The Connecticut Academy of Arts and Sciences, 1976), 102–20; Roger T. Beckwith, *The Old Testament Canon of the New Testament Church: And Its Background in Early Judaism* (London: SPCK, 1985; repr. Eugene, OR: Wipf & Stock Publishers, 2008), 278–81; Martin Goodman, "Sacred Scripture and 'Defiling the Hand,'" *JTS* 41 (1990): 99–107; Shamma Friedman, "The Holy Scriptures Defile the Hands— The Transformation of a Biblical Concept in Rabbinic Theology," in *Minḥah le-Naḥum: Biblical and Other Studies Presented to Nahum M. Sarna in Honour of his 70th Birthday*, ed. Marc Brettler and Michael Fishbane, JSOTSup 154 (Sheffield: JSOT Press, 1993), 117–32; Michael J. Broyde, "Defilement of the Hands, Canonization of the Bible, and the Special Status of Esther, Ecclesiastes, and Song of Songs," *Judaism* 44 (1995): 65–79; Menahem Haran, *The Biblical Collection: Its Consolidation to the End of the Second Temple Times and Changes of Form to the End of the Middle Ages* (Jerusalem: Magnes Press, 1996), 201–75 (in Hebrew); Timothy H. Lim, "The Defilement of the Hands as a Principle Determining the Holiness of Scriptures," *JTS* 61 (2010): 501–15; Albert I. Baumgarten, "Sacred Scriptures Defile the Hands," *JJS* 67 (2016): 46–67.

impurity. Beyond the question of whether or not these groups considered sacred scriptures to be defiling,[2] however, I am particularly interested in exploring what the stance was regarding the purity status of scrolls in general and, therefore, their susceptibility to impurity. As far as I know, this is an avenue of research that has never been investigated.

Underlying the following analysis is the principle that scrolls were not merely texts but first and foremost physical artefacts, just like pottery, glass and stone vessels, wooden and metal implements, textiles, and other household utensils. I argue that, according to the halakhic worldview(s) preserved in the Scrolls, it seems that scrolls[3] would have been considered to be susceptible to impurity (and because of this to be defiling as well), like any other physical object. I take the long route to arrive at this conclusion; in addition to the relevant halakhic material in the Scrolls, I also discuss the rabbinic evidence since the contrast between the worldviews in these respective corpora sharpens the inferences I make.

2   Some Methodological Considerations

Since none of the Dead Sea Scrolls says anything regarding the purity status of scrolls, the position on this issue has to be reconstructed. This will therefore entail not only a process of "reverse engineering," to use James Kugel's term,[4] but also one of reconstitution. "Reverse engineering" refers to the method through which the exegetical techniques employed by the authors of a given text in their creative engagement with pre-existing texts or textual traditions can be traced. In our case, another step is required which applies the knowledge

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2   This question has been tackled briefly by Jodi Magness, "Scrolls and Hand Impurity," in *The Dead Sea Scrolls: Texts and Context*, ed. Charlotte Hempel, STDJ 90 (Leiden: Brill, 2010), 89–97; eadem, *Stone and Dung, Oil and Spit: Jewish Daily Life in the Time of Jesus* (Grand Rapids, MI: Eerdmans, 2011), 25–31.

3   In this article, I distinguish between the term "Scrolls" (with a capital letter) and "scrolls" (with a small letter). The former is an abbreviation standing for the Qumran Dead Sea Scrolls and therefore denotes a conceptual category; the latter refers to scrolls in general as physical artefacts.

4   James L. Kugel, *In Potiphar's House: The Interpretative Life of Biblical Texts* (San Francisco: Harper and Row, 1990), 251–53. See also Steven D. Fraade, "Looking for Legal Midrash at Qumran," in *Legal Fictions: Studies of Law and Narrative in the Discursive Worlds of Ancient Jewish Sectarians and Sages*, JSJSup 147 (Leiden: Brill, 2011), 148–49; Alex P. Jassen, *Scripture and Law in the Dead Sea Scrolls* (Cambridge: Cambridge University Press, 2014), 14–15.

gained about exegetical techniques in the Scrolls to reconstruct halakhic view-points which are otherwise unattested in the extant material.[5]

This process, of course, assumes that rules for daily conduct were derived through textual exegesis, when age-old customs and daily exigencies could equally have led to the generation of legislation.[6] For instance, Albert Baumgarten's recent explanation of the Pharisaic position on scriptures' power to defile the hands stems from sociological and anthropological, rather than textual, considerations.[7] Sarianna Metso has detected something analogous in the Community Rule, concluding that "the processes that generated community legislation included more than scriptural exegesis, and often it was rather the necessities of community life that determined judicial rulings."[8] Nonetheless, Metso admits that halakhic rules, as opposed to communal legislation or judicial decisions, seem to have been scripturally derived through exegesis.[9] Lutz Doering's remarks are particularly apposite in this context:

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5   The reason such views are unattested could be the result of the fragmentary nature of our texts or simply because these views were obvious and therefore taken for granted. One could consider the absence of any legislation on how to bury the dead. No Dead Sea Scroll discusses this in any detail, except for the Temple Scroll (11QTᵃ 48:11–14), which only stipulates that burial grounds had to be situated on the outskirts of built settlements. Certainly, the lack of legislation on how to bury the dead did not mean that the dead were left unburied.

6   The issue has been discussed at length by various scholars, including Aharon Shemesh, *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis* (Berkeley: University of California Press, 2009); Sarianna Metso, "Problems in Reconstructing the Organizational Chart of the Essenes," *DSD* 16 (2009): 388–415; Lutz Doering, "Jewish Law in the Dead Sea Scrolls: Some Issues for Consideration," in *The Hebrew Bible in Light of the Dead Sea Scrolls*, ed. Nóra Dávid, Armin Lange, Kristin de Troyer, and Shani Tzoref, FRLANT 239 (Göttingen: Vandenhoeck & Ruprecht, 2012), 449–62; Thomas Kazen, *Scripture, Interpretation, or Authority? Motives and Arguments in Jesus' Halakic Conflicts*, WUNT 320 (Tübingen: Mohr Siebeck, 2013), 31–51.

7   Baumgarten, "Sacred Scriptures." His conclusion, drawing on anthropological studies and cultural theory, is that the practice of washing hands after touching scriptures was a coping mechanism to mitigate fractures within the Pharisaic enclave. For if the Pharisees took out the Torah to the people, potentially becoming "free agents," the notion that scriptures defiled the hands would have served as a pointed reminder that their dealing with the Torah and their outreach efforts to encourage others to engage with it were anomalous activities that brought the sacred and profane spheres closer together. Ritualizing this activity, therefore, added a layer that distinguished this activity as something different than other daily routines. Therefore, according to Baumgarten, the Pharisaic position was not grounded in scriptural interpretation but, rather, in a sociological/anthropological reality.

8   Metso, "Problems in Reconstructing the Organizational Chart of the Essenes," 393.

9   Cf. Metso, "Problems in Reconstructing the Organizational Chart of the Essenes," 393 n. 12: "Overall, the Scrolls material includes descriptions of two different types of communal gatherings in which legal traditions appear to have been generated: the first involves communal study of law (1QS 6:6–8), the other the community's sessions of decision-making (1QS 6:8–13;

Scripture, in many if not most cases, provides an initial impulse for legal observance, of varying concreteness and density. However, this impulse needs to materialize itself in the various *exigencies of life*, which raise questions as to how the law might be practiced. In establishing halakhic solutions, the Scrolls and related texts indeed often (but not always) bring Scriptural texts to bear, but now in a *hermeneutically sharpened* approach. The importance of this response to the demands of life should be duly acknowledged in any theory on the relation between the Hebrew Bible and the legal Qumran texts.[10]

In other words, from about the second century BCE onwards, once scrolls started to become more common in households[11]—specifically those belonging to individuals or groups who were literate and who could afford such expensive artefacts[12]—various respective groups would have had to confront

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CD 14:3–6). While in the first type of session study of written texts was essential (the *pesharim* and perhaps also halakhic writings may have been created as the result of this type of meetings), there is no mention of any written texts in judicial meetings. Rather, the authority of decision-making in these meetings belongs to the sons of Aaron (1QS 9:7), the *rabbim* (1QS 6:8–13), or members of the camps (CD 14:3–6)."

10   Doering, "Jewish Law," 452–53.

11   For the spread (albeit restricted) of literacy in the late Hellenistic period and the emergence of Torah study, see Albert I. Baumgarten, *The Flourishing of Jewish Sects in the Maccabean Era*, JSJSup 55 (Atlanta, GA: Society of Biblical Literature, 1997), 114–36; Adiel Schremer, "'[T]he[y] Did Not Read 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*, ed. David Goodblatt, Avital Pinnick, and Daniel R. Schwartz, STDJ 37 (Leiden: Brill, 2001), 105–26. For a survey of literacy during the Iron Age, the Persian, Hellenistic, and Roman periods, see Catherine Hezser, *Jewish Literacy in Roman Palestine*, TSAJ 81 (Tübingen: Mohr Siebeck, 2001), 27–36, and further references there.

12   It is widely acknowledged that leather or parchment scrolls must have been expensive owing to the long, complicated process of production as well as the limited availability of raw materials (i.e., animal skin) needed to manufacture them. See, for instance, Harry Y. Gamble, *Books and Readers in the Early Church: A History of Early Christian Texts* (New Haven: Yale University Press, 1995), 43–47; Hezser, *Jewish Literacy*, 138–40, 145–50. According to Philip Alexander, "Literacy among Jews in Second Temple Palestine: Reflections on the Evidence from Qumran," in *Hamlet on a Hill: Semitic and Greek Studies Presented to Professor T. Muraoka on the Occasion of his Sixty-Fifth Birthday*, ed. Martin F. J. Baasten and W. Th. van Peursen, OLA 118 (Leuven: Peeters, 2003), 8, one animal would yield only two sheets of skin.

As for the cost of papyrus, see Naphtali Lewis, *Papyrus in Classical Antiquity* (Oxford: Clarendon Press, 1974); William V. Harris, *Ancient Literacy* (Cambridge, MA: Harvard

new halakhic questions (just like they did when other objects started to circu-
late more widely, such as glass and stone vessels).[13] In the case of the group(s)
behind the Scrolls, it is not implausible that possible solutions were found in
their collection of texts, of which the Dead Sea Scrolls constitute a sample.
That the communities behind the Scrolls were actively engaged in the study
of texts, in particular the Torah, but also other works such as prophetic and in-
ternally produced literature, is undisputed. First and foremost, this is evinced
in the content of the various compositions from Qumran, including halakhic
texts;[14] but it is also apparent that reading and studying sessions were a key
feature in the daily life of these groups.[15] 1QS 6:6–8 is explicit in this regard,
whereas CD 20:10 refers to the respective communities it describes as "the
house of Torah" (בית התורה). Accordingly, it would not be methodologically er-
roneous to look at the various textual traditions ("biblical" and non-"biblical")

University Press, 1989), 193–96; Hezser, *Jewish Literacy*, 131–33; Theodore C. Skeat, "Was
Papyrus Regarded as 'Cheap' or 'Expensive' in the Ancient World?" in *The Collected
Biblical Writings of T. C. Skeat*, ed. James K. Elliott, NTSup 113 (Leiden: Brill, 2004), 88–105;
William A. Johnson, *Readers and Reading Culture in the High Roman Empire: A Study of
Elite Communities*, CCS (Oxford: Oxford University Press, 2010), 17–21. Skeat casts doubt on
the high cost of papyrus, whereas Lewis' oft-quoted conclusion on the cost of the material
is that to the affluent—the people who actually used papyrus—this writing material was
relatively inexpensive and equivalent to our petty cash expenditures. But to the largest
majority of the population—who were probably "illiterate" in any case—papyrus would
have been prohibitive.

13 For the question of the purity status of glass at Qumran, see Dennis Mizzi, "Pure Matter:
On the Ritual-Purity Status of Glass at Qumran," in *"What Mean These Stones?" (Joshua 4:6,
21): Essays on Texts, Philology, and Archaeology in Honour of Anthony J. Frendo*, ed. Dennis
Mizzi, Nicholas C. Vella, and Martin R. Zammit, ANESSup 50 (Leuven: Peeters, 2017),
255–79.

14 The dependence of rulings in the Scrolls on biblical legislation or other Dead Sea Scrolls
and related literature is well documented and the literature is vast. See, for example,
Dwight D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT*, STDJ 14
(Leiden: Brill, 1995); Hannah K. Harrington, *The Purity Texts*, CQS 5 (London: T&T Clark,
2004); Ian C. Werrett, *Ritual Purity and the Dead Sea Scrolls*, STDJ 72 (Leiden: Brill, 2007);
Lawrence H. Schiffman, *The Courtyard of the House of the Lord: Studies on the Temple Scroll*,
ed. Florentino García Martínez, STDJ 75 (Leiden: Brill, 2008), passim; Jassen, *Scripture and
Law*. Also see the insights in Lawrence H. Schiffman, "Pre-Maccabean Halakhah in the
Dead Sea Scrolls and the Biblical Tradition," *DSD* 13 (2006): 348–61.

15 In Steven D. Fraade's words ("Interpretive Authority in the Studying Community at
Qumran," in *Legal Fictions*, 50), "ongoing study was a ritualized part of the community's
collective life." See also Schremer, "'[T]he[y] Did Not Read the Sealed Book;'" Aharon
Shemesh and Cana Werman, "Halakhah at Qumran: Genre and Authority," *DSD* 10 (2003):
104–29; Schiffman, "Pre-Maccabean Halakhah."

preserved in the Qumran corpus for possible avenues through which to reconstruct halakhic viewpoints that remain otherwise unexpressed.[16]

3   Were Scrolls Categorized as כלים?

Scrolls, letters, documents, and other types of textual artefacts are never explicitly or implicitly identified as כלים in the Hebrew Bible, and neither are they ever mentioned in connection with purity legislation dealing with כלים. Nonetheless, there is no reason whatsoever to exclude textual artefacts from this general category. It is evident from the use of כלי in the Hebrew Bible that the semantic range of the lexeme is quite vast and that it is used with reference to many objects made of various raw materials (e.g., clay, wood, skins, plant fibres, iron, bronze, copper, gold, silver): these include vessels or containers of various types, a wide range of household utensils, agricultural tools and other implements, weapons, building materials, fixtures and furnishings, draperies, musical instruments, cultic vessels, pieces of clothing and garments, as well as jewellery and ornamental paraphernalia.[17] It is therefore clear that the word כלי "is not limited to common everyday objects such as household effects, tools, and weapons; the noun can also refer to what might be called 'cultural objects,' including jewelry, art objects, and musical instruments."[18] In this sense, an apt translation of the lexeme כלי in English is the word "artefact"[19]—anything made or shaped by humans, whatever the object or the raw material, is a כלי. This nuance of the term is often lost when it is rendered restrictively as

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16   Here, I make the assumption that the manuscripts found at Qumran belonged to a single movement made up of many interrelated communities or settlements, of which Qumran is one exemplar. While many of the Scrolls were not necessarily written within the movement, they seem to have been accepted and studied by its members; thus, these texts must have shaped or indeed agreed with their worldview. What I attempt to reconstruct is one facet of this general worldview, independent of any singular textual tradition. In the process, I bring different Qumran texts in dialogue with each other, which is not to say that they reflect a unified worldview or that they originate from the same social contexts. Ian Werrett's call not to lump all the Qumran halakhic texts into one overarching system of (im)purity is well taken (see Werrett, *Ritual Purity*).

17   See the surveys, with many biblical references, in Karl-Martin Beyse, "כְּלִי *keli*," TDOT 7:169–75; Bob Becking, "כְּלִי—vessel, utensil, etc.," *Database: Utensils in the Hebrew Bible*, http://www.otw-site.eu/database/, 1–33. See also Jacob Milgrom, *Leviticus 1–16: A New Translation with Introduction and Commentary*, AB 3 (New York: Doubleday, 1991; repr., New Haven: Yale University Press, 2009), 673.

18   Beyse, "כְּלִי," TDOT 7:172–73.

19   See also Mira Balberg, *Purity, Body, and Self in Early Rabbinic Literature* (Berkeley, CA: University of California Press, 2014), 209 n. 1.

"vessel," "article," or "utensil." The category כלי, therefore, includes also textual artefacts.

That this is so is confirmed indirectly in the mishnaic tractate Kelim. Among the impressively wide range of artefacts mentioned in this tractate—which essentially offers a snapshot of the objects used in daily life during the Roman period—there are scrolls (ספרים [m. Kelim 15:6, 16:7]) and wax tablets (פנקס שיש בה בית קיבול שעווה [m. Kelim 17:17, 24:7]), as well as associated artefacts, such as scroll wrappers (מטפחות הספרים, מטפחות של ספרים [m. Kelim 24:14, 28:4]) and writing implements (הקולמוס [m. Kelim 12:8]; מכתב [m. Kelim 13:2]). Critically, m. Kelim 16:7 puts scrolls in the category of objects which humans use during work. The passage lists a number of items which are not susceptible to impurity, the general rule being, according to Rabbi Yose, that all objects which serve other objects that serve humankind only in the hour of work are immune to impurity (כל משמשי משמשיו של אדם בשעת המלאכה ושלא בשעת המלאכה טמא וכל שאינו אלא בשעת המלאכה טהור). The inconsistencies between this general rule and what is stated in m. Kelim 16:7 and elsewhere, including the following m. Kelim 16:8, need not concern us here.[20] What is significant is that among the objects serving other objects which humans use during work is a reading desk (אנלגין), and the object it serves is a scroll (האנלגין של ספר). According to Rabbi Yose, the desk, because it serves as an accessory to a scroll only when the latter is being used, is insusceptible to impurity in its capacity as a reading desk. For our purposes, what matters is the implication that using or reading from a scroll falls under the definition of work (מלאכה, a lexeme that is intricately linked with כלים); a scroll is categorized among the objects that serve humans in their time of work.[21]

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20   For a discussion of m. Kelim 16:7 and the inherent problems with Rabbi Yose's general rule, see Jacob Neusner, *Kelim: Chapters Twelve through Thirty*, vol. 2 of *A History of the Mishnaic Law of Purities*, SJLA 6 (Leiden: Brill, 1974), 66, 78–84.

21   Of course, this does not mean that reading from a scroll would have been prohibited on the Sabbath (cf. m. ʿErub. 10:3), especially in the context of synagogues. Rabbinic literature contains several discussions regarding the type of "work" that is permitted or prohibited on a Sabbath (cf. m. Šabb.). Moreover, some "work" or activities (e.g., walking) are allowed within certain limits. Nevertheless, it is very telling that some passages do seem to prohibit the reading (but not the study) of scripture *in private* (cf. m. Šabb. 16:1; t. Šabb. 1:6; 14:1), although the rationale may have nothing to do with prohibiting reading *per se* (as an activity) on the Sabbath. Secular texts seem to be similarly prohibited from being read (cf. t. Šabb. 14:1) See the analysis of these passages in Vered Noam and Elisha Qimron, "A Qumran Composition of Sabbath Laws and Its Contribution to the Study of Early Halakah," *DSD* 16 (2009): 55–96, esp. 80–88: "According to this Tosefta, *individuals* are forbidden to read Scripture from the start of the Sabbath" (83) … "The prohibition against an individual reading Scripture is intended to free time for intensive study of the oral law through the rabbinic method of homily and repetition … Its intent

The Scrolls offer no further insights into this question. Nonetheless, the frequent occurrence of the lexeme כלי allows us to confirm that it is used in the same general manner as in the Hebrew Bible.[22] Consequently (and in light of the rabbinic evidence discussed above), there is no reason to doubt that the group(s) behind the Scrolls also classified scrolls or textual artefacts in general as כלים.

4   Which כלים Were Susceptible to Impurity?

The key biblical sources which served as a foundation for later legislation on כלים and ritual impurity are Lev 11:32 and Num 31:20–23. Here, we find a "catalogue" listing artefacts that could be rendered impure and the corresponding procedures for their purification. The texts of Lev 11:32, Num 31:20, and Num 31:22–23 read, respectively, as follows:[23]

> *And anything on which one of them* [with reference to the creeping things mentioned in Lev 11:29] *falls shall be unclean when they die* (וכל אשר יפל עליו מהם במתם יטמא),[24] whether it be any artefact of wood (מכל כלי עץ),

is to prevent superficial reading, even of Scripture, and certainly of secular writings, as Rabbi Neḥemiah states in the Tosefta" (84–85). It is possible that the Scrolls espouse a similar prohibition, but one directed against both the reading and studying of a scroll (מגלת ספר) on the Sabbath (cf. 4Q264a 1 4–5 // 4Q421a 2–3; 4Q251 1–2). See Noam and Qimron, "A Qumran Composition of Sabbath Laws," 80–88. These passages, however, are fragmentary and they are certainly open to alternative readings. For a critique of Noam and Qimron's reconstruction and general interpretation, see Richard Hidary, "Revisiting the Sabbath Laws in 4Q264a and Their Contribution to Early Halakha," *DSD* 22 (2015): 68–92. In his opinion, "reading Scripture alone without rabbinic interpretation could lead to Sadducean or other sectarian readings that rely on a more literal reading of the Bible…. the entire prohibition against reading Scripture on the Sabbath—precisely when people had the most leisure and when it was most customary to do so—served as a polemic against sectarianism" (86).

22   Becking, "כְּלִי," 27–30.

23   The following translations are my own. The italicized text reflects those parts that are commented upon in the respective footnotes.

24   Many translations render this in such a way as to imply that the objects in question become impure only if the carcass of the mentioned creeping creatures falls onto them. The NIV, for example, reads: "When one of them dies and falls on something … it will be unclean." The NRSV translates this as: "And anything upon which any of them falls when they are dead shall be unclean" (cf. the KJV and the JPS for a translation along similar lines). However, as Gordon J. Wenham (*The Book of Leviticus*, NICOT [London: Hodder and Stoughton, 1979], 178–79) rightly points out, the Hebrew may also be indicative of

or fabric (בגד), or skin (עור), or sack (שק)—*any artefact which can be of service* (כל כלי אשר יעשה מלאכה בהם).[25] It shall be immersed in water, and it will be unclean till the evening; then, it shall be clean.

LEV 11:32

You shall *cleanse* (תתחטאו)[26] every fabric (כל בגד), any artefact of skin (כל כלי עור), *anything made of goat hair* (כל מעשה עזים),[27] and any artefact of wood (כל כלי עץ).

NUM 31:20

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instances when a *live* creeping thing falls onto an object and, subsequently, dies there. Indeed, the fact that Lev 11:32 does not use a construction that includes the term נבלה (cf. וכל אשר יפל מנבלתם עליו יטמא in Lev 11:35) strongly suggests that the stipulation is not limited to those instances when creeping creatures fall dead onto a utensil (Milgrom, *Leviticus 1–16*, 673). Moreover, the temporal clause comprising the infinitive with the preposition ב (במתם) implies temporal proximity between the act of falling and dying, and not temporal immediacy between the act of dying and falling, for which the use of the infinitive with the preposition כ would have been more suitable (for the subtle distinctions between the use of these two prepositions with the infinitive construct, see Bruce K. Waltke and Michael O'Connor, *An Introduction to Biblical Hebrew Syntax* [Winona Lake, IN: Eisenbrauns, 1990], 604 [§36.2.2b]; Paul Joüon and Takamitsu Muraoka, *A Grammar of Biblical Hebrew*, rev. ed., SB 27 [Rome: Editrice Pontificio Istituto Biblico, 2006], 588–89 [§166*l–m*]). Therefore, a translation along the lines proposed here, paralleling that of Wenham (*The Book of Leviticus*, 163, 178), is preferable.

25 Literally, "any artefact with which work can be done," but "work" does not quite capture the nuance of מלאכה. The NIV translates this as follows: "When one of them dies and falls on something, that article, whatever its use, will be unclean, whether it is made of wood, cloth, hide or sackcloth. Put it in water; it will be unclean till evening, and then it will be clean." This translation gives the impression that Lev 11:32 limits its stipulation to wood, cloth, skin, and sack, and that the clause כל כלי אשר יעשה מלאכה בהם functions to emphasize the fact that the ruling applies to any type of functional object made of the aforementioned materials. However, one could also read this clause in such a way that it includes *any* type of functional object made from *any* type of raw material (cf. the opening phrase, וכל אשר), with the exception of fired clay (cf. the stipulation in Lev 11:33). Most translations give a vague rendition of the passage, like the one above.

26 The use of the root חטא, here, might imply that purification was to be achieved through the מי נדה, the waters of sprinkling. The root is prominent in Num 19, which prescribes the מי נדה for the corpse-contaminated tent. Corpse impurity is likewise the subject of Num 31, albeit in the context of warfare. See also the use of the phrase [מי] החטאת in 4Q394 3–7 i 17–18 with reference to the same water of purification.

27 This is probably equivalent to שק in Lev 11:32. See also Milgrom, *Leviticus 1–16*, 674.

Surely (אך),[28] gold and silver, bronze, iron, tin, and lead—*any object*[29] which can go through fire (כל דבר אשר יבא באש)—you shall pass through fire and it will be clean. *Yet* (אך),[30] it shall (also) be purified with the waters of sprinkling (במי נדה). *And anything which cannot go through fire* (וכל אשר לא יבא באש)[31] you shall pass through water.

NUM 31:22–23

Furthermore, Lev 11:33–38, Lev 13:47–59, Lev 15, and Num 19:14–15 provide supplementary legal source material. First, Lev 11:33–38 refers to other types of artefacts or elements that can (e.g., pottery vessels, clay ovens) or cannot (e.g., springs, cisterns, unplanted dry seeds, planted seeds) contract impurity. Unlike the artefacts mentioned in the passages above, pottery cannot be purified by fire or immersion in water; rather, it has to be broken. Another passage, Lev 13:47–59, speaks of the defiling power of mildew on artefacts of leather (כלי עור) and fabrics (בגדים) of wool and linen. The purity status of pottery and wooden articles is picked up again in Lev 15:12, in connection with legislation concerning the *zab*; skins and fabrics are the subject of legislation on semen impurity in Lev 15:17. The same chapter also declares seats, beds, saddles, and anything else on which the *zab*, the *zabah*, and the menstruant sit as impure. Finally, Num 19:14–15 states that everyone and/or everything in

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28   אך can be used to express an emphatic affirmation (hence "surely") or a restriction (hence "yet, but, only"). The emphatic use may seem more apt in view of the all-inclusive clauses—וכל אשר לא יבא באש and כל דבר אשר יבא באש—in verse 23. In this case, it could loosely be rendered as follows: "Make sure to pass gold, silver, bronze, iron, tin, and lead—as well as any other objects that can withstand fire—through fire and it will be clean." Nonetheless, it is also possible to read אך as a restrictive particle emphasizing that the stipulation in Num 31:22–23 applies only to metals in contrast to the materials mentioned in Num 31:20 (i.e., garments, leather, goat hair, and wood). Loosely rendered, this would read: "Only gold, silver, bronze, iron, tin, and lead—that is, every (metal) object which can withstand fire—must be passed through fire, and then it shall be clean." The latter reading was adopted by the rabbis (cf. Sipre Num 158, which interprets the phrase כל דבר אשר יבוא באש restrictively as a reference to specific metal utensils, "for example, cauldrons, knives, pots, spits, and grills").

29   See previous note.

30   Here, אך is best translated in a restrictive sense, the main purpose being to provide a contrast either with the preceding statement in Num 31 or with other known regulations beyond this immediate context. For the latter, see Jacob Milgrom, *Numbers: The Traditional Hebrew Text with the New JPS Translation*, JPS Torah Commentary (Philadelphia: The Jewish Publication Society, 1990), 261.

31   This includes articles of wood, skin, goat hair, and fabrics, all of which are mentioned two verses prior in Num 31:20.

a corpse-impure tent (כל אשר באוהל) becomes ritually defiled, except for containers whose lid is fastened.

In the case of Lev 11:32 and Num 31:20–23, where we find the most detailed lists, it is significant that they never mention specific artefacts, and their objects of reference are always raw materials—wood, metals (gold, silver, bronze/copper, tin, lead), skins, goat hair, and fabrics (wool, linen, and other animal or plant fibres).[32] Moreover, what is distinctive about the above laws is their all-inclusive nature (note the recurring use of כל), with various clauses highlighting the inclusion of any artefacts made of the mentioned raw materials or even (in theory) of raw materials not itemized in the respective passages (e.g., glassware).[33] This notwithstanding, the language and syntax of the stipulations is still malleable enough to foster diverse interpretations. Indeed, the group(s) behind the Scrolls and the later rabbis adopted diametrically opposed approaches to this legal material, leading to two different conceptions of the world and the purity status of the artefacts inhabiting it.

The rabbis adopted a restrictive reading of biblical legislation concerning כלים and developed a highly sophisticated system—for which the Mishnah dedicates an entire tractate—through which they determined which artefacts were susceptible to impurity and in which circumstances they would have been vulnerable to this condition.[34] In a nutshell, the rabbis conclude that not all כלים are susceptible to impurity; that different כלים contract impurity in dissimilar ways and are purified differently; and that the susceptibility to impurity is a dynamic, not static, aspect of כלים (i.e., such objects can undergo periods when they are not yet or, else, no longer susceptible to impurity).[35]

According to the rabbis' reading of Lev 11:32–38 and Num 31:20–23, any raw materials not listed there remain permanently pure, even when shaped into vessels or other utensils; hence, artefacts made of stone, earth (e.g., unfired clay), and dung, for instance, are considered to be fully protected against

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32 The word בגד refers to textiles in general and thus includes not only clothing but also furniture covers (cf. Num 4:6–9; 1 Sam 19:13; 1 Kgs 1:1), saddle cloth (Ezek 27:20), and other types of textile articles. See Milgrom, *Leviticus 1–16*, 674. The equivalence of בגד or בגדים with articles made of wool and linen is especially clear in Lev 13:47–59.

33 See the analysis in Mizzi, "Pure Matter."

34 Balberg, *Purity, Body, and Self*, 74–95, presents an excellent synthesis and analysis of the rabbinic principles underlying the system with which the artefactual world was governed. See also Mira Balberg, "Artifact," in *Late Ancient Knowing: Explorations in Intellectual History*, ed. Catherine M. Chin and Moulie Vidas (Berkeley, CA: University of California Press, 2015), 17–35.

35 Balberg, *Purity, Body, and Self*, 78–82.

impurity.[36] The fact that rock or earth do not contract impurity, even when in contact with water (cf. the spring and hewn rock pool mentioned in Lev 11:36), may have provided an additional impetus to extend this protection to vessels made of stone or earth.[37]

An additional criterion for excluding certain types of כלים from the list of artefacts that can contract impurity is their seemingly unfinished or natural state,[38] which makes some vessels "not 'man-made' to a sufficient extent."[39] This explains why glass vessels, which are not listed in Lev 11:32–38 or Num 31:20–23, are still decreed to be susceptible to impurity—unlike stone, earthen, and dung vessels, glassware is clearly a human-made artefact.[40] Accordingly, "another fundamental principle essential to the rabbinic concept of impurity [was] 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."[41]

Even then, certain types of artefacts whose raw material makes them subject to impurity are still extended protection. This is because of the narrow way in which the rabbis read Lev 11:32, namely that only כלים which can be of service (כל כלי אשר יעשה מלאכה בהם) can contract impurity. A whole range of artefacts are excised from this list of vulnerable artefacts, among them

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36   Roland Deines, *Jüdische Steingefäße und pharisäische Frömmigkeit: ein archäologisch-his-torischer Beitrag zum Verständnis von Joh 2,6 und der jüdischen Reinheitshalacha zur Zeit Jesu*, WUNT 2/52 (Tübingen: Mohr Siebeck, 1993); Yitzhak Magen, *The Stone Vessel Industry in the Second Temple Period: Excavations at Ḥizma and the Jerusalem Temple Mount*, JSP 1 (Jerusalem: Israel Exploration Society; Israel Antiquities Authority; Staff Officer of Archaeology—Civil Administration of Judea and Samaria, 2002), 138–47; Harrington, *The Purity Texts*, 76; Balberg, *Purity, Body, and Self*, 79. And cf. m. Kelim 10:1.

37   Vered Noam, "Stringency in Qumran: A Reassessment," *JSJ* 40 (2009): 4–5, n. 12; eadem, "Qumran and the Rabbis on Corpse-Impurity: Common Exegesis—Tacit Polemic," in *The Dead Sea Scrolls: Texts and Context*, ed. Charlotte Hempel, STDJ 90 (Leiden: Brill, 2010), 425.

38   Balberg, *Purity, Body, and Self*, 79; Stuart S. Miller, *At the Intersection of Texts and Material Finds: Stepped Pools, Stone Vessels, and Ritual Purity among the Jews of Roman Galilee*, JAJSup 16 (Göttingen: Vandenhoeck & Ruprecht, 2015), 164.

39   Balberg, *Purity, Body, and Self*, 79.

40   The rationale is found in b. Šabb. 15b. The rabbis note that glass, like ceramics and metals, is manufactured through a process involving kilns or furnaces, a process that alters the natural properties of its raw material; glass is, therefore, very much a product of human civilization and technology. In contrast, stone, earthen, and dung vessels retain their natural properties.

41   Noam, "Qumran and the Rabbis," 425.

כלים which are unusable[42] and כלים which are mere parts or constituents of other functional objects or structures (and, hence, they do not serve humans directly).[43] Lev 11:33 and Num 19:15 provide a rationale to exclude further artefacts, namely sealed pottery vessels.[44]

In the end, even finished כלים which are categorically products of human culture and intended to serve humans are not deemed to be inherently vulnerable to defilement; rather, this condition or state has to be activated by human thought or intention. It is only once someone has decided that an artefact is to be put to use that said artefact is debuted into the conceptual world of the rabbis, a world in which the object can be defiled but also purified. Therefore,

> an object is not deemed susceptible to impurity simply because it *can* be put to use, but rather because a human being is personally invested in it. For the rabbis, then, usability resides not only within the object itself (that is, it is not determined only by its physical qualities), but also, and perhaps primarily, in the *relations* between the object and its owner. Indeed, the Mishnah makes clear that it is only the actual owner of an artifact that is capable of making it susceptible to impurity through thought.[45]

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42 These include incomplete, damaged, or immovable artefacts (of any material). Incomplete or damaged artefacts are considered unusable because they fail to fulfil their intended purpose, and they are therefore not artefacts with which work can be done; their unfinished or imperfect state also makes them closer to the natural world than to the realm of culture. Similarly, an immovable object is not a handy artefact which "humans can manage" and "'do things' with it" (Balberg, *Purity, Body, and Self*, 80). See Noam, "Stringency in Qumran," 4 n. 12; eadem, "Qumran and the Rabbis," 425; Balberg, *Purity, Body, and Self*, 79–80, 82; Harrington, *The Purity Texts*, 76–77. Some immovable artefacts are also considered to be immune to impurity because they are embedded in or attached to the ground (cf. Lev 11:36–38). See Milgrom, *Leviticus 1–16*, 680–81; Noam, "Stringency in Qumran," 4 n. 12; eadem, "Qumran and the Rabbis," 425. And cf. m. Kelim 11:2: כל כלי מתכות שיש לו שם בפני עצמו טמא חוץ מן הדלת ומן הנגר ומן המנעול והפותה שתחת הציר והציר והקורה והצינור שנעשו לקרקע. These objects are also artefacts of no direct functional purpose—that is, they are not כלים with which work can be done.

43 These include certain fixtures, nails, chains and ropes, attachment rings or loops, protective covers of certain implements, and others. See Balberg, *Purity, Body, and Self*, 80. And cf. Sipra Shemini Pereq 8, where the phrase כל כלי אשר יעשה מלאכה בהם elicits the following response: "'any utensil [with which work is done]:' this includes a sling, an amulet, and a phylactery; or else, may I include wood or chain/rope? Scripture says: 'with which work is done' and not one that does work for other objects" (כל כלי לרבות הקלע והקמיע והתפלה או יכול שאני מרבה את העץ ואת העבות תלמוד לומר אשר יעשה מלאכה בהם לא העושה מלאכה באחרים). Cf. also m. Kelim 16:7 (discussed above).

44 Harrington, *The Purity Texts*, 76.

45 Balberg, *Purity, Body, and Self*, 84 (italics in original source).

Objects exit this vulnerable state once they experience a critical change in their intrinsic trait(s)—due to damage or wear and tear, for instance—and are therefore rendered unusable, thereby losing their original intended purpose.[46]

This lengthy, albeit non-exhaustive, treatment of the rabbinic classification of כלים was necessary to bring into stark contrast the rabbinic worldview and that reflected in various Dead Sea Scrolls. The above distinctions between completed and uncompleted artefacts, between processed and unprocessed raw materials, between usable and supplementary utensils, and between portable and immovable objects (or ones connected to the ground) are not reflected in any of the extant Scrolls, most probably because the circles that produced these texts upheld a different worldview or else because the refined rabbinic conception of כלים did not yet exist. Instead, what we find is a maximalist reading of the same biblical stipulations discussed above. This is in line with the typical exegetical approach identified in many of the Scrolls.[47]

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46   For a detailed treatment of the principle of intention in the rabbinic worldview concerning כלים and foodstuff, see Balberg, *Purity, Body, and Self*, 80–95.

47   Legislation in the Scrolls has been described generally as one that follows the plain sense of scripture. See Hannah K. Harrington, "The Halakah and Religion of Qumran," in *Religion in the Dead Sea Scrolls*, ed. John J. Collins and Robert A. Kugler, SDSSRL (Grand Rapids, MI: Eerdmans, 2000), 77–78; eadem, *The Impurity Systems of Qumran and the Rabbis: Biblical Foundations*, SBLDS 143 (Atlanta, GA: Society of Biblical Literature, 1993); eadem, *The Purity Texts*; Vered Noam, *From Qumran to the Rabbinic Revolution: Conceptions of Impurity* (Jerusalem: Yad Izhak Ben-Zvi, 2010) (in Hebrew); eadem, "Stringency in Qumran." See also the extensive discussion on this issue in Paul Heger, *Cult as the Catalyst for Division: Cult Disputes as the Motives for Schism in the pre-70 Pluralistic Environment*, STDJ 65 (Leiden: Brill, 2007); idem, "Stringency in Qumran?" *JSJ* 42 (2011): 188–217.

There are exceptions to this rule, of course, and a number of creative readings are indeed preserved in the Scrolls. For some examples, see Vered Noam, "'The Gentileness of Gentiles': Two Approaches to the Impurity of Non-Jews," in *Halakhah in Light of Epigraphy*, ed. Albert I. Baumgarten, Hanan Eshel ל״ז, Ranon Katzoff, and Shani Tzoref, JAJSup 3 (Göttingen: Vandenhoeck & Ruprecht, 2011), 33–39; and passim in Heger, *Cult as the Catalyst for Division*; idem, "Stringency in Qumran?"

Critically, Num 31:22–23 is re-contextualized and reformulated in an injunction concerning gentile metals in the Damascus Document (4Q271 2 8–10; see Joseph M. Baumgarten, *Qumran Cave 4.XIII: The Damascus Document [4Q266–273]*, DJD 18 [Oxford: Clarendon Press 1996], 174; see further Noam, "'The Gentileness of Gentiles,'" 36–39). Here, the exact list of metals spelled out in Num 31:22 is reproduced, but the stipulation understands the metals not as domestic utensils or vessels but as matter used in the making of idols; such metals are considered impure and, hence, they are banned for use by Jews (ומכו[ל] הזהב והכסף [והנחושת וה[בדיל ועו[פרת אשר עשו הגואים פ[סל אל יביאהו איש אל טהר]תו כי [ ]ה[אם מן החד]ש הבא מן ה; see Baumgarten, DJD 18:173–75: the reconstructions are based on the other 4Q copies of the Damascus Document, namely 4Q269 and 4Q270). It is possible that the Midianite context of Num 31 played a role in this connection with idolatry, even though the immediate context of Num 31:22 is corpse impurity. This passage shows

For instance, 4Q271 2 10–12, which deals with corpse impurity, states that no one is to bring any leather or fabric or *any artefact whatsoever* which can be of service (אל יב[א איש]כול עור ובגד ומן כל הכל]י אשר יעשה מ[לאכה בהם)[48] if they have been polluted by a human corpse; any such objects have to be sprinkled with the מי נדה first. The all-inclusive nature of this stipulation is unmistakable (cf. ומן כל הכל]י).[49] 4Q271 2 10–12, therefore, adopts the more inclusive reading of Lev 11:32, which it harmonizes with Num 19:14–22 and Num 31:20.[50]

Another all-encompassing ruling concerning corpse impurity's effect on artefacts is found in another passage of the Damascus Document (CD 12:17b–18), which expressly states that "all artefacts, (*even*) nails and pegs" (וכל כלי מסמר מסמר או יתד) hammered into the walls of a corpse-impure house (אשר יהיו עם המת בבית), become impure to the same degree as any other usable artefact (וטמאו בטמאות אחד כלי מעשה). Here, we have the closest thing to a determination of what types of כלים become impure in the Dead Sea Scrolls, the answer being: all of them.[51] One of the key points of this ruling, therefore, is that everything—working and non-working artefacts, functional and auxiliary implements, moveable and immovable objects—contracts corpse impurity.[52]

The Temple Scroll (11QTᵃ 49:5–21) betrays a similarly expansive interpretation of Lev 11:32–34, Num 19:14–15, and Num 31:20–23.[53] It states that *everything*

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that Num 31:22 could have been interpreted in a restricted manner in the Scrolls; 4Q271 specifically restricts the identification of the metals listed in Num 31:22 as matter used to make idols. Still, while 4Q271 2 8–10 preserves a creative reading of Num 31:22–23, its primary concern is idolatry (and its associated impurities) not the susceptibility of materials to impurity, a matter taken up in the following lines (4Q271 2 10–12), for which see the discussion in the main text.

48   Baumgarten, DJD 18:173–75. Reconstructions are based on parallels in 4Q269 and Lev 11:32.

49   The use of ומן before כל הכל]י clearly shows that this clause is intended to provide a third, open category in which all other materials besides leather and fabrics could be included. Indeed, it is quite probable that ומן is an intentional addition to כל כלי אשר יעשה מלאכה בהם of Lev 11:32, which, as noted above, can ambiguously refer back to the materials listed previously in the same verse or to an open category of כלים in addition to the ones just specified (see note 25 above). In 4Q271, this ambiguity is eliminated.

50   Since Num 31:22–23 is decontextualized from its corpse-impurity context in lines 8–10 and reread with reference to idolatry (see note 47), it is not picked up at all in lines 10–12.

51   Unlike 4Q271 2 10–12, which mentions only (but does not necessarily limit its ruling to) artefacts which can be put to use, CD 12:17b–18 is explicit in categorizing all artefacts, whether or not they are כלי אשר יעשה מלאכה בהם, as susceptible to corpse impurity.

52   See also Sidney B. Hoenig, "Qumran Rules of Impurity," *RevQ* 6 (1969): 566–67.

53   See Yigael Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: The Israel Exploration Society; The Institute of Archaeology of the Hebrew University of Jerusalem; The Shrine of the Book, 1983), 1:325–34; 2:212–17; Noam, "'The Gentileness of Gentiles,'" 35–36. Here, Lev 11:32 is re-contextualized in an instruction that deals with corpse impurity. For a detailed textual analysis, see Swanson, *The Temple Scroll and the Bible*, 184–207. See also

becomes defiled in a corpse-impure house, including pottery vessels (and for the pure person [איש טהור] this includes also sealed vessels), wooden, bronze, and iron artefacts, mills and mortars, fabrics, sacks, and skins, as well as a house's floor, its walls, its doors, together with the doorsills, lintels, doorposts, and any bars or bolts. Of particular significance is the recurring use of כול,[54] which underlines the all-inclusive nature of the stipulation. Moreover, it is important how the inclusion of mills and mortars appears to be underscored (כול כלים רחים ומדוכה), as if to indicate, unambiguously, that these stone vessels/utensils—which are never mentioned in any of the biblical texts dealing with the purity status of artefacts—belong to the category of susceptible כלים as well. This clearly shows that the lists in Lev 11:32 and Num 31:20–23 could be expanded, especially if read in conjunction with Num 19:14 (וכל אשר באהל).[55] This ruling, therefore, casts the net as wide as possible, emphasizing that the house and *everything* in it is susceptible to the impurity of the dead and must therefore be purified.

The Damascus Document (CD 12:15b–17a) underlines further the divide between the worldviews of the rabbis and the group(s) behind the Scrolls. It stipulates that all wood, stones, and dust are susceptible to human impurity if they have oil stains on them (וכל העצים והאבנים והעפר אשר יגואלו בטמאת האדם לגואלי שמן בהם כפי טמאתם יטמא הנ[ו]גע בם).[56] I have dealt with this text and the history of its interpretation in detail in another venue,[57] where I conclude that טמאת האדם refers to human impurity in general and not just to corpse

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Lawrence H. Schiffman, "The Impurity of the Dead in the *Temple Scroll*," in *The Courtyard of the House of the Lord: Studies on the Temple Scroll*, ed. Florentino García Martínez, STDJ 75 (Leiden: Brill, 2008), 403–23.

54   11QTᵃ 49:14–16: יטהרו את הבית ואת **כול** כליו רחים ומדוכה **וכול** כלי עץ ברזל ונחושת **וכול** כלים אשר יש להמה טהרה ובגדים ושקים ועורות יתכבסו.

55   Schiffman, "The Impurity of the Dead," 410, suggests that the Temple Scroll understands וכל אשר באהל exclusively with reference to humans. But a more inclusive reading of the clause, even in its new context in 11QTᵃ, cannot be ruled out.

56   The transcription follows that proposed by Joseph M. Baumgarten, in "The Essene Avoidance of Oil and the Laws of Purity," *RevQ* 6 (1967): 183. This reading is also found in various editions of the Damascus Document, such as Elisha Qimron, "The Text of CDC," in *The Damascus Document Reconsidered*, ed. Magen Broshi (Jerusalem: Israel Exploration Society; The Shrine of the Book, Israel Museum, 1992), 9–49; Joseph M. Baumgarten and Daniel R. Schwartz, "Damascus Document (CD)," in *Damascus Document, War Scroll, and Related Documents*, vol. 2 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, ed. James H. Charlesworth, PTSDSSP (Tübingen: Mohr Siebeck, 1995), 4–57; Florentino García Martínez and Eibert J. C. Tigchelaar, ed., *The Dead Sea Scrolls Study Edition* (Leiden: Brill, 1999), 570.

57   Dennis Mizzi, "On the Meaning/s of טמאת האדם in the Damascus Document: A Textual Excavation of CD XII, 15b–17a," *RevQ* 28 (2016): 15–44.

impurity (*pace* recent suggestions). I also argue that the vague reference to wood, stones, and dust (as against a specific reference either to vessels made of these materials or to the components that make a house, i.e., its furniture, walls, and floor [cf. 11QTᵃ 49]) intends to include "harvested" raw materials and anything made from them. In the words of Vered Noam, the Scrolls reflect a sharp binary worldview (much sharper than that espoused by the rabbis) that made a "meta-halakhic distinction between the natural world—which is not susceptible to defilement, and the creations of human civilization—which are subject to impurity."[58] According to this sharp bifurcation of the physical world, once raw materials are extracted from their natural setting, they enter the realm of human civilization and become part of the process of human creation; hence, they also become exposed to human impurity.

Despite minor differences in the technical details (including the manner of purification, which I do not discuss here), all the above texts adopt an inclusive approach to the reading of the key biblical passages regarding artefacts and impurity. No distinction is made between different types of כלים: whatever the shape or the raw material, and whether or not they are finished, usable, moveable, or attached to the ground, all artefacts are deemed susceptible to corpse impurity. The same panoptic stance is noticeable in legislation dealing with other sources or types of ritual impurity. For instance, according to 4Q274 1 i 4, the *zab*'s touch has the potential to contaminate not only pottery and wooden artefacts (cf. Lev 15:12) but *all* כלים. Similarly, in a clear departure from Lev 15:16–17, 4Q272 1 ii 3b–7a (// 4Q266 6 i 14–16) declares that the one who experiences an emission of semen can transmit his impurity to objects, thus equating this case with that of the *zab*.[59] In 4Q274 2 i 4, the defiling power of semen is likewise extended to all artefacts (כו[ל נוגע בשכבת הזרע מאדם עד כול כלי יטבול),[60] not simply to fabrics and articles of skin (cf. Lev 15:17). The Scrolls and rabbinic literature, therefore, epitomize rather dissimilar conceptions of the world and the laws that govern objects that inhabit it.

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58   Noam, "Stringency in Qumran," 4.

59   This text seems to define a *zab* as one "who has a discharge from his member" as well as one "who brings upon himself thoughts of lust." According to Werrett (*Ritual Purity*, 49–51), 4Q272 appears to equate the touch (but not the degree of impurity) of the *zab* with that of one who experiences an emission of semen, perhaps in an attempt to fill in the blanks left by Lev 15.

60   Reconstruction is based on Joseph M. Baumgarten, "274–278. 4QTohorot A–C," in *Qumran Cave 4.XXV: Halakhic Texts*, DJD 35 (Oxford: Clarendon Press, 1999), 104.

5 Were Scrolls Susceptible to Impurity?

Finally, we get to the main question of the paper. But as before, it is worth starting from the rabbinic evidence. Here, we learn that the rabbis accepted that sacred scriptures defile the hands. But did they therefore maintain that scrolls (sacred or otherwise) could contract impurity? Not exactly.

It is significant, for instance, that the long mishnaic tractate Kelim fails to list leather or parchment scrolls as objects that are susceptible to impurity when, all the while, it refers to an endless number of items made of various raw materials, be it clay, glass, wood, metal, plant fibres, and skin. The rationale behind this may be the rabbinic notion that "flat" artefacts of wood, leather, bone, and glass are insusceptible to impurity (cf. m. Kelim 15:1: כלי עץ כלי עור כלי עצם וכלי זכוכית פשוטיהן טהורין ומקבליהן טמאין). Because objects of leather become impure only if they are "containers" (cf. m. Kelim 16:4), scrolls would have been exempt.[61] Quite telling, in the case of scriptural scrolls, is m. Yad. 3:2, which preserves a debate between the sages and Rabbi Joshua on whether or not artefacts or hands with second degree impurity could transmit the same level of impurity to other artefacts or hands.[62] The sages repudiate this, while Rabbi Joshua is of the opinion that such conveyance of impurity could indeed happen. As an example, he cites the fact that sacred scriptures, which are in the second degree of impurity, do indeed defile the hands (והלוא כתבי הקודש שנייה מטמאין את הידיים). He goes on to conclude that, by analogy, everything which renders *terumah* unfit for consumption transmits a second degree of impurity to any hands with which it comes in contact. The sages reject Rabbi Joshua's reasoning on the basis that the impurity of scriptures and their power to defile the hands are extra-biblical edicts developed by the scribes (דברי סופרים);

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61 Yonatan Adler, personal communication (February 2018). This is yet another example of the rabbinic exclusion of certain types of כלים from the category of artefacts that could contract impurity.

62 The rabbis devised a complex system of rules concerning the transmission of impurity. The corpse is considered the "father of fathers of impurity," whereas primary impurity bearers, such as corpse-contaminated persons, the *zab*, the *zabah*, the menstruant, one suffering from scale disease, and one who experiences a seminal emission, are considered as "fathers of impurity." The latter can contaminate other persons or artefacts, rendering them impure in the first degree. At this level, impurity cannot be transmitted further to other persons or objects, but it can be conveyed to food and liquids as well as hands, which will thereby become impure in the second degree. From this point on, impurity can only affect consecrated food and liquids or temple sancta. Beyond this level, there are a third and a fourth degree of impurity, the latter considered threatening only to the holy of holies. The principle is that the holier the object or artefact, the more susceptible it is to impurity, including lower degrees thereof. See further Hannah K. Harrington, *Holiness: Rabbinic Judaism and the Graeco-Roman World*, RFCC (London: Routledge, 2001), 41–42, Fig. 1.2; eadem, *The Impurity Systems*.

according to them, no analogies should be drawn between legislation derived from the Torah and decrees issued by the scribes (אין דנין דברי תורה מדברי סו־פרים ולא דברי סופרים מדברי תורה ולא דברי סופרים מדברי סופרים).[63] The unclean status of scriptural scrolls, therefore, is an artificial construct. Such scrolls do not become defiled by contact with impurity; rather, they are deemed permanently impure and defiling to the hands by a scribal diktat.

We find a reminiscent idea in b. Šabb. 14a, which reveals that impurity was decreed upon (Torah) scrolls by the rabbis. The text reads:

> וספר מאי טעמא גזרו ביה רבנן טומאה: אמר רב משרשיא שבתחלה היו מצניעין את אוכלין דתרומה אצל ספר תורה ואמרו האי קדש והאי קדש: כיון דקחזו דקאתו לידי ספידא גזרו ביה רבנן טומאה

> And concerning a scroll: what is the reason the sages decreed impurity upon it? R. Mesharshiya said: For originally, they used to store the food of *terumah* with the Torah scroll, and they said: This is holy and this is holy. But when they saw that they [i.e., scrolls] came to harm, the sages decreed impurity upon it [i.e., the Torah scroll].

This is a well-known passage, in which it is stated that impurity was imposed on (Torah) scrolls in order to discourage the practice of storing such scrolls with *terumah*. As Martin Goodman notes, this "seems a complicated way to achieve a simple end,"[64] but the explanation, however artificial and contrived, betrays the fact that the impurity ascribed to (Torah) scrolls was decreed by the rabbis—a fact clearly implied by the use of the verb גזר[65]—suggesting that,

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63   See also Baumgarten, "Sacred Scriptures," 51, who summarizes the essence of m. Yad. 3:2 very succinctly: "Yet, sacred scripture was different from these other sources of defile-ment of the hands that rendered *terumah* unfit. These other sources of defiled hands were each somehow connected with conditions that one could easily recognize as defiling in other circumstances, such as a house smitten with leprosy and other objects touched by a 'father of uncleanness'. Sacred scriptures were inherently unlike these other 'real' sources of impurity. They defiled hands for a reason of their own, and the rules that concerned the impurity conferred by sacred scripture were also special. The sages recognized this differ-ence between sacred scriptures and other sources of defiled hands when they responded to R. Joshua…. The decree of the sages concerning sacred scripture defiling the hands had its own reason and its own rules, unconnected with the reasons that hands might other-wise be defiled."

64   Goodman, "Sacred Scripture," 100.

65   See the discussion of the term גזרה in rabbinic literature in Paul Heger, *The Pluralistic Halakhah: Legal Innovations in the Late Second Commonwealth and Rabbinic Periods*, sjfwj 22 (Berlin: Walter de Gruyter, 2003), 85–91, 268–77. Heger defines גזרה as one of the terms that "relate to extraordinary edicts decreed by the Sages under the mandate of their divine authority" (85).

from their perspective, the promulgation of this edict did not enjoy scriptural authority.

Then there is b. Ber. 21b–22a, in which a long discussion ensues on whether or not one with a seminal emission is permitted to study or engage with matters of Torah (בדברי תורה מותר/אסור). According to one view, *zabim*, lepers, and anyone who has intercourse with a menstruant are allowed to read the Torah, the Prophets, and the Writings, as well as to study the Mishnah, the Gemara, halakhot, and aggadot, while one with an emission of semen is not. Apparently, therefore, the debate hinges on moral, not purity, concerns.[66] The reasoning is that one with a seminal emission, in contrast to the other forms of impurity, brings about his impure state by his own volition, possibly signifying a lack of fear of God.[67] On top of this, it may well be the case that physical scrolls are not the focus of this conversation—indeed, to engage in matters of Torah or to study texts in general need not entail the physical handling of manuscripts.[68]

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66   *Pace* Haran, *The Bible Collection*, 236–43.

67   The following translation of b. Šabb. 22a is adapted from Adin Even-Israel Steinsaltz, ed., *Berakhot*, vol. 1 of *Koren Talmud Bavli: The Noé Edition*, 2nd ed. (Jerusalem: Shefa Foundation; Koren Publishers, 2015), 142–43: "As it was taught: 'And you shall impart them to your children and your children's children' (Deut 4:9), and it is written thereafter: 'The day that you stood before the Lord your God at Horeb' (Deut 4:10). Just as there, [the Revelation at Sinai] was in reverence, fear, quaking, and trembling, so too here, [in every generation, Torah must be studied with a sense of] reverence, fear, quaking, and trembling. From this, [the Sages] stated: *zavim*, lepers, and those who engaged in intercourse with menstruating women, [despite their severe impurity,] are permitted to read the Torah, Prophets, and Writings, and to study Mishnah and Gemara and *halakhot* and *aggada*. However, those who experienced a seminal emission are prohibited [from doing so]." At this point, an explanatory expansion is inserted into the Koren translation, which reads: "The reason for this distinction is that the cases of severe impurity are caused by ailment or other circumstances beyond his control and, as a result, they do not necessarily preclude a sense of reverence and awe as he studies Torah. This, however, is not the case with regard to impurity resulting from a seminal emission, which usually comes about due to frivolity and a lack of reverence and awe. Therefore, it is inappropriate for one who experiences a seminal emission to engage in matters of in [*sic*] Torah."

     See also the discussion of b. Ber. 21b–22a in Daniel Boyarin, *Carnal Israel: Reading Sex in Talmudic Culture*, NH 25 (Berkeley, CA: University of California Press, 1993), 49–52. Boyarin points out that "the prohibition against the study of Torah in this state of impurity, however, did not have a technical basis in the laws of purity. Rather, it was based on a moral/psychological foundation: as the Torah had been received in a state of full concentration on spirituality, so also should it be studied. Otherwise, it would be impossible to understand why menstruating women whose state of technical impurity is identical to that of men who had had a seminal emission (or, if anything, more severe) would be permitted to study Torah without immersion" (51).

68   For instance, a little later in b. Ber. 22a, it is stated that Rabbi Judah ben Bathyra used to say that the words of Torah are insusceptible to impurity (אין דברי תורה מקבלין טומאה) because they are like fire. Consequently, Rabbi Judah permitted those who experienced

For the rabbis, therefore, scrolls were not artefacts that could contract impurity, which is unsurprising in view of the complex rabbinic taxonomy of כלים. Furthermore, scrolls classified as sacred scriptures were decreed impure and defiling to the hands owing to their special nature. This was an artificial status imposed on sacred scrolls and it operated outside the normal halakhic paradigms that regulated the effects of impurity on artefacts in general.[69]

The worldview(s) characteristic of the Scrolls would not have sustained any of the aforementioned notions. Above, we noted that the Scrolls promote a sharp binary worldview through which anything belonging to the realm of culture, whatever its purpose and function or even its raw material, is deemed susceptible to impurity. The production of a scroll entailed a long procedure involving various treatments which transformed raw skin into a suitable writing surface.[70] There is no doubt, therefore, that scrolls would have qualified as cultural products and, as such, they would have been considered vulnerable to impurity.

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a seminal emission to engage in matters of Torah. However, the wording and the context indicate that the focus is not the handling of physical scrolls per se but the oral study, teaching, and recital of the words of Torah. Still, this is a curious anecdote since it suggests that ritual purity may have once been an issue in this whole debate.

Centuries later, in his *Mishneh Torah*, Maimonides (*Hilkhot Sefer Torah* 10:8) notes explicitly that a Torah scroll cannot contract impurity: "anyone of the impure persons, even menstruants or a Cuthean, are permitted to hold a Torah scroll and read it; since the words of Torah are not susceptible to impurity" (כל הטמאין ואפילו נדות ואפילו כותי מותר לאחוז ספר תורה ולקרות בו שאין דברי תורה מקבלין טומאה). Maimonides (or a tradition he inherited), therefore, extends protection to the physical Torah scroll, not just the words of Torah. See also Mark Verman, "The Torah as Divine Fire," *JBQ* 35 (2007): 100–101.

69   According to Lim ("The Defilement of the Hands"), sacred scriptures' power to defile the hands was a result of the holy status with which the rabbis imbued them, to the point that the temple's sancta served as an analogy for sacred scriptures. Lim gives special attention to m. Yad. 3:5, whose "opening lines cite the Ancient Song of the Ark as proof-text and implicate the episode of Uzzah touching the Ark with his hand. The Mishnah associates the effect the Ark had on Uzzah with defilement, but it could not literally mean that the Ark was a source of impurity. The Ark's holiness was never questioned. Explanation was thus sought from the view that holiness and impurity were considered as two kinds of contagions. Throughout the biblical period, both holiness and impurity were thought to have properties of contamination. In the rabbinic period, however, the concept of *sancta contagion* was no longer available, and the rabbis could only express the canonical principle in the language of impurity.... This view would indicate that what is at stake is the proper handling of writings that are considered holy objects. Those who are not supposed to touch holy scriptures would find that they have become defiled and require ritual ablutions. Only writings that are considered holy will have this effect on a person" (514, 515).

70   See, for instance, the description of the process in Menahem Haran, "Bible Scrolls in Eastern and Western Jewish Communities from Qumran to the High Middle Ages," *HUCA* 56 (1985): 23–25.

The fact that scrolls (ספרים or מגלות) are never mentioned explicitly in any of the purity laws in the Torah and the Dead Sea Scrolls is not problematic. The lists of כלים in Lev 11:32 and Num 31:20–23 could be, and indeed were, interpreted inclusively, as demonstrated by some of the texts discussed above. Critically, Lev 11:32 and Num 31:20–23 list only the raw materials and not the type of objects made from them, thus opening the exegetical doors for an inclusive interpretation encompassing any type of object made of wood, fabric, skin, goat hair, and metal. 11QTᵃ 49:5–21, CD 12:15b–18, and 4Q271 2 10–12, which rework and harmonize Lev 11:32, Num 19:14–15, and Num 31:20–23, incorporate the same inclusive and sweeping language. The upshot is that this open-ended reading would have permitted the inclusion of newly circulating artefacts.

Consequently, it is not far-fetched to assume that scrolls—the largest majority of which were made from animal skins (עורות)[71]—would have been classified within the general category of כלי עור.[72] In this regard, it is significant that,

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71   For a detailed, technical discussion of the raw material used for scrolls, see Haran, "Bible Scrolls." Haran states that "biblical" works were written on leather—that is, tanned skins—in the late Roman period, although the tanning process appears to have been a superficial one ("Bible Scrolls," 34–36). The same holds true for the examined scrolls from Qumran, but it must be pointed out that the tanning process "was superficial, for the skins were rinsed with tannin, or a tannin solution, … only lightly, from without." It was in fact paramount that skins for writing were tanned only superficially, enough to provide a smooth and durable surface, since intensive tanning would have turned the skin into a very hard leather ("Bible Scrolls," 37–38 [quote at 37]). Therefore, in the words of Haran, "the Qumran skins … were neither really tanned nor entirely untanned. While they cannot be exactly considered leather, neither can they properly be called parchments or skins. They are to be placed somewhere midway between the two: basically parchments, but with moderately tanned surfaces to facilitate writing" ("Bible Scrolls," 38). See further Donald Burton, John B. Poole, and Ronald Reed, "A New Approach to the Dating of the Dead Sea Scrolls," *Nature* 184 (1959): 533–34; and, more recently, Ira Rabin, "Material Analysis of the Fragments," in *Gleanings from the Caves: Dead Sea Scrolls and Artefacts from the Schøyen Collection*, ed. Torleif Elgvin, Kipp Davis, and Michael Langlois, LSTS 71 (London: Bloomsbury T&T Clark, 2016), 63–64.

72   Note the inclusive language used with reference to artefacts made from skin in Num 31:20 עור לכל אשר יעשה (כל כלי עור), Lev 13:47–58 כל כלי עור, כל מלאכת עור, as well as העור למלאכה), 4Q271 2 10–12 (כול עור), and 11QTᵃ 49:16 (עורות). Among other things, this would have included pieces of clothing, covers, sandals, belts, threads, straps, and skins for holding water or wine; leather or parchment scrolls could have easily been incorporated into this open category of כלי עור when scrolls became common household artefacts in the various sectarian settlements related to the movement behind the Scrolls.

     Haran (*The Bible Collection*, 201–75, esp. 237–38) makes a similar point and classifies scrolls as כלי עור. In a nutshell, he posits the existence of an earlier, non-extant halakhic position which stipulated that all leather vessels, whatever their shape and function, could be rendered impure. He therefore postulates that, at one time, scrolls were deemed susceptible to impurity, placing emphasis on the contaminating touch of the one who

in the Mishnah, the term עור is used in this sense, namely to refer to scrolls of leather or parchment (e.g., m. Yad. 4:5: עד שיכתבנו אשורית על העור ובדיו). Likewise, in Massekhet Sefer Torah 1.1, we find the following statement: שכותבי על עורות בהמה טהורה ועל עורות חיה טהורה. This demonstrates that the term עור, or its plural, could in some sense refer to writing material—to scrolls. Also telling is the fact that, in rabbinic literature, עור could be used as a synonym for ספר or מגלה,[73] as well as for גויל, which "refers to skin in its thickest state, with only the hair and the upper layer, the *epidermis*, removed."[74] It is because skin of the גויל type was thick, the end-result of a relatively simple preparation process, that it was equated with עור, the generic term for skin. With the production of new types of skin, which were thinner and finer than the גויל variety, and which involved more advanced preparation methods, we encounter new terminology, namely קלף and דוכסוסטוס.[75] Importantly, these new terms are never used interchangeably with עור. It appears, therefore, that the latter two types of skins were a later introduction and that גויל was the standard skin used in previous centuries.[76] In fact, the largest majority of scrolls from Qumran have been characterized as of the גויל variety, which means that they were essentially closer to raw skins, עורות.[77]

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experienced a seminal emission. For a critique of Haran's thesis, see Chaim Milikowsky, "Reflections on Hand-Washing, Hand-Purity and Holy Scripture in Rabbinic Literature," in *Purity and Holiness: The Heritage of Leviticus*, ed. Marcel J. H. M. Poorthuis and Joshua Schwartz, JCP 2 (Leiden: Brill, 2000), 154–59. Milikowsky points out that "rolls of parchment or papyri with writing on them cannot become impure *according to the rules of rabbinic impurity*" (Milikowsky, "Reflections on Hand-Washing," 157 [italics mine]). However, this does not exclude the possibility that other groups maintained a different halakhic stance. Haran's argument that, at one time, scrolls could contract impurity is analogous, but not identical, to what I am arguing. I reached my conclusion independently, following a different interpretative route, and my ultimate focus is on the Scrolls, not the rabbis. Therefore, my argument fits roughly with Haran's thesis, only that I attribute such a halakhic stance to the group(s) behind the Scrolls.

73　See Haran, "Bible Scrolls," 40 n. 35. Haran cites parallel rabbinic passages which virtually have the exact same wording except for the use of עור in one (cf. m. Yad. 4:5) and ספר in the others (cf. m. Meg. 2:2; m. Soṭah 2:4; b. Meg. 8b–9a).

74　Haran, "Bible Scrolls," 40 n. 35. In the Targum to Deut 31:24, for example, the word ספר is rendered as גוילא.

75　Haran, "Bible Scrolls," 40–47.

76　Haran, "Bible Scrolls," 41–42. Rabbinic literature clearly implies that the קלף and the דוכסוסטוס were innovations and that Torah scrolls were traditionally written on גויל.

77　Haran, "Bible Scrolls," 42. But see Emanuel Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert*, STDJ 54 (Leiden: Brill, 2004), 34–35, who notes that the thin scroll that is 11QTᵃ seems to be of the קלף type. See further Rabin, "Material Analysis," 63–64.

What sources or types of impurity would have affected scrolls? Certainly, these would have included corpse impurity (cf. Num 31:20; 11QTᵃ 49:5–21; CD 12:17b–18), an afflicted house (cf. Num 13), and dead creeping things (cf. Lev 11:32), as well as the *zab* (cf. 4Q274 1 i 4) and the one who had an emission of semen (cf. 4Q272 1 ii 3b–7a // 4Q266 6 i 14–16)—whose touch is said to pollute כלים in general—and probably, in view of the Scrolls' tendency to harmonize and systematize the biblical purity laws,[78] also the *zabah* and the menstruant,[79] and perhaps the touch and presence of the one suffering from scale disease.[80] Theoretically, as כלי עור, impure scrolls would have had to be purified either by the מי נדה (cf. Num 31:20; 4Q271 2 10–12) or by washing/immersion in water (cf. Lev 11:32; 11QTᵃ 49:16), even if the latter sounds ludicrous and is unlikely to have been practised in reality.

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78   See, for example, Jacob Milgrom, "The Qumran Cult: Its Exegetical Principles," in *Temple Scroll Studies: Papers Presented at the International Symposium on the Temple Scroll, Manchester, December 1987*, ed. George J. Brooke, JSPSup 7 (Sheffield: JSOT Press, 1989), 165–80; idem, "The Scriptural Foundations and Deviations in the Laws of Purity of the Temple Scroll," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin*, ed. Lawrence H. Schiffman (Sheffield: JSOT Press, 1990), 83–100; Martha Himmelfarb, "The Purity Laws of 4QD: Exegesis and Sectarianism," in *Things Revealed: Studies in Early Jewish and Christian Literature in Honor of Michael E. Stone*, ed. Esther G. Chazon, David Satran, and Ruth A. Clements, JSJSup 89 (Leiden: Brill, 2004), 155–69; Cecilia Wassen, "Jesus and the Hemorrhaging Woman in Mark 5:24–34: Insights from Purity Laws from the Dead Sea Scrolls," in *Scripture in Transition: Essays on Septuagint, Hebrew Bible, and Dead Sea Scrolls in Honour of Raija Sollamo*, ed. Anssi Voitila and Jutta Jokiranta, JSJSup 126 (Leiden: Brill, 2008), 641–60. See also the remarks in Thomas Kazen, "Explaining Discrepancies in the Purity Laws on Discharges," *RB* 114 (2007): 348–71; idem, "4Q274 Fragment 1 Revisited—or Who Touched Whom? Further Evidence for Ideas of Graded Impurity and Graded Purifications," *DSD* 17 (2010): 53–87.

79   According to Lev 15, the *zabah* and the menstruant transmit impurity to anything on which they sit and to anyone who touches them, but the text is silent with regard to their effect on objects they touch. This is unlike the case of the *zab*, whose unwashed hands also contaminate artefacts (e.g., pottery and wooden articles). It is not implausible that the *zabah* and the menstruant would have been equated with the *zab* in their potential to contaminate artefacts, just like the person with an emission of semen was. Some have considered such a harmonizing reading as intrinsic to the original formulation of Lev 15. See David P. Wright, *The Disposal of Impurity: Elimination Rites in the Bible and in Hittite and Mesopotamian Literature*, SBLDS 101 (Atlanta: Scholars Press, 1987), 190, 193; Kazen, "Explaining Discrepancies," 357.

80   Scale disease is virtually equated with corpse impurity, including the manner in which one undergoes purification from it, which requires a similar procedure of sprinkling (Lev 13:45–46; 14:4–9). It is therefore quite possible that a person with scale disease was considered to convey impurity through touch (cf. also m. Kelim 1:1) and by being in an enclosed space, like a corpse. See Milgrom, *Leviticus 1–16*, 805, 842–43.

Despite the absence of any explicit indications, it is only logical that the circles behind the Scrolls would have considered impure scrolls to be defiling to whoever touched or handled them, in accordance with purity legislation. Some halakhic texts extend the contaminating power of impure artefacts beyond the limits delineated by the Torah. For instance, Lev 15:4–12 limits the transmission of impurity through objects touched by a *zab* to things on which the *zab* sits, lays, or rides; objects the *zab* touches, specifically clay and wooden utensils, require cleansing, but the text says nothing about their potential to transmit their impurity to anyone who touches them.[81] In contrast, 4Q274 1 i 4–5 legislates that a menstruant must not touch a *zab* nor any כלים he has touched nor objects on which he has sat or lain. The emphasis here has changed, the implications have been expanded: artefacts touched by a *zab*—and *any* type of artefact, not just clay or wooden implements—transmit impurity to anyone who touches them, whether this is a pure person or an impure person undergoing purification. Presumably, the same defiling power was also extended to any type of artefact contaminated by corpse impurity or a corpse-impure individual, the one suffering from scale disease, the *zabah*, the menstruant, and the one with an emission of semen.

Like other כלים, then, scrolls would have been deemed to be defiling, *providing* that they had contracted impurity. This is the critical difference between the Qumran and rabbinic perspectives. There is no indication whatsoever that scrolls (whether or not they contained scriptural or other authoritative texts) were considered as special artefacts at Qumran or that they were inherently defiling to anyone who touched or handled them.

6 The Status of Scrolls at Qumran

In view of the arguments above, it is likely that, for the group(s) behind the Scrolls, manuscripts had the same purity status as other artefacts; they were neither afforded any special status nor protection from impurity. It is perhaps significant that the same reverence towards scriptural scrolls as physical artefacts and sacred objects discernible in other sources from the late Second Temple period as well as in rabbinic literature is starkly absent in the Qumran texts.[82] This is not to say that (some) scrolls could not have been categorized

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81 Milgrom, *Leviticus 1–16*, 910–21.

82 Plenty of evidence, ranging from the books of Maccabees to the *Letter of Aristeas* to Philo and to Josephus, seems to reflect the growing importance attached to the physical scroll from the second century BCE onwards. Several sources speak of the "holy book"

as "sacred" at Qumran.[83] However, it is indeed noteworthy that none of the Scrolls contain rules regarding the handling of scrolls or specific regulations

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or "holy books" with reference to the Torah and other ancestral writings. Quite telling is 1 Macc 1:56–57, which underscores the destruction of books as part of the persecution programme instituted by Antiochus IV Epiphanes in 167 BCE. Equally significant is the episode narrated by Josephus (*J.W.* 2.229–31; *Ant.* 20.115) regarding a soldier who tore up a Torah scroll in a Judaean village in the mid-first century CE, an incident that incited a small uprising among the local populace and was taken seriously enough by the procurator Cumanus to order the soldier's execution. It is also noteworthy that a scroll of the law taken from the Jerusalem temple by Titus was paraded, together with the rest of the spoils, in the victory procession in Rome (Josephus, *J.W.* 7.148–50). The importance of the material dimension of the Torah (and, possibly, other authoritative) scrolls is clearly evident in these episodes. In the words of Jan Bremmer, "the rise of the 'holy book,' the growing material importance of the biblical scrolls, the observable transfer of authority from the traditional producers of authoritative texts, the 'scribes of the temple,' to the texts themselves and the eclipse of the priestly scribal class may well be interrelated." See the survey in Jan N. Bremmer, "From Holy Books to Holy Bible: An Itinerary from Ancient Greece to Modern Islam via Second Temple Judaism and Early Christianity," in *Authoritative Scriptures in Ancient Judaism*, ed. Mladen Popović, JSJSup 141 (Leiden: Brill, 2010), 336–47; quote at 346. See also the briefer surveys in Hezser, *Jewish Literacy*, 193–94; Goodman, "Sacred Scripture."

For the sacred status of scriptural scrolls within rabbinic circles as well as rabbinic halakhot concerning the production of halakhically valid scrolls, see Lawrence H. Schiffman, "Jerusalem Talmud Megillah 1 (71b–72a)—'Of the Making of Books': Rabbinic Scribal Arts in Light of the Dead Sea Scrolls," in *Talmuda De-Eretz Israel: Archaeology and the Rabbis in Late Antique Palestine*, ed. Steven Fine and Aaron Koller, SJ 73 (Berlin: De Gruyter, 2014), 97–109; Timothy H. Lim, "The Rabbinic Concept of Holy Scriptures as Sacred Objects," in *Scribal Practices and the Social Construction of Knowledge in Antiquity, Late Antiquity and Medieval Islam*, ed. Myriam Wissa, OLA 266 (Leuven: Peeters, 2017), 127–42. I extend my thanks to Timothy Lim for sharing a copy of his paper prior to publication.

83   Although it may be significant that the Scrolls never refer to any book specifically as holy (Bremmer, "From Holy Books to Holy Bible," 343), one ought to be careful in how to interpret this silence. See especially Hanne von Weissenberg and Elisa Uusimäki, "Are there Sacred Texts in Qumran? The Concept of Sacred Text in Light of the Qumran Collection," in *Is there a Text in this Cave? Studies in the Textuality of the Dead Sea Scrolls in Honour of George J. Brooke*, ed. Ariel Feldman, Maria Cioată, and Charlotte Hempel, STDJ 119 (Leiden: Brill, 2017), 21–41, who contribute a nuanced perspective to this question. They conclude that "no text from Qumran has an explicit attribute that would define it as 'sacred,' nor is a stark polarity between sacred and non-sacred compositions visible in concrete scribal practices. Instead, the concept of 'sacred' is linked with the divinity, as well as spaces, places, objects, and people that are chosen by or in a relationship to the divinity. Hence, the category of 'sacred' should be understood as graded and relational. Even though neither the Torah nor other texts are explicitly called 'sacred,' there are clear indicators of the idea that divine revelation takes a textualized form. In this process, something primarily intangible, claimed by the authors to originate from the otherworldly, 'sacred' realm, is transformed into a tangible, written form" (40–41). I thank Elisa Uusimäki for sharing a copy of the paper prior to publication.

on how to produce such textual artefacts.[84] The Scrolls contain no indication whatsoever that the physical scroll was classified as a special category of artefact, different than other cultural objects. This much seems to be corroborated by the material quality of the Scrolls. While some manuscripts do indeed display high production qualities,[85] many others lack finesse.[86] Overall, therefore, the material evidence does not betray a singular concern with acquiring or producing deluxe scrolls.[87]

It is quite plausible (without excluding the possibility that some or all scrolls were considered to be sacred) that scrolls were categorized among the טהרה of the group(s) behind the Scrolls. This technical term frequently occurs in the Community Rule, the Damascus Document, and other Qumran texts (e.g., 4Q274 2 i 3) as a constitutive element of the longer designations טהרת הרבים or טהרת אנשי הקודש. Various explanations have been proposed with regard to the meaning of these designations, one of the most influential being that which equates these terms with the pure food of the *yaḥad* and related communities,

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84 See also Schiffman, "Rabbinic Scribal Arts in Light of the Dead Sea Scrolls." Schiffman concludes that "overall, there were more requirements among the rabbis than what were apparently observed by the scribes of the scrolls. From the chronological point of view, is possible that the requirements and the quest for perfection and beauty became more and more important in halakhah, so that the scribes who did their work earlier did not observe all the requirements of the later rabbis. If so, we would expect that Pharisaic scribes at an earlier time would also have been working according to rules more lenient than the ones that we find mentioned by the rabbis" (109).

85 See Tov, *Scribal Practices*, passim and esp. 125–29.

86 Both Charlotte Hempel and Mladen Popović have underscored the workaday quality of a large part of the Qumran texts, the relatively poor quality of some of the writing material, and the presence of reused scrolls. See Mladen Popović, "Qumran as Scroll Storehouse in Times of Crisis? A Comparative Perspective on Judaean Desert Manuscript Collections," *JSJ* 43 (2012): 576–78; Charlotte Hempel, *The Qumran Rule Texts in Context: Collected Studies*, TSAJ 154 (Tübingen: Mohr Siebeck, 2013), 311–36.

87 For a contrasting view, see George J. Brooke, "The Visualisation of the Sacred at Qumran," in *Sibyls, Scriptures, and Scrolls: John Collins at Seventy*, ed. Joel Baden, Hindy Najman, and Eibert J. C. Tigchelaar, JSJSup 175/1 (Leiden: Brill, 2016), 225–40. Brooke states that "many of the manuscripts have particular or special visual presence. That applies not just to the so-called *de luxe* scrolls … It also includes other manuscripts that have distinctive features of some kind, indicating their possible sacred status. These particular indicators are numerous; they are noteworthy scribal practices as listed by Emanuel Tov. To be included are the physical dimensions of the scroll, the layout of the text (sometimes including stichometry, which for some texts later became the obligatory layout), and other features such as paragraphing, spacing, and marginal marks. For the compositions that might be included as sacred, the choice of language, regularly Hebrew, the selection of script, whether paleo- or square Hebrew, and other features such as the demarcation of *nomina sacra* in some manuscripts, are all to be taken into account."

thus parallelling the designation משקה הרבים, the pure drink of the many.[88] Therefore, טהרה has traditionally been understood within the framework of communal meals. In recent years, however, it has become increasingly evident that טהרה denotes a wider spectrum of things, including not only food but also vessels, utensils, garments, and a host of other objects—therefore, טהרה refers to pure food *and* pure artefacts.[89]

Yonder Gillihan notes that טהרה "seems to have been something that one approached at meetings of the Many," and that it is "unlikely that the ban on approaching (נגע) the purity or liquid of the *yaḥad* refers to restrictions on eating or drinking; rather, it designates physical access to certain pure things and to liquids."[90] With reference to the wording of 1QS 6:25 (ויבדילהו מתוך טהרת הרבים), Gillihan rightly points out that the use of מתוך does not make sense if טהרת הרבים refers to food and thus concludes that "to be בתוך טהרת רבים means to be in the immediate presence of the pure state of each member of the Many, the assembly itself, and *all objects, food, implements, and liquids, that the Many used when they met*."[91] Therefore, among these objects we can include scrolls, which would have been objects used and handled (cf. the use of נגע, "to touch, handle," with reference to access to the טהרה) during the group's study sessions.

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88   See, for example, Moshe Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect: A Comparison with Guilds and Religious Associations of the Hellenistic-Roman Period* (Fribourg: Fribourg University Press; Göttingen: Vandenhoeck & Ruprecht, 1986), 43; Harrington, *The Purity Texts*, 23–25; Geza Vermes, *The Complete Dead Sea Scrolls in English*, rev. ed. (London: Penguin Books, 2004), 33. Martha Himmelfarb, "Impurity and Sin in 4QD, 1QS, and 4Q512," *DSD* 8 (2001): 32 n. 51, reads this as a reference to permitted food.

89   The definitive study is Friedrich Avemarie, "'Tohorat Ha-Rabbim' and 'Mashqeh Ha-Rabbim': Jacob Licht Reconsidered," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995: published in Honour of Joseph M. Baumgarten*, ed. Moshe J. Bernstein, Florentino García Martínez, and John Kampen, STDJ 23 (Leiden: Brill, 1997), 226–27. See also William H. Brownlee, *The Dead Sea Manual of Discipline: Translation and Notes* (New Haven: American Schools of Oriental Research, 1951), 21 n. 37; Saul Lieberman, "The Discipline in the So-Called Dead Sea Manual of Discipline," *JBL* 71 (1952): 203; Vermes, *The Complete Dead Sea Scrolls in English*, 33; Charlotte Hempel, "Who Is Making Dinner at Qumran?" *JTS* 63 (2012): 49–65; Yonder M. Gillihan, *Civic Ideology, Organization, and Law in the Rule Scrolls: A Comparative Study of the Covenanters' Sect and Contemporary Voluntary Associations in Political Context*, STDJ 97 (Leiden: Brill, 2012), 317–24.

90   Gillihan, *Civic Ideology*, 318, 323. The fact that 1QS 6:25 bans the transgressor from access to the טהרה *while also* stipulating a reduction of in the food portion implies further that טהרה refers to something other than food. See also Hempel, "Who Is Making Dinner at Qumran?" 59–60.

91   Gillihan, *Civic Ideology*, 324 (italics mine).

The close connection between טהרה and study—which would have entailed the use of scrolls—is *possibly* evident in a few passages in the Community Rule. In 1QS 8:12–19, the passage about the establishment of a community in the wilderness, טהרה is interestingly juxtaposed with the study of the Torah and other matters in general. This passage quotes Isa 40:3 and interprets it as an exhortation to "study the Torah ... according to all that has been revealed from time to time and in accordance to what the prophets have revealed through his spirit of holiness" (היאה מדרש התורה א[ש]ר צוה ביד מושה לעשות ככול הנגלה עת בעת וכאשר גלו הנביאים ברוח קודשו). The latter two clauses imply that other texts, which contain knowledge that has been "revealed from time to time" as well as prophetic oracles and interpretations, are also to be the object of study. What is intriguing, however, is the immediate juxtaposition of this interpretation of Isa 40:3 in 1QS 8:12–15 with a stipulation in 1QS 8:16–18 stating that anyone from the *yaḥad* who strays purposefully from any of the laws shall be barred from accessing—literally "touching" (אל יגע)—the "purity of the men of holiness" (בטהרת אנשי הקודש) or from knowing their counsel (ואל ידע בכול עצתם). This sudden shift in thought from study, to access to the טהרה, to knowledge of the group's counsel hints at a possibly close link between טהרה, study, and learning. Here, the טהרת אנשי הקודש (1QS 8:17) is loosely sandwiched between the term מדרש התורה (1QS 8:15) and the phrase containing the root ידע plus עצה (1QS 8:18), which implies a close relationship between טהרה and the practice of reading and studying in the daily life of the group(s) in question.

The same juxtaposition is found in 1QS 8:22–27. According to this passage, anyone who deliberately or negligently transgresses anything from the Torah of Moses is to be banished from the *yaḥad*. However, if the transgression is unintentional, such person shall be excluded from the group for two years. Specifically, the exclusion applies to the טהרה and the counsel or Council (העצה), and the person is not to be sought for any advice or counsel (עצה) nor for his judgement (לוא ישפוט איש). Most significant is the clause concerning the person's return to the fold after two years: such a person will be allowed to participate once again in the session (מושב), in study (מדרש), and in counsel or the Council (בעצה). Where is the טהרה, here? Is it incorporated in the aforementioned activities, and is it therefore equivalent to objects—considered pure—that would have been used in these meetings, such as scrolls?

Of course, the implication is that if scrolls were indeed classified as part of the טהרה, then there would be little doubt as to their susceptibility to impurity.[92]

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92   Magness (*Stone and Dung*, 27, 28) suggests that "scrolls were stored in jars because they had a high degree of purity, like the sect's food and drink.... the pure goods of the sect stored in the cylindrical jars at Qumran could have included scrolls as well as food and

7   Excursus: What about Papyrus Rolls?

In the analysis above, I focused on leather or parchment scrolls, these making up the largest part of the Qumran collection. But what about papyrus rolls? Were these susceptible to impurity? While papyrus manuscripts are relatively rare at Qumran, George Brooke has highlighted the fact that the Qumran Cave 4 papyri include "mostly single papyrus copies of nearly all the compositions that have been identified as those with the leading sectarian characteristics. Why are just one or perhaps two copies of each of those compositions preserved on papyrus? Was there a deliberate decision to preserve at least one copy on papyrus for some reason, perhaps for archival purposes?"[93] In response to this paper, Brooke suggested that purity might be a possible answer.[94]

The idea is very intriguing, but since papyrus was produced from plant fibres—just like בגדים made of linen, for instance—and since papyrus rolls were clearly cultural artefacts, it is likely that they would also have been deemed to be susceptible to ritual impurity. Indeed, articles from papyrus are similarly decreed impure in the Mishnah (cf. m. Kelim 17:15, which discusses the case of purses made from untanned skin or papyrus [נייר]).

8   Concluding Remarks

In this paper, I focused on scrolls as physical realia with a view to situate them within their lived, material context and thus place them alongside the other products of human civilization, such as pottery, glass and stone vessels, metal and wooden implements, textiles, and others. My main point is that scrolls also had a material dimension in addition to the textual one, which means that they must have been governed by the same purity rules that affected other physical objects in the same world they inhabited—that is, the world

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drink…. the distinctive shape of the jars signaled the purity of their contents, thereby controlling and restricting access to these goods." While this suggestion fits really well with my argument, most probably the placement of scrolls in jars was connected with their final deposition in the caves, whatever the reason behind it; in other words, scrolls were *not* stored in cylindrical jars while still in use. Space does not permit me to discuss this issue here, but it will be treated at length in a forthcoming monograph.

93   George J. Brooke, "Choosing Between Papyrus and Skin: Cultural Complexity and Multiple Identities in the Qumran Library," in *Jewish Cultural Encounters in the Ancient Mediterranean and Near Eastern World*, ed. Mladen Popović, Myles Schoonover, and Marijn Vandenberghe, JSJSup 178 (Leiden: Brill, 2017), 119–35. I thank George Brooke for sharing a copy of his paper prior to publication.

94   George J. Brooke, personal communication (July 2016).

as construed by the people behind the Dead Sea Scrolls. I think that a strong case can be made that, from their perspective, as far as it can be reconstructed, scrolls could be rendered impure and, in turn, they could transmit impurity to persons who touched or handled them. The rationale is in line with the purity laws governing all cultural objects. Scrolls were not inherently defiling because of any special status they might have had; rather, they could only defile persons when they themselves had contracted impurity.

In contrast, for the rabbis, scrolls containing sacred scriptures were innately defiling, not because such scrolls were operating under the same rules governing כלים but because of an artificially imposed status of impurity. Indeed, the evidence suggests that the rabbis considered scrolls of leather or parchment in general to be among the כלים that could not contract impurity through the normal mechanisms of ritual pollution. The Pharisees shared the same notion of scriptures and hand defilement, but did they also maintain that scrolls were insusceptible to impurity? We do not know. Even less is known about the Sadducean stance.[95]

If this conclusion is accepted, the evidence from the Scrolls might therefore shed light on a transitional stage when the status of scrolls was still in flux. It must be remembered that the increasing focus on the text emerges during the second century BCE, at a time when literacy also appears to have been on the increase. Thus, the wider availability of scrolls would have necessitated the formulation of halakhic views—not necessarily written down—regarding their purity status. The rabbinic evidence may reflect one side of the "debate," and some of the views might well represent the crystallization of developing thoughts on the issue. The indirect evidence from Qumran, on the other hand, might provide us with insights on earlier and/or alternative perspectives on this question.

The implications of this argument—which is admittedly based on a number of inferences, given the nature of the evidence—will have a bearing on how we construe the textual communities depicted in the Scrolls. Among other things, this conclusion casts light on daily practices at Qumran and related sectarian settlements. It may contribute to discussions concerning the archaeological

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95   With regard to the Pharisaic and Sadducean views, all we have are a few scattered references in rabbinic sources limited to intra- and inter-partisan disagreements on whether or not (or else, which) books cause hand defilement (e.g., m. ʿEd. 5:3; m. Yad. 3:5, 4:6). Cf. Magness, *Stone and Dung*, 27: "The nature of the criticism leveled by the Sadducees named in this passage [*m. Yad.* 4:6] against the Pharisees is obscure. Perhaps, unlike the Pharisees, in their view touching both Torah scrolls and profane works defiled the hands. Or, they might have considered profane works but not Torah scrolls as defiling, or perhaps did not consider any scrolls as defiling."

context of the Scrolls and the material properties of the manuscripts. It also offers a few glimpses on inter-sectarian differences concerning scrolls and (im)purity. But these questions deserve a detailed study of their own.

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A New Understanding of the Sobriquet דורשי החלקות: Why Qumranites Rejected Pharisaic Traditions

Harry Fox

1 Introduction

The assumption that the rabbinic movement continues Pharisaic Judaism is generally considered so automatic and obvious that even those scholars critical of this scholarly reflex nonetheless use it and assume it themselves.[1] The question my paper wishes to address is the extent to which the Dead Sea Scrolls at Qumran help us establish this hypothesis further given that we possess very little in the way of any certain writings attributed to the Pharisees themselves.[2]

This serious lack has been compensated for by indirect references taken from Josephus, from rabbinic literature—especially Mishnah and Tosefta, and from the New Testament. These sources have been explored rather exhaustively.[3] To these I wish to add special attention to an oft referenced expression almost universally reserved for the Pharisees for which I wish to provide a new meaning. דורשי חלקות *dorshe ḥalaqot*, the so-called "seekers after smooth things,"[4] has

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1 This topic is surveyed extensively by Annette Yoshiko Reed, "When Did Rabbis Become Pharisees?: Reflections on Christian Evidence for Post-70 Judaism," in *Envisioning Judaism: Studies in Honour of Peter Schäfer on the Occasion of His Seventieth Birthday*, ed. Ra'anan S. Boustan et al. (Tübingen: Mohr Siebeck, 2013), 2:859–895. See further below n. 2.

2 Megillat Taʿanit may be an exception though it is hardly intelligible without the aid of its much later *scholia*. Such a situation has Schremer comment, "no pharisaic text is truly known to us." This in turn yields the following statement made by him: "I would obviously prefer to speak of 'rabbinic' rather than 'pharisaic' discourse as the historical process to which Noam refers is entirely rabbinic since we possess no pharisaic discourse"; Adiel Schremer, "Avot Reconsidered: Rethinking Rabbinic Judaism," *JQR* 105 (2015): 287–311. Nonetheless Schremer also conflates Pharisees and rabbis (p. 303 n. 59). See also above n. 1.

3 I find that the best recent treatment of the Pharisees which is aware of all the problems and nuances required, yet with a contribution to the field, is Etka Leibowitz, "Hypocrites or Pious Scholars? The Image of the Pharisees in Second Temple Period Texts and Rabbinic Literature," *Melilah* 11 (2014): 53–67.

4 See the large variety of translations in Shani L. Berrin, *The Pesher Nahum Scroll from Qumran: An Exegetical Study of 4Q169*, STDJ 53 (Leiden: Brill, 2004), 91–99.

generally been understood as a pun[5] reflecting upon a group that seeks *halak-hot*, namely the Pharisees,[6] who are also referred to by the sobriquet Ephraim in Pesher Nahum. Håkan Bengtsson challenged all the scholarly certainties by demonstrating ambivalence in the valence of Ephraim, an epithet comprising a group greater than just the purported Pharisees.[7] Another critical voice is Gregory Doudna who has argued (rather unconvincingly) that the universally accepted *Ephraim* as a reference to Pharisees in Pesher Nahum is uncertain.[8] Though I believe the argumentation raised by Doudna to be inadequate for a

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5   Concerning the pun *halakhah,* see Berrin, *Pesher Nahum*, 95 n. 23. According to Stemberger, the idea that "the designator 'seekers of smooth things' (דורשי חלקות) is a pun on the hal-akhot of their opponents, commonly considered as Pharisees or Proto-Pharisees, has some probability, but cannot be proven"; Günter Stemberger, "Mishnah and Dead Sea Scrolls: Are There Meaningful Parallels and Continuities?," in *The Dead Sea Scrolls In Context: Integrating the Dead Sea Scrolls in the Study of Ancient Texts, Languages, and Cultures*, ed. Armin Lange, Emanuel Tov, and Matthias Weigold, VTSup 140 (Leiden: Brill, 2011), 2:620. See fur-ther Sanders, who quotes Pesher Nahum 1:6–8 on hanging men alive and also mentions the seekers of smooth things, "apparently a punning reference to the Pharisees"; E. P. Sanders, *Judaism: Practice and Belief, 63 BCE–66 CE* (Minneapolis: Fortress Press, 2016), 600 n. 1. See below, n. 35. As I discuss in the Conclusion below, one possible fallout of this event alluded to in Pesher Nahum is that the remnant of this hanged faction left Jerusalem to establish Yavneh (Jamnia) as a safe haven.

6   For bibliography on the identification with Pharisees, including ties to Matthew 23 and the charge of hypocrisy, see Berrin, *Pesher Nahum*, 91–92, 98–99. See also Leibowitz, "Hypocrites or Pious Scholars?"

7   See Håkan Bengtsson, "What's in a Name? A Study of Sobriquets in the Pesharim" (PhD diss., Uppsala University, 2000).

8   Gregory L. Doudna, *4Q Pesher Nahum: A Critical Edition*, JSPSup 35 (Sheffield: Sheffield Academic Press, 2001), 577–599, erroneously concludes that the names Ephraim and Manasseh are not to be identified with the Pharisees and Sadducees. This suggestion, as far as I am able to discern, has not gained much currency. The reason for this may be supported by several observations. Those two names never appear in the prophetic book of Nahum. Pesher works by a combination of valence (positive for friends and negative for foes) and identification of subjects in Nahum with various individuals and parties in the Qumranic orbit. Central players in groups within that orbit are called by the epithets of Ephraim and Manasseh. These epithets are not normative exegesis of Nahum but are Pesher identifica-tions of Nahum's subjects with these contemporaneous ones. One could argue for other iden-tifications, but these are surely not mere references to biblical toponyms or personalities. See further Robert A. Kugler, "Review: Gregory L. Doudna, *4Q Pesher Nahum: A Critical Edition*," *JHS* 5 (2004), http://www.jhsonline.org/cocoon/JHS/r150.html; Michael G. Wechsler, "Review: Gregory L. Doudna, *4Q Pesher Nahum: A Critical Edition*," *JNES* 65 (2006): 150–53. Both review-ers comment on the revolutionary nature of removing these epithets from identifications with Pharisees and Sadducees.

definitive refutation of this commonly held view, it shows us just how very difficult these sobriquets are to decipher.[9]

Why *dorshe haḥalaqot* should be a critique on the Pharisees is in my opinion unclear. After all the Qumranites themselves may be understood to seek the legal import of the Scriptures just as much as the Pharisees, as recently discussed by Metso.[10] Hence I propose that the expression should be understood differently, that is, as seekers of "conflicts" or "divisions," and possibly read as *dorshe haḥaluqot*, though I am far and away less insistent on changing the way its vowels were read than how the sobriquet was understood. This designation seems to refer to a propensity of this group to seek out conflict

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9   For a far more nuanced exploration of these difficulties which also reflects on Doudna's claims and deals with inconsistencies at Qumran, see Matthew A. Collins, "Text, Intertext, and Conceptual Identity: The Case of Ephraim and the Seekers of Smooth Things," in *Is There a Text in This Cave? Studies in the Textuality of the Dead Sea Scrolls in Honour of George J. Brooke*, ed. Ariel Feldman, Maria Cioată, and Charlotte Hempel, STDJ 119 (Leiden: Brill, 2017), 209–25. Collins's efforts to strengthen the connection between *dorshe haḥalaqot* and Isaiah 30:10 are, in my opinion, futile. Collins here builds on the arguments of his monograph, Matthew A. Collins, *The Use of Sobriquets in the Qumran Dead Sea Scrolls*, LSTS 67 (London: T&T Clark, 2009), in which he not only deciphers the sobriquets at Qumran but provides a developmental linguistic theory for several of them from Scripture through to their various forms in Qumran literature which he dates accordingly. Collins's hypotheses of linguistic development at Qumran are based entirely on an historic reconstruction based on the Damascus Covenant by Philip R. Davies, *The Damascus Covenant: An Interpretation of the "Damascus Document,"* JSOTSup 25 (Sheffield: JSOT Press, 1983), 198–201 (cited at Collins, 34–35). I find Davies's reconstruction unlikely. Preambles are usually a product of later reflection and, in my opinion, given to a good deal of anachronism. I find the same to be likely for the Damascus Covenant. Hence, in my opinion, the so-called historical priority of the preamble is the reflection of hindsight. Similar reconstructions are available for the rabbinic sages who reconstruct an idyllic past with no conflicts, a topic we will consider further on in this essay. I find support for this kind of reflection in such features as the citation of the "children of light and darkness," an allusion to another sectarian work, an appeal to expiation and mention of eschatological epochs; see Ben Zion Wacholder, *The New Damascus Document: The Midrash on the Eschatological Torah of the Dead Sea Scrolls: Reconstruction, Translation and Commentary*, STDJ 56 (Leiden: Brill, 2007), 22–25. See further Phillip R. Callaway, *The History of the Qumran Community: An Investigation*, JSPSup 3 (Sheffield: JSOT Press, 1988), 105, who emphasizes: "CD employs historical examples that are already saturated with a theological veneer in order to express a theological message about the fate of the faithful and the unfaithful in the past and potentially those in the present and the future."

10   See Sarianna Metso, "Challenging the Dichotomy between Halakhah and Community Legislation," in *Crossing Imaginary Boundaries: The Dead Sea Scrolls in the Context of Second Temple Judaism*, ed. Mika S. Pajunen and Hanna Tervanotko, Publications of the Finnish Exegetical Society 108 (Helsinki: The Finnish Exegetical Society, 2015), 61–70 (with further bibliography at 63 n. 4).

in the interpretation of Scripture and/or its legal import. If one rejects, as I believe one should, the cantankerous Sadducees[11] as the intended party, that leaves the likelihood, as almost all scholars hitherto have assumed, that it is the Pharisaic group which is being referenced.

Pharisaic judicial conflicts in interpreting Scriptures, of course, are not known to us in any certain or direct manner. Such judicial conflicts do, however, describe rather well the rabbinic movement generally assumed to be their continuators.[12] None of the Pharisees who are heroes of the rabbis in ʾAbot chapter 1 and elsewhere bear the honorific Rabbi in their titles. If anything they may have had ʾ*ish* or *abba* or *rabban* or *rabbouni* as designators.[13] This leaves the reference דורשי החלקות/החלוקות as most likely to refer to the Pharisees themselves who, in my opinion, could even have accepted it as a designator especially by using one further nuance of חלוקות (חלוקא in Aramaic) as "distinctions."[14] That is, they are seekers of distinctions/differentiations between cases, distinguishing one from the other. In this way they differ from the Qumranites who are gnostic knowers of Scriptures, seeking their exact

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11   I, of course, am unable to list all the sources that could be cited to support this contention so a few extreme ones may suffice. See m. Yoma 2:2; Sipre Num *Masaei* 161; t. Yoma 1:10; y. Yoma 2:2, 39d; b. Yoma 23a and the discussion in ʿAzaryah Baitner, הכהנים רגזנים הם: לדמותם של הכהנים באגדה (Tel Aviv: Haqibbuṣ hameʾuḥad, 2015), 107–108 n. 110. For sources in Josephus see Josephus *J.W.* 166 and *Ant.* 18.18. See further t. Shavuot 1:4; b. Taʿan. 18a; and Sipre Num 141 for similar depictions.

12   Such anachronistic predating happens frequently in rabbinic literature. Thus, for example, Adam is called Rabbi Adam by Eve already in the Garden of Eden; see Solomon Schechter, *Avot deRabbi Natan* (Vienna, 1887; repr., Jerusalem, 1990), Version B Chapter 1, 3d. This, of course, does not lend itself to an argument of predating the first use of the honorific historically, which seems to occur either after the destruction of the Second Temple or, if not used anachronistically for Jesus, sometime in the late Second Temple Period.

13   See the discussions between Solomon Zeitlin and Herschel Shanks on whether the title Rabbi is anachronistic in the New Testament or not: Solomon Zeitlin, "The Pharisees: A Historical Study," *JQR* 52 (1961): 97–129; Hershel Shanks, "Is the Title 'Rabbi' Anachronistic in the Gospels?," *JQR* 53 (1963): 337–45; Solomon Zeitlin, "A Reply," *JQR* 53 (1963): 345–349. See also Solomon Zeitlin, "The Title Rabbi in the Gospels Is Anachronistic," *JQR* 59 (1968): 158–60. Rabbouni is a variant honorific applied to Jesus in the New Testament. See Vol. 3 of the *Exegetical Dictionary of the New Testament*, ed. Horst Balz and Gerhard Schneider (Grand Rapids: Eerdmans, 1990–1993), *s.v.* rabbouni.

14   See Harry Fox (leBeit Yoreh), "Introducing Tosefta: Textual, Intra-Textual, and Inter-Textual Studies," in *Introducing Tosefta*, ed. Tirzah Meacham (leBeit Yoreh), Harry Fox (leBeit Yoreh), and Diane Kriger (Hoboken, N.J.: Ktav, 1999), 19 n. 38, where I referred to them as "experts in dynamic distinctions."

meaning available to an inspired seeker, דורש התורה.[15] Distinctions, I would argue, invite and generate conflict whereas gnosis requires an inspired teacher.

Having posited a new interpretation for the sobriquet דורשי החלקות not entertained by anyone other than Amusin, who then changed his mind,[16] the rest of my paper will mount arguments in favor of this possibility. This will be followed by three explanations of divisions amongst the Pharisees which the Qumranites could not abide: 1) halakhic gnosis followed by single-mindedness at Qumran versus multiple conflicts for the Pharisees; 2) ideological conflict—a single written Torah for the Qumranites versus a dual Torah, written and oral, for the Pharisees; and 3) eschatological disagreements—unwavering support for a Davidic Messiah by the Qumranites versus a messianic process that divided between an initial Messiah from the house of Joseph and a final redemption by a Messiah from the house of David.

First I wish to buttress my claim of why we should understand the expression דורשי החלקות differently than hitherto understood. The semantic field of the root חלק and the variations in declensions could be debated without appealing to differing vowels for the sobriquet.[17] The intertextual appeal made from CD 1:18 בעבור אשר דרשו בחלקות ויבחרו במהתלות, "For they sought smooth things and preferred illusion," to Isaiah 30:10 is very strong.[18] The Hebrew

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15 Fox (leBeit Yoreh), "Introducing Tosefta," 19 n. 40, where I hint to the text explored more fully below. I referred to the Qumranites as separatists and specifiers.

16 See below n. 41.

17 The possibility of arguing in favor of a change in vowels even though it is not absolutely necessary for an argument in favor of a change in meaning, is supported by the expression [העתים] את חלקות *ʾet ḥaluqot* [*haʿittim*] in 4Q384 10 2, which appears in CD 16:3 as מחלקות העתים. My hypothesis here remains speculative because other occurrences of the expression also are written with *mem* (4Q217 2 1; 4Q228 1 i 7; reconstructed at 4Q384 9 2; 4Q228 1 i 2; and 4Q216 1 11). The orthography of ḥaluqot חלוקות spelled as חלקות in 4Q384 supports my argument precisely. When other vocabulary is also considered, it becomes a common enough feature that the suggestion made in favor of דורשי החלקות is more than plausible. Reymond brings some examples of *waw* as long *u* in MT disappearing in Dead Sea Scrolls, such as חלצים warriors for MT חלוצים in 4Q31 (= 4QDeut^d) Deut 3:18; see Eric D. Reymond, *Qumran Hebrew: An Overview of Orthography, Phonology, and Morphology* (Atlanta: Society of Biblical Literature, 2014), 32. This is but one example of many in which a *waw mater* for long *u* disappears at Qumran. From Reymond's examples I get the impression that *mater waw* stands for the *o* vowel far more often than for a *u* vowel. This preponderance in my observations is not stated clearly in Reymond's summaries where *waw* is merely said to be a *mater* marker for "all manner of |u| and |o| vowels" (e.g., 226). For further discussion of the vowels see below n. 38.

18 The reading is taken from Elisha Qimron, "The Text of CDC," in *The Damascus Document Reconsidered*, ed. Magen Broshi (Jerusalem: Israel Exploration Society and Shrine of the Book, 1992), 10–11; translation by Geza Vermes, *The Complete Dead Sea Scrolls* (London: Penguin, 1997), 128.

of Isaiah 30:10 is אשר אמרו לראים לא תראו ולחזים לא תחזו לנו נכחות דברו לנו חלקות חזו מהתלות and is translated, "who say to the seers, Do not see; and to the prophets, Do not prophesy to us what is right; speak to us smooth things, prophesy illusions" (NRSV).[19] However, the argument made that דרשו בחלקות of CD 1:18 was a precursor of the sobriquet itself is considerably weaker. In CD, the root חלק was understood as meaning smooth as a borrowed translation from Isaiah, where it makes good contextual sense since the verb in Isa 30:10 is to say/to speak (דבר). Unfortunately the linkage of the verb דרש to smooth things is not an easy transition and its transfer to the sobriquet דורשי החלקות makes even less sense.

Nevertheless, since the allusion to Isa 30:10 in CD 1:18 was the very first contact/occurrence in Jewish literature of the root דרש adjacent to the root חלק, known to scholars ever since the rediscovery in the Cairo Genizah of the so-called Damascus Covenant, it has had a disproportionate impact on the interpretation of the sobriquet. The fact that this document was later found in fragmentary form at Qumran as well helped maintain and even cement a strong linkage in the minds of readers. It was subsequently argued that this is the earliest part of the Damascus Covenant, a determination which I entirely reject even though I would maintain my understanding of the expression even if that position proved to be true.[20] As this argument was accepted by Matthew Collins, it supported his conclusion that the form דרשו בחלקות should be seen as a preliminary stage in the linguistic evolutionary process that Collins argued eventually leads to the well-known sobriquet דורשי החלקות. The primary reason proffered as to why this latter sobriquet works so well to identify the rival Pharisaic groups is the alleged allusion to halakhot as the major identifying feature of the Pharisees who on the basis of scriptural hermeneutics created a rival Torah to those of the inspired Teacher of Righteousness (מורה הצדק).

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19   The translation "smooth things" is also found in KJV, NKJV, ESV, RSV, and the Orthodox Jewish Bible. Other versions have a variety of translations, for example, "flattering things" (Common English Bible), "but flatter us" (Complete Jewish Bible), "pleasant words" (New American Standard Bible), "pleasant things" (NIV), and "falsehoods" (JPS).

20   See above n. 9. In response to the critiques of several scholars Davies has returned to refine his position somewhat. See Philip R. Davies, "The Textual Growth of the Damascus Document Revisited," in Feldman et al., *Is There a Text in This Cave?*, 319–33, where he now accepts the view that the so-called penal code in CD is borrowed from the Serekh scrolls. In my opinion, he has defended his position against many other critiques in a desperate attempt to salvage an improbable thesis (Davies, 321). It is quite clear to me at least that the Damascus Covenant is an eclectic text borrowing from multiple sources, usually considered a clear sign of lateness. The precise details of similarities and differences with those sources elicit, as they should, a wide variety of possibilities, and need not detain us further as my argument in any case does not rest on whether CD is early or late.

For what I shall argue, the final nail in the coffin of "smooth things" as the translation equivalent of our sobriquet exemplifies the common Hebrew expression העיקר חסר מן הספר—the main point is missing from the book. CD 1:18 does indeed refer to Isa 30:10 but *it does not contain our sobriquet.* It deliberately employs the verb דרשו as an equivalent to Isaiah's דברו and further alludes to the end of Isaiah's verse. The sobriquet itself which is so much debated here, of course, is entirely absent. Nor are links to Scripture strengthened by other references to חלקות *ḥalaqot* in Dan 11:22 and 32, Psalms or elsewhere. Contrary to commonly held opinions, sobriquets need not be linked to a given scriptural allusion.[21] Take into account Ephraim, Manasseh, Judah, *doresh hatorah, bet peleg*, the evil priest, etc. Indeed I would posit that the number and frequency of sobriquets cited without biblical allusion is greater than those with biblical allusion but this is a matter for another paper.

To be sure, this model which is presently the much quoted regnant one[22] has received some modest critical attention as well. For example, it has been noted that the word *halakhot* has not been found at Qumran, which makes this an argument from silence. It has often been argued that the reason for this absence is that the term *halakhot* could have been avoided in order to distance Qumranic inspired midrashic manipulation of Scripture by their founding (?) דורש התורה (singular!) from the smooth talking seekers, דורשי החלקות (plural!). It is this consensus of Qumran scholarship that this paper challenges.

The dominant form of the sobriquet is to couple the root דרש with the root חלק. This combination crosses over from legal texts and contexts such as the Damascus Covenant to religious (liturgical?) poetry like the Hodayot to the pesher exegesis of the prophets as well as other less well identified fragments.

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21   See, for example, Matthew Collins, *Sobriquets*, 23: "The influence of scriptural texts upon the construction and application of the Qumran sobriquets cannot be overemphasized." Bengtsson, "What's in a Name?," 153, refers to "biblically adapted sobriquets." Bengtsson's position is somewhat closer to the reality that Ephraim, Manasseh, Judah, Absalom, Peleg, etc. are all biblical nouns that get used at Qumran as epithets and identifiers in sobriquets that are not biblical, for example there is no בית פלג in Scripture.

22   See Albert I. Baumgarten, "Seekers After Smooth Things," in *Encyclopedia of the Dead Sea Scrolls*, ed. Lawrence H. Schiffman and James C. VanderKam (New York: Oxford University Press, 2000), 2:857–859 and literature cited therein; John J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2009), 113–115, 115 n. 93. Berrin, *Pesher Nahum*, 91–99, lists bibliography in Hebrew and discusses a wide range of options for translation and interpretation. Though Berrin recognizes the difficulties with an interpretation of the sobriquet on the basis of Isa 30:10 and CD 1:18, in the end she reluctantly settles for this translation which has become normative for the expression: "Nonetheless, in the absence of a translation that can do full justice to the epithet, we have followed the familiar rendering" (93).

The sobriquet is attested in texts from Cave 1, Cave 4 and the Cairo Geniza. Given the wide distribution of the sobriquet in many different contexts and genres, in my opinion the connection to Isaiah created by CD 1:18 is secondary to the development of the sobriquet. As such, the sobriquet also predates any puns made or so-called connections to the halakhot, if such a position is indeed still viable given the fact that the word is unknown at Qumran.[23] Not only does *halakhah* not exist at Qumran as a noun but we have no certain way to connect it to the Pharisees either.[24]

2   On *Halakhot* in Second Temple Times

The problem of identifying a word play on הלכות at Qumran goes beyond its apparent absence in the literary remains. As the word הלכות is not found in Biblical Hebrew, the problem is greater than its absence at Qumran. One therefore needs to ask after its first occurrence or earliest attestation. Checking after the earliest evidence in works such as Ben Sira, Megillat Taʿanit, Seder Olam, the Bar Kokhba letters, the Elephantine documents, other various epigraphic material in synagogue remains, or fragments, or potsherds or sarcophagi all yield the same negative results. Our earliest attestation is, therefore, in tannaitic literature of the rabbinic sages and the earliest tradent seems to be no earlier than the first centuries of the Common Era. This is a good 300 or more years after the date we would need the word הלכה to influence the Qumranite sobriquet inventor even if we would posit dates as late as the C[14] tests of these various scrolls indicate. My dating of CD to the earlier part of the first century BCE

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23   See above n. 5, and further John P. Meier, "Is There Halakha (the Noun) at Qumran?," *JBL* 122 (2003): 150–155.

24   Günter Stemberger, "Mishnah and Dead Sea Scrolls: A Reflection on Continuity and Change," in *The Qumran Legal Texts between the Hebrew Bible and Its Interpretation*, ed. Armin Lange and Kristin De Troyer, CBET 61 (Leuven: Peeters, 2011), 125–35. In my opinion, Cana Werman's comments against Urbach (Ephraim E. Urbach, "The Derasha as a Basis of the Halakha and the Problem of the Soferim," *Tarbiẕ* 27 [1958]:166–182 [in Hebrew]) are not compelling: she takes "issue with Urbach's picture of a group of our authoritative sages (i.e. predecessors of the rabbis functioning during the period of the *soferim*), since I find no evidence for the existence of such a group." It seems to me that she has overlooked the evidence from the New Testament, as well as the daily *ʿamidah*. See Cana Werman, "Oral Torah vs. Written Torah(s): Competing Claims to Authority," 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*, ed. Steven D. Fraade, Aharon Shemesh, and Ruth A. Clements, STDJ 62 (Leiden: Brill, 2006), 175–97.

(*circa* 70) is in essential alignment with that of Lawrence H. Schiffman, who also sees the work as a composite of different genres.[25] This is a problem that needs to be addressed and, if possible, offered some explanation. To Stemberger's statement (p. 126) that "the term halakha … never occurs in the scrolls,"[26] it may be added that the word *halakhot* appears nowhere in a secure Pharisaic source either.[27] The earliest attestation of the word *halakhot* is tannaitic.[28] Perhaps most significant is its use as a name for the smallest unit of legal discourse among the tannaim. It is especially attested to in this manner in the scribal summary of such at the end of tractates. Of particular significance is whether this scribal annotation refers to the abandonment of the concept of Oral Torah and is a type of scribal culture found in written texts such as the Torah with its Masorah or Masoretic notes. These annotations in the best manuscripts, and the likelihood of their antiquity, attest to a written scribal culture and, in my opinion, constitute the prime difference between the tannaitic sages and their predecessors such as the Pharisees from whom we have so very little direct evidence because of their strict adherence to orality. So it is nearly impossible to demonstrate the word halakhah for Pharisees despite its being a reasonable hypothesis. The Sadducees seem at least to have possessed a *sefer gezeiratah*, a book of decrees, as mentioned in Megillat Ta'anit, while the Qumranites have left us a vast library whose texts were preserved by the vagaries of climate and location.

At this point it may pay to remember the linkage between Pharisees and scribes. Since the references are all to the New Testament (Matt 23:13, 14, 15, 23, 25, 27; Mark 7:5; Luke 11:44; 15:2; John 8:3; Acts 23:9), does that mean we should, as it would seem likely, date this connection to the post-Herodian period? If so, then it would corroborate this transition to the time by which the Houses of Shammai and Hillel were already established. To be sure, the scribes are mentioned accompanying the priests (apparently Sadducees) as well (Matt 2:4;

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25   See Lawrence H. Schiffman, "The Damascus Document and the Serekhim," in *The Qumran Scrolls and Their World*, ed. Menahem Kister (Jerusalem: Yad Ben-Zvi, 2009), 1:282 n. 36 (in Hebrew). What is important in this dating for us is that the sobriquet דורשי החלקות found in the Pesharim and Hodayot, etc., probably predates the existence of CD.

26   "Mishnah and Dead Sea Scrolls: A Reflection," 126.

27   See David Weiss Halivni, *Midrash, Mishnah, and Gemara: The Jewish Predilection for Justified Law* (Cambridge, Mass: Harvard University Press, 1986), 39, where the scholion to Megillat Ta'anit (The Fast Scroll) has: מלמד שאין כותבין הלכות בספר "This teaches that we do not write halakhot in a book." The scholion, of course, dates to a much later time than the Fast Scroll, however, it does contain information that likely goes back to Pharisaic times. Hence this information may prove to be reliable and not anachronistic.

28   See for example m. Pe'ah 2:7; 3:6; m. Ḥag. 1:8; m. Yebam. 4:13; Sipre Deut 317; b. Pesaḥ. 66a; b. Menaḥ. 29b; b. 'Erub. 13b; b. B. Meṣ. 59b; etc.

20:18; 21:15; 26:3; Mark 11:18–27; 15:31; Luke 9:22; 20:1, 19; 22:2, 66; 23:10). One may wish to argue that the scribes are just another way to refer to the Pharisees though I see them as a professional class somewhat independent of either Pharisees or Sadducees but regularly in their service. Since Sadducees apparently had no compunctions against the written word (see Megillat Taʿanit and their book of decrees), they could have use of scribes at every level. On the other hand, the Pharisees would have less need for scribes until such time that their mores regarding the written word changed. As I believe that change to be just at the time of Hillel and Shammai or a little after them, their need for scribes would have grown significantly.[29]

The problem in dating, however, is not the only problem with the proposal to connect *ḥalaqot* to *halakhot*. Indeed the dating discrepancy in my opinion is not as insurmountable as it first appears. Gaps of this sort in linguistic records are common enough and below we shall propose yet one more. What seems to me to be a greater difficulty is the required correspondences to make such a word-play work. There is not much evidence at Qumran[30] of a free exchange of gutturals as there was, for example, in Samaritan Aramaic and or in their reported neutralization by the urban dwellers of Haifa and Beth Shean in late antiquity (b. Meg. 24b)[31] or the problems of Greek speakers as evidenced in the transcriptions of some words from Hebrew to Greek in the Septuagint and elsewhere. Hence the exchange of *ḥet* for *he* is not trivial. A far greater problem, however, is the exchange of *qof* for *khaf*. This is common enough for Anglophones learning Hebrew today[32] but evidence is lacking for such an exchange in late antiquity in general, including Qumran. Wherever found, it almost always dates to later European copyists of manuscripts.[33]

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29   See t. ʿEd. 1:1, "Let us begin with Shammai and Hillel," as representing that timeframe, with the New Testament providing such evidence.

30   In addition to reading the Scrolls widely, I have derived great benefit throughout this study from Martin G. Abegg Jr., James E. Bowley, and Edward M. Cook, *The Dead Sea Scrolls Concordance, Vol. 1: The Non-Biblical Texts from Qumran* (Leiden: Brill, 2003); idem, *The Dead Sea Scrolls Concordance, Vol. 2: The Non-Qumran Documents and Texts* (Leiden: Brill, 2015); idem, *Dead Sea Scrolls Concordance, Vol. 3: Biblical Texts from Qumran and Other Sites* (Leiden: Brill, 2010).

31   See as well b. Ber. 32a; b. ʿErub. 53a. These sources are all cited by Giuseppe Veltri, *A Mirror of Rabbinic Hermeneutics: Studies in Religion, Magic, and Language Theory in Ancient Judaism*, Studia Judaica 82 (Berlin: De Gruyter, 2015), 225.

32   For example, the word *barukh*, "blessed," is frequently pronounced *baruk*. Qimron, *The Hebrew of the Dead Sea Scrolls*, HSS 29 (Atlanta: Scholars Press, 1986), does not list any such exchanges at Qumran either in his section on orthography or his section on phonology.

33   Scripture has only one word with such a variant: וכובע (1 Sam 17:5) versus קובע (1 Sam 17:38) and וקובע (Ezek 23:24) וכובע (Ezek 27:10; 38:5). This word, however, is not Semitic in origin

The difficulties do not cease with the ones mentioned above. What does the expression "seekers of smooth things" mean and why is it an obvious cipher for Pharisees? It is easy to see what Isaiah may mean about *speaking* "smooth things" as a negative quality. In fiction one may immediately associate such smooth talk with J. R. R. Tolkien's wizard Saruman as someone who uses the quality of his voice for evil purposes. What, however, could it mean as a group's main or at least frequent designator at Qumran? The majority of scholars hold the opinion that the best understanding should be that they, the Pharisees, are seekers of leniencies.[34] Indeed comparison of, say, rabbinic Sabbath laws (see especially m. Šabb. 24) when compared to the book of Jubilees, found at Qumran and likely referred to in CD,[35] demonstrates the veracity of such a claim. Despite these machinations the resultant understanding lacks credibility, as in all hermeneutic and legal disputes one may on occasion find counter-examples where the rabbinic sages were far more stringent than the Qumranites.[36]

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but Hittite which explains the anomaly in its orthography. I am grateful to Yisrael Ephal for discussing this matter with me and providing this example.

34 See, for example, Collins, *Beyond the Qumran Community*, 113, "The expression ... is plausibly taken as a derogatory play on the Pharisaic halaka, a form of legal interpretation ... regarded as too lenient." Leniency is also mentioned by Berrin, *Pesher Nahum*, 93, as one nuance "encapsulated in the word." She entertains a wide range of meanings; see n. 4 above.

35 The majority of scholars hold the position that CD quotes Jubilees. This position has been challenged by Devorah Dimant, "Two 'Scientific' Fictions: The So-Called Book of Noah and the Alleged Quotation from *Jubilees* in the Damascus Document XVI, 3–4," in *History, Ideology and Bible Interpretation in the Dead Sea Scrolls: Collected Studies*, FAT 90 (Tübingen: Mohr Siebeck, 2014), 353–68; eadem, "What Is 'The Book of the Divisions of Times'?," in *History, Ideology and Bible Interpretation*, 369–83. While for our case it makes no difference whether CD is quoting Jubilees or some other work (383) as we are more interested in the eclectic nature of CD and its mixed genres as a characteristic of its lateness (see above n. 20). I believe, however, that Dimant's skepticism makes her a victim of hyper-criticism. She may be correct, of course, but two underappreciated details make her position unlikely. Since numerous copies of Jubilees existed at Qumran, it would seem natural that traces of its influence would be found in later works written there. Possibilities and bibliography exist but need not detain us further. Moreover, if the Book of Amram existed at Qumran, why not the Book of Noah? See Esther Eshel, "The Proper Marriage According to the Genesis Apocryphon," *Cahiers de la Revue Biblique* 84 (2015): 67–83, where she brings a quote from column 5 line 29 "A [C]opy of the Book of the Words of Noah."

36 This is surely the case for menstrual laws where the rabbinic system compared normal menstruation (of *niddah*) to abnormal uterine bleeding (of *zavah*), adding extra days of impurity to the already restrictive biblical law. See b. Ber. 31a; b. Nid. 66a; Vered Noam, "Stringency in Qumran: A Reassessment," *JSJ* 40 (2009): 1–14; Lawrence H. Schiffman, "Laws Pertaining to Women and Sexuality in the Early Stratum of the *Damascus Document*,"

3   How to Read חלקות?

If one accepts what I have attempted to demonstrate, namely, that the mean-
ing attached to חלק as "smooth" and its synonyms or implications does not
yield an easily identified adversary, perhaps it is time to return to the primary
meaning of that root. The primary meaning of the root חלק is division and
hence the primary meaning for the sobriquet *dorshe haḥalaqot* or *haḥaluqot*
should have been "the seekers of divisions" or "the seekers of conflicts." These
two primary possibilities yield interpretations not yet considered. First I shall
present the idea that the Pharisees are depicted as seeking conflict. This pos-
sibility can be held with either vowel system.

It should be noted that the *ū* phoneme at Qumran need not receive *plene*
orthography with a *waw*.[37] If we are willing to consider different vowels for the

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in *The Dead Sea Scrolls and Contemporary Culture: Proceedings of the International
Conference held at the Israel Museum, Jerusalem (July 6–8, 2008)*, ed. Adolfo D. Roitman,
Lawrence H. Schiffman, and Shani Tzoref, STDJ 93 (Leiden: Brill, 2011), 547–69, esp. 555,
"This was one of a series of stringencies established during the Talmudic period regarding
menstrual impurity. Needless to say, there is no reflection of any of this in the scrolls ma-
terial. Rather, the ruling on this topic in the scroll, following that of the Bible, is in accord
with that of the early tannaim before the institution of the double niddah-zavah stringen-
cy." Nonetheless, the Qumranites apparently did have some degree of assimilation of legal
stringencies for males with seminal emissions, *ba'al qari* and abnormal genital discharges
of the *zav*, as indicated by Schiffman (ibid., 551–53).

37   See above n. 17. Such a determination runs distinctly counter to the summary available
in Takamitsu Muraoka, "Hebrew," in *Encyclopedia of the Dead Sea Scrolls*, 1:340–345.
Muraoka claims that the predominant orthography at Qumran was *plene*, particularly the
case of *waw* "marking a variety of either *o* or *u* vowels." This statement is primarily based
on Qimron, *Hebrew of the Dead Sea Scrolls*, 17–19. Yet despite ten years having elapsed
this is an abridged version of his dissertation and much fuller data is available in Elisha
Qimron, "A Grammar of the Hebrew Language of the Judean Desert Scrolls" (PhD diss.,
The Hebrew University of Jerusalem, 1976), 107–117. So whereas Qimron indicates that
waw for *u, o* is common at Qumran (*Hebrew of the Dead Sea Scrolls*, 36), his list contains
far and away more examples of *plene waw* for *o* than for *u* (pp. 38–39). In my opinion, *waw*
for *u* is sufficiently uncommon so as to yield an expectation of *o* over *u*. This may even be
the case for words where one may have expected *u*. Important for our consideration here
is that according to Qimron, there is a degree of reluctance to have two *matres lectionis* in
the same word (p. 42). I would add that this is particularly true if one would express an *o*
and the other a *u*. Hence we should not expect חלוקות as a spelling option at Qumran but
rather חלקות where the *lamed* receives a *qubbuṣ*. Yet Qimron is so taken with the *plene* or-
thography of the scrolls that given the regular orthography of *waw* for *u* in such words as
טומאה in Mishnaic Hebrew, he posits that the universal defective orthography of טמאה
at Qumran likely means that it was pronounced as *timah* based on the Babylonian read-
ing tradition (p. 17). In my opinion this explanation is far-fetched, given the fact that MT
always has defective orthography for the word. There is no doubt as to the high degree of

consonants, we have evidence from much later medieval times for the form *ḥaluqot.* As is evident from Ben Yehuda's dictionary it is a regular form from Geonic times onward as an alternative synonym of *maḥloqet/maḥlaqot.* It apparently was also used in Karaitic Hebrew.[38] We need not be surprised that words can take 500 or 1000 years to reappear. Such, for example, is also the case with the appearance in a Qumran sectarian work of the phrase תלמוד שקרם (4QpNah 3–4 ii 8) before either the Babylonian Talmud or Jerusalem Talmud came into being as redacted works and before the midrashic terminology of *talmud lomar* in tannaitic Hebrew.[39] Such a word has a further attestation in the curriculum alluded to at the end of Pirqe 'Abot, that is, third century at the earliest. This is not to suggest that the Talmudim pre-existed in some oral form; only that the expressions of learning as talmud could be used in Second

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influence this had on the scribal tradition at Qumran especially for common words. Thus like MT טמאה is always defective at Qumran and רוח is always *plene* including when we would have expected otherwise, as in רוחות. On p. 47 Qimron admits as much when indicating that *quṭlah* קטלה at Qumran is always defective against the common practice of *plene* spelling at Qumran. Further illustration of long *u* in defective spelling is given at pp. 50–52. See further Elisha Qimron, *A Grammar of Biblical Aramaic* (Beer Sheva: Ben-Gurion University of the Negev, 1990), 18–19 (in Hebrew); Eduard Yechezkel Kutscher, *Hebrew and Aramaic Studies* (Jerusalem: Magnes Press, 1977), 135–168 (in Hebrew); idem, "Articulation of the Vowels u, i in [Greek and Latin] Transcriptions of Biblical Hebrew in Galilean Aramaic and in Mishnaic Hebrew," in *Sefer Zikkaron leBenjamin deVries*, ed. E. Z. Melamed (Jerusalem, 1969), 218–251, repr., *Hebrew and Aramaic Studies*, ed. Z. Ben-Hayyim, A. Dotan, and G. B. Sarfati (Jerusalem, 1977), 135–168 (in Hebrew). See also Gabriel Birnbaum, *The Language of the Mishnah in the Cairo Geniza: Phonology and Morphology* (Jerusalem: The Academy of the Hebrew Language, 2008), 48 n. 32, 60 n. 54, 62 n. 1 (in Hebrew); Bilhah Nitzan, *Pesher Habakkuk: A Scroll from the Wilderness of Judea (1Q pHab): Text, Introduction and Commentary* (Jerusalem: Bialik Institute, 1986), 106 (in Hebrew).

38 See, e.g., the phrase "The Division (*ḥaluqat*) of the Karaites and the Rabbanites" in Joseph son of Zovadya AlGamil and Chaim son of Isaac Levi, eds., *Dod Mordechai: the Responses of Mordechai ben Nisan to the Questions of Johannes Trigland; The Book of The Way of the Righteous including a Commentary of the Division (*ḥaluqat*) of the Karaites and Rabbanites by Simḥah Yitzḥaq son of [the] Honorable Rabbi Abraham (…)* (1716; repr. Ramle, Israel: Karaite Center, 1966). Such lists of divisions were also found in early compilations of the divisions (*haḥiluqim*) in the customs between Easterners (= Babylonians) and Westerners (= those in the Land of Israel). See *The Book of Divisions (Sefer Haḥiluqim) that are between Easterners and Westerners*, ed. M. Margoliouth (Jerusalem, 1938), 83; *Thesaurus of Differences in Customs between Those in the Land of Israel and Those in Babylon*, ed. Benjamin Menashe Levine (Jerusalem, 1942), 15, quoting *Responsen der Geonim*, ed. A. E. Harkavy (Berlin, 1887) at the beginning of *siman* 67: "we find in the divisions (*baḥaluqot*) that are between the Babylonians and the Jerusalemites …".

39 See Berrin, *Pesher Nahum*, 201–5, and the bibliography cited there.

Temple literature well before being applied to the redacted works to which I just referred.[40]

Thus, while not insurmountable, there is a considerable gap to bridge between the later certain attestations of *ḥaluqot* and the claimed ones, if the orthography indeed presents this form at Qumran. Another possibility is that the word should be vocalized as *ḥalaqot* after all. In this case, it would represent yet a third option for understanding the word to mean conflict/division, in addition to the better attested ones, *maḥloqot* and *ḥaluqot* (my own preference for how it was read at Qumran). Such a sobriquet as דורשי החלקות—with either an *a* or *u* as vowel for the *lamed*, meaning "seekers of divisions," would be immediately recognized as referring to the Pharisees. I personally fail to apprehend a similar recognition factor if the sense of "smooth things" is the import of this sobriquet.[41]

4   Practical Divisions between a Single Authority (Qumran) and Multiple Authorities (Pharisees)

I now shall provide one example in somewhat greater detail of divisions that put Qumranites and Second Temple Pharisees (through the prism of the earliest sages mentioned in Mishnah and Tosefta) in practical halakhic conflict with ideological underpinning.[42] From my halakhic analysis, the Temple Scroll is clearly sectarian and its halakhic scenarios are probably far more imagined than real, though they may have been shared by Sadducees/Boethusians (when in power and control of the procedures in the temple precincts). In any case,

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40   See below, pp. 83–86, for further discussion of this expression at Qumran as a polemic against the orality of the Pharisaic teachings.

41   Berrin, *Pesher Nahum*, 94 n. 19, notes that "חלק also denotes 'division' (and 'portion' or 'part'). A secondary valence of this sort may be discerned, e.g., in Amoussine's occasional rendering of דורשי החלקות as '*Cherchers de Dissensions*,' seeing חלקות as indicating מחלוקות, arguments." See Joseph D. Amoussine, "Éphraïm et Manassé dans le Péshèr de Nahum (4 Q p Nahum)," *RevQ* 4 (1963): 389–96. So dominant was the link to Isaiah 30:10 in the minds of scholars that this meritorious rendering available since 1963 was deemed by Berrin and all others as "secondary" and hence subject for easy dismissal. This was further aided by Amoussine himself who, in a well-known article, abandoned his earlier translation some fourteen years later in favor of "the interpreters of slippery things"; see Joseph D. Amusin (Amoussine), "Reflection of Historical Events of the First Century BC in Qumran Commentaries (4Q161, 4Q169, 4Q166)," *HUCA* 48 (1977): 135, 142–143, 145.

42   Moshe Benovitz, "Booths on the Roof of the *Parvar* and Branches on the Roof of the *Stoa*: Echoes of an Early Halakhah in the Temple Scroll and *Mishnah Sukkah*," in *Halakhah in Light of Epigraphy*, ed. Albert I. Baumgarten et al., JAJSup 3 (Göttingen: Vandenhoeck & Ruprecht, 2011), 17–26.

t. Sukkah 3:1, for example, depicts the chaos and havoc caused/imagined by the sectarian conflicts in the temple precincts (with Boethusians) on the festival of Sukkot. The Temple Scroll has an extensive description of the structures to be built for that festival.

> And upon the third roof you shall make pillars; and they shall be roofed with beam works, from pillar to pillar, a place for booths, eight cubits high. And the booths shall be made upon them every year at the feast of booths for the elders of the congregation, for the leaders, and for the heads of the houses of the fathers of the sons of Israel, and for the officers of the thousands, and for the officers of the hundreds who will come up and dwell there until they sacrifice the burnt-offering of the appointed time which (shall be) for the feast of booths year upon year between each gate they shall be …
>
> 11Q19 42:10–17[43]

The Temple Scroll specifies the exact height of the sukkah or beams that supported its walls at eight cubits. It matters little for the purposes of the argument made here if the Temple cubit is the same as the rabbinic one.[44] The sages have several variations in the appropriate height and size of a sukkah, beginning with the elders of Shammai and Hillel who visited the sukkah of Yoḥanan ben HaḤoroni to determine its suitability (m. Sukkah 2:9). Later sages are conflicted about the maximum height of a sukkah. What is at stake is that the rabbinic sukkah (m. Sukkah 1:1) is depicted as a mini-max model in which its height may vary from ten cubits to twenty cubits (a position probably going back to Rabbi Meir and Rabbi Akiva).[45] Rabbi Judah (and others), however, permit an even higher sukkah (m. Sukkah 1:1). Rabbi Judah relies on the sukkah of Helene (t. Sukkah 1:1). The tannaitic source implies that she did all of her actions according to the will of the sages, and this is made explicit in the quotation of the text in b. Sukkah 2b.[46] Now through Josephus we learn that Helene

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43   See *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Text with English Translations, Volume 7: Temple Scroll and Related Documents*, ed. James H. Charlesworth et al. (Tübingen: Mohr Siebeck; Louisville; Westminster John Knox, 2011), 105.

44   I made reference to this text in Fox, "Introducing Tosefta," 19 n. 40.

45   This is generally assumed to be the case, but for m. Sukkah I have worked this out explicitly at great length and detail in an unpublished addendum to my doctoral dissertation, Harry Fox, "A Critical Edition of Tractate Succah with Introduction and Notes" (PhD diss., The Hebrew University of Jerusalem, 1979).

46   This is so because the sages did not object to her sukkah and frequented it. Helene's prestige grows from source to source at the same time as her independence is diminished. Mishnah and Tosefta do not provide her with the honorific "the Queen" (see

was a convert to Judaism and remembered for her generosity to the people of Jerusalem in the time of famine.[47] We do not know of any particular influence of the Pharisees on her. Such an idea apparently grows from the conflation between Helene and Alexandra (Shalomzion) who is said, according to Josephus, to have been under the influence of the Pharisees.[48] Hence we may identify these sages whom Helene followed with the Pharisees clinching, the argument of continuity between Pharisees and rabbis.

This argument is further buttressed by the Qumran Temple Scroll, which alerts us that in all probability according to its views the sukkah may not be inhabited by women within the temple precincts.[49] Apparently, they exempted and perhaps even forbade women from the temple sukkot. Yet we hear of Shammai, perhaps one of the last Pharisees, who built the sukkah for his daughter who was still bedridden due to a recent birth (m. Sukkah 2:8 [b]), though perhaps the sukkah was for the benefit of the newborn boy.[50] There probably were no newborns at that time who could have survived for very long without a lactating female close by.

Second Temple controversy on such a range of topics existed. In all of these cases it may be demonstrated that the Pharisees were likely conflicted about some of the details but not others. It seems, though, that this element of controversy continued into the rabbinic period and some other matters show conflict where it may not have existed in the past. Thus, for example, the rabbinic sages exempted women from the sukkah, though perhaps they did not quite forbid women to dwell in them by such an enactment.[51] The categorization, therefore, of the biblical commandment into the so-called "time-bound" commandments was apparently a later rabbinic development not known to the Pharisees. At least I know of no restrictions on women in this regard

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also t. Yoma 2:3). Both the Yerushalmi (y. Sukkah 1:1, 51d) and the Babylonian Talmud (b. Sukkah 2b) do so. The Babylonian Talmud explicitly makes the statement, "And moreover all her deeds were not done except with the agreement of the sages." The Talmud is aware of this addition, for it goes on to question it. It is in this addition that we may have some conflation taking place with Queen Alexandra.

47   Josephus, *Ant.* 20.35; 20.51–53. See also m. Yoma 3:10.

48   Josephus, *Ant.* 13.405–411.

49   In CD 12:1–2, we find "Let no man lie with a woman in the city of the sanctuary so as to convey uncleanness to the city of the sanctuary with their impurity" (translation from Chaim Rabin, *The Zadokite Documents: I. The Admonitions. II. The Laws*, 2nd ed. [Oxford: Clarendon, 1958], 58). There would be no sex in the city, which could best be served if during the festival women would be kept away from the booths built anew each year.

50   Shammai is known to have expected compliance to the commandments from a very young age. See further b. Yoma 77b; b. Ḥul. 107b.

51   m. Sukkah 2:8 (a).

from extraneous sources. Obviously the shift in custom and mores possibly enhanced and quickened by the temple's destruction deserves considerable attention to see what may be stated beyond mere speculation.

If the Qumranites presented the pejorative seekers/house of divisions as the hallmark of Pharisaism, they saw their own house in contradistinction as a united house (*'anshe ha-yaḥad*). This essential difference is also marked in the way they saw the law. The main issue is the inflexible (inspired) exactitude of the *gnosis*-knowledge possessed by the *doresh hatorah*, as opposed to the disagreements among their opponents *dorshe haḥaluqot*. The Qumranites know the precise height of their sukkahs and probably others of their dimensions as well, while the Pharisees depicted by the sages have multiple variations in theirs and display conflicts as to their heights, square footage, walls, and other details. This feature then of a divided house is one that deserves explanation when determining the degree of continuity between the Pharisees and the rabbinic tannaim. Lo and behold the outstanding feature of Pharisees preserved in tannaitic literature is the preservation of such divisions concerning leaning on one's *qorban*, sacrificial animal. Five pairs of sages known as *zugot* remain "fraternal" twins despite the fact that half lean one way while the other half lean the opposite way.[52] True, there is some indication that such a case

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52   See m. Hag. 2:2. This text was dealt with by E. E. Hallewy, "The First Mishnaic Controversy," *Tarbiz* 28 (1959): 154–57. It is precisely these sages who are further mentioned in 'Abot 1:4–15, with the exception of Menachem who was the only half of a pairing to agree with his other half. He is said to "leave," which in the mind of the sages may hint at unstated problems concerning his personality. Is he to be identified with Manaemus the Essene mentioned by Josephus (*Ant.* 25.373–379) who predicts Herod's rise to power and is subsequently held in high esteem by him? Josephus also mentioned a more recent Menachem, son of Judas surnamed the Galilean who becomes the leader of the revolt against the Romans until his capture and execution (*J.W.* 2.433–448). Both need to be mentioned in the light of a tendency in the rabbinic sources to conflate people with one another and for stories to travel from one period to another and from one person to another. See above n. 46. If either of these identifications has any historicity to it, it would demonstrate how anachronistic are statements like "the former were patriarchs and the latter were heads of court" (m. Hag. 2:2). The pairing of Menaḥem and Hillel is mentioned in a difficult text at the end of Shir Hashirim Zuta. The printed texts are corrupt and should be corrected according to a JTSA manuscript. The text's elucidation has been dealt with by Saul Lieberman, *Greek in Jewish Palestine: Studies in the Life and Manners of Jewish Palestine in the II–IV Centuries C.E,* 2nd ed. (New York: P. Feldheim, 1965), 179–184. What both manuscripts have in common was that Menaḥem and Hillel were conflicted: "Flee my beloved (Cant 8:14), when did it happen? In the time of Menaḥem and Hillel, when a dissension arose between them, and Menaḥem left together with eight hundred students dressed in golden scale armor." Since the story in m. Hag. purports to be about a hundred years earlier, the story has travelled and been conflated with other matters. What has been less noticed is that controversy continues in m. Hag. 2:3 between the House of Shammai and

of conflict and thereafter the great multiplication of conflicting positions is a type of pseudo-regret. This is done in sources that posit a fictive idealized past which was free of such conflict (t. Sanh. 7:1). Yet it is conflict which remains the centerpiece of rabbinic jurisprudence since the conflicts of Hillel and Shammai (m. ʾAbot 5:17) and the controversies between their two houses begin to record their controversies (m. ʿEd. 1:1, t. ʿEd. 1).[53] Such a situation celebrating divisions even if in the breach continues with the opposing legal positions of Rabbi Eliezer and Rabbi Yehoshua, Rabbi Ishmael and Rabbi Akiva, Rav and Shemuel, Abaye and Rava and in various permutations and combinations to this day. One may argue that it is a primary reason for the enduring presence of rabbinic Judaism and its multiple variations between Humanism and Hareidism.[54]

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the House of Hillel. There are, of course, rabbinic texts in which the relationship between the two houses is depicted in a less than civil, idyllic and harmonious manner (see y. Šabb. 1:7, 3cd and parallels). Similarly to m. Yebam. 1:4, the division amongst the Pharisees mentioned above is depicted as one in which the divisions nonetheless did not create anarchy. *Midrash Shir Hashirim*, ed. L. Grünhut (Jerusalem: Zevi, 1897), 7, 4 has the following rabbinic pesher (I have dealt with this midrashic commonality with Qumran elsewhere) שני שדיך: אלו הזוגות שעמדו לישראל מיוסי ויוסי עד הלל ושמאי. כשני תאומי צביה: אעפ״י שזה נשיא וזה אב״ד לא נתגאו זה על זה, "Your two breasts: These are the [pharisaic] pairs who represented Israel from Yosi and Yosi until Hillel and Shammai. Like two twin deers: Despite this one being the *nasi* and this one being the head of the court, they did not lord it over each other." For the raging conflict between the pharisaic houses, see Günter Stemberger, "Hananiah Ben Hezekiah Ben Garon, the Eighteen Decrees and the Outbreak of the War against Rome," in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*, ed. Anthony Hilhorst, Émile Puech, and Eibert Tigchelaar, JSJSup 122 (Leiden: Brill, 2007), 691–703.

53 See Leor Jacobi, "A Dispute for Heaven's Sake," *JJS* 67 (2016): 91–101; Zachary Braiterman, "*Elu ve-Elu*: Textual Difference and Sublime Judgment in *Eruvin* and Lyotard," in *Textual Reasonings: Jewish Philosophy and Text Study at the End of the Twentieth Century*, ed. Peter Ochs and Nancy Levene (Grand Rapids: Eerdmans, 2003), 206–213; Yaakov Elman, "Argument for the Sake of Heaven: The Mind of the Talmud: A Review Essay," *JQR* 84 (1994): 261–282; Richard Hidary, *Dispute for the Sake of Heaven: Legal Pluralism in the Talmud*, BJS 351 (Providence, RI: Brown Judaic Studies, 2010).

54 See Jacob Neusner, *Contours of Coherence in Rabbinic Judaism*, 2 vols., JSJSup 97 (Leiden: Brill, 2005), who sees disputes in rabbinic Judaism as a "native category of the rabbinic canon." See also Paul Heger, *The Pluralistic Halakha: Legal Innovations in the Late Second Commonwealth and Rabbinic Periods*, SJ 22 (Berlin: de Gruyter, 2003), 58, "The Mishnah, and even more the Talmudim, consists of an endless array of disputes of every possible character. The existence of such disputes invalidating any proposition that a continuous transmission of tradition stands at the core of the Israelite legal system." In a note on this he adds, "Conservative ideologues of all times, from the Sages until our days, have attempted to harmonize the logical deductions that were the real motives for the rabbinic disputes with their faith-conditioned belief that all tradition originates from Sinai."

5 No Oral Torah at Qumran, No Appeal to the Tradition of the Elders

Yet one more possible interpretation for the phrase "seekers of divisions" is the division between two Torahs. This would refer to a written Torah shared by the Qumranites and the Pharisees, and an Oral Torah exclusive to the Pharisees. Indeed, the oral nature of Pharisaic teaching is probably the primary reason we have so little confirmable Oral Torah left by the Pharisees in the later rabbinic/tannaitic citations.[55]

Though I do not wish to revisit the by now thoroughly debunked theory of Qumranite connections to Karaites either directly or indirectly, they nonetheless constituted a group that laid out a similar claim to that of the Qumranites who relied on one Torah and not on a dual Torah. The resemblance to the argument made in the opening of CD is uncanny. The division between Judah and Ephraim caused by a divided Torah is also seen in the historical reconstruction imagined by the Karaite Mordechai ben Nissan Khokhizov of the seventeenth century in reply to Jonah Trigland of the University of Leiden.

> This entire nation had but one Torah, and one belief until the time of Jeroboam without any conflict … due to the innovation of Jeroboam. The kingdom of Judah, however, in the holy city of Jerusalem would guard that one Torah and keep its commandments without embellishment or diminution. And when they sinned the prophets would bring them back to the one Torah but the kingdom of Jeroboam that was called the kingdom of Ephraim and the kingdom of Israel did not repent …[56]

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55 In my opinion orality is the prime cause for information loss. The Qumranites who wrote down their learning managed to preserve it in hidden jugs. Pharisees, whose Torah was oral, may have had continuity with the rabbinic sages but their own Torah and formal sayings were essentially lost with but a very few exceptions that proved to be highly unreliable. Yaakov Sussmann, "The Oral Torah: 'Simply as It Implies the Power of the Tip of a Yod,'" *Mehqarei Talmud* 3 (2005): 209–384, argues in favour of a completely oral Talmud and a completely oral culture. In my opinion, he has not demonstrated his point. Written Scripture is constantly referred to "as it says," which might be taken to imply an Oral Torah. This, however, is not the case. In similar fashion, the root *t.n.y.* in its various forms is taken as a reference to the orality of tannaitic literature. No matter how many such citations one can bring, it does little to add gravitas to the claim made, as such formulations could be evidence for a written text as just demonstrated. So tannaitic literature could have been written, at least in archival master copies, and transmitted as oral performance in the centers of learning. I have lectured on the topic in the past and hope to return to it at some other time with greater length and detail.

56 AlGamil and Levi, *Dod Mordechai*, 15.

This description continues until he accounts for the existence of two Torahs, one written and the other oral which then constitute the major division created amongst the Israelites. Then he goes on to say what his opinion of rabbanites is:

> The rabbanites who permit consanguineous marriages are called bastards and for this reason they are bastards and worthy of being called bastards, not us, and because of the major division between us and them concerning incest, our sages forbade us to marry them at all.[57]

The rabbinic sages, of course, also expressed some concern about disputes getting out of hand and the risk of creating "two" Torahs. The "two" Torahs for them, however, meant a second rival Oral Torah. At no point is there any indication whatsoever that they would ever abandon the traditions of their elders[58] whose links were claimed to go back to Moses at Sinai.[59]

What then, given the amazing ability of human beings to compromise their deepest beliefs in favour of pragmatic solutions, made it impossible for such an accommodation to be reached by the Qumranites and the Pharisees? To address this question, I need to introduce a diagnostic tool introduced by Brent Strawn.[60] Strawn contends that the Old Testament is being quoted less often with time by all religious groups: Jews, Christians, even atheists. Qumranites, I contend, saw the Oral Torah or the traditions of the elders as just such an abandonment of the written Torah.

The Qumranites, whose works are replete with the use and citation of Scripture, repeatedly appeal to Israel "to return to the Torah of Moses with all one's heart and with all one's soul" (CD 15:9, 12; 16:1–2, 4–5, as well as 1QH^a 5:8). The Torah is Israel's living well (CD 6:4) and its books are a dwelling

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57   Ibid., 47. In a recent presentation at the Friedberg Genizah Workshop (Toronto, March 2017), entitled "Theologians in Jurists' Robes," I indicated that the Cairo Genizah offered us texts which give evidence of Karaite-Rabbanite mixed marriages, which actually took place despite such rhetoric. There have been, of course, vicissitudes in the relationship between the groups over the course of history since the eighth century. The Workshop's proceedings have been published online on the website of the Friedberg Genizah Project (https://fjms.genizah.org/).

58   For adherence to a two (dual) Torah concept, see Sipre Deut 351; Midrash Tannaim Deut 33:10; b. Šabb 31a; ʾAbot R. Nat. version a Chapter 15, 31a and version B Chapter 29, 31ab.

59   See for example m. ʾAbot 1:1; m. Peʾah 2:7; t. Soṭah 14:9; t. Sanh. 7:1; t. ʿEd. 2:1; t. Hag. 2:9 and parallels; Midr. Tannaim to Deut 17:13 and numerous later sources.

60   See Brent A. Strawn, *The Old Testament Is Dying: A Diagnosis and Recommended Treatment* (Grand Rapids: Baker Academic, 2017), 21 (chart), 59–80.

of protection for its king (CD 7:15–16). There are many formulations of this request which we need not elaborate, for their motivation is explained with great clarity (CD 16:1–5):

> *for in it everything is specified* (מדוקדק). And the explication of their times, when Israel was blind to all these; behold, it is specified in the Book[61] of the Divisions of the Times in their Jubilees and in their Weeks.[62] And on the day when a man shall take upon himself (an oath) to return to the Torah of Moses, the angel Mastema shall turn aside from after him, if he fulfils his words.

To follow the Torah saves one from the angel of death. While Baumgarten and Schwartz translate מדוקדק as "specified," Wacholder has "perfect," and Rabin translates as "can be learnt," perhaps influenced by the conclusion of Pirqe ʾAbot Chapter 5 which is its echo, "juggle it [upside down] and juggle it [down-side up] for everything is in it."[63] In a much later period, the Karaite Anan would coin the Aramaic version, "Search the Torah for it is better."

The Qumranites must have regarded the Oral Torah of the Pharisees not as a Torah replete with meaning but as a dead Torah void of such, and hence they (the Pharisees) are not dwellers in the "House of Torah" (CD 20:10), that is, the living written Torah. The reason this was so is that if one counts the frequency of Torah citations in the Mishnah and Tosefta, one must ask, as the

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61 It is possible that an elucidation of a text of Scripture was considered to be like Scripture itself. In any case if this is an allusion to Jubilees, called by the title preserved at both the beginning and end of that work, we once again refer to a written work. This in fact is true no matter which book is being referenced. This pattern of reference to written works continues to hold true for CD as well. See below n. 68.

62 On the possibility that Jubilees is also the work of the Qumran sectarians, see Cana Werman, "ספר היובלים ועדת קומראן: לשאלת היחס בין השניים," *Meghillot* 2 (2004): 37–55.

63 Joseph M. Baumgarten and Daniel R. Schwartz, "Damascus Document," in *Damascus Document, War Scroll, and Related Documents*, vol. 2 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, ed. James H. Charlesworth et al. (Tübingen: Mohr Siebeck; Louisville: Westminster John Knox 1995), 37; Wacholder, *New Damascus Document*, 81; Rabin, *Zadokite Documents*, 75. I would perhaps suggest translating *meduqdaq* as "apparent" based on the Aramaic usage of *doq* as *ʿayein*, see, or even as "precise." This would resonate with the continuation in CD, which alludes to Israel's period of blindness. One outcome of such precise specification, of course, is inflexibility. See Aharon Shemesh, "Thou Shall Not Rabbinize the Qumran Sectarians: On the Inflexibility of the Halakhah in the Dead Sea Scrolls," in *The Faces of Torah: Studies in the Texts and Contexts of Ancient Judaism in Honor of Steven Fraade*, ed. Michal Bar-Asher Siegal, Tzvi Novick, and Christine Hayes, JAJSup 22 (Göttingen: Vandenhoeck & Ruprecht, 2017), 169–78.

later Babylonian sages regularly do, "From where do we know these things?" One common answer given is we know them from Scripture. Yet Scripture is strangely, or so it must have seemed from a Qumranite's perspective, absent.[64] Moreover, much of Mishnah and Tosefta does not rely on Scripture at all.[65] To insist as the Pharisees apparently did on the authority of Oral Torah must have seemed audacious, indeed, even foolhardy.

6   Revealed and Hidden versus Written and Oral

If my hypothesis is correct, the Qumran sectarians saw multiple divisions separating them from the Pharisees. I wish to entertain an additional issue which some scholars have seen as a possible point of continuity, namely the notion of *niglah* and *nistar*—revealed and hidden, at Qumran. Scholars are conflicted as to whether these terms imply that Qumran had a concept of oral law: the revealed being the known written Torah of Moses and the hidden being the precise interpretations of the law and the prophets.[66] I must admit to not

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64   One could argue that the sages made up for this in their midrash, but the overlap between midrash and Mishnah and Tosefta is actually much less than one would expect. Another line of defence could be that Mishnah makes no sense without positing its dependency on certain facts of Scripture. Take, for example, our case study of the sukkah. Without Scripture one would not even know when the holiday is celebrated.

65   See the self-awareness of this lack in Mishnah itself in m. Hag. 1:8. For some recent discussion of this text see Vered Noam, "The Emergence of Rabbinic Culture from the Perspective of Qumran," *JAJ* 6 (2015): 255. Entire rituals such as the processional to the springs of the Gihon (m. Sukkah 5:1–4, t. Sukkah 5:1–5), the water libations, or the *arava* rituals (m. Sukkah 4:5–7, t. Sukkah 3:1) are entirely missing from Scripture.

66   See James R. Davila, "Mysticism and the Dead Sea Scrolls," in *The Oxford Handbook of the Dead Sea Scrolls*, ed. Timothy H. Lim and John J. Collins (Oxford: Oxford University Press, 2010), 433–54; Anthony R. Meyer, "The 'Mysteries of God' in the Qumran War Scroll," in *The War Scroll, Violence, War and Peace in the Dead Sea Scrolls and Related Literature: Essays in Honour of Martin G. Abegg on the Occasion of His 65th Birthday*, ed. Kipp Davis et al., STDJ 115 (Leiden: Brill, 2015), 107–24; Philip S. Alexander, *The Mystical Texts: Songs of the Sabbath Sacrifice and Related Manuscripts* (London: T&T Clark, 2006), 10–11, who indicates that the major so-called mystical corpus at Qumran is primarily liturgical in nature, as is also evident from the distribution of keywords such as *niglah* and *nistar* at Qumran. It is, therefore, in my opinion not an oral hidden Torah but one whose songs are sung in public and whose roots are written texts. Advice to desist from speculation about hidden knowledge is found in Deut 29:28 and is repeated at the start of Ben Sira (as seen in rabbinic quotations of the work); see Jean-Sébastien Rey, "Knowledge Hidden and Revealed: Ben Sira between Wisdom and Apocalyptic Literature," *HeBAI* 5 (2016): 255–72. This is also the case for the rabbinic sages (m. Hag. 2:1). For Qumran see Aharon Shemesh and Cana Werman, "Hidden Things and Their Revelation," *RevQ* 18 (1998): 409–27; ibid.,

seeing a strong similarity.[67] The Pharisees, according to the earliest evidence available from Josephus, revel in adherence to the "traditions of the fathers." Nowhere is there ever an appeal to such traditions at Qumran. In contradistinction, the fathers, even when they are so distinguished as to be prophets like Habakkuk, do not understand the import of their own words.[68] They are not appealed to at all; albeit they are definitely vessels for the divine word, but the understanding of that word belongs to the Teacher of Righteousness alone; the *doresh hatorah*. Only he has the authority and wisdom, insight, and inspiration to say what the prophecies actually meant.[69] From this observation, I understand Habakkuk to be the *niglah*, revealed Torah, while the written Qumranite Pesher Habakkuk is the *nistar*, the hidden Torah wherein the precise meaning of the Scriptures and their prophecies is determined. This determination may need to await the end of days, as perhaps alluded to in a very fragmentary way in 4QpPs[b], where נס[תרות מורה הצדק, "the hidden things of the Teacher of Righteousness," are mentioned side-by-side with הכ[הן לאחרית הק]ץ, "the priest at the end of the age."

What of the five books of Moses? It is possible that a similar situation adheres in which, for example, the *niglah* is the book of Genesis and the *nistar* was considered to be the Book of Jubilees. Is the reason for the near complete

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"The Hidden Things and Their Revelation," *Tarbiẓ* 66 (1997): 471–482 (in Hebrew). I do not agree that "the actual process of interpretation is carried out by the membership of the sect as a whole" (p. 420). The sectarian writings repeatedly refer to a singular דורש התורה and a singular Teacher of Righteousness. See further Aharon Shemesh's contribution in Cana Werman and Aharon Shemesh, לגלות נסתרות פרשנות והלכה במגילות קומראן (Jerusalem: Bialik, 2011).

67 An overlooked feature of *niglah*, "revealed," is its connection to writing as opposed to oral features. The only writing we apparently possess of the Pharisees is Megillat Taʿanit. In Aramaic one reveals the written text of a scroll by unrolling it, called by the root ג.ל.י. Hence what is revealed is usually written. Thus for further types of writing mentioned in rabbinic literature we have a genealogical scroll, "Shimon ben Azzai said: I found a מגילת יוחסין in Jerusalem and it is written in it," (m. Yebam. 4:13, y. Yebam. 4:15, 5d); "Rabbi Levi said: They found a genealogical scroll in Jerusalem and it is written in it," (y. Taʿan. 4:2, 68a); "Rav said: I found a מגילת סתרים (a hidden scroll) of the House of Rabbi Ḥiyya and it is written in it," (b. B. Meṣ. 92a).

68 See 1QpHab 7:1–2, "and God told Habakkuk to write down that which would happen to the final generation, but He did not make known to him when time would come to an end" (trans. Vermes).

69 1QpHab 7:3–5, "And as for that which He said, *that he who reads may read it speedily*: interpreted this concerns the Teacher of Righteousness, to whom God made known all the mysteries of the words of His servants the Prophets." See further 1QpHab 2:7–9, "when they hear all that [is to happen to] the final generation from the Priest [in whose heart] God set [understanding] that he might interpret all the words of His servants the Prophets, through whom He foretold all that would happen …" (trans. Vermes).

absence at Qumran of "hidden" books of midrash on Exodus to Deuteronomy merely due to the vagaries of historical archaeological remains or is the reason for this the maintenance of an ideology of orality shared with the Pharisees? Or, perhaps they rewrote these books, as we find in the Book of Jubilees for Genesis and the Temple Scroll for Exodus, Leviticus, Numbers and Deuteronomy. I am unable to decide among these options in any definitive manner. It is a truism, however, that the Oral Torah was a factor in the division of Samaritans from Jews; of Sadducees from Pharisees; and of Karaites and Ananites from rabbanites. So I see the same possibility for such a division between Pharisees and Qumranites. What is particularly irksome for all of these groups is that the traditions of the elders were imbued with the same degree of authority as the written Torah. Indeed, there were times that they overrode the written Torah and took precedence.[70] As indicated above,[71] it is by definition difficult to prove Pharisaic orality precisely because it was oral and mainly lost. The same, of course, would be true at Qumran or for other groups as well.

Elsewhere I have claimed that the rabbinic sages, the most likely continuators of the Pharisees, were thoroughly embarrassed with the Scriptures and provided these with what Harold Bloom called strong readings that swerved them away from fundamentalist literalism.[72] It is possible that like the Sadducees, the Qumranites were less embarrassed with the Scriptures or perhaps not at all embarrassed by them, so that there was less felt need for an oral anti-script reading of them as present in rabbinic midrash.

7   Eschatological Divisions

If our hypothesis is correct, what divides the Pharisees from the Qumranites is that the Pharisees have a "house of divisions" in which halakhic differences of opinion abound and in which there is also appeal to [oral] traditions of the elders. In contrast the sect at Qumran was united under the singular knowledge

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70   See, for example, m. Sukkah 4:5–6 and 9–10. Perhaps at Qumran they had no need for orality because of the rewritten element of their torah. See Steven D. Fraade, "The Temple Scroll as Rewritten Bible: When Genres Bend," in *Hā-ʾîsh Mōshe: Studies in Scriptural Interpretation in the Dead Sea Scrolls and Related Literature in Honor of Moshe J. Bernstein*, ed. Binyamin Y. Goldstein, Michael Segal, and George J. Brooke, STDJ 122 (Leiden: Brill, 2017), 136–54, esp. 137 nn. 4 and 5.

71   See above n. 55.

72   See Harry Fox, "The Embarrassment of Embarrassment," in *Vixens Disturbing Vineyards: Embarrassment and Embracement of Scriptures; Festschrift in Honor of Harry Fox (LeVeit Yoreh)*, ed. T. Yoreh et al., Judaism and Jewish Life (Boston: Academic Studies Press, 2010), 5–18.

of its Teacher. Several additional consequences may result. The sectarians, for example, also called their opponents Ephraim and Manasseh but called themselves Judah. What is at stake in this representation? The loyalty to Judah is buttressed by a strong loyalty at Qumran to the messianism emanating from Judah.[73] In the blessings of Israel/Jacob to Judah, he is interpreted to be a legislator and this epithet in turn is identified with *doresh hatorah*.[74] Furthermore the star is also identified with *doresh hatorah*.[75] There is thus unequivocal loyalty and strong identification of the Teacher with Judah.[76] In contradistinction we must turn to much later midrash to find preserved in it ideas that, in my opinion, reflect the Qumranites' identification of their opponents. The rabbinic midrash often speaks of messianic figures from both Ephraim and Manasseh together as a Messiah from Joseph.[77] These figures play an important role in the prefiguration and advent of the Davidic Messiah from Judah in rabbinic literature as the Messiah from Joseph is killed.[78] There are, however, a significant number of sources that specifically speak of a Messiah from Ephraim.[79]

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73   See Mika S. Pajunen, *The Land to the Elect and Justice for All: Reading Psalms in the Dead Sea Scrolls in Light of 4Q381*, JAJSup 14 (Göttingen: Vandenhoeck & Ruprecht, 2013), 182–271; John J. Collins, "Jesus, Messianism and the Dead Sea Scrolls," in *Qumran-Messianism: Studies on the Messianic Expectations in the Dead Sea Scrolls*, ed. James H. Charlesworth, Hermann Lichtenberger, and Gerbern S. Oegema (Tübingen: Mohr Siebeck, 1998), 100–119; Martin G. Abegg and Craig A. Evans, "Messianic Passages in the Dead Sea Scrolls," in Charlesworth et al., *Qumran-Messianism*, 197–98; C. Marvin Pate, *Communities of the Last Days: The Dead Sea Scrolls, the New Testament and the Story of Israel* (Downers Grove, IL: Intervarsity Press, 2000), 109–22; Lawrence H. Schiffman, *Qumran and Jerusalem: Studies in the Dead Sea Scrolls and the History of Judaism* (Grand Rapids: Eerdmans, 2010), 270–85.

74   CD 6:7.

75   CD 7:18.

76   Genesis 49:10 is quoted from Jacob's blessing to Judah; as well, the reference to the star in Balaam's blessings (Num 24:17) is widely identified with Judah.

77   See b. Sukkah 52ab; Tanh. Gen, Bereshit 1; Tanna Devei Eliyahu ch. 18; etc. See also the discussions and sources cited by Martha Himmelfarb, "The Messiah Son of Joseph in Ancient Judaism," in Boustan et al., *Envisioning* Judaism, 2:771–790. Himmelfarb concludes that there is no clear evidence for a Messiah descended from Joseph in the literature of the Second Temple period (Himmelfarb, 773). If my reconstruction of Jesus' messiahship has any merit then that is one piece of such evidence. This is mentioned by Himmelfarb as "at least one point of view" but is dismissed, as also earlier (Himmelfarb, 780, 784). See also Israel Knohl, "On 'The Son of God,' Armillus and Messiah Son of Joseph," *Tarbiz* 68 (1998): 13–37 (in Hebrew), esp. 30–37 and nn. 80–81, with the bibliography cited there; idem, *The Messiah before Jesus* (Jerusalem and Tel Aviv: Schoken, 2000), 68–80; 149–50.

78   This additional feature is therefore implied in the sources just cited. See, for example, b. Sukkah 52ab. See further Martha Himmelfarb, *Jewish Messiahs in a Christian Empire: A History of the Book of Zerubbabel* (Cambridge: Harvard University Press, 2017).

79   Pesiq. Rab. 36–37; Tanḥ. *Vayigash* 4; Midr. to Pss 60, 87; etc. (NB the sources were located by using the Bar Ilan Responsa Project version 24).

Quite amazing is that at least one source located by a database search yielded a Messiah from Manasseh.[80] I thus posit that at Qumran the identification of the Sadducees and Pharisees with Manasseh and Ephraim also pertains to these as messianic pretenders (or antichrists)[81] totally rejected by the Qumranites in favor of an idea of messianic exclusivity to Judah (aside from the priestly Messiah). In other words, for the Qumranites these epithets are used for their bitter opponents because their views yield a false brand of messianism to which they are utterly opposed. Perhaps this was further linked to a betrayal involved in the invitation for Roman interference in local conflicts.[82]

8   Conclusions

The suggestion that the sobriquet *dorshe haḥaluqot* meant the seekers of divisions requires an extensive reconsideration of what divided the Qumranites from the Pharisees. Exploration of these divisions in three primary categories yields interesting results. Hopefully, the work of revision will continue with other scholars' research. One potential area for exploration would include gender differences, which for reasons of length could not be considered here. Finally much more work needs to be done in identifying similarities and differences between the Qumranites and other groups in late antiquity, especially on theological matters. When attempting to understand what is meant by a house of divisions and what in turn divides the Pharisees from the Sadducees and the Qumranites, I came to explore three possibilities, 1) halakhic divisions in the details of the laws;[83] 2) ideological differences such as one (written) Torah or a dual Torah (written and oral);[84] and 3) eschatological differences concerning messianism and the nature of the end times. These three pos-

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80   Num Rab. *Naso* 14 1.

81   See David Flusser, "The Hubris of the Antichrist in a Fragment from Qumran," in *Judaism and the Origins of Christianity* (Jerusalem: Magnes, 1988), 207–13.

82   See Berrin, *Pesher Nahum*, 268–76.

83   Yaakov Sussman sees this as the primary source of divisions between Pharisees and Qumranites. While this is true at some level, other differences were, in my opinion, more significant. See Yaakov Sussman, "Appendix 1: The History of the Halakha and the Dead Sea Scrolls," in Elisha Qimron, John Strugnell, et al., *Qumran Cave 4.V: Miqṣat Maʿaśe Ha-Torah*, DJD 10 (Oxford: Clarendon, 1994), 179–200; Sussman, "The History of Halakha and the Dead Sea Scrolls—Preliminary Observations on Miqṣat Maʿaśe Ha-Torah (4QMMT)," *Tarbiẓ* 59 (1989/1990): 11–76 (in Hebrew).

84   Menahem Kister critiques Sussman's position as inadequate and I tend to agree, though perhaps not with the same argumentation. See Menahem Kister, "עיונים במגילת מקצת מעשי התורה ועולמה: הלכה, תאולוגיה, לשון ולוח," *Tarbiẓ* 68 (1999): 317–71. Of special

sibilities and, of course, there may be others, are not mutually exclusive. In the end one may say not much has changed in the world of Qumran. The so-briquets still refer, for the most part, to the same groups as identified before. These widely accepted identifications are, however, perhaps somewhat more secure with the new meaning attributed to דורשי החלקות. The later dating of the Damascus Covenant has been freshly assessed and the differences be-tween the Qumranites and Pharisees may now be stated more emphatically. Finally, the orality of the Pharisees and why it aroused so much opposition has been made clear. Yet the destruction of the temple, the symbol of corrup-tion and contamination so despised by the Qumranites, did not yield their much anticipated victory, success, or sustainability. How they melted into the new post-destruction landscape remains unknown to us, though speculation, I feel, is warranted. (I would suggest an eventual link between the עדת אביונים of 4QpPsª 11:10 and the Ebionites.) It would seem that the Pharisees were the most adaptable group, perhaps at the terrible loss of much of their "oral Torah." In any case, they became the heroes of the new rabbinic groups at Yavneh. It is perhaps the early pre-destruction settlement of Yavneh which is alluded to when *bet peleg* (4QpNah 3–4 iv 1), which I interpret to refer to a remnant of the Pharisees, left Jerusalem. Perhaps ונפרדה כנסתם, "their assembly disbanded" (4QpNah 3–4 iii 5–8), also refers to such an event, which must have predated the temple's destruction (b. Git. 56b).

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importance is that after listing some of the practical halakhic divisions from the Pharisees, MMT moves on to deal with eschatological ones.

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4QMMT: A Letter to (not from) the *Yaḥad*

Gareth Wearne

1   Introduction

4QMMT (hereafter MMT) occupies an important place in studies of the origin and identity of the community, or communities, reflected in the Dead Sea Scrolls.[1] As is well known, early discussions of the text classified MMT as a halakhic letter or treatise, written to a royal figure as a polemical response to the views and practices of an unnamed third party.[2] More specifically, based on the theological contents of the reconstructed text—and noting its apparent silence on the question of the High Priesthood—the editors, Elisha Qimron and John Strugnell, suggested that MMT may reflect a time shortly before, or in the earliest organizational stages of, the Qumran group.[3] As such, Qimron identified it as a polemical letter sent from the nascent Qumran community, or its parent group, in order to persuade the current Hasmonean ruler to forsake what the writers understood to be the errant practices of an opposing party.[4]

Even before the official publication of MMT in DJD 10, there were signs that the editors, especially Strugnell, had begun to change their minds about its genre.[5] Noting the lack of form critical parallels and formal epistolary features, Qimron and Strugnell questioned whether MMT would better be classified as a proclamation, an open letter, an epistle, or a "treatise"; however, they continued

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2   Elisha Qimron and John Strugnell, "An Unpublished Halakhic Letter from Qumran," in *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, April 1984* (Jerusalem: Israel Exploration Society, 1985), 400–7.

3   Elisha Qimron, John Strugnell, et al., *Qumran Cave 4.V: Miqṣat Maʿaśeh Ha-Torah*, DJD 10 (Oxford: Clarendon Press, 1994), 121 (hereafter, DJD 10).

4   Perhaps from the "Teacher of Righteousness" himself, DJD 10:114–16, 120–21, but cf. 121 where he seemed to back away from this view. Strugnell offered a yet more cautious appraisal in his appendix to DJD 10 and idem, "MMT: Second Thoughts on a Forthcoming Edition," in *The Community of the Renewed Covenant: The Notre Dame Symposium on the Dead Sea Scrolls*, ed. Eugene Ulrich and James VanderKam, Christianity and Judaism in Antiquity 10 (Notre Dame: University of Notre Dame Press, 1994), 57–73.

5   Strugnell, "Second Thoughts," 72; cf. DJD 10:113–14, 121.

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in the assumption that it was addressed *to* the Hasmonean political establishment and written *by* representatives of the early Qumran community.[6]

At the heart of the sectarian association lies the expression, partly restored, "we have separated from the multitude of the peo[ple]," which occurs in the parenetic epilogue at the end of the reconstructed text (see below). This cryptic autobiographical detail led Qimron and Strugnell to conclude that MMT originated in the early days of the schism with the Jerusalem temple.[7] But if it is correct to identify MMT with a schism with the temple, then it must be noted that its tone is surprisingly eirenic—a problem already recognized in the *editio maior*.[8]

More recently, scholars have tended to move away from the question of MMT's original purpose, and have focused instead on its intramural use within the community that preserved it. In particular, this approach was championed by Steven Fraade, who drew attention to the fact that MMT was repeatedly copied over a prolonged period.[9] That is, it exists in six fragmentary manuscripts (4Q394, 4Q395, 4Q396, 4Q397, 4Q398, and 4Q399), which have been dated on paleographic grounds to the early-mid-Herodian periods (i.e. mid–late first century BCE, or early first century CE).[10] This is an unusually large number of copies for a non-biblical text, and suggests that MMT was of considerable importance for the copyists. Consequently, and in view of its halakhic contents, Fraade suggested that MMT was an intracommunal pedagogical text, used to train candidates and new initiates of the community for the purpose of "reinforcing the process of social separation."[11]

Fraade's explanation may well be correct, and he was certainly right to draw attention to the ongoing significance of the text within the community (a point

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6   For a discussion of MMT as a proclamation see Strugnell, "Second Thoughts," 72.

7   DJD 10:109–21; Strugnell, "Second Thoughts," 72. For a maximalist interpretation, see Hanan Eshel, "4QMMT and the History of the Hasmonean Period," in *Reading 4QMMT: New Perspectives on Qumran Law and History*, ed. John Kampen and Moshe Bernstein, SBLSym 2 (Atlanta: Scholars, 1996), 53–65.

8   DJD 10:116, 121; Strugnell, "Second Thoughts," 71; cf. Charlotte Hempel, "The Context of 4QMMT and Comfortable Theories," in *The Dead Sea Scrolls: Texts and Context*, ed. Charlotte Hempel, STDJ 90 (Leiden: Brill, 2010), 275–92, esp. 285.

9   Steven D. Fraade, "To Whom It May Concern: 4QMMT and Its Addressee(s)," *RevQ* 19 (2000): 507–26.

10   DJD 10:3–6, 14, 16–18, 21–25, 29–34, 38–39. On Ada Yardeni's contribution to the paleographic dating of the fragments, see DJD 10:9. Regarding the earliest hand, she wrote: "A comparison of the skeleton forms of the letters in 4Q398 to the skeleton forms of the letters in the different stages of development of the cursive and semi-cursive Jewish scripts suggests that the script of 4Q398 belongs to the period of transition from the Hasmonean to the Herodian styles [i.e. mid–1st century BCE]," DJD 10:29.

11   Fraade, "To Whom It May Concern," 507–26.

to which we will return below), but there remain several peculiar features of MMT which support the epistolary hypothesis:

1. Unlike the majority of the manuscripts from Caves 1–11, which are written in a characteristically conservative linguistic register, MMT seems to reflect a contemporary vernacular.[12] Its distinctive profile is marked by several features shared with mishnaic Hebrew, including, *inter alia*, almost exclusive use of the relative pronoun -שׁ, and the use of the participle to express the present tense.[13]

2. Unlike other so-called "sectarian" texts, MMT is addressed directly to the reader(s) in the second person (both singular and plural). This sets it apart even from texts like the Community Rule, which is clearly concerned with matters governing community organization and processes of initiation.

3. MMT contains remarkably little evidence of the distinctive imagery and terminology—including expressions like "the sons of light" and "the sons of darkness"—which are related to the matter of self-identification in other sectarian texts.[14] As suggested by Qimron and Strugnell, this may be understood as a sign that MMT was composed prior to the development of the sect's peculiar ideology and vocabulary.[15] But such symbolic language has a cohesive, community building function, and as such, its

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12 DJD 10:107–8; Eric D. Reymond, *Qumran Hebrew: An Overview of Orthography, Phonology, and Morphology*, SBLRBS 76 (Atlanta: Society of Biblical Literature, 2014), 6, et passim.

13 Cf. the discussion in DJD 10:74–75, 81–83, 102. Note, however, Qimron and Strugnell's assessment that "a close comparison of the linguistic components proves that the similarity to MH is restricted to vocabulary and to the use of the particle שׁ, whereas in areas of grammar (spelling, phonology, morphology, and syntax) there is very great similarity to the Hebrew of other Dead Sea Scrolls," idem, "An Unpublished Halakhic Letter," 405; similarly in DJD 10:102: "The relative pronoun -שׁ, and a number of syntactical constructions, are insufficient in themselves to give the text the markedly MH character that it has. What lends it this appearance is above all the vocabulary." The evidence of the vocabulary may, however, be to some extent illusory, owing to MMT's halakhic contents (see below).

14 This, of course, assumes that MMT can be connected to other texts within the corpus (this is a point to which we will return). See for example Devorah Dimant's landmark study, "The Qumran Manuscripts: Contents and Significance," in *Time to Prepare a Way in the Wilderness: Papers on the Qumran Scrolls by Fellows of the Institute for Advanced Studies of the Hebrew University. Jerusalem 1989–1990*, ed. Devorah Dimant and Lawrence H. Schiffman, STDJ 16 (Leiden: Brill, 1995), 23–58.

15 DJD 10:113, 121. Cf. George J. Brooke, "Review: Qumran Cave 4. Volume V. Miqṣat Ma'aśe Ha-Torah. (Discoveries in the Judaean Desert, X.) by Elisha Qimron and John Strugnell," *JTS* 46 (1995): 600.

absence might also reflect the fact that MMT's addressees were outside, or on the periphery of, the writers' speech community.[16]

The first and second points, especially, suggest that MMT was originally a genuine letter.[17] Furthermore, given the evidence for the repeated copying of MMT, it is not difficult to imagine a scenario whereby the conventional epistolary formulae, if they were present, were lost as the function and significance of the text changed over time. In other words, as the text was repurposed and re-contextualized through the copying process its original epistolary features may have been viewed as superfluous and omitted (see further below). Consequently, even if Fraade is correct that MMT's enduring significance lay in its use as an intramural instructional text, its several distinctive features invite us to continue to enquire about its original epistolary function. But even so, the indirect manner in which the opponent's views are engaged and, more importantly, the remarkably eirenic tone of MMT, render the older polemical interpretation highly doubtful. I would, therefore, like to propose a thought experiment: What would it look like if we viewed MMT as a letter sent not *from*, but *to* a separatist community?

2   Reading MMT as a Letter Sent *to* the *Yaḥad*

The possibility that MMT was an actual letter sent *to* the community seems to have been only briefly entertained, and, to my knowledge, no one has yet attempted to explain what its purpose could have been if that were the case.[18]

In what follows, I suggest that the eirenic tone and the halakhic and parenetic contents of MMT can be understood in the context of a cautionary letter addressed to a group who shared the senders' concerns about practices in the Jerusalem temple, but whose stance was in fact more extreme, leading them to

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16   E.g., William M. Schniedewind, "Qumran Hebrew as an Antilanguage," *JBL* 118 (1999): 250–51.

17   On the implications of this for the identity of the addressees and the formation of their community, see below.

18   See especially Lester L. Grabbe, "4QMMT and Second Temple Jewish Society," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies. Cambridge 1995*, ed. Moshe Bernstein, Florentino García Martínez, and John Kampen, STDJ 23 (Leiden: Brill, 1997), 89–108, esp. 90–91, n. 5; cf. John Kampen, "4QMMT and New Testament Studies," in *Reading 4QMMT*, ed. Kampen and Bernstein, 131, and George J. Brooke, "Luke—Acts and the Qumran Scrolls: The Case of 4QMMT," in *Luke's Literary Achievement: Collected Essays*, ed. Christopher M. Tuckett, JSNTSup 116 (Sheffield: Sheffield Academic Press, 1995), 81–82. Both Brooke and Kampen suggested that MMT was addressed to a like-minded community.

disassociate themselves from the temple. As such, its purpose was to outline and justify a method of continuing to observe the sacrificial cult of the temple, without participating in what the writers perceived to be the errant practices of the presiding priests.

It is important to pause here and to recognise the limitations of the evidence. As has been demonstrated by Maxine Grossman, assumptions about the genre of MMT can have profound implications with regard to its usefulness and significance for historical reconstructions.[19] Conversely, Charlotte Hempel has shown the remarkable extent to which assumptions about the schismatic origins of the Qumran group influenced early interpretations of MMT.[20] Yet, as she noted, the diverse range of ideological commitments that are now recognized within the Scrolls means the older consensus is no longer sustainable, at least in its traditional form.[21] In fact, according to Hempel, "[i]t 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."[22] Indeed, in a more cautious assessment, she observed that the "separation" referred to in the epilogue "could refer to nothing more than a particular halakhic stance."[23] Ultimately these and similar observations led her to express reservations about associating MMT with the "establishment of the Qumran group."[24]

In the face of these important advances and cautionary words, the suggestion that MMT was an actual letter dating from the earliest days of the community may seem like a backward step. Consequently, I would like to offer three caveats before turning to the document itself:

1. In line with current research, and notwithstanding the use of the word *yaḥad* in the title of this chapter, it is not necessary to assume that the Scrolls reflect a monolithic collection or the holdings of a single group; however, the hypothesis outlined here is consistent with arguments for literary interconnections between some of the Scrolls, and may be of use for further understanding the nature of those relationships (see below).

2. Similarly, the hypothesis does not require us to assume a close relationship between the Scrolls and the archaeological remains at Khirbet Qumran, or their ancient inhabitants. Such a relationship may have existed, and indeed seems likely in view of the shared ceramic types and the

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19   Maxine L. Grossman, "Reading 4QMMT: Genre and History," *RevQ* 20 (2001): 3–22.
20   Hempel, "The Context of 4QMMT and Comfortable Theories," 275–92.
21   Ibid., 277–78.
22   Ibid., 287.
23   Ibid., 287.
24   Ibid., 290.

physical proximity of Caves 4–10 to Qumran, but it is not a prerequisite or necessary entailment of the hypothesis.[25]

3. Perhaps most importantly, although circumstantial, the hypothesis of separation, and possibly even some sort of parent group, is ultimately based on the internal evidence of MMT itself.

The point of these caveats is to acknowledge that the current state of research is complex, and to emphasize that the hypothesis need not be understood as an attempt to arbitrarily impose old paradigms onto the Scrolls. Ultimately the validity of the hypothesis must rest on its explanatory power.

3   Which MMT? The Unity of the Text and Arguments for Redactional Growth

The complex methodological issues involved in the study of MMT are compounded by questions about its diachronic development and possible redactional expansion.[26] Such growth is significant, because it has the potential effect of obscuring the text's original form and function. Consequently, before discussing the genre and *Sitz im Leben* of MMT in greater detail, it is first necessary to consider the unity and nature of the text. To this end, it is appropriate to take Qimron and Strugnell's reconstructed composite text as a point of departure. For, although it is unsuitable for detailed analysis of MMT's thematic content, the composite text seems to be a reasonably accurate reflection of its basic form and structure.[27] The composite text consists of three sections:

A. A partial 364-day solar calendar, listing various religious festivals, which is attested in only one copy (4Q394) and was probably associated with MMT at a secondary stage (see below).

B. A list of approximately twenty halakhic rulings espoused by the authors over against those attributed to a third party.[28]

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25   Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2002) 43–44, 79–89.

26   See, for example, the discussion in Hanne von Weissenberg, *4QMMT: Reevaluating the Text, the Function and the Meaning of the Epilogue*, STDJ 82 (Leiden: Brill, 2009), 117–20.

27   On the limitations of the composite text see Charlotte Hempel, "The Context of 4QMMT and Comfortable Theories," 275–92, esp. 283; Elisha Qimron, "The Nature of the Reconstructed Composite Text of 4QMMT," in *Reading 4QMMT: New Perspectives on Qumran Law and History*, ed. John Kampen and Moshe Bernstein, SBLSym 2 (Atlanta: Scholars, 1996), 9–14, and the fuller discussion below.

28   Due to the deterioration of the extant manuscripts, we cannot know how much has been lost from this section.

C.   A parenetic epilogue, which serves to reaffirm the halakhic rulings of section B. It is noteworthy, however, that although portions of section C are attested in three manuscripts (4Q397, 4Q398, and 4Q399), there is little overlapping material, and the relative placement of 4Q398 frags. 11–13 is, essentially, an open question.[29]

There can be no doubt that MMT underwent a degree of textual variation over the course of its (at least) fifty-year transmission history.[30] If nothing else, the presence of text-critical variants was convincingly shown in von Weissenberg's careful analysis of the parallel sections of the epilogue, in which she concluded, among other things, that "[o]n lines C 10–12 of the composite text, the editors, by combining manuscripts 4Q397 and 4Q398, create a reading that is not materially possible in either of the manuscripts."[31] The question, then, is not whether there was diachronic variation, but what was its nature and extent?

Among the first and most influential to argue for significant redactional growth in MMT was Miguel Pérez Fernández, who observed on stylistic grounds that between the halakhic and parenetic sections there are "notable

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29   See von Weissenberg, 4QMMT*: Reevaluating the Text*, 85–95, who argues persuasively for the placement of the fragments before 4Q397 frags. 14–21; cf. Hempel, "The Context of 4QMMT and Comfortable Theories," 281–82.

30   As attested by the paleographic dating of the extant manuscripts.

31   Hanne von Weissenberg, "4QMMT—Some New Readings," in *Northern Lights on the Dead Sea Scrolls: Proceedings of the Nordic Qumran Network 2003–2006*, ed. Anders Klostergaard Petersen et al., STDJ 80 (Leiden: Brill, 2009), 221. Convenient listings of text-critical variants in MMT have been published in DJD 10:41; and von Weissenberg, *4QMMT: Reevaluating the Text*, 71–85. Much depends on what such variants are assumed to signify. In the majority of cases the variants in the halakhic and parenetic sections consist of minor variations in orthography and word order, which fall well within the tolerances of memory-based copying, see Raymond F. Person, "The Ancient Israelite Scribe as Performer," *JBL* 117 (1998): 601–9, and David M. Carr, *The Formation of the Hebrew Bible: A New Reconstruction* (Oxford: Oxford University Press, 2011), 33; cf. the contrary views of Ronald Hendel, *Steps to a New Edition of the Hebrew Bible*, TCSt 10 (Atlanta: Society of Biblical Literature, 2016), 127–72, esp. 164–69. In only two instances are there variants which could be described as "possibly significant," namely, 4Q394 8 iii 9–19 // 4Q396 1–2 i 5–6 // 4Q397 5 2–3, and 4Q397 14–21 10–12 // 4Q398 14–17 2–4. In both cases, the manuscript evidence points to differences in length, but physical deterioration obscures the nature and significance of the variation, see von Weissenberg, *4QMMT: Reevaluating the Text*, 77–78, 82; eadem, "4QMMT—Some New Readings," 217–21; cf. DJD 10:158–59. Minimally, the differences in length mean the possibility of deliberate expansion in the epilogue must be left open; yet it is also possible that the longer texts reflect synonymous expansions of the sort described by Person. Significantly, the extemporaneous nature of such variants obscures lines of textual dependency, and further problematizes the search for the *Urtext* or textual archetype of MMT.

differences in syntax, lexicon and content."[32] This led him to conclude that section C was a later addition to, and redrafting of, a pre-existing halakhic document, for the purpose of (re)formulating it "in dramatized form and directing it at the priests who had to comply or ensure their [sic.] observance."[33] The morphosyntactic differences listed by Pérez Fernández are especially noteworthy (e.g., the transition from participial to *qatal* forms when expressing the indicative mood, the transition from the modal infinitive to the morphological imperative when expressing the imperative mood, and the transition from second person plural to singular forms); however, the conclusion, that "it does not seem likely that the Halakic [sic.] and exhortative parts are the work of the same person," seems to betray a rather static and artificial concept of genre and style.[34] Indeed, as will be seen, the variation can also be explained on generic grounds.[35] Of course, that is not to deny that there is a diachronic, redactional layer to the text, but rather to note that the delineation of redactional layers is perhaps not as straightforward as Pérez Fernández proposed.[36]

It is helpful, at this juncture, to recall a definition of genre which is current in the field of Systemic Functional Linguistics:

> a genre is a staged, goal-oriented social process. Social because we participate in genres with other people; goal-oriented because we use genres to get things done; staged because it usually takes us a few steps to reach our goals.[37]

Importantly, according to the proponents of this understanding, many complex texts should in fact be viewed as *macrogenres*, which are comprised of complexes of several shorter genres (such as reports, explanations, etc.).[38] In

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32   Miguel Pérez Fernández, "4QMMT: Redactional Study," *RevQ* 18 (1997): 191–205, esp. 196.

33   Ibid., 203. Pérez Fernández was not explicit as to his understanding of the purpose and supposed context of such a dramatization.

34   Ibid., 202.

35   A similar point was made by von Weissenberg, *4QMMT: Reevaluating the Text*, 119–29, albeit for different reasons.

36   Pérez Fernández subsequently offered a fuller argument in Miguel Pérez Fernández, "4QMMT: Linguistic Analysis of Redactional Forms Related to Biblical and Rabbinic Language," in *Sirach, Scrolls, and Sages: Proceedings of a Second International Symposium on the Hebrew of the Dead Sea Scrolls, Ben Sira, and the Mishnah, Held at Leiden University, 15–17 December 1997*, ed. T. Muraoka and J. F. Elwolde, STDJ 33 (Leiden: Brill, 1999), 205–22; however, the evidence he adduced there is no less equivocal.

37   J. R. Martin and David Rose, *Working with Discourse: Meaning Beyond the Clause* (London: Bloomsbury, 2007), 8; idem, *Genre Relations: Mapping Culture* (London: Equinox, 2007), 6.

38   Martin and Rose, *Genre Relations*, 216.

the case of MMT, the classification of the text as a "letter" actually operates at the level of *macrogenre*, but the letter itself is minimally comprised of a two-staged genre complex, including the halakhot and parenesis, which are oriented toward different goals. In effect, this means that even if MMT was the work of a single author, we should not be surprised to find a degree of internal stylistic variation, corresponding to the constituent genres. This applies at the levels of syntax, lexicon, and content, which were so decisive for Pérez Fernández.

Leaving aside for the time being the question of lexicon—which is primarily determined by the text's thematic content—it is significant that it is the halakhic section which evinces the greatest concentration of non-BH features, e.g., the preference for participial over *qatal* forms and the imperative modal infinitive.[39] By contrast, in the parenetic section we find a greater concentration of conservative, biblicizing, features, such as the use of the *wayyiqtol*, the use of the infinitive absolute as a finite verb, and temporal clauses of the type -בְּ + infinitive.[40] This conspicuous variation suggests that there is indeed a correlation between the constituent genres of MMT and their linguistic registers.

Notwithstanding the fact that many of the halakhot have a biblical basis, it is noteworthy that it is the halakhic section which has the most immediate frame of reference. In other words, it was through the exposition of their halakhic stance in contradistinction to that of their opponents that the writers addressed their particular situation. It is perhaps unsurprising, then, that it is the halakhic section which evinces the most idiosyncratic and seemingly vernacular linguistic profile. In the parenetic epilogue, on the other hand, the frame of reference is expanded to include both examples from the history of Israel and the writers' future hopes for the recipients. More importantly, in the epilogue the writers cite several biblical examples and proof-texts, including the famous illustration of the kings of Israel, and it is in this section that they were more heavily influenced by biblical prose and style. Indeed, the biblicizing register of the parenesis may have had a rhetorical function, serving as a legitimizing device, to add authority and gravitas to the writers' exhortation.[41] Put bluntly, the two sections have different linguistic profiles because they are doing different things. It does not necessarily follow, however, that they were written by different people or at different times. To be sure, there may be elements of redactional activity, but there is little reason to think that these were anything other than *ad hoc*—rather than systematic or structural—in nature. It seems likely, therefore, that the halakhot and parenesis, insofar as they can

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39   Cf. Miguel Pérez Fernández, "4QMMT: Redactional Study," 196.

40   DJD 10:78, 80–81, 102.

41   This is reminiscent of the prologue to the Damascus Document.

be restored from the extant manuscripts, essentially reflect the contents of MMT in its earliest compositional stages.[42]

Of course, within the twofold genre complex that constitutes the body of the letter, the possibility remains that the halakhot may have been adapted from a pre-existing document (see below). But it does not follow that the parenesis was necessarily composed secondarily as a dramatizing fiction. Indeed, it is *ex hypothesi* more likely that the authors of MMT simply adapted a set of pre-existing halakhot to suit the occasional requirements of the letter. Accordingly, rather than seeing the differences between the halakhic and parenetic sections as the product of—somewhat clumsy—redactional activity, it is preferable to understand them in terms of the appropriation and adaptation of pre-existing material.[43]

To be clear, the purpose of these observations is not to argue that MMT is devoid of redactional growth, but rather to observe that we essentially cannot know where such activity begins and ends. Whatever the case, it is certainly not as simple as merely separating the halakhic section from the parenetic section. Instead, we should proceed cautiously under the assumption that the halakhot and parenesis originally formed parts of a unified whole.

Even so, the evidence for growth and pluriformity in the extant manuscripts means it is unlikely that anything like an original text of MMT can be recovered. Even in a best-case scenario, we can never be entirely certain about which elements entered the text secondarily, and which were part of the original letter; however, that does not mean we must abandon all attempts to deduce its original contents and function. Rather, we should proceed cautiously, treating individual readings on a case by case basis.[44] Since the writers' direct mode of

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42   Incidentally, the shift in theme and genre between the halakhic and parenetic sections also provides a possible explanation for the shift from plural to singular pronouns when addressing the reader, a conspicuous difference which is otherwise difficult to explain. That is, the shift from plural to singular pronouns mirrors a shift from the corporate to the particular in the subject matter of the letter. Significantly, in Deuteronomy—whence the most explicit citations in the epilogue are derived—a similar technique is used to particularise the Law and address it individually to each reader or hearer (e.g., Deut 30, which, intriguingly, is paraphrased in 4Q398 14–17 i 5–8 [cf. 4Q397 14–21 12–14]; cf. Brooke, "Luke—Acts and the Dead Sea Scrolls," 82, and von Weissenberg, *4QMMT: Reevaluating the Text*, 141, 167–68). And it is possible that the writers of MMT adapted the same rhetorical device to suit their own purpose. In other words, as the frame of reference changed between the declarative discussion of the halakha and the hortatory epilogue, the writers shifted from the corporate "you" (pl.) to the particularizing "you" (sg.), in order to motivate a personal response on the part of the audience.

43   von Weissenberg, *4QMMT: Reevaluating the Text*, 120.

44   Cf. Hempel, "The Context of 4QMMT and Comfortable Theories," 283.

address is one of the most distinctive features of MMT, and is suggestive of an epistolary classification, it seems reasonable to concentrate especially on expressions framed in the first and second persons. In other words, we may suppose that the sections in which the writers directly addressed their audience, or alluded to their reason for writing, are most likely to be original. This naturally entails an element of circularity, and it does not guarantee that all such expressions are primary; nevertheless, it offers a viable point of departure.

4   The Genre and Function of MMT

To return to the question of genre, notwithstanding the suggestive characteristics listed above, the lack of formal epistolary features, such as opening and closing formulae, has led many to doubt MMT's classification as a genuine letter. This has, in turn, led to a number of alternative proposals, including a treatise, a legal proclamation, a fictive or "pseudo-epistle," and even a reformatory declaration.[45] Broadly speaking, discussions of genre have tended to follow two paths. On the one hand are those who understand MMT as an attempt to persuade the audience to side with the writers in opposing the views and practices of a third party; on the other hand are those who understand the audience to be sympathetic to their views.

An example of the first approach is Fraade's suggestion, noted above, that MMT was a direct communication to members, or prospective members, of the community. The simplicity of this explanation is appealing; however, the closest contemporary parallels for the sort of formative constitutional text envisaged by Fraade come from the Dead Sea Scrolls (e.g., the Community Rule and the Damascus Document), and without wishing to draw too close a correlation or impose too rigid an expectation of uniformity, these are written in the third person. The second person address which characterises MMT is, thus, *sui generis*. Consequently, while the suggestion that MMT was an intramural instructional text offers a satisfactory explanation for the multiple copies found in Cave 4, its value is less certain when it comes to the original form and function of the text.

Be that as it may, the possibility remains, as noted by Fraade and others, that MMT was a "pseudo-letter."[46] In other words, it may have been a fictional

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45   The various arguments have been surveyed in Hanne von Weissenberg's monograph-length study of MMT, *4QMMT: Reevaluating the Text*, 144–68.

46   Fraade, "To Whom It May Concern," 524, and n. 61; cf. Phillip R. Callaway, "Qumran Origins: From the *Doresh* to the *Moreh*," *RevQ* 14 (1990): 649; Grossman, "Reading 4QMMT:

communication between the leadership of the community and its extramural opponents. However, the suggestion that MMT was a "pseudo-letter" ultimately rests on the contention that there is nothing in it that *necessitates* an extramural addressee.[47] As such, the interpretation of the text depends on its explanatory power, and the possibility that MMT was composed as a genuine letter remains a viable explanation for its literary form. Given the arguments presented here, the suggestion that it is a fictive letter seems to add one more step than is necessary.

An example of the second approach is the hypothesis proposed by Hanne von Weissenberg, who preferred to eschew the nebulous class of "letter" or "literary epistle" and ultimately resigned herself to describing MMT as an adaptation of the older covenantal pattern (*Bundesformular*) known from the Hebrew Bible.[48] She went on to observe that "[i]t would be preferable, in order to prevent too far-reaching historical reconstructions, if the title 'Halakhic Letter' was abandoned," and instead interpreted the use of the first and second person as a rhetorical device to foster the audience's self-identification with the "you" of the addressee(s).[49] In short, she identified MMT as a unique composition, modeled on the Deuteronomistic covenantal pattern, which was intended to outline a normative standard for cultic praxis and ritual purity.

In the end, von Weissenberg did not offer a firm opinion about the original *Sitz im Leben* of MMT, but observed that:

> The original setting of 4QMMT and the purpose of its composition reflect the issues where the halakhic interpretation of the author/redactor of 4QMMT differed from those of the Temple establishment, or (other) priests in general. The author/redactor must have been seriously concerned for the Temple and the purity of the cult. The differences in the halakhic interpretation and requirements of the level of ritual purity could have led the group or community behind 4QMMT to distance themselves from the practices that, according to their understanding, were polluting the Temple and violating its sanctity. There is, however, no need to assume a complete separation from the Temple and Jerusalem.[50]

Genre and History," 3–22; eadem, *Reading for History in the Damascus Document: A Methodological Study*, STDJ 45 (Leiden: Brill, 2002), 67–68.

47   Fraade, "To Whom It May Concern," esp. 524–25.

48   Ibid., 165–167.

49   Ibid., 167–68; cf. Brooke, "Luke—Acts and the Dead Sea Scrolls," 82.

50   Ibid., 222.

Consequently, she tentatively proposed that MMT might have been written as a reformatory declaration, containing a set of guidelines and justifications for the transformation of the Jerusalem cult.[51] Even so, she was careful to differentiate this from the "treatise" genre—which she defined as "an elaborate and systematic exposition of important or central ideas, theories, or doctrines [...] generally intended for a wider audience"—arguing that it is "far from certain that the collection of laws in the Halakhic section is meant to give a 'systematic exposition' of the whole halakhic system or the distinguishing 'fundamental principles' of the author/redactor of 4QMMT."[52]

The appeal of von Weissenberg's interpretation is that it is based solely on the internal evidence of the extant manuscripts. Yet two considerations, neither of them decisive, mandate a degree of caution. First, it should be noted that there are very few examples of such literary manifestos with which to compare MMT. Indeed, von Weissenberg offered no parallels (other than the Deuteronomic *Bundesformular*) to support her case. Yet, in functional terms, it seems the clearest examples can once again be found in early Christian epistolary texts (e.g., Acts 15:15–29; Ephesians). As such, von Weissenberg's thesis seems to fall foul of her own cautionary remarks regarding epistolary classifications, namely that "[t]he most appropriate parallel texts were either written in or translated into a language other than Hebrew or they are of a considerably later date."[53] Second is MMT's peculiar linguistic register. Based on other examples of didactic and halakhic texts from the Second Temple period, particularly among the Dead Sea Scrolls, one might expect such a declaration to adopt a conservative, biblicizing register; however, as noted above, parts of MMT seem to be written in a form of vernacular Hebrew.[54] This peculiarity is, perhaps, all the more surprising in light of the biblical covenantal model von Weissenberg adduced.[55] In other words, it is *a priori* surprising that the Deuteronomic influence would extend to MMT's structure, but only to a lesser degree its grammar and syntax.

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51 Ibid., 221–22. Her implication seems to be that it was written by a group attached to the temple.

52 von Weissenberg, *4QMMT: Reevaluating the Text*, 159–161. As examples of "treatises" von Weissenberg adduced the writings of Philo of Alexandria and the so-called "Treatise of Shem." Other examples, which she did not consider, include the writings of Aristotle or Ben Sira.

53 Ibid., 168.

54 On the reason for this, see below.

55 Note, especially, her observation that "[a]pparently, the author/redactor of 4QMMT had a model in the covenantal pattern of biblical laws (*Bundesformular*), and Deuteronomy in particular," von Weissenberg, *4QMMT: Reevaluating the Text*, 231.

What both of the above approaches have in common is the assumption that MMT was written by a conservative party in order to persuade or assure their audience that their views and practices were preferable to those of their opponents. But what is to say that the stance of the audience was any less extreme than that of the writers? After all, the only thing we can state with confidence on the basis of the halakhic section is that the views and practices of the writers differed from those of their opponents. In fact, we cannot even say which of the two was the more conservative, since the assumption that the writers sought to provoke a return to an earlier cultic and ritual standard seems to be ultimately indebted to Qimron and Strugnell's beleaguered hypothesis.[56] Moreover, the suggestion that MMT was written by an ultra-conservative faction seems ultimately to be motivated by its presumed polemical function. To be sure, in the halakhic section the writers' views are framed in reference to those of a third party, but to suggest that the denigration of that group was the primary purpose of the text is to overstate the case considerably. Indeed, as noted above, MMT's overall tone is remarkably eirenic, especially in the epilogue, where the addressees are exhorted to alter their behaviour, and the opponents are not even named (e.g., 4Q398 14 ii 4–8). This seems to suggest that its intended function was conciliatory. In other words, in sending the letter the writers' principal hope was to bring about a change of view and a reunion with the addressees.

5   The *Dramatis Personae*

Evidently much depends on the identification of MMT's *dramatis personae* and the relationships between them. The first group encountered in MMT is the authorial "we" party. Considerable work has gone into the identification of the authors on the basis of the halakhot, but the results have been inconclusive.[57] Certainly there is nothing to connect them directly with Qumran or the "Teacher of Righteousness," as proposed by Qimron and Strugnell.

Once the uncertain association of the authors with Qumran is set aside, the logical assumption is that it was the recipients, not the senders, who were responsible for MMT's copying and preservation. Indeed, Lester Grabbe seems to

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56   See, similarly, Yaakov Elman, "Some Thoughts on 4QMMT and the Rabbinic Tradition, Or, When is a Parallel not a Parallel?" in *Reading 4QMMT*, ed. Kampen and Bernstein, 99–128.

57   For a detailed discussion, with additional references, see von Weissenberg, *4QMMT: Reevaluating the Text*, 17–20.

have reached a similar conclusion, albeit for different reasons, when he asked, "[i]s a letter sent by a community likely to have *multiple copies* kept in the archives, as is the case here?"[58] To be sure, it is possible that the authors preserved the letter intramurally as a constitutional document due to the clarity of its halakhic statements, but that is no more likely than the possibility that it was copied by the recipients—assuming, of course, the halakhot were found to be acceptable by them.

What is far more interesting for the present purposes, then, is the identity of the "you" party, and the nature of their relationship to the "we" party. Unfortunately, the identity of the implied audience is almost as difficult to establish as that of the authors. Indeed, for the most part, the evidence pertaining to the "you" party is frustratingly vague.

The clearest evidence can be found at the end of the parenetic section, in 4Q398 14–17 ii 2–8 (cf. 4Q399 ii 1–5).[59] There we read:

[א]שׁ לעמדָ ולעמדָ לך לטוב שחשבנו התורה מעשי מקצת ³ **אליך** כתבנו **אנחנו** ואף [...] ²
וזהרחיק עצתך את שיֹתקֹן **מלפנו** ובקש אלה בכל הבן תורה ומדע ערמה עמך ⁴ יֹנֹ
דברינו מקצֹת **במצאךָ** העת באחרית **שתשמח** בשל ⁶ בליֹעל ועצֹת **רעה מחשבת** ממך
ולישראל ⁸ לך לטוב **לפנו** והטוב **הישר בעשׂותך** לצדקה לך ונחשבה ⁷ כֹן

² [...] Therefore we have written to you ³ some of the works of the Law which we deem to be for your good and that of your people, when we [saw] that ⁴ you have wisdom and knowledge of law. Consider all these (things) and seek from him that he will straighten ⁵ your counsel and keep evil schemes and the counsel of Belial far from you, ⁶ so that at the end of time you may rejoice at finding some of our pronouncements are true. ⁷ And it shall be reckoned to you as righteousness when you do what is upright and good before him, for your good ⁸ and that of Israel.

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58   Emphasis added. Grabbe, "4QMMT and Second Temple Jewish Society," 90–91, n. 5.

59   Fortunately, these are some of the best-preserved lines of the text. They probably formed the conclusion to the whole document, since the last seven pre-ruled lines of 4Q399 col. ii are left uninscribed. This corresponds to a *vacat* extending to the end of the line in 4Q398 14. The transcriptions follow the composite text in DJD 10 and are checked against the photographic plates and the images in the *Leon Levy Dead Sea Scrolls Digital Library* (http://www.deadseascrolls.org.il/). Sections in bold indicate letters that have been supplemented from a corresponding section in another manuscript, represented by underlined or outlined letters in the *editio princeps*. It is not necessary in this place to differentiate between individual manuscripts.

Several points are worthy of special consideration: first, the reference to you and your people (line 3) seems to imply that the primary addressee of the parenesis was the leader of a group (cf. ואתם יודעים in the halakhic section);[60] second, the tone with which the "you" party is addressed is remarkably conciliatory, and even borders on flattery (line 4); third, the writers evidently believed the addressees were in error on some point, and were writing to them with a view to convincing them to change their course of action (lines 4–5); fourth, the addressees could be expected to agree with the writers on the halakhic matters outlined in MMT (line 6; cf. 4Q397 16 7–8 + 18 10); and fifth, the gravity of the situation is indicated by the writers' apparent belief that the addressees' behaviour would have repercussions for the whole nation (line 8).[61]

Two other parties are referred to in MMT, namely, the third person "they" party, and "the people" (העם).[62] The "they" party are those with whom the writers disagreed on a number of halakhic matters. It is worth noting with von Weissenberg, however, that although the identification of the "they" party is complicated by the fragmentary state of the text, all the references to them are in rulings that deal with sacrifice or slaughter, that is, matters related to the priests and their duties.[63] In other words, the "they" party can plausibly be identified with the priests, who are referred to at several other junctures in the halakhic section. This, together with the halakhic matters treated in MMT, would seem to confirm that the catalyst which impelled the writers to compose the letter centered on a controversy in the Jerusalem temple.

If that is the case, then the priestly party is almost certainly to be distinguished from the majority of the people from whom the authors claim to have separated (4Q397 16 6), assuming that reading is correct (see below). Indeed, the differentiation between the people and the priestly party is consistent with Hempel's observation that in MMT the people are "on the whole a positive entity" who seem to have been led astray by the priests (cf. 4Q394 3–7 ii 13–14).[64] As Hempel writes, "the group with whom the authors are in dispute are not the

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60   This is also suggested by the illustration of the kings of Israel in 4Q398 11–13 7–8; cf. George J. Brooke, "The Significance of the Kings in 4QMMT," in *Qumran Cave Four and MMT: Special Report*, ed. Z. J. Kapera (Krakow: Enigma, 1991), 109–13. Note that ועמך seems to be omitted from the parallel section in 4Q399 col. i. It is possible, however, that לך could be understood as the possessive pronoun, in which case we should read לך ול[ע]ם ול[ך].

61   What is less clear is the extent to which the statement may be hyperbolic.

62   As distinct from 'your people' in the epilogue.

63   von Weissenberg, *4QMMT: Reevaluating the Text*, 136.

64   Hempel, "The Context of 4QMMT and Comfortable Theories," 288–89. This is seen most clearly in B.26–27, where we read "the priests should [take care] concerning all [these] things [so as to not] cause the people to bear guilt."

people, but misguided priests. By contrast, the authors appear […] to display a protectionist attitude towards the people, not an antagonistic one."[65] This protectionist attitude is perhaps seen most fully in the concern for the welfare of the nation expressed at the end of 4Q398 and 4Q399.

6 The Declaration of Separation

This brings us to the writers' declaration that "we have separated from the multitude of the pe[ople]," [ם]פֵרשְנו מרוב העֵ[ם] (4Q397 16 6). The declaration has been viewed as a *crux interpretationis*; however, it is complicated by two factors.[66] First is the uncertainty about the placement of 4Q397 frags. 14–21 within the overall context of the epilogue. In the composite text, these fragments were placed at the beginning of the epilogue, and as such, effectively set the tone of the whole letter. More recently, von Weissenberg has suggested they should be positioned after 4Q398 frags. 11–13, and offered a more modest interpretation of the separation, which, she suggested, could be understood in terms of a simple disagreement over halakhic stances.[67]

Second, the word עם is almost entirely restored. Only a low diagonal stroke remains after *he*, yet *ayin* is a probable reading. The *mem* is entirely restored, but it is plausible in the context. Based on a close philological and comparative analysis, however, Elizur Bar-Asher Siegal proposed the restoration of the plural העמים, arguing for an intertextual relationship with similar expressions in Deuteronomy and Ezra. As such, he interpreted the clause as a covenantal expression, referring to the separation of Israel from the nations.[68]

The intertextual parallels adduced by Bar-Asher Siegal carry some weight, but it should be noted that a pillar of his argument is his assertion that the declaration does not contain a reference to the way (דרד) of the opponents, which might be expected on the basis of similar expressions in other texts (e.g., 1QS 5:10–11).[69] This objection loses some force, however, when it is recognised that the left-hand margin of 4Q397 frag. 16 is lost. The precise number

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65   Ibid., 289.
66   In his philological notes Qimron observed that this is the first attestation of the meaning 'depart, secede' for פרש, DJD 10:58, 111.
67   von Weissenberg, *4QMMT: Reevaluating the Text*, 102–4, 222.
68   Elizur A. Bar-Asher Siegal, "Who Separated from Whom and Why? A Philological Study of 4QMMT," *RevQ* 25 (2011): 245–46, 249.
69   Ibid.

of letter spaces is uncertain, but there is probably room for about 10–15 letters, plus spaces.[70] Accordingly, the lacuna could conjecturally be filled with an expression such as שסרו מדרך מצוותו, "who have turned from the path of his commandments" (cf. 4Q397 18 12 + 19–20 1; CD 8:4).[71] But even this may be unnecessary since, as noted above, MMT is generally devoid of the sorts of sectarian terminology typically associated with other halakhic texts.

Whatever the case, if MMT is understood to be a letter sent to, not from, the *yaḥad* (or some similar community), as I am suggesting here, then the question of the writers' separation is effectively a moot point. Indeed, it would be mistaken to attempt to deduce the addressees' origin or identity from this statement.

The verb פרש may denote a physical separation, but as von Weissenberg and Hempel have observed, there is little to suggest anything more than "a particular halakhic stance."[72] In fact, Hempel has convincingly argued that the notion of the authors' withdrawal from the temple seems to proceed from the presumption that MMT was written during the schism which led to the formation of the Qumran sect—a view which is difficult to maintain in light of the eirenic tone of the document.[73]

Immediately following the declaration is an appeal to the audience to bear witness to the writers' actions: "you k[now that no] transgression, deceit, or evil [can be] found in our actions, for concerning [these things w]e give …," [...א] ואתם י[ודעים שלוא] י[מ]צא בידנו מעל ושקר ורעה כי על [אלה א]נחנו נותנים (4Q397 16 7–8 + 18 10). The significance of the expression lies in the writers' overt assumption that the readers would affirm the virtue of their actions. There is little, if any, supplication or qualification at this point. Consequently, the rhetorical function of the statement seems to be to establish an *a fortiori* (*qal vaḥomer*) justification for the readers to align themselves with the writers. In other words, because the audience could affirm the writers' stance on this point (viz. the matter of separation), they should affirm the writers' course of action more generally. A tantalizing corroboration of this interpretation comes

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70   Calculation of the available space is complicated by the uneven letter spacing of the manuscript.

71   Or שסרו מן הדרך שצום, "who have turned from the path that he commanded them" (cf. Deut 31:29). The restoration is adapted from 4Q397 frag. 18, line 12 + frags. 19–20, line 1, ואף כתוב ש[תסור] מהד[ר]ך, which is itself a paraphrase of Deut 31:29, see DJD 10:59; cf. לא סרו מדרך בוגדים, CD 8:4–5. The *plene* orthography of מצוותו is consistent with the practice throughout 4Q397.

72   von Weissenberg, *4QMMT: Reevaluating the Text*, 222; Hempel, "The Context of 4QMMT and Comfortable Theories," esp. 287.

73   Hempel, "The Context of 4QMMT and Comfortable Theories," 287.

from the last lines of 4Q398 14 ii (see above), where the writers seem to adopt a more equivocal tone, suggesting they were perhaps less confident of the readers' agreement than this line alone might suggest.

To summarize, then, it seems the writers were opposed to the practices of a priestly party, which led them to separate themselves from the multitude of the people who had been led astray. The nature of the separation is not made explicit; it may have entailed a physical separation, or else it may have entailed a divergence of religious praxis. In any case, its nature is inconsequential to the question of the addressees' identity, except that they were presumed to have approved of it. Indeed, the implied audience seems to have been a group, or rather the leader of a group, with whom the senders felt some affinity, but about whose actions they were concerned. Consequently, they wrote the letter in order to outline their halakhic position, and to urge the audience to modify their behaviour before straying too far.

7   Why Was MMT Written?

The question remains: From what action, or actions, were the writers trying to dissuade their audience? In view of the reference to separation and the emphasis on cultic matters in the halakhic section, it seems that there are at least two possibilities. The first is the view that has dominated the literature around MMT, namely that the addressees were in danger of following the ways of the errant priests, and that the writers' intention was to warn their audience and persuade them of a better way (i.e. that of the writers). An alternative possibility is that the addressees shared the writers' concerns about the practices of the priests, but were more extreme in their response to them, and that MMT was written in order to urge restraint.[74] If the latter, then the writers' overt presumption that the audience would approve of their separation (whatever that entailed), may in fact imply a similar, or greater, separation on the part of the addressees. That is to say, it is possible that the addressees had gone even further than the writers and had disassociated themselves entirely from the temple.[75] Such drastic separation may have been viewed as a cause of alarm by the writers, who subsequently wrote to the separatists in order to persuade

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74   A similar restrictive intent can be seen in later Christian and Roman writings, e.g., Acts 15:23–29; Gal 5:2–12; cf. the far milder tone in several of the letters of Seneca, e.g., Letter 2.

75   This interpretation makes good sense of the paraphrase of Deut 30:1–3 in 4Q398 14–17 i 5–8 (cf. 4Q397 14–21 12–14), insofar as the latter addresses the topic of return after a period of exile. Moreover, the general plausibility of such separation is supported by the

them to continue participating in the sacrificial cult. This would certainly be consistent with the writers' conviction that the addressees' behaviour would have repercussions for the whole nation. If so, then the inclusion of the halak-hot may have been intended to enlist the addressees' help in the reform of the temple cult, or else to meet the perceived needs of the separatists, who may not have developed a systematic halakhah of their own. In other words, it is possible that the addressees' stance was even more extreme than that of the writers, and that the letter was written in order to outline a manner of con-tinuing to observe the temple cult without participating in what the authors perceived to be the heretical practices of the priests.

According to this reframing, the biblicizing register of the epilogue would have served an important affective role, supporting the persuasive function of the parenesis. As noted above, by couching their appeal in archaizing prose and citing proof-texts and historical illustrations, the writers could invoke the full force of the literary tradition as a source of authority for the legal interpre-tations contained in the halakhic section.[76]

The possibility that MMT was written to a more extreme separatist group is difficult to prove, as there is no explicit statement to the effect in the extant portions of the text. However, there may be an indirect clue preserved in the writers' appeal to the addressees to bear witness to their behaviour. By insist-ing that "you k[now that no] transgression, deceit, or evil [can be] found in our actions" (4Q397 16 7–8 + 18 10), it is almost as if the writers were concerned that the addressees might think they had not gone far enough (note the more cautious tone in the appeal at the end of the epilogue), and therefore encour-aged their readers to distinguish between them and their opponents. In other words, in addition to aligning the audience with the writers, the rhetorical ef-fect of the appeal seems to be restrictive—it is as though they were saying "we have gone so far, but no further; we have parted ways with the priests on these matters of cultic praxis, but we still hold participation in the sacrificial cult of the temple to be indispensable." It should be reiterated, moreover, that this interpretation does not in any way require that the verb פרש be understood as denoting a physical separation.

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apparent allusion to the substitution of prayer for sacrifice in 1QS 9:4–5 (on the nature of the relationship between the audience of MMT and the *yaḥad*, see below).

76   This is tied to the complex question of scripturalization. At the very least, the examples adduced by the writers testify to the authorizing weight of history.

8   MMT in a Qumran Context

What then, are the implications of this reframing for the place of MMT within the Dead Sea Scrolls corpus as a whole?

It should be observed at the outset that the material fact that the manuscripts of MMT were discovered among other manuscripts in Cave 4 justifies a comparative approach.[77] Moreover, Hempel has argued convincingly that a common legal tradition lies behind the halakhot of MMT and the Damascus Document (D), concluding that "the close relationship between the halakha [sic.] stratum of D, particularly the catalogue of transgressions, and the halakhic portion of MMT is beyond doubt."[78] This is consistent with the possibility, acknowledged above, that the halakhot of MMT may have been adapted from a pre-existing set of rules. But that is not to say that MMT was necessarily modelled on D, since both traditions may have drawn on a common antecedent. Similarly, a shared literary or halakhic tradition seems to lie behind portions of D and the Community Rule (S).[79]

Since the publication of the Cave 4 material, it has increasingly been recognized that all three halakhic traditions evince signs of diachronic change. This diachronic variation complicates attempts to establish the relationship between them, but it seems to me that MMT, if it is understood as a letter sent to a separatist party, is well suited to bridge the gap between the D and S traditions. More specifically, MMT may reflect the incipient period of a separatist group, who later went on to produce S, but from the point of view of their interlocutors. If so, then the writers of MMT might plausibly, if provisionally, be identified with the community reflected in D, or their precursors, who

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[77]   As noted above, this needn't presuppose that the Scrolls represent a single community's holdings or that they reflect a common worldview.

[78]   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 for the Study of the Dead Sea Scrolls and Associated Literature, 4–8 February, 1998*, ed. Joseph M. Baumgarten, et al., STDJ 34 (Leiden: Brill, 2000), 70–84, esp. 83. Hempel's observation that "4QMMT's focus on Jerusalem and the Temple is more pronounced than in the halakhic parts of D" supports the view that MMT was written to address a specific situation.

[79]   See, for example, Charlotte Hempel, "The Earthly Essene Nucleus of 1QSa," *DSD* 3 (1996): 253–69; eadem, "CD Manuscript B and the Community Rule—Reflections on a Literary Relationship," *DSD* 16 (2009): 370–87; eadem, "Shared Traditions: Points of Contact Between S and D," in *The Dead Sea Scrolls: Transmission of Traditions and Production of Texts*, ed. Sarianna Metso et al., STDJ 92 (Leiden: Brill, 2010), 115–31; Sarianna Metso, "The Relationship between the Damascus Document and the Community Rule," in Baumgarten et al., *The Damascus Document: A Centennial of Discovery*, 85–93.

apparently practiced a life of semi-detachment with some form of continued interaction with the temple (e.g., CD-A 11:17–12:2; 16:13–14).[80]

Further indirect support for the identification of the writers of MMT with the D tradition may be found in the glosses identifying Jerusalem with the "camp" (e.g., 4Q394 3–7 ii 16–18; 8 iv 9–12), which are reminiscent of the "camp" terminology in sections of D (e.g., CD-A 7:6–8; 12:22–14:18).[81] But notwithstanding this similarity, as was noted above, one of the distinguishing features of MMT is the absence of sectarian terminology, and this may be a sign that the addressees were outside, or on the periphery of, the writers' speech community. This possibility seems to be supported by the writers' choice to include the extensive halakhah, and the expression, "these are some of our pronouncements," אלה מקצת דברינו (4Q394 3a i 4), which seems to presuppose limited prior knowledge. In other words, it is likely that that the addressees of MMT were originally independent of the D-group, and that the letter was intended as a way to establish a relationship with them. This might also go some way toward explaining why the writers were at such pains in the epilogue to convince the addressees of the virtue of their own position.

If we pursue this line of enquiry further, then the inference that the writers of MMT were concerned about the addressees' withdrawal from the temple aligns well with the silence of the S tradition regarding the temple, and those passages which seem to point to a separation by the *yaḥad* (e.g., 1QS 9:4–5). It may, therefore, be possible to use MMT to tentatively reconstruct the early history of the *yaḥad*.

The evidence for the initial separation is too equivocal to permit confident deductions about its precise cause and date, but, as noted above, it is highly likely that the origin of both the D-group and the addressees of MMT centered on a disagreement with the temple establishment. As such, the controversies surrounding the high priesthood in the mid-second century offer a plausible context. Given the tone of MMT, and the fact that it reflects a well-established halakhic tradition, it is reasonable to infer that the D-group separated first, at

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80   The attitude toward the temple in CD is difficult to ascertain. CD-A 6:12–14 have often been interpreted as a sign of the community's separation from the temple; however, it should be noted that Mal 1:6–2:9, on which these lines are based, is critical of improper practice, but does not enjoin the abrogation of the cult. Overall, participation in the temple cult seems to be presumed in CD, albeit with reservations; cf. the discussions in Hilary Evans Kapfer, "The Relationship between the Damascus Document and the Community Rule: Attitudes Toward the Temple as a Test Case," *DSD* 14 (2007): 152–77; and Charlotte Hempel, *The Laws of the Damascus Document: Sources, Tradition, and Redaction*, STDJ 29 (Leiden: Brill, 1998), 37–38.

81   On the redactional place of the "camp rules" within CD, see Hempel, *The Laws of the Damascus Document*, esp. 11.

least in terms of their halakhic stance. Whatever the case, the D-group evidently continued to participate in the temple, in some manner. At a later stage—there is no way of knowing how much later, it may be a matter of months or years—the addressees of MMT chose to disassociate themselves entirely from the temple. It was this that prompted the D-group to write to them in hopes of reunion and restoration. Evidently, their appeal to the addressees to return was unsuccessful, and they ultimately went on to form the *yaḥad*. Even so, the halakhot must have met with some approval, since the letter continued to be copied over a prolonged period.[82] Finally, the redating of Stratum 1b at Qumran to the beginning of the first century BCE suggests that we should be wary of drawing too close an association between the addressees of MMT and the Qumran community.[83] But that does not mean they were unrelated. After all, MMT indicates nothing about where the addressees were located.

Such hypothetical reconstructions must, of course, be held lightly; however, this scenario has the added appeal that it goes some way toward explaining the similarities between the halakhah of the D, S, and MMT traditions, and the fact that manuscripts representing each tradition were located together in Cave 4. That is, if it is correct that MMT reflects a relationship between the D and S-groups from the earliest days of the *yaḥad*, then the common ground and shared history of the communities might supply the impulse which led the tradents of MMT to copy it repeatedly over a protracted period. In other words, the clarity of the halakhic rulings, and the copyists' awareness of their association with another group of a similar but distinct disposition, ensured that MMT was viewed as an important foundational document of their community.

9   Adding the Calendar: The Diachronic Dimension

Finally, in one section the case for redactional growth seems to be relatively straightforward. As noted above, on at least one manuscript (4Q394 3a–4 i 1–3) a calendar was copied along with MMT.[84] The possibility that the calendar was an original part of MMT has been challenged on form critical grounds, but the

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82   This also offers some explanation for the similarities between the D and S traditions. Note, especially, 4Q265 which contains elements of both the D and S traditions.

83   Cf. Magness, *Archaeology of Qumran*, 63–66; cf. Hempel, "Shared Traditions," n. 14, with additional references.

84   There is now a broad consensus that the five-column calendar preserved on 4Q394 1–2 (= 4Q327), which was initially published as part of the composite text, does not belong with MMT. See the detailed discussion in von Weissenberg, *4QMMT: Reevaluating the Text*, 33–38.

general difficulty in identifying suitable form critical parallels for MMT renders such arguments inconclusive.[85] Nevertheless, in this case, there is paratextual evidence which suggests the calendar was viewed as a separate composition by the writer or copyist. Significantly, the last line of the calendar contains only the word יֹום, after which there is a *vacat* which runs to the end of the line. The following line commences with the words אֵלה מקצת דבֹרינו, "these are some of our pronouncements," which can be readily understood as the *incipit* of the halakhic section. It seems likely, then, that the writer or copyist of 4Q394, conscious of the thematic difference between the two sections, deliberately sought to maintain a visual distinction between them. This suggests that the calendar and letter were originally distinct compositions, which were subsequently copied onto the same manuscript.[86] The simplest explanation for this association is that both texts were felt to address related topics. Only the last lines of the calendar remain, but the repetition of the word Sabbath may suggest that it, like MMT, had a cultic focus.

Given the evidence for the repeated copying of MMT, it seems that, over time, it transcended its original function as a letter and was preserved as an intramural instructional or constitutional text, presumably because of the formative significance of the halakhot in the thought and practices of the addressees' community. It was probably in this secondary phase that MMT came to be associated with the calendar. And this is significant insofar as it suggests that the tradents maintained a hope for the eventual restoration of the temple cult.[87]

10   Conclusions

We began by asking, what would it look like if we viewed MMT as a letter sent *to* (not *from*) a separatist community? The fragmentary nature of the manuscripts means the answer to this question is complicated. Minimally, the eirenic tone of the letter—which is so problematic from the point of view of the older polemical interpretation—can be understood in terms of the writers' concern for the addressees, and their desire for reconciliation with them. The reason for their concern is not made explicit, but the emphasis in the halakhic

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85   Ibid., 129–33.

86   Note that there is no such delimitation between the halakhah and parenesis.

87   Intriguingly, as noted by von Weissenberg, an analogous situation seems to have occurred in the case of 4QS^e (= 4Q259), which concludes with the calendrical text 4QOtot (4Q319); von Weissenberg, *4QMMT: Reevaluating the Text*, 130–31.

section on ritual purity and the sacrificial cult suggests that it was probably related to the temple and the priests. It seems that the writers were concerned about the addressees' course of action and sought to motivate a behavioural change. As such, the letter was written to outline the writers' halakhic stance, and to persuade the readers through a carefully crafted argument of an alternative way. The evidence for the repeated copying of the letter and its diachronic growth indicates its ongoing relevance for the copyists' community, and this enduring significance can probably be explained by its use as an intramural constitutional text, owing to the clarity of its halakhic rulings.

Maximally, the writers' preoccupation with the temple cult in the halakhic section, and the urgency of their rhetoric in the parenetic section, might suggest that the addressees had withdrawn from the temple, or at least participation in the sacrificial cult. This interpretation is consistent with the emphasis placed on the repercussions of the addressees' response for the whole nation. What's more, the careful formulation of the parenetic epilogue suggests an apologetic function. It is as if the writers were concerned the addressees would think they, themselves, had not gone far enough, and were attempting to persuade the readers of the virtue of their actions and beliefs. In its most extreme form, such an interpretation can be used to situate the letter between the D and S traditions. And if this association is accepted, then MMT remains an important early witness to the community, or communities, reflected in the Dead Sea Scrolls.

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The Place of the "Treatise of the Two Spirits" (1QS 3:13–4:26) within the Literary Development of the Community Rule

Peter Porzig

1   Introduction

This article focuses on the relationship between the so-called "Treatise of the Two Spirits" (1QS 3:13–4:26)[1] and its context in the Community Rule (1QS 1:1–3:12; 5:1–11:22).[2] Its aim is neither to give an exhaustive analysis of this relationship nor to give a detailed model for the redactional growth of the Rule. Instead, I would like to present observations and suggestions closely connected to the findings of Meike Christian on the presumed literary (redaction)

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1   Hereafter only referred to as the Treatise. For the sake of readability, I will also refer to the section before the Treatise, i.e., 1QS 1:1–3:12, as "1QS 1–3."

2   This context is the complete text of 1QS. For an overview of the S manuscripts, see Géza G. Xeravits and Peter Porzig, *Einführung in die Qumranliteratur: Die Handschriften vom Toten Meer,* De Gruyter Studium (Berlin: De Gruyter, 2015), 142–52. For the history of research as on the Treatise, see the work of Peter von der Osten-Sacken, who made the most important suggestions already in 1967: *Gott und Belial: Traditionsgeschichtliche Untersuchungen zum Dualismus in den Texten aus Qumran,* SUNT 6 (Göttingen: Vandenhoeck & Ruprecht, 1969), followed by Jean Duhaime, "Dualistic Reworking in the Scrolls from Qumran," *CBQ* 49 (1987): 32–56; "Les voies des deux esprits (1QS 4 2–14): Une analyse structurelle," *RevQ* 19 (2000): 349–67; and "Cohérence structurelle et tensions internes dans l'instruction sur les Deux Esprits (1QS 3 13–4 26)," in *Wisdom and Apocalypticism in the Dead Sea Scrolls and in the Biblical Tradition,* ed. Florentino García Martínez, BETL 168 (Leuven: Leuven Univ. Press, 2003), 103–31, as well as Eibert J. C. Tigchelaar, *To Increase Learning for the Understanding Ones: Reading and Reconstructing the Fragmentary Early Jewish Sapiential Text 4QInstruction,* STDJ 44 (Leiden: Brill, 2001), esp. 194–203. Miryam Brand's work *Evil Within and Without: The Source of Sin and Its Nature as Portrayed in Second Temple Literature,* JAJSup 9 (Göttingen: Vandenhoeck & Ruprecht, 2013) represents a combination of earlier positions, with additional important observations, not least on the contextualization in early Jewish literature. On the "external" character of the Treatise within the Community Rule, cf. also Brand, "Belial, Free Will, and Identity-Building in the Community Rule," in *Das Böse, der Teufel und Dämonen* (*Evil, the Devil, and Demons. Dualistic Characteristics in the Religion of Israel, Ancient Judaism and Christianity*), ed. Jan Dochhorn, WUNT 2/412 (Tübingen: Mohr Siebeck, 2016). The term "Dualistic Reworking" (Duhaime) might well describe a certain stratum in the literary history of the Qumran texts (cf. 1QM 1, etc. and see below).

history of the Treatise itself.[3] The analyses are also connected to James Tucker's thorough analysis of 4Q256 (4QSerekh ha-Yaḥad[b]) 5a–b.[4] I will suggest that the Treatise is a *Fortschreibung* (redactional extension) of an earlier form of the Community Rule, composed within the literary development of the Rule and for its present context. Sections 3 (the material evidence), 4 (textual observations), and 5 (thoughts on the inner-textual logic of 1QS 1–3) below give the reasons for this claim.

Before presenting my argument, I should note that it has often been argued or assumed that the Treatise existed independently before being incorporated into 1QS. This starting point is therefore first briefly reviewed. Yet, my primary aim is not to falsify these arguments, but to find a new argumentation by simply reading the Treatise closely within its context.

2   Traditional Argumentation for an Independent Treatise Text

In his 1995 book on wisdom and predestination, Armin Lange gives six main reasons why the Treatise cannot have originated in the Qumran community, which exemplify the arguments given in favor of this traditional view.[5]

1. Terms central for the *yaḥad* are not extant in 3:13–4:26; what is more, יחד is only used as an adverb there.
2. Only "non-Essene" ("non-sectarian") texts mention the divine name אל ישראל (1QS 3:24).

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3 Meike Christian, "The Literary Development of the 'Treatise of the Two Spirits' as Dependent on 4QInstruction and the Hodayot" (in this volume). The German term *Redaktionsgeschichte* is more to the point. A distinction between an "author" and a "redactor" traditionally made in Bible criticism seems no longer adequate, since a "redactor" is at the same time an "author," and *vice versa*. There should no longer be any difference in esteem.

4 James Tucker, "From Ink Traces to Ideology: A Reassessment of 4Q256 (4QSerekh ha-Yaḥad[b]) Frags. 5a–b and 1QS 6:16–17" (in this volume). This article cannot discuss *en detail* the parallels in the 4QS material edited by Philip S. Alexander and Geza Vermes, *Qumran Cave 4.XIX: Serekh ha-Yaḥad and Two Related Texts*, DJD 26 (Oxford: Clarendon Press, 1998); for these cf. Sarianna Metso, *The Textual Development of the Qumran Community Rule*, STDJ 21 (Leiden: Brill, 1997), 69–106, 107–49, also the conclusion 154–55. They reveal the redaction history of the Community Rule and present additions and even redactional "layers" to the reader who is acquainted with the findings of biblical literary criticism and redaction history.

5 On the following, cf. Armin Lange, *Weisheit und Prädestination: Weisheitliche Urordnung und Prädestination in den Textfunden von Qumran*, STDJ 18 (Leiden: Brill, 1995), 127–28. It is in no way my intention to specifically criticize Lange's presentation here. In the following, I use his thorough and helpful summary of arguments for practical reasons only.

3. Belial does not appear in the Treatise, but other characters are leaders in the sphere of evil.
4. The text does not mention ideas/*dogmata* that were central to the community, even where one would expect them (as in the catalogs of 1QS 4).
5. The "covenant," elsewhere used for membership in the community, will only be realized in eschatological times, in contrast to the remaining "Essene" ("sectarian") corpus.
6. The internal structure of the piece differs from the one suggested by the scribal signs, which might lead to the assumption of a "'redaction' of the text" that changed its meaning.

Whereas my task is not to provide a thorough evaluation of these observations—many of which are still valid but in my view lead to another conclusion than the independence of the Treatise (see below)—I will briefly explain why I do not think these arguments are fully satisfactory, and why other explanations for the nature of the Treatise may be helpful.

The first argument (*e silentio!*) is not unique to the Treatise but also applies to CD or 4QMMT where the word *yaḥad* is in fact not mentioned at all; even in 1QpHab, it is only found once ("council of the *yaḥad*," עצת היחד, in 12:4). The second argument about the divine name does not work since the "God of Israel" title is indeed biblical and often used in 1QM as well as quoted in 4QMidrEsch^a 2:18 // 4QMidrEsch^b 10:9, cf. also 4QDaily Prayers. Additionally, it might even be part of a later *Fortschreibung* of the Treatise. Thus, it fails as an argument against "sectarian" authorship. The third argument on Belial, again an *argumentum e silentio*, can easily be explained once it is accepted that God in 3:13–4:26 is *not* portrayed as a dualistic counterpart of something evil, but as the creator of both the evil and the good sphere.

The fourth argument, again *e silentio*, only shows that the Treatise does not fulfill the expectations of a modern reader of "Essene" texts, and most probably not more. In contrast, the question should be addressed in the opposite direction: which insights do we gain about the theological and ethical views of the community from the Treatise? The demand to find "central" views of the community presupposes the answer to a question that would have to be asked instead. The fifth argument, the realization of the covenant, cannot so easily be reduced to the simple alternative "in the present time" or "in the eschaton," and the problem of a realization of the "present time" covenant membership (cf. 1QS 2:11–18 and the "crypto-sinners") is, if at all, first seen (or "solved") by the Treatise. Membership in the new covenant always stands in the shadow of the coming judgment, the פקודה. "It is eschatology that ultimately provides the framework within which unambiguous group identity can

be retained."[6] Finally, regarding the sixth argument, the internal and external arrangement of the Treatise alone does not suffice to show a redactional re-working. The opposite is true: the text can be understood in the framework of the structure which the scribal signs indicate. They divide the Treatise into five sections: 1QS 3:13–18; 3:18–4:1; 4:2–8; 4:9–14; and 4:15–26,[7] which correspond to the introduction, an elaboration on the character of the two spirits of truth and falsehood, a description of their "ways in this world" ("good" spirit in 4:2–8, "evil" spirit in 4:9–14), and finally their essence, origin, and fight against each other, including within the heart of man (esp. lines 23–26). There is no need to assume a difference between an internal and an external structure. Such a difference might well result from a modern understanding of the Treatise and its structure.

I will now turn to discuss the Treatise as *Fortschreibung* of an earlier form of the Community Rule.

3   Material Evidence

The Community Rule (1QS) was among the first known Dead Sea Scrolls, pub-lished by Millar Burrows, John C. Trever, and William H. Brownlee as early as 1951, while the material from cave 4 (4Q255–264 = 4QS[a–j]) was only fully pub-lished in 1997 by Sarianna Metso, and in 1998 by Philip S. Alexander and Geza Vermes in DJD 26.[8]

The literary- and redaction-critical study of Metso stands out for its recon-struction of the textual history of the Serekh texts from Cave 4 in relation to

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6   Loren T. Stuckenbruck, "The Interiorization of Dualism within the Human Being in Second Temple Judaism: The Treatise of the Two Spirits (1QS 3:13–4:26) in Its Tradition-Historical Context," in *Light against Darkness: Dualism in Ancient Mediterranean Religion and the Contemporary World*, ed. Armin Lange et al., JAJSup 2 (Göttingen: Vandenhoeck & Ruprecht, 2011), 165.

7   In detail: 1QS 3:13–18 (*vacat* at the end of 3:12, scribal mark before and indention of 3:13, scribal mark after 3:18), 1QS 3:18–4:1 (*vacat* at the end of 4:1, scribal sign before and indention of 4:2), 4:2–8 (ditto), 4:9–14 (ditto), and 4:15–26 (indention of and extraordinary scribal mark before 5:1). A small *vacat* in 4:6 separates the conclusion of this section from the remainder of its text.

8   Millar Burrows (with John C. Trever and William H. Brownlee), *The Dead Sea Scrolls of St Mark's Monastery, Vol. 2: The Manual of Discipline* (New Haven, CT: ASOR 1951); Alexander and Vermes, DJD 26. This history of publication includes efforts by Józef T. Milik, Elisha Qimron, Hartmut Stegemann, and Charlotte Hempel, as well as Ben Zion Wacholder and Martin G. Abegg, see further Alexander and Vermes, DJD 26:12–15. The few readable letters of the fragments labeled 5Q11 and 11Q29 are negligible for the argumentation.

1QS. She convincingly shows that the text of S has grown from a basic core found in 1QS 5–9* (without 8:15–9:11; beginning in 5:1, addressed to the *maśkil*) that tradents successively supplemented with the material in cols. 1–4; 8:15–9:11; and 10–11, respectively. This went hand in hand with an updating of the core columns that now, in 1QS, in general feature a longer text than the forms represented in 4QS[b,d] and 4QS[e], with added "scriptural" quotations and other insertions plus minor changes.[9]

Without denying the existence of comparable and linguistically close material, it can be said that *no verbatim parallels* to the Two Spirits Treatise (in its 1QS form) have been found in other manuscripts.

In a 2004 article, Eibert Tigchelaar proposed that only two manuscripts (other than 1QS) provide evidence for the Treatise: 4Q255 (frag. A), and 4Q257 cols. 5(–6) (frag. A). In addition, he refers to "a purported citation in 4Q502 (4QpapRitual Marriage) 16, a parallel in 4Q525 (4QBeatitudes) 11–12, and a loose quotation in CD II 6–7."[10] Regarding 4QpapS[a]/4Q255, "the evidence is minimal" (Alexander and Vermes: "we may have here the remnants of an alternative version"), and for 4QS[c]/4Q257, Tigchelaar again quotes Alexander and Vermes saying that the text "must have been different from that in 1QS."[11] Tigchelaar then proposes re-attributing certain fragments to different manuscripts, which in his view results in additional manuscript evidence for the Treatise: 4Q502 16 and 4Q487 (4QpapSap B?) 37 should be assigned to 4Q255, and the fragments formerly known as 1Q29 13–17 belong to a separate "new" manuscript he calls 1Q29a (1QTwo Spirits Treatise?).[12] These passages do indeed use very similar

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9   This is only a rough sketch of the development. Of course, the respective decisions need to be made independently in each case. For a more complex picture, cf. the work of Alison Schofield, *From Qumran to the Yaḥad: A New Paradigm of Textual Development for the Community Rule*, STDJ 77 (Leiden: Brill, 2009). The basic idea was already suggested by Józef T. Milik, ed., *The Books of Enoch: Aramaic Fragments of Qumrân Cave 4* (Oxford: Clarendon, 1976), 61–64. For a more detailed argumentation based on the material findings, see Xeravits and Porzig, *Einführung in die Qumranliteratur*, 142–52.

10   Eibert J. C. Tigchelaar, "'These Are the Names of the Spirits of …': A Preliminary Edition of *4QCatalogue of Spirits* (*4Q230*) and New Manuscript Evidence for the Two Spirits Treatise (*4Q257* and *1Q29a*)," *RevQ* 21 (2004): 538, who inadvertently speaks of 4Q257 as "4QpapS[b]" (and not 4QpapS[c]).

11   Tigchelaar, "'These Are the Names,'" 538; the quotes are from Alexander and Vermes, DJD 26:76, 78.

12   Naming is always difficult. Fragment 1Q29a 16 as it reads according to Tigchelaar,]‏תורת ○[(l. 1) and ?‏ות]‏תׄוׄלׄדׄ[(l. 2), is especially problematic as evidence for any form of the Two Spirits Treatise because of the first line's apparent mention of the "*Torah* of" (Moses? God?). Not only is the word *Torah* never used in 1QS 1–4, it is alien, if not almost contrary, to the Treatise's line of thought. Abiding by the "Law" is something that even the opponents of the *yaḥad* would claim to do themselves. "Spirits" is a much more apt expression

vocabulary to 1QS 3:13–4:26 and seem to be representative of its theology and ideology.[13] Yet, in the cases of 4Q255 and 4Q257, the evidence proves the *non-existence* of a fixed text of the Treatise in these S manuscripts.[14] The remaining manuscripts (1Q29a, 4Q230, 4Q525, and CD 2) only present passages similar in style and vocabulary, not direct parallels.[15]

From the fact that the Treatise is not attested in 4QS^b (4Q256), 4QS^d (4Q258), and 4QS^e (4Q259), and that 4QS^d preserves as its beginning the parallel text of 1QS 5 (and no Treatise), we may conclude with Metso and others that the "Treatise was added to the textual form of 1QS at a rather late stage of the textual development."[16] Although this does not allow a precise statement about

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describing the innermost dimension of humans. In fact, the fragment should be read]נْחלֹת[(l. 1), and]תֹֹולׄ[(l. 2), which would fit the vocabulary of the Treatise better, but in no way makes it more likely to represent a manuscript fragment of the Treatise—since it then again would have contained a different (shorter) text; cf. the root נחל 1QS 4:15, 16, 24, and תולדות 1QS 3:13, 19; 4:15. Such evidence would need a reversed word order: A reading like ינחלו (1QS 4:15) is impossible for l. 1; see the IAA images of B-365699 = 1Q29(a) 16 (cf. Leon Levy Dead Sea Scrolls Digital Library website: https://www.deadseascrolls.org.il/explore-the-archive/image/B-365699; overview on https://www.deadseascrolls.org.il/explore-the-archive).

13   There can be no doubt that such a theology was popular over a certain period of the community's history. Meike Christian (in this volume); Duhaime, "Dualistic Reworking;" Annette Steudel, "Development of Essenic Eschatology," in *Apocalyptic Time*, ed. Albert I. Baumgarten, SHR 86 (Leiden: Brill, 2000), 79–86; and, from a slightly different perspective, von der Osten-Sacken, *Gott and Belial*, assume the redaction of several scrolls in light of this theology (see, e.g., 1QM 1 and certain passages in 4QInstruction).

14   The paleographical dating of these (the only two papyrus) manuscripts at (roughly) the same time as 1QS (4Q255 shortly before, 4Q257 shortly after 100 BCE) may be a sign of reworking and not just coincidental, although this does not tell us anything about the dating of the compositional stages. I find it hard to follow Tigchelaar's argumentation that "[t]he actual remains of 4Q257 reflect the *same text as 1QS*, be it *with some variants*," and "at some places 4Q257 may have had *an older and shorter version*, which was corrected towards the longer 1QS text" (idem, "'These Are the Names,'" 546, emphasis my own). As part of 4Q257, the respective fragment attests to a *variant* version of the Treatise.

15   1Q29a testifies to "a variant and […] shorter text" of the Treatise (Tigchelaar, "'These Are the Names,'" 544), which could well be a quotation by a late scribe (the *terminus ad quem* is the dating of the Herodian handwriting). The manuscript 4Q230 (*olim* 4QCatalogue of Spirits) shows only loose connections to the Treatise and merely provides evidence for the existence of catalogs such as the ones (later?) used in 1QS. 4Q525 witnesses a parallel to the Hodayot, and also CD 2:6–7 is closer to the Hodayot than it is to Serekh ha-Yaḥad. To take some examples: מקדם עולם is found in 1QH^a 5:18, 24, 27; 4Q299/Mysteries^a 3aii+b 12; the מלאכי חבל have a close parallel not only in 1QS 4:22 but also, e.g., in 1QM 13:12. The same is true for the פליטה, cf. 1QS 4:13; 1QM 1:6; 18:2. However, in this last case, the evidence seems to speak for a later allusion to the Treatise.

16   See Xeravits and Porzig, *Einführung in die Qumranliteratur*, 147–152.

its age and original purpose, the text seems to fit into the S context quite well, as Loren Stuckenbruck states:

> The instruction on the Two Spirits in the *Community Rule*, in its blend of several forms of polarizing conflict, may be said to have *originally functioned* in a way that is *analogous to its position and use in the Community Rule from Cave 1.*[17]

This would rather strongly support the hypothesis of a formulation of the Treatise for its present context (see below) and against an independent, if not older, document or "source" used by 1QS.

4   Observations on the Relationship between the Treatise and 1QS 5–11: Parallel Expressions and Points of Contact

It has often been noted that some of the keywords and formulations of the Treatise can be found not only in the preceding, but also in the following columns of the Community Rule scroll 1QS. The following section takes a brief look at some of the clear points of contact and tries to determine their relationship to the Treatise.

The formulations in the columns directly following the Treatise, 1QS 5–9, focus on the more practical aspects of communal life—primarily the "penal code"[18]—and are less concerned with philosophical or theoretical discussions. However, we find significant expressions and formulations parallel to the Treatise as well, although they seem to be somewhat sparse and less specific when compared to the preceding columns 1–3 or the following columns 10–11.[19] Columns 5–9, titled "rule for the men of the *yaḥad*," give an impression of a

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17   Stuckenbruck, "Interiorization," 168 (emphasis my own).
18   Cf. the helpful comparison chart in Schofield, *From Qumran to the Yaḥad*, 283–84. On the Penal Code, see now esp. Reinhard G. Kratz, "Laws of Wisdom: Sapiential Traits in the Rule of the Community (1QS 5–7)," in *Hebrew in the Second Temple Period: The Hebrew of the Dead Sea Scrolls and of Other Contemporary Sources*, ed. Steven Ellis Fassberg and Moshe Bar-Asher, STDJ 108 (Leiden: Brill, 2013), 133–45 (therein, cf. Kratz's critique of Schofield's model), and idem, "Der *Penal Code* und das Verhältnis von Serekh Ha-Yachad (S) und Damaskusschrift (D)," *RevQ* 25 (2011): 199–227.
19   Yet, many sapiential traits are clear to see. Kratz, "Laws of Wisdom," refers to this in the very title of his thorough analysis of these columns.

collection of more or less independent sets of instructions,[20] which recently have been identified as likely the literary core of the Community Rule.[21]

The first contacts can be sensed in 1QS 5:1–7a, in the very definition of the members of the *yaḥad*: evil is named עול (1QS 5:2; cf. 3:19, 21; 4:23, 24), and the community members shall represent אמת "truth" (cf. 3:19, 24; 4:2, 5–6, 17, 19–21, 23–25), יחד "unity" (cf. the opposite in 4:18), and ענוה "humility" (cf. 1QS 4:3 the "spirit of humility"), as well as justice (cf. 3:20, 22; 4:2, 4, 9, 24) and uprightness (cf. 3:17; 4:2, 4, 18, 20), compassionate love (cf. 3:26; 4:4, 5), and seemly behavior (1QS 5:3–4, cf. 1QS 3:24; 4:5). The members shall in no way be evil or "stiff-necked" (1QS 5:5; cf. 4:11)—in short, they are supposed to "lay a foundation of truth for Israel" (1QS 5:5; cf. 3:25: on the two spirits God has "established every deed" [יסד כול מעשה]).

Alongside this opening, those passages should gain special attention in which entering the community is the central theme. When entering the covenant, according to 1QS 5:23–24, "their spirit and their deeds must be tested" (להיות פוקדם את רוחם ומעשיהם, note the root פקד and the highlighting of both *spirit* and *deeds*),[22] and similarly 6:17, "until they test him about his spirit and about his deeds" (עד אשר ידרושהו לרוחו ומעשו). The פקודה, "testing," "examination," or "mustering" (cf. here the participle פוקד), is part of the ritual of admission to the community and is done by testing the spirit and deeds of the prospective new member. This double testing is expressed differently in 1QS 3:25 (and cf. 3:14; 4:4, 10, 20, 23): now the spirits are God's creation and are "made the foundation of every deed." The simple juxtaposition of "spirit" and "deeds" as an object of "testing" would hardly be understandable, had a

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20   On this passage within the composition, cf. esp. Charlotte Hempel, "The Treatise on the Two Spirits and the Literary History of the Rule of the Community," in *Dualism in Qumran*, ed. Géza G. Xeravits, LSTS 76 (London: T&T Clark, 2010), 102–20. Regarding the characterization of 1QS as a *Sammelhandschrift* ("composite manuscript"), cf. Hartmut Stegemann, "Zu Textbestand und Grundgedanken von 1QS 3,13–4,26," *RevQ* 13 (1988): 95–131, and idem, *Die Essener, Qumran, Johannes der Täufer und Jesus*, 10th ed., Herder-Spektrum 5881 (Freiburg im Breisgau: Herder, 2007), esp. 152–59; and following Stegemann, Lange, *Weisheit und Prädestination*. Others, e.g., Schofield, *From Qumran to the Yaḥad*, 87, also use the term "collection." While there certainly are distinct collections underlying the parts of 1QS, they are connected and interwoven in a comprehensive, overarching way in their present form. For example, it is hardly possible to define the character of 1QSa, once attached to the same scroll, as totally separated from the preceding "Community Rule" columns of the same scroll. Describing 1QS as a "collection" of rules blinds out this process of connecting and reworking the different underlying texts to produce a new entity.

21   Thus, Metso, *The Textual Development*, and eadem, *The Serekh Texts*, Companion to the Qumran Scrolls 9/LSTS 62 (London: T&T Clark, 2007).

22   Jutta Jokiranta, *Social Identity and Sectarianism in the Qumran Movement*, STDJ 105 (Leiden: Brill, 2013), 99–102, describes the "ranking" and its implications in detail.

single person authored both passages. One would not know how to explain a development that runs from the complex relation of spirit and deeds in the Treatise to this simple double testing. On the other hand, the opposite direction is quite easily understandable as a result of "frustration" (be it real or "theological") about not being able to "test" in an adequate way. According to the Treatise, only God himself can test the spirit(s), the origin of the "fruits" or deeds.[23]

In the final columns of 1QS, the parallels again become much more specific. The opening formula "for the משכיל" that was already used in 1QS 1:1 (possibly), and in 3:13,[24] defines the passage from 9:12 to column 11 and thereby to the end of the Community Rule. Among the duties of this "understanding one" (or *maśkil*," often translated "instructor"), we find (as in 1QS 9:14) the task to "separate and weigh the sons of righteousness" (reading בני הצדק with 4QS^e [4Q259] 3:10, instead of 1QS 9:14 בני הצדוק "sons of Zadok"), and to do this "according to their spirits (לפי רוחום),"and "he should carry out the judgment of each man in accordance with his spirit" (1QS 9:15).[25] In this case, belonging to one of the "spheres" seems to be comparatively certain (and safe). This is very different from the hymn in 1QS 11, which resembles the Hodayot hymns: "As for me, to God belongs my judgment; … and with his just acts he cancels my iniquities" (1QS 11:2–3). And further: "For from the source of his knowledge he has disclosed his light, and my eyes have observed his wonders, and the light of my heart the myste[ry] of existence (רז נהיה)" (1QS 11:3–4; note the sapiential

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23   Other terminological points of contact include "to visit/visitation" (פקד, 1QS 5:24; 6:21; cf. 3:14, 18, 26; 4:6, 11, 19, 26), "to destroy" (שמד *hiph.*, 1QS 5:19; cf. 4:19, connected to the visitation), "to decide/appoint" (חרץ, 1QS 8:10; cf. 4:20, 25), "to/a lie" (שקר, 1QS 5:15; 6:24; cf. 4:9, 21: the concrete "liar" turns into "lie" as a sign of the spirit of falsehood).

24   On the difficulties of these lines, cf. esp. Charlotte Hempel, *The Qumran Rule Texts in Context: Collected Studies*, TSAJ 154 (Tübingen: Mohr Siebeck, 2013), 242–43, 249. The material in between, esp. in columns 8–9 (8:15–9:11 missing in 4QS^e), is left aside here for the sake of readability and conciseness.

25   Cf. further the terms "to inherit/inheritance" (נחל, 1QS 11:7; cf. 4:15, 16, 24, 26, where 11:7 seems to surpass the Treatise), "time/end" (קץ, 1QS 11:9; cf. 3:23; 4:13, 16, 18, 25), "to walk" and "together/community" (הלך and יחד ה[אנשי], 1QS 9:6, 19; cf. 4:18), "jealous" (קנא, 1QS 9:23; 10:18; cf. 4:4, 10, 17), "mystery" (רז, 1QS 9:13; 11:3, 5, 19; cf. 3:23; 4:6, 18), "forever, everlasting/splendor" (נצח, 1QS 11:12 pl.; cf. 4:1, 7, 12, 19, all sg., cf. 1QH^a 12:26), "man" (גבר, 1QS 10:18; cf. 4:20, 23), "to cleanse" (טהר, 1QS 5:13; 11:14; cf. 4:21), "flesh" (בשר, 1QS 9:4; 11:7; 12:9; cf. 4:21); "knowledge" and "the Most High" (דעת and עליון, 1QS 10:12; cf. 3:15; 4:4, 6, 22), "sons of the heavens" (בני שמים, 1QS 11:8; cf. 4:22). In most of these cases, the usage and/or placement of these terms (in the context of 1QS 9–11) are similar to the Treatise; in some cases, the development seems to have gone even further. The picture remains a little blurred.

wording compared to 4QInstruction).[26] Indeed, the concrete picture turns into "transcendental" spheres:

לאשֿ בחר אל נתנם לאוחזת עולם וינחיֿלם בגורל קדושים ועם בני שמים חבר סודם
לעצת יחד וסוד מבנית קודש למטעת עולם עם כול קץ נהיה

> To those whom God has selected he has given them as everlasting possession; and he has given them an inheritance in the lot of the holy ones. He unites their assembly to the sons of the heavens in order (to form) the council of the Community, a foundation of the building of holiness to be an everlasting plantation throughout all future ages.
>
> 1QS 11:7–9

Immediately, the wicked existence of humanity is described in an even more drastic way: "I belong to evil humankind, to the assembly of unfaithful flesh; my failings, my iniquities, my sins […] with the depravities of my heart, belong to the assembly of worms and of those who walk in darkness" (1QS 11:9–10). And at the same time, the praying person can add: "all that does exist he [i.e., God] establishes with his calculations and nothing is done outside of him" (1QS 11:11). Many centuries and several epochs later in the history of thought, long after the *yaḥad*'s existence, the German reformer Martin Luther may have appreciated this "*simul*" view, had it already been known to him: The believer is *Semper peccator, semper penitens, semper Iustus* (1515).[27] This stands in a certain line with the picture that the first three columns of the work draw.

In conclusion, these latter columns (1QS 9–10 and especially 11) present us at least partly ambiguous evidence. They could already echo thoughts of the dualistic milieu of the Treatise (or be part of that same milieu), but they could also be steps on the way from the literary core (1QS 5–7; 8; making a clear decision between righteous and sinner) to a fuller form of the Community Rule as represented in the manuscript 1QS, at a later point in time reflected in 1QS 3:13–4:26, where the division is not so clear anymore. In general, I would suspect that they originate in the same redactional processes that resulted in the Treatise, and, at least in part, consist of later reactions to these processes, since their way of dealing with the topics of the Treatise is to "apply" its theological dimensions to the individual member.

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26   On the details, cf. Christian, "Literary Development."

27   Weimar Edition (WA 56:442, cf. LW 25:434): "Always a sinner, always a penitent, always righteous."

5   The Logic of 1QS 1–3: Covenantal Ceremony (or Ceremonies)
       and the Treatise

Let me again quote Loren Stuckenbruck for his most stimulating and in
many points convincing thoughts on the interiorization of dualism.[28] While
stating that

> We have learned in recent years that the famous theological Treatise pre-
> served in *1QSerek ha-Yaḥad* III 13–IV 26 was *not* a masterpiece initially

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28   The term "dualism" is, to say the least, problematic for describing the worldview of
      the Treatise. Its use here is only conventional, and is not meant to imply other "dual-
      isms," be they philosophical or otherwise. Mladen Popović, "Light and Darkness in the
      Treatise on the Two Spirits (1QS III 13–IV 26) and in 4Q186," in *Dualism in Qumran*, ed.
      Xeravits, 148–65, 152, describes the phenomenon as a "relative form of dualism," similar
      to Paul Heger, "Another Look at Dualism in Qumran Writings," in *Dualism in Qumran*,
      ed. Xeravits, 52 n. 45 ("softened"). Direct Iranian or Persian influence is not neces-
      sary to explain the view of the Treatise, as shown below. For a different view, see, e.g.,
      John J. Collins, "Interpretations of the Creation of Humanity in the Dead Sea Scrolls," in
      Biblical Interpretation at Qumran, ed. Matthias Henze, Studies in the Dead Sea Scrolls
      and Related Literature (Grand Rapids, MI: Eerdmans, 2005), 29–43, esp. 39–43: "certainly
      adapts the Persian myth," "cannot be doubted" (p. 40). The worldview of the Treatise is
      overall more a consequence of the late biblical motif of the righteous and the sinner,
      and more a duality than a dualism. Stuckenbruck himself presents a nuanced view. Cf.
      also the broader view in Loren T. Stuckenbruck, "Origins of Evil in Jewish Apocalyptic
      Tradition: The Interpretation of Genesis 6:1–4 in the Second and Third Centuries B.C.E.,"
      in *The Myth of Rebellious Angels: Studies in Second Temple Judaism and New Testament
      Texts*, by Loren T. Stuckenbruck, WUNT 335 (Tübingen: Mohr Siebeck, 2014), 1–35; on
      the Two Spirits Treatise also idem, "Demonic Beings and the Dead Sea Scrolls," in *The
      Myth of Rebellious Angels*, 78–102, esp. 87–90, 93–94, 98–99, 100–102. In general, some of
      the arguments of Paul Heger (e.g., "Another Look at Dualism"; the conclusion, 100–101)
      should not be so easily dismissed as they often are (cf. also the recently deceased Preben
      Wernberg-Møller in his 1961 article "A Reconsideration"). See also Annette Steudel, "Les
      fils de lumière et les fils des ténèbres, ou le dualisme á Qumrân," in *Les Manuscrits de la
      Mer Morte*, ed. Farah Mébarki and Émile Puech, Éd. corr. (Rodez, France: Éd. du Rouergue,
      2002), 122–25, and cf. the discussion by Matthew Goff, "Looking for Sapiential Dualism at
      Qumran," in *Dualism in Qumran*, ed. Xeravits, 20–38. The view of Jörg Frey may stand here
      for a modern "amalgamized" version of the classical view, "Different Patterns of Dualistic
      Thought in the Qumran Library: Reflections on Their Background and History," in *Legal
      Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization
      for Qumran Studies, Cambridge, 1995, Published in Honour of Joseph M. Baumgarten*, ed.
      Moshe J. Bernstein, Florentino García Martínez, and John Kampen, STDJ 23 (Leiden:
      Brill, 1997), 275–335. That the astrological text 4Q186 cannot be used for interpreting the
      Treatise was shown by Mladen Popović, *Reading the Human Body: Physiognomics and
      Astrology in the Dead Sea Scrolls and Hellenistic-Early Roman Period Judaism*, STDJ 67
      (Leiden: Brill, 2007), esp. 184–94, 238.

composed *from within* the Qumran community *for* the Qumran community, and we have learned that it *does not formally summarize* or *immediately reflect* the group's ideology …,[29]

he nevertheless concludes his reading with the above-stated words:

The instruction on the Two Spirits in the *Community Rule*, in its blend of several forms of polarizing conflict, may be said to have *originally functioned* in a way that is *analogous to its position and use in the Community Rule from Cave 1.*[30]

To put it in a more provocative way: In Stuckenbruck's view, a "non-sectarian" text (1QS 3:13–4:26) happens to be adopted and inserted in just the most fitting way into *the* "sectarian" text *par excellence* (1QS). The observation behind his last quoted statement may not be purely coincidental but based on the textual (or literary) history of the Community Rule.[31] The humble aim of this final section is no more than to actually read the Treatise where it presently stands: before the rules in 1QS 5–7 (–11; see above), and after the covenantal ceremony

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29   Stuckenbruck, "The Interiorization," 161 (emphasis mine).

30   Stuckenbruck, "The Interiorization," 168 (emphasis mine).

31   The groundbreaking work here was, as mentioned, Metso, *The Textual Development* (see ibid., 107–49; the stemma, 147; eadem, *The Serekh Texts*), whereas the contrary position, held, e.g., by Philip S. Alexander, "The Redaction-History of *Serekh ha-Yahad*: A Proposal," *RevQ* 17 (1997): 437–56, and Devorah Dimant, *History, Ideology and Bible Interpretation in the Dead Sea Scrolls: Collected Studies*, FAT 90 (Tübingen: Mohr Siebeck, 2014), 171–84, esp. 173–77; eadem, "The Demonic Realm in Qumran Sectarian Literature," in *Gut und Böse in Mensch und Welt: Philosophische und religiöse Konzeptionen vom Alten Orient bis zum frühen Islam*, ed. Heinz-Günther Nesselrath and Florian Wilk, Orientalische Religionen in der Antike: Ägypten, Israel, Alter Orient 10 (Tübingen: Mohr Siebeck, 2013), 103–17, is not convincing to me, since it would require assuming the extinction of a class of priests of the community—which is not attested anywhere else in our sources. Compare the assumed deletion of the "sons of Zadok" from shorter versions of S and Alexander's ("The Redaction-History," 451) explanation for it: "Those Zadokites are likely to have been few in number, and their line could easily have died out, because they finally produced no offspring at all, or only females or ineligible males." Alison Schofield's sophisticated "radial-dialogic" (*From Qumran to the Yaḥad*, 274) model, called "radial" and criticized by Dimant (*History, Ideology, and Bible Interpretation*, 19 with n. 85), does however not exclude a (literary) development *per se* (Schofield, *From Qumran to the Yaḥad*, 13–17, 272–81), although she speaks of a "semi-independence" as opposed to Metso's model (cf. *From Qumran to the Yaḥad*, 274). Her characterization of older forms of the text as "obsolete" may in a way be modernistic, cf. the different versions of the biblical book of Jeremiah found in the Qumran corpus.

described in 1QS 1–3.[32] This reading is indebted to a number of scholars that have gone in a similar direction, to mention but a few: Reinhard G. Kratz,[33] Peter von der Osten-Sacken,[34] Hartmut Stegemann,[35] Annette Steudel,[36] Charlotte Hempel,[37] again Sarianna Metso, Loren T. Stuckenbruck, and, finally, Meike Christian.[38] The starting point for the internal logic of the passage 1QS 1:1–3:12 and then 1QS 3:13–4:26 shall be the simple question "What does it mean to be (or: Who is) a member of the community?"[39]

At first sight, 1QS 1–3 gives a clear answer: Being a member means, according to the first paragraph 1QS 1:1–8a, "to seek God with all one's heart and all

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32   Shortly before, Stuckenbruck, "The Interiorization," 166–67, had noted: "If the treatise was not composed by anyone at the Qumran community for that community, nevertheless we may note that, within the literary context of the *Community Rule* from Cave 1, it has acquired a function analogous to its original purpose. Unlike the following block of materials in the document (v 1–x 5), a language of social and physical separation between people, the good and the bad, is absent. Its relation to the preceding material in columns I 1–3 12 seems closer."

33   Reinhard G. Kratz, "Der *Penal Code*," 219–20, and his "Laws of Wisdom," also in private conversation.

34   Von der Osten-Sacken, *Gott und Belial*.

35   Stegemann, "Zu Textbestand und Grundgedanken."

36   Annette Steudel, "The Damascus Document (D) as a Rewriting of the Community Rule (S)," *RevQ* 25 (2012): 605–20, also in private conversation. The main direction of dependency is clearly running from (the) "S" (material) to (the) "D" (i.e., Damascus, material). The view of Hultgren (*From the Damascus Covenant to the Covenant of the Community*) is, in my eyes, although not impossible sociologically, untenable with respect to the literary evidence. Yet he is most probably right with the assumption of the authorship of the Treatise, cf. in the same work, 376–78, following his extensive treatment of a textual "unity," 341–49.

37   Hempel, "The Treatise on the Two Spirits" (following Metso, *The Textual Development*, and eadem, *The Serekh Texts*), and for the broader picture, Hempel, *The Qumran Rule Texts in Context*.

38   Cf. Christian, "Literary Development." Several points originate from our common preparation of a talk given together in the Göttingen *Doktorandenkolloquium* (postgraduate seminar). On the following reading, cf. also Brand, "Belial, Free Will, and Identity-Building," 79–87, 91–92; Carol A. Newsom, *The Self as Symbolic Space: Constructing Identity and Community at Qumran*, STDJ 52 (Leiden: Brill, 2004), 108–34; for the final form, Russell C. D. Arnold, "Repentance and the Qumran Covenant Ceremony," in *Seeking the Favor of God: The Development of Penitential Prayer in Second Temple Judaism*, ed. Mark J. Boda, 3 vols., EJL 25 (Leiden: Brill, 2007), 2:159–75, who tries to understand the whole passage as a sort of "penitential prayer."

39   Cf. the heading in Newsom, *The Self as Symbolic Space*, 108: "How to Make a Sectarian." The parallels are in the following footnotes. On the passages here and in cols. 5–9, see the fine commentary by Michael A. Knibb, *The Qumran Community*, Cambridge Commentaries on Writings of the Jewish and Christian World 2 (Cambridge: Cambridge University Press, 1987).

one's soul" (לדרוש אל בכול לב ובכול נפש), "to do what is good and right before him" (לעשות הטוֹב והיֹשר לפניו), and "to love everything he has chosen and to hate everything he has rejected" (לאהוב כול אשר בחר ולשנוא את כול אשר מאס; cf. 1:9 and 3:26; 4:1, 24). The following passage, 1QS 1:8b–15, continues,

> להתהלך לפניו תמים כול הנגלות למועדי תעודות ולאהוב כול בני אור איש איש כגורלו
> בעצת אל ולשנוא כול בני חושך איש כאשמתו בנקמת אל

to walk faultlessly [or: perfectly; cf. 2:2; 3:9, and 4:22] before him, accord-ing to everything that has been revealed for the times appointed[40] to them, [as well as] to love all the Sons of Light[41]—each according to his lot in the council of God—but to hate all the Sons of Darkness, each ac-cording to his guilt[42] in God's vengeance.[43]

The reader may sense that doing this in practice may not always be easy, es-pecially since 1QS 1:16–18 knows that those who enter the covenant can "stray from following it out of any fear, dread, or testing (that might occur) during the dominion of Belial (ממשלת בליעל)." Correspondingly, as part of a ceremony led by priests, a communal *confession of sins* must take place—obviously, the wicked enemies, the Sons of Darkness (who are not members of the covenant or the group anyway) are not the only ones who have to be counted among the sinners. Instead, *every* single community member is in danger of having sinned as well. Therefore, the priests must again take action, blessing and curs-ing in order to distinguish the "men of God's lot"[44] (אנשי גורל אל) from the "men of the lot of Belial" (אנשי גורל בליעל). The entrants confirm this through their "Amen, Amen" (1QS 2:1b–10).[45]

In the next passage, starting in 1QS 2:11, another problem is referred to (quite like what will follow in 1QS 2:25–3:12), namely: what fate will the group that Hartmut Stegemann called the "Krypto-Sünder" ("crypto-sinners") suffer as a

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40 Cf. 1QS 3:18; 4:26, see also 1QS 3:10, and cf. 3:23; 4:18 and 20.

41 Cf. the parallel formulations in 1QS 3:24, 25.

42 On the guilt, cf. 1QS 3:22.

43 Cf. 1QS 2:6, 9; 4:12. The vengeance is not qualified here but, in the view of 1QS 4:12, it is eternal as well as eschatological—or why should an author "de-eschatologize" such a statement?

44 On the men of his "lot," cf. 1QS 3:24; 4:24, 26. Here, they form a distinct, visible group that are subject to the acts of the priests, while in the Treatise, mentioning the "spirit of his lot," the lines cannot be drawn as easily.

45 On repentance in 1QS 1–3 as it stands today, see esp. Arnold, "Repentance."

whole?[46] This is the group to whom the words of 1QS 2:13–14 apply, who "hear the words of this covenant" and "will congratulate" themselves in their hearts, "saying, 'I will have peace, in spite of my walking in the stubbornness of my heart.'"[47] The answer is as natural and sober as it is cruel: of course, their "spirit will be obliterated" (ונספתה רוח; 1QS 2:14, cf. 2:18).[48] The line that had so sharply divided the "wicked" and the "righteous," the "outsider" and the "covenanter," or, to put it differently, "outside" and "inside," "without" and "within" (1QS 5–9), is suddenly blurred—perhaps even beyond recognition. We observe a minor change in wording, but a fundamental transformation in the idea: from a dividing line that would be drawn between "members" and "non-members" of the *yaḥad* (resulting in a physical or social separation) to a dividing line that is indeed running right through the innermost being of each individual member. Again, this obviously is a reaction to the simpler facts in the older passages, according to which the spiritual qualities of members could easily be tested. The differentiation most clearly speaks for a later stage of development.

Having noted this, a more general question arises: What is going to happen to sinners *within* the congregation of the righteous?[49] What if they pass the test not because they are truly righteous, but because human eyes fail to see the innermost of the person? The Treatise is precisely the answer to these questions. One of its concerns is, according to Stegemann, the meaning of the "iniquities of the world;"[50] "its purpose though is not conflict management or resolution, but a specific way of gaining 'knowledge of God.'"[51] This is already visible in the introduction to the Treatise, mentioning the "God of knowledge."[52] To phrase

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46 Stegemann, "Zu Textbestand und Grundgedanken," 128; cf. idem, *Die Essener*, 154–156. Carol Newsom subsumes them under the term "hypocrites" (*The Self as Symbolic Space*, passim; cf. esp. 122 n. 30).

47 Quoting Deut 29:18–19. Cf. the similar line 1QS (2:26–) 3:1: "his soul loathes the disciplines of knowledge of just judgments. He has not the strength to convert his life and shall not be counted with the upright" (גֹעלה נפשו ביסורי דעת משפטי צדק לוא חזק למשוב חיו ועם ישרים לוא יתחשב).

48 Cf. 1QS 2:20 and the Treatise as a whole. The usage of the word "spirit" (here obviously a sort of personal attribute) seems different from the "active" fighting spirits of the Treatise whose realms go far beyond a single human being.

49 The text does not ask the counter-question—which can most probably be explained from the (supposed) audience addressed in the piece.

50 Stegemann, "Zu Textbestand und Grundgedanken," 122.

51 Stegemann, ibid. I cautiously leave the question undecided whether we are indeed dealing with two mutually exclusive alternatives (conflict management or resolution vs. gaining knowledge of God) here, as Stegemann had proposed. Both purposes may go hand in hand. Also cf. Hempel, "The Treatise on the Two Spirits," 105–6.

52 At this point, the Treatise's "biblical" or "scriptural" foundations are most obvious; on these, see the contribution by Meike Christian in this volume. At the very beginning it

it pointedly: The Treatise gives an answer to questions arising and developing from within, and standing behind, the first three columns of the Community Rule (1QS 1:1–3:12).[53]

An alternative explanation would stand in direct opposition: 1QS 1–3 would have to be the result of inspiration by or formulation under the influence of the already existing Treatise, which was only at a later stage placed after 1QS 3:12. This view is indeed mandatory if one declares the Treatise to be older than its context, or if it were already known by the time 1QS 1–3 were composed. Yet, such a view is obviously far more—if not highly—improbable: Why should an author of 1QS 1–3 unfold and describe in detail a problem that is in no way present—if not even already solved—in the text that he had lying in front of him? Most obviously, the Treatise presupposes "a history of ups and downs" of the community—"ups and downs" of concrete difficulties which we can still

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is made clear: "From the God of knowledge (אל הדעות) stems all there is and all there shall be," alluding to the Song of Hannah in 1 Sam 2:3: "The LORD is a god of knowledge (כִּי אֵל דֵּעוֹת יְהוָה), and 'by him' actions (עֲלִלוֹת, cf. 1QS 4:1, 17, 21) are weighed." The following verses (1 Sam 2:6–9) continue, "The LORD kills and brings to life / he brings down to Sheol and raises up. The LORD makes poor and makes rich / he brings low, he also exalts. He raises up the poor from the dust; / he lifts the needy from the ash heap, to make them sit with princes / and inherit a seat of honor. For the pillars of the earth are from the LORD / and on them, he has set the world. He will guard the feet of his faithful ones, / but the wicked shall be cut off in darkness; / for not by [own] might does one prevail." Reading this passage with the Scrolls in mind, one can hardly escape realizing its closeness to the ideas of the Hodayot—or at least to the "contrastive pairs" (Eduard Lohse), i.e., the "dualities" or "dualism" of the Treatise—perhaps overlooked by John J. Collins, "Interpretations of the Creation of Humanity in the Dead Sea Scrolls," in *Biblical Interpretation at Qumran*, ed. Matthias Henze, Studies in the Dead Sea Scrolls and Related Literature (Grand Rapids, MI: Eerdmans, 2005), 39–40. Explicitly it is said in 1QS 11:11, one of the most important parallels to the Treatise: "By his knowledge everything shall come into being, and all that does exist he establishes (ובדעתו נהיה כול וכול הווה)," however now continued by "with his calculations and nothing is done outside of him (במחשבתו יכינו ומבלעדיו לוא יעשה)." Cf. lately Arjen Bakker, "The God of Knowledge: Qumran Reflections on Divine Prescience Based on 1 Sam 2:3," *RevQ* 26 (2014): 361–74.

53 The word "answer" characterizes the main direction of dependence, the "inclination," and does not exclude mutual influences in both directions. After the addition of the main parts of the Treatise, single small additions, adaptations, or "corrections" in/to the first three columns are in no way excluded or even unlikely. I agree with Jokiranta that the "systematic pattern of thought" of the Treatise "explains why the sons of light may transgress" (*Social Identity and Sectarianism*, 109), if one reads the Community Rule as it stands now, through the "lens" of the Treatise and the material in columns 1–3. It is indeed the precise description of a crucial point that the scribes who inserted the Treatise here were aiming at. Yet, this view must not have always been present in the earlier forms of the Community Rule.

discern within 1QS 1:1–3:12,[54] but no longer in 3:13–4:26, which is meant to be far more fundamental (cf. the overarching view from the creation to the final visitation).

Thus, we can also read the Treatise as a result of coping with the problem of *Heilsverzögerung*. What about, for example, those members who had already died? Will they still get their "reward" or "judgment"? This is a problem that raises new questions and problems (cf., under different circumstances, Paul and the Corinthians). As a necessary consequence, the final decision of who will survive the final judgment must be "postponed" into an eschatological visitation. The nearness of the end of days is calling the members to behave ethically.

In the following paragraph, right at the beginning in 1QS 2:19 we find the instruction to undertake examinations and ceremonies "in this way year after year," "all the days of Belial's dominion (ממשלת בליעל)." Ingo Kottsieper has illuminated the passage:[55] successively (in 1QS 2:19–23*init*), the priests enter the order of the community, *nota bene* described as "according to their spirits (לפי רוחותם)," every member according to "the place of his lot (מקום גורלו; 1QS 2:23–25a)." The following lines (1QS 2:25b–3:12) are primarily concerned with "anyone who declines to enter [the covenant of Go]d (כול המואס לבוא [בברית א]ל)" and who is consequently walking further "in the stubbornness of his heart (ללכת בשרירות לב; 1QS 2:25–26; cf. 1:6; 2:14, and 3:3)." Within this longer passage, the famous "spirits" (*pl.*, רוחות) come to the fore step by step, as can be seen, for example, in 1QS 3:6–8, until the final line before the Treatise, 1QS 3:13. According to these lines, the "paths of man" are atoned for "by the spirit of the true counsel of God (רוח עצת אמת אל)"; man is "cleansed of all his iniquities" "by the holy spirit for the *yaḥad* in its truth" (or: "by the Holy Spirit given to the community in its truth," רוח קדושה ליחד באמתו). Human sin is atoned for "by the spirit of uprightness and of humility (רוח יושר וענוה)."

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54   Stuckenbruck, "The Interiorization," 166. Stuckenbruck can also talk about a "shift" in the sectarian view witnessed by the Treatise ("Demonic Beings," 88 n. 41).

55   Cf. the surmises of Ingo Kottsieper, "Zur Syntax von 1QS II 24f. und seiner Bedeutung in 1QS II 19–III 12," *RevQ* 21 (2003): 285–95, also in syntactical questions. On the text, see esp. the detailed notes by Takamitsu Muraoka: "Notae Qumranicae Philologicae (3): The Community Rule (1QS) Column 3," *AbrN* 35 (1998): 47–64; idem, "The Community Rule (1QS): Column 4," in *Emanuel: Studies in Hebrew Bible, Septuagint and Dead Sea Scrolls in Honor of Emanuel Tov*, ed. Shalom S. Paul et al., VTSup 94 (Leiden: Brill, 2003), 335–46; and idem, "Notae Qumranicae Philologicae (4b) on the Community Rule," in צפנת פענח [*Zaphenath-Paneah:* מחקרי לשון מוגשים לאלישע קימרון במלאות לו שישים וחמש שנה *Linguistic Studies Presented to Elisha Qimron on the Occasion of His Sixty-Fifth Birthday*], ed. Daniel Sivan (Beʼer-Shevaʻ: Beʼer-Shevaʻ Univ. Press, 2009), 115–25.

To conclude, the inner-textual logic of 1QS 1–3 finds its best explanation as the written reflection of problems arising in the community that centered on the question of what makes a person a member of the *yaḥad*. These questions and problems find a different solution in the core of the Community Rule, in the Covenant Renewal procedure in columns 1–3, and in the Treatise. It is the latter which provides a theological and eschatological solution to the problems: "Testing" if you belong to the right, "good" side, will only be revealed in the eschatological visitation. The other possible direction of development—1QS 1–3 as a later "echo" of the (theoretical) Treatise in (practical) community life—is by far more improbable and cannot explain the differences (and points of connection) between the Treatise and its context.

6   Conclusions: The Treatise as *Fortschreibung* of the Community Rule

In conclusion, three arguments can be made for understanding the Treatise of the Two Spirits (1QS 3:13–4:26) as the result of *Fortschreibung* that took its point of departure from the successive additions to and updating of the core material of the Community Rule, especially in 1QS 1–3 (par.), and thus was composed precisely for its present context.[56] By no means must it be understood as originating in an "extra-" or "non-sectarian" milieu, but rather in a "sectarian" context in the best sense of the word, since it reflects the community's ongoing discussion of its own self-definition: who is righteous and who is not?

The first argument for a *Fortschreibung* stems from material evidence which indicates that the Treatise is very likely a latecomer within the Community Rule, an insight gained by Sarianna Metso: In the text-historically older existing manuscript versions, neither 1QS 1:1–3:12 nor 1QS 3:13–4:26 were yet part of the Rule. The Treatise therefore very likely belongs to the latest additions to the composition. The fact that there is no unambiguous quotation of the Treatise in other Qumran manuscripts, nor any overall systemizing of the "two spirits" discourse inside key sectarian documents, and no sign of close interweaving of other works by the very "theology" of this rather unique text, suggests that this

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56   In a separate way (i.e., from source criticism, *Überlieferungs-* and *Traditionsgeschichte*), J. Murphy-O'Connor, "La genèse littéraire de la Règle de la Communauté," *RB* 76 (1969): 528–49, esp. 541–42, came to a similar view, namely that the Treatise as the theologically most profound text must be the latest compositional part of the Community Rule. Yet, his model differs in many points from the one gained by the new means of redaction criticism (cf. Christian, "Literary Development"), and is therefore rejected here.

section does not represent an old, important tradition. The existing allusions and echoes identified here are better understandable as antecedents of the far more developed and systematic Treatise. Moreover, the absence of the Treatise and its sharp theological distinctions from other highly esteemed Qumran (Rule) texts, e.g., the Damascus Document (D), finds a feasible explanation: these texts simply did not yet know the Treatise by the time of their composition. Finally, the question why the Treatise is so suitable for its present context obtains its most simple and natural answer: it was composed, formulated, and written for nothing else but for and in its very context.[57]

The second argument to explain the seemingly "unique" character of the Treatise is its position within the ongoing discussion reflected in the textual logic of the first columns of 1QS, as shown above. It is not convincing that someone would place an independent non-sectarian document in the rule of his/her own community, in a rule where only allusions and similar thoughts were earlier present—and not use the context of the Treatise itself. Therefore, I think it is highly speculative to see the document "placed at the right position," but not originating there, as Miryam Brand has recently argued: "Rather than forming a quintessential part of the Qumran community's theology, the redacted Treatise represents an attempt to resolve a variety of views popular at Qumran—views of sin, determinism and free will, and the nature of a dualistic universe—*through the redaction of an outside text*."[58] And: "The value of the Treatise for the Qumran reader was most likely its integration of different concepts of sin popular within the community."[59] To be sure, the Treatise does

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[57]   See also the similar conclusion by Albert L. A. Hogeterp, "The Eschatology of the Two Spirits Treatise Revisited," *RevQ* 23 (2007): 247–59, esp. 258, who regards the text as "redactional," although he does not specify this term further.

[58]   Brand, *Evil Within and Without*, 274 (emphasis mine). On determinism and freedom of choice, cf. the development pointed to by Reinhard G. Kratz, "Gottes Geheimnisse: Vorherbestimmung und Heimsuchung in den Texten vom Toten Meer," in *Vorsehung, Schicksal und göttliche Macht: Antike Stimmen zu einem aktuellen Thema*, ed. Reinhard Gregor Kratz and Hermann Spieckermann (Tübingen: Mohr Siebeck, 2008), 125–46; for a broad overview cf. Jonathan Klawans, "The Dead Sea Scrolls, the Essenes, and the Study of Religious Belief: Determinism and Freedom of Choice," in *Rediscovering the Dead Sea Scrolls: An Assessment of Old and New Approaches and Methods*, ed. Maxine L. Grossman (Grand Rapids, MI: Eerdmans, 2010), 264–83. For a dynamic view, cf. Steudel, "Development of Essenic Eschatology." On the Treatise within "Qumran Theology" (if it is possible to define such a "theology" at all), yet from a different standpoint, see the description of John R. Levison, "The Two Spirits in Qumran Theology," in *The Bible and the Dead Sea Scrolls: The Second Princeton Symposium on Judaism and Christian Origins*, ed. James H. Charlesworth (Waco, TX: Baylor University Press, 2006), 169–94.

[59]   Brand, *Evil Within and Without*, 274; cf. eadem, "Belial, Free Will, and Identity-Building" (but see above).

represent various ways to cope with evil in the community and thus forms a kind of "compendium." However, it is highly unlikely that such a compendium appeared before these ways to cope with evil have come up and have been formulated elsewhere. The observation of Stuckenbruck, that the Treatise presupposes "a history of ups and downs" of the community, gives the best explanation—it could hardly be better put by a redaction critic, with only one clarification: We can still find the history of these ups and downs and discern the stages in the growth, the redactional history. These texts are the testimony of the discussions that stand behind them. The Treatise of the Two Spirits answers questions that arise from and develop around issues relevant for group identity, entry, and membership. These issues include—increasingly over time—the affiliation with the righteous (or, *vice versa*, the wicked) in the eschatological moment of God's visitation, the final judgment. This holds true even if the Treatise itself underwent reworking and/or redactional and secondary expansions later, which is suggested by Meike Christian.[60] The points of contact and parallels to the Hodayot, 4QInstruction, the War Scroll,[61] and also the relation to 1QS 1–3; 5–9; and 10–11 lead to the conclusion that the Treatise evolved from the questions discussed in 1QS, while the Treatise's answer to these questions draws on ideas and vocabulary present in 4QInstruction and the Hodayot,[62] perhaps in the form of additional redactions continuing to refine this answer, as well as the War Scroll (1QM) and other similar material. Be it one hand or several, *Fortschreibung* of 1QS seems to be the best explanation for the evidence.

The third argument, which can also be traced through the textual history of the Community Rule (see the contribution of James Tucker, and again the groundbreaking observations made by Metso), involves tracing the (literary) "history of what makes one a member of the covenant"—and subsequently saves one's soul in the coming divine visitation. According to 1QS 5–7 (or 9), becoming a member of the community is comparatively easy: it can be achieved via an examination of the "spirit" and the "deeds" of the candidate. In 1QS 1–3, a later stage of development, things are getting more complicated: Time and reality take their toll, namely all community members can become, be, and

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60   See Christian, "Literary Development"; the relevant observations and studies that reveal the overall growth of the Treatise within its nearer and wider literary context can be found therein.

61   These parallels were thoroughly treated and made fruitful by Tigchelaar, *To Increase Learning*. In a way, they enrich and complete the reflections of von der Osten-Sacken— who did not know these works back in 1967—on the traditions in the Two Spirits Treatise (*Gott und Belial*). Steudel supposes the Treatise may be "influenced also by Jubilees" ("The Damascus Document," 619).

62   This also means that the Treatise was dependent on (and further developed) these ideas.

are, sinners at the same time. Not only does a regular, annual re-entry into the communal covenant now take place together with a corresponding annual celebration in order to reaffirm the members' "right spirit." In addition, the problem of Stegemann's "crypto-sinners" (hypocrites) becomes increasingly pressing—those members who only belong to the community "from the outside," formally, but whose hearts have already turned away. Where, then, lies that borderline which used to divide the "inside" and the "outside" so sharply, now that it is no longer perceivable, be it physically or socially? The answer is given in a decisive step by adding the Treatise.[63] Combining language and ideas reflected mostly in 4QInstruction and the Hodayot, and writing these insights into the community's very own rulebook, 1QS provides the answer: It is *in the hearts of humans* (1QS 4:23: בלבב גבר) that the principles of good and evil fight against each other. The point of "visitation," of "testing" the members' spirits, moves from the entry procedure to the community via covenantal ceremony to eschatological times: Only in the final judgment, at the fixed point of God's visitation, can, but also will the decision be made: righteous or wicked, good or evil, life or death. God has laid the foundation for this decision in his own creation: He preordained everything, as members can read in the hymns of the Hodayot and the wisdom texts. Because—and this fact stays true despite all "dualistic" traits: No action can be taken that would contradict God's governing providence or divine predestination. In the words of the Treatise:

הואה ברא אנוש לממשלת תבל וישם לו שתי רוחות להתהלך בם עד מועד פקודתו

He created man to rule the world and placed within him two spirits so that he would walk with them until the moment of his visitation.
1QS 3:17–18

Getting back to the title of this essay: These are indeed "sectarian" thoughts in the way that they describe the ideology of the *yaḥad*, though in a highly pointed, if not overstated way, and obviously at a late stage of the Community Rule's literary development—*the* "sectarian" document as such. It is a text of the *yaḥad*; certainly a "sectarian" text. At the same time, the observations that made others think that the text originated outside the community are still valid: The Treatise neither left any direct traces elsewhere nor is it quoted by other works that are close to the core of "sectarian" writings. It is a text that is

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63   A different view, like that of, e.g., Dimant, "The Demonic Realm," 116, who speaks of an "earlier stage" for the incorporation of the Treatise into S, simply cannot explain this fact.

not "sectarian from the beginning," but is representative of a single later phase in the history of the community. Thus, it also stands as an example of the impossibility of filing whole documents into simple, let alone binary, categories, or, in particular, genres. Nuancing the view on the Scrolls by literary and redaction criticism—materially evidenced by the manuscripts, methodologically controlled and applied to the compositions themselves—might help us on the way of learning about and from the Scrolls. It may, last but not least, be highly useful for finding new ways of describing the writings that the Community of the Qumran scrolls used, collected, and produced, ways that go beyond binary (sectarian/non-sectarian) categories and are more nuanced than the idea of clearly-defined genres.

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The Literary Development of the "Treatise of the Two Spirits" as Dependent on Instruction and the Hodayot

Meike Christian

1   Introduction

This article analyzes the relationship between the so-called "Treatise of the Two Spirits" (1QS 3:13–4:26), Instruction, and the Hodayot and develops a new theory about the literary growth of the Treatise.[1] The Treatise is often understood as a writing that was originally independent from its current context in the Community Rule and that was not written by members of the *yaḥad*. Prominently, Hartmut Stegemann argued that the Treatise seems to be quite distinct among the Dead Sea Scrolls. According to Stegemann, this circumstance can be explained in one of the two ways: either by the ingenuity of a single author or by the assumption that the text came into the community of Qumran from the outside.[2] Stegemann leans towards the latter explanation and suggests that the composition was a piece of traditional literature written before the formation of the community described in 1QS. To support the hypothesis of a "pre-Essene" origin, Armin Lange listed several observations that distinguish the Treatise from its context. Most of these observations refer to characteristic features of the Community Rule that are missing in this text.[3]

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1   The "Treatise of the Two Spirits" is preserved almost completely in 1QS 3:13–4:26. Apart from that, parts of the Treatise can be found in 4QS[c] and perhaps also in 1Q29a and 4QS[a]; Eibert J. C. Tigchelaar, "'These Are the Names of the Spirits of …': A Preliminary Edition of 4QCatalogue of Spirits (4Q230) and New Manuscript Evidence for the Two Spirits Treatise (4Q257 and 1Q29a)," *RevQ* 21 (2004): 538–45. Instruction and the Hodayot have been transmitted in a number of manuscripts. The fragmentary manuscripts 1Q26, 4Q415, 4Q416, 4Q417, 4Q418, 4Q418*, 4Q418a and 4Q423 are copies of Instruction. The Hodayot survived in 1QH[a–b] as well as 4QH[a–f]; the best-preserved manuscript is of course 1QH[a].

2   Hartmut Stegemann, "Zu Textbestand und Grundgedanken von 1QS III,13–IV,26," *RevQ* 13 (1988): 127–28; idem, *Die Essener, Qumran, Johannes der Täufer und Jesus*, 10th ed. (Freiburg im Breisgau: Herder, 2007), 154.

3   Armin Lange, *Weisheit und Prädestination: Weisheitliche Urordnung und Prädestination in den Textfunden von Qumran*, STDJ 18 (Leiden: Brill, 1995), 127–28. For Lange's observations, see Peter Porzig's article in this volume, pp. 128–30 above. See also Jörg Frey, "Different Patterns

The distinctive character of 1QS 3:13–4:26 as well as its specific style and thematic focus have led many scholars to treat this passage as an independent unit, which is supposedly older than its surrounding context. This presupposition has also influenced the comparison of the Treatise with other writings such as Instruction and the Hodayot, with which it shares several striking commonalities. Instruction is often understood as a traditional writing, which is even older than the Treatise and was read and transmitted by the members of the *yaḥad*,[4] whereas the Hodayot collection is usually considered a younger, "sectarian" composition.[5]

Yet, the classification of both Instruction and the Treatise as "pre-Essene" or "pre-sectarian" texts has not gone unchallenged. In his dissertation, Arjen Bakker emphasises that the arguments to identify Instruction as a "non-" or even "pre-sectarian" writing are not sufficient: The observations that certain "sectarian" features are absent and that the social setting of Instruction does not fit the classical image of the Qumran community do not automatically imply that this text could not have been written by "sectarian" authors.[6] The same argumentation can be put forth against the classification of the Treatise as a "non-sectarian" writing. The early origin of the Treatise as well as the idea of its independent existence have also been criticized. John J. Collins, for example, notes that this text "appears remarkably congenial to sectarian ideology, and the argument that it is pre-sectarian appears rather counter-intuitive."[7] In the 1990s, Sarianna Metso analysed the manuscripts of the Community Rule from Cave 4 and attempted to reconstruct the literary history of the whole

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of Dualistic Thought in the Qumran Library," in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995; Published in Honor of Joseph M. Baumgarten*, ed. Moshe J. Bernstein, Florentino García Martínez, and John Kampen, STDJ 23 (Leiden: Brill, 1997), 295–96.

4   For an overview of the different classifications of Instruction, see Matthew J. Goff, "Recent Trends in the Study of Early Jewish Wisdom Literature: The Contribution of 4QInstruction and Other Qumran Texts," *CurBR* 7 (2009): 395–99. On page 398, Goff summarizes his arguments for interpreting Instruction as a "pre-sectarian" writing that mostly refers to specific "sectarian" features missing in Instruction.

5   With reference to the Hodayot Eileen M. Schuller observes: "This collection is reckoned, along with compositions such as the *Rule of the Community*, the *War Scroll* and the *Pesharim*, as one of the core sectarian documents of the specific type of Judaism reflected in the scrolls." Eileen M. Schuller, "Recent Scholarship on the Hodayot 1993–2010," *CurBR* 10 (2011): 119.

6   Arjen Bakker, "The Figure of the Sage in Musar le-Mevin and Serek ha-Yahad" (PhD diss., Katholieke Universiteit Leuven, 2015) 5–9, esp. 7–8.

7   John J. Collins, "Sectarian Consciousness in the Dead Sea Scrolls," in *Heavenly Tablets: Interpretation, Identity and Tradition in Ancient Judaism*, ed. Lynn R. LiDonnici, JSJSup 119 (Leiden: Brill, 2007), 186.

work based on this new material.[8] She argues that the Treatise was added to the composition at a late stage of its literary development. This assumption is based on the observation that 4QS^d/4Q258 does not contain 1QS 1–4 and thus seems to preserve an overall shorter and older form of the text than 1QS. Yet, Metso still holds that the Treatise had an independent existence before it was integrated into the Community Rule. In contrast, Reinhard G. Kratz argued that the Treatise might be best understood as a *Fortschreibung* within the Community Rule, since this passage relates to its context through many literary and thematic links.[9] On a related note, Peter Porzig in this volume points to the close connections between the Treatise and its context in the Community Rule. His observations support the hypothesis that this passage represents a late addition. Porzig argues that it was written by the members of the *yaḥad* and reflects central problems and developments within the community.[10]

Furthermore, scholars have cast doubt on the literary unity of Instruction, the Hodayot, and the Treatise. In the case of Instruction, the fragmentary character makes it, admittedly, very difficult to reconstruct different stages of development, but scholars nevertheless point to several indications of reworking.[11] Following the classification established in the 1960s by Gert Jeremias, Jürgen Becker, and Heinz-Wolfgang Kuhn, two types of prayers are usually distinguished within the Hodayot: the supposedly older *Lehrerlieder* and

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8   Sarianna Metso, *The Textual Development of the Qumran Community Rule*, STDJ 21 (Leiden: Brill, 1997).

9   Reinhard G. Kratz, "Der 'Penal Code' und das Verhältnis von Serekh Ha-Yachad (S) und Damaskusschrift (D)," *RevQ* 25 (2011): 219–20.

10 Peter Porzig, "The Place of the 'Treatise of the Two Spirits' (1QS 3:13–4:26) within the Literary Development of the Community Rule," in this volume, pp. 127–52 above.

11 Based on their material reconstruction, Annette Steudel and Birgit Lucassen argue that 4Q417 might represent an older stage of redaction, as the manuscript 4Q417 seems to be much shorter than 4Q416 and 4Q418. Their reconstruction of the three manuscripts, however, has not been published. Torleif Elgvin identifies "two literary layers" within Instruction: One "writer (which we later will locate among the precursors of the Essene community) has adapted older wisdom admonitions and compiled them with material of his own. It is this second literary layer which deals with God's mysteries and revelation as well as eschatology," Torleif Elgvin, "An Analysis of 4QInstruction" (PhD diss., Hebrew University Jerusalem, 1998), 54. Eibert Tigchelaar discusses the close relationship of 4Q418 69 ii and 4Q418 55 and their interconnection with the whole composition. He comes to the conclusion that these fragments "may [...] have the same provenance as the rest of *Instruction*. However, it is not impossible that these shared features should be attributed to slight editorial reworkings of a *Vorlage*." Eibert J. C. Tigchelaar, *To Increase Learning for the Understanding Ones: Reading and Reconstructing the Fragmentary Early Jewish Sapiential Text 4QInstruction*, STDJ 44 (Leiden: Brill, 2001), 224.

the younger *Gemeindelieder*.[12] With regard to the Treatise the question of its coherence has been answered very differently. Many scholars treat this text as a literary unit.[13] Yet, in the 1960s, Peter von der Osten-Sacken presented various observations that indicate reworking of the Treatise.[14] Based on terminological, syntactic, and stylistic differences as well as substantial tensions between certain passages of the Treatise, he distinguishes three stages of development. He identifies a literary core in 1QS 3:13–4:14. This assumed core was likely expanded, first by 1QS 4:15–23a and later on by 1QS 4:23b–26. In the 1970s, Jean Duhaime modified von der Osten-Sacken's analysis.[15] He agrees that 1QS 4:15–23a and 4:23b–26 are secondary additions, but in his opinion the core initially consisted of 3:13*–18a; 3:25b–4:14 only, while 3:13**; 3:18b–23a; 3:23b–25a were also added later. In this way, the "dualistic" scenario of a permanent struggle between two groups of spirits and their leaders, which is described in 3:18b–25a, did not belong to the composition from the very beginning, but is a

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12   Gert Jeremias, *Der Lehrer der Gerechtigkeit*, SUNT 2 (Göttingen: Vandenhoeck & Ruprecht, 1963), 170–73; Jürgen Becker, *Das Heil Gottes: Heils- und Sündenbegriffe in den Qumrantexten und im Neuen Testament*, SUNT 3 (Göttingen: Vandenhoeck & Ruprecht, 1964), 50–56; Heinz-Wolfgang Kuhn, *Enderwartung und gegenwärtiges Heil: Untersuchungen zu den Gemeindeliedern von Qumran, mit einem Anhang über Eschatologie und Gegenwart in der Verkündigung Jesu*, SUNT 4 (Göttingen: Vandenhoeck & Ruprecht, 1966), 21–33. For an overview of more recent theories concerning the development of the Hodayot, see Schuller, "Recent Scholarship on the Hodayot 1993–2010," 133–37.

13   Jacob Licht argued for an understanding of the Treatise as a unified composition that is structured in a chiastic way; Jacob Licht, "An Analysis of the Treatise on the Two Spirits in DSD," in *Aspects of the Dead Sea Scrolls*, ed. Chaim Rabin and Yigael Yadin, 2nd ed. (Jerusalem: Magnes Press, 1965), 88–89. His theory has been accepted, e.g., by Alfred Leaney and Devorah Dimant. Cf. Alfred R. C. Leaney, *The Rule of Qumran and Its Meaning: Introduction, Translation and Commentary* (Philadelphia: Westminster John Knox Press, 1966), 145f; Devorah Dimant, "Qumran Sectarian Literature," in *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus*, ed. Michael E. Stone (Assen: Van Gorcum, 1984), 501. Armin Lange and Jörg Frey rejected attempts to reconstruct the literary history of the Treatise as suggested by Peter von der Osten-Sacken and Jean Duhaime. Cf. Lange, *Weisheit und Prädestination*, 130–31; Frey, "Different Patterns of Dualistic Thought in the Qumran Library," 287.

14   Peter von der Osten-Sacken, *Gott und Belial: Traditionsgeschichtliche Untersuchungen zum Dualismus in den Texten aus Qumran*, SUNT 6 (Göttingen: Vandenhoeck & Ruprecht, 1969), 17–27. For a brief overview of proposed reconstructions see also Charlotte Hempel, "The Treatise on the Two Spirits and the Literary History of the Rule of the Community," in *Dualism in Qumran*, ed. Géza G. Xeravits, LSTS 76 (London: T&T Clark, 2010), 110–12.

15   Jean Duhaime, "L'instruction sur les deux esprits et les interpolations dualistes à Qumrân," *RB* 84 (1977): 566–94. Duhaime uses single and double asterisks to indicate an earlier (e.g., 1QS 3:13*) and later (e.g., 1QS 3:13**) redaction of the text.

secondary element.[16] Furthermore, Charlotte Hempel points out that it is necessary to analyze the literary development of the Treatise in relation to the development of the Community Rule. She argues that the Treatise was reworked by a "compiler" who also edited the whole composition.[17]

This brief overview demonstrates that the date and origin as well as the formation of the Treatise, Instruction, and the Hodayot are under debate. With regard to the Treatise this includes the question whether this passage can be best understood as an independent writing or as an expansion and reworking of its surrounding literary context. A detailed analysis of the Treatise as compared with its context in the Community Rule and its relation with Instruction and the Hodayot is, of course, beyond the scope of this article. Therefore, I would rather like to point out some striking connections between the Treatise, Instruction, and the Hodayot that might help us understand the relation between these compositions. Subsequently, I will take a closer look at the text of the Treatise itself to highlight some central aspects that might indicate a substantial reworking and expansion of this composition. Finally, I would like to suggest a new proposal concerning the literary development of the Treatise that is based on both the comparison with Instruction and the Hodayot and an internal analysis of the Treatise.[18]

2   Common Formulations and Notions in the Treatise, the Hodayot, and Instruction

Many connections between the Treatise, Instruction, and the Hodayot have been described and interpreted in previous studies: Armin Lange, for example, identifies various ideas in Instruction which, in his opinion, are adopted and refined in the Treatise. He argues that both texts stem from the same milieu.[19] Matthew Goff assumes that the Hodayot borrowed several motifs from

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16   Duhaime characterises 1QS 3:13**; 3:18b–23a; 3:23b–25a as a "dualistic reworking" and identifies similar redactional additions in 1QM 13:9b–12a and 17:4–8b as well as in CD 5:17c–19. Jean Duhaime, "Dualistic Reworking in the Scrolls from Qumran," *CBQ* 49 (1987): 32.

17   Hempel, "The Treatise on the Two Spirits and the Literary History of the Rule of the Community," 105–6, 119–20.

18   This article thus draws upon the main arguments of my dissertation, in which I discuss in detail the relation of the Treatise to Instruction and the Hodayot as well as its connections to the Community Rule and my reconstruction of its literary history.

19   Lange, *Weisheit und Prädestination*, 130, 168–69.

Instruction; he regards Instruction as a possible source also for the Treatise.[20] Similarly, Jean-Sébastien Rey argues that Instruction influenced the Hodayot as well as the Treatise and that all three compositions originated from "un milieu proche socialement et chronogiquement."[21] These comparisons, however, take for granted the doubtful classification of Instruction and the Treatise as "pre-sectarian" compositions and do not consider internal literary developments and additions which could be the product of a mutual or one-sided influence. In order to re-evaluate the relation between the Treatise, Instruction, and the Hodayot, it is necessary to take a closer look at the parallels between them and to search for developments without presuppositions about the date and origin of the three compositions. In the following, some common motifs will be discussed to demonstrate the verbal and substantial points of contact between them as well as different accentuations.

2.1 *The "God of Knowledge" and his Plan for the Whole Creation*

At the very beginning of the Treatise, in 1QS 3:15–16,[22] the idea of an omniscient God, who determined the course of history before creation, is described concisely:

מאל הדעות כול הויה ונהייה ולפני היותם הכין כול מחשבתם	From the God of knowledge comes everything that exists and that came into being, and before they existed he has laid down their whole plan.
ובהיותם לתעודותם כמחשבת כבודו ימלאו פעולתם ואין לשנות	And while they exist for their determination according to his wonderful plan they fulfil their works, without changing it.

One specific term which is used in this context is the title אל הדעות: God, who knows everything, also created everything and determined a comprehensive plan for his creation. Within the Dead Sea Scrolls this title is used a few

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20   Matthew J. Goff, "Looking for Sapiential Dualism in Qumran," in Xeravits, *Dualism in Qumran*, 36.

21   Jean-Sébastien Rey, *4QInstruction: Sagesse et eschatologie*, STDJ 81 (Leiden: Brill, 2009), 28.

22   The transcriptions of the Community Rule follow Florentino García Martínez and Eibert J. C. Tigchelaar, eds., *The Dead Sea Scrolls: Study Edition* (Leiden: Brill, 1999), 74–78. In the case of the Hodayot, all transcriptions are adopted from Hartmut Stegemann, Eileen M. Schuller, and Carol Newsom, eds., *1QHodayotᵃ: With Incorporation of 1QHodayotᵇ and 4QHodayotᵃ⁻ᶠ*, DJD 40 (Oxford: Clarendon Press, 2009). The transcriptions for Instruction as well as all translations are my own.

times,[23] but in connection with the verb כון (hi.) it only appears here, once in Instruction, and twice in the Hodayot:

4QInstruction^d (4Q418) 55 5–6

| הלוא אל ה[ה]ד̇עות [—]על אמת להכין כול] | Is he not the God [of] knowledge? ... truth, to lay down all ... |

1QH^a 22:34

| ברוך אתה אל הדעות אשר הכינות[ה] | Blessed are you, God of knowledge, who h[ave] laid down ... |

1QH^a 20:12–14

| ... ותעודת הווה והיאה תהיה ואין אפס וזולתה לוא היה ולוא יהיה עוד כי אל ה{i̇} ד{י̇}עות הכינה ואין אחר עמו | ... and the determination of that which is. And this is what will be and there is no end and apart from it nothing has been and nothing will ever be. For the God of knowledge has laid it down and there is no one else with him. |

While the text in 4Q418 55 and 1QH^a 22 is damaged, 1QH^a 20 provides some information: In line 12, the term תעודה is used in the same sense as in 1QS 3:15–16. Both texts mention the "determination" that God has laid down for his creatures. The idea of a plan for the whole creation is also expressed elsewhere in the Hodayot, in 1QH^a 9:21–22:

| ובחכמת דעתכה הכ̇[י̇]נ̇ותה תע[ו]דתם בטרם היותם ועל פי ר̇צ̇[ונ]כ̇ה̇ נ̇]ה̇יה כול ומבלעדיך לא יעשה | And in the wisdom of your knowledge you la[id] down their deter[min]ation before they existed. And according to your wi[ll] everything [ca]me into being und without you nothing is done. |

23   See also Lange, *Weisheit und Prädestination*, 129, 150; Tigchelaar, *To Increase Learning*, 197; Rey, *4QInstruction: Sagesse et Eschatologie*, 22, 27.

Here again, the verb כון (hi.) is used together with the term תעודה. Furthermore, like 1QS 3:15–16, the Hodayot stress that God has already decided upon the fate of his creatures before they even existed, using nearly the same formulation.[24] In 4QInstruction[d] (4Q418) 126 ii 5, God is also presented as the one who constantly governs his creation according to his will:[25]

וגם לוא נהיו בלוא רצונו	And also nothing came into being without his will.

This phrase is very similar to the statement in 1QH[a] 9:22 as both texts use the verb היה (nif.), in combination with רצון. Furthermore, the title אל הדעות is associated in Instruction and in the Hodayot with the "foundation of truth":

4QInstruction[c] (4Q417) 1 i 8–9 // 4QInstruction[d] (4Q418) 43a 6

אל הדעות סוׄד אמת וברז נהיה פרׄש אׄת אׄושׄהׄ	The God of knowledge is the foundation of truth and in the mystery of existence he has spread out its basis.

1QH[a] 9:28–29

לכה אתה אל הדעות כול מעשי הצדקה וסוד האמת	To you yourself, God of knowledge, belong all deeds of justice and the foundation of the truth.
ולבני האדם עבודת העוון ומעשי הרמיה	But to the sons of men belong sinful service and deeds of deception.

Both texts describe God as the almighty creator and ruler, but at the same time they exclusively connect him with truth and justice. Instruction identifies God with truth, and the quoted passage describes that God laid down "its basis" in the "mystery of existence." This one-sided reference to truth is striking as this is the only instance where Instruction provides direct information about the content of the "mystery of existence" (רז נהיה). Elsewhere, the mystery is

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24   See הכׄ[י]נׄותה תע[ו]דתם בטרם היותם ולפני היותם הכין כול מחשבתם in 1QS 3:15 and in 1QH[a] 9:21. This motif of a universal plan that was established before creation is expressed most prominently in 1QH[a] 9:9, 12, 21, 30. Beyond the above instances, it is only mentioned in 1QS 3:15; 1QH[a] 7:27; 4Q176 22 3; 4Q180 1 2; 2–4 ii 10; 4Q215a 1 ii 9; 2 5 and CD 2:7. See also Osten-Sacken, *Gott und Belial*, 127. He mentions further parallels in the Old Testament.

25   Apart from the passages already mentioned this motif also appears in 1QH[a] 18:3 and 1QS 11:11, 18.

associated with the knowledge of truth and iniquity, but the origin of iniquity and its relation to God are not addressed. The close connection of God with truth is intensified in the Hodayot: Here, solely "the deeds of justice and the foundation of truth" are associated with God, while "iniquitous service and deceitful deeds" are associated with human beings. God is not the creator of wickedness; evil arose from humankind. Although both Instruction and the Hodayot stress the point that everything happens according to God's plan, they tend to avoid presenting him as the creator of iniquity. In the next paragraph, it will become clear that the Treatise, by contrast, describes how God causes righteous as well as wicked behaviour. Here, the almighty creator is clearly responsible for evil forces in the world. Therefore, the concept of a comprehensive plan for the whole creation culminates only in the Treatise.

2.2   *The Contrast of Truth and Iniquity*

In all three compositions, "wisdom and folly" as well as "truth and iniquity" are contrasted. Whereas the comparison between "wisdom and folly" can already be found in the book of Proverbs (cf. Prov 14:8, 24; 15:2), the contrast of "truth and iniquity" occurs only here. Especially the similarities between 4QInstruction[c] (4Q417) 1 i 6–7 and 1QH[a] 5:20 are striking:[26]

4QInstruction[c] (4Q417) 1 i 6–7 // 4QInstruction[d] (4Q418) 43a 4

יומם ולילה הגה ברז נ[ה]ֿיה {ו}ֿדורש תמידֿ וֿאז תדֿעֿ אמת ועול חכמה [ואול]ֿת	Day and night meditate upon the mystery of existence, {and} constantly studying. And then you will recognize truth and iniquity, wisdom [and foll]y.

1QH[a] 5:20

[—]אתה גליתה דרכֿי אֿמֿת וֿמעשי רע חוכמה ואולֿת]	… and you revealed the ways of truth and the deeds of wickedness, wisdom and folly …

Both texts have nearly identical terms in the same order and agree regarding their content: Humans are able to discern truth and iniquity/wickedness as

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26   The first pair is expressed differently in the Hodayot, but the phrase דרכי אמת also occurs in 4QInstruction[b] (4Q416 2 iii 14) and similar expressions for מעשי רע are attested in 4QInstruction[b, d] (עבודת רשעה in 4Q416 1 10; לפעלי און in 4Q418 126 ii 6).

well as wisdom and folly only with the help of God. In the Hodayot, God reveals them (גלה) and in Instruction, the "understanding one" perceives them when he studies the "mystery of existence." In the Treatise (1QS 4:23–25), the relation of a person to truth and iniquity is determined through different spirits:

בלבב גבר יתהלכו בחכמה ואולת וכפי נחלת איש באמת יצדק וכן ישנא עולה וכירשתו בגורל עול ירשע בו וכן יתעב אמת	They (= "the spirits of truth and iniquity," 4:23) walk in the heart of the human in wisdom and folly. And corresponding to a person's inheritance in truth, he will be just and so he hates iniquity. And corresponding to his share in the lot of iniquity, he will act wickedly in it and, so he abhors truth.

The spirits of truth and iniquity are located in the human heart and enable humans to think and act either wisely or foolishly. Whereas in Instruction and the Hodayot God only reveals secret knowledge which humans can perceive, the Treatise emphasizes God's influence. Here, God influences humans from the inside by means of the spirits. They determine the character and thoughts of every human being. Different spirits, which influence humans, are also mentioned in the Hodayot: In 1QH^a 5:32, for example, a "perverted spirit" (רוח נעוה) appears, which rules (משל) over the sinful human being. But while it remains unclear where this specific spirit comes from and how it relates to God, it is made clear that God influences his chosen ones in a positive way with the help of different spirits. Several times the speaker claims that insight was revealed to him by a spirit that God had placed in him.[27] Furthermore, the formulation in 1QH^a 6:36f is reminiscent of 1QS 4:23–25:

ואני עבדך חנותני ברוח דעת ל[אהוב א]מֹת [וצד]קֹ ולתעֹב כול דרך עולה	As for me, your servant, you have favoured me with the spirit of knowledge to [love tr]uth[28] [and righteous]ness and to abhor every iniquitous way.

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27   For example 1QH^a 5:35–36: [ואני עבדך ידעתי ברוח אשר נתתה בי "And I, your servant, know by means of the spirit that you have placed in me …" or 1QH^a 21:34: [ואני י]צֹּר העפר [And I, a for]mation of dust, know by means of the spirit ידעתי ברוח אשר נתתה בי כֹּיֹא] that you have placed in me that …".

28   The reconstruction ל[אהוב א]מֹת is following García Martínez and Tigchelaar, *The Dead Sea Scrolls: Study Edition*, 154.

While in 1QS 4:23–25 the two spirits and the "inheritance in truth" versus "the lot of iniquity" determine the way in which a person relates to truth and iniquity, the above passage only mentions the "spirit of knowledge." The speaker was bestowed with this spirit by God, and it enables him to follow truth and righteousness and refrain from iniquity. Therefore, the Hodayot only describe how God influences humans in a positive way. The notion of a divine inheritance, however, which is mentioned in 1QS 4:24, can also be found in the Hodayot as well as in Instruction:

1QHᵃ 6:29–30

לפי שֹכלוֹ אגישנו וכרוב נחלתו אהבנו | Corresponding to his insight I let him get closer, and corresponding to the size of his inheritance I love him.

4QInstructionᵈ (4Q418) 172 5

לֹ[פֹּי רֹוֹב נחלת איש באמ]ת | … correspo]nding to the size of the inheritance of a person in the tru[th …

All three compositions agree in that the size of the inheritance is subject to change and that not everyone receives the same portion. Due to poor preservation, unfortunately some details remain vague in Instruction. The passage in the Hodayot shows a hierarchy within a group, based on insight and share in the inheritance. Furthermore, the Hodayot and Instruction describe solely the inheritance for the chosen ones. By contrast, the Treatise also explains how God causes sinful behaviour and determines the "share in the lot of iniquity." Therefore, the concept in the Treatise can be interpreted as a consistent further development of ideas that occur in Instruction and the Hodayot.

2.3   *The End of Iniquity and the Triumph of Truth*
All three compositions share the notion of the end of iniquity in an abstract sense:[29]

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29   Apart from the quoted statements, see also 4Q418 211 4; 1QHᵃ 6:26–27; 7:37–38. Beyond these instances and within the DSS, the destruction of iniquity and the future triumph of justice and insight are only described in 4Q215a 1 ii 4–5 and 1Q27 1 i 5–7, and, perhaps, in 4Q381 76–77 12. Matthew Goff discusses the formulation in the "Book of Mysteries" in 1Q27 1 i 5–7 in comparison to the Treatise and comes to the conclusion that this text might be a source for the Treatise but can "not be considered an important source," because the description in the *Mysteries* is far from unique among early Jewish texts in its

1QS 4:18–19

ואל ברזי שכלו ובחכמת כבודו נתן קץ
להיות עולה ובמועד פקודה ישמידנה לעד
ואז תצא לנצח אמת תבל

But God, in the mysteries of his in-sight and in his glorious wisdom, has determined an end to the existence of iniquity and on the appointed time of visitation he will annihilate it for ever and then the truth of the earth will emerge forever.

1QHª 19:29 // 4Q428 12 i 2–3

ואין יגון ואנחה ועולה לוֹא [תמצא עוד]
ואמתכה תופיע לכבוד עד ושלום עולום

And there will be no sorrow and sigh-ing and iniquity [will] not [be found anymore] and your truth will become radiant visible for glorious eternity and eternal peace.

4QInstructionᵇ (4Q416) 1 13 // 4QInstructionᵈ (4Q418) 2+2b+2c

וכל עולה תתם עוד ושלם קץ האמ]ת

and the whole iniquity will come again to an end and the period of tru[th] is fulfilled …

The prevalence of iniquity is limited and the future is determined by truth: the opposition of iniquity and truth marks the contrast between present and future. As shown above, the Hodayot and Instruction associate God solely with truth. Therefore, in his future judgement he will not only destroy the wicked, but also extinguish iniquity itself from his creation. Under his gover-nance there will not be any place for negative forces. Only truth will prevail.

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affirmation of opposed fates for the righteous and the wicked after death"; Goff, "Looking for Sapiential Dualism in Qumran," 36. While this motif is certainly widespread within early Jewish literature, the formulation in 1Q27 1 i 5–7 pictures a different scenario: This and the other quoted passages describe not the destruction of the wicked persons in the future judgment, but the end of iniquity itself. Therefore, there seems to be a significant point of contact with the "Book of Mysteries" in this respect. Moreover, Goff's observation that the contrast of light and darkness occurs in the "Book of Mysteries" but functions only as a "metaphor" so that it does not seem to be a source for the dualism of light and darkness in the Treatise does not weaken the connection. This contrast is of no import in Instruction and the Hodayot and within the Treatise it occurs only in 1QS 3:18–4:14, a passage that shares no parallels with the other writings. See below p. 166.

Moreover, the Treatise describes not only the end of iniquity, but also its origin: In 1QS 3:19 the "fountain of darkness" is presented as the "origin of iniquity." Interestingly, this idea is presented in a passage that shares no substantial commonalities with Instruction and the Hodayot.

2.4   *Conclusions of the Comparison and Further Observations*

The above comparison showed some striking similarities between the three texts. Yet, it also became evident that the Treatise is amplifying the scope of Instruction and the Hodayot. The Treatise develops several ideas from these two works even further: while all compositions share the notion of a predestined order for the whole creation and emphasize God's omnipotence, the Hodayot and Instruction avoid presenting God explicitly as the creator of iniquity. Instead, they focus on the positive aspects and connect God only with truth and righteousness. Although the Hodayot also describe sinfulness and the influence of evil spirits on the human being, they do not explain their origin. The Treatise, however, shows a more systematic approach. With the notion of the "two spirits" (1QS 3:18) that were both created by God and bestowed upon every human being to a varying extent (cf. 1QS 4:15–16) the text explains how humans are guided by God. Moreover, in 1QS 3:19 the Treatise directly answers the question of the origin of iniquity, and in 1QS 3:20–21 a personified evil force is introduced that controls the negative influences in the world. Furthermore, in the passage 1QS 3:18–4:1 the two spirits divide the whole cosmos into two spheres and control the course of history with God's permission. Therefore, the "dualistic"[30] or bipolar structure of God's creation plays a central role in the

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30   Ugo Bianchi established the following definition of "dualism" in the strict sense: "In our terminology dualism means the doctrine of the two principles. More precisely articulated; dualistic are all those religions, systems, conceptions of life which admit the dichotomy of the principles which, coeternal or not, cause the existence of that which does or seems to exist in the world," Ugo Bianchi, "The Category of Dualism in the Historical Phenomenology of Religion," *Temenos* 16 (1980): 15. However, scholars specializing in early Jewish literature use the term "dualism" in a wider sense. Loren T. Stuckenbruck describes the usage of the term "dualism" as a "conceptual framework that involves two opposing systems, concepts, principles, or groups that can be neither resolved nor reduced in relation to one another," Loren T. Stuckenbruck, "The Interiorization of Dualism within the Human Being in Second Temple Judaism: The Treatise of the Two Spirits (1QS III:13–IV:26) in Its Tradition-Historical Context," in *Light against Darkness: Dualism in Ancient Mediterranean Religion and the Contemporary World*, ed. Armin Lange et al., Journal of Ancient Judaism Supplements 2 (Göttingen: Vandenhoeck & Ruprecht, 2011), 145. Paul Heger refuses to use the term "dualism" with regard to the Dead Sea Scrolls at all and prefers to speak of "polarity": "Like the distinction between big and small, tall and short, wide and narrow and so on; in other words, rather than dualism, this is the rational idea that every concept in human life has its opposite," Paul Heger, "Another Look at Dualism

Treatise, while Instruction and the Hodayot are less explicit in this respect and do not explain the nature of God's relation to negative forces in the world. The observations made above suggest the following conclusions: 1) common features suggest a direct and mutual influence between the three compositions, but 2) differences imply that the shared motifs were further developed within the Treatise.

To gain new insight concerning the literary growth of the Treatise, it is moreover important to consider the distribution of the parallels within this composition. Eibert Tigchelaar has shown that the parallels to Instruction are concentrated in 1QS 3:13–18 and 4:15–26.[31] Based on this observation and terminological differences within the Treatise, Tigchelaar distinguished between two "groups" or "layers" but remains skeptical as to whether these two groups can also be understood as redactional layers. According to his analysis, 1QS 3:18–4:14, on the one hand, is distinct for its usage of several unique or rare terms within the Dead Sea Scrolls.[32] Furthermore, only here does the contrast between light and darkness occur. Both 1QS 3:13–18 and 4:14–26, on the other hand, are characterised by the parallels to Instruction and, as we can now add, also to the Hodayot, since the above comparison demonstrated that the parallels to the Hodayot are likewise restricted to these two passages within the Treatise.

Therefore, 1QS 3:13–18 and 4:15–26 may have been influenced by Instruction and the Hodayot as they are connected with these two writings through many verbal correspondences and some central notions. But as we have seen, 1QS 3:13–18 and 4:15–26 already transform the shared ideas and combine them in a more systematic way. Thus, 1QS 3:18–4:14 might be interpreted as a later addition to the Treatise, which focuses on the "dualistic" tendencies that can be found already in 3:13–18 and 4:15–26 and unfolds them in a different way.[33]

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in Qumran Writings," in Xeravits, *Dualism in Qumran*, 55. Even though the definition of "dualism" by Bianchi does not fit a composition like the Treatise, the contrast between truth and iniquity plays a major role in this text as it structures the whole creation and the life of every human being. Therefore, it still seems appropriate to use the term "dualism" in the wider sense described by Stuckenbruck.

31 Tigchelaar, *To Increase Learning*, 194–203.

32 Tigchelaar, *To Increase Learning*, 202, mentions אל, שר אורים, משטמתו, מלאך חושך בני צדק and ישראל.

33 Tigchelaar, *To Increase Learning*, 203, briefly suggests that 1QS 3:18–4:1 might be the first layer to which 4:2–14 were added. Later 4:15–23 were added together with 3:13–18 and 4:23–26. This proposal partly follows the reconstruction by Peter von der Osten-Sacken but with two exceptions: Tigchelaar regards 4:2–14 as an addition and connects the introduction 3:13–18 with the passage 4:15–26. Tigchelaar does not elaborate on his proposal, but raises the question whether Instruction referred to the Treatise and notes that

This scenario would explain why Instruction and the Hodayot only share commonalities with 1QS 3:13–18 and 4:15–26, whereas the ideas expressed in 3:18–4:14 are alien to them. The passages 3:13–18 at the beginning and 4:15–26 at the end of the Treatise would be dependent on Instruction and the Hodayot, while the middle part in 3:18–4:14 might represent a younger stage of the composition.[34]

3   Textual Signals that Suggest a Literary Development of the Treatise

The above development suggested by the comparison of the three texts at hand is further corroborated by observations pertaining to the Treatise itself. In the following, I will discuss some aspects that might indicate reworking.[35] For this purpose, I will focus on the text of the Treatise as it is transmitted in 1QS, the best preserved manuscript, which very probably represents the youngest and most extensive version of the Community Rule.[36] Based on the results from

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if so, "one should explain why *Instruction* only refers to specific sections." According to Tigchelaar, another possibility would be "that the authors-editors of the later layers of *Two Spirits* either knew *Instruction* [...] or perhaps belonged to the same group as those who wrote and composed *Instruction*." The fact that 1QS 3:13–18 and 4:15–26 are not only connected with Instruction but also with the Hodayot and the observation that they show a further development of the shared ideas indicate that these passages might be dependent on the two writings. Therefore, it seems reasonable to change the chronological order favoured by Tigchelaar and interpret 1QS 3:18–4:14 as a later addition to 1QS 3:13–18 and 4:15–26. This is the simplest explanation for why Instruction and the Hodayot do not show any significant parallels to this passage.

34   The passage 1QS 3:18–4:14 was possibly influenced by additional texts as well. For example, the scenario described in 3:18–4:1 and several formulations show significant parallels to the War Scroll. For a detailed description, see Osten-Sacken, *Gott und Belial*, 116–23.

35   Apart from the aspects discussed here, other indications of possible reworking can be identified. Already von der Osten-Sacken, *Gott und Belial*, 17–27, listed several observations concerning terminological, grammatical/stylistic, and conceptual distinctions between different parts of the Treatise. A detailed, critical discussion of his analysis, however, is beyond the scope of this paper. The following reconstruction can only highlight some central differences between the passages that might indicate different stages of composition.

36   The classification of 1QS as the youngest version of the Community Rule compared to the shorter versions in the 4QS manuscripts presumes that all these manuscripts represent different editions of the same work. For a short overview of the literary development of the Community Rule and the classification of the manuscripts see Géza G. Xeravits and Peter Porzig, *Einführung in die Qumranliteratur: Die Handschriften vom Toten Meer* (Berlin: De Gruyter, 2015), 147–48. See also the reconstruction by Metso, *Textual Development*, 143–49. In addition to these attempts to reconstruct the textual history of the Community Rule, Jutta Jokiranta emphasizes that the different manuscripts should also be studied on

the comparison with Instruction and the Hodayot, I will concentrate on the distinction between the passages 1QS 3:15–18 + 4:15–26 (here called section A), on the one hand, and 3:18–4:14 (here called section B), on the other hand, as well as their interrelation. The heading in 1QS 3:13–15 is excluded from this general division into two sections as the heading contains elements from both sections. Furthermore, neither section is assumed to form a distinct unit but both were subject to successive reworking, that is, they consist of different passages that were added progressively. In the reconstruction of the literary development, I will briefly highlight some significant observations that support the proposal presented here.

3.1   Differences between 1QS 3:15–18 + 4:15–26 (Section A) and 3:18–4:14 (Section B)

Already Peter von der Osten-Sacken made several terminological observations that challenge the uniformity of the Treatise.[37] Based on the comparison with Instruction and the Hodayot, his analysis can now be refined: Internal terminological commonalities and differences corroborate the distinction between the passages 3:15–18 + 4:15–26 (section A) as compared to 3:18–4:14 (section B). On the one hand, the close connection between 3:15–18 and 4:15–26 is indicated by the use of two terms that are both exclusive to these two passages and include the notion of predestination: Firstly, פעולה (sg.) occurs in 3:16 as well as 4:15, 25 and refers to the deeds of God's creatures that are determined by him.[38] Secondly, the formulation מועד פקודה in 3:18 and 4:18–19, [26] denotes the future visitation, which has already been settled. On the other hand, there are several terms that are exclusive to section A (3:15–18 + 4:15–26) as well as to section B (3:18–4:14) and the heading (3:13–15). The following table provides a selection of different words that occur at least twice within one of these sections:[39]

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their own "as representing the rule traditions in multiple ways and organizing the existing information in each case uniquely," Jutta Jokiranta, "What is 'Serekh ha-Yahad (S)'? Thinking About Ancient Manuscripts as Information Processing," in *Sibyls, Scriptures, and Scrolls: John Collins at Seventy. Vol. 1*, ed. Joel Baden, Hindy Najman, and Eibert Tigchelaar, (Leiden: Brill, 2016), 635. The question of how the 4QS manuscripts that contain parts of the Treatise shed light on the literary development of this passage will be discussed in detail in my dissertation; see also James Tucker's article in this volume, pp. 185–206 below.

37   Osten-Sacken, *Gott und Belial*, 17–18, comes to the conclusion that 1QS 3:13–4:14 and 4:15–26 need to be separated.

38   In 1QS 3:16, all of God's creatures are addressed, in 4:15 פעולה refers to human beings and in 4:25 to spirits. For the usage of פעולה in 1QS and the Hodayot in connection with the idea of predestination, see also Kuhn, *Enderwartung und gegenwärtiges Heil*, 123–25.

39   This table is based on observations made by Osten-Sacken, *Gott und Belial*, 17, used to demonstrate the difference between 1QS 3:13–4:14 and 4:15–26.

Terms that occur only in Section A (3:15–18 + 4:15–26)		Terms that occur only in the Heading (3:13–15) and Section B (3:18–4:14)	
פעולה	3:16; 4:15, 25	אור	3:13, 19, 20 (pl.), 24, 25; 4:8
מועד פקודה	3:18; 4:18, 19, [26]	חושך	3:19, 21, 25; 4:11, 13
מפלג(ה)	4:15, 16, 17	מלאך	3:20, 21, 24; 4:12
בד בבד	4:16, 25	סוד	4:1, 6
נחלה	4:16, 24	נגיע	3:14, 23; 4:12
נחל	4:15, 26	שלום	3:15; 4:7
חרץ	4:20, 25	הלך (Qal)	4:5, 6, 11, 12
גלל	4:19, 21		
גבר	4:20, 23		

While these observations in and of themselves might also be explained by varying thematic priorities, a comparison of those terms that occur in both sections reveals substantial differences.[40] The term תולדות, for example, appears in 3:13, 19 and 4:15.[41] In 3:13 and in 4:15 (section A) the formulation תולדות כול בני איש occurs. In the heading in 3:13–14 the topics of the Treatise are announced as follows:

בתולדות כול בני איש לכול מיני רוחותם באותותם למעשיהם בדורותם	About the history of all men concerning the types of their spirits, about their signs concerning their deeds in their generations.

The translation of תולדות as "history"[42] emphasizes that the text is going to deal with the life of humanity throughout all generations. The same meaning is

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40 Jean Duhaime collected many terms that can be found either throughout the Treatise or only within specific sections. The aim of his description is to show that the Treatise in its final form presents itself as a unified composition. Therefore, Duhaime focuses on connections between different parts of the composition regarding the vocabulary without discussing the different manners of use; Jean Duhaime, "Cohérence structurelle et tensions internes dans l'instruction sur les deux esprits," in *Wisdom and Apocalypticism in the Dead Sea Scrolls and in the Biblical Tradition*, ed. Florentino García Martínez, BETL 168 (Leuven: Peeters, 2003), 117–19.

41 Tigchelaar, *To Increase Learning*, 202, also points to the different usage of תולדות in both groups.

42 In 1QS 3:13 and 4:15, the term תולדות has often been translated in the sense of "nature" or "history": André Dupont-Sommer translates "la nature" in 3:13 and "les generations" in 4:15; André Dupont-Sommer, *Les écrits esséniens découverts près de la Mer Morte* (Paris: Payot, 1959), 93, 96. Geza Vermes translates "nature" in both cases; Geza Vermes, *The Complete Dead Sea Scrolls in English*, 15th ed. (Penguin Classics, 2011), 101, 102. Pierre

attested in 4:15 (section A). Here, the phrase תולדות כול בני איש is used a second time and it appears, again, together with the term דור:

באלה תולדות כול בני איש ובמפלגיהן ינחלו כול צבאותם לדורותם	In these lies the history of all men and in their divisions their entire hosts have a share for their generations.

In 3:19 (section B), however, the term תולדות is used in the sense of "origin/source"[43] in connection with the two synonymous terms מעין and מקור:

במעין אור תולדות האמת וממקור חושך תולדות העול	In a spring of light lies the origin of the truth and from a fountain of darkness comes the origin of the iniquity.

Guilbert translates "l'histoire" in 3:13 and 4:15; Jean Carmignac and Pierre Guilbert, *Les textes de Qumran: Traduits et annotés* (Paris: Letouzey & Ané, 1961), 32, 36. Eduard Lohse likewise translates "Geschichte" in 3:13 but suggests "Ursprung" in 4:15; Eduard Lohse, ed., *Die Texte aus Qumran: Hebräisch und Deutsch; mit Masoretischer Punktation, Übersetzung, Einführung und Anmerkungen*, 2nd ed. (Darmstadt: Wissenschaftliche Buchgesellschaft, 1971), 11, 15. James Charlesworth translates "nature" in 3:13 and "natures" in 4:15, James H. Charlesworth et al., ed., *Rule of the Community and Related Documents*, vol. 1 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, PTSDSSP (Tübingen: Mohr, 1994), 15, 17. Alfred Leaney, who translates both instances "history," emphasizes that the different translations all point to the same complex of meaning: "To write therefore the 'generations' or history of mankind is to give an account of man's nature," Leaney, *The Rule of Qumran and Its Meaning*, 146, 154.

43 This translation corresponds to the basic meaning of the noun, which derives from the root ילד. Ludwig Köhler and Walter Baumgartner, *Hebräisches und Aramäisches Lexikon zum Alten Testament. Band 2. Pe—Taw* (Leiden: Brill, 2004), 1566. However, in 1QS 3:19 the term תולדות has been interpreted in different ways. Cf. for example the following translations: Preben Wernberg-Møller and Alfred Leaney translate in both cases "generations," Preben Wernberg-Møller, *The Manual of Discipline: Translated and Annotated with an Introduction*, STDJ 1 (Leiden: Brill, 1957), 25; Leaney, *The Rule of Qumran and Its Meaning*, 144. Hans Bardtke translates the first instance with "Ursprünge" and the second as "Geschlechterfolgen," Hans Bardtke, *Die Handschriftenfunde am Toten Meer: Mit einer kurzen Einführung in die Text- und Kanonsgeschichte des Alten Testaments*, 2nd ed. (Berlin: Ev. Haupt-Bibelgesellschaft, 1953), 90. André Dupont-Sommer translates in both cases "l'origine," Dupont-Sommer, *Les écrits esséniens découverts près de la Mer Morte*, 94. Eduard Lohse and Johann Maier both translate each case with "Ursprung," Lohse, *Die Texte aus Qumran*, 11; Johann Maier, *Die Texte der Höhlen 1–3 und 5–11*, UTB für Wissenschaft: Uni-Taschenbücher 1862 (München: Reinhardt, 1995), 174. James Charlesworth translates instead "nature," Charlesworth, *Rule of the Community and Related Documents*, 15.

Therefore, two different meanings of the term תולדות are attested within the Treatise: the meaning "history" is used in the heading (3:13) and section A (4:15), whereas in section B (3:19) תולדות means "origin."

Another term that occurs in both sections is מחשבה. In section A (3:15, 16), it is used in the singular and denotes God's comprehensive plan for the whole creation, whereas in section B (4:4) it appears in the plural and refers to different plans of human beings.

Furthermore, different terms for groups of people occur only within the heading in 3:13 and 3:18–4:14 (section B), whereas 3:15–18 and 4:15–26 (section A) concentrate on humanity as a whole.[44] Apart from the formulation "the heart of men" (לבב איש) in 4:2[45] all terms that refer to humankind occur within section A:

Terms for different groups of people		Terms for "men/human being/humankind"	
בני אור	3:13, 24, 25	בני איש	3:13; 4:15, 20, 26
בני עול	3:21	אנוש	3:17
בני צדק	3:20, 22	גבר	4:20, 23
בני אמת	4:5, 6	איש	4:2, 16, 24

These terminological differences reflect divergent perspectives: 3:18–4:14 (section B) are focused on the dualism between truth and iniquity in the world, whereas 3:15–18 and 4:15–26 (section A) deal with the creation, the present situation, and the future judgement of humanity. Only in section B are two groups of persons contrasted, each of which is guided by one group of spirits. In section A the situation is quite different: according to 3:17–18, God bestowed humans with two kinds of spirits. The formulation that uses the word אנוש in the singular indicates that everyone received both spirits from God. This impression is confirmed later on in 4:15–17. Here, it is described that all human beings received a different amount of both spirits. Whereas lines 3:18–4:14 (section B) distinguish between two groups of righteous and iniquitous people, 3:15–18 and 4:15–26 (sections A) discriminate truth and iniquity within every single person.

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44   See also Osten-Sacken, *Gott und Belial*, 17.

45   It has to be noted, however, that the whole passage 1QS 4:2–8 deals with the "sons of truth" (4:5,6) so that the formulation לבב איש in 4:2 refers exclusively to this group.

3.2   *The Subheading in 1QS 4:15*

The text of the Treatise is structured in four main paragraphs with three sub-headings in 1QS 3:18–19, 4:2, and 4:15. The introduction in 3:18 concludes that God equipped humans with "two spirits" (וישם לו שתי רוחות להתהלך בם עד מועד פקודתו). Subsequently, the pronoun הנה in the first subheading in 3:18–19 refers back to the spirits that are characterized as "the spirits of truth and iniquity" (הנה רוחות האמת והעול). In the second subheading (4:2), the feminine plural pronoun, this time as a suffix, again refers back to the spirits (cf. 3:25–4:1) and introduces a new topic that commences with the sentence: "And these are their ways in the world" (ואלה דרכיהן בתבל). Finally, 4:15 offers the following formulation:

באלה תולדות כול בני איש ובמפלגיהן ינחלו כול צבאותם לדורותם	In these lies the history of all men and in their divisions their entire hosts have a share for their generations.

Here in 4:15 and in the following lines in 4:16 and 18 the feminine plural suf-fix הן- is used and it can be nothing but a reference to the two spirits. This conclusion immediately suggests itself not only in terms of content,[46] but also in analogy to the other subheadings. Moreover, all other feminine plural pro-nouns in the Treatise definitely refer to the two spirits and the spirits are always mentioned in the immediate context.[47] Only the feminine plural pronouns in 4:15–18 have no direct point of reference: within 4:2–14 the term רוח does not appear in the plural at all. The singular is used for the last time in 4:10 in the designation "spirit of fornication" (רוח זנות). Most translations try to solve this problem simply by adding the two spirits at the beginning of 4:15 in brack-ets to clarify the connection.[48] But the fact that the feminine plural pronouns

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46   The following texts discuss the spirits' influence on humans and in 1QS 4:23–24 the spirits are connected with the notion of a divine inheritance, which in 4:15 is also indicated by the verb נחל.

47   See 1QS 3:25, 26(2x); 4:2, 25(2x), 26 and הנה in 3:18.

48   Many scholars understand the plural pronoun אלה in 1QS 4:15 to refer to the two spirits. In this way, they create a reference to the following feminine plural suffixes in 4:15–18. See for example, "In these [two spirits] are the families of all mankind" by William Hugh Brownlee, *The Dead Sea Manual of Discipline: Translation and Notes*, BASORSup 12 (New Haven, CT: American Schools of Oriental Research, 1951), 16; "In these (two) are the ge-nealogies of all mankind" by Wernberg-Møller, *The Manual of Discipline*, 26; "C'est en ces (deux Esprits) que vont les générations de tous les fils d'homme" by Dupont-Sommer, *Les écrits esséniens découverts près de la Mer Morte*, 96; "Per ces (esprits s'explique) l'histoire de tous les enfants des hommes" by Carmignac and Guilbert, *Les textes de Qumran*, 36; "In diesen (vorgenannten Geistern) befinden sich die Geschlechter aller Menschenkinder"

in 4:15–18 are the only ones within the Treatise that do not have a point of refer-ence is striking and needs an explanation. This incoherence could indicate a reworking of the text. Maybe a secondary addition before 4:15–18 separated the original point of reference from the pronouns.

4   A Reconstruction of the Literary Development of the Treatise

4.1   *The Original Core of the Treatise*

Thus far, it has been demonstrated that a distinction between 1QS 3:15–18 + 4:15–26 (section A) and 3:18–4:14 (section B) is indicated by the comparison with Instruction and the Hodayot as well as by conceptual and terminological differences between the two sections. These observations lead to the assump-tion that they were not written by the same author. Several aspects have to be taken into account concerning the relation of the two sections. Firstly, it is likely that 1QS 3:15–18 + 4:15–26 (section A) are younger than Instruction and the Hodayot and adopted several motifs from these writings because section A contains additional elements that alter the concept of divine power. God is now understood to influence every human being by means of the two spirits. Secondly, if 1QS 3:15–18 + 4:15–26 (section A) are dependent on Instruction and the Hodayot, it is in turn likely that 1QS 3:18–4:14 (section B) form an even younger addition. Section B shows no similarities with these two writings and further develops certain "dualistic" elements that can already be found in sec-tion A. Thirdly, the missing reference for the fem. pl. suffix in 1QS 4:15–18 dis-turbs the text's coherence in comparison to the preceding lines.

This missing reference might, perhaps, be explained by the assumption that the whole passage in 1QS 3:18b–4:14 represents a later addition: The mention-ing of the "two spirits" (שתי רוחות) in 3:18a would then have been followed di-rectly by 4:15 and the feminine plural pronouns in 4:15–18 would have referred to them. Furthermore, the demonstrative pronoun אלה in 4:15a would refer to the preceding description in 3:17b–18a, which focuses on the whole history from creation to the future judgement. Lines 4:15b–16a would mark the begin-ning of the second part of the original composition as 4:15b introduces the new topic of "divisions" within mankind:

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by Bardtke, *Die Handschriftenfunde am Toten Meer I*, 92; "These spirits constitute the his-tory of all men" by Leaney, *The Rule of Qumran and Its Meaning*, 154; "The nature of all the children of men is ruled by these (two spirits)" by Vermès, *The Complete Dead Sea Scrolls in English*, 102; "In diesen (beiden Geistern) befindet sich der Ursprung aller Menschen" by Lohse, *Die Texte aus Qumran*, 15.

End of the first part:	והואה ברא אנוש לממשלת תבל	3:17b–3:18a
	וישם לו **שתי רוחות** להתהלך בם עד מועד פקודתו	
	באלה תולדות כול בני איש	4:15a

And he created the human being to rule over the world.
And he placed in him **two spirits** to walk in them[49] until the appointed time of his visitation.
In these lies the history of all men.

Beginning of the original second part:	ובמפלגיהן ינחלו כול צבאותם לדורותם	4:15b–16a
	ובדרכיהן יתהלכו וכול פעולת מעשיהם במפלגיהן	

And in **their** divisions their entire hosts have a share for their generations.
And in **their** ways they walk und all deeds of their works are in **their** divisions.

Following our above assumptions, the original core of the Treatise would have consisted of the headline in 3:13–14a*[50] and two parts that both refer to the heading and develop some of its motifs. The phrase "the history of all men" in 4:15a establishes a reference to the first part of the heading in 3:13–14a* (‑בתול דות כול בני איש לכול מיני רוחותם) and the terms דורותם and מעשיהם in 4:15b–16a also occur in part two of the heading in 3:14. The first part, 3:15b–18a + 4:15a, focuses on God's creation and the "history of all men," while the second part, 4:15b–23a, concentrates on the two sprits, their influence on humans, and the future judgement, which had already been introduced at the end of the first part. The final verses 4:23b–26 most likely did not constitute a part of the literary core, as Peter von der Osten-Sacken has convincingly demonstrated.[51] Thus, in summary the original core of the Treatise can be reconstructed as follows:

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49   Here the masc. pl. suffix refers back to the fem. pl. noun רוחות. Concerning this discrepancy, see below n. 60.

50   The asterisk is used here to indicate that this passage has been extended later on.

51   Osten-Sacken, *Gott und Belial*, 22–23. He demonstrates that 1QS 4:23b–26 refers back to several words and formulations from 4:15–18a in order to create a chiastic recapitulation of the preceding passage. Several differences with regard to expression and word order as well as a different interpretation of some common ideas in 4:23b–26 further indicate that this passage was not written by the author of 4:15–18a.

The Original Core of the Treatise and the References to the Heading:[52]

Heading:[53] 3:13–14a*   למשכיל להבין

1)   **בתולדות כול בני איש** לכול מיני **רוחותם**

2)   באותותם למעשיהם בדורותם

Part 1 3:15b–18a +4:15a *End of the first part in* 3:18a + 4:15a:

וישם לו שתי **רוחות** להתהלך בם עד מועד פקודה

באלה **תולדות כול בני איש**

Part 2 4:15b–23a *Beginning of the second part in* 4:15b–16a:

ובמפלגיהן ינחלו כול צבאותם לדורותם

ובדרכיהן יתהלכו וכול פעולת מעשיהם במפלגיהן

4.2   *The First Additions: 1QS 4:2–14 and the First Expansion of the Heading*

In the middle part, 1QS 3:18b–4:14, the two passages 3:18b–4:1 and 4:2–14 must be distinguished from each other due to thematic and linguistic differences.[54] Unlike in 3:18b–4:1, the "virtue and vice lists" in 4:2–14 are not based on a

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52   In the following table, the keywords that connect the two parts of the original core with the heading are emphasized in boldface respectively italic.

53   Jean Duhaime suggested that the formulation וללמד את כול בני אור in the heading represents a secondary element, which was added together with 1QS 3:18b–23a; 3:23b–25a; Duhaime, "L'instruction sur les deux esprits et les interpolations dualistes à Qumrân," 567–77, 572, 579. He pointed to the fact that the verb בין is usually preceded by the preposition ב in the Dead Sea Scrolls, whereas למד is used most often without a preposition. The heading in 1QS 9:12–13 addresses the *maśkil* and uses the verb למד. Therefore, Duhaime argues that the formulation וללמד את כול בני אור in 1QS 3:13 as well as the mentioning of the *maśkil* (משכיל) were added in analogy to 9:12–13. This way, the uncommon combination of למד with the preposition ב in 1QS 3:13 can be explained, as this preposition originally was connected with the preceding verb בין. But another interesting parallel to the heading in 1QS 3:13 is the heading in 1QHᵃ 5:12–13: Here, the formulation למ[שׂ]כִּיל also occurs and the *maśkil* is asked among other things "to teach the simple-minded people" (להבין פ'תאים). According to the reconstruction by Tigchelaar, *To Increase Learning*, 207, a similar formulation also occurs in 4Q418 238 1 + 221 2. The fact that in 1QHᵃ 5:12–13 and perhaps also in 4Q418 238 1 + 221 2, the *maśkil* is mentioned in a heading with the verb בין (hi.) leads to a modification of the analysis by Duhaime: The formulation למשכיל להבין בתולדות כול בני איש and the mentioning of the *maśkil* can be understood as a plausible introduction of the heading, whereas וללמד את כול בני אור seems to be a secondary element that was inserted in analogy to 1QS 9:12–13 and in order to introduce the term בני אור.

54   Although these differences, which are described in the following, indicated that 1QS 3:18b–4:1 and 4:2–14 do not belong to the same literary stage of development, the two

universal contrast between two spheres of influence that are controlled by two leaders. Instead, different designations for various kinds of spirits are mentioned.[55] In addition, the terms "light" and "darkness" are used in a way that is more reminiscent of the book of Proverbs than of 3:18b–4:1.[56] However, compared to the original core of the Treatise, the passage in 4:2–14 already transforms the opposition of truth and iniquity: whereas in 4:15–26 the two spirits are given to every human being to a variable extent, lines 4:2–14 describe humankind as divided into two groups and their behaviour being influenced either by various good or evil spirits.

It is possible that the "virtue and vice lists" were added to the Treatise in order to illustrate different types of behaviour in a general way. Furthermore, the list of virtues in 4:2–6 is connected to other virtue lists in 1QS 1:5, 2:24, 5:4 and 8:2. The community plays a central role in the context of these lists.[57] In 1QS 2:24, 5:4, as well as in 8:2–3, the members of the group are asked to meet each other with love, and 4:5 demands "rich love for all the sons of truth" (רוב חסדים על כול בני אמת). This is the only formulation in the Treatise that deals

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passages share several terms and notions and are closer to each other than the two main sections A and B (1QS 3:15–18 + 4:15–26 vs. 3:18–4:14) discussed above.

55   Cf. also similar descriptions of different spirits in the "virtue and vice lists" in the Testaments of the Twelve Patriarchs. For an overview see Siegfried Wibbing, *Die Tugend- und Lasterkataloge im Neuen Testament und ihre Traditionsgeschichte unter besonderer Berücksichtigung der Qumran-Texte*, ZNW / Beihefte 25 (Berlin: Töpelmann, 1959), 36–37.

56   1QS 4:7 mentions, for example, the "eternal light" (אור עולמים) and 4:13 refers to the "dark perdition" (הווות חושך). This metaphoric use of "light" and "darkness" in connection with divine grace on one side and condemnation and death on the other is a common notion (for a similar use of אור, cf. for example Isa 9:1; 42:16; 47:7; Ps 43:3; 97:11; 112:4; Prov 4:18; 13:9; for the use of חושך, cf. Ps 88:13; Job 17:13; Qoh 6:4; 11:8). The closest parallel to this particular usage of the imageries can be found in the book of Proverbs: the formulation "ways of darkness" (דרכי חושך) in 1QS 4:11 has a parallel in Prov 2:13. Furthermore, in Prov 4:18f, "light" and "darkness" are contrasted at the end of a "virtue and vice list" in a manner similar to 1QS 4:7 and 13. In addition, Benedict Otzen has listed several other parallels between 1QS 4:2–14 and the book of Proverbs; Benedikt Otzen, "Old Testament Wisdom Literature and Dualistic Thinking in Late Judaism," in *Congress Volume: Edinburgh, 1974*, ed. John Emerton, VTSup 28 (Leiden: Brill, 1975), 152–53. Therefore, it is possible that the formulation "ways of darkness" in 1QS 4:11 was borrowed from the book of Proverbs and was afterwards adopted in 3:21. Only in 3:21 the ways of darkness are contrasted with the "ways of light" (3:20) in the context of a cosmic opposition between the two options.

57   The behaviour described in these lists has to be adhered to by "the community" (היחד) in 1QS 1:1, the "sons of the eternal congregation" (בני סוד עולמים) in 2:25, the "men of the community" (אנשי היחד) in 5:1, as well as by the "council of the community" (עצת היחד) in 8:1. With the mentioning of the "community of truth" (יחד אמת) in 2:24 as well as with the request for "unity" (יחד) in 5:3, the intimacy and solidarity within the group is emphasized.

explicitly with the behaviour within a group. Therefore, it seems plausible that another motivation to incorporate the "virtue and vice lists" into the Treatise was to add an aspect of community membership and thereby to strengthen the connection with the surrounding literary context.

It seems likely that 4:2–14 once continued from 3:18a: 3:18a mentions the "world" (תבל) as well as the "two spirits," in which the human being "walks" (התהלך). It may be that the introduction in 4:2 (ואלה דרכיהן בתבל) refers back to 3:18a, where the ways of the spirits "in the world" are described. By incorporating the passage 4:2–14 here, the author(s) even accepted a separation between 3:18a and 4:15. Furthermore, in order to integrate 4:2–14 into the composition, the heading may have been expanded in 3:14b–15a by the words "and concerning the visitation of their plagues with the times of their peace" (ולפקודת נגיעיהם עם קצי שלומם). This phrase uses central terms from the passage 4:2–14: the keyword שלום occurs at the end of the first list in 4:7, and in 4:12 at the end of the second list the נגיעים are mentioned.

4.3   The Second Additions: 1QS 3:18b–25a, the Second Expansion of the Heading, and 4:23b

The author(s) of 1QS 3:18b–25a elaborate the focus on different groups, which was introduced by the passage 4:2–14: now the whole cosmos is divided into two factions. One side is ruled by truth, justice, and light, while the other is dominated by iniquity and darkness. Humanity is split into two halves, two troops of spirits are contrasted and both are guided by two leaders. This addition (3:18b–25a) seems to have been attached directly to the introduction and the first sentences in 3:18b–19 illustrate the systematic interest of the passage:

הנה רוחות האמת והעול במעין אור תולדות האמת וממקור חושך תולדות העול	These are the spirits of truth and iniquity. At the fountain of light lies the origin of truth and from the fountain of darkness comes the origin of iniquity.

The keywords רוחות and תולדות interlink these sentences with the heading in 3:13–14a.[58] Furthermore, the heading was presumably expanded for a second time by the formulation "and in order to teach all sons of light" (וללמד את כול בני אור), as the only other passage within the Treatise that uses the term "sons of

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58   Yet, it has to be noted that the term תולדות is used here in a different sense ("origins") than in 1QS 3:13–14 and 4:15 where it denotes "history" or "nature." See above nn. 41–42.

light" is 3:18b–25a.[59] In 3:18b the two spirits are identified as the "spirits of truth and iniquity" (רוחות האמת והעול). Moreover, the only other instance where the two spirits are contrasted with the same designations is 4:23b:[60]

עד הנה יריבו רוחי אמת ועול   Until then, the spirits of truth und in-
                                              iquity will struggle.

This formulation as well as its position at the end of the original core suggest that this statement too represents a secondary conclusion that was added together with 3:18b–25b. This way the universal struggle between the two spirits is emphasized again at the end of the composition.

4.4   *The Third Additions: 1QS 4:23c–26 and 3:25b–4:1*

The passage in 1QS 4:23c–26 revises the personalized presentation of the two spirits, which was emphasized once more in 4:23b, and locates them in the "heart of man" (4:23c). This later addition not only recapitulates lines 4:15–18a in a chiastic way, but also has different priorities.[61] According to 4:26, for example, humans can discern good and bad only with the help of the spirits. This idea connects the end of the Treatise again with Instruction and the Hodayot, since the question of how humans can get insight is a central topic in both texts. Therefore, 4:23c–26 might be understood as a correction and extension. It possibly reacts to the secondary conclusion in 4:23b and tries to re-strengthen the concept of the hypothetical core at the end of the whole composition.

A similar development can be observed in 3:25b–4:1. In the preceding statement in 3:24, the "God of Israel" helps the "sons of light" together with the "angel of his truth." This is the only instance in the Treatise where God operates

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59   See above n. 53.

60   In contrast to 1QS 3:19, אמת and עול are undetermined in 4:23b. This, however, can be explained by the fact that they were first introduced in 3:19. In 4:23b, the definite article is not necessary, as the reader is already familiar with this designation. Apart from 4:23b, the term עול is only used in 3:19(2x), 21 and 4:24, whereas in 4:9, 17(2x), 18, 19, 20, 23, 24 the variation עולה occurs. Therefore, the spelling עול was presumably introduced by the author(s) of 3:18b–25a, who might also have added 4:23b. Another difference between the formulations in 3:19 and 4:23b is the gender of the word רוח: while 3:19 uses the fem. pl. cs., the masc. pl. cs. occurs in 4:23b. In this regard, it is worth noting that the only other masc. pl. form of רוח within the Treatise is used in 3:24 in the designation רוחי גורלו. Therefore, this coincidence may further support the hypothesis that 4:23b was added by the same author who composed 3:18b–25a. In 3:18, however, the masc. pl. suffix ם- is used to refer to the fem. pl. רוחות in the same line. Thus, the variation might be accidental.

61   See above n. 51.

on the same level as his angels. The formulation in 3:24 thus entails a possible danger that God might be seen as a mere antagonist of the "angel of darkness" (3:20–21, 23). The following statement in 3:25b corrects this impression and emphasizes that God is the creator of both the "spirits of light and darkness," thus highlighting his position of omnipotence.[62] Therefore, 3:25b–4:1 and 4:23c–26 oppose the idea of a universal struggle involving the spirits by accentuating the creative power of God and by locating the controversy between the spirits inside every human being. In this way, they support the theme of the original core and might have been composed by the same author(s).

5   Summary and Conclusion

The comparison of the Treatise with the Hodayot and Instruction revealed distinct parallels, yet also differences. Within the Treatise the parallels are restricted to 1QS 3:13–18 and 4:15–26, two passages that have been allocated to different stages of the literary development in previous reconstructions. In addition, an internal analysis of the Treatise reveals strong differences between 1QS 3:15b–18a + 4:15–26 on the one hand and 3:18b–4:14 on the other, and a textual problem can be solved if the middle part 1QS 3:18b–4:14 is considered to be a later addition. Furthermore, if this passage was added secondarily, this would also explain why neither the Hodayot nor Instruction reflect any of the central ideas of the Treatise that can be found within 1QS 3:18b–4:14. Therefore, it seems plausible to assume a growth of this composition "from the outside to the inside."

The original core of the Treatise probably consisted of the heading in 1QS 3:13–14a*, the first part in 3:15b–18a + 4:15a which focuses on the topics of creation and predestination, and the second part in 4:15b–23a which takes a closer look at the course of history as well as the future judgement and describes how humans are guided by the two spirits. This original core presumably was extended in three steps: (1) Firstly, the "virtue and vice lists" in 4:2–14 were added together with an expansion of the heading in 3:14b–15a (ולפקודת נגיעיהם עם

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62   Moreover, 1QS 3:25b adopts the formulation from 3:17–18: these lines describe that God created humankind to rule over the world (והואה ברא אנוש לממשלת תבל) and 3:25b is concerned with the creation of the spirits of light and darkness (והואה ברא רוחות אור וחושך ועליהון יסד כול מעשה). In both cases the verb ברא is used in a parallel syntactic structure so that the second occurrence refers to the first one and can be understood as a restatement. Ehrhard Kamlah already pointed to the possibility that 3:25–26 refers to 3:18–19; Ehrhard Kamlah, *Die Form der katalogischen Paränese im Neuen Testament*, WUNT 7 (Tübingen: Mohr, 1964), 164.

קצי שלומם). In 4:2–14 the distinction between different groups of humans and their behaviour is emphasized. Therefore, this passage was probably added to strengthen the connection of the Treatise with the (rest of the) Community Rule. (2) The second addition can be identified in 3:18b–25a and in 4:23b and it likely included the phrase וללמד את כול בני אור from the heading in 3:13. These passages transform the idea of the two spirits from the original core and elaborate the distinction between different groups that was introduced by 4:2–14. Whereas according to 3:18a and 4:15–26 every human being got a share in the two spirits from God, lines 3:18b–25a distinguish between two groups within humanity that are each controlled by one group of spirits and their leader. The universal struggle between the spirits of truth and iniquity is mentioned again at the end of the composition in 4:23b. (3) In a third step, this personified image of two opposing troops of spirits and their leaders is put into perspective with the addition of 3:25b–4:1 and 4:23c–26. In 3:25b–4:1 God's dominance over the two spirits is emphasized and 4:23c–26 focus on how the two spirits influence each human being from the inside.

The above reconstruction might not meet the full complexity of the subject matter. Rather, different parts most certainly have undergone further processes of editing or reworking.[63] This proposal pertaining to the formation of the Treatise merely attempts to shed light on the main thematic and theological developments, thus indicating in which direction the line of thought may have progressed. The original core of the Treatise combines several notions that can also be found in Instruction and the Hodayot, like the image of God as the architect of his creation who determined a master plan for his work, the opposition of truth and iniquity, and the expectation that truth will prevail in the future. Additionally, the Treatise explains how God influences not only his chosen ones, but every human being with the help of the two spirits. Therefore, the author(s) of the literary core probably adopted selected notions in a concise way and incorporated them into a central document of the *yaḥad*, the

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63   Different versions might especially be expected regarding the "virtue and vice lists" in
      1QS 4:2–14. Compared to the argumentative parts of the Treatise small variations and
      mistakes might occur more easily during the transmission of these lists. Some scribes
      may have accidentally forgotten certain elements or may have added others in order to
      improve the parallel structure of the two lists. This mechanism may be observed in 4QS^c
      A 3: Tigchelaar, "'These Are the Names,'" 541, argues that this fragment possible contains a
      longer version in comparison to 1QS 4:9–12, so that the two lists are more balanced when
      compared to each other. For a detailed analysis of the symmetry in the whole passage 1QS
      4:2–14, see Duhaime, "Cohérence structurelle et tensions internes dans l'instruction sur
      les deux esprits," 109–14, 128.

Community Rule. Thus, its theological foundation is strengthened. Later on, the literary core seems to have been reworked: The "dualistic" tendency that is already present in the literary core was transformed and different groups within humankind and two opposing groups of spirits are distinguished. In the final step, however, the idea that determined the literary core, that the two spirits act within every human being, is re-emphasized and God's position of omnipotence is strengthened.

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From Ink Traces to Ideology: A Reassessment of 4Q256 (4QSerekh ha-Yaḥadᵇ) Frags. 5a–b and 1QS 6:16–17

James M. Tucker

1   Introduction[1]

In this essay, I present an overlooked reading in 4Q256 (hereafter, 4QSᵇ) frag. 5b, and contextualize my reading in a broader discussion apropos semantic similarities and differences between 4QSᵇ and 1Q28 (hereafter, 1QS).[2] To demonstrate the plausibility of my reading, I provide sufficient reasons, based upon material features, paleographical characteristics, and a textual analysis of 4QSᵇ, to read frag. 5b 12 differently than the text of 1QS 6:16–17. A paleographical analysis provides corroborating evidence to postulate a reading thus far not contemplated in the textual history of 4Q256 and its counterpart linguistic formulation in 1QS.[3] The proposed reading suggests that 4QSᵇ 5b 12 had a

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2   The present article is also related to my doctoral thesis research, whereby I examine the nature and work of Serekh ha-Yaḥad within the framework of comparative and cognitive legal semantic frames: James M. Tucker, "Second Temple Jewish Scribalism: The Composition of *Serekh Ha-Yaḥad* and Related Texts" (Ph.D. Thesis, University of Toronto, under supervision of Sarianna Metso).

3   At the 2016 Leuven meeting of the International Organization for Qumran Studies, I presented a form of this paper by the title of "Reconsidering 4Q256 frg. 5a–b (4Q*Serekh ha-Yaḥad*ᵇ): A New Reading and its Implications for Understanding the Literary Growth of 1QS" (online: https://www.academia.edu/37182505/Reconsidering_4Q256_frags._5a–b_4QSerekh_ha-Yaḥadb_A_New_Reading_and_its_Implications_for_Understanding_the_Literary_Growth_of_1QS). I have changed the title and modified the claim that this was a "new" reading. It is not a new reading, but rather a paleographically unconfirmed and semantically

shorter text than 1QS, which concords with the overall textual relationships among 4QS[b], 4Q258 (hereafter, 4QS[d]), and 1QS.[4] After the paleographical evidence is analyzed and a reading of frag. 5b 12 is proposed, I transition to discuss the implications of this difference—viz., the longer 1QS linguistic formulation vis-à-vis the shorter 4Q256 5b 12 formulation—within the compositional history and legal developments of Serekh ha-Yaḥad. The proposed reading, I shall argue, demonstrates how the scribe(s) of 1QS appropriated a *legal function* of the Treatise of the Two Spirits (1QS 3:13–4:26) to clarify ambiguous language relating to a member's standing in the community, after one year of probationary status.

2 Paleographical Analysis of 4Q256 Frags. 5a–b

The first step in my argument is to provide an emendation to the reconstruction of 4QS[b] frag. 5b 12. A careful analysis of the ductus and aspect of the scribal hand of 4QS[b], based on the high-resolution photos,[5] reveals sufficient evidence to postulate a different reading and thus reconstruction of line 12.

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unexplored reading. Eibert Tigchelaar and Florentino García Martínez, *The Dead Sea Scrolls Study Edition* (Leiden: Brill, 1997), 1:514, were first to propose the reading which I had come to independently (see n. 1 above). In 2018, James Nati, "New Readings in 4Q256 (4QSb)," *RevQ* 30 (2018): 69–77, argues for four "new" readings in the scroll of 4Q256. One of his four readings concerns 4Q256 frag. 5 b 12. This is clearly not a new reading, as evidenced by Tigchelaar and Florentino's publication of it in their *Study Edition* in 1997. What is more, the novelty of Nati's other three readings is likewise in doubt. I will further discuss Nati's proposed readings in a forthcoming publication in *Revue de Qumran*.

4   On the overall differences between 1QS and the shorter texts of 4QS[b,d], see Sarianna Metso, *The Textual Development of the Qumran Community Rule*, STDJ 21 (Leiden: Brill, 1997), 74–89.

5   High-resolution images of DJD frag. 5a are available online; see, e.g., Shai Halevi, "Plate 905, Frag 1 (B-366896)," *The Leon Levy Dead Sea Scrolls Digital Library*, January 2012, http://www.deadseascrolls.org.il/explore-the-archive/image/B-366896; idem, "Plate 905, Frag 1 (B-366897)," *The Leon Levy Dead Sea Scrolls Digital Library*, January 2012, https://www.deadseascrolls.org.il/explore-the-archive/image/B-366897. High-resolution images of DJD Frag. 5b are also available online; see idem, "Plate 905, Frag. 2 (B-366898)," *The Leon Levy Dead Sea Scrolls Digital Library*, January 2012, https://www.deadseascrolls.org.il/explore-the-archive/image/B-366898; idem, "Plate 905, Frag 2 (B-366899)," *The Leon Levy Dead Sea Scrolls Digital Library*, January 2012, https://www.deadseascrolls.org.il/explore-the-archive/image/B-366899. I wish to express my deepest thanks to the Israel Antiquities Authority, Pnina Shor, and her team, Orit Rosengarten, Beatriz Riestra, and Oren Abelman for their collaboration in the *Scripta Qumranica Electronica* project (Deutsch-Israelische Projektkooperation #282601852), and many thanks for welcoming me to study the fragments in the IAA lab in August of 2015. Thanks are also due to Prof. Dr. Reinhard Kratz for the opportunity to

2.1   *Previous Readings of 4Q256 Frags. 5a–b*

In the publication of DJD 26, Philip Alexander and Geza Vermes provided the following reconstruction for 4Q256 5a–b (col. XI):[6]

[	וגם אל]ודבֿר[ ] לפני תכונו	] 5
[	ובמושב]הֿרביֿם אל ידֿ[בר איש	] 6
[	וכול] **איש אשר יש** [אתו דבר לדבר	] 7
[	אם יומרו לו]ידֿבֿר וכול המתֿ[נדב מישראל	] 8
[		] 9
[		] 10
[	ונשאלו] הכולֿ[על דבריו	] 11
[	לוא יגע ב]טֿהרת הרבים עדֿ[א]שֿ[ר ידרושהו	] 12
[	ובמולאת]לֿ[ו]שנה תמימה ישא[לו הרבים על דבריו	] 13

The following factors are what led the editors to provide the above reconstruction. The height of the scroll is preserved on frag. 4, and it measures 12.5 cm in height.[7] The margins are preserved on frag. 4, with an upper-margin measurement of 1.56 cm and a lower-margin measurement of approximately 1.85 cm.[8] A total of thirteen lines are preserved on frag. 4, none of which are complete; this fragment, therefore, cannot be used to ascertain a column width. It is possible to ascertain the column height from frag. 4, and it measures approximately 9.0 cm.[9] As for a measurement of the column width, the editors used frag. 6a ii, which preserves two nearly complete lines.[10] They proposed a measurement of 11.5 cm, which spanned "one column, plus one

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collaborate with him on the SQE project and the many wonderful discussions we have had about *Serekh* and *Damascus*.

6   Philip S. Alexander and Geza Vermes, *Qumran Cave 4.XIX: Serekh Ha-Yaḥad and Two Related Texts*, DJD 26 (Oxford: Clarendon Press, 1998), 55.

7   Shai Halevi, "Plate 907, Frag. 6 (B-366920)," *The Leon Levy Dead Sea Scrolls Digital Library*, January 2012, http://www.deadseascrolls.org.il/explore-the-archive/image/B-366920.

8   The lower half of this column is severely damaged. It is difficult to adjudicate the precise location of line 13 due to the material damage of the parchment. Based on the average line height .76 cm (± .04 cm), it is possible to measure from line 9, where a slight trace of the line mark is still visible on the right of the column, to line 13. From line 13 to the lowest remaining edge of the parchment measures 1.85 cm.

9   A precise measurement, of course, is likewise affected by the deterioration of the lower half of the column.

10   Alexander and Vermes, DJD 26:41; see Shai Halevi, "Plate 905/1, Frag. 1 (B-371114)," *The Leon Levy Dead Sea Scrolls Digital Library*, August 2012, https://www.deadseascrolls.org.il/explore-the-archive/image/B-371114.

column divider."[11] This measurement can be adjusted to 10.00 cm., removing the 1.5 cm of the one column divider; since this sheet was ruled, it is best to take column measurements on the designated area of the column proper.[12] The editors suggest a general character count of fifty-eight to sixty-two letter spaces per line.[13] These material measurements were crucial for the editors' reconstruction of 4Q256 5a–b. In addition to the editor's material arguments, the parallel textual evidence (e.g., 1QS and 4QS^d) was cautiously used to postulate the location of 4QS^b 5a–b and hence its reconstruction in col. XI of 4QS^b.

Alexander and Vermes did note the latent problems of using the text of 1QS to reconstruct 4QS^b 5a–b. By using the traditional philological method of recensional analysis, they detailed both the differences and similarities between 4QS^b and 1QS. In their introduction to 4QS^b, they comment, "The text seems originally to have matched 1QS in length and general content."[14] Elsewhere, a more detailed and complex picture of the textual differences emerges in their acknowledgement that "major textual variants show that 4QS^b did not have the same recension of S as in 1QS."[15] These statements attest to the diversity of linguistic expressions among 1QS and 4QS^b, and therefore problematize any attempt to use the longer text of 1QS to *materially reconstruct* the shorter text of 4QS^b, especially given the fragmentary status of 4QS^b. Consequently, it is necessary to proceed with caution when using any

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11   Alexander and Vermes, DJD 26:41. Generally, scribes (or perhaps apprentices) would dry rule a sheet, with horizontal and vertical lines. The vertical lines would provide a general guide to create a justified column. The intervening space between two columns, viz., a divider, is thus measured vis-à-vis the vertical rules. This is not precisely the same as our modern notion of a margin, since scribes did not add a third rule in the center. For methods of material reconstruction, see Hartmut Stegemann, "Methods for the Reconstruction of Scrolls from Scattered Fragments," in *Archaeology and History in the Dead Sea Scrolls: The New York University Conference in Memory of Yigael Yadin*, ed. Lawrence H. Schiffman, JSPSup 8 (Sheffield: JSOT Press, 1990), 189–220.

12   See further discussion by Edward D. Herbert, *Reconstructing Biblical Dead Sea Scrolls: A New Method Applied to the Reconstruction of 4QSam^a*, STDJ 22 (Leiden: Brill, 1997), 11–13.

13   Line 1 is complete and its count, including spaces, is fifty-nine characters; line 2 is near complete, with one letter reconstructed, and its count is sixty-two characters. Lines 3–5 have more damage; nevertheless, it is still possible to ascertain an accurate character count: line three had sixty-three characters (ten of which are reconstructed), line 4 had sixty-five characters (seventeen of which are reconstructed), and line 5 had fifty-eight characters (twenty-eight of which are reconstructed). There are no orthographical variants in comparison to 1QS or 4Q260 (4QS^f).

14   Alexander and Vermes, DJD 26:39.

15   Ibid., 46. See also at the end of the same paragraph, "In other words, insofar as can be judged from the very fragmentary state of the scroll, the 4QS^b recension of S differed from that in 1QS mainly in the central section of S (= 1QS V 1–IX 11) dealing with the general organization of the Community and its Penal Code"; for similar remarks see ibid., 54.

text of 1QS to propose a material reconstruction of 4QS[b], and furthermore the variances attested among 1QS, 4QS[b] and 4QS[d] are crucial to bear in mind when considering 4Q256 5b 12.[16]

2.1.1   Problems with the DJD Reading of 4QS[b] Frag. 5b 12

The problems with using 1QS to reconstruct 4QS[b] are directly related to the reconstruction of frag. 5b line 12. Alexander and Vermes reconstruct this line in accordance with 1QS 6:16–17. Their rationale is that the reading of the temporal clause, עד אשר ידרושהו לרוחו ומעשו, "until they examine him according to his spirit and works,"[17] is consistent with the observable paleographical features of 4Q256 5b. At the level of paleography, they interpret the ink trace of the *shin* of אשר to be inconsistent with an *aleph*, and thus reconstruct a *shin* on the basis of the *text* of 1QS 6:17. The ink trace, however, is consistent neither with an *aleph* nor with a *shin*. An examination of the high-resolution image (B-366899; figure 1 below)[18] reveals additional skin above the ink trace. With a portion of skin visible, one would expect to see ink traces of the left vertical branch of a *shin*. However, there are no such traces of ink to corroborate the reading of a *shin*.

Additional evidence furthermore indicates this was not a *shin*. The spacing between the remaining portion of the *dalet* and the adjacent ink trace, read as [ר]ש[א] by the editors, suggests insufficient space to accommodate two additional characters: *aleph* and *shin*. The average word spacing[19] in all of the extant fragments of 4QS[b] measures at 0.22 cm and the median measures at .21 cm, with a standard deviation (±) of 0.015 cm. The upper, horizontal branch of the *dalet*, taken from all the extant, undamaged *dalet*s[20] in 4QS[b], measures

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16   The so-called Stegemann method prioritizes first the material, i.e., non-textual, features of existing fragments to accomplish a reconstruction of a scroll. An analysis of the textual evidence is then conducted after the material reconstruction is complete; see discussions by, e.g., Stegemann, "Methods for the Reconstruction of Scrolls from Scattered Fragments"; and Annette Steudel, "Assembling and Reconstructing Manuscripts," in *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment*, ed. Peter W. Flint and James C. VanderKam (Leiden: Brill, 1998), 516–534. The foundation of this method remains profitable for material reconstruction, yet digital technologies are providing significant enhancements, and the interrelationship between using ink-traces and material reconstruction is more dynamic than articulated previously.

17   Translations are from the DJD editors, unless otherwise noted; Alexander and Vermes, DJD 26:39–64.

18   Halevi, "Plate 905, Frag 2 (B-366899)."

19   These measurements are taken only from words with a clear, undamaged spatial quality between each agglutinative token. This ensures an accurate measurement, in the sense of describing the physical artefact as it existed in January 2012 when it was photographed.

20   According to Alexander and Vermes's transcription, there are 47 extant *dalet*s in the remaining eight fragments 1–8. Of the extant *dalet*s, I consider twenty-four undamaged,

at 0.17 cm (± 0.015 cm). Thus, we would expect, on the basis of a descriptive
probability of word spaces and the width of the *dalet*, that the following word
would likely begin ca. 0.37 cm measuring from extant visible vertical branch
of the *dalet*. Instead, as figure 2 indicates, reconstructing a *dalet* (from עד) and
an *aleph* (from אשר) would result in an overlap, creating an unlikely scenario
based on what can be learned by the paleography of 4QS^b. That is, the scribal
hand is rather consistent, and it shows no signs of spacing errors or erasures
to correct such errors elsewhere in the manuscript. As a result, reconstructing
this line to read עד אשר in parallel to 1QS is unlikely and problematic.

2.1.2   Proposed Reading of 4QS^b 5b 12

If the existing ink marks are incompatible with a *shin* and the spacing is
insufficient to accommodate a reading of עד אשר, then what might the reading
have been? The simplest option of reconstruction is found by answering the
question regarding what character is compatible with the existing traces of ink
on the fragment. Since *aleph* and *shin* of the lexeme אשר do not concord with

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meaning there is no material tear or crack which crosses the upper, horizontal branch of
the *dalet*.

FIGURE 7.2   4Q256 5b with reconstructed עד אשר[21]
COURTESY OF THE LEON LEVY DEAD SEA SCROLLS DIGITAL
LIBRARY; ISRAEL ANTIQUITIES AUTHORITY, PHOTO: SHAI HALEVI

the paleographical evidence, the most reasonable possibility, to my mind, is a
mem. The letter-form of *mem* is consistent with the observable ink traces on
frag. 5b.

On this basis, I suggest the following reconstruction:

[	וגם אל]דבר̇[לפני תכונו	] 5
[	ובמושב]הֿרביםֿ אל י̇[דבר איש	] 6
[	וכול] איש אשר יש [אתו דבר לדבר	] 7
[	אם יומרו לו י̇]דֿבֿר וכול הֿמֿהֿ[נדב מישראל	] 8
[		] [9]
[		] [10]
[	ונשאלו] הכול̊[על דבריו	] 11
[	לוא יגע ב]טֿהֿרת הרבים עדֿ[מֿ]ולאת	] 12
[	ובמולאת]ל̊[ו]שנה תמימה ישא[לו	] 13

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21   With digital tools, it is possible to have a more precise understanding of the spacing. In
this case, I have copied the *dalet* from 4QS^b frag. 5a 5, the second character of the first
extant word ידבר; see Halevi, "Plate 905, Frag 1 (B-366897)." The lexeme אשר I have
copied from 4QS^b 5a 7, the second extant word on this line; see ibid.
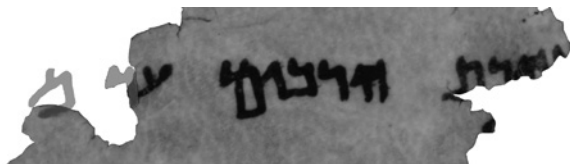
FIGURE 7.3   4Q256 5b with reconstructed עד[מ]
COURTESY OF THE LEON LEVY DEAD SEA
SCROLLS DIGITAL LIBRARY; ISRAEL
ANTIQUITIES AUTHORITY, PHOTO: SHAI
HALEVI

This reconstruction is plausible in light of 1QS 6:17, if we presume that the temporal clause, עד אשר ידרושהו לרוחו ומעשו, "until they examine him according to his spirit and works," was not present in 4QS^b. In this scenario, the text of 4Q256 5b likely overlapped with 1QS not at the first temporal clause but at the next temporal clause, which begins with עד מולאת. Other occurrences of the character combination of "מו-," particularly in 4Q256 6a ii, do not prohibit this reconstruction, especially when we factor in the elevated position of the lowest portion of the *waw* in comparison to the lower foot of the *mem*. Consequently, 4QS^b 5b 12 has a shorter text, lacking the temporal clause עד אשר ידרושהו לרוחו ומעשו (1QS 6:17a).

To summarize the argument thus far, a paleographical analysis of the scribal hand of 4QS^b in conjunction with a careful assessment of the material features of 4QS^b 5b has provided important clues to question the DJD editors' reliance on the text of 1QS 6:17a to reconstruct frag. 5b 12. I have suggested that a textual reconstruction of line 12, presuming some textual affiliation with 1QS, is best achieved by explaining the existing ink traces of 4QS^b 5b 12 as congruent with a *mem*, thus aligning with the second subordinate clause עד מולאת לו שנה תמימה (1QS 6:17b).[22] In this scenario, the text of 4QS^b did not have the first temporal clause of 1QS 6:17a, עד אשר ידרושהו לרוחו ומעשו. It is now necessary to transition to the second stage of my argument and analyze this newly discovered variance at a semantic level, with a view to learning what impetuses in the compositional growth can be adduced as an explanation.

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22   The *waw* in 1QS is interlinear (see online: http://dss.collections.imj.org.il/community).

3   Textual and Semantic Analysis of 4QS[b] 5a–b 5–13, 4QS[d] 3:1–3, and 1QS 6:10–18

It is important to bear in mind that any text-critical framework must accomplish three tasks: explain the *similarities* between two or more texts, explain the *differences* between two or more texts, and explain what motivated scribes to make *changes* in the process of composition-transmission.[23] In this second part, I will primarily focus on the latter by assessing what impetuses can be adduced, vis-à-vis the similarities and differences among 4QS[d] 3:1–3 and 1QS 6:10–18, to explicate the textual difference—or better linguistic variance.[24] I will argue that the textual difference presented in section 2 above is grounded in the semantic framing[25] of the Treatise of the Two Spirits (1QS 3:13–4:26) and served as a legal clarification. The purpose of this legal clarification was to

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23   Given the plurality of textual evidence in the Second Temple era as representative of Second Temple scribal practices, the distinction between composition and transmission, as two distinct processes of scribalism, cannot be so easily maintained; for a lengthier discussion on this point, see Sarianna Metso and James M. Tucker, "The Changing Landscape of Editing Ancient Jewish Texts," in *Reading the Bible in Ancient Traditions and Modern Editions: Studies in Textual and Reception History in Memory of Peter W. Flint*, ed. Andrew B. Perrin, Kyung S. Baek, and Daniel K. Falk, EJL 47 (Atlanta: Society of Biblical Literature, 2017), 269–288.

24   By "linguistic variances" I do not mean simply the written manifestation of a formalized syntactic expression, but rather the cognitive processes of a scribe when he was engaged in his tasks of manuscript production or transmission.

25   Frame-semantics has thus far been relatively ignored in Qumran studies. I use it here in the sense defined by Fillmore and Atkins: "Semantic theories founded on the notion of *cognitive frames* or *knowledge schemata* … approach the description of lexical meaning in a quite different way [than familiar theories of semantics]. In such theories, a word's meaning can be understood only with reference to a structured background of experience, beliefs, or practices, constituting a kind of conceptual prerequisite for understanding the meaning. Speakers can be said to know the meaning of word only by first understanding the background frames that motivate the concept that the word encodes. Within such an approach, words or word senses are not related to each other directly, word to word, but only by way of their links to common background frames and indications of the manner in which their meanings highlight particular elements of such frames." See Charles J. Fillmore and Beryl T. Atkins, "Toward a Frame-Based Lexicon: The Semantics of RISK and Its Neighbors," in *Frames, Fields, and Contrasts: New Essays in Semantic and Lexical Organization*, ed. Adrienne Lehrer and Eva Feder Kittay (New York: Routledge, 1992), 76–77. Fillmore's frame-semantics is indebted to the cognitive linguistic research of George Lakoff, *Women, Fire, and Dangerous Things: What Categories Reveal about the Mind* (Chicago: University of Chicago Press, 1987) and Ronald W. Langacker, *Foundations of Cognitive Grammar: Theoretical Prerequisites*, 2 vols. (Stanford: Stanford University Press, 1987), vol. 1. For a cogent review of the familiar theories of semantics which Fillmore

safeguard the purity of the community from members whose status was not yet verified. To demonstrate this, I provide a parallel transcription of 1QS 6:10–18 and 4QSᵇ 5a–b (see §3.1 *Table* 1 below).[26] A parallel transcription provides an efficient way to contextualize the newly discovered reading among already identified differences and provides a logical development for the remainder of the essay. Thus, after the transcription, an analysis of each variance builds a cumulative case to demonstrate my argument that the clause, עד אשר ידרושהו לרוחו ומעשו, appropriates a *legal function* in its immediate context of 1QS 6, and was a later scribal addition which seems to have been semantically framed by the Treatise of the Two Spirits.

3.1 *A Textual and Semantic Analysis of 4QSb 5b 12 and 1QS 6:17a*

The following chart highlights the variances of interest for the following argument:

TABLE 7.1 Parallel transcriptions of 1QS and 4QSᵇ with differences in bold

4QSᵇ 5a–b 5–8, 10–13		1QS 6:10–18	
[וגם אל י]דבר ל[פני תכונו]	5	... *vacat* וגם אל ידבר לפני תכונו הכתוב	10
[ובמושב ה]רבים אל י[דבר איש]	6	לפניו האיש הנשאל ידבר בתרו ובמושב הרבים אל ידבר איש כול דבר אשר לוא להפצᵃ הרבים וכיא האיש	11
[וכול] איש אשר יש [אתו דבר לדבר]	7	המבקר על הרבים וכול איש אשר יש אתו דבר לדבר לרבים אשר לוא במעמד האיש השואל את עצת	12
[אם יומרו לו י]ד֗ב֗ר וכול ה֗מ֗ת֗[נדב מישראל]	8	היחד ועמד האיש על רגליהו ואמר יש אתי דבר לדבר לרבים אם יומרו לו ידבר וכולה מתנדב מישראל	13
		להוסיף על עצת היחד ידורשהו האיש הפקיד ברואש הרבים לשכלו ולמעשיו ואם ישיג מוסר יביאהו	14
		בברית לשוב לאמת ולסור מכול עול והבינהו בכול משפטי היחד ואחר בבואו לעמוד לפני הרבים ונשאלו	15

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references, see Dirk Geeraerts, *Theories of Lexical Semantics* (Oxford: Oxford University Press, 2010).

26 The fragment of 4QSᵈ 3:2–3 (frag. 1a iii) does not preserve any additional, extant textual variation in comparison to 4QSᵇ or 1QS. For this reason, it is not discussed here.

TABLE 7.1   Parallel transcriptions of 1QS and 4QSᵇ with differences in bold (*cont.*)

4QSᵇ 5a–b 5–8, 10–13		1QS 6:10–18	
[ונשאלו] הכו̇ל[על דבריו] 11		הכול על דבריו וכאשר יצא הגורל על עצת הרבים יקרב או ירחק ובקורבו לעצת היחד לוא יגע בטהרת	16
[לוא יגע ב]טֹהֹרת הרבים עד̇[מֹ]ולאת 12		הרבים **עד אשר ידרושהו לרוחו ומעשו** עד מולאת לו שנה תמימה וגם הואה אל יתערב בהון הרבים	17
[ובמולאת]ל[ו]שנה **תמימה** ישא[לו] 13		ובמולאת לו שנה **בתוך היחד** ישאלו הרבים על דבריו לפי שכלו ומעשיו בתורה	18

a   read: לחפץ. The quality of the phoneme likely influenced the orthographical practice of the scribe; this could be a case of a weakened guttural (E. Qimron, *The Hebrew of the Dead Sea Scrolls*, HSS 29 [Atlanta: Scholars Press, 1986], §200.11). For example, Jacob Licht, מגילת הסרכים ממגילות מדבר יהודה (Jerusalem: Bialik, 1964), 47, 144, implies this exchange of ח/ה was due to weakened guttural by grouping it with other phonological exchanges in similar kind.

3.1.1   1QS 6:17 עד אשר ידרושהו לרוחו ומעשו and 4Q256 5b 12

It is my contention that the clause עד אשר ידרושהו לרוחו ומעשו, "until they examine him according to his spirit and works," is semantically related to the Treatise of the Two Sprits, and that this phrase was either added sometime during the development of 1QS columns 1–4 or added after the development of columns 1–4. In either case, this would imply that the Treatise of the Two Sprits was a later development in the compositional-transmission processes of 1QS.[27] The manuscripts of 4QSᵇ and 4QSᵈ would corroborate this presumption based on the material evidence, that is, 4QSᵇ,ᵈ do not attest to any textual material which parallels the Two Spirits Treatise.

It stands to reason, therefore, that a scribe could have added the dependent clause so as to clarify an ambiguity pertaining to a volunteer's (cf. 1QS 6:13) status after having completed one year of two in a probationary status as a new member. The clause could have been added at the time 1QS expanded via the addition of columns 1–4, or could have been added sometime after columns 1–4 were added. In either case, the clause seems to represent an added clarification to safeguard the ritual and moral purity of the *rabbim*, by means of ensuring that probationary member would not touch the purity of the meals and

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27   For further argumentation on this point, see Porzig and Christian in this volume.

drink during the meetings of the community. In what follows, I will develop this argument by examining the semantic framing of רוח, שכל, and מעשה, in conjunction with the Treatise of the Two Spirits and literary development of 1QS (§3.1.2.2 below). Before I analyze the semantic connections, however, it is important to first question whether a scribal error of parablepsis occurred in 4QS[b], resulting in its shorter text (§3.1.2.1).

3.1.1.1   *The Shorter Text of 4QS[b] frag. 5b: The Result of Haplography?*

Is the absence of the longer reading, עד אשר ידרושהו לרוחו ומעשו, a result of haplography[28] by homoioarchton by the scribe of 4Q256, i.e., a scribe's eye skipping over the clause because of the repetition of עד at the beginning of the next clause (עד מולאת ...)? Since the graphical and phonological similarity of עד ... marks the initial components of each clause, it is an important question to raise, yet nevertheless a difficult position to maintain for at least two reasons. The first reason is that cognitive science provides ample evidence that the process of mechanical copying occurs at the level of words and syntactical units, making it unlikely that the loss of an entire clause was the result of a scribal error. The second reason, and more compelling, is that the question of haplography is predicated on issues of paleographical dating, which implies that 4QS[b,d] is later than 1QS.

First, did a scribe's eye skip over the clause עד אשר ידרושהו לרוחו ומעשו because of a similar word in the following subordinate clause עד מולאת לו שנה תמימה (1QS 6:17)? While it is the case that עד marks the first word of each subordinate clause, it is unlikely that this shared word would have precipitated in a case of haplography. Occasions of haplography frequently are occasioned by alignment of graphically and semantically related words and phrases which happen to span a line, creating a prime occasion for a scribe's eye to return to his *Vorlage* at an incorrect position.[29] While it is possible these two clauses were on more than one line in the *Vorlage* of the scribe of 4QS[b], it is highly unlikely they would have aligned themselves to have occasioned such an error. In light of the nature and degree of the differences between 4Q[b,d] and 1QS,

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28   As defined by Tov, "[an] erroneous omission of one or more adjacent letters, clusters of letters, or words that are identical or similar," Emanuel Tov, *Textual Criticism of the Hebrew Bible*, 3rd ed. (Minneapolis: Fortress Press, 2013), 222.

29   In a forthcoming publication, I detail and analyze some examples of this phenomenon in the Temple Scroll; James M. Tucker, "Scribal Errors or Scribal Innovation? A Closer Look at the Law(s) of Seduction and Rape in the *Temple Scroll*" (Paper presented at the seminar *The Dead Sea Scrolls Seventy Years Later: Manuscripts, Traditions, Interpretations, and Their Biblical Context*, Lublin, Poland, October 25, 2017).

mechanical errors of copying are highly suspect.[30] If a scribe was omitting clauses from a longer 1QS-like *Vorlage*, the cognitive engagement of selecting which clauses to omit indicates an active engagement with the semantics of the text.[31]

Second, it should be noted that the question of haplography by homoio-archton presumes that the scribe of 4QS[b] was copying a *Vorlage* whose text was similar to 1QS. This presumption is predicated on the paleographical dat-ing of 4QS[b], 4QS[d], and 1QS.[32] Alexander and Vermes accept 30–1 BCE as the date of 4QS[b] and 4QS[d]. 1QS was dated to 100–75 BCE, also by Frank Moore Cross.[33] In regard to the large scale differences between column 5 of 1QS and 4QS[b,d], Alexander and Vermes frequently adduced either a scribal emendation to shorten the longer text of 1QS or a scribal error of parablepsis to explain the shorter version of 4QS[b,d].[34] Sarianna Metso, on the other hand, argues that, despite the paleographical dating, 1QS presents a younger text.[35] To my mind, an

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30   This renders Alexander and Vermes' argument for parablepsis problematic. They state, "It [4Q256 frag. 5b] may have lacked הרבים ... לו מולאת עד, which could either have dropped out accidentally by parablepsis (מולאת—מולאת), or been deliberately omitted by an editor intent on abbreviating a longer text" Alexander and Vermes, DJD 26:57; see also Philip S. Alexander, "The Redaction-History of the *Serekh Ha-Yahad*: A Proposal," *RevQ* 17 (1997): 437–56. As for an intentional omission, it should be noted that Vermes and Alexander were not of the same opinion. Despite the chronology of paleographical dating, Vermes interpreted 1QS as a later text (see "Preliminary Remarks on Unpublished Fragments of the Community Rule from Qumran Cave 4," *JJS* 42 [1991]: 250–255).

31   This has been demonstrated in cognitive psychology; see, e.g., Marie-Line Bosse et al., "Does Visual Attention Span Relate to Eye Movements During Reading and Copying?," *International Journal of Behavioral Development* 38 (2014): 81–85; Eric Lambert et al., "Dy-namics of the Spelling Process During a Copy Task: Effects of Regularity and Frequency," *Canadian Journal of Experimental Psychology* 65 (2011): 141–150; Sonia Kandel and Sylviane Valdois, "Syllables as Functional Units in a Copying Task," *Language and Cognitive Pro-cesses* 21 (2006): 432–52.

32   Frank Moore Cross, "Paleographical Dates of the Manuscripts," in *The Rule of the Com-munity and Related Documents*, vol. 1 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, ed. James H. Charlesworth et al., PTSDSSP (Tübingen: Mohr Siebeck, 1994), 57.

33   Frank Moore Cross, "The Development of the Jewish Scripts," in *The Bible and the Ancient Near East*, ed. G. E. Wright (Garden City, NY: Doubleday, 1961), 169–171.

34   See n. 30 above.

35   Vermes likewise prioritized the semiotic evidence of a Zadokite recension of 1QS (see, e.g., Geza Vermes, "The Leadership of the Qumran Community: Sons of Zadok—Priests—Congregation," in *Geschichte—Tradition—Reflexion: Festschrift für Martin Hengel zum 70. Geburtstag*, ed. Hubert Cancik, Hermann Lichtenberger, and Peter Schäfer, 2 vols. (Tübin-gen: Mohr Siebeck, 1996), 1:375–384. Charlotte Hempel accepts Metso's and Vermes's ar-guments, yet she attempts to argue for a textual plurality or rolling corpus, by which she

explanation of haplography does not fully take into consideration the spectrum of textual complexity and development of semiotic issues, particularly in light of the problems of diachronic dating and textual relationships between 4QS[b,d] and 1QS. Now, I would like to return to discuss the semantics of the dependent clause, עד אשר ידרושהו לרוחו ומעשו, and potential impetuses which may have led a scribe to add this clause here in 1QS 6:17, during or after the compositional growth of 1QS 1–4.

3.1.1.2 *The Semantic Frame of the Treatise of the Two Spirits*

Following the covenant ceremony (1QS 1:21–3:12), the Treatise of the Two Spirits (1QS 3:13–4:26) articulates a relationship, among a series of complex dualistic relationships, between the two spirits of 'truth' (האמת) and 'injustice' (העול); see 1QS 3:18–19. The Treatise of the Two Spirits provides its own interpretation as to why God has put these spirits on the earth: the two spirits (רוחות) and their associated deeds (מעשיהם; 1QS 4:2–14) formed a complex semantic frame so that humanity (that is, the *yaḥad*) may have a practical mechanism to adjudicate between אמת and עול. In other words, it served an epistemic purpose, to provide a series of actions and behaviors by which the members could know their identity and their status within the community. Within the semiotic structure of the Treatise of the Two Spirits, it was possible, at a conceptual level, for the sons of light (בני אור; 1QS 3:13) to emulate and participate in the actions (מעשה) of both darkness and light (see 1QS 3:25–4:1).[36] Hence, the Treatise of the Two Spirits had a pedagogical purpose.[37] As much is intimated in its opening lines (1QS 3:13–15):

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means a dynamically evolving tradition without clear diachronic lines of so called textual development; see, e.g., Charlotte Hempel, "The Literary Development of the S-Tradition: A New Paradigm," *RevQ* 22 (87) (2006): 389–401; reprinted as Charlotte Hempel, "Shifting Paradigms Concerning the Literary Development of the Serekh," in *The Qumran Rule Texts in Context: Collected Studies*, TSAJ 154 (Tübingen: Mohr Siebeck, 2013), 109–19.

36   I agree here with Knibb, who argues, "Side by side with the idea that men are assigned to one spirit or the other there is found the belief that men are influenced by both spirits, and in this way an attempt is made to take account of the fact that men are a mixture of both good and evil," Michael A. Knibb, *The Qumran Community*, Cambridge Commentaries on Writings of the Jewish and Christian World 2 (Cambridge: Cambridge University Press, 1987), 95.

37   Carol A. Newsom, *The Self as Symbolic Space: Constructing Identity and Community at Qumran*, STDJ 52 (Leiden: Brill, 2004), 91–190.

Vacat For the *maśkil* that he may *instruct* and *teach* all the sons of light about the history of all the sons of men	למשכיל להבין וללמד את 13 *vacat* כול בני אור בתולדות כול בני איש
according to all the kinds of spirits [revealed] in the character of their deeds during their generations, and according to their visitation of chastisement as well as their times of reward....[38]	לכול מיני רוחותם באותותם 14 למעשיהם בדורותם ולפקודת נגיעיהם עם
	קצי שלומם ... 15

The syntactical construction here is important to observe, that is, the use of the *lamed* to further define the רוחותם באותותם, with the nominal מעשה. As Mladen Popović has argued, the plural suffix of רוח likely refers back to the nominal phrase כול בני איש.[39] In which case, the realization of the actions detailed by the spirits was conceptualized by the nominal form מעשה. This syntactical relationship is significant insofar as the semantic connections being made between רוח and מעשה were likewise made in the developmental core[40] of the Serekh tradition (viz., in 1QS 5:21 // 4Q258 2:3–4), where רוח is syntactically parallel with שכל; this is discussed more below. In this case,

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38   Knibb, *The Qumran Community*, 94.

39   Mladen Popović, "Anthropology, Pneumatology, and Demonology in Early Judaism: The Two Spirits Treatise (1QS III,13–IV,26) and Other Texts from the Dead Sea Scrolls," in *Dust of the Ground and Breath of Life (Gen 2:7): The Problem of a Dualistic Anthropology in Early Judaism and Christianity*, ed. Jacques T. A. G. M. van Ruiten and George H. van Kooten, TBN 20 (Leiden: Boston, 2016), 67. He notes also that "The first occurrence of רוח in *Two Spirits Treatise* then is a reference to the human spirit, but at the same time it is possibly ambiguous. The human spirit should not be understood as a secluded entity in itself— the isolated core of the human self—but as an element of human nature that is open to and influenced by other spirits. The boundary between the human spirit and these other spirits, in terms of their ontological status and their effects on human beings, was not fixed, but permeable" (69). Popović is responding to those who would argue that רוח here is not in regard to human spirits but to cosmic spirits, viz., unrelated to humans (see, e.g., P. Wernberg-Møller, "A Reconsideration of the Two Spirits in the Rule of the Community [1Q Serek III,13–IV,26]," *RevQ* 3 (11) [1961]: 413–41). As for Popović's argument that 1QS 3:13–15 includes human nature, see his discussion about תולדות in Mladen Popović, *Reading the Human Body: Physiognomics and Astrology in the Dead Sea Scrolls and Hellenistic-Early Roman Period of Judaism*, STDJ 67 (Leiden: Brill, 2007), 180 n. 29.

40   Metso has cogently argued that the core of the Serekh tradition began in columns 5–9 of 1QS, in which case columns 1–4 were composed at a later time as discussed above; see Metso, *The Textual Development of the Qumran Community Rule*, 105–49.

the coupling together of the רוח and מעשה provides an important frame of reference within an instructional semantic frame (למשכיל להבין וללמד ...; 1QS 3:13). However, it stands to reason that the function of the Treatise was not merely for theological, cosmic, and/or anthropological purposes of instruction, but that it also *served an important legal frame of reference*. The legal function becomes more apparent vis-à-vis the use of רוח as a structuring idea of a member's status in the community, and has semantic connections to Deuteronomy 29:18. Let us turn to examine the occurrence of רוח in 1QS 2:13–15 and Deuteronomy 29:18.

This section of text, 1QS 2:11–17, turns its attention to any member within the *yaḥad* who was encumbered by "idols of his heart" (גלולי לבו) and "stumbling of his iniquity" (מכשול עוונו). The priests were to pronounce curses of the covenant against such members, resulting in a realization of an annual renewal to the covenant and forgiveness of iniquities, or separation from the community (ויבדילהו אל לרעה ונכרת מתוך כול בני אור בהסוגו מאחרי אל בגלוליו ומכשול עוונו; 1QS 2:16–17). It is within this context that there is an important textual connection with Deuteronomy 29:18:[41]

Deuteronomy 29:18	1QS 2:13–15
וְהָיָה בְּשָׁמְעוֹ אֶת־דִּבְרֵי הָאָלָה הַזֹּאת וְהִתְבָּרֵךְ בִּלְבָבוֹ לֵאמֹר שָׁלוֹם יִהְיֶה־לִּי כִּי בִּשְׁרִרוּת לִבִּי אֵלֵךְ לְמַעַן סְפוֹת הָרָוָה אֶת־הַצְּמֵאָה:[42]	13 בשומעו את דברי הברית הזות יתברך בלבבו לאמור שלום יהי לי 14 כיא בשרירות לבי אלך ונספתה רוחו הצמאה עם הרווה לאין

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41 For a discussion about the semantic connection between 1QS 2:13–15 and Deut 29:18, see Jan Joosten, "ונספתה רוחו הצמאה עם הרוויה׳: על פירוש דברים כט 18 במגילות קומראן," *Meghillot* 3 (2005): 231–38; and see additional discussion by Shani Tzoref, "Use of Scripture in the Community Rule," in *A Companion to Biblical Interpretation in Early Judaism*, ed. Matthias Henze (Grand Rapids: Eerdmans, 2012), 203–34.

42 There are some complications with the phrase למען ספות הרוה את הצמאה. The ancient versions differ in their translation. For example, the OG has ἵνα μὴ συναπολέσῃ ὁ ἁμαρτωλὸς τὸν ἀναμάρτητον; John William Wevers, *Deuteronomium*. Septuaginta, Vetus Testamentum Graecum III.2, 2nd ed. (Göttingen: Vandenhoeck & Ruprecht, 2006), 293; the Syriac and Targum, on the other hand, read the verb ספות as יסף. The Syriac reads ܐܬܘܣܦ ܗܛܝܐ ܥܠ ܙܕܝܩܐ; *Deuteronomy: The Old Testament in Syriac according to the Peshitta Version* (Leiden: Peshitta Institute Leiden, 2008); Targum Onkelos reads לאוספא ליה חטאי שלותא על זידנותא. What is more, there are no extant medieval Hebrew texts which attest to a wording similar to 1QS, although a semantic dependency is evident on the basis of the semantic framing and syntactical reduplication (see also 1QpHab 11:12–14). The SamP, on the other hand, reads למען ספות הרואה את הצמאה, with some Samaritan manuscripts reading הרוחה for הרואה, see *bhs*, ad loc. The Qumran manuscripts 1Q5 and 4Q30 are too fragmentary to clarify the matter. It could be that the scribes of 1QS reformulated the verse to clarify the idiom, as it seems the ancient versions had done.

15   סליחה אף אל וקנאת משפטיו יבערו בו
לכלת עולמים ...

לֹא־יֹאבֶה יְהוָה סְלֹחַ לוֹ כִּי אָז יֶעְשַׁן אַ
ף־יְהוָה וְקִנְאָתוֹ בָּאִישׁ הַהוּא וְרָבְצָה בּ
וֹ כָּל־הָאָלָה הַכְּתוּבָה בַּסֵּפֶר הַזֶּה וּמָחָה
יְהוָה אֶת־שְׁמוֹ מִתַּחַת הַשָּׁמָיִם:

And when he hears the words of this oath, then he may consider himself blessed by saying, "May I have safety

even though in my stubborn heart I walk,'—only to sweep away the saturated with the parched.

The Lord is not willing to forgive him, for the wrath of the Lord and his anger will be kindled against such a man and every inscribed curse in this scroll shall come down upon him; the Lord will thereby blot out his name from under heaven.

When he hears the words of this covenant, he will be blessed in his heart saying, "'May I have safety,

despite having walked in my stubborn heart.' But his thirsty spirit shall be swept away with the abundant without

forgiveness; the anger of God and the wrath of his judgments shall burn him for an everlasting destruction ...[43]

In 1QS 2:13–15, the connection between the phrase בשרירות לבי and רוח frames the person's adherence to the covenant stipulations in a particular way. It stands to reason that the yearly ceremony then provided an occasion for members to repent of any infractions or idols, in which case the legal status of a guilty stubborn heart (cf. לעשות אמת וצדקה ומשפט בארץ ולוא ללכת עוד בשרירות לב אשמה ועיני זנות; 1QS 1:5–6) would have been forgiven, and the member's status was retained. How then would the community have known whether a member had repented and could retain his status?

The Treatise of the Two Spirits, as stated above, instructs the members of the community about various behaviors and actions of the S/spirits. It provided an important epistemological function, and answered what was very likely a consternating and intricate problem relating to their theological/legal doctrine of an ontological status as a son of light, who would conduct themselves in a manner befitting the sons of darkness. In 1QS 1:5–6 (quoted above), the adjective אשמה qualifies the heart of the member, used only here in connection with בשרירות לב. The adverbial עוד is important, for it indicates the very point: the sons of light, within their legal epistemology, were capable of such a guilty

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43   Translation adapted from Knibb, *The Qumran Community*, ad loc.

status. To avoid such a status, one would undergo the educational regime of the community (cf. 1QS 2:25–3:12), and would maintain their standing in the yearly covenant renewal, a process of which utilized רוח as a criterion of the organization schema (cf. 1QS 2:19–22).

The semantic frame of the Treatise of the Two Spirits, therefore, provided an important legal function for the community. The adjudicating principle of examining one's spirit thus, to my mind, reflects the important instructional and legal features of the Treatise, as a practical mechanism to know whether a member was in violation of the covenant (and violation would seemingly result in כרת). In this sense, the phrase עד אשר ידרושהו לרוחו ומעשו is semantically parallel to a similar phrase, yet explains why the parallel phrase would not have been used. The parallel phrase, שכלו ומעשיו (1QS 5:21,23; 6:14,18), relates to a semantic frame of instruction, and was on two occasions qualified by the adverbial phrase בתורה (1QS 5:21; 6:18). With that said, the parallel phrase *does not* occur in columns 1–4 of 1QS; however, the first occurrence of רוחו ומעשו/יו, syntactically joined as a compounded object, is in 1QS 5:24, and does have a parallel in 4QS^d 2 3, although it is the only occurrence in 4QS^d. In this case, it is not that this longer clause was a unique development of 1QS, but only that a greater level of semantic clarification has been ascertained by the Treatise of the Two Spirits and the use of רוח. Consequently, an additional measure to safeguard the purity of the community was taken by adding the clause, for it restricts a new volunteer's full participation in the community meals in the interests of the purity (טהרה) of the community.[44]

3.1.2   תמימה 4Q256 5:13 and בתוך היחד 1QS 6:18
The final variance to consider is rather difficult to explain to complete satisfaction. This is due to the fragmentary nature of 4Q256 5a–b. Alexander and Vermes clearly stated the problem in regard to the placement of the two fragments 5a and 5b:

> We can find no way of supplying the text of 1QS, either in full or abbreviated form, that will preserve the vertical alignment of the visible letters. The position of frags. 5a and 5b within the lines of the original

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44   In which case, the idea of dynamic purity could have been diminished by a questionable member; see e.g., Eyal Regev, "Abominated Temple and a Holy Community: The Formation of the Notions of Purity and Impurity in Qumran," *DSD* 10 (2003): 243–78. On the potential connections between the conceptions of purity and good and the חברים, see Yonder Moynihan Gillihan, *Civic Ideology, Organization, and Law in the Rule Scrolls: A Comparative Study of the Covenanters' Sect and Contemporary Voluntary Associations in Political Context*, STDJ 97 (Leiden: Brill, 2012), 21–37.

scroll cannot, therefore, be determined, and this uncertainty affects the estimation of the gap between the fragments.[45]

This problem persists even when the added phrase from 1QS 6:17 is removed from the reconstruction. It could have been that בתוך היחד in 1QS replaced תמימה in 4QS[b], given the amount of qualitative differences between 1QS and 4QS[b,d]. This, however, is only a speculation. While frag. 5b does seem to attest to a lower margin, the location of this fragment in the column and in relation to fragment 5a is problematized by a lack of sufficient material, and due caution is called for when considering the longer textual formulations of 1QS to reconstruct 4QS[b].

4   Conclusion

In this essay, a new textual difference has been proposed between the textual traditions of *Serekh ha-Yaḥad*. The clause עד אשר ידרושהו לרוחו ומעשו in 1QS 6:17a did not exist in the shorter 4QS[b] text. The large scale differences between 1QS and 4QS[b,d] were not the result of scribal emendations, that is, of a scribe removing clauses from a 1QS-like *Vorlage*, but rather were the result of semiotic developments in the compositional process of 1QS. One significant development was the growth of columns 1–4, which contains important theological and legal developments. One development in particular was the Treatise of the Two Spirits. It stands to reason that the added clause in 1QS finds greater semantic clarity in light of the textual growth of columns 1–4, and particularly the Treatise of the Two Spirits. Such clarity was ascertained by means of the epistemic function the Treatise of the Two Spirits provided the members of the community, whereby it seemed evident that one's actions and knowledge were indicative to one's membership in the community. While it did seem possible for the members to embody characteristics of the sons of darkness, the complex semiotic development of the Treatise of the Two Spirits, in conjunction with the renewal of the covenant ceremony, provided additional measures to validate a member's status, that is, the member did not refuse the instruction of the community.

This new reading reveals another particularly important feature about the scribal practices and compositional development of 1QS. Hartmut Stegemann categorized 1QS 1–4, 5–11, 1QSa, and 1QSb as four independent works.[46] To my

45   Alexander and Vermes, DJD 26:56.
46   Hartmut Stegemann, *The Library of Qumran: On the Essenes, Qumran, John the Baptist, and Jesus* (Grand Rapids: Eerdmans, 1998), 108–116; idem, "Some Remarks to 1QSa, to 1QSb

mind, the semiotic development of 1QS 1–4, in comparison to 4QS[b,d] and to 1QS 5–11, does not so much attest to four independent works, but to an evolving composition. Indeed, if the above argument is correct, the added phrase of 1QS 6:17a provides an interesting example of how ancient scribes were adapting and creating phrases so as to clarify ambiguities in a particular context, yet were reliant on the semantic frames from elsewhere in the composition—in this case creating connections between the two major sections 1QS 1–4 and 5–11.

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and to Qumran Messianism," *RevQ* 17 (1996): 479–505; see also Metso and Tucker, "The Changing Landscape of Editing Ancient Jewish Texts," 272–273.

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Yaḥad, Maśkil, Priests and Angels—Their Relation in the Community Rule (1QS)

Michael R. Jost

1 Introduction*

Even after 70 years of research on the Dead Sea Scrolls, the composition and structure of the—or a—*yaḥad* community is still highly debated, and seeking to understand it remains an important task. In this paper, I will focus on aspects of identity construction, especially within a liturgical context. My aim is to define the relation between the *yaḥad*, the priests, and the *maśkil*, with special attention given to the impact that the liturgical communion with the angels had on the community's self-understanding. I will do this mainly based on an analysis of the Community Rule (1QS), because we find all of the complex aspects of the question in this writing, as will be shown in what follows. In the first part, I will start with a short description of the earthly dimension: the role of the *maśkil*, the priests, and the Many within the *yaḥad*. A strong ideological and liturgical unity forms the center of this community, wherein the members are organized in a hierarchical structure. As important aspects of this relationship are already described in research, I will summarize earlier contributions. Nevertheless, some questions remain, especially on the role and hierarchical status of the *maśkil*, because his role undermines in some way the hierarchical structure.[1] In the second part, I will show how the roles can be

1 Several contributions have already shown that the *maśkil* should be understood as an ideal figure, and not as a certain individual person; see Joseph L. Angel, "Maskil, Community, and Religious Experience in the Songs of the Sage (4Q510–511)," *DSD* 19 (2012): 1–27; Torleif Elgvin, "משכיל, *maśkîl*," in *ThWQ* 2:802–6, and Judith H. Newman, "The Thanksgiving Hymns of 1QHᵃ and the Construction of the Ideal Sage through Liturgical Performance," in *Sibyls, Scriptures, and Scrolls: John Collins at Seventy*, ed. Joel Baden, Hindy Najman, and Eibert Tigchelaar, JSJSup 175 (Leiden: Brill, 2016), 940–57. This understanding will be confirmed in this article. Nevertheless, the question remains of how this figure relates to the hierarchical structure of the *yaḥad*. Important aspects are discussed in an article from 1990 by Carol A. Newsom, "The

distinguished if we look at this earthly community from the heavenly dimension, especially with respect to the angels. Even though all members are joined together with the angels, the priests have a function particularly comparable to that of the angels. However, most of the liturgical teachings about the presence of the angels in the *yaḥad* are not related to the priest but to the *maśkil*. In the end, I will draw five conclusions, attempting to show that the hierarchical structure of the community does not serve to ensure the autonomy of the priests or some individual leaders but rather to include them in an ideological system. Therefore, the search for the personal background of the *maśkil* or for qualifications necessary for exercising this office is not successful. The figure receives his authority—as do all the members—through the performance of the communal and liturgical regulations.

2   Earthly Dimension: *Yaḥad,* Priests, the *Maśkil,* and the Many in 1QS

The community of the *yaḥad* can be described as having two key characteristics. On the one hand, they live in a strong ideological and liturgical unity. On the other hand, the community is organized in a strictly hierarchical structure.

2.1   Yaḥad*: Ideological and Liturgical Unity*
The *yaḥad* is more than a collection of individuals. Two facts stress this point. First, the name of the *yaḥad* itself. The term is not mainly an organizational statement, even though this community was highly organized. Alison Schofield claims: "It is important to look more closely at the semantic range of the term itself. Generally, the root of יחד emphasizes the idea of togetherness or unity, from which we get 'to be one' or 'to join.'"[2] The term emphasizes the "Gemeinschaftssinn"[3] (consciousness / spirit / reasoning / meaning of a community), which includes the uniqueness as well as the unity of this community. So, *yaḥad* is a self-designation based on a strong ideological identity.

Sage in the Literature of Qumran: The Functions of the Maskil," in *The Sage in Israel and the Ancient Near East*, ed. John G. Gammie and Leo G. Perdue (Winona Lake: Eisenbrauns, 1990), 373–82. However, following some new insights, we will be able to adjust some of her conclusions.

2   Alison Schofield, *From Qumran to the Yaḥad: A New Paradigm of Textual Development for the Community Rule*, STDJ 77 (Leiden: Brill, 2009), 139.

3   Eyal Regev, "יחד, *jaḥad*," in *ThWQ* 2:122.

Thus, the *yaḥad* does not accept any plurality in worldview or religious confession. They understand themselves as an exclusive community, which includes as intrinsic components a rigid discipline and a clear distinction from outsiders.[4] The ideological identity is described primarily in the rule texts. The members need not live as a community in one, specific locality. They can be part of the same movement while living in different places (esp. 1QS 6:1–8).[5] This fact makes possible different interpretations and implementations of their ideological identity in different local communities, even if Qumran was probably the center of the *yaḥad*. If we accept this social setting, as Alison Schofield describes it in her central-peripheral model,[6] then the complexity of the textual development of the rule texts, as we have it evidenced by the different manuscripts (4Q255–264, 5Q11, 5Q13 and 11Q29) and by the relation to the Damascus Document (4Q266–273, 5Q12 and 6Q15), is comprehensible.

Second, the *yaḥad* is more than an assembly of individuals, because the community is necessary for the spiritual life of every member. A strong indication of this point is that all members must devote their knowledge, strength, and property to the community (1QS 1:11–12). Only in connection with and submission to the community do individuals obtain their identity as the Sons of Light (1QS 1:9; 3:13). They have to cross over into the covenant (1QS 1:18). Their concept of communal life, on the other hand, is constructed and reinforced in large part through participation in liturgical gatherings. Therefore, George J. Brooke infers the wide range of liturgical and prayer traditions:

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4   This ideological view of the identity-construction is not necessarily identical with the social reality in the movement. Evidently, the high standard of ideological unity was not always practical, hence the importance of the long process for achieving full membership and of the penal code. See Jutta Jokiranta, *Social Identity and Sectarianism in the Qumran Movement*, STDJ 105 (Leiden: Brill, 2013), 107–8.

5   This interpretation is already convincingly described by John J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids: Eerdmans, 2010), passim, and Schofield, *From Qumran*, 69–130. But there are alternative interpretations: Sarianna Metso, "Whom Does the Term Yaḥad Identify?" in *Defining Identities: We, You, and the Other in the Dead Sea Scrolls. Proceedings of the Fifth Meeting of the IOQS in Groningen*, ed. Florentino García Martínez and Mladen Popović, STDJ 70 (Leiden: Brill, 2008), 63–84, understands 1QS 6:1–8 as "an interpolation in 1QS that originated in early stages of the Essene movement in circles that organizationally seem to have been quite similar to the *maḥaneh* communities described in D" (77). Her conclusion is that there were "traveling members" (76). Charlotte Hempel, "Interpretative Authority in the Community Rule Tradition," *DSD* 10 (2003): 59–80, thinks that a compiler of 1QS brought together statements from different stages in the life of the community and from different authors (64).

6   Alison Schofield, "Between Center and Periphery: The *Yaḥad* in Context," *DSD* 16 (2009): 330–50.

> The richness of the spiritual life of the members of this movement is to
> be investigated seriously. Study of the ritual texts from Qumran strongly
> indicates that the community's ritual celebrations served to enhance its
> identity in manifold ways. Such investigation also suggests that in some
> way the use of scriptural traditions in prayer is part of a move towards
> an increasing place for individual rites and ritual acts. And most overtly
> theologically it seems that the community's dominant assertion in prayer
> that human beings depend on God could have resulted in an experiential
> sense in the group that its worship was incorporation in the worship of
> heaven.[7]

The liturgical community builds the foundation for their self-understanding
as God's chosen people. And every member participates in this liturgical com-
munity. It is impossible to be part of the *yaḥad* without participating in their
assemblies (except when somebody is ritually impure or punished for a lim-
ited time).

2.2 *Priests, the* Maśkil, *and the Many: Hierarchical Structure*[8]

A hierarchical structure exists inside of this ideological and liturgical unity,
which distinguishes between different groups and gives each member a

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7 George J. Brooke, "Aspects of the Theological Significance of Prayer and Worship in the Qum-
ran Scrolls," in *Prayer and Poetry in the Dead Sea Scrolls and Related Literature: Essays in Honor
of Eileen Schuller on the Occasion of Her 65th Birthday*, ed. Jeremy Penner, Ken M. Penner, and
Cecilia Wassen, STDJ 98 (Leiden: Brill, 2012), 53–54.

8 On important contributions see Nathan Jastram, "Hierarchy at Qumran," in *Legal Texts and Legal
Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies
Cambridge 1995*, ed. Moshe Bernstein, Florentino García Martínez, and John Kampen, STDJ 23
(Leiden: Brill, 1997), 349–76; Charlotte Hempel, "Community Structures in the Dead Sea Scrolls:
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Brill, 1999), 67–92; eadem, "Qumran Community," *EDSS* 2:746–51; Sarianna Metso, "Problems
in Reconstructing the Organizational Chart of the Essenes," *DSD* 16 (2009): 388–415; Eyal
Regev, "The Yaḥad and the Damascus Covenant: Structure, Organization, and Relationship,"
RevQ 21 (2003): 233–62; Moshe 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 (Göttingen: Vandenhoeck & Ruprecht, 1986).

distinct place.[9] The hierarchical structure is revealed most explicitly in the strict overall order of members' placement with respect to each other:[10]

> They shall register them in the rule, each before his companion, according to his insight and his works. They shall all obey one another; the lower one the higher one.
>
> 1QS 5:23

This statement places focus on the individual member. Every member receives a distinct place inside of and with respect to the entire community. This order of placement is to be written in a rule text (cf. 1QS 6:22; 7:21; 8:19; 9:2). Further, it emphasizes a strong hierarchical behavior. The received place pertains to obedience, not only to honor. In the covenantal ceremony, too, we find the said social structure. It reads:

> The priests shall cross over first into the order, according to their spirits, one after the other. Then the Levites shall cross over after them, then all the people shall cross over thirdly into the order, one after the other, by thousands, hundreds, fifties, and tens, so that every single Israelite may know his standing place in the Community of God for an eternal council. And no one shall either fall from his standing place, or rise from the place

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9   The understanding of who exactly was a member of the *yaḥad* is still debated. Some understand the term *yaḥad* to denote the whole community (including women and children), e.g., Eileen M. Schuller, "Women in the Dead Sea Scrolls," in *Methods of Investigation of the Dead Sea Scrolls and the Khirbet Qumran Site. Present Realities and Future Prospects*, ed. Michael O. Wise et al., Annals of the New York Academy of Sciences 722 (New York: New York Academy of Science, 1994), 124; Cecilia Wassen, *Women in the Damascus Document*, AcBib 21 (Leiden: Brill, 2005), 146, 149–56. Others argue for a distinction between full members (*yaḥad*) who participate in the council and the liturgical community, and the wider group including women and children, e.g., Arie van der Kooij, "The Yaḥad—What is in a Name?," *DSD* 18 (2011): 126; Nicole Rupschus, *Frauen in Qumran*, WUNT II 457 (Tübingen: Mohr Siebeck, 2017), 209, 268–71. Rupschus shows—in my opinion convincingly—that women should not be understood in the Community Rule as part of the *yaḥad*, but thoroughly related to the *yaḥad*. However, in my view the issue does not change the general view of the hierarchical structure of the community.
10   Translation from Elisha Qimron and James H. Charlesworth, "Rule of the Community (1QS; cf. 4QS MSS A–J, 5Q11)," in *Rule of the Community and Related Documents*, ed. James H. Charlesworth et al., vol. 1 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, PTSDSSP (Tübingen: Mohr Siebeck and Louisville: Westminster John Knox, 1994), 25. The following translations are from Charlesworth et al., ed., *Rule of the Community and Related Documents*, unless otherwise stated.

of his lot. For they shall all be in the Community of truth, of virtuous hu-
mility, of merciful love, and of righteous intention [towa]rds one another,
in a holy council, and members of an eternal assembly.

> 1QS 2:19–25

In this statement, the focus on the individual relates to a hierarchical division
of particular groups, namely the priests, the Levites, and the rest. It shows that
the primary distinction in the hierarchy is based on the genetically inherit-
ed identity of those in each of the three groups. Nevertheless, this hereditary
hierarchy is specified in terms of the individual. The hierarchy is described
somewhat differently in 1QS 6:8–9 where, following the priests who constitute
the first group, the elders (a non-hereditary status) come as the second group
(instead of the Levites), and the third group is again the remaining members of
the community. The text states:

This is the rule for the session of the Many: each (member) in his order.
The priests shall sit first, the elders second, and the rest of all the people
shall sit each (member) in his order.

> 1QS 6:8–9

Immediately thereafter, we read of how this hierarchy works concretely:

And thus they shall be asked concerning judgment, concerning any
counsel, and (any)thing which is for the Many, each man presenting his
knowledge to the Council of the Community. No man may speak during
the speech of his fellow before his brother has finished speaking. He may
not also speak before one whose registered rank is before him. The man
who is asked may speak only in his turn.

> 1QS 6:9–11

Again, this description shows the hierarchical order of the individuals, in
which every member has a special place. In 1QS 5:2 and 5:9, the Sons of Zadok
are highlighted within the group of priests—an element that is not found in
the 4QS versions.[11] Yet, even when the Sons of Zadok are specified, they are
juxtaposed with the multitude of the men of their covenant.

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11   See James Nati, "The Community Rule or Rules for the Communities? Contextualizing
      the Qumran Serakhim," in Baden, Najman, and Tigchelaar, *Sibyls, Scriptures, and Scrolls*,
      930–31.

In a few cases, attention is given to specific individuals. We read in 1QS 6:11–13:

> At the assembly of the Many no man may say anything which is not according to the interest of the Many; and if the man (who is) the overseer over the Many and every man who has something to say to the Many, which is not in the standing of the one who questions the 'council' of the *yaḥad*, then the man may stand on his feet and say 'I have something to say to the Many.' If they say to him 'Speak,' then he may speak.[12]

This passage names a leading person, the Examiner (מבקר), who is nevertheless subsequently subordinated to the overall order. In the same context, the Overseer (פקיד), at the head of the Many (1QS 6:14), is also named.[13] Similarly, his task is connected to the authority of the Many. In 1QS 6:14 we read: "The Overseer at the head of the Many shall examine him with respect to his insight and his works." Nonetheless, in the end "the lot comes out according to the counsel of the Many" (1QS 6:16). Therefore, Eyal Regev concludes that "these overseers and officers were the administrators rather than the leaders of the *yaḥad's rabbim*."[14]

Further, a character called *maśkil* plays a crucial role within the community.[15] Important teachings are ascribed to him. He is the teacher of the Treatise of the Two Spirits (1QS 3:13–4:26). He is also the supervisor described in 1QS 9:12–21a, and a liturgical performer, as in the closing Hymn of Praise in 1QS or the Blessings in 1QSb. But astonishingly, nowhere do we find a description of his special place inside the community. We do not know if he holds any leading place in the community.[16] We only know that priests and Levites have a special

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12   Slightly changed translation of Regev, "The Yaḥad," 238. A. Rofé proposed a different reading of וכולם, namely יכיל, which changes the understanding of the relationship between the Examiner and the Many. Charlesworth argues for this suggestion, because it seems to him syntactically better, "Rule," 29.

13   According to Metso, "Problems," 414 (also 404–6): "It is possible that the use of certain terms was successive, so that terms could have changed even though a community structure or the role of a certain functionary would have remained the same: the terms מבקר and פקיד may have functioned this way."

14   Regev, "The Yaḥad," 245.

15   See Newsom, "The Sage," 373–82; Charlotte Hempel, "Maskil(im) and Rabbim: From Daniel to Qumran," in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*, ed. Charlotte Hempel and Judith M. Lieu (Leiden: Brill, 2006), 133–56; Angel, "Maskil," 1–27; Elgvin, "משכיל, *maśkîl*," *ThWQ* 2:802–6.

16   This fact, that we know nothing about the personality of the *maśkil*, supports an argument by Robert Hawley that this term should be understood in headings and colophons "not

status and role. For example, at least one priest has to be present whenever ten men belonging to the Council of the Community assemble (1QS 6:3–4; 1QS 8:1). The priests are the first and a preeminent priest opens the meal by blessing the bread and the wine (1QS 6:5–6).

Finally, the importance of the hierarchical structure of the community is underlined in the fact that disobedience against it requires punishment.

> And one who answers his fellow with stubbornness, addresses him impatiently, disregards the position of his associate by rebelling against the word of his fellow who is registered before him, [or tak]es the law into his own hand shall be punished (for) on[e] year [...].
>
> 1QS 6:25–27

This regulation shows that hierarchy is an essential quality of the identity and functional composition of the community as whole.[17]

2.3   *Provisional Conclusions*

This brief examination of two characteristic aspirations of the *yaḥad*, namely unity and hierarchy, leads to important questions regarding the relationships between the *maśkil*, priests, and the Many. How should we think about the relationship between the priests and the *maśkil*? Why is the place of the *maśkil* not distinguished in relation to the order in which the community members have to sit, speak, and eat? Moreover, who is the *maśkil*? How can the *maśkil* bless others and pray for them, even blessing the High Priest, while the *maśkil* himself is not blessed by anyone explicitly? It seems that his authority is independent of the communal hierarchy. Therefore, how does he receive his authority? Further, what unifies the distinguishing authorities of the *maśkil*, the priests, and the Many? Answering these questions provides a closer look at

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as addressed to a particular individual, but rather as belonging to a generic category of literature whose purpose was to provide 'insight,'" "On Maskil in the Judean Desert Texts," *Henoch* 28 (2006): 60. Nevertheless, the term is undoubtedly personified in 4Q510 1 4–5 and in 1QHᵃ 20:14, as Hawley himself describes (71–72). Also in 1QSb it is not convincing to me to interpret למשכיל as "the abstract purpose of the document," namely "for insight" (67) since the introduction would have two purposes: "for insight, for blessing" (למשכיל לברך). More plausible is to interpret it as addressed to an individual who has to deliver these benedictions—a possibility which Hawley also considers. I think that this personified understanding is also valid for 1QS, especially if we do not only pay attention to the use of this term in the headings of biblical Psalms but also to its use in Daniel 11–12; see Hempel, "Maskil(im)," 133–56, and John J. Collins, "Daniel and His Social World," *Interpretation* 39 (1985): 131–43.

17   See further Jokiranta, *Social Identity*, 102–7.

the role of the *yaḥad*, priests, and the *maśkil* in liturgical performances which take place in the presence of the heavenly world.[18]

3   Heavenly Dimension: *Yaḥad*, Priests, and the *Maśkil* in Relation to the Angels

The importance of liturgical performance and also of the angels for the community's self-understanding is explored in different articles. In a paper from 2012, John Collins described the influence of ritual or liturgy on the construction of the identity of the *yaḥad*:

> It constituted a habitus, an enactment of the world as it ought to be, characterized by obedience to what was believed to be divine law, as interpreted and amplified by the priestly leaders of the community, and by purity, which entailed separation from the outside world. It ensured community cohesion, by requiring that members eat together, bless together and take counsel together. At the same time, it implemented the hierarchical structure of the community. The common prayers, with texts standardized in writing, were part of this process, and articulate aspects of its meaning.[19]

Hence, it is necessary, even for analyses of the rule texts, to consider the significance of the liturgical community in describing the construction and self-understanding of the *yaḥad*.[20] An important element of the self-understanding

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18   There are further questions which cannot be discussed in this paper. For example, we might examine the role of the Examiner and Overseer and their relationship to the *maśkil* and the Many. But my focus is on the *maśkil*, because his presence is much more prominent in the Dead Sea Scrolls.

19   John J. Collins, "Prayer and the Meaning of Ritual in the Dead Sea Scrolls," in Penner, Penner, and Wassen, *Prayer and Poetry in the Dead Sea Scrolls*, 84–85; reprinted in John J. Collins, *Scriptures and Sectarianism: Essays on the Dead Sea Scrolls*, WUNT 332 (Tübingen: Mohr Siebeck, 2014), 240.

20   See Robert A. Kugler, "Making all Experience Religious: The Hegemony of Ritual at Qumran," *JSJ* 33 (2002): 131–52; Carol A. Newsom, *The Self as Symbolic Space: Constructing Identity and Community at Qumran*, STDJ 52 (Leiden: Brill, 2004); Russell C. D. Arnold, *The Social Role of Liturgy in the Religion of the Qumran Community*, STDJ 60 (Leiden: Brill, 2006); idem, "The Dead Sea Scrolls, Qumran, and Ritual Studies," in *The Dead Sea Scrolls in Context: Integrating the Dead Sea Scrolls in the Study of Ancient Texts, Languages, and Cultures*, ed. Armin Lange, Emanuel Tov, and Matthias Weigold, VTSup 140/II (Leiden: Brill, 2011), 547–62; Daniel Stökl Ben Ezra, "When the Bell Rings: The Qumran Rituals of Affliction in Context," in Lange, Tov, and Weigold, *The Dead Sea Scrolls in Context*, 533–46.

of the *yaḥad* is their common bond with the heavenly world, which is most explicitly articulated as a kind of liturgical communion with the angels, a fact that is indicated in several liturgical texts (e.g., 1QHᵃ, 4Q400–407, 4Q511). But there is also evidence of it in a collection of rule texts (1QS 11:7–8; 1QSa 2:8–9; 1QSb 3:25–27a; 4:25–26).[21] So, Cecilia Wassen concludes: "The conviction of angelic guidance and presence in the sect is crucial in the construction of a collective identity for the in-group and in persuading them of their common destiny."[22] The reason for the crucial importance of angels is, on the one hand, that angels are the agency for the presence of God. The angels ensure the community's access to heaven without an earthly temple. This issue is crucial for a priestly community that understands itself as the "foundation of the House of Holiness" (1QS 11:8). On the other hand, heavenly and earthly beings together constitute one cosmological reality. Heaven and earth are not strictly separated. Rather, the fight between good and evil takes place in one unified, albeit complex, reality. That is why it is necessary to include the heavenly beings in describing the community of the *yaḥad*.

3.1   *All Members of the* Yaḥad

All members of the *yaḥad* stand in the presence of the angels and, therefore, in the presence of God himself. This is the message of 1QS 11:7–8:

> To those whom God has chosen he has given them as an everlasting possession and he has caused them to inherit the lot of the holy ones. With the sons of heaven, he has joined together their assembly for the

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21   Already in 1959, Dominique Barthélemy insisted on this fact: "Si la communauté est une réalité sainte, 'c'est parce que les anges saints font partie de leur congrégation,' et toute la sainteté humaine n'est que participation de celle des Saints par antonomase, les anges. Citant un hymne essénien, disons que, par pure grâce, 'Dieu, sur la poussière, a répandu l'esprit … afin qu'on pût s'unir avec les fils des cieux,'" "La sainteté selon la communauté de Qumrân et selon l'évangile," in *La secte de Qumrân et les origines du christianisme*, ed. Johannes van der Ploeg et al., RechBib IV (Paris: Desclée de Brouwer, 1959), 210. See also Björn Frennesson, *In a Common Rejoicing: Liturgical Communion with Angels in Qumran*, Studia Semitica Upsaliensia 14 (Uppsala: Uppsala University, 1999); Esther G. Chazon, "Liturgical Communion with the Angels at Qumran," in *Sapiential, Liturgical and Poetical Texts from Qumran: Proceedings of the Third Meeting of the International Organization for Qumran Studies Oslo 1998*, ed. Daniel K. Falk, Florentino García Martínez, and Eileen M. Schuller, STDJ 35 (Leiden: Brill, 2000), 95–105. For an extensive discussion of this topic, see my dissertation: Michael R. Jost, *Engelgemeinschaft im irdischen Gottesdienst. Studien zu Texten aus Qumran und dem Neuen Testament*, WUNT II (Tübingen: Mohr Siebeck, 2019).

22   Cecilia Wassen, "Good and Bad Angels in the Construction of Identity in the Qumran Movement," in *Gottesdienst und Engel im antiken Judentum und frühen Christentum*, ed. Jörg Frey and Michael R. Jost, WUNT II 446 (Tübingen: Mohr Siebeck, 2017), 79.

> Council of the *yaḥad*, and the foundation of the House of Holiness for the eternal plant during every time to come.[23]

This statement has a crucial role within the final hymn, led by the *maśkil*. It is part of the third stanza 11:2b–11,[24] which may be divided into three sections. In the first we find a personal and individual statement, emphatically articulated through the "I" of the *maśkil* (כיא אני), who confesses the great things God has achieved in his life (11:2b–7a). God revealed to him what is normally hidden from humankind (אנוש) or the sons of Adam (בני אדם). He, therefore, has unique knowledge and access to the fountain of righteousness and spring of glory, hidden from the assembly of flesh (סוד בשר). The *maśkil* insists on his unique place within humankind. But the second section, again articulating praise, goes beyond the boundaries of his uniqueness. The text of 11:7b–9aα considers all those whom God has chosen. The reference to all of God's people stands out since just after this statement the *maśkil* speaks in a third section again in the first person (ואני). But now, he considers his wickedness and sins (11:9aβ–11).

Obviously, the mentioning of the people of God has a significant intermediary position in the passage. The *maśkil's* act of considering the people of God and their role within the larger context triggers the *maśkil's* owns self-evaluation. First, the *maśkil* emphasized his exceptional role. After considering that the people of God inherit the lot of the holy ones and that God has joined together their assembly with the sons of heaven, the *maśkil* recognizes his wickedness.[25] In contrast to the claim of having special knowledge of hidden things, only two lines later he confesses belonging to the wicked Adam, to the assembly of deceitful flesh (לסוד בשר עול).

At the point where the communion with the angels is explicitly described, there is no distinction within the *yaḥad*. It is their entire assembly which, together with the angels, constitutes the Council of the *yaḥad*. All those whom God has chosen he has allowed to inherit the lot of the Holy Ones. So, the community as a whole is joined together with the Sons of Heaven. The *maśkil* has special knowledge of things hidden from the assembly of flesh, but they do not then remain hidden to the other members of his community. The third

23 Inspired by the translation from Frennesson, *In a Common Rejoicing*, 65, and Charlesworth, "Rule," 49. For an extensive exegesis of this text see Jost, *Engelgemeinschaft*, 77–82.

24 Cf. Asaf Gayer, "The Centrality of Prayer and Stability of Trust. An Analysis of the Hymn of the Maskil in 1QS IX,25b–XI,15a," in *Ancient Jewish Prayers and Emotions: Emotions associated with Jewish Prayer in and around the Second Temple Period*, ed. Stefan Reif and Renate Egger-Wenzel, DCLS 26 (Berlin: De Gruyter, 2015), 317–33, esp. 326–29.

25 Often called "Niedrigkeitsdoxologie."

person plural pronoun of נתנם (1QS 11:7) refers to the hidden things which are revealed to the *maśkil* and then given to all members of the community.[26] This description confirms that the experience of revelation undergone by the *maśkil* is not the experience of a single leading person alone but the expression of the experience of all members as well.[27] This knowledge fits together with the contents of the Treatise of the Two Spirits, which the *maśkil* also is to teach. There, though, the message is that all the Sons of Light are part of this spiritual warfare, and therefore the Angel of Truth helps all the Sons of Light (1QS 3:24). Further, the fact of a shared communion with the angels is reinforced through the regulation to exclude impure members on account of the presence of angels.[28]

3.2   *Priests*

Even though all members are joined together with the angels, the priests have a special standing in the *yaḥad* and a particularly comparable function to the angels. The special standing of the priests in the *yaḥad* is shown by their first

26   See Frennesson, *In a Common Rejoicing*, 65. Further, see the translation of Michael O. Wise, Martin Abegg, and Edward Cook with Nehemia Gordon: "To them He has chosen all these has He given—an eternal possession," in Emanuel Tov, ed., *Dead Sea Scrolls Electronic Library Non-Biblical Texts*, BrillOnline Reference Works; Leiden: Brill; https://reference works.brillonline.com/browse/dead-sea-scrolls-electronic-library-non-biblical-texts.

27   This is in line with the works of Newsom, *The Self as Symbolic Space*, passim; eadem, "Religious Experience in the Dead Sea Scrolls: Two Case Studies," in *Experientia, Volume 2: Linking Text and Experience*, ed. Colleen Shantz and Rodney A. Werline, EJL 35 (Atlanta: Society of Biblical Literature, 2012), 205–21; Angela K. Harkins, *Reading with an "I" to the Heavens: Looking at the Qumran Hodayot through the Lens of Visionary Traditions*, Serie Ekstasis 3 (Berlin: De Gruyter, 2012); Newman, "The Thanksgiving Hymns," 940–57.

28   1QSa 2:8–9 and 1QM 7:4–6. Also 4Q174 3:4–5 after the reconstruction of Annette Steudel, *Die Texte aus Qumran II. Hebräisch/Aramäisch und Deutsch mit masoretischer Punktation, Übersetzung, Einführung und Anmerkungen* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2001 [Sonderausgabe 2010]), 194–95. Further 4Q266 8 i 6–9 suggest a reconstruction in this sense; see Joseph M. Baumgarten, "Damascus Document 4Q266–273 (4QDª⁻ʰ)," in *Damascus Document II: Some Works of the Torah and Related Documents*, ed. James H. Charlesworth et al., vol. 3 of *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, PTSDSSP (Tübingen: Mohr Siebeck and Louisville: Westminster John Knox, 2006), 50–51. See Hannah K. Harrington, "Keeping Outsiders Out: Impurity at Qumran," in García Martínez and Popović, *Defining Identities*, 187–203; Johanna H. W. Dormann, "The Blemished Body: Deformity and Disability in the Qumran Scrolls" (PhD diss., University Groningen, 2007), esp. 253–57; Saul M. Olyan, *A Thousand Thousands Served Him: Exegesis and the Naming of Angels in Ancient Judaism*, TSAJ 36 (Tübingen: Mohr Siebeck, 1993), esp. 101–18, and Aharon Shemesh, "'The Holy Angels are in Their Council': The Exclusion of Deformed Persons from Holy Places in Qumranic and Rabbinic Literature," *DSD* 4 (1997): 179–202.

place in the hierarchical structure (1QS 2:19–20; 6:8) and by the essential part they play in the Council of the *yaḥad* (1QS 6:3–4; 8:1), as previously described.[29] Therefore, it is not surprising that the priests are to "bless all the men of God's lot" (1QS 2:1–2) and the priest shall be the first to stretch out his hand in order to bless the first bread and the new wine (1QS 6:5–6). These items' particular function inside the community requires in turn a special blessing for the priests. Such a blessing for the priests is given in 1QSb in which the relationship to the angels is stressed. So, first, in 1QSb 3:25–27 we read:

> May the Lord bless you from his [ho]ly [dwelling]. May he set you as a perfected ornament in the mids[t of] the holy ones, and [may he r]enew for you the covenant of the [eternal] priesthood.[30]

The second statement, which in my opinion belongs to the same blessing for the priests,[31] is in 1QSb 4:25–26:

> And may you be like an Angel of the Presence in the Abode of Holiness, for the glory of the God of [H]ost[s … May] you be round about serving in the temple of the kingdom and may you cast lot with the Angels of the Presence, and (be) a council of *yaḥad* [… for] eternal time, and for all glorious Endtime.[32]

We may see a progression in reading these two statements in the Blessing for the priests. In 1QSb 3:22–28, the prayer is for the priests that God may set them in the midst of the holy ones. In 1QSb 4:25, the prayer is for their activity at this place in the Abode of Holiness (במעון קודש), which is the heavenly realm

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29 The priests have a similar elevated place in the eschatological age; 1QSa 1:16–17, 24; 2:3, 12–13.

30 Translation from James H. Charlesworth and Loren T. Stuckenbruck, "Blessings (1QSb)," in Charlesworth et al., *Rule of the Community and Related Documents*, 127.

31 Cf. Dominique Barthélemy and Józef T. Milik, *Qumran Cave 1*, DJD 1 (Oxford: Clarendon, 1955), 120; Hartmut Stegemann, "Some Remarks to 1QSa, to 1QSb, and to Qumran Messianism," *RevQ* 17 (1996): 495–99; Geza Vermes, *The Complete Dead Sea Scrolls in English* (London: Allen Lane The Penguin Press, 1997), 374–77; James C. VanderKam and Peter Flint, eds., *The Meaning of the Dead Sea Scrolls: Their Significance for Understanding the Bible, Judaism, Jesus, and Christianity* (New York: HarperOne, 2002), 219; Peter Schäfer, *Die Ursprünge der jüdischen Mystik* (Berlin: Verlag der Weltreligionen, 2011), 186. Alternatively, 1QSb 4:22–28 is considered as the blessing of the High Priest; thus Johann Maier, "Rule of the Blessings," *EDSS* 2:792; and similarly, Charlesworth and Stuckenbruck, "Blessings (1QSb)," 119.

32 Slightly changed from Charlesworth and Stuckenbruck, "Blessings (1QSb)," 127–29.

in the presence of God. The task of the earthly priests is compared with that of the heavenly angels for the glory of God. The comparison (preposition כ) shows that they, nevertheless, belong to the human reality.[33] But somehow, the earthly priests are called to serve in the temple of the kingdom—the heavenly temple—and to cast lots with (עם) the angels of the presence.

This common activity is surprising. It was initially proposed that it should be read as "sharing the lot" (as in 1QHᵃ 14:16),[34] because it is otherwise God who is casting the lots, that is, determining things (cf. 1QHᵃ 11:23). Nevertheless, the translation of נפל *hiph.* as 'to cast' or 'to decree' is more natural.[35] If, in addition, we consider the important parallels to Jub 31:13–15, the meaning may signify the ordering and judging responsibility, which includes the examination of the candidates and members (1QS 5:3; 9:7). This is arguably in continuity with the confirmation in the following line, "For [true (are) all] his [ju]dgements" (1QSb 4:27a; see further 3:27), and with the beginning of the blessing, where the task of the priests is to watch with righteousness over all statutes of God (1QSb 3:24).

Therefore, this blessing highlights the importance of the priests and confirms their ordering authority in the *yaḥad.* But the special function of the human priests amongst the angelic priests does not mean that the non-priests are not also in the presence of the holy angels. It is possible that the angels are also referred to in the first blessing for all people who fear God, because we find expressions such as [בעדת קדוש]ים (congregation of the holy [ones], 1QSb 1:5). Unfortunately, this blessing is very fragmentary and the lack of context does not allow firm conclusions.

3.3　Maśkil

Most of the liturgical teachings about the presence of the angels in the *yaḥad* are related to the *maśkil.* But astonishingly, this term is not a priestly designation, and is found mainly in the sapiential tradition. Therefore, the case of the Blessings is interesting. The *maśkil* has to deliver them in a certain way (1QSb 1:1). Even if the Blessings highlight the role of the priests and their common task with the angels, they receive the blessing from the *maśkil.* The same is also valid for the Hymn of Praise in 1QS 10–11, which is performed by the *maśkil.* Also, the teaching of the Treatise of the Two Spirits (1QS 3:13–4:26) is

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33　See Hermann Lichtenberger, "Mt 18,10 und die Engel in Qumran," in *Jesus, Paulus und die Texte von Qumran*, ed. Jörg Frey and Enno E. Popkes, WUNT II 390 (Tübingen: Mohr Siebeck, 2015), 159.

34　"Partageant le sort des anges de la Présence," Barthélemy and Milik, *Qumran Cave 1*, 126.

35　See Frennesson, *In a Common Rejoicing*, 87, and Armin Lange, "גורל, *gôrāl*," in *ThWQ* 2:599–600.

linked with the *maśkil*, thereby revealing the connection of the heavenly beings and earthly Sons of Light. If we look wider, in all the texts from Qumran, this view is further supported. The Songs of the *maśkil* (4Q511), as well as the Songs of the Sabbath Sacrifice (4Q400–407), reveal aspects of this community with the angels. Both are songs dedicated to the *maśkil*. The Hodayot, too, consider the community with the heavenly world, though the connection to the *maśkil* is not as prominent (1QHª 20:14; 25:34).[36] The *maśkil* is named only four times, without reference to the angels, in other compositions (4Q171, 4Q298, 4Q421 and 4Q461). But these texts are preserved in a fragmentary condition, at times extremely so. No composition speaks explicitly about communion with the angels without referring explicitly to the *maśkil*. To be sure, we find allusions to a cosmological common bond with the angels in 4Q503 and 4Q504. But these texts have a non-Qumranic origin and they, like 4Q286, do not refer to an actual presence of angels inside the liturgical community.[37] Therefore, the liturgical presence of the angels inside the *yaḥad* is in its essence connected to the *maśkil*, even though the priests are the ones who stand in a special relationship to the Angels of the Presence.[38]

What, however, is the exact relationship between the *maśkil* and the angels? The analysis of 1QS 11:2b–11 has already shown that the *maśkil* is a person to whom God has revealed the reality of the community's presence in the heavenly realm. Nevertheless, he has no special standing before the angels. In the Hymn of Praise, the *maśkil* confesses the community's heavenly presence among the angels (as in the Hodayot). In the Blessings, as in the Songs of the Sabbath Sacrifice, he is the leading liturgical performer of the prayer, but does not mention his own experience. If some experience is described, then it is the experience of the group of priests or the whole assembly (1QSb 3:25–27; 4:25–26; 4Q400 2 6–8). Finally, the *maśkil's* relationship to the angels is never described differently from the relation of the whole community to them. The entire community stands in this presence of the angels. The point is demonstrated clearly in 1QHª 14:15–16: "For you have brought […] your secret counsel all the people of your council, and in a common lot with the angels of the

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36 Newman, "The Thanksgiving," 940–57, and Trine B. Hasselbalch, *Meaning and Context in the Thanksgiving Hymns: Linguistic and Rhetorical Perspectives on a Collection of Prayers from Qumran*, EJL 42 (Atlanta: Society of Biblical Literature, 2015), 125–83.

37 Interesting is the case of 1QM, wherein the angels receive a lot of attention but which is not connected with the *maśkil*.

38 John J. Collins made this observation more than 30 years ago regarding the *maśkilim* in the book of Daniel: "The primary goals of the *maśkilim* are not in the political realm. Rather they concern purity and communion with the angels." "Daniel," 140.

presence, without an intermediary between them *lq* [...]."[39] The only exception to this pattern is the so-called Self-Glorification Hymn. Thus, if some kind of special relationship to the angels is emphasized, then it is the relation of the priests to the angels, but never that of the *maśkil* specifically. It seems, therefore, that the *maśkil's* role undermines the hierarchical structure and increases otherwise the sense of common life and the "Gemeinschaftssinn" of the *yaḥad*.

4 Conclusion

The self-understanding of the *yaḥad* in liturgical contexts shows similar ambiguities in the relationships between the *maśkil*, priests, and the Many. Nevertheless, the cosmological view allows us to document the relationships and different authorities more precisely. The priests have a special function—together with the angels—but they do not have an outstanding position in the *yaḥad*. On the contrary, they are included in the experience of the community through the performance of the *maśkil*. The role of the *maśkil* is crucial in understanding the unity and hierarchy of the *yaḥad*. We may draw five conclusions from this analysis:

(a) *In relation to the angels, the hierarchy within the community becomes blurred.* The members of the *yaḥad* stand in the presence of the angels as one community, not as individuals. Everyone rejoices in their place in the heavenly realm, not the priests or the *maśkil* alone. On the contrary, priests and non-priests together build the Council of the *yaḥad* and one House of Holiness.[40]

(b) *Still, in relation to the angels, the priests are distinguished.* While priests do not have exclusive access to the angels, they nevertheless have a special function in relation to the angels. They are blessed with a special blessing in which they are described as "a perfected ornament" among the angels and, consequently, the priests bless the community, as is written in 1QS 2. Obviously, the hereditary differences inside the community are therefore taken into account. Yet, even when the sons of Zadok are specified, they are juxtaposed with the

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39 Translation from Hartmut Stegemann and Eileen M. Schuller, *1QHodayot^a with Incorporation of 1QHodayot^b and 4QHodayot^a–f*, Translation of Texts by Carol Newsom, DJD 40 (Oxford: Clarendon, 2009), 196.

40 For the *yaḥad* as a democratic assembly see Regev, "The Yaḥad," 233–262. Interesting is also Martha Himmelfarb, "'A Kingdom of Priests': The Democratization of the Priesthood in the Literature of Second Temple Judaism," *The Journal of Jewish Thought and Philosophy* 6 (1997): 89–104.

multitude of the men of their covenant, so that the meaning of this distinction is not so much an expression of hierarchical subordination, but an indication of liturgical distinction (1QS 5:2–3, 9–10).

(c) *The maśkil reveals the experience of the heavenly presence of the whole community through the performance of liturgical texts. The maśkil is not an intermediary person between the heavenly beings and the earthly community.* The role of the *maśkil* does not constitute a hierarchical status and his place is not distinguished from the order in which the community members have to sit and speak. On the contrary, he stands in the center of the ideological unity.[41] For he is to deliver the special instructions given to him in 1QS 9:12–21a in order to serve the community as a whole, "so that they may walk perfectly each one with his fellow in everything which has been revealed to them" (1QS 9:19).[42] Similarly, *Joseph Angel* concludes on the role of the *maśkil* in the Songs of the *maśkil*: "Indeed, the *maśkil*'s self-description is not so much the personalized expression of an individual, as it is a formulaic expression of communal ideals familiar from core sectarian works like the *Treatise on the Two Spirits*, other sections of the *Rule of the Community*, and the *Hodayot*."[43]

(d) If we understand למשכיל not as the indication of genre[44] or of the author, but as a dedication to a figure, *then we can conclude that in the center of this community is not a certain person, but their ideological foundation, written and performed in their rules and liturgical texts*.[45] The *maśkil* is not free to teach whatever he wants on account of his own unique authority. On the contrary, his teaching and praying are tasks given to him or even imposed upon him. Therefore, the person of the *maśkil* is not important. The fact that we do not have any information about the personal condition for functioning as the *maśkil* emphasizes this point.

Perhaps, we can now answer the question asked by Carol Newsom in a paper from 1990: "What, one might ask, is the source of the authority for this central

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41 Contrary to Newsom who states: "While all members of the group aspired to insight and knowledge, it was the member known as the *maśkil* who stood at the head of a hierarchy of knowledge," "The Sage," 382.

42 Translation from Charlesworth, "Rule," 41.

43 Angel, "Maskil," 13.

44 So Hawley, "On Maskil," 43–77.

45 I refer to this aspect in another article as "Liturgization," see Michael R. Jost, "Sacerdotalisation et 'liturgisation'—L'impact de la liturgie et de la communion avec les anges sur le sacerdoce dans la *Liturgie Angélique*," in *Les écrits mystiques des Hekhalot et la 'sacerdotalisation' dans le judaïsme ancien*, ed. Simon Mimouni, Louis Painchaud, and David Hamidovic, Judaïsme antique et origines du christianisme (Turnhout: Brepols, forthcoming).

figure? Unfortunately, none of the passages that refer to the *maśkil* discuss the background or qualifications necessary for the exercise of that office."[46] Carol Newsom asked for the personal requirements. But this direction seems not to be successful. If there is no such information available, we may ask why. If we assume that certain qualifications are required for a person to be a *maśkil*, then the aforementioned lack of information is indeed difficult to explain. But if the teachings (such as the Treatise of the Two Spirits) or liturgical texts (such as the Blessings) are lending the authority, then it follows that the community did not feel the need to define the precise conditions under which an individual assumed the role of the *maśkil*, at least not to the extent that they outlined what was necessary for attaining full membership. Hence, the *maśkil* receives his authority for his individual tasks from the communal and liturgical regulations and not from his priestly origin or individual status alone.[47]

(e) *It seems, therefore, that the hierarchical structure of the community does not serve to ensure the autonomy of the priests or some individual leaders, but rather to include them in an ideological system, referred to in the Community Rule as* יסוד היחד (1QS 7:17,18 [par 4QS^g 4:3]; 8:10 [par 4QS^d 2:4]).[48] Thus, if a member grumbles against this foundation of the *yaḥad* (1QS 7:17) or against the Many (1QS 7:16) or if he blasphemes while reading the Book or saying benedictions (1QS 7:2), he shall be banished and never return to the Council of the Community. But if he behaves in a similarly inappropriate manner against one of the priests who are registered in the Book or against the word of his fellow who is registered before him, he shall be punished for just one year (1QS 6:26; 7:2–3). Moreover, his punishment is merely to be excluded from the purity of the Many. Obviously, the ideological foundation of the *yaḥad* is the ultimate authority to accept and to follow.

The authority of the leading persons relates to a communal guidance. However, the community does not resemble any true egalitarianism in which every member has the same rights. There is an overall hierarchy in which the

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46   Newsom, "The Sage," 375.

47   Newsom saw that the *maśkil* could not himself be the source and authority. She writes: "While the *maśkîl* is charged with instructing members of the community, he is not, by himself, the source and authority for the correct understanding of the will of God. Such knowledge is described as having been 'revealed' and 'discovered' (הנמצא/נגלה) at various times (לפי העתים/לעת בעת; 1QS 9:13)," "The Sage," 376.

48   For the use of this expression יסוד היחד, see Eibert J. C. Tigchelaar, "A Newly Identified 11QSerekh ha-Yaḥad Fragment (11Q29)?" in *The Dead Sea Scrolls: Fifty Years After Their Discovery. Proceedings of the Jerusalem Congress, July 20–25, 1997*, ed. Lawrence H. Schiffman, Emanuel Tov, and James C. VanderKam (Jerusalem: Israel Exploration Society, 2000), 285–99.

lower one has to obey the higher one (1QS 5:23) and the priests are placed before the elders and the Many. Hence, it is the institution of the *yaḥad* itself, as written in the foundational documents (for which the Community Rule is one early testimony) and as performed in the liturgical community, which establishes the unity *and* hierarchy. But these writings already constitute interpretations of the ideological foundation, hence the plurality of rules and liturgical texts.

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The Reworking of Ezekiel's Temple Vision in the Temple Scroll

Tova Ganzel

1 Introduction*

Both the book of Ezekiel and the Temple Scroll (TS) evidence disappointment with, even disapproval of, existing temples, and set unparalleled standards of holiness in their visions of a future temple.[1] In the scholarly discussion of TS as Rewritten Scripture—"a genre that functions interpretively to renew (update, correct) specific earlier traditions by recasting a substantial portion of those traditions in the context of a new work that locates itself in the same discourse as the scriptural work it rewrites"[2]—insufficient attention has been devoted to noteworthy parallels with Ezekiel, both thematic and linguistic. The Temple Scroll shares significant motifs and language with the restoration chapters in the book of Ezekiel, whose temple vision underpinned the people's hopes for the construction of a utopian temple in the future. This paper

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1 On the dating of the book of Ezekiel, see Moshe Greenberg, *Ezekiel 1–20: A New Translation with Introduction and Commentary*, AB 22 (New York: Doubleday, 1983), 18–27; idem, "What Are Valid Criteria for Determining Inauthentic Matter in Ezekiel?" in *Ezekiel and His Book: Textual and Literary Criticism and Their Interrelation*, ed. J. Lust, BETL 74 (Leuven: University Press, 1986), 123–35.

2 See Molly M. Zahn, "Genre and Rewritten Scripture: A Reassessment," *JBL* 131 (2012): 286. From the 1990s there has been much discussion regarding the composition of TS, and different theories have been proposed, including the view that TS is composed of multiple sources and the possibility of supplementary layers (*Fortschreibung*). Alternatively, Molly Zahn has suggested that the Temple Scroll's composition may be better explained as resulting from a single author's use of his source materials, namely a rewritten Pentateuch ("4QReworked Pentateuch C and the Literary Sources of the Temple Scroll: A New [Old] Proposal," *DSD* 19 [2012]: 133–58). In the following discussion, I do not attempt to determine to which genre the continuous scriptural rewriting found in the Temple Scroll belongs; rather the discussion here focuses on how the existing text of TS relates to the status of the temple and its precincts.

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is an initial attempt to examine one theme in this light. It suggests that the overarching notion of the sanctity of the temple city found in TS was derived from a conceptual shift first evidenced in the book of Ezekiel.[3] In Ezekiel this conceptual shift is manifested in the emphasis on the locus of sanctity for the divine name that dwells in the temple, physical measures taken to separate the holy from the profane, and the question of the location of the future temple: whether it will even be situated in Jerusalem. As a preliminary proposal, this paper confines itself to this single theme of temple-related holiness, but the relationship between these two temple-centered texts requires further investigation in other areas as well.[4]

I begin by noting the intrinsic connection between the unique features of Ezekiel's temple vision and his broader conception of holiness. The chapters dedicated to the restoration of the nation describe a radical process whereby its purification is divinely effected (36:25, 33; 37:23) solely in accord with God's will (36:21–23; 39:7), irrespective of whether or not the nation repents (36:22, 32). This process of purification also involves the land, whose status changes (39:12–16). A third transformative sphere is attested in the vision of the future temple. One of its outstanding features is its distancing from, and inaccessibility to, the people. For Ezekiel, the process of reaching a never-before-attained state of holiness requires seismic change. Only such change can bring about everlasting, irreversible purity for the people, the land, and the temple.[5]

Without committing myself to a particular stance as to the nature or dating of TS,[6] I would like to suggest that both the present form of TS, representing at

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3 I am by no means claiming that Ezekiel was the sole source the author of TS consulted and rewrote in his description of the temple. Rather, my focus is on the concept of holiness, for which I intend to show links to Ezekiel. The differences between Ezekiel's temple and other biblical temples take various forms. Prominent examples of elements missing from Ezekiel's temple vision include: the candelabrum, the showbread table, the altars (gold or gold covered), the laver, the laver stands, the gold cherubs in the holy of holies, and the ark of the covenant. In Ezekiel's vision, nothing is described inside the holy of holies. Although there are cherubs and palm trees on the walls (Ezek 41:18–20) similar to Solomon's Temple (1 Kgs 6:35, 7:36), they are not covered in gold; and two columns flank the entrance (Ezek 40:49), among other differences.

4 This is part of a broader question regarding the influence of Ezekiel's temple vision on texts from Qumran that I hope to address elsewhere.

5 See Tova Ganzel, "The Concept of Holiness in the Book of Ezekiel," (PhD diss., Bar-Ilan University, 2005) (in Hebrew).

6 On the literary history of the Temple Scroll and various topical and linguistic links to biblical literature in TS, see Dwight D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT*, STDJ 14 (Leiden: Brill, 1995). For a discussion of the date of composition, see the brief survey by Sidnie White Crawford, *The Temple Scroll and Related Texts* (Sheffield: Sheffield Academic Press, 2000), 24–26, which dates the composition of the text to between 350 and

least the view of its final redactor, and the book of Ezekiel reflect their authors' yearning for a different temple.[7] However, unlike Ezekiel's vision, which postdates the destruction of the First Temple but predates the construction of the second, the TS was written when the Second Temple was standing.[8] I propose that its author's inability to come to terms with a temple that did not preserve its purity may have spurred him to develop and underscore tendencies already found in the book of Ezekiel.[9] These changes include a heightened level of protection of the temple's sanctity. No less important, they are grounded in a prophecy that strongly diverges from previous notions of what constitutes the nature of that sanctity.[10]

Various scholarly models have been suggested for the status of the temple city in TS and its greater stringency as compared to Scripture.[11] Scholarly opinion, however, remains divided as to where to situate this supererogatory approach's origins: in trends that first developed during the Second Temple period, or in the continuation of existing trends from the First Temple period.[12] Recently, Yair Furstenberg summarized the scholarship regarding the stance of TS vis-à-vis the traditions available to its author, maintaining that Second Temple literature as a whole, including TS, heightens impurity, because of

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175 BCE, a time span when the Second Temple was operating. Nonetheless, the text of TS reflects a longing for a different temple.

7   See, among others, Lawrence H. Schiffman, "The Dead Sea Scrolls Sect as a Replacement Temple," in *Santification/Kedushah*, ed. David Birnbaum and Benjamin Blech (New York: New Paradigm Matrix, 2015), 319.

8   For a succinct survey of the status of the temple at Qumran while the Second Temple was standing, see Menahem Kister, "Jerusalem and the Temple in the Writings from Qumran," in *The Qumran Scrolls and Their World*, Between Bible and Mishnah (Jerusalem: Yad Ben-Zvi Press, 2009), 487–92 (in Hebrew).

9   For an initial, overall comparison of Ezekiel's temple vision to TS, see Yigael Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1983), 1:190–92 (see also n. 65 below for additional similarities); Schiffman, "Replacement Temple," 312–32. Some scholars note specific points, but to my mind we must seek a shared worldview that emerges from the many shared details.

10 See n. 3 above. The elements noted there demonstrate the uniqueness of Ezekiel's conception of the temple.

11 See Jacob Milgrom, "Studies in the Temple Scroll," *JBL* 97 (1978): 501–23; Lawrence H. Schiffman, *The Courtyards of the House of the Lord: Studies on the Temple Scroll*, STDJ 75 (Leiden: Brill, 2008), 381–401 and the bibliography cited there.

12 This question, which is tied to that of the relationship between TS and earlier traditions, is outside the scope of this article. For a recent treatment, see Yitzhaq Feder, "The Wilderness Camp Paradigm in the Holiness Source and the 'Temple Scroll': From Purity Laws to Politics," *Journal of Ancient Judaism* 5 (2014): 290–310 and the bibliography cited there.

its recognition of new, hitherto unknown sources of impurity.[13] His proposal represents the prevailing consensus that calls for characterization of Second Temple trends in light of pentateuchal literature, taking analogies and variations into account. Yet, this does not provide a full picture of the broadening and enhancement of sources of impurity in TS. Given the book of Ezekiel's unique emphasis on this topic, any attempt to arrive at such a picture should, in my opinion, devote separate consideration to Ezekiel.

Others have noted the many identifiable links between TS and Ezekiel's temple vision. When TS was first published, Yigael Yadin observed that the author of the scroll was undoubtedly an expert in Ezekiel's temple teachings, as he employs some of its terminology and laws.[14] However, Yadin devotes no comprehensive treatment to these links, nor does he address the broader question of whether the notion of sanctity in TS displays Ezekiel's influence. I wish to take the discussion further by suggesting that the prominence assigned by TS to the holiness of the temple city is best explained through the prism of Ezekiel's concept of holiness. To illustrate my argument, I draw a number of comparisons between TS and Ezekiel: a textual-linguistic comparison of their treatments of the divine presence and sanctity, and thematic comparisons of physical aspects of the temple and the measures taken to restrict access to the sacred precincts.

2   Shared Language for the Divine Presence and Sanctity

Ezekiel's theocentric conception centers on the prevention of the desecration of God's name. A similar theological conception can be identified in TS. The Temple Scroll repeatedly underscores the holiness of the temple city, which is a corollary of the presence of the divine name there: "Where I will settle my name so that they will not defile the city in which I dwell" (45:13; see also

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13   See Yair Furstenberg, *Purity and Community in Antiquity: Traditions of the Law from Second Temple Judaism to the Mishnah* (Jerusalem: Magnes, 2016), 55–57 (in Hebrew). On the means employed by TS to distance impurity from the temple city, see p. 57 there.

14   See Yadin, *Temple Scroll*, 1:190–92; Elisha Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions*, JDS (Beer Sheva: Ben-Gurion University of the Negev Press, 1996). The assumption made here is that TS is not necessarily directly linked to the sectarian scrolls and does not reflect only a sectarian world view; therefore it does not describe a messianic temple, as Yadin maintained. See also Lawrence H. Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code*, BJS 33 (Chico, CA: Scholars Press, 1983), 13–14; idem, *Qumran and Jerusalem: Studies in the Dead Sea Scrolls and the History of Judaism*, Studies in the Dead Sea Scrolls and Related Literature (Grand Rapids, MI: Eerdmans, 2010), 93–95.

29:8–9). A thematic comparison of TS and Ezekiel demonstrates that aspects of TS's treatment of this topic have already been addressed in Ezekiel.[15] Among many others, Tooman has written on the means that can be employed to recognize deliberate literary borrowing: uniqueness or rarity, multiplicity, and thematic correspondence, and I broadly follow these principles in attempting to determine scriptural reuse by TS, of Ezekiel in particular.[16] As opposed to previous studies that mainly compared the Priestly literature and TS, I suggest that the closest parallels can be identified in prophetic literature, especially in prophecies that share thematic-conceptual ties to the temple. The comparison below aims to show that the cumulative evidence indicates that TS drew on Ezekiel's restoration prophecies for its conception of holiness. My contention that in this case TS relies more on Ezekiel than on pentateuchal sources is also grounded in the fact that the book of Ezekiel is the only biblical source that contains a divine promise uttered in the first person that God's name will reside among the Israelites *forever*.

The first passages that I compare are TS 29:7–10 and Ezek 37:23–28. An examination of the opening of each demonstrates not just shared language but also shared word order:

Temple Scroll	Ezekiel
והיו לי לעם ואנוכי אהיה להם לעולם[17]	והיו לי לעם ואני אהיה להם לאלהים
and they shall be my people, and I will be theirs forever (29:7)[18]	*They shall be my people, And I will be their* God (37:23)

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15   For an initial comparison of these verses from TS to the Priestly literature, see Aharon Shemesh, "The Holiness According to the *Temple Scroll*," *RevQ* 19 (2000): 369–82. However, I argue that a more precise comparison between biblical allusions in TS and the restoration chapters in Ezekiel, as compared to other sources, evidences a closer relationship to Ezekiel.

16   In addition, we must consider the likelihood that TS derived its notion of holiness from Ezekiel. See W. A. Tooman, "Between Imitation and Interpretation: Reuse of Scripture and Composition in Hodayot (1QHᵃ) 11:6–19," *DSD* 18 (2011): 54–73. On this (with respect to Ezekiel and Pseudo-Ezekiel), see also Molly M. Zahn, "Prophecy Rewritten: Use of Scriptural Traditions in 4QPseudo-Ezekiel," *Journal of Ancient Judaism* 5 (2014): 335–67.

17   All readings of TS are based on the Qimron edition.

18   The English translations are based on Yadin's English edition of the Temple Scroll.

The reference to the people in the 3rd person, coupled with the word order, make TS closer to Ezekiel than to Lev 26:12, which states: והייתי לכם לאלוהים ואתם תהיו לי לעם, "I will be your God, and you shall be my people."[19]

Another theme shared by this passage and Ezekiel is the eternity of the divine presence in the temple, manifested in the use by both of the word לעולם. Four everlasting promises are repeated using the word לעולם in Ezek 37:25–28. In the passage in TS, לעולם appears twice and the lasting nature of the divine promises is underscored through the use of the additional terms "until the day of creation" and "for all times." (See the discussion of the following passages.) Both texts share the theme of the promise of the eternal existence of the people in its land and the eternality of the connection with its God.

Temple Scroll	Ezekiel
ושכנתי אתמה **לעולם** ועד ואקדשה [**את מ**]קדשי בכבודי אשר **אשכין** עליו את כבודי עד יום הבריה אשר אברא אני **את מקדשי** להכינו לי **כול הימים**	ונתתי את **מקדשי** בתוכם **לעולם** והיה **משכני עליהם** והייתי להם לאלהים והמה יהיו לי לעם ... אני ה׳ מקדש את ישראל **בהיות מקדשי** בתוכם **לעולם**
[and] I will dwell with them *forever and ever.* And I will consecrate *my* [*t*]*emple by my glory,* (the temple) *on which I will settle my glory* until the day of creation on which I will create *my temple* and establish it for myself *for all times* (29:7–10)	And I will set *my sanctuary* in their midst *eternally.* My *tabernacle shall be over them*, and I will be their God, and they shall be my people. I YHWH sanctify Israel *by my sanctuary's being* in their midst *eternally* (37:23–28)

This is the first appearance in Ezekiel of an explicit promise that the temple will be eternal, a promise that is repeated twice. Note the similarities between the language of TS and Ezekiel (שכ״ן + על, לעולם, את מקדשי). Although the wording is also similar to Lev 26:11 (ונתתי משכני בתוככם, "I will establish My abode in your midst"), Ezekiel differs in its use of the preposition עליהם, which

19   There are, however, similar verses in the prophetic literature, such as Jer 24:7, 32:38 (והיו); Jer 11:4, 30:22 (והייתם); and Zech 8:8. Notwithstanding the linguistic similarity to the verse in question, there are no cumulative parallels and the temple's sanctity and purity are not the topic of these prophecies.

is echoed in TS's use of עליו.[20] However, unlike Ezekiel where the reference is to the tabernacle being over the people, in TS, as befits a text concerned with the temple, the topic is the settling of divine glory over the temple. Thematically, note the conspicuous absence of guidelines for *human* construction of the temple in both TS and Ezekiel, as opposed to their emphasis on divine action in that sphere.[21]

Another passage that exhibits thematic and linguistic similarities to Ezekiel is TS 45:12–14, which I compare to Ezek 43:7–9. Here they share the eternal indwelling of the holy divine name among Israel, embodied in the use of the root שכן, and the concomitant requirement that God's name not be defiled.

Temple Scroll	Ezekiel
אשר אשכין שמי בה	אשר אשכן שם בתוך בני ישראל לעולם
ולוא יטמאו את העיר אשר אני שוכן בתוכה	ולא יטמאו עוד בית ישראל שם קדשי
כי אני ה׳ שוכן בתוך בני ישראל לעולם ועד	ושכנתי בתוכם לעולם
Where I will settle my name	*Where I will live* among the progeny of Israel for ever.
so that they will not defile the city in which I dwell,	*The house of Israel will no longer defile my holy name* (43:7)[22]
for *I, the Lord, dwell among* the children of Israel *forever* and ever (45:12–14; see also 47:10–11, 17–18)	*and I will reside among them forever* (v. 9)

The language of the verses is similar to that found in Num 35:34, Lev 15:31, and Num 5:3. All share the notion that the divine presence requires that the surrounding environment—the land, the tabernacle, and the camp, respectively—

20 On the difference between Ezekiel and Leviticus here, see Moshe Greenberg, *Ezekiel 21–37: A New Translation with Introduction and Commentary*, AB 22A (New York: Doubleday, 1997), 758, 760. Greenberg notes the distinction between "amidst" (בתוככם) and "over them" (עליהם), ascribing to Ezekiel a notion close to that of the postbiblical shekhinah.

21 Based on these lines, Schiffman, among others, concludes that the Temple Scroll "looks very much like the document of a group that did not worship at the Temple because they objected to the way it was conducted" and may therefore reflect sectarian ideology. See Lawrence H. Schiffman, "The Importance of the Temple for Ancient Jews," in *Jesus and Temple: Textual and Archaeological Explorations*, ed. James H. Charlesworth (Minneapolis: Fortress, 2014), 90.

22 The absence of the term "city" or the name Jerusalem in Ezekiel will be addressed below.

be one of purity. But whereas the warning against impurity as endangering the presence of God among the Israelites in the pentateuchal verses is indirect, in Ezekiel an explicit connection is made: "the house of Israel will no longer defile my holy name." Here TS does not adopt Ezekiel's paradoxical, unique collocation טומאת שם ה׳,[23] but rather refers to the defilement of the city in which God has settled his name.

The collocation שכן בתוך, "dwell among," appears six times in the Priestly literature and four times in Ezekiel. In the Priestly literature God dwells among the people or in the land of Israel, whereas in Ezekiel he dwells among them in the sanctified area, in his temple.[24] In Ezekiel, one facet in the realization of this unique prophecy is that God "will live among the progeny of Israel forever" (43:7).[25] Divine inability to dwell in an impure locus has pentateuchal roots and appears explicitly twice in Numbers, albeit in verses that do not treat defilement of God but of the *camp* (Num 5:2–3)[26] or the *land* (Num 35:34— refuge cities), and once in Leviticus (15:31), in the context of the *sanctuary*.[27] Thus, Ezekiel distances the people from the temple in order to preserve its purity as the locus of the "holy name" (Ezek 5:11; 23:38).[28] For its part, TS also voices the severity of the people's sin, alludes to their committing unspeakable acts, and calls for concerted efforts to ensure that they are not repeated in the future. Refraining from such deeds and maintaining high levels of purity are essential conditions for the everlasting dwelling of the divine presence in the holy city, among the people, as evidenced by the occurrences of שכן בתוך in this context in TS (45:13–14; 46:4, 12; 47:18).

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23   On the nature of this exceptional conception found only in Ezekiel, see Tova Ganzel, "God's Name in Ezekiel," in *Zer Rimonim: Studies in Biblical Literature and Jewish Exegesis Presented to Professor Rimon Kasher*, ed. Michael Avioz, Elie Assis, and Yael Shemesh (Atlanta: Society of Biblical literature, 2013), 206–19 (in Hebrew). Note that the LXX translates טומאה here in the meaning of חילול.

24   On the biblical collocation, see Risa Levitt Kohn, *A New Heart and a New Soul: Ezekiel, the Exile and the Torah*, JSOTSup 358 (London: Sheffield Academic Press, 2002), 33, 80.

25   The fact that this prophecy is found in Ezekiel's vision of the future temple (chs. 40–48), and not just in the context of the admonition of the people for the sins that desecrated the divine temple and caused the divine presence to leave the temple before its destruction (chs. 2–24), indicates the importance of this theme.

26   There is perhaps a similar parallel in Deut 23:14–15: the covering of excrement with a spade in order to preserve the holiness of the camp where God walks. The root טמ"א is, however, not found there.

27   See Jacob Milgrom, "The Function of the Ḥaṭṭat Sacrifice," *Tarbiz* 40 (1971): 7–8 (in Hebrew).

28   On purity and impurity in Ezekiel's temple, see Tova Ganzel, "The Defilement and Desecration of the Temple in Ezekiel," *Biblica* 89 (2008): 369–79.

Note also the unique wording of the prophecy ושכנתי בתוכם לעולם (Ezek 43:9). An expression in which God or his presence are found on earth, similar to what appears in these verses, appears only once more in the Bible, namely, at the Sinaitic revelation, where we find: **וישכן כבוד ה׳** על הר סיני (Exod 24:16). At Sinai, as in the presence of the shekhinah in Ezekiel, an obligatory link is created between God and the Israelites, which culminates in the indwelling of the divine presence. Moreover, in the context of the dedication of the tabernacle we find **וירא כבוד ה׳ אל** כל העם, "the glory of the Lord appeared *to* all the people" (Lev 9:23), but this is not the indwelling of the divine presence *among* the people. This is also true of Exod 25:8 and 29:45: there too there is no concrete description of the indwelling of the divine presence among the people.

In addition, I suggest that the description of the distancing of elements that defile the land in the Temple Scroll also draws on Ezekiel. The Temple Scroll underscores the importance of removing corpse impurity: ולוא תטמאו את ארצכמה[ ]ולוא תעשו כאשר הגויים עושים בכול מקום המה קוברים את מתיהמה, "And you shall not defile your land [...] And you shall not do as the nations do: everywhere they bury their dead" (48:10–11). This is grounded in Ezekiel's proposed way of purifying the land through burial of corpses: וקברום בית ישראל למען טהר את הארץ ... וקברו כל עם הארץ והיה להם לשם יום הכבדי, "The house of Israel will bury them ..., in order to cleanse the land. All the people of the land will take part in burying them; and I will bring them honor (lit.: and it will become a name for them) on the day that I manifest my glory" (Ezek 39:12–13). By distancing the burial grounds from the cities in general, this ensures the purity of the holy precinct.[29] In this case both Ezekiel and TS preserve the purity of the land through the same action: removing corpse impurity.

A third comparison can be drawn between TS 46:10–12 and Ezek 23:39. As opposed to the previous examples, this one is not found in the restoration prophecies but in Ezekiel's description of the reasons for the destruction of the temple. Both passages concern desecration of the temple and use the root חלל.[30]

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29   The prophet Ezekiel notes the names of the cities where the dead of Gog will be buried: גיא המון גוג, "Valley of Gog's Multitude" (39:11, 15) and שם עיר המונה, "a city named Multitude" (39:16). These cities cannot be identified but Ezekiel underscores that they are distant cities and that only through the removal of the causes of impurity can the goal of cleansing the land (וטהרו הארץ—39:16) be achieved.

30   Ezekiel notes the desecration (חילול) of the temple more than any other prophet (7:21, 22 [x2]; 23:39; 24:21; 25:3, 44:7); he notes, in addition, the desecration of the divine name and the Sabbath.

Temple Scroll	Ezekiel

<div dir="rtl">

מבדיל בין מקדש הקודש לעיר ...

ולא **יחללוהו** וקדשו את מקדשי ויראו ממקדשי

אשר אנוכי שוכן בתוכמה

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<div dir="rtl">

ויבאו אל מקדשי ביום ההוא **לחללו**

</div>

| Separates the holy temple from the city ... | They entered my sanctuary on that day to *desecrate* it (23:39) |
| And they shall not *desecrate* it and they shall sanctify my temple and fear my temple in which I dwell among them (46:10–12) | |

Emphasis on the separation between holy and profane is found only in the Priestly literature and Ezekiel.[31] Nonetheless, Ezekiel is unique in ascribing to the temple both defilement (טומאה) and desecration (חילול).[32]

> When it comes to the Temple's desecration, however, Ezekiel recognizes a broader definition than that which is used in the Priestly Sources. Desecration constitutes the absence of sanctity, rather than a particular status that is assigned under specifically prescribed conditions. As such, the phenomenon of desecration is far more flexible than defilement. Since it is merely the absence of holiness, any instrument by which holiness is divested from the Temple can be said to desecrate the Temple. Thus, even factors that the Pentateuch does not associate with desecration may constitute agents of desecration at a later period, if they have the effect of divesting the holy precinct of its sanctity.[33]

As the only prophetic text that speaks explicitly about holy and profane with reference to the temple, it appears likely that the author of TS was familiar

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31   See Levitt Kohn, *New Heart*, 50–51, 78.

32   Note that Lev 21:12, 23 ולוא יחלל את מקדש אלוהיו refer to the priests, whereas Ezekiel refers to the people as a whole.

33   For a discussion of the terms defilement and desecration in Ezekiel, see Ganzel, "Defilement and Desecration of the Temple in Ezekiel," 369–79; quote at p. 379. Note that, for Ezekiel, it is the presence of foreigners and sacrifice of children to Molek that desecrates the temple.

with Ezekiel's notion of desecration and applied it to his vision of the temple.[34] Although Leviticus 21 does refer to "profaning" the temple, that is only in the context of the actions of priests. TS 46 is clearly referring to a broader set of actions that could profane/defile the temple, and in that sense is using the term in a way that is much closer to Ezekiel's use of it for a wide range of things as compared to P's general avoidance of it for the temple/sanctuary.

The above examples show that key themes shared by both TS and Ezekiel can be traced here: the holiness of the temple and of the land.[35] The comparisons between TS and Ezekiel illustrate a close resemblance between the language used to describe the divine-Israelite covenant (והיו לי לעם), the everlasting indwelling of the divine presence and name (שכ״ן בתוך לעולם), the avoidance of repeated defilement (ולא יטמאו/יחללו), and the preservation of the holiness (קד״ש) of the sacred precincts.[36] Like Ezekiel, TS is unique in its broad treatment of a utopian temple, making it natural that these texts, and these texts alone, include laws whose purpose is to protect the temple from desecration in the future.

3   Preserving the Holiness of the Temple

The Temple Scroll shares with Ezekiel not just the above-mentioned linguistic and thematic resemblances, but also the shaping of the physical attributes of the temple in order to limit access to the holy precincts. Daniel I. Block, for example, has characterized Ezekiel's interest in the temple as "in the design of sacred space, not the objects that fill up that space ... This event [the arrival of Yahweh's *kabod* in the temple] highlights the primary function of the temple

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34   Other possible parallels include TS 47:3–6 and Ezek 43:12; TS 51:7–8 and Ezek 44:4, which relate to the distinctive holiness of the temple compound and God dwelling among the children of Israel.

35   In addition to the examples examined above, a final comparison can be made between TS 52:19 and Ezek 36:22–23. Both texts underscore the need for a sanctified locus for the divine name.

בתוך עירי אשר אנוכי מקדש לשום   לא למענכם ... כי אם לשם קדשי ... וקדשתי את
שמי בתוכה   שמי הגדול

Within my city—which I consecrate   It is not for your sake ... but for *my holy*
to *put my name there*.   *name ... I will sanctify my great name*.
                    (TS 52:19–20)   (Ezek 36:22–23)

36   Ezekiel himself relied on pentateuchal sources, Priestly and Deuteronomic. See Levitt Kohn, *New Heart*, 110–18. Thus, Ezekiel's sources may also be reflected in his language, as in the use of the root שכן (p. 33).

in ancient Israel and in the ancient Near Eastern world in general: to serve as the residence of deity."[37]

As found in Ezekiel (40:5, 42:15–20) and TS (40:5–8), the dimensions of the temple area, including its courts, were unusually large, substantially larger than those of the historical temples.[38] Given the difficulty of interpreting the text in Ezekiel, which refers to a compound that measures 500 × 500 rods (*kanim* = 3000 × 3000 cubits), this discussion focuses on how both texts relate to the theme of purity in the context of the physical layout of the temple and its courtyards and who is allowed to enter which precincts, noting the greater strictness of the Temple Scroll.[39]

In this case, and as we will see below in the description of the city, the Temple Scroll's strict measures regarding the temple's holiness are aimed at guaranteeing the sanctity of God who dwells in the temple.[40] These measures share a common goal with Ezekiel—the exclusion of the masses from the temple's inner area in order to maintain its purity—or, as Ezekiel 42:20 notes, to separate the consecrated from the unconsecrated.

The book of Ezekiel's description of the visionary temple focuses heavily on the areas that surround the temple. All told, Ezekiel devotes sixty-three verses to walls, courtyards, and gates and only twenty-six verses to a description of the

37   Daniel I. Block, *The Book of Ezekiel: Chapters 25–48*, NICOT (Grand Rapids, MI: Eerdmans, 1997), 507.

38   This is also a much larger area than what is known to us from the Josephan Temple description—"six furlongs" (*J. W.* 5.192). Note that m. Mid. 2:1 opens with the same dimensions for the Temple Mount: five hundred cubits by five hundred cubits (as found in Ezek 42:20, but without noting a specific unit of measure). See Albeck, *Shishah sidre mishnah: Seder qodashim* (Jerusalem and Tel Aviv: Bialik Institute, 1959), 320, 431. This suggests that perhaps, in order to create a link to the utopian temple, the descriptions in the Temple Scroll (לכול רוחותיו; 30:10) and Middot use terminology similar to that found in Ezekiel's temple vision: (ארבע רוחות; 42:20). For the dimensions of TS, see Yadin, *Temple Scroll*, 1:246. See also Schiffman, *Courtyards of the House of the Lord*, who notes the desire for an expanded temple area in that period, a view already found in Ezekiel 40–43 (p. 227), and suggests that TS also "reflected the dreams of the author for an enlarged Temple complex" (ibid., 398).

39   The word *kanim* appears four times in Ezekiel; its deletion in the LXX leaves these verses with no system of measurement (Block, *Ezekiel, 25–48*, 568–70). Based on the absence of the word for rods in the LXX, some commentators suggest that Ezekiel meant cubits (אמות). See Walther Zimmerli, *Ezekiel 2: A Commentary on the Book of the Prophet Ezekiel Chapters 25–48*, trans. J. D. Martin, Hermeneia (Philadelphia: Fortress, 1983), 404; Block, *Ezekiel, 25–48*, 568–70; and Rimon Kasher, *Ezekiel 25–48*, Mikra Leyisrael (Tel Aviv: Am Oved, 2004), 821 (in Hebrew), who also compared the extent of the temple described in Ezekiel with that in m. Middot.

40   Lawrence H. Schiffman, "The Theology of the Temple Scroll," *JQR* 85 (1994): 109–23.

temple building itself.[41] Emphasis is placed on the future temple's courtyards (42:15–20), of which there are two: an outer (40:17) and an inner courtyard (40:39). Although largely empty, the outer courtyard houses chambers for the consumption of sacrificial offerings and for storing the priestly vestments (42:1–14). The inner courtyard, defined primarily by vestibules along its perimeter, is accessed through large gates, eight steps up from the outer courtyard, that line up with the three great outer gates (40:23–44). On the western end of this courtyard lies the temple itself, which has a thick wall (*qir*) on three sides that separates it from the courtyards (41:5–15). These courtyards formed the center of temple ritual, and only a select, elite group of priests and Levites (44:9–19) could enter the inner courtyard, whereas entry was forbidden to Israelites and foreigners.[42] Even on holidays, when the people came to the temple, they were forbidden to enter the inner courtyard and were only allowed to stand at the entrance to the outer one (44:19, 46:3).[43] Moreover, no ritual role is assigned to the people in Ezekiel; unlike in the Priestly literature, they do not stand at the altar while offering sacrifices.

Although TS also places emphasis on the future temple's courtyards, as opposed to Ezekiel's two courtyards these are three in number: an outer courtyard that women and children were permitted to enter, a middle courtyard accessible to Israelite men, and an inner one accessible only to priests.[44] In Scripture the term "inner courtyard" appears in treatments of the Solomonic temple and in the book of Ezekiel, but is especially frequent in Ezekiel.[45] In TS the temple is surrounded by a wall that separates the sacred from the profane, its courtyards are enlarged, and there is greater stringency regarding who can enter the gates as compared to Ezekiel. Another difference between Ezekiel and TS relates to the use of the courtyards: in TS some rituals are carried out in the middle courtyard, and some of the prohibitions applied to the outer courtyard in Ezekiel's vision are in force here.

Another similarity between TS and Ezekiel is the number of gates in the walls of the city. Ezekiel's vision places three gates on each side of the city which

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41   The following verses refer to gates and courtyards: 40:5–47 (43 verses); 42:1–3, 7–12, 15–20 (15 verses); 46:20–24 (5 verses). The following verses describe the temple building itself: 40:48–49 (2 verses); 41:1–21 (21 verses); 42:4–6 (3 verses). The description in chapter 42 is particularly difficult, so the precise number of verses may vary.

42   With the exception of the *nasi*, who had a special status. However, the areas in the temple courtyards to which the *nasi* had access are a matter of scholarly dispute (46:2–15).

43   In addition, in Ezekiel's vision of the future, the temple is the permanent dwelling place of God himself (43:7, 44:2); it therefore has a gate that is permanently closed (44:1–2) because the divine presence enters the temple through it (43:1–2, 46:1).

44   Schiffman, *Courtyards of the House of the Lord*, 381–401.

45   Yadin, *Temple Scroll*, 1:210.

bore the names of the sons of Jacob, a description unparalleled elsewhere in the Bible. In TS also, we find twelve gates bearing the names of the sons of Jacob in the middle and outer courtyards, albeit the order of the names differs from that found in Ezekiel.[46]

4   Access to the Temple

Whereas architecture provides physical markers of the different levels of sanctity in the temple in Ezekiel and TS, this zonal organization is mainly manifested in the distinctions between who could enter the different zones. In Ezekiel's vision, the general population has access only to the outer court (44:19) and remains confined to this space even when, on festivals, they must traverse the entire outer courtyard (46:9) in order to bow at the entrance to the inner courtyard's eastern gatehouse (46:3). They are only allowed to reach the gate of the more sacred realm of the inner courtyard. The Levites are permitted to perform certain functions, but are nonetheless excluded from the most sacred temple precincts (44:10–14), which only Zadokite priests can enter (44:15–17).[47] Their privileged access to the inner courtyard allows them to perform the cultic actions that lead to God's acceptance of the populace at large (43:19–27).[48]

In TS, however, such a hierarchy of temple functionaries is absent.[49] Nevertheless, consideration of who is permitted to enter what area of the temple

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46   Another feature shared by Ezekiel and TS is the presence of myriad rooms and chambers in the temple. They function differently, however. Ezekiel assigns the angles of the outer court as the locus of the sacrifices of the people, whereas TS assigns the angles of the inner court to the cooking of the priestly sacrifices (see Yadin, *Temple Scroll*, 1:208). Schiffman (*Courtyards of the House of the Lord*, 221) notes in addition the central difference between the number and size of the chambers. Another reference to these chambers that cites Ezekiel is found in m. Mid. 2:5, which refers to the roofing of the courtyard in a temple to be erected in the future (Ezek 46:21–22).

47   Ezekiel's elevation of the Zadokites stands out as one of his greatest innovations and invites consideration in its particular context. Moreover, this specific innovation serves as one of the correctives to previous cultic wrongdoings. According to Ezekiel, God has selected the Zadokites precisely because they "maintained the service of My sanctuary when the people of Israel went astray from me" (44:15). The Zadokites' reward is also God's own way of ensuring that proper personnel will officiate in his temple in the future.

48   Even the *nasi*, who has somewhat more access to the temple, relies on them to offer sacrifices (46:2). On the role of the priests in Ezekiel's vision, see Tova Ganzel, "The Status of Functionaries in the Future Temple of Ezekiel," *Shnaton* 19 (2009): 21–23 (in Hebrew).

49   See Cana Werman, "The Price of Mediation: The Role of Priests in Priestly Halakhah," *Meghillot* 5–6 (2007): 85–108 (in Hebrew).

shows that, in comparison to pentateuchal literature,[50] there too sanctity is preserved by more stringent restrictions (45:7–18). TS further protects the purity of the priests through an annual purification ceremony in addition to those mandated in Scripture (15:3–17:4). By purifying the priests from possible, inadvertently incurred impurity, this ceremony adds another protective layer to their sanctity.[51] Note that TS makes indirect mention of the distancing of foreigners from the city and that this too has roots in Ezekiel (44:9).[52] Finally, in TS (32:10–11; 33:6–7; 35:6–7), as in Ezekiel (42:14; 44:17–19), the priests change their clothes when they leave the courtyard, because the priestly clothing is designated solely for temple work.[53]

An additional element reflects the Temple Scroll's emphasis on the sanctity of the temple. The description of water emerging from the threshold of the temple (Ezek 47:1–8) is unique to Ezekiel (though alluded to in Joel 4:18). Yadin, for his part, notes that the Temple Scroll's description of the removal of water from the basin in the temple (32:12–14) reflects Ezekiel 47:1.[54] Whereas Ezekiel in this fashion perhaps created a link between those who could not enter the temple but could nevertheless see the waters emerging from the sacred precinct, in TS the spring water remains inside the temple, inaccessible to anyone except the priests who serve in the temple. Thus, if in Ezekiel the water reaches nonsacred areas outside the temple, in TS even the water remains within the temple until it is absorbed by the ground, while still holy. This may indicate that the trends guarding sanctity found in Ezekiel were taken even further in the Temple Scroll.

5   The "City of the Temple"

Finally, it appears that the unique features introduced by the author of TS to the temple culminate in his treatment of the name and status of the temple

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50   As already noted by Yadin (*Temple Scroll*, 1:285–307).

51   See Yuki Nahmias, "New Festivals in the Festival Calendar of the Temple Scroll: Reconsideration" (M.A. thesis, Tel Aviv University, 2003), 38–43 (in Hebrew).

52   On the distancing of foreigners from the temple in both Ezekiel and the TS, see Christine E. Hayes, *Gentile Impurities and Jewish Identities: Intermarriage and Conversion from the Bible to the Talmud* (Oxford: Oxford University Press, 2002): on Ezekiel, see 34–37; on TS, 62.

53   The injunction that the priests enter the inner courtyard only in sacred clothing and must change this clothing before going out to the people has its source in Ezekiel. There are changes in TS that are grounded in the fact that Ezekiel's temple has only two courtyards and TS three.

54   Yadin, *Temple Scroll*, 1:223–24. Note that m. Mid. 2:6 too mentions a spring in the context of the future temple, in line with Ezek 47:1.

city, which ceased to be known as Jerusalem. Block, for instance, briefly notes the influence of Ezekiel's deliberate use of the term עיר (Ezek 40:2) for the temple complex on the Temple Scroll's designation of the temple as עיר המקדש, "city of the sanctuary."[55] One feature shared by the texts is the presence of a holy precinct that extends beyond the temple; however, we cannot establish its precise dimensions or location. Intriguingly, the calculation of 500 rods (or 3,000 cubits) as the dimensions of the temple in Ezekiel equals the distance from the temple set in TS for the area designated for the latrine (46:16).

Another shared feature, in addition to the centrality of holiness, is the lack of clarity as to the location of the future temple. In Ezekiel, the question of whether the prophet is only changing the name of the city where the temple is to be located, or the actual venue, remains unresolved. I suggest that the Temple Scroll's failure to mention Jerusalem (where the Second Temple was still functioning) was influenced by the Ezekielian precedent, as seen below.

In describing the sacred precinct TS uses the collocation עיר המקדש, "city of the temple." Scholars are divided as to whether this collocation describes the city as a whole or just the temple and its courtyards.[56] Based on comparison to the Deuteronomic collocation המקום אשר יבחר ה׳ לשכן שמו שם, "the site that the Lord your God will choose to establish His name" (Deut 12:5, 11; 14:23; 16:2, 6, 11; 26:2), David Henshke maintains that TS is referring to the entire area of the city and not just that of the temple.[57] Like Milgrom, he concludes that "the temple itself extends over the entire city; the city does not belong to its human inhabitants—rather its main inhabitant is God."[58] Thus the sanctity of the temple extends to all parts of the city and the temple-associated prohibitions

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55   Block, *Ezekiel, 25–48*, 514 n. 75.

56   Milgrom ("Temple Scroll," 512–18) concludes that the word מקדש can refer to the entire city of Jerusalem as well as to the temple. See the survey in Hanan Birenboim, "'The Place Which the Lord Shall Choose,' The 'Temple City' and 'the Camp' in 11QT^a," *RevQ* 23 [91] (2008): 357–69. He argues that the "temple city" describes only the temple and its courtyards. Schiffman (*Courtyards of the House of the Lord*, chap. 24) discusses the question of whether the city of the sanctuary is equivalent to the temple and its courts or extends beyond and whether its purity regulations applied only to the sanctuary itself or to the entire city. He concludes that the scheme put forth in TS was an ideal replica of the Israelite camp of the wilderness and that the scroll thus sought to extend the sanctity of the sanctuary to the entire city (ibid., 401).

57   See David Henshke, "The Sanctity of Jerusalem: The Sages and Sectarian Halakhah," *Tarbiz* 67 (1997): 5–28 (in Hebrew); idem, "The Sanctity of Jerusalem in Miqṣat Maʿaśe Hatorah: A Reconsideration," *Tarbiz* 69 (1999): 145–50 (in Hebrew). Henshke notes another example of expansive exegesis of the temple precincts found in the mishnaic Hebrew collocation בית הבחירה for the entire area of the city in which the temple is located.

58   Henshke, "Sanctity of Jerusalem," 21.

apply to the city of the temple as a whole.[59] Although Henshke identifies the roots of this notion, familiar to us from the Second Temple period, in Deuteronomy,[60] I suggest that perhaps here too its roots lie in addition in the book of Ezekiel, especially in the chapters detailing the division of the allotments to the tribes (chaps. 45–48), which differ in many details from other biblical descriptions. One such detail is the central region, located between seven northern strips and five southern strips which are the tribal allotments. In this region we find a "reserve" (45:1; 48:8, 20) and the "prince's property" (45:7). The reserve has two sections that are "most holy" (45:3, 48:12), in which the temple is located (this also includes the space that surrounds the temple and is between and around the walls [43:12] in which the priests live [תרומה לה׳], and an area designated for the Levites [תרומת הקדש]). Alongside this there is another narrow strip of the "city" that is not holy and belongs to all Israelites, in which representatives of all the tribes live and in which grain is grown for the city of the temple (45:1–8, 48:8–22). In Ezekiel's vision, the holy precinct of the city encompasses additional sectors of the city and the temple is distanced from the city. A distinction is made between the holiest part of the city and its other sectors, and the city of the temple is thereby protected from defilement. I suggest that this notion, along with the Deuteronomic sources, provided a concrete platform for the author of TS to extend the holiness of the sacred precinct (TS 47:17–18). Perhaps the area assigned to temple functionaries who are not pure and therefore cannot enter the sacred precincts (*zavim*—TS 45:15–18; lepers and *zavim*—46:16–18; lepers, *zavim*, menstruants—48:14–17) has its source in the area assigned by Ezekiel for this purpose.[61] We have therefore seen that TS describes a new city in which the divine presence will dwell and that the sacred precinct extends over the entire city.[62]

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59   As a result the normal activity of the Israelite camp does not take place there: marital relations are totally forbidden in the city and all types of impurity are distanced from it. For a discussion of TS's doctrine regarding the "camp," see Menahem Kister, "Studies in 4QMiqṣat Maʿaśe Hatorah and Related Texts: Law, Theology, Language and Calendar," *Tarbiẕ* 68 (1999): 337 n. 87 (in Hebrew); also Henshke, "Sanctity of Jerusalem," 21 n. 66.

60   As opposed to Yadin, *Temple Scroll*, 1:281, who notes among other things that Isaiah 52 might have been a source for TS's doctrine of extending the sanctity of the temple to the entire temple city.

61   On the existence of this area in TS, see Milgrom, "Temple Scroll," 517; Hanan Birenboim, "Expelling the Unclean from the Cities of Israel and the Uncleanness of Lepers and Men with a Discharge According to 4Q174 1 i," *DSD* 19 (2012): 28–54.

62   The use of female metaphors for impurity in Ezekiel, and the expansion of the prohibitions against women coming in contact with the holy precinct in TS, round out the examples of the supreme importance of holiness for both works, and indirectly convey

6   The Death of Jerusalem

Ezekiel may be the biblical model on which the author of TS could have based his conception that the temple city is not geographical Jerusalem; even though Ezekiel's temple city may occupy the same space it has a different name.[63] For Ezekiel, the city of Jerusalem is the location of the destroyed temple and he does not name the location of the future temple. The different names assigned to Jerusalem in Ezekiel, in addition to the twenty-six occurrences in which Jerusalem is called by that name, are all found in the predestruction chapters (with one exception; see below). They provide a picture of the shift in Jerusalem's status throughout the sections of the book. The predestruction exhortatory chapters (1–24) highlight divine anger at the city: "as you pour out your fury upon Jerusalem" (9:8). This anger peaks close to the destruction: "blood city … City shedding blood" (22:2–3). Idolatry also defiles the city's name; Jerusalem is therefore called "impure of name" (22:5). From this point on, when the city and its name are impure, there is no longer any reason to apply the name Jerusalem to the city in which the divine presence resides. Thus when the survivor learns that Jerusalem has been destroyed it is designated by him only the "bloody city" (24:6–9). The prophet explicitly notes the reason for this: "For your depraved impurity, because I tried to purge you *but you would not be purged*, you will never more be purged of your impurity" (24:13–14). This culminates in the survivor's announcement to Ezekiel that the city has fallen (33:21).

It is now evident that almost nowhere does the name Jerusalem appear in the restoration chapters in Ezekiel. In the prophecies that describe the restoration of the people (chs. 34–39) and in the vision of the future temple (chs. 40–48) Ezekiel uses various designations for the city, other than Jerusalem: "the city" (40:1); "a very high mountain … a structure like a city" (40:2); "there" (40:3); "temple compound on top of the mountain" (43:12); "the city will be called, 'YHWH Is There'" (48:35). The prophet avoids the use of the name Jerusalem with respect to the future not only because the deeds of the people have defiled the city and its name, but also because they have sparked a crisis that prevents God's name from dwelling in the city. The designation of the place where Ezekiel sees the temple vision as "a very high mountain" leaves the

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the message that the temple/temple city must everlastingly be protected from impurity. I hope to address this issue in the future.

63   It is possible that this is also tied to the fact that Deuteronomy does not name the place chosen by God. On Ezekiel's use of Deuteronomy and not just the Priestly literature, see Levitt Kohn, *New Heart*, 86–95.

question of whether the site of the new temple was imagined as the (historical) Jerusalem without a definitive answer.[64] In fact, the name Jerusalem is found only once in the restoration chapters, in Ezek 36:38: "like the flocks of Jerusalem … so shall the [once] ruined cities be filled with human flocks," but this description relates not to the future, but to the crowds that filled the cities in the past. On the other hand, even in the predestruction chapters, the prophet does not use the designation Jerusalem when speaking of the location of the future temple, but rather locates it "in the mountainous heights of Israel" (17:23). This deliberate avoidance of the name Jerusalem in the book of Ezekiel is connected with the descent of the divine presence to the future temple, which will from now on be protected from impurity and desecration. Even though the city that will preserve its purity is perhaps geographically equivalent to Jerusalem, it is portrayed as a different city, denoted "God Is There." It thus appears that throughout the book of Ezekiel the mentions of Jerusalem are deliberately precise: before the destruction Jerusalem is described as defiled; in the future, Ezekiel describes a different sacred city, not Jerusalem, in which God dwells.

Like Ezekiel, the Temple Scroll does not designate the temple city by the name Jerusalem. I suggest that the reason for this avoidance is the same as that in the book of Ezekiel: Jerusalem is a defiled city that cannot be purified and accordingly cannot be named as the locus of the temple. The holy precincts are termed: כול המקדש, "any part of the temple" (45:8); את מקדשי ועירי, "my temple and my city" (47:18, among others); כול עיר המקדש, "any part of the city of the temple" (45:11–12, 16–17); העיר, "the city" (45:13; 47:18).[65]

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64 For the argument that the city about which Ezekiel prophesies is not Jerusalem and that the temple is not found there, see the survey in Menachem Ben Yashar, "The *Merkava* (Divine Chariot) and *Mikdash Me'at* (Minor Sanctuary) in the Book of Ezekiel," *Studies in Bible and Exegesis* 4 (1997): 9–22. (in Hebrew).

65 Note that there are additional similarities between TS and Ezekiel; they include: the seven days of consecration plus the eighth day (Ezek 43:19–27); the manner in which the goats and the burnt offerings are treated (Ezek 43:20, 45:19); "houses" for the sacred garments (Ezek 42:14, 44:17); opaque windows (Ezek 40:16); the inner enclosures (Ezek 46:22–23); the altar for the burnt offering (and another related structure) in TS col. 12 is based on Ezek 43:13–27 (Yadin, *Temple Scroll*, 1:239–40). Later, m. Mid. 3:1 also draws on this passage (Ezek 43:16). In imparting details regarding the construction of the altar, the Mishnah cites Ezekiel with reference to the restoration period. Thus, it appears that the rabbis ascribed consultation of the book of Ezekiel to the builders of the Second Temple, in their planning of its various aspects. Because the discussion here focuses on how TS adopted Ezekiel's conception of holiness, I have not discussed other points of contact.

7 Conclusion

The similarity between the Temple Scroll and the book of Ezekiel led Yadin to ask: Why didn't the author of the scroll adhere to Ezekiel's temple plan? His response was: "The solution lies in the distinct destiny of the two temples. The one in the scroll is the temple which the Jewish people were commanded to build ... and the one described in the book of Ezekiel is the temple which God will build by Himself in future times."[66]

Perhaps this question requires a more nuanced, complex approach. TS already relates to this question: like Ezekiel (40:4) it seems to suggest that God himself will create his temple (29:9). The temple to be built in the future apparently incorporates realistic and eschatological elements, and the remaining text of TS does not clarify by whom it will be built.[67]

It thus appears to me that Ishay Rosen-Zvi's description of the plan of the temple in m. Middot largely answers the question of what temple the author of TS is describing: "In general, Scripture in many instances serves for the rabbis as a model of the desirable and what will be, making sharp distinctions anachronistic. The Temple past, the textual present, and the hopes for the future are not totally separated ... what was, what will be, and what should be are intermixed ... without distinction."[68] Rosen-Zvi's remarks regarding m. Middot well reflect the inability of Ezekiel and the Temple Scroll alike to mediate between the utopian dream and the reality whose realization they sought.

Although it seems that both temples are utopian, the Temple Scroll offers an alternative temple to the one found in Ezekiel. Its uniqueness inheres in the way it builds on Ezekiel's visionary temple, adopting his principles of separating the holy from the profane, so that God can dwell eternally in the future temple city (Ezek 36:28, 37:26; TS 29:7–9, 45:14).

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66   Yadin, *Temple Scroll*, 1:191.

67   I differ here from Schiffman (*Courtyards of the House of the Lord*, 234–35), who argues that the temple that God will build in 29:9 is *not* the temple described in TS: the former is an eschatological/heavenly temple, whereas the rest of TS describes the utopian (but not eschatological) temple that the author hoped would be built in his own time.

68   Ishay Rosen-Zvi, *The Rite That Was Not: Temple, Midrash and Gender in Tractate Sotah* (Jerusalem: Magnes, 2008), 164 n. 60 (in Hebrew).

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The Levites, the Royal Council, and the Relationship between Chronicles and the Temple Scroll

Molly M. Zahn

1   Introduction

The theological historiography of 1–2 Chronicles and the laws presented by the Temple Scroll (TS) as the very voice of God do not, on the face of it, appear particularly similar. Yet in two quite different ways, scholarship has stressed the connections between the two. On the one hand, Chronicles and TS represent two of the most often-cited examples of the interpretive practice or genre known as "Rewritten Scripture." On the other hand, most scholarship on TS has viewed Chronicles, along with numerous other books now included in the Hebrew Bible, as one of the scriptural sources upon which the authors of TS drew. This essay argues that one of these modes of connection is much more helpful than the other. Despite its near ubiquity, and its fervent defense in some quarters, the idea that TS draws in meaningful ways upon the text of 1–2 Chronicles does not stand up to careful scrutiny.[1]

If TS used the text of Chronicles in an obvious way, the question would be settled. However, TS never redeploys whole clauses or sentences as it does with pentateuchal materials. Instead, any posited direct reuse is in the form of hard-to-verify allusions consisting of overlaps of only a couple of words.[2] The case

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1   Supporters of the idea that TS drew upon Chronicles are listed in the following notes. The most notable dissenters from this majority opinion have been Hartmut Stegemann, "The Literary Composition of the Temple Scroll and Its Status at Qumran," in *Temple Scroll Studies*, ed. George J. Brooke, JSPSup 7 (Sheffield: JSOT Press, 1989), 146 n. 24; Johann Maier, *Die Tempelrolle vom Toten Meer und das "Neue Jerusalem,"* 3rd ed., UTB 829 (Munich: Ernst Reinhardt, 1997), 35–36; Ehud Ben-Zvi, *History, Literature, and Theology in the Book of Chronicles* (New York: Routledge, 2006).

2   In his 1995 monograph, Dwight Swanson postulates deliberate use of texts from Chronicles in a great many places, such that "outside of the Pentateuch the highest number of allusions in the Scroll are to the Chronicles"; Dwight D. Swanson, *The Temple Scroll and the Bible: The Methodology of 11QT*, STDJ 14 (Leiden: Brill, 1995), 238. But Swanson's methods for identifying allusions are uncontrolled, and after careful examination most of these putative points of contact appear highly unlikely. Others who have made in-depth studies of the use of biblical

for such allusions is, *a priori*, made more compelling by arguments that TS is not simply mining Chronicles for language but draws on Chronicles for certain conceptual and ideological frameworks as well. For instance, George Brooke, drawing on Yigael Yadin and Dwight Swanson, suggests that TS's idea of a divinely revealed temple plan, its elevation of the status of the Levites, and its consistent emphasis on the supremacy of the priesthood over the king are all due in part to influence from Chronicles.[3] But such arguments fail to account for serious differences even when TS and Chronicles do show interest in the same matters. In fact, as I will demonstrate, their different approaches to issues of common concern highlight the true connection between them: each is engaged in the same project of responding to and reshaping Israel's earlier traditions for a new context and setting. In other words, it is their similar use of rewriting that most closely binds TS and Chronicles together.

In the context of this short contribution, I cannot consider every instance in which influence from Chronicles on TS has been proposed.[4] I will focus on two related issues: the relatively high status of the Levites in both TS and

texts by TS (Yadin, Wise, Elledge) also identify some allusions to Chronicles, but many fewer than Swanson; see for example Yigael Yadin, *The Temple Scroll*, 3 vols. (Jerusalem: Israel Exploration Society, 1977–83); Michael Owen Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, SAOC 49 (Chicago: Oriental Institute of the University of Chicago, 1990); C. D. Elledge, *The Statutes of the King: The Temple Scroll's Legislation on Kingship* (*11Q19 LVI 12–LIX 21*), Cahiers de la Revue Biblique (Paris: Gabalda, 2004). In general, however, the process of identification of TS's source texts has been marked by a lack of methodological rigor; see Molly M. Zahn, "Identifying Reuse of Scripture in the Temple Scroll: Some Methodological Reflections," in *A Teacher for All Generations: Essays in Honor of James C. Vanderkam*, ed. Eric F. Mason et al., 2 vols., JSJSup 153 (Leiden: Brill, 2012), 1:341–58.

3   George J. Brooke, "The Books of Chronicles and the Scrolls from Qumran," in *Reflection and Refraction: Studies in Biblical Historiography in Honour of A. Graeme Auld*, ed. Robert Rezetko, Timothy H. Lim, and W. Brian Aucker, VTSup 113 (Leiden: Brill, 2007), 44.

4   In particular, the issue of the possible influence of Chronicles on TS's temple plan must be reserved for a separate treatment. Yadin proposed already in his *editio princeps* that the entire impetus for the Scroll's temple plan derived from the divinely revealed blueprint that David passes on to Solomon according to 1 Chronicles 28 (*Temple Scroll*, 1:83, 177, 403). This theory was formulated more forcefully by Swanson, who argued that 1 Chronicles 28 not only constituted the general inspiration for the Scroll's temple plan, but "virtually serves as an index for the Temple Law" (*Temple Scroll and the Bible*, 226). It has since been followed by Brooke ("Books of Chronicles," 44) and Eva Mroczek, "How Not to Build a Temple: Jacob, David, and the Unbuilt Ideal in Ancient Judaism," *JSJ* 46 (2015): 540. However, Swanson's arguments for specific points of contact between TS 4–7 and the text of 1 Chr 28:11–19 fail to stand up to scrutiny. Yadin's claim of a more general sort of inspiration, on the other hand, fails to account for differences between the two temple plans and for other possible sources of inspiration. See, preliminarily, Molly M. Zahn, "New Voices, Ancient Words: The Temple Scroll's Reuse of the Bible," in *Temple and Worship in Biblical Israel*, ed. John Day, LHB/OT 422 (London: T&T Clark, 2005), 448–51.

Chronicles, and the description of Jehoshaphat's central court in 2 Chronicles 19, which several scholars regard as the model for the king's council in TS 57. Especially in this latter case, what some have construed as a case of TS drawing upon Chronicles is likely better understood as TS and Chronicles each separately (and differently) responding to earlier scriptural texts.

2   The Stakes

Before turning to the texts, it might be helpful to clarify what we stand to gain from a better understanding of the extent to which TS drew upon Chronicles. On the one hand, the results contribute to a general picture of rewriting in TS: which texts did its authors use, and how are they redeployed? On the other hand, evidence that the authors of TS drew upon the books of Chronicles would be particularly interesting for a couple of reasons. First, because of the posited reuse, the date of Chronicles is sometimes used as a *terminus post quem* for the date of TS: if TS draws on Chronicles, it has to be later than Chronicles.[5] Second, the deliberate use of Chronicles would be interesting for a text which, though not a product of the *yaḥad*, has obvious halakhic affinities with several Qumran texts and was preserved in multiple copies in the Qumran caves. As George Brooke in particular has pointed out, it appears that the Qumran community may have deliberately avoided Chronicles due to its associations with Jerusalem, the temple, and the Hasmoneans.[6] If Chronicles was used by TS, this would be important evidence for the reach of Chronicles' authority and influence in the Second Temple period. Has Chronicles influenced the Qumranites "through the back door," as it were, via its influence on TS?

Finally, however, I believe the most significant result of this reassessment is methodological and conceptual. As I will argue in more detail in the conclusion, I believe that older canonical models, which strongly distinguished between "Bible" and "Rewritten Bible," made it easy for scholars to assume that

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5   Swanson's strong arguments for the dependence of TS on Chronicles are accepted as evidence for the post-Chronicles dating of TS by Sidnie White Crawford, *The Temple Scroll and Related Texts*, Companion to the Qumran Scrolls 2 (Sheffield: Sheffield Academic Press, 2000), 25, and Armin Lange, "The Significance of the Pre-Maccabean Literature from the Qumran Library for the Understanding of the Hebrew Bible," in *Congress Volume Ljubljana 2007*, ed. André Lemaire, VTSup 133 (Leiden: Brill, 2010), 195. Conversely, Gary Knoppers uses Swanson's arguments as evidence for dating *Chronicles* not later than the mid-third century BCE (that is, early enough to be used by the authors of TS or its sources); see Gary N. Knoppers, *1 Chronicles 1–9: A New Translation with Introduction and Commentary*, Anchor Bible 12 (New York: Doubleday, 2003), 109.

6   Brooke, "Books of Chronicles," 48.

a Second Temple-period composition like TS would have known and regarded as authoritative essentially all the books now included in the Hebrew canon. At least, the presumption tends strongly in this direction, such that any perceived parallel between TS and Chronicles was readily (and often too hastily, I would argue) interpreted as evidence that TS depended upon Chronicles. With the benefit of new perspectives on the textual landscape of Second Temple Judaism, evidence of a more complex relationship can more easily be recognized.

3   Levites

One notable parallel between TS and Chronicles is the treatment of the Levites. The Levites are given a decidedly subordinate role in the Priestly texts of the Pentateuch and in Ezekiel. But Chronicles casts them in a more positive light and gives them responsibilities not mentioned in P and Ezekiel, while still maintaining a distinction between Levites and the Aaronide priesthood.[7] The Temple Scroll similarly enhances the status of the Levites, while emphasizing that only the priests may approach the altar.[8]

Swanson, followed by Brooke, has argued that the positive attitude towards the Levites and expansion of their role seen in both Chronicles and TS constitutes evidence of the influence of Chronicles upon TS.[9] But this interpretation seems questionable, for two reasons. First, a number of other Second Temple texts also imagine an expanded role for the Levites.[10] Thus that alone cannot be evidence of a special relationship between TS and Chronicles. Moreover, there are considerable differences between TS and Chronicles in the types of

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7   See Gary N. Knoppers, *1 Chronicles 10–29: A New Translation with Introduction and Commentary*, Anchor Bible 12A (New York: Doubleday, 2004), 820–26; idem, "Hierodules, Priests, or Janitors? The Levites in Chronicles and the History of the Israelite Priesthood," *JBL* 118 (1999): 49–72.

8   See most recently Jeffrey Stackert, "The Cultic Status of the Levites in the Temple Scroll: Between History and Hermeneutics," in *Levites and Priests in History and Tradition*, ed. Mark A. Leuchter and Jeremy M. Hutton, AIL 9 (Atlanta: Society of Biblical Literature, 2011), 199–214; also the classic study of Jacob Milgrom, "Studies in the Temple Scroll," *JBL* 97 (1978): 501–6.

9   Swanson, *Temple Scroll and the Bible*, 238–39; Brooke, "Books of Chronicles," 44.

10   These include, for instance, 1QM and related manuscripts; 1QS; and CD; see Robert A. Kugler, "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. Donald W. Parry and Eugene Ulrich, STDJ 30 (Leiden: Brill, 1999), 465–79; Joseph L. Angel, *Otherworldly and Eschatological Priesthood in the Dead Sea Scrolls*, STDJ 86 (Leiden: Brill, 2010), 279–95.

new responsibilities and prerogatives given to the Levites. Chronicles gives the Levites added responsibilities within the temple, such as ensuring the purity of "anything holy" (1 Chr 23:28) and dealing with the loaves displayed on the table and with other grain offerings (23:29). Chronicles also gives great emphasis to the musical role of the Levites in providing thanks and praise to accompany the offerings (23:30–31).[11] None of these additional roles for the Levites are mentioned in extant portions of the Temple Scroll. Instead, the enhanced status of the Levites is seen in other details of cultic organization and procedure—they are given a higher proportion of the chambers set in the wall of the outer court, and, uniquely, are allotted a portion, the shoulder, of each sacrificial animal whose flesh is eaten.[12] Thus TS does not seem to follow Chronicles' lead in its expansion of levitical prerogatives.

4   Jehoshaphat's High Court and the Royal Council in TS

Both TS and Chronicles give the Levites roles to play in judicial settings. One instance in particular of the Levites' role in judgment has frequently been cited as an example of TS's reuse of Chronicles: a number of scholars have suggested that the king's council described in TS 57:11–15, which consists of 12 "leaders of his people," 12 priests, and 12 Levites, is modeled on the special court of priests, Levites, and lay leaders that Jehoshaphat establishes in Jerusalem according to 2 Chronicles 19.[13] The instructions for the royal council in TS 57:11–15 read as follows:

ושנים עשר	11
נשיי עמו עמו ומן הכוהנים שנים עשר ומן הלויים	12
שנים עשר אשר יהיו יושבים עמו יחד למשפט	13
ולתורה ולוא ירום לבבו מהמה ולוא יעשה כול דבר	14
לכול עצה חוץ מהמה	15

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11   On all of these, see Knoppers, "Priests, Hierodules, or Janitors," 65–68.

12   See Jacob Milgrom, "The Shoulder for the Levites," in *The Temple Scroll*, by Yigael Yadin, 3 vols. (Jerusalem: Israel Exploration Society, 1977–1983), 1:169–76; Lawrence H. Schiffman, "Priestly and Levitical Gifts in the Temple Scroll," in *The Courtyards of the House of the Lord: Studies on the Temple Scroll*, ed. Florentino García Martínez, STDJ 75 (Leiden: Brill, 2008), 541–56; Stackert, "Levites in the Temple Scroll," 206.

13   Swanson, *Temple Scroll and the Bible*, 132–34, 172; Joseph M. Baumgarten, "The Duodecimal Courts of Qumran, Revelation, and the Sanhedrin," *JBL* 95 (1976): 59; Elledge, *Statutes*, 127; Wise, *Critical Study*, 229; Mathias Delcor, "Le statut du roi d'apres le Rouleau du Temple," *Henoch* 3 (1981): 56.

11   And twelve

12   leaders of his people (shall be) with him, and from the priests twelve and
      from the Levites

13   twelve, so that they might be sitting with him together for judgment

14   and for instruction (Torah), and that his heart not be exalted over them;
      he shall not do anything

15   regarding any counsel apart from them.

The primary purpose of this council is to serve as a check on the king, so that,
as the law states, "he may not do anything regarding any counsel apart from
them" (TS 57:14–15).[14] Its relationship to matters of justice is not entirely clear:
we could perhaps imagine this simply as the king's advisory cabinet, with no
direct link to the judicial system. But the fact that the council is said to "sit
together with him for judgment and for *torah*," למשפט ולתורה, seems to imply
some sort of judicial function.[15]

   The description of Jehoshaphat's tripartite court in Jerusalem occurs in the
context of Jehoshaphat's broader reformation of the judiciary. After describing
the king's appointment of local judges "in all the cities of Judah" (2 Chr 19:5),
the text continues:

> 8 וגם בירושלם העמיד יהושפט מן הלוים והכהנים ומראשי האבות לישראל למשפט
> יהוה ולריב וישבו ירושלם 9 ויצו עליהם לאמר כה תעשון ביראת יהוה באמונה ובלבב
> שלם 10 וכל ריב אשר יבוא עליכם מאחיכם הישבים בעריהם בין דם לדם בין תורה
> למצוה לחקים ולמשפטים והזהרתם אתם ולא יאשמו ליהוה והיה קצף עליכם ועל
> אחיכם כה תעשון ולא תאשמו 11 והנה אמריהו כהן הראש עליכם לכל דבר יהוה
> וזבדיהו בן ישמעאל הנגיד לבית יהודה לכל דבר המלך ושטרים הלוים לפניכם חזקו
> ועשו ויהי יהוה עם הטוב

2 Chr 19:8–11

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14   See Steven D. Fraade, "'The Torah of the King' (Deut 17:14–20) in the Temple Scroll and
      Early Rabbinic Law," in *Legal Fictions: Studies of Law and Narrative in the Discursive Worlds
      of Ancient Jewish Sectarians and Sages*, JSJSup 147 (Leiden: Brill, 2011), 295–96; Elledge,
      Statutes, 134.

15   Besides the obvious reference to judgment (משפט), the judicial implications are
      strengthened by the appearance of these two terms, תורה and משפט, in the law for the
      supreme judicial instance in Deut 17:8–11: על פי התורה אשר יורוך ועל המשפט אשר יאמרו
      לך תעשה, "according to the *torah* that they teach you and the judgment that they speak
      to you you shall act" (Deut 17:11). Though this passage appears in slightly different form in
      TS 56:1–11, the terms still occur (56:3, 6). Further evidence for the influence of Deut 17:8–13
      on the depiction of the royal council in TS will be discussed below.

And also in Jerusalem Jehoshaphat appointed some of the Levites, priests, and family heads of Israel for YHWH's judgment and for the disputes of the residents of Jerusalem.[16] (9) He commanded them saying, "Thus shall you act: with fear of YHWH, faithfulness, and whole heart. (10) Regarding every dispute that comes to you from your kinsmen who dwell in their cities, regarding one type of bloodshed or another, regarding law or commandment or statutes or ordinances, you shall instruct them so that they do not incur guilt with respect to YHWH and wrath come upon you and upon your kinsmen. Thus shall you do, and you will not incur guilt. (11) See, Amariah the high priest is in charge for every matter of YHWH, and Zebadiah son of Ishmael, the leader of the house of Judah, for every matter of the king. And the Levites shall serve you as officers. Be strong and act, and may YHWH be with the good!"

The similarities between these two passages consist in the trifold constitution of each group (priests, Levites, and lay leaders [נשיי עמו in TS, ראשי האבות in Chronicles]); in the reference to judicial decision-making (exemplified by the appearance of the terms תורה and משפט in both); and in the connection to the king. Yet these points of contact are overshadowed by a host of substantial discrepancies. First, TS specifies a council of 36 members—12 from each group—while Chronicles gives no specific numbers. Second, the appointees in Chronicles have a clearly judicial function (they serve למשפט יהוה ולריב, "for YHWH judgment and for disputes," 2 Chr 19:8). They do not serve as royal advisors, which is the primary function of the group in TS. Third, although the court in Chronicles seems to function independently after it is constituted, its members are appointed by the king. TS does not indicate how the members of the royal council are chosen, but it certainly does not say that the king chooses them. Fourth and perhaps most significantly, according to TS all members of the council serve equally; the council functions as a single body to advise the king—in fact, to make decisions on his behalf. In 2 Chronicles, by contrast, there appears to be a division of labor: in 19:11, the chief priest is given jurisdiction over כל דבר יהוה, "every matter of YHWH," while the head of the house of Judah is to have authority in civil and political matters, כל דבר המלך, "every matter of the king." The Levites appear to have a subsidiary

role, assisting or functioning as administrators for the priests and lay leaders: ושטרים הלוים לפניכם.[17]

These differences have been interpreted by some as evidence that TS adapted or further developed the Chronicles model in the process of redeploying it.[18] But they could also be regarded as indications that perhaps the evidence that TS is actually drawing upon 2 Chronicles 19 is not as clear as has been assumed. To convincingly postulate a direct literary relationship between two texts requires identification of enough unique overlaps in language or content to rule out other possible sources for a given formulation. Such overlaps are lacking in this case. Chronicles cannot be seen as a uniquely proximate source for TS's idea of a royal council, both because the idea of such councils seems to have been fairly widespread in the Hellenistic world and in Second Temple Judaism, and (more obviously) because Chronicles does not describe a royal council advising the monarch but a judicial body appointed by the king.[19] Even the distinctive distribution of the council members evenly among priests, Levites, and laypeople need not be traced back to Chronicles. All the terminology that TS 57:11–15 shares with 2 Chr 19:8–11 (משפט, תורה, הלויים, הכוהנים) also appears in Deut 17:8–11. It is this passage that likely lies not only behind TS's model of a tripartite royal council but also behind the Chronicler's conception of a tripartite high court.[20] In other words, such parallels as exist between these two passages are due to their use of a common source, rather than the direct dependence of one upon the other.

To appreciate the key role of Deut 17:8–11 in TS's depiction of the royal council, we need to begin with a second text in TS where the Levites appear in

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17 See Sara Japhet, *I and II Chronicles: A Commentary*, OTL (Louisville: Westminster John Knox, 1993), 776; Hugh G. M. Williamson, *1 & 2 Chronicles*, NCB (London: Marshall, Morgan, and Scott, 1982), 173; Delcor, "Statut du roi," 56. Knoppers ("Jehoshaphat's Judiciary," 74), on the other hand, seems to suggest that the Levites who function as שטרים in 2 Chr 19:11 are different from those appointed with the priests and heads of families to serve as judges. This interpretation requires a rather awkward interpretation of the syntax of v. 11, according to which הליים are not the Levites mentioned immediately prior, in v. 8, but some previously unmentioned Levites. On שטרים as assistants of various kinds, see Moshe Weinfeld, "Judge and Officer in Ancient Israel and the Ancient Near East," *Israel Oriental Studies* 7 (1977): 83–86.

18 Delcor, "Statut du roi," 57; Swanson, *Temple Scroll and the Bible*, 133.

19 On the Hellenistic and Second Temple context, see Schiffman, "The King, His Guard, and the Royal Council in the Temple Scroll," in *Courtyards of the House of the Lord*, 498.

20 On this passage as the basis for TS 57:11–15, see Yadin, *Temple Scroll*, 1:350; Fraade, "Torah of the King," 295 n. 29.

a judicial context, 61:7–9. Here, TS reproduces Deuteronomy's procedure for dealing with false witnesses (Deut 19:16–17) with only one significant variant:

TS 61:7–9	Deut 19:16–17
7 אם יקום עד חמס באיש לענות	16 כי יקום עד חמס באיש לענות
8 בו סרה ועמדו שני האנשים אשר להמה	בו סרה 17 ועמדו שני האנשים אשר להם
^{הריב} לפני ולפני הכוהנים **והלויים** ולפני	הריב לפני יהוה לפני הכהנים
9 השופטים אשר יהיו בימים ההמה	והשפטים אשר יהיו בימים ההם

7 If a malicious witness stands up against a man to testify	(16) If a malicious witness stands up against a man to testify
8 falsely against him, the two men who have the dispute shall stand before me and before the priests *and the Levites* and before	falsely against him, (17) the two men who have the dispute shall stand before YHWH; before the priests and before the judges who are in office at that time
9 the judges who are in office at that time	

In the Temple Scroll, the parties to the dispute are to appear before the priests *and the Levites* and the judges, not just before the priests and the judges (הכה־ נים והשפטים) as in Deut 19:17. The command in Deuteronomy 19 that the claim-ants appear at the central sanctuary depends on the previous establishment of the sanctuary as the supreme judicial instance for resolving difficult cases, in Deut 17:8–11. There, it says that "if a judicial matter is too difficult for you," you shall present the case at the central sanctuary "to the levitical priests and to the judge":

> 8 כי יפלא ממך דבר למשפט בין דם לדם בין דין לדין ובין נגע לנגע דברי ריבת בשעריך וקמת ועלית אל המקום אשר יבחר יהוה אלהיך בו 9 ובאת אל הכהנים הלוים ואל השפט אשר יהיה בימים ההם ודרשת והגידו לך את דבר המשפט 10 ועשית על פי הדבר אשר יגידו לך מן המקום ההוא אשר יבחר יהוה ושמרת לעשות ככל אשר יורוך 11 על פי התורה אשר יורוך ועל המשפט אשר יאמרו לך תעשה לא תסור מן הדבר אשר יגידו לך ימין ושמאל

> (8) If a case is too difficult for you to judge between one type of bloodshed or another, one type of legal claim or another, or one type of assault and another—matters of dispute in your gates—you shall get up and

go to the place that YHWH your God will choose, (9) and come to the levitical priests and to the judge who is in office in those days, and you shall inquire and they shall give you the judicial decision. (10) And you shall act according to the matter that they declare to you from that place, which YHWH will choose, and you shall be careful to act according to all that they teach you. (11) According to the instruction that they teach you and the verdict that they speak to you you shall act; do you turn from the decision that they declare to you to the right or to the left.

As Milgrom pointed out in an early article on TS, the insertion of the Levites into the string הכהנים והשפטים, "the priests and the judges" in TS 61:8–9//Deut 19:17 seems to depend upon Deuteronomy's use of the compound term הכהנים הלוים, "levitical priests," in the parallel description of the high court in Deut 17:9 (and elsewhere).[21] Deuteronomy's terminology does not distinguish between priests and Levites, but the composers of TS are attempting to make sense of this language in light of the later dominant standard whereby non-Aaronide members of the tribe of Levi cannot serve as priests. Because of their assumption that Levites are different from priests, they appear to read Deuteronomy's terminology of הכהנים הלוים, "levitical priests," as if it contained a copula, הכהנים והלוים, the priests *and the Levites*. Read in this way, Deuteronomy 17 would describe the decision-makers at the central sanctuary as priests *and Levites* and the judge. Since Deuteronomy 19 is clearly referring to the same institution, but only refers to priests (כהנים, not כהנים לוים) the authors of TS inserted the Levites into that passage as well, on the basis of analogy.

Frustratingly, we do not have direct textual evidence that TS rendered the phrase in Deut 17:9, הכהנים הלוים, "the levitical priests," as הכהנים והלוים, "the priests and the Levites": the first extant line of col. 56 begins with [א]ו אל ה[ש]ו[פט, "[o]r to the [j]u[dge," the words immediately following הכהנים הלוים in Deut 17:9.[22] Neither is any other verse in Deuteronomy that refers to the levitical priests fully preserved in TS. But there is a large amount of circumstantial evidence that makes this interpretation highly likely. First, it elegantly explains the insertion of the Levites into the judicial scenario in Deuteronomy 19. Second, it appears that the same interpretive move, applied to the statement in Deut 18:1 that "the levitical priests, the whole tribe of Levi" shall

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21 Jacob Milgrom, "The Qumran Cult: Its Exegetical Principles," in *Temple Scroll Studies*, ed. George J. Brooke, JSPSup 7 (Sheffield: Sheffield Academic Press, 1989), 173–74.

22 The MT reads ואל השפט. Note that Yadin reconstructs אל הכוהנים והלויים at the end of the preceding line, on the basis of the Scroll's treatment of Deut 19:17 in col. 61 (*Temple Scroll*, 2:250–51).

have the sacrificial offerings as their means of support, lies behind TS's unique assignment of a regular sacrificial portion to the Levites: If it is presumed that הכהנים הלוים must refer to two different groups, priests and Levites, then the Levites as well as the priests are entitled to parts of the sacrifices.[23] Third, there is evidence that other Second Temple readers similarly interpreted the phrase "levitical priests" as referring to priests and Levites. For instance, the Damascus Document (CD 3:21) reproduces the reference to "levitical priests" in Ezek 44:15 as "priests and Levites."[24]

While Milgrom and others have noted how the reading of Deut 17:9 as "priests and Levites" instead of "levitical priests" probably led to the insertion of the Levites in the rewrite of Deuteronomy 19 in TS column 61, their insight has implications for the Scroll's depiction of the royal council, and its relationship to Chronicles, that have not yet been spelled out. If the authors read Deuteronomy 17 (and, dependent upon it, Deuteronomy 19) as referring to a court at the central sanctuary made up of priests, Levites, and lay judges, they would have here in Deuteronomy the model for a tripartite council that many postulate must have come from Chronicles.[25] In other words, one can explain the text of TS without any reference to Chronicles.

It is true that the parallel between Deut 17:8–11 and TS 57:11–15 is nearly as imprecise as the parallel with 2 Chr 19:8–11: why would TS use Deuteronomy's highest judicial instance as a model for the royal council? As so often elsewhere in TS, the answer seems rooted in a mix of ideology and hermeneutics. Whether as a response to the perceived excesses of the Hasmonean priest-kings or not, TS severely constrains the role of the king.[26] The redeployment of Deut 17:8–11, which establishes a process for supreme judicial review that leaves no role for the king, seems consistent with the message of TS, emphasizing the subordination of the king to other members of the Israelite polity.[27] At

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23   See Milgrom, "The Shoulder for the Levites," 169, elaborated upon by Stackert, "Cultic Status of the Levites," 204–9.

24   See also the Syriac of Deut 17:9, which reads "to the priest *or to the Levite* or to the judge"; on these cases see Milgrom, ibid. Fraade ("Torah of the King," 292 n. 20) adds further examples: Tg. Neof. to Deut 17:9; Sifre Deut 153, and LXX 2 Chr 5:5.

25   For the influence of Deut 17:8–11 (but without noting the impact on theories of Chronicles' influence), see Yadin, *Temple Scroll*, 1:350; Fraade, "Torah of the King," 295 n. 29.

26   On the royal council and its priestly/levitical majority as a response to the centralization of power under the Hasmoneans, see Elledge, *Statutes of the King*, 135–46; Schiffman, "The King, His Guard, and the Royal Council," 499. Expressing skepticism about attempts to find allusions to specific historical events in TS is Maier, *Tempelrolle*, 48.

27   Brooke, building on Swanson, names as an additional point of relationship between Chronicles and TS "the concern in places to subordinate the king to the priest" ("Books of Chronicles," 44). Yet such a characterization runs counter to the monarchist tendencies of

the same time, transforming Deuteronomy's high court into a royal council fills a gap in the Deuteronomic text. Deuteronomy itself is silent about the king's judicial involvement: it does not explicitly give the king any role in the administration of justice, but at the same time does not explicitly deny any such role either.[28] TS makes sure this silence is not taken as space for assuming that the king had any judicial powers—instead, it states explicitly that the king can make no decisions concerning משפט and תורה apart from his council.

Somewhat ironically, a similar mix of hermeneutics and ideology, drawing upon the same text but serving a diametrically opposite goal, seems to stand behind the Chronicler's account of Jehoshaphat's judiciary. There have been many attempts to see a historical kernel in the account of Jehoshaphat's reform, and even to construe Deut 17:8–11 as based on Jehoshaphat's actions.[29] However, Gary Knoppers has conclusively shown that the entire account of Jehoshaphat's reformation of the judiciary is a literary creation based largely on Deuteronomy 16 and 17: Jehoshaphat appoints judges throughout the land, as in Deut 16:18, and then a high court in Jerusalem, as in Deut 17:8–11.[30] The Chronicler's description of the Jerusalem court as made up of priests, Levites, and laypeople may well depend on the same understanding of Deut 17:9 as we find in TS—that is, the presumption that it refers to priests *and Levites*, not just (levitical) priests.[31] Knoppers demonstrates that the whole purpose of this fictitious account of reform is to re-insert the king into the judicial system—not to depict him serving as judge, but as patron and sponsor of the entire judicial system. For Knoppers, this passage is reflective of the Chroni-

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the Chronicler (see below). Swanson in fact argues this point in relation to only one text, 2 Chronicles 23, in which the priest Jehoiada exercises a great deal of power in defeating Athaliah and bringing the 7-year-old Joash to the throne. Besides the fact that there is no clear evidence for the influence of the wording of any part of 2 Chronicles 23 on the wording of TS (contra Swanson, *Temple Scroll and the Bible*, 133, 149), any "subordination of the king to the priest" here is depicted as very much a special situation, due to Joash's minority. (Already in 2 Chr 24:4–6 Joash is depicted as acting on his own initiative and as Jehoiada's superior.)

28   For Deuteronomy's view of kingship, see Bernard M. Levinson, "The Reconceptualization of Kingship in Deuteronomy and the Deuteronomistic History's Transformation of Torah," *VT* 51 (2001): 511–34.

29   For a list of scholars who see the Chronicler's account as substantially historically accurate, see Knoppers, "Jehoshaphat's Judiciary," 59. Swanson, *Temple Scroll and the Bible*, 132, also references this position.

30   "Jehoshaphat's Judiciary," 74.

31   Corroboration for the idea that we have in TS and in Chronicles two independent interpretations of Deut 17:8–11 might be found in the two different terms used for the lay portion of the council: ראשי האבות in 2 Chr 19:8, but נשיי עמו in TS 57:12. Both seem to represent attempts to clarify the identity of the "judge(s)" mentioned in Deut 17:9 and 19:17. If TS had had the Chronicles account in mind, we might expect that the author would have used the Chronicler's term, ראשי האבות. I am grateful to Jutta Jokiranta for drawing my attention to this point.

cler's monarchist tendencies: "The royal accumulation of wives, horses, and wealth may be taboo in Deuteronomy, but many wives, large families, large armies, and tremendous wealth all signify royal success and divine blessing in Chronicles."[32]

Knoppers's formulation illustrates the depth of the gap between the ideology of Chronicles and that of TS. The Scroll's Law of the King is much more an extension of Deuteronomy's restrictive kingship laws than the subversion of them we see in Chronicles. In Deuteronomy, the king's only task is constant study of Torah. In TS, he is allowed to select a personal guard and lead the army, but makes no independent decisions, including those pertaining to war. Perhaps the authors of TS were aware of the Chronicles account of Jehoshaphat's judicial reforms—ultimately, it would be hard to prove or disprove this possibility. But if they were, their conception of a tripartite royal council should be understood as a sharp critique of Chronicles, rather than an indication of ideological affinity. The king is not meant to sponsor and appoint the judiciary, but rather to submit himself to it.

5   Conclusion

My goal in this short essay has been to show how, in one general and one specific instance, arguments for a literary connection between TS and Chronicles fail to convince. A more detailed study would be required to support my impression that in fact there is really no clear example of TS drawing on Chronicles, and thus Chronicles should not be used to establish a *terminus ad quem* for the composition of TS, nor does TS constitute evidence for Chronicles' influence or authoritative status. Though these issues are not unimportant, here I have been more concerned to lay out an instructive example, in which superficial similarities between TS and Chronicles point not to the direct use of one by the other but to their mutual engagement in rewriting, here even focused on the same source text.

That scholars of TS have so frequently chosen to focus on a putative literary relationship with Chronicles rather than to see both as involved in the same kind of compositional activity presents an interesting case of the "tyranny of canonical assumptions," as Robert Kraft puts it.[33] Though the relationship with Chronicles is sometimes presented as a tool for determining the date of TS, in reality most scholars have dated the text on other grounds. The most popular option in the early days of TS scholarship was to see in the Temple Scroll's Law of the King (cols. 57–59) a response to or veiled polemic against one of the

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32   "Jehoshaphat's Judiciary," 79–80.
33   Robert A. Kraft, "Para-Mania: Beside, Before and Beyond Bible Studies," *JBL* 126 (2007): 10.

Hasmonean kings, thus dating the final composition of TS to the late 2nd century BCE.[34] Once TS was seen as the product of the late Second Temple period, it seemed natural that its authors would have known essentially the whole range of texts now included in the Hebrew Bible. Chronicles was not quite *assumed* to have been authoritative for the authors of TS, but the fact that it is a biblical work seems to have tipped the scales heavily in that direction. Yadin, for instance, never discusses the issue of the authority of Chronicles, apparently considering it unremarkable that the authors of TS would have considered it authoritative and drawn upon it. This conception of Chronicles as "Bible," as opposed to TS as "extrabiblical," may also have prevented scholars of TS from seeing in Chronicles a different sort of model—not a literary source but another example of rewriting as a compositional procedure.

Even though more recent studies have tended to date TS earlier (in part because of the paleographical dating of the Cave 4 copy 4Q524 to ca. 150–125 BCE), the presumption of a literary relationship with Chronicles has stuck.[35] But it is time to abandon this presumption in light of the more nuanced concepts of canon and authority that have emerged over the past two decades. It is no longer reasonable to assume that all the texts now included in the Hebrew Bible would have been regarded as equally authoritative, or authoritative at all, by all Second Temple Jewish groups.[36] Rewriting itself has been reconceptualized, such that we no longer assume a binary relationship between the rewriting text and a scriptural *Vorlage* but allow for multiple reworkings of all kinds of material (whether it ended up in the Bible or not). With these new perspectives, we are better positioned to appreciate the more salient connections between TS and Chronicles. These connections are not literary or ideological: despite some overlaps in interest (temple, Levites), there are profound differences. Rather, the relationship between the two lies in their mutual concern to update and reformulate earlier written traditions.

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34   For an overview, see Crawford, *Temple Scroll*, 24.

35   See for example Crawford, *Temple Scroll*, 24–26; Lange, "Pre-Maccabean Literature," 195; Mroczek, "How Not to Build a Temple," 540.

36   For a good overview of the complexities involved in understanding textual authority in the Second Temple period, see Hanne von Weissenberg, "Defining Authority," in *In the Footsteps of Sherlock Holmes: Studies in the Biblical Text in Honour of Anneli Aejmelaeus*, ed. Kristin De Troyer, T. Michael Law, and Marketta Liljeström, CBET 72 (Leuven: Peeters, 2014), 679–95.

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