

Interpreting and Living God's Law at Qumran

Miqṣat Ma'āse Ha-Torah

Some of the Works of the Torah (4QMMT)

*Scripta Antiquitatis Posterioris
ad Ethicam RELigionemque pertinentia
XXXVII*

Mohr Siebeck

SAPERE

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ad Ethicam RELigionemque pertinentia

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zu ethischen und religiösen Fragen

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Band XXXVII



Interpreting and Living God's Law at Qumran

Miqṣat Ma' aše Ha-Torah
Some of the Works of the Torah (4QMMT)

Introduction, Text, Translation and Interpretative Essays by
Jonathan Ben-Dov, John J. Collins, Lutz Doering,
Jörg Frey, Charlotte Hempel, Reinhard G. Kratz,
Noam Mizrahi, Vered Noam, Eibert Tigchelaar

edited by
Reinhard G. Kratz

Mohr Siebeck

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SAPERE

Greek and Latin texts of Later Antiquity (1st–4th centuries AD) have for a long time been overshadowed by those dating back to so-called ‘classical’ times. The first four centuries of our era have, however, produced a cornucopia of works in Greek and Latin dealing with questions of philosophy, ethics, and religion that continue to be relevant even today. The series SAPERE (*Scripta Antiquitatis Posterioris ad Ethicam Religionemque pertinentia*, ‘Writings of Later Antiquity with Ethical and Religious Themes’), now funded by the German Union of Academies, undertakes the task of making these texts accessible through an innovative combination of edition, translation, and commentary in the form of interpretative essays.

The acronym ‘SAPERE’ deliberately evokes the various connotations of *sapere*, the Latin verb. In addition to the intellectual dimension – which Kant made the motto of the Enlightenment by translating ‘*sapere aude*’ with ‘dare to use thy reason’ – the notion of ‘tasting’ should come into play as well. On the one hand, SAPERE makes important source texts available for discussion within various disciplines such as theology and religious studies, philology, philosophy, history, archaeology, and so on; on the other, it also seeks to whet the readers’ appetite to ‘taste’ these texts. Consequently, a thorough scholarly analysis of the texts, which are investigated from the vantage points of different disciplines, complements the presentation of the sources both in the original and in translation. In this way, the importance of these ancient authors for the history of ideas and their relevance to modern debates come clearly into focus, thereby fostering an active engagement with the classical past.

Preface to this Volume

The present volume is in many respects an exception in the SAPERE series. It is dedicated to a text in Hebrew which has not been handed down completely, but only in fragments. It is the writing of an unknown author to an equally unknown addressee, which was found in one of the caves near the settlement of Khirbet Qumran at the Dead Sea and is entitled *Miqṣat Ma'ase Ha-Torah*, "Some of the Works of the Torah", others prefer the translation "Some Precepts of the Torah" (abbreviated 4QMMT or just MMT). This writing itself is also an exception, as it is the earliest and only evidence of a proper interpretation of the Jewish Torah, the so-called *Halakhah*, as it later became common in rabbinical Judaism. However, the work dates from pre-rabbinical, Hellenistic-Roman times and thus belongs in the historical context of ethical writings that appear in the SAPERE series and are made available to a wider audience. Up to now, only Jewish voices in Greek, such as Philo of Alexandria, have had their say in this series. With 4QMMT, Hebrew-speaking Judaism will be presented for once, which was of eminent importance in the same period and had slightly different views than Greek-speaking Judaism. Apparently completely rooted in the Hebrew or – more precise – biblical tradition and internal Jewish perspective, this writing nevertheless documents in its own way the formative interrelation between Hellenistic and Jewish culture.

As usual, the present volume is divided into three parts: Introduction, Text and Translation, and Essays. The Introduction offers in its first paragraph an overview on the Dead Sea Scrolls and the so-called community of Qumran, i.e. the group which was responsible for the transmission and (in parts) the production of the manuscripts found in the eleven caves near the settlement of Khirbet Qumran and other places at the Dead Sea. In the following, a second paragraph gives an introduction into the work of 4QMMT, its content, its manuscripts and their state of preservation, the previous editions and research, and finally the editorial principles followed in this volume.

The second part of the volume provides a new critical and synoptic edition and translation of 4QMMT according to the format of the manuscript 4Q394. As far as it is preserved, we follow this individual manuscript, gaps and missing parts are filled with text from the other manuscripts within the format of manuscript 4Q394, text overlaps are marked with underlining. In the edition as well as in the following essays three systems of notation are used to quote 4QMMT: a. according to the individual manuscripts, con-

sisting of the number of a manuscript, column (in small roman figures), fragment and line (in Arabic figures), e.g. 4Q394 i 3–7 1–19 etc.; b. according to the edition of this volume (noted at the right side of the Hebrew text), both in the preserved parts and the reconstructed parts of the underlying manuscript 4Q394, consisting of column (in small roman figures) and lines (in Arabic figures), e.g. i 01–20 etc.; c. in parallel to b. according to the edition of the so-called Composite Text in the series DJD (noted at the left side of the Hebrew text), e.g. A19–20 and B01–16.

In the third part of this volume the reader will find a collection of essays on relevant topics concerning 4QMMT. The first two contributions are dealing with the paleography and material reconstruction of the text (Eibert Tigchelaar) and its language (Noam Mizrahi). The next four essays are focused on the literary-historical context of 4QMMT, treating its relationship to the Hebrew Bible (Reinhard G. Kratz), to the calendars from Qumran (Jonathan Ben-Dov), to the wider Dead Sea Scrolls (Charlotte Hempel) and to rabbinic *Halakhah* (Vered Noam). Finally, the last three essays turn to the broader historical context, dealing with the relationship of 4QMMT to contemporary historical events (John J. Collins), Hellenistic literature (Lutz Doering) and the New Testament (Jörg Frey). The latter essay was already published in Frey 2019.

Both, the edition and the essays were discussed at a colloquium held in Göttingen at July 17/18th, 2017, and subsequently revised. The editor would like to express his cordial thanks to all contributors for their articles and helpful feedback as well as to the editors and the staff of the series SAPERE, especially Simone Seibert, Andrea Villani, and the student assistants (Marius Pfeifer, Sean Ciaran Reyhn, Tim-Fabian Wilke), for their advise, patience, and not least, the editorial work that posed particular challenges due to the strange material.

Göttingen, spring 2020

Reinhard G. Kratz

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A. Introduction

Introduction

Reinhard G. Kratz

1. The Dead Sea Scrolls and the Community of Qumran

The text edited in this volume, called *Miqṣat Ma'āse Ha-Torah*, “Some of the Works of the Torah” (4QMMT), is one of the most interesting texts among the famous Dead Sea Scrolls discovered near the settlement of Khirbet Qumran and its vicinity in the middle of the twentieth century and now finally published in full.¹ The author of this text is unknown to us, and, therefore, we are unable to provide a biography as is usual in the series SAPERE. Instead, we will give a short introduction into the Dead Sea Scrolls and the people behind them, i.e. the community of Qumran.²

1.1. The Findings

The high epic history of the Dead Sea Scrolls' discovery has enjoyed frequent repetition. A shepherd boy putatively searched for a goat that went astray or – here the accounts diverge – enjoyed throwing stones into hidden caves, whereupon he came across stoneware jugs filled with mysterious scrolls. A footrace then ensued between local Beduins and professional archaeologists, which resulted in the discovery of eleven caves at the northwestern edge of the Dead Sea, near the settlement of Khirbet Qumran, between 1947 and 1956. Fragments of Hebrew, Aramaic, and even a

¹ DJD; DSSP; DSSR; DSSSE; DSSHW; MAIER 1995–1996 and Id. 1997; LOHSE 1981 and STEUDEL 2001; an overview of all available texts is provided by Tov 2002 and E. Tov, *Revised Lists of the Texts from the Judaean Desert* (Leiden 2010).

² The following paragraph is based on KRATZ 2015, 153–165. Valuable introductions include H. STEGEMANN, *Die Essener, Qumran, Johannes der Täufer und Jesus*, mit einem Nachwort von Gert Jeremias (Freiburg im Breisgau 1993 [¹⁰2007]; english translation: *The Library of Qumran: On the Essenes, Qumran, John the Baptist, and Jesus* [Grand Rapids, MI 1998]); J. C. VANDERKAM, *The Dead Sea Scrolls Today* (Grand Rapids, MI ²2010); G. G. XERAVATIS / P. PORZIG, *Einführung in die Qumran-Literatur. Die Handschriften vom Toten Meer* (Berlin 2015); D. STÖKL BEN EZRA, *Qumran. Die Texte vom Toten Meer und das antike Judentum*. Jüdische Studien 3 (Tübingen 2016); on particular writings and subjects, see SCHIFFMAN / TOV / VANDERKAM / MARQUIS 2000; BROOKE / HEMPEL 2019; on the main writings, see the very useful introductions by KNIBB 1987; on the history of research, see J. J. COLLINS, *The Dead Sea Scrolls: A Biography* (Princeton, NJ 2012); DIMANT 2012.

few Greek manuscripts, written on either leather or papyrus, materialized here and in Qumran's surroundings, all the way down to Masada.

Quite quickly, the significance of these findings was clear. The texts comprised, presumably, the most spectacular trove of Jewish manuscripts discovered in the twentieth century. As determined by paleographic analysis and scientific measurements, these materials were written at the turn of epochs, between ca. 250 BCE and 150 CE, and bear witness to texts that are much older in some cases. Scholarly convention designates each item according to its provenance and either a number or an abbreviated title (e.g., 1QIsa^a for manuscript A of the book of Isaiah from Cave 1 at Qumran; 1Q8 = 1QIsa^b for the manuscript B of the book of Isaiah from Cave 1 at Qumran). After the principle denomination then comes numeration of fragments, columns, and lines.

In essence, three classes of texts have emerged from the eleven caves at Qumran and neighboring sites:

One class comprises manuscripts of biblical books, the oldest known thus far.³ Up until seventy years ago, the text of the Hebrew Bible came only from medieval manuscripts, its greater antiquity attested only indirectly. Confirming these deductions, the Dead Sea Scrolls trace back close to the formation of the Hebrew Bible during the pre-Christian period. Biblical manuscripts have materialized not only in the caves of Qumran but also at other scattered locations. Here as well as in the non-biblical manuscripts we can observe the techniques and practices of the ancient scribes.⁴

Fragments of para-biblical writings in their original language constitute a second class of texts discovered in the Dead Sea vicinity.⁵ Originally composed in Hebrew or Aramaic, these works survived only in ancient translations – i.e., second- or third-hand – if previously known at all. Such texts, classified as the Apocrypha or Pseudepigrapha, were “not held equal to the Scriptures but are useful and good to read,” as the German reformer Martin Luther eloquently wrote. Some of these writings, like Ben Sira and Tobit, appear as addenda to Luther's translation or the King James Version and enjoy canonical status in the Roman Catholic and Eastern Orthodox Churches. Others – such as Jubilees or the books of Enoch – belong to the canonical scriptures of eastern national churches (viz., the Syrian, Ethiopian, and Coptic Churches) and have been transmitted in this way. Still other compositions, e.g., the texts called Apocryphon of Jeremiah,

³ LANGE 2009; TOV 2012; cf. F. M. CROSS / S. TALMON (eds.), *Qumran and the History of the Biblical Text* (Cambridge, MA / London 1975); ULRICH 1999; J. C. VANDERKAM, *The Dead Sea Scrolls and the Bible* (Grand Rapids, MI 2012).

⁴ See TOV 2004.

⁵ See the editions in n. 1. The relevant material, excluding the rewritten scripture texts, is collected in DSSR 3 and 6. See DIMANT 2014, 153–169.

Apocryphon of Ezekiel, and Pseudo-Daniel,⁶ had vanished into oblivion until their remains materialized nearly seventy years ago among the caves in the Dead Sea area. Significantly, the second class of texts surfaced only in the caves of Qumran and at Masada. Some of them actually stand between the two classes of “biblical” manuscripts, on the one hand, and the “Apocrypha,” on the other. They belong to the genre denominated *rewritten bible* or *rewritten scripture*, which provides the “biblical” text – in different variations – with additions, omissions, and reformulations.⁷

⁶ For the Apocryphon of Jeremiah (4Q383–4, 385a, 387, 387a, 388a, 389, 390), see DJD 19; for Pseudo-Ezekiel (4Q385, 385b, 385c, 386, 388, 391), see DJD 30; for the Prayer of Nabonidus (4Q242) and Pseudo-Daniel (4Q243–5, 246), see DJD 22. Cf. G. BROOKE, “Parabiblical Prophetic Narratives”, in: FLINT / VANDERKAM 1998, 271–301.

⁷ Significant examples include Reworked Pentateuch 4Q158 (DJD 5) and 4Q364–7 (DJD 13), which is more a “biblical” manuscript than rewritten scripture; Genesis Apocryphon 1QapGen (FITZMYER 2004; MACHIELA 2009); Pseudo-Jubilees 4Q225–7 (DJD 13); Commentary on Genesis A 4Q252 (DJD 22); Jubilees (R. H. CHARLES (ed.), *The Apocrypha and Pseudepigrapha of the Old Testament in English, with Introductions and Critical and Explanatory Notes*, 2 vols. (Oxford 1913) 2:1–82; J. H. CHARLESWORTH (ed.), *The Old Testament Pseudepigrapha*, 2 vols. (Garden City, NY 1983 / 1985) 2:35–142; H. F. D. SPARKS (ed.), *The Apocryphal Old Testament* (Oxford / New York 1984) 1–140; VANDERKAM 1989; DJD 1, 3, 13, 23, and 36); Temple Scroll (YADIN 1983; DSSP 7; DJD 25). On this material, see CRAWFORD 2008 as well as ZAHN 2011 for the Reworked Pentateuch; M. SEGAL, *The Book of Jubilees: Rewritten Bible, Redaction, Ideology and Theology*. JSJSup 117 (Leiden 2007) for Jubilees; S. W. CRAWFORD, *The Temple Scroll and Related Texts*. Companion to the Qumran Scrolls 2 (Sheffield 2000) and SCHIFFMAN 2008 for the Temple Scroll; BERNSTEIN 2013 for the Genesis Apocryphon and other writings; furthermore D. DIMANT / R. G. KRATZ (eds.), *The Dynamics of Language and Exegesis at Qumran*. FAT II/35 (Tübingen 2009); Iid. (eds.), *Rewriting and Interpreting the Hebrew Bible. The Biblical Patriarchs in the Light of the Dead Sea Scrolls*. BZAW 439 (Berlin 2013); A. FELDMAN, *The Rewritten Joshua Scrolls from Qumran. Texts, Translations, and Commentary*. BZAW 438 (Berlin 2013); D. DIMANT / A. FELDMAN / L. GOLDMAN, *Scripture and Interpretation: Qumran Texts that Rework the Bible*. BZAW 449 (Berlin 2014). For the fluidity between textual and compositional history in these compositions, see E. Tov, *Hebrew Bible, Greek Bible, and Qumran*. TSAJ 121 (Tübingen 2008); Id., “The Many Forms of Hebrew Scripture. Reflections in Light of the LXX and 4QReworked Pentateuch”, in: A. LANGE / M. WEIGOLD / J. ZSENGELLÉR (eds.), *From Qumran to Aleppo: A Discussion with Emanuel Tov about the Textual History of Jewish Scriptures in Honor of his 65th Birthday*. FRLANT 230 (Göttingen 2009) 11–28; Id., “From 4QReworked Pentateuch to 4QPentateuch”, in: M. POPOVIĆ (ed.), *Authoritative Scriptures in Ancient Judaism*. JSJS 141 (Leiden 2010) 73–91; Id. 2012; ULRICH 1999; for further discussion see N. DÁVID / A. LANGE (eds.), *Qumran and the Bible: Studying the Jewish and Christian Scriptures in Light of the Dead Sea Scrolls* (Leuven 2010); DÁVID / LANGE / DE TROYER / TZOREF 2012; on the term and phenomenon of rewritten bible or scripture, see G. VERMÈS, *Scripture and Tradition in Judaism. Haggadic Studies*. Studia post-biblica 4 (Leiden 1973); G. J. BROOKE, “The Rewritten Law, Prophets and Psalms: Issues for Understanding the Text of the Bible”, in: E. D. HERBERT / E. TOV (eds.), *The Bible as Book: The Hebrew Bible and the Judaean Desert Discoveries* (London 2002) 31–40; SEGAL 2005; CRAWFORD 2008; M. M. ZAHN, “Rewritten Scripture”, in: LIM / COLLINS 2010, 323–336; Ead. 2011; Ead., “Building Textual Bridges: Towards an Understanding of 4Q158 (4QReworked Pentateuch)”, in: G. J. BROOKE / J. HØGENHAVEN (eds.), *The Mermaid and the Partridge: Essays from the Copenhagen Conference on Revising Texts from Cave Four*. STDJ 96 (Leiden 2011) 13–32; Ead., “Talking about Rewritten Texts: Some Reflections on Terminology”, in: H. VON WEISENBERG / J.

The third class of texts found in the Dead Sea area contains the writings of the community reflected in the texts themselves. For the sake of simplicity, I designate the collective according to the provenance of the findings, namely, “the Qumran Community,” without advancing any further claims concerning the origin or historical localization of the community itself. Prominent examples of the literary class include regulations for organization and communal life – i.e., the Community Rule or Manual of Discipline (*Serekh ha-Yahad*) (QS) along with its complement, the Rule of the Congregation (*Serekh ha-’Edah*) (1QSa), and the Damascus Document (QD) – in addition to a collection of prayers called the Thanksgiving Hymns (*Hodayot*) (QH), a description of a holy apocalyptic war hence titled the War Scroll (*Serekh ha-Milhamah*) (QM), and, last but not least, commentaries on the biblical prophets, *Pesharim* (Qp), which receive their appellation from a formula employed in the commentaries themselves, *pishro*, meaning “its interpretation”.⁸ With the exception of the Damascus Document, which surfaced in medieval copies among the texts discovered in the Cairo Genizah, all these works were unknown until their recent discovery. They, too, were unearthed only in the caves of Qumran and at Masada and provide essential information about the religious group’s life and thought. Beyond the particular Qumranic texts, this community likely bore responsibility for transmitting other texts and depositing them in the caves of the Dead Sea vicinity.

A fourth and final division encompasses economic and administrative texts as well as letters derived from various epochs and written in different languages. Almost exclusively found among neighboring sites of discovery (Ketef Jericho, Wadi Murabba’at, Nahal Hever, Masada), some texts of this type materialized in the caves of Qumran and the settlement of Khirbet Qumran in the form of ostraca as well.⁹ The precise relationship between such practical materials – supposing they even stemmed from the

PAKKALA / M. MARTILA (eds.), *Changes in Scripture: rewriting and interpreting authoritative traditions in the Second Temple period*. BZAW 419 (Berlin 2011) 93–119; Ead., “Genre and Rewritten Bible”, *JBL* 131 (2012) 271–288; BERNSTEIN 2013, 39–62; J. ZSENGELLÉR / K. GÁSPÁR (eds.), *Rewritten Bible after Fifty Years: Texts, Terms, or Techniques? A Last Dialogue with Géza Vermès*. JSJ.S 166 (Leiden 2014).

⁸ For editions of the text, see n. 1 above; for QS, QD, QM and Qp, see esp. DSSP, for QH the edition in DJD 40; for an introduction, see KNIBB 1987 as well as S. METSO, *The Serekh Texts*. Companion to the Qumran Scrolls 9 (London / New York, NY 2007) (QS); HEMPEL 2000 (QD); J. DUHAIME, *The War Texts: 1QM and Related Manuscripts*. Companion to the Qumran Scrolls 6 (London / New York, NY 2006) (QM); T. H. LIM, *Pesharim*. Companion to the Qumran Scrolls 3 (London / New York, NY 2002) and J. G. CAMPBELL, *The Exegetical Texts*. Companion to the Qumran Scrolls 4 (London / New York, NY 2006) (Qp and other exegetical texts); H. HARRINGTON, *The Purity Texts*. Companion to the Qumran Scrolls 5 (London / New York, NY 2006) (Purity texts).

⁹ See DJD 2, 104–109, 122–134; DJD 27, 34–37, 65–70; YADIN 2002, 72–108; B. JANOWSKI / G. WILHELM (eds.), *Texte aus der Umwelt des Alten Testaments*. Neue Folge, 7 vols. (Gütersloh

same point in time – and the other three textual classes is elusive and not yet fully analyzed. Indeed, some of these documents related to daily life might have emanated from members of the Qumran community as well.

1.2. The Problem of Historical Contextualization

Who was this community, and whence come the numerous manuscripts of so many different works? Modern scholarship has puzzled over such questions.¹⁰ Some envision a library of the Qumran community, which would have intermittently inhabited the settlement at Khirbet Qumran – a site in immediate proximity to the caves containing the texts – and itself produced and recorded the manuscripts. Others hypothesize an inventory from the Jerusalem temple's library. Owing to multiple copies of one and the same literary work, still other scholars assert such manuscripts were used in different locations throughout the land, perhaps by different groups and only secondarily collected in the caves near the Dead Sea.

Quite certainly, not all manuscripts arose in Khirbet Qumran itself. Many predate either the settlement's foundation or use by the Qumran community. Moreover, the manuscripts were likely deposited in the caves only secondarily, to conceal them from the advancing Roman army in the first century CE. All other explanations depend on historical questions with respect to the identity of the community reflected in the texts and to possible connections between the manuscripts found in the caves, the community described in the texts, and the archaeological site of Khirbet Qumran. Unfortunately, actual certitude is far less than commonly believed.¹¹

Early scholarship identified the Qumran community with one of the religious factions of ancient Judaism known from the Hellenistic-Roman pe-

2004–2013) 1:270–278; cf. A. LANGE, "Qumran", in: H. D. BETZ et al. (eds.), *Religion in Geschichte und Gegenwart* (Tübingen 42003) vol. 6 [1873–1896], 1891–1894.

¹⁰ See, e.g., COLLINS 2010; DIMANT 2014; on methodology, see G. J. BROOKE, *Reading the Dead Sea Scrolls: Essays in Method* (Atlanta, GA 2013); on the manuscripts, see A. LANGE, "The Qumran Dead Sea Scrolls – Library or Manuscript Corpus?", in: GARCÍA MARTÍNEZ / STEUDEL / TIGCHELAAR 2006, 177–193; M. POPOVIĆ, "Qumran as Scroll Storehouse in Times of Crisis? A Comparative Perspective on Judaean Desert Manuscript Collections", *JSJ* 43 (2012) 551–594; also E. TOV, "Some Thoughts About the Diffusion of Biblical Manuscripts in Antiquity", in: METSO / NAJMAN / SCHULLER 2010, 151–172; and E. ULRICH, "The Evolutionary Production and Transmission of the Scriptural Books", *ibid.* 209–255.

¹¹ For the traditional reconstruction, see STEGEMANN 1971; concerning more recent discussion, see M. L. GROSSMAN, *Reading for History in the Damascus Document: A Methodological Study*. *STDJ* 45 (Leiden 2002); *The Community of the Dead Sea Scrolls*, *DSD* 16/3 (2009); M. GOODMAN, "Constructing Ancient Judaism from the Scrolls", in: LIM / COLLINS 2010, 81–91; P. R. DAVIES, "What history can we get from the Scrolls, and how?", in: HEMPEL 2010, 31–46; COLLINS 2010; Id. 2011, and in this volume, p. 161–178; J. C. VANDERKAM, "The Pre-History of the Qumran Community with a Reassessment of CD 1:1–11", in: ROITMAN / SCHIFFMAN / TZOREF 2011, 59–78; on the archaeological evidence, see MAGNESS 2002.

riod. The New Testament attests four such parties: the priestly caste (Saducees), the scribes and Torah teachers (Pharisees), the insurrectionists revolting against Roman foreign rule (Zealots), and – last but not least – the disciples of Jesus and early Christians, which stemmed from the movement of John the Baptist. In addition, the Jewish historian Flavius Josephus and other ancient sources mention yet another group: the Essenes. According to ancient sources, the Essenes distinguished themselves through a kind of biblical fundamentalism and concomitant radical, pious lifestyle, which strictly conformed to the precepts of Jewish law and displaying other peculiarities.¹²

In terms of lifestyle and ideas, several points of contact between the Dead Sea Scrolls, on the one hand, and reports from ancient historians, on the other, have led scholars to believe the Essenes and the Qumran community were but one and the same faction.¹³ Pliny the Elder and Dion Chrysostom seemed to support such equation with their reference to an Essenic settlement on the Dead Sea's northwestern coast, thereby suggesting a connection between the caves along with their texts and the settlement of Khirbet Qumran. Yet neither identification with the Essenes nor connection with the settlement can simply be assumed. Already criticized in the early years of Qumran scholarship, both assumptions have now fallen into heated controversy. For this reason, the texts should first be read on their own so that a portrait of the community depicted can appear on its own terms; afterwards – and only afterwards – can this portrait then be compared with and, if appropriate, related to reports from ancient sources concerning the Essenes, on the one hand, and the findings of modern excavators concerning the settlement's archeology, on the other.

1.3. The Witness of the Texts

To delineate the profile of the community, the third class of texts – i.e., writings from the Qumran community – demands initial scrutiny. Within their own compositions, the community calls itself *ha-Yahad*, which means nothing more than “the community” in Hebrew. This group broke away from other forms of contemporary Judaism and claimed to represent the one true Israel. Perhaps separated as early as the end of the third or beginning of the second century BCE, the division probably resulted from social and religious dislocations instituted by the Hellenization of Judaism. Through

¹² For the sources, see A. DUPONT-SOMMER, *Die essenischen Schriften vom Toten Meer unter Zugrundelegung der Original-Texte*, translated by Walter W. Müller (Tübingen 1960) 24–43; for the historical context, KRATZ 2015, 39–45.

¹³ For the comparison between Josephus' account and the Dead Sea Scrolls, see T. S. BEALL, *Josephus' Description of the Essenes Illustrated by the Dead Sea Scroll*. SNTS.MS 58 (Cambridge 1988).

distinction between the just and the wicked, such dislocation already occurs in later texts of the Hebrew Bible itself.¹⁴ The first psalm in the biblical collection formulates this contrast in short and memorable form:

Happy are those who do not follow the advice of the wicked, or take the path that sinners tread, or sit in the seat of scoffers; but their delight is in the law of the Lord, and on his law they meditate day and night. (Ps 1:1-2, NRSV).

Preserved in IQS V–VII, the oldest version of the Community Rule (*Serekh ha-Yahad*) builds upon this passage: accordingly, the “men of the community” establish their own order:

to convert from all evil and to keep themselves steadfast in all he commanded in compliance with his will. They should keep apart from the congregation of the men of injustice in order to constitute a Community in law (*torah*) and possessions (IQS V 1-2, DSSSE).

The community, organized in the style or at least similar to Hellenistic associations,¹⁵ seems to have grown steadily over time and spread itself across numerous localities throughout the land, as suggested by the diverse ordinances in QS and QD. The regulations for communal life underwent multiple adaptations to new conditions as well as greater differentiation.¹⁶ In these particular texts, the community and its sprigs provide themselves with strict ordinances for admission and expulsion, segment themselves hierarchically into leading officials and various other member classes, and prescribe themselves a stringent *modus vivendi* under penalty of sanctions. While they certainly betray temporal and regional differences, in the course of time these regulations continued to draw closer and closer to the biblical ideal – especially as formulated in the book of Numbers – of the people of Israel as a military camp and collective dominated by priests.

This differentiation in directives involved an increasingly sophisticated means of legal interpretation (*Halakhah*), both formally and substantially, that oriented itself toward the Hebrew Bible’s juridical tradition as expressed in the Torah. A more or less linear path thus led from the oldest legal corpus of the Hebrew Bible, the so-called Covenant Code in Exod 20–23, through its rewriting in the book of Deuteronomy along with the Holiness Code of Lev 17–26 to the stipulations in the so-called *Penal Code*

¹⁴ On the relationship between the Dead Sea Scrolls and the Hebrew Bible (Old Testament), see R. G. KRATZ, “Das Alte Testament und die Texte vom Toten Meer”, *Zeitschrift für die Alttestamentliche Wissenschaft* 125 (2013) 198–213 and Id. 2013.

¹⁵ See GILLIHAN 2012; ECKHARDT 2019; A. R. KRAUSE, “Qumran Discipline and Rites of Affliction in Their Associational Context”, in: B. ECKHARDT (ed.), *Private Associations and Jewish Communities in the Hellenistic and Roman Cities*. JSJ.S 191 (Leiden 2019) 58–75.

¹⁶ Cf. the divergent versions of QS and QD in DSSP 1–3; on this topic, see S. METSO, *The Textual Development of the Qumran Community Rule*. STDJ 21 (Leiden 1997); HEMPEL 1998; Ead. 2013; for a “new paradigm,” see A. SCHOFIELD, *From Qumran to the Yahad. A New Paradigm of Textual Development for the Community Rule*. STDJ 77 (Leiden 2009).

(1QS VI–VII) as well as its own updating (*Fortschreibung*) in the regulations of QS and QD.¹⁷ Perhaps the most impressive example of Halakhah as developed in this trajectory, is our text edited in this volume, *Miqṣat Ma'ase Ha-Torah*, “Some of the Works of the Torah” (4QMMT), which concerns several cases of legal interpretation and, most notably, considers questions of purity debated among different schools of thought.

Alongside the study and practice of Torah, the community at Qumran created its own tradition of prayer. Presumably, it replaced the sacrificial cult of the temple in Jerusalem, from which the community had distanced itself both inwardly and outwardly. Represented by multitudinous manuscripts among the Dead Sea Scrolls, the Psalter provided a prominent model. One particular exemplar (11Q5 = 11QP^a), which encompasses approximately the Psalter’s final third (Pss. 100–150), reproduces the individual psalms at times in different order and also contains additional compositions.¹⁸ In the style of the Psalms, the Thanksgiving Hymns or *Hodayot* (QH) comprise a collection of individual hymns and prayers.¹⁹ Consistently commencing with “I thank you, O Lord” or “Praised be you, O Lord,” they center on the supplicant’s distress and deep despair as well as his deliverance in addition to the insight and enlightenment that befall him.

Not all songs are the same, however. Some display greater individuality while others exhibit a more collective character. On the basis of these and other features, scholarship often distinguishes between songs of the “Teacher of Righteousness” and those of the community. Yet the *Hodayot* never mention a teacher explicitly. Rather, the supplicating “I” may only

¹⁷ KRATZ 2011; Id., “Laws of Wisdom: Sapiential Traits in the Rule of the Community (1QS 5–7)”, in: S. E. FASSBERG / M. BAR-ASHER / R. A. CLEMENTS (eds.), *Hebrew in the Second Temple Period: The Hebrew of the Dead Sea Scrolls and of Other Contemporary Sources*. STDJ 108 (Leiden 2013) 133–145; A. STEUDEL, “The Damascus Document (D) as a Rewriting of the Community Rule (S)”, *RdQ* 25 (2012) 605–620.

¹⁸ On manuscripts of the psalms, see P. W. FLINT, *The Dead Sea Psalms Scrolls and the Book of Psalms* (Leiden 1997); U. DAHMEN, *Psalmen- und Psalter-Rezeption im Frühjudentum: Rekonstruktion, Textbestand, Struktur und Pragmatik der Psalmenrolle 11QP^a aus Qumran*. STDJ 49 (Leiden 2003); E. JAIN, *Psalmen oder Psalter? Materielle Rekonstruktion und inhaltliche Untersuchung der Psalmehandschriften von Qumran*. STDJ 109 (Leiden 2014); on 11QP^a (DJD 4) also R. G. KRATZ, “‘Blessed Be the Lord and Blessed Be his Name Forever’: Psalm 145 in the Hebrew Bible and in Psalms Scroll 11Q5”, in: PENNER / PENNER / WASSEN 2012, 229–243.

¹⁹ DJD 40; on the *Hodayot*, see JEREMIAS 1963; N. LOHFINK, *Lobgesänge der Armen: Studien zum Magnifikat, den Hodayot von Qumran und einigen späten Psalmen, mit einem Anhang, Hodayot-Bibliographie 1948–1989 von Ulrich Dahmen*. Stuttgarter Bibelstudien 143 (Stuttgart 1990); NEWSOM 2004; A. K. HARKINS, *Reading with an “I” to the Heavens: Looking at the Qumran Hodayot through the Lens of Visionary Traditions*. Ekstasis, Religious Experience from Antiquity to the Middle Ages 3 (Berlin 2012); on hymns and prayers in general, see B. NITZAN, *Qumran Prayer and Religious Poetry*, translated from Hebrew by Jonathan Chapman. STDJ 12 (Leiden 1994); D. K. FALK, *Daily, Sabbath, and Festival Prayers in the Dead Sea Scrolls*. STDJ 27 (Leiden 1998); PENNER / PENNER / WASSEN 2012.

mean the pious “I” in each of its occurrences, an entity with which each member of higher rank in the community could have identified himself. Substantial differences might have originated from the multifarious positions of the members or the varied stages of awareness that a member had attained. Even more, the collection is hardly a unity; rather, it contains songs from different phases of the community’s own history: the more speculative and instructional the song, the more recent it seems to be.

The hymns themselves reflect the link of law and prayer. Imparted to him by God, the supplicant’s thought targets a proper understanding of Torah and conformity to the Qumran community as distinct from certain “enemies” – those who despise or misinterpret the Torah and persecute the community. Thus, a hymn styled on the *Hodayot* appends one of the community ordinances, which govern life in the collective according to Torah prescriptions. This hymn (1QS X–XI) portrays life in accord with the Torah, on the one hand, and the rules of the community as well as personal prayer and praise of God, on the other, as but two sides of the same coin. In doing so, the text follows a concept already observable in the final version of the biblical Psalter, framed by Ps 1 (Torah) and Ps 150 (universal praise of God), and divided – like the Torah – into five “books” through four doxologies (Pss. 41:14; 72:18–9; 89:53; 106:48).²⁰

As already outlined above, adherence to the Torah and prayer alike signifies life in the presence of God. This mode of life may have abandoned the daily cult of the Jerusalem temple, but it did not reject the temple and temple cult as such. To the contrary, numerous calendrical and liturgical texts suggest considerable interest in the precise calculation and observation of festal seasons and times of prayer, even if cultic implementation within the community itself persists in some obscurity. The greatest amount of detail concentrates on the angels’ veneration of God in heaven, ostensibly as compensation for the real temple cult and perhaps even as a final escape from chaotic reality altogether. Undertaken by divinities, saints, and spirits, a veritable liturgy emerges in the “Songs of the Sabbath Sacrifice” (*Shirot ‘Olat ha-Shabbat*, abbreviated ShirShabb). Though preserved fragmentarily in several different copies, they render the adoration of the heavenly hosts to their king, the sole and highest god.²¹ Similar to the rule texts and legal literature (1QSa), a growing tendency toward isolation of the community appears in the liturgical literature, too, the group imagining itself as a saintly collective and preferring communion with the angels in heaven to engagement with their own contemporaries.

²⁰ R. G. KRATZ, *Das Judentum im Zeitalter des Zweiten Tempels*. FAT 42 (Tübingen 2004 [study edition 2006, ²2013]) 280–311.

²¹ See C. NEWSOM, *Songs of the Sabbath Sacrifice: A Critical Edition*. HSS 27 (Atlanta, GA 1985) as well as the revised edition in DSSP 4B.

The particular reception and acquisition of the biblical portrait of history, as evident in these writings, reveal that the community understood itself, in fact, as the “true” and real Israel. In some passages, especially the introduction to the Damascus Document (CD I–VIII) along with the admission ritual of 1QS I–III, stylized as a feast of covenant renewal, the community sketches its own history into the biblical portrait of God’s specific covenant with Israel. Accordingly, the group casts itself on the stage of sacred history.²² This history not only aims toward but also continues through the community itself, in contrast to the second temple’s hosts of priests and Levites (Chronicles, Ezra–Nehemiah) or the Maccabees and Hasmoneans (1–2 Maccabees). With this interpretation of history, an increasing convergence of community rules and legal interpretation converges with the biblical tradition.

All three areas of tradition explored thus far – i.e., juridical, liturgical, and historical – along with the gradual alignment of their respective writings with the biblical tradition grant increasing emphasis to the community’s purported enemies. The community seems to have fallen into doctrinal controversies and even schism. In the Damascus Document as well as other texts, particularly the commentaries on the Prophets (*Pesharim*), this internal cleavage correlates with a figure whom the sources call the “Teacher of Righteousness” and who supposedly sparked division.²³ The

²² See J. J. COLLINS, “Historiography in the Dead Sea Scrolls”, *DSD* 19 (2012) 159–167.

²³ JEREMIAS 1963. For recent discussion, see J. JOKIRANTA, “The Prototypical Teacher in the Qumran Pesharim: a social-identity approach”, in: P. E. ESLER (ed.), *Ancient Israel: The Old Testament in its Social Context* (Minneapolis, MN 2006) 254–263; Id., *Social Identity and Sectarianism in the Qumran Movement*. STDJ 105 (Leiden 2013); L. T. STUCKENBRUCK, “The Teacher of Righteousness Remembered: From Fragmentary Sources to Collective Memory in the Dead Sea Scrolls”, in: S. C. BARTON / L. T. STUCKENBRUCK / B. G. WOLD (eds.), *Memory in the Bible and Antiquity: The Fifth Durham-Tübingen Research Symposium (Durham, September 2004)*. WUNT 212 (Tübingen 2007) 75–94; Id., “The Legacy of the Teacher of Righteousness in the Dead Sea Scrolls”, in: E. G. CHAZON / B. HALPERN-AMARU / R. A. CLEMENTS (eds.), *New Perspectives on Old Texts: Proceedings of the Tenth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 9–11 January 2005*. STDJ 88 (Leiden 2010) 23–49; G. J. BROOKE, “Was the Teacher of Righteousness Considered To Be a Prophet?”, in: De TROYER / LANGE / SCHULTE 2009, 77–97; Id., “The ‘Apocalyptic’ Community, the Matrix of the Teacher and Rewriting Scriptures”, in: M. POPOVIĆ (ed.), *Authoritative Scriptures in Ancient Judaism*. JSJ 141 (Leiden 2010) 37–53; J. J. COLLINS, *The Scepter and the Star: Messianism in Light of the Dead Sea Scrolls* (Grand Rapids, MI 2010) 110–148; F. GARCÍA MARTÍNEZ, “Beyond the Sectarian Divide: The ‘Voice of the Teacher’ as an Authority-Confering Strategy in Some Qumran Texts”, in: METSO / NAJMAN / SCHULLER 2010, 227–244; M. GROSSMAN, “Roland Barthes and the Teacher of Righteousness: The Death of the Author of the Dead Sea Scrolls”, in: LIM / COLLINS 2010, 709–722; H. J. FABRY, “Der ‘Lehrer der Gerechtigkeit’ – eine Gestalt zwischen Ablehnung und Vollmacht. Überlegungen zur frühjüdischen Rezeption der Leidensknechts-Thematik”, in: S. FUHRMANN / R. GRUNDMANN (eds.), *Martyriumsvorstellungen in Antike und Mittelalter: Leben oder sterben für Gott? Ancient Judaism and Early Christianity* 80 (Leiden 2012) 21–43; A. K. HARKINS, “Who is the Teacher of the Teacher Hymns? Re-examining the Teacher Hymns Hypothesis Fifty Years Later”,

identity of this figure remains unknown today. Most often, scholars suspect a high priest expelled from office sometime between Alcimus (died in 159 BCE) and Jonathan the Maccabee (seized office in 152 BCE). The historicity of this person has come into question, however. As a result, other scholars suppose the character was styled on a specific founder or teacher, if not entirely fictitious in the first place. The “Man of Lies” and the “Wicked Priest” both feature as opponents to the Teacher within the relevant texts. Their identities also unknown, they appear only in cipher. According to the “Groningen Hypothesis,” these two expressions function as metaphors for any layman or priest in the Hellenistic-Roman period who was against the Qumran community. The “Teacher of Righteousness” may be a cipher, too, namely, for leading authorities within the community.²⁴

Also written in cipher – albeit a simpler one to decipher – the texts describe other groups who have entangled the community in strife.²⁵ Designated through the biblical names “Ephraim and Manasseh,” the (proto-)Pharisees and (proto-)Sadducees figure as principle adversaries, these factions having established themselves at the temple in Jerusalem during the Hasmonean dynasty after the successful Maccabean insurrection against the partisans of Antiochus IV. The internal and external struggles reflected in these texts were probably related to one another and were connected, even further, to the turbulence under Antiochus IV and their greater social consequences. Such strife probably began in the second half of the second century BCE and extended into the first century BCE.

Amidst these internal and external altercations, the books of the Prophets – next to the Torah – also earned a prominent position within the community at Qumran. The community developed a pronounced eschatological conception of itself. In fact, the members of the community believed they lived in the eschaton, “the end of days,” when prophetic prognostications would finally be fulfilled and God would judge the wicked and save the righteous. The members would rank among the righteous, of course. To understand their circumstance and even interpret themselves,

in: MASON 2012, 449–467; K. S. O'BRIEN, “Runner, Staff, and Star: Interpreting the Teacher of Righteousness Through Scripture”, in: MASON 2012, 429–447; A. I. BAUMGARTEN, “What Did the ‘Teacher’ Know?: Owls and Roosters in the Qumran Barnyard”, in: S. TZOREF / I. YOUNG (eds.), *Keter Shem Tov: Essays on the Dead Sea Scrolls in Memory of Alan Crown*. PHSC 20 (Piscataway, NJ 2013) 235–257. A promising but not yet fully developed approach is the application of the “Gronigen Hypothesis” to the “Teacher of Righteousness”; for this hypothesis see F. GARCÍA MARTÍNEZ, “Qumran Origins and Early History: A Groningen Hypothesis”, *Folia Orientalia* 25 (1988) 113–136; Id., “A ‘Groningen’ Hypothesis of Qumran Origins and Early History”, *Revue de Qumrân* 14 (1990) 521–541; Id., F. GARCÍA MARTÍNEZ, “The Gronigen Hypothesis Revisited”, in: ROITMAN / SCHIFFMAN / TZOREF 2011, 15–30.

²⁴ See KRATZ 2017.

²⁵ Most relevant are the historical retrospects in CD I–VIII and the allusions in the *Pe-sharim* on Habakkuk (1QpHab), Nahum (4QpNah), and the Psalms (4QpPs); see the texts in DSSSE and in DSSP 6B; for historical evaluation, see the literature above n. 11.

they studied the biblical and para-biblical (viz., apocryphal and pseudepigraphic) literature and derived their own conceptions there.

As a consequence, literary works arose that either undertook cosmological speculation on the divine ordering of the world in a manner shaped by sapiential thinking or depicted the eschatological battle between good and evil spirits in heaven and on earth. Written into the Community Rule (1QS III–IV), the “doctrine of the two spirits” offers a good example. The text attributes the antithesis of justice and wickedness to two cosmic principles, the “Spirit of Truth” from the source of light and the “Spirit of Wickedness” from the source of darkness. Moreover, the text states God himself created these elements at the beginning of time and planted them in the very heart of humanity. Under the guidance of the “Prince of Light” and “Prince of Darkness,” this antagonism governs the world, determining even human action. At a fixed time of visitation, however, God will intervene and annihilate darkness and wickedness forever and implement the triumph of light and truth for eternity. The War Scroll, *Serekh ha-Milhamah* (QM), delineates this clash of good and evil and connects it to the community’s foes from outside. The core of the text portrays the war as waged by the holy collective of Israel – organized as military camp – against its foes. Later parts of the work have since added the national or patron angels known from the book of Daniel, who convey into heaven the battle raging on earth and ultimately decide its fate.

Alongside cosmological and eschatological speculations, the community began to elaborate sacred history up to the “end of days” and define its own position in this sequence of events. Above and beyond the biblical history as told in the Torah and Former Prophets, the Latter Prophets – i.e., the prophetic books including Daniel and the Psalms of David, the latter considered prophecy – also played a decisive role for the community’s self-understanding. The abundant copies of the prophetic books of the Hebrew Bible, the scattered citations from the prophets, the composition of prophetic apocrypha, and the interpretation of the prophets in thematic *Midrashim* and *Pesharim* all reveal their eminence.²⁶

²⁶ DSSP 6B; see G. J. BROOKE, *Exegesis at Qumran: 4QFlorilegium in its Jewish Context*. JSOTS 29 (Sheffield 1985); Id., “The Pesharim and the Origins of the Dead Sea Scrolls”, in: WISE 1994, 339–353; Id., “Prophecy and Prophets in the Dead Sea Scrolls: Looking Backwards and Forwards”, in: M. H. FLOYD / R. D. HAAK (eds.), *Prophets, Prophecy, and Prophetic Texts in Second Temple Judaism*. Library of Hebrew Bible / Old Testament Studies 427 (London / New York, NY 2006) 151–165; Id., “The Place of Prophecy in Coming out of Exile: The Case of the Dead Sea Scrolls”, in: A. VOITILA / J. JOKIRANTA (eds.), *Scripture in Transition: Essays on Septuagint, Hebrew Bible, and Dead Sea Scrolls in Honour of Raja Sol-lamo* (Leiden 2008) 535–550; STEUDEL 1994; R. G. KRATZ, *Prophetenstudien. Kleine Schriften* 2. FAT 74 (Tübingen 2011 [study edition 2017]) esp. 99–145; Id. 2013 / 2014; see also DE TROYER / LANGE / SCHULTE 2009; *The Rise of Commentary: Commentary Texts in Ancient Near Eastern, Greek, Roman and Jewish Culture*, DSD19 (2012) 249–484; E. FRAHM, “Traditionalism and Intellectual Innovation in a Cosmopolitan World: Reflections on Babylonian Text

The *Pesharim* represent the earliest known commentaries on biblical books. Of all these commentaries, the *Pesharim* of Nahum and Habakkuk have benefited from particularly good preservation. Verse by verse or paragraph by paragraph, a prophetic book undergoes citation and interpretation following the formula *pishro 'al*, which means, roughly, “its interpretation refers to”. Such explanation relates sayings of the prophets (and psalms) to the community and alludes to its conflicts with enemies internal and external alike, namely, apostates, Pharisees, Sadducees, Seleucids, or Romans. Described in biblical metaphors and with biblical citations, contemporary experience thus receives a place in sacred history. Such a history, however, encompasses not only the Qumran community but also the “end of days” and the final judgment, whereby the antagonism of the just and the wicked will be abolished and eliminated for eternity.

Despite their great expectations, the Qumran community did not experience the judgment at the “end of days”. Although they refrained from any active engagement in the Jewish revolts of 66–74 and 132–135 CE, they nonetheless fell victim to the Roman legion that blanketed the western bank of the Dead Sea and quelled the insurrections. To spare their sacred scriptures from destruction, members of the community concealed their writings among the caves of Qumran and its vicinity. There they lay for nearly 2000 years, rotting away despite two chance discoveries in antiquity. Only in the middle of the 20th century did they see the light of day again.

1.4. The Historical Context

Having surveyed the most significant writings of the Qumran community, we return to questions of history, i.e., the community’s connection to the archaeological site of Khirbet Qumran and to the Essenes. As demonstrated by this overview – and further demonstrable by more detailed consideration of individual aspects with respect to its organization, thought, and praxis – points of contact undoubtedly exist between the community’s own texts, on the one hand, and the reports of ancient historians concerning the Essenes and the isolated finds of archaeological excavation at the settlement of Khirbet Qumran, on the other.²⁷ Whether the uncompromising dedication to the law and a correspondingly radical lifestyle, the specific examination procedures and rituals of admission for potential members, the stark dualism, the divine determination, or the interpretation of the prophets and their various revelations applied to concurrent times,

Commentaries from the Achaemenid Period”, in: GABBAY / SECUNDA 2014, 317–334 and U. GABBAY, “Actual Sense and Scriptural Intention: Literal Meaning and Its Terminology in Akkadian and Hebrew Commentaries”, in: GABBAY / SECUNDA 2014, 335–370.

²⁷ For the evidence in literary sources, see the literature mentioned in n. 12 and 13.

characteristic traits of the Qumran community are also present in ancient descriptions of the Essenes. Some kind of historical connection between the two groups, therefore, cannot be denied altogether.

Nevertheless, as evident in this survey of the most important texts, the Qumran community was no erratic bloc but underwent specific developments in the course of time. Thus far, I have consciously avoided any explicit dates and chosen, instead, to provide a relative chronology – however approximate or rough – that comes from a literary analysis of the texts themselves. As a conclusion to this investigation, the Qumran community – in specific, particularly late phases of its history – seems to have been thoroughly identical or otherwise related to the group designated the Essenes. The proximity of the caves to the settlement itself as well as clear archaeological indications, most of all the assessment of ceramics, both create substantial problems for any swift denial of the community – or at least portions of it – having inhabited and utilized the settlement of Khirbet Qumran at one time or another.²⁸

Furthermore, the community almost certainly had multiple settlements and other sites, each having its own local character and changing over time.

With respect to the texts deposited in the caves, they likely constitute a multifaceted collection from the community's various branches, which spread across peripheries near and far alike. This assumption probably appertains not only to the community's own compositions but also to the manuscripts of biblical and para-biblical literature. Indeed, the Qumran community transmitted the latter literature, too. First, they employed it in their own productions, with reception of and reference to the biblical literature attested in all spheres of tradition, from legal and liturgical through historical and sapiential to eschatological and prophetic. Analysis of the history of literature unveils an increase in this scripturalization over time. Second, the biblical manuscripts reflect occasional readings from the Qumran community itself. In the great Isaiah Scroll (1QIsa^a), for instance, the personal pronoun in Isa 8:11 undergoes alteration, so instead of the prophet, the community is persuaded against "the way of this nation" and set on the right path by God. As for para-biblical literature, the distinction between texts composed inside and those composed outside of Qumran proves often difficult to determine, the boundaries being quite fluid.

Though more information could arise, the current state of affairs suggests the manuscripts of biblical and para-biblical literature were produced, transmitted, and employed in the community of Qumran (in the wider sense) and its vicinity, thereby suggesting a genuine connection between the Qumran group and the branch of Judaism which invoked the biblical tradition for their identity and selfunderstanding. No canon of

²⁸ MAGNESS 2002.

holy scripture had yet achieved normativity, but the books of the later Hebrew Bible doubtless had an authoritative status already, indicated by both citation and commentary. Other books, such as Jubilees and Enoch, accommodated the Qumran community's sentiment and hence enjoyed considerable repute. Still other texts *prima facie* incommensurate with the thought of the Qumran community – like a *brontologion* (4Q318) and additional divinatory material – found preservation as well, no matter their potential importation from elsewhere or transcription in the community itself. Within the biblical and para-biblical literature, too, much emerges that seems potentially incongruent with the community's conceptions, yet the group received and honored it as well.

In this particular context, linguistic choice carries some significance. Biblical books underwent transmission not only in the Hebrew language but also in Greek translation on occasion. Remains of such translation have materialized in both the Qumran caves and an adjoining riverbed, namely, Nahal Hever.²⁹ In addition to this discovery, attestation of books from the eventual Greek canon along with other apocryphal and pseudepigraphic literature – all in their Hebrew or Aramaic original – reflect a broad spectrum of reception, which implies some interconnection with the Septuagint and the Greek speaking biblical Judaism of Alexandrian provenance in particular.³⁰ Whether the fragments of Greek and Latin pagan literature discovered in Murabba'at and Masada also bear on this correspondence remains ambiguous so far.

After all, we have to say that our historical knowledge about the group behind the Dead Sea Scrolls is very limited. The texts comprise literary sources, almost exclusively so. Moreover, these texts either are identical with the biblical and para-biblical manuscripts or seek connection to the biblical tradition and further project contemporary circumstances onto the biblical portrait of history. Substantial challenges therefore plague any detailed historical reconstruction even when based on the concrete stipulations for communal life at Qumran (which most likely reflect an authentic portrait of the Qumran community's organization), on a document like the Prayer for the Welfare of King Jonathan (4Q448),³¹ or on other scant references to historical persons.³²

What we can say is that the Community obviously belongs to that branch of Judaism which we may call 'biblical Judaism'³³ and represents

²⁹ LANGE 2009.

³⁰ See KRATZ 2015, 187–196.

³¹ The addressee is either Jonathan the Maccabee or Alexander Jannaeus; see STEUDEL 2006.

³² Demetrius (III) and Antiochus (IV) in 4Q169 (4QpNah), Schlomzion (Salome Alexandra) and Hyrcanus (II) in 4Q322.

³³ For this term and the following paragraph, see KRATZ 2015, especially part C, 131–207.

an advanced yet radicalized stage of this branch of Judaism. Torah and the rest of the biblical and para-biblical literature occupied center stage within the Qumran community. In the time of this community, the late second and first century BCE, other factions of 'biblical' and (yet) 'non-biblical' existed side by side. Next to the Qumran community the Hasidim (in Greek *Asidaioi*) and the Essenes also took a rather radical view and competed with each other. They formed an alternative to the more modest and established form of biblical Judaism which was pushed and officially established by the Maccabees (or Hasmoneans) and represented by Sadducees and Pharisees following them. Others, such as the community of the Samaritans at Mt. Gerizim or the people living in Egypt, be it Alexandria, Leontopolis or other places, seemed to be in a transition from non-biblical to biblical Judaism and had their own agenda. In this context, the text *Miqṣat Ma'āse Ha-Torah*, "Some of the Works of the Torah" (4QMMT) was composed. Written by an unknown author speaking on behalf of a certain "We"-group and addressed to an anonymous recipient this writing concerns questions of legal interpretation which were disputed among the different groups of biblical Judaism. The letter, preserved in several copies, also served as a document for the own group informing its members about the correct interpretation of some issues of the Torah and the lessons of biblical history.

2. *Miqṣat Ma'āse Ha-Torah*, "Some of the Works of the Torah" (4QMMT)

2.1. The Content

The text published here takes the form of a letter in which an anonymous "we" (consistently first-person plural) addresses a likewise anonymous "you" (in Part B second-person plural, in Part C also second-person singular).³⁴ Neither the senders nor the addressees are named in the preserved portions of the text. Toward the end of the text, the senders write that they have shared "some of the works of the Torah" (*Miqṣat Ma'āse Ha-Torah*) with their addressee, seeking to convince him to follow what according to the Torah has to be done. In essence, the text interprets individual laws in the Torah and their correct observance, that is, what in Jewish parlance would be called *halakhah*. This is why the text has the title "Some of the Works of the Torah" in modern scholarship. The abbreviation 4QMMT refers to Cave 4 at Khirbet Qumran, where the fragments were found, and the Hebrew title *Miqṣat Ma'āse Ha-Torah*. The preserved portions of the text can be divided into three parts:

³⁴ See the contribution of Lutz Doering in this volume, p. 179–198.

A Calendar
 B Halakhah
 C Parenthesis

Not much can be said about the calendar (A), of which only small fragments describing the end of a 364-day year have been preserved. These fragments can be compared with other calendars from Qumran, allowing for the reconstruction of a hypothetical full text. It remains unclear, however, how the calendar relates to the subsequent parts of the writing. Nevertheless, the fact that the calendar ends at the top of the same column in which the halakhic section begins suggests that – at least in this individual manuscript – a calendrical treatise was an integral part of the work.³⁵

The halakhic section (Part B) deals with a variety of cases of interpretation of the Torah which the author, who speaks on behalf of a group (“we”), contrasts with the position of his opponent (“you” [plural]), which he critiques.³⁶ Given the fragmentary state of the text, it is not always easy to identify where one case ends and another begins. An anchor for the structure of the text is the introductory formula “And concerning ...” or “And furthermore, concerning ...”, although sometimes these have to be reconstructed. Another subdivision is indicated by the summary statement “For the sons of Aaron/the priests should take care concerning all these matters so that they are not going to burden the people with iniquity”, which occurs twice (4Q394 i 20–ii 2 [B16–171]; ii 13–15 [B25–27]).

In the preserved text, a total of twenty cases can be identified:³⁷ 1. Grain (i 5–9 [B1–5]), 2. Cooking of sacrifice (i 9–12 [B5–8]), 3. Sacrifice (of the gentiles?) (i 12–13 [B8–9]), 4. Sacrifice of well-being, followed by a summary formula (i 13–17 [B9–13]), 5. The red cow, followed by a summary formula (i 17–ii 1 [B13–17]), 6. Hides of animals, followed by a summary formula (ii 2–15 [B18–27]), 7. Place of the sacrifices (ii 15–iii 1 [B27–33]), 8. Slaughtering and eating of a mother animal or pregnant animal and its offspring (iii 2–9 [B34–38]), 9. Ammonites, Moabites and other impure people (iii 9–19 [B39–49]), 10. The blind (iii 19–iv 1 [B49–51]), 11. The deaf (iv 2–4 [B52–54]), 12. Liquids (iv 5–8 [B55–58]), 13. Dogs in the cultic place (iv 8–12 [B58–62]), 14. Fruit trees as levies for the priests (iv 12–14 [B62–64]), 15. The leper (iv 14–v 2 [B64–72]), 16. Bones of the dead (v 2–4 [B72–74]), 17. Whoring (v 4–5 [B75–76]), 18. Interbreeding of animals (v 5–6 [B76–77]), 19. Intermix-

³⁵ See the contribution of Jonathan Ben-Dov in this volume, p. 105–116. A comparable phenomenon is found in the textual transmission of *Serekh Ha-Yahad*, in which one manuscript seems to have contained a calendar at the end of the work (4QSc = 4Q259 + 4QOtot = 4Q319), which no longer appears in the other manuscripts nor, significantly, in the complete manuscript 1QS.

³⁶ See the contributions of Charlotte Hempel and Vered Noam in this volume, p. 117–136 and 137–159.

³⁷ In contrast, STEUDEL 2006, 248, counts 22 *halakhot* but does not list them separately.

ing of textile materials (v 6–8 [B77–79]), 20. Intermixing of priests (v 9–11 [B80–82]).

The main focus is priestly in nature and deals above all with cultic matters. The sequence of the cases is not always easy to understand. However, three thematic groups can be identified. The first group (nos. 1–8) revolves around the topic of sacrifice and deals with different types of sacrifice, sacrificial actors, implements and animals, and the place of the cult. The second group (nos. 9–11) addresses the participants in the cult. Finally, the third group (nos. 12–18) deals with questions of purity relating to different types of physical contact with objects and persons. On the whole, the sequence is characterized by a movement from inside (the cult proper) to outside (the participants in the cult and other external prerequisites for the cult) and in this respect resembles the Temple Scroll.

A unique feature of 4QMMT is its dense exegesis of biblical passages, which are cited explicitly using specific formulae and interpreted halakhically. In some places, the text that is cited diverges from the later standard text of the Masoretic tradition and results either from quoting the text more freely from memory or from a different textual tradition (such as the Samaritan Pentateuch). The exegesis takes the form of a dispute (“you say/think” – “but we say/think”) and reflects the inner-Jewish debates over the interpretation of the Torah during the Second Temple period, particularly after the Maccabean revolt and under Hasmonean rule.

The third, parenetic section (Part C) refers to the kings of Israel and Judah as an example of blessings and cursings in the history of Israel.³⁸ This form of historical retrospective draws on a biblical model. It is the view of history that is adopted particularly in the book of Deuteronomy and in the following historical books of Joshua through Kings and is referred to in scholarly literature as the ‘Deuteronomistic’ view of history.³⁹ The standard for the blessing or cursing of the people of Israel is the book of Moses, the Torah. In MMT, both Torah and Prophets are treated as authoritative scriptures. In this third part of MMT, the halakhic exegesis of the Torah in Part B is connected to an eschatological parenthesis: Blessing and cursing are determined not only by adherence to the Torah but also by the correct interpretation and application of the Torah, which was a matter of debate among different Jewish groups during the Hellenistic period. In this respect, the biblical (‘Deuteronomistic’) depiction of history, which ends with the fall of the monarchy in Israel and Judah, is applied to the Qumran community’s present. Conversely, the Qumran community’s present is also retrojected onto the biblical depiction of history. The contemporary historical context can only be deduced from the direct address to the opponent – which in this third section seems to be both a group (“you” plural)

³⁸ See the contribution of Reinhard G. Kratz in this volume, p. 85–104.

³⁹ See STECK 1967.

and an individual (“you” singular) – and from the dispute over the correct interpretation of the Torah.

The exact date of the text is difficult to establish. Usually, it is dated quite early, i.e. either to the time before the establishment of the Qumran community (or Essenes) or its beginnings in the first half of the second century BCE. A *terminus ad quem* for the text is often seen as the year 152 BCE, when Jonathan the Maccabee occupied the high priesthood in Jerusalem and when scholarship has assumed the founding of the Essene union under the “Teacher of Righteousness”.⁴⁰ Reconstructing the history of the Qumran community is not easy, however, and has changed significantly in recent years.⁴¹ Scholars have become much more cautious in associating statements by the community with specific historical events and in connecting the individuals mentioned in the Dead Sea Scrolls – mostly identified only through sobriquets – with figures and groups in the second and first centuries BCE. Thus, there is only indirect evidence for dating the text.

One such piece of evidence is the anonymous group of addressees whose interpretation of the Torah is disputed. The existence of such a group presupposes a more or less institutionalized practice of Torah interpretation outside of the Qumran community. This could be another group of pious individuals who sympathize with the Qumran community but have gone a different way or – perhaps even identical with the latter – a group of scribes at the Temple in Jerusalem. The second possibility is suggested by the differentiation of singular and plural addressees, where the plural represents a group of experts in the Torah, while the singular represents a person in a position of leadership who is responsible for the people of “Israel”. This suggests a political leader, most likely a king. Here, only the Maccabean/Hasmonean leaders come into consideration, who used the Torah of Moses for their legitimation and involved in power alongside the priests – the proto-Sadducees – to some extent also the proto-Pharisees, who, like the Qumran community, also recruited from among the “pious”. In light of this, the dispute attested by 4QMMT belongs rather in the second half of the second century BCE, i.e. the time of Jonathan (153–143 BCE) and Simon (143–134 BCE), who held the office of high priest under Seleucid rule, or perhaps even the time of John Hyrcanus (134–104 BCE) and Aristobulus (104–103 BCE), who also claimed royal office and founded the Has-

⁴⁰ See most recently PUECH 2015; for further discussion, see QIMRON / CHARLESWORTH 2006, 187–190.

⁴¹ See the contribution of John J. Collins in this volume, p. 161–178.

monean kingdom, which would reach its greatest extent under Alexander Jannaeus (103–76 BCE).⁴²

The second piece of evidence is the relative chronology of the texts from Qumran. The early dating of 4QMMT has usually been justified by arguing that this text lacks the terminology found in the main texts of the Qumran community. Yet this argument is based on a highly selective view of the concerns and language of the Qumran community and does not hold up under closer scrutiny. Large parts of the *Serekh ha-Yahad* and of the Damascus Document or works such as the Songs of the Sabbath Sacrifice also lack these supposedly typical features yet should still be ascribed to the Qumran community. Clearly, the Qumran community, like the Hebrew Bible, should not be regarded as a monolithic entity, but instead was comprised of various groups with different concerns and linguistic conventions and also underwent internal development.⁴³ For this reason, the relationship of 4QMMT to other Qumran texts must be established in a different way. In my view, an important criterion is the increasing use and explicit invocation of scriptures from what would later become the Hebrew Bible, as can be seen when comparing the (earlier) *Serekh ha-Yahad* with the (later) Damascus Document and Pesharim. 4QMMT is closer to the latter texts in its frequent use of explicit quotations and its interpretation of individual passages from the Torah.⁴⁴ Both the halakhic Part B and the parenetic Part C show strong similarities with the Damascus Document. In light of this, 4QMMT should be dated around the end of the second or beginning of the first century BCE, when both the interpretation of scripture within the Qumran community and the institutions of the Hasmonean royal house were firmly established. The distinct language of 4QMMT, which anticipates the later Hebrew of the Mishnah, was probably influenced both by its subject matter and by the linguistic style of its priestly author(s).⁴⁵

The discovery of 4QMMT changed the picture of early Judaism around the turn of the era and was also of great importance in situating the Dead Sea Scrolls within this historical context. Up to then, the Apocrypha and Pseudepigrapha, many of which are eschatological in nature and extend the biblical depiction of history into their authors' present, were the primary focus of research. This tradition also appears in 4QMMT, in the third, parenetic section (Part C). Yet for the most part 4QMMT offers an interpretation of the Torah that significantly anticipates later rabbinic tradition, the origins of which are thus demonstrably older than was once assumed

⁴² On the increasing importance and pervasiveness of the Torah in the Hellenistic period, particularly after the Maccabean revolt under the Hasmoneans, see KRATZ 2015; COLLINS 2017.

⁴³ See above § 1.4., p. 15–18.

⁴⁴ See the contribution of Reinhard G. Kratz in this volume, p. 85–104.

⁴⁵ See the contribution of Noam Mizrahi in this volume, p. 67–83.

and reach back to the second or first century BCE. 4QMMT does not stand alone in this regard; rather, it has also turned scholarly attention to halakhic issues in other texts among the Dead Sea Scrolls (such as the Damascus Document, the Temple Scroll, the Aramaic Levi Document, 4Q513, etc.) and their significance for understanding the Qumran community and early Judaism more broadly.

2.2. The Manuscripts

MMT is one of the manuscripts found in the caves near Khirbet Qumran, by the Dead Sea, between 1947 and 1953. The circumstances of their discovery are not always clear. Most of the material was found by Bedouins and sold on the antiquities market, while some was found in excavations. The fragments of MMT presumably come from Qumran Cave 4, although unfortunately there are no reports of their discovery or sale.

The text of 4QMMT is preserved in multiple copies, albeit only fragmentarily. Six manuscripts have been identified with certainty (4Q394–399), which reflect a number of textual overlaps and thus evidently attest to the same work.⁴⁶ These manuscripts can be dated – following the classic paleographic typology of Frank Moore Cross – between 50 BCE and 30 CE, marking the *terminus ad quem* for the text’s composition. The fact that it has been preserved in at least six copies is not necessarily what one would expect for a letter. This indicates that the text – like Paul’s letters among early Christians – had a fundamental importance for the self-understanding of the Qumran community that went beyond its original purpose and addressees.

Subsequently, Eibert Tigchelaar assigned four previously unidentified fragments to the manuscript 4Q397. The first (4Q397 24) seems to confirm a proposed reconstruction of the text in 4Q397 14–21, line 5 (vii 16 [C5]), the assignment to this manuscript is owing to the rare idiom and the hand, although the quality of the skin does not fit.⁴⁷ The second (4Q397 25) contains text that is already known from two other manuscripts (4Q398 14–17 ii 4–6; 4Q399 ii 1–3 [viii 14–16 or C28–30]) and can be combined with the fragment 4Q397 23 (which was assigned to this passage in DJD 10) and its context reconstructed on the basis of the other manuscripts.⁴⁸ The third (4Q397 27) runs parallel with 4Q396 1–2 ii 1–2 and can be combined with 4Q397 5 (iii 20 [B50]); the fourth (4Q397 28) can be joined with 4Q397 23 and belongs to viii 17–18 (C30).⁴⁹ Émile Puech has identified a fragment

⁴⁶ DJD 10, 1994.

⁴⁷ TIGCHELAAR 2006.

⁴⁸ TIGCHELAAR 2014. According to this reconstruction, the last column of 4Q397 is admittedly much narrower than the preceding columns (cf. 4Q399).

⁴⁹ TIGCHELAAR 2020.

that was assigned by the editors of DJD 10 to the group 4Q397 6–13 but not documented as Fragment 26, offered a new reading of it, and placed it elsewhere.⁵⁰

In addition to these six manuscripts, several further possible textual witnesses have been discussed in scholarship: Two (in reality three) fragments of a calendar are assigned to the manuscript 4Q394 in the official edition in DJD 10, although they – like the related calendrical lists in 4Q324d⁵¹ and 4Q326⁵² – probably do not belong to this manuscript and have since been edited separately.⁵³

A seventh manuscript in cryptic script has been conjectured for Frag. 4Q313 by Stephen Pfann.⁵⁴ Yet this identification is based on two tiny fragments that contain only a few letters, and it has recently been called into question by Émile Puech and Jonathan Ben-Dov.⁵⁵

Finally, Annette Steudel has argued that the lost beginning of 4QMMT can be found in the manuscript 4Q448, a paean to “King Jonathan” (Jonathan the Maccabee or Alexander Jannaeus), citing some interesting evidence for this proposal.⁵⁶ However, this hypothesis cannot be confirmed by any textual overlap and thus has not been included in the critical edition of the text in the present volume.

⁵⁰ PUECH 2015, 108.

⁵¹ DJD 28, 2001, pl. LIX–LX, new edition by RATZON / BEN-DOV 2017.

⁵² DJD 21, 2001, 133–138, pl. VII.

⁵³ 4Q394 1–2, formerly 4Q327; see DJD 21, 2001, 157–166 and the contribution of Jonathan Ben-Dov in this volume, p. 105–116.

⁵⁴ DJD 36, 2000, 697–699, pl. XLIX (not XLIV as is written on p. 697). As far as I can tell, the numbering of the fragments in the transcription and in the photographs does not match: In the transcription, Frag. 1 contains one line of legible letters and Frag. 2 contains two lines, while in the photographs on pl. XLIX (not XLIV) the opposite is the case. According to the transcription, Frag. 1 is identified with 4Q397 ii 18 = B30; Frag. 2 with 4Q397 iv 12–13 = B62f.

⁵⁵ See M. FIDANZIO / É. PUECH, “La grotta 11 di Qumran. Archeologia e frammenti manoscritti”, in: M. CRIMELLA et al. (eds.), *Extra Ironiam Nulla Salus. Studi in onore di Roberto Vignolo in occasione del suo LXX compleanno*. Biblica 8 (Milano 2016) [927–948] 944 n. 73; J. BEN-DOV, “Prolegomena to the Writings in Cryptic Script from Qumran”, in: A. JASSEN / L. H. SCHIFFMAN (eds.), *The Dead Sea Scrolls at Seventy. Proceedings of a Conference in New York University* (Lexington Books, forthcoming).

⁵⁶ DJD 11, 1998, 403–425, pl. XXXII. See STEUDEL 2006.

4Q394 (a)	4Q395 (b)	4Q396 (c)	4Q397 (d)	4Q398 (e)	4Q399 (f)
A					
1-2 i-v					
3-7 i 1-3					
B					
3-7 i 4-ii 4	1				
(3-7 ii 5-12)			(1-2?)	(1-3?)	
3-7 ii 13-19			3 1-6		
8 iii 6-20		1-2 i-ii 2	4 1-2; 5 1-6; 27		
8 iv 1-16		1-2 ii 2-iii 6	6-13 1-7; 26		
8 v 10-13		1-2 iii 6-iv	6-13 7-15		
C					
			"lost column" 18 i; 22 (?)	11-13	
			14-21 1-14; 24 (?)	14-17 i	
			14-21 15f.; 22 (?)	(11-13?)	
			23; 25; 28	14-17 ii	i-ii

Table 1: Synopsis of the six principal manuscripts

The text of 4QMMT is not complete in any of the six principal manuscripts (4Q394-399) but is only preserved in fragments. The individual manuscripts reflect different layouts with respect to column height and width as well as the number and length of lines per column. Yet even when the preserved parts of the text are combined, the work is not complete. The beginning is missing, as is the transition from Part B to the text's preserved conclusion in Part C. Thus, the text's editor has a twofold task: to reconstruct each individual manuscript on the basis of the preserved fragments and, as far as possible, to reconstruct the overall work from all of the manuscripts taken together. The most important material for such work consists in the original fragments that are stored and professionally conserved at the Israel Museum in Jerusalem as well as the photographs that are now (largely) accessible in the Leon Levy Digital Library of the Israel Antiquities Authority (IAA).⁵⁷ Textual overlaps between the different manuscripts contribute

⁵⁷ For the sake of completeness, a look at the Microfiche Edition (Tov 1993-1995) and the Facsimile Edition (EISENMANN / ROBINSON 1991) is still worthwhile. In contrast, the pho-

significantly to reconstructing the overall work (see Table 1). In addition, the method of “material reconstruction” must be employed.⁵⁸ Here, the reconstruction of the manuscript 4Q397 as well as the placement of the fragment 4Q398 11–13 poses considerable difficulties, which has led to different solutions in the scholarly literature.⁵⁹ The placement of a few other fragments is also uncertain, which is noted in the critical edition of the text.

2.3. Editions and Research

The official critical edition of the text was published in the series *Discoveries in the Judaean Desert* (DJD) in 1994. Its two editors, John Strugnell and Elisha Qimron, worked on the text for over 30 years and published an initial report on it in 1985.⁶⁰ The first attempt to create a *Composite Text* that combines the preserved portions of all of the manuscripts was made by John Strugnell in 1959. A draft of this transcription circulated among a few experts in several reworked versions containing handwritten comments by Strugnell, Qimron and Hartmut Stegemann (who worked closely with Strugnell in the 1970s and 1980s). These preliminary studies were consulted by the editor of the present volume either in the original or as copies and were taken into account in the critical edition of the text.

Of the preceding editions of the text, the three most important should be mentioned briefly here: The first edition of Qimron and Strugnell in DJD 10 (1994), the edition of Qimron, James H. Charlesworth, Douglas A. Hume, John B. F. Miller, Stephen J. Pfann, and Henry W. M. Reitz in Charlesworth (ed.), *The Dead Sea Scrolls*, vol. 3 (2006), and the new edition by Qimron in *The Dead Sea Scrolls*, vol. 2 (2013).

As is customary in the DJD series, the 1994 edition by Strugnell and Qimron begins with a description and transcription of the individual fragments. However, the fragments are presented from the outset in a reconstructed form, such that their original state of preservation must be deconstructed from the photographs with considerable effort.

tographs in DJD 10 are less useful since they are a photomontage and reflect the judgments of the editors.

⁵⁸ On this, see H. STEGEMANN, “How to Connect the Dead Sea Scrolls Fragments”, *Bible Review* 4,1 (1988) 24–29. 43 (repr. in: H. SHANKS [ed.], *Understanding the Dead Sea Scrolls. A Reader from the Biblical Archaeology Review* [New York 1992] 245–255. 309f. and Id., “Methods for the Reconstruction of Scrolls from Scattered Fragments”, in: L. SCHIFFMAN (ed.), *Archaeology and History in the Dead Sea Scrolls*. JSP.S 8 (Sheffield 1990) 189–221; A. STEUDEL, “Assembling and Reconstructing Manuscripts”, in: FLINT / VANDERKAM 1998, 516–534.

⁵⁹ In the critical edition of the text, the editor has followed the order of Strugnell and Stegemann rather than that of Qimron in DJD 10 and QIMRON 2013 in light of the material reconstruction of the manuscript. See the contribution of Eibert Tigchelaar in this volume, p. 57–65.

⁶⁰ QIMRON / STRUGNELL 1985a and b.

Following this, the DJD edition presents the so-called *Composite Text*, in which the preserved text from all of the manuscripts is presented in a continuous reconstruction accompanied by philological notes and an English translation. The problem with this *Composite Text* is that it does not reflect any particular manuscript but is instead a preliminary reconstruction, or rather compilation of the different manuscripts displayed in the order of their textual overlaps. A principal manuscript is selected on the basis of the text's state of preservation. Overlaps with other manuscripts are indicated by different formatting (underlining or typesetting). The numbering of the sections and lines (A1, A2, A3 etc., B1, B2, B3 etc., C1, C2, C3 etc.) is completely arbitrary. The sections are defined in terms of their content (A: Calendar, B: Halakhah, C: Parenesis), while the lines vary according to the textual witness being used and are numbered continuously without regard for the line numbers in the individual fragments. In addition, lacunae are not clearly marked. Thus, the *Composite Text* does not give a completely accurate picture of the structure and context of the work.

This is followed by detailed discussions of the language of 4QMMT, its literary character, its historical context, as well as its treatment of halakhah.

Finally, the DJD edition contains three appendices. The first appendix is written by Ya'akov Sussmann and deals with "The History of the Halakhah and the Dead Sea Scrolls". The two subsequent appendices, both titled "Additional (Textual) Observations on 4QMMT", are written by Qimron and Strugnell, respectively, and deal with issues on which the two editors were not in agreement. Foremost among these are the calendar (Part A), the placement of 4Q398 11–13, and the interpretation of the epilogue.

The DJD edition concludes with a concordance as well as a reverse index listing words in alphabetical order according to their final letter. The newer edition by Qimron and Charlesworth⁶¹ – following an introduction on the dating and background of the work, historical context, structure and genre, theology, and a critical edition of the text – also offers a transcription of the fragments of each individual manuscript, including 4Q313, followed by the *Composite Text*, both with an annotated English translation. The presentation is more minimalist and concise than in DJD and in this respect is more user-friendly. Nevertheless, here too the fragments are presented in an already reconstructed version without showing the underlying editorial decisions in every case.⁶²

Unlike in DJD 10, the calendar (4Q394 1–2, formerly 4Q327) is not regarded as part of the text and thus not included. The introduction explicitly states that the *Composite Text* is a "hypothetical reconstruction" that is intended to "provide the reader with as full and continuous text as the

⁶¹ QIMRON / CHARLESWORTH 2006, 187–251.

⁶² E.g., in 4Q394 3–7:6–12 or 4Q394 3–7:13.

extant manuscripts allow".⁶³ This is also the reason given why diacritical marks are not used to indicate the state of preservation of individual letters. This note to users of the edition is of course essential, yet its matter-of-factness presents an even greater risk of misunderstanding, since even among experts it is usually only the *Composite Text* with its arbitrary numbering of sections and lines that is used and cited, such that the "hypothetical reconstruction" is treated *de facto* as the standard – and "real" – text. This risk is exacerbated in the newest, Hebrew-language edition by Qimron from 2013.⁶⁴

This edition provides only the *Composite Text*, with reconstructed portions indicated by typesetting and textual overlaps indicated in color. There are few notes on the readings, and most of these correspond to the notes in DJD. Although this presentation seems clear at first glance, it also contains problems. The colored text in each section is associated with different manuscripts, which makes it difficult to trace the transmission history of the text. Moreover, it only differentiates between two levels: the principal manuscript and a textual overlap from one other manuscript marked by colors. It cannot represent the overlapping of three different manuscripts, which sometimes occurs. Unlike the edition in Charlesworth 2006, here the calendar from 4Q394 1–2 is once again treated as an integral part of the work.

All three critical editions, as well as the analysis of the contents of 4QMMT in DJD 10, are significant achievements that have set the standard for subsequent work. Nevertheless, all three editions also have certain shortcomings. Foremost among these is the incomplete documentation and description of the material (fragments and photographs). In addition, particularly in DJD 10, there are divergent readings in the transcription of the individual fragments on the one hand and the *Composite Text* on the other that are not explained. Other editorial decisions, particularly regarding the *Composite Text* and the calendar in 4Q394 1–2 (4Q327), also remain opaque. Since the editions in Charlesworth (2006) and Qimron (2013) are based largely on DJD 10, the same can be said of them, even though they contain a variety of improvements (including in their readings of the text).

Regarding the content of the text, the chapter on the halakhah of 4QMMT in DJD 10 is extremely useful.⁶⁵ Yet here, as well as with regard to other questions such as the text's material reconstruction, genre, and literary and historical context within early Judaism, research has continued to advance, such that the new critical edition and commentary in this volume seems justified. References to further literature on 4QMMT can be

⁶³ QIMRON / CHARLESWORTH 2006, 194.

⁶⁴ QIMRON 2013, 205–211.

⁶⁵ DJD 10, 194. 123–177.

found in the individual essays of this volume; thus, only a brief overview will be given here.⁶⁶

Scholarship had long awaited the first critical edition of the text, and further research began soon after the publication of DJD 10 in 1994.⁶⁷ An important volume of essays attests to the diversity of questions and the great amount of interest that the text quickly raised.⁶⁸ Particular attention was given to halakhah, which previously had often been overlooked in Qumran studies.⁶⁹ Another important area of investigation that arose was the use and interpretation of scripture in 4QMMT, particularly given that this text attests to a two- or even three-part canon.⁷⁰ Here, the parenetic epilogue and the relationship between halakhah and historical parenthesis received particular attention.⁷¹ Other topics of past and current research include the text's language,⁷² calendar,⁷³ redaction history,⁷⁴ genre⁷⁵ and historical context.⁷⁶

⁶⁶ Cf. Z. J. KAPERA, "How not to publish 4QMMT in 1955–1991", in Id. 1991, 55–67; Id., "A Preliminary Subject Bibliography: 1956–1991", in: Id. 1991, 75–80; Id., "How not to publish 4QMMT Part II: Spring 1991–Spring 1994", *The Qumran Chronicle* 4 (1994) 41–52; Id., "A Preliminary Subject Bibliography Part II: Summer 1991–Spring 1994", *The Qumran Chronicle* 4 (1994) 53–66; J. A. FITZMYER, *A Guide to the Dead Sea Scrolls and Related Literature. Revised and extended edition* (Grand Rapids 2008) 216–222.

⁶⁷ In addition to the three aforementioned editions of Qimron in DJD 10, QIMRON / CHARLESWORTH 2006 and QIMRON 2013 as well as the studies on the content of the text by TIGCHELAAR 2006 and 2014; VON WEISSENBERG 2009; PUECH 2012 and 2015, the text has been printed in several other editions; see esp. GARCÍA MARTÍNEZ / TIGCHELAAR 2000 and 2014.

⁶⁸ KAMPEN / BERNSTEIN 1996.

⁶⁹ BETZ 1994; J. M. BAUMGARTEN, "The 'Halakkha' in Miqṣat Ma'ase ha-Torah (MMT)", *JAOS* 116 (1996) 512–516; H. K. HARRINGTON, "Holiness in the Laws of 4QMMT", in: BERNSTEIN / GARCÍA MARTÍNEZ / KAMPEN 1997, 109–128; SHARP 1997; ELMAN 1999; HEMPEL 2000; A. SHEMESH / C. WERMAN, "Halakha at Qumran: Genre and Authority", *DSD* 10 (2003) 104–129; A. YADIN, "4QMMT, Rabbi Ishmael, and the Origins of Legal Midrash", *DSD* 10 (2003) 130–149; L. SCHIFFMAN, *Qumran and Jerusalem: Studies on the Dead Sea Scrolls and the History of Judaism* (Grand Rapids 2010) 112–122 and 123–139.

⁷⁰ BROOKE 1997; CAMPBELL 2000; KRATZ 2006 and 2007; BERTHELOT 2006; ULRICH 2003.

⁷¹ ABEGG 1999; H. VON WEISSENBERG, "4QMMT – Towards an Understanding of the Epilogue", *RdQ* 21/81 (2003) 29–45 and Id. 2009; KRATZ 2006; PUECH 2012.

⁷² MORAG 1996; KISTER 1999; P.-I. KIRTCHUK, "Some Cognitive and Typological Semantic Remarks on the Language of 4QMMT", in: T. MURAOKA / J. F. ELWOLDE (eds.), *Diggers at the Wall: Proceedings of a Third International Symposium on the Hebrew of the Dead Sea Scrolls & Ben Sira*. STDJ 36 (Leiden 2000) 131–136.

⁷³ VANDERKAM 1997 and J. C. VANDERKAM, *Calendars in the Dead Sea Scrolls: Measuring Time* (London 1998).

⁷⁴ PÉREZ FERNÁNDEZ 1997 and 1999.

⁷⁵ FRAADE 2000 and 2003; J. HØGENHAVEN, "Rhetorical Devices in 4QMMT", *DSD* 11 (2003) 187–204.

⁷⁶ P. R. CALLAWAY, "4QMMT and recent Hypotheses on the Origin of the Qumran Community", in: Z. J. KAPERA (ed.), *Mogilany 1993: Papers on the Dead Sea Scrolls offered in Memory of Hans Burgmann* (Krakow 1996) 15–29; GRABBE 1997; GROSSMAN 2001; HEMPEL 2010a; DE LOOIJER 2015, 89–138. BAR-ASHER SIEGAL 2011 discusses a paleographic and philological detail that is very important for the historical context.

2.4. This Volume

Following the principles of modern philology and textual criticism in the digital age, a three-stage critical edition is ideally called for. First, each individual fragment, no matter how small, should be discussed in its own right. Then, each individual manuscript should be reconstructed separately as far as possible, seeking to place each preserved fragment in its proper place. Finally, a synopsis of the preserved text from all of the manuscripts should be given following the layout of one or all six of the manuscripts.

Since such a procedure is not possible in this volume due to limitations of space, the team of editors has decided to print only the third stage of the editorial process, that is, the complete text of each manuscript as far as it is preserved, presented in the format of one principal manuscript. Portions of the text that can be reconstructed from parallel manuscripts or otherwise conjectured have been added to the text of this one principle manuscript.

The structure of the composition and of individual manuscripts can be reconstructed above all through textual overlaps in the manuscripts 4Q394 (a), 4Q396 (c) and 4Q398 (e), which can easily be joined together. In addition, textual overlaps allow 4Q395 (b) to be merged with 4Q394 (a) and 4Q399 (f) to be merged with 4Q398 (e). For the present critical edition, 4Q394 (a) was chosen as the principal manuscript, since it is the most complete, spanning five of a total of eight columns.⁷⁷ The text of 4Q394 has been transcribed without any special markings, while the text supplemented from the other manuscripts has been placed in brackets and underlined. Conjectured reconstructions have also been placed in brackets but are not underlined, allowing them to be easily identified.

There is no question that this presentation is also a hypothetical reconstruction. Yet in contrast to the *Composite Text* of previous editions, it has the advantage of being based on a single preserved manuscript (4Q394) and in this respect is an 'actual' text. In addition, it allows for a reasonably accurate picture of the overall work and its contours, indicating original connections and larger gaps resulting from the loss of text. For better usability, the numbering of the *Composite Text*, which has become the conventional form of citation, has been included in the margin. A line break of the *Composite Text* within a line in the edition of this volume is marked with a small stroke (') as separator.

⁷⁷ I would like to express my gratitude to James Tucker who in the early phase of preparation of this edition provided a digital template for typing the Hebrew text in the format of 4Q394.

B. Text, Translation and Notes

Miqsat Ma'aše Ha-Torah (4QMMT)
Some of the Works of the Torah
Reconstructed Text (according to the format of 4Q394)

Text witnesses

[beginning lost]

- i: 4Q394 3–7 i; 4Q395 1 1–10
- ii: 4Q394 3–7 ii; 4Q395 1 11–12; 4Q397 1–2(?), 3; 4Q398 1–3 (?); 4Q313 1(?)
- iii: 4Q394 8 iii; 4Q396 1–2 i 1–6; ii 1–2; 4Q397 3 5–6; 4 1–2; 5 1–6; 27 (TIGCHELAAR 2020)
- iv: 4Q394 8 iv; 4Q396 1–2 ii 2–11; iii 1–10; 4Q397 6–13 1–9 + 26 (PUECH 2015); 4Q313 2(?)
- v: 4Q394 8 v; 4Q396 1–2 iii 11; iv 1–11; 4Q397 6–13 10–15
- vi: 4Q397 18 i (“lost column”); 4Q398 11–13; 4Q397 22(?)
- vii: 4Q397 14–21 1–8; 24 (TIGCHELAAR 2006)
- viii: 4Q397 14–21 9–16; 23; 25 (TIGCHELAAR 2014); 28 (TIGCHELAAR 2020); 4Q398 14–17 i–ii; 4Q399 i–ii

Typosccripts and handwritten notes (H. Stegemann)

- 1) CT 1983: The Composite Text (1983) with Correct Notes, p. 1–2 preface and abbreviations (typoscript), p. 1–12 Hebrew Text with corrections (handwritten: Strugnell?)
- 2) ET 1983: 4QMMT English Translation (1983), p. 1–13 (translation of CT 1983)
- 3) CT 1990: The Composite Text (1990) with handwritten notes
- 4) Notes 1983: Notes on the reconstruction of 4QMMT, p. 1–20 dated Aug. 26, 1983, with appendix: Additional Notes on MSS^{ctf}, p. 21–22
- 5) Additional Notes 1983: Additional notes on 4QMMT MSS^{a-f}, 1 page, dated Jerusalem, August 26, 1983
- 6) Further Notes 1985: Some Further Notes on 4QMMT, p. 1–9, dated Jerusalem, September 5, 1985
- 7) Considerations 1985: Some Considerations on the Structure of 4QMMT, p. 10, dated Jerusalem, September 5, 1985
- 8) Remarks 1990: Remarks to that version of the “Composite Text” of 4QMMT, which is included here (i.e. CT 1990), p. 1–12, dated Jerusalem, August 4, 1990
- 9) Loose sheets:
 - a) “4QMMT: Columns” (September 3, 1985)

- b) "4QMMT: Distances of line incipits of Ms b frg. 1,1-12 from line incipits in Ms a fr. 1,1-II" (September 3, 1985)
- c) "MMT^a (Problem: gehören Kalenderfrg. zur Hss?)", undated (from 2005)
- d) Other: Reconstructions of d IV or V, 7-18; e fr. 2, I; d III or IV Z. 5-12; d fr. 23, (undated from 2005)

Photos, Editions and Concordances: see Bibliography

Col. i

Manuscripts: 4Q394 3–7 i 1–19 (= i 2–20); 4Q395 1 1–10

	[ooo]	01
A19	[ooo] שבת [על] וְאָחֵר [ה]שְׁבִיבַת	02
A20	[נו]ף וְשִׁלְמָה וְהַשְׁנָה וְשְׁלוֹשׁ סָאָת וְשִׁשִּׁים וְאַרְבַּעַה	03
A21	וְיֹס vacat	04
B01	[ooo] אלה מקצת דבריננו לשהם מ	05
B02	[ooo] מהמעשים שא אגהנו למם על	06
B03	[ooo] וטהרת הרגה אגהנו דגהגויס	07
B04	[ooo] ומגיעים בה אגתלם ומט	08
B05	[ooo] מדגן הגים לבוא למקיש	09
B06	[ooo] שהם מבשלים בכלי אה	10
B07	[ooo] בשר זבחייהם ומ אים בעזרה	11
B08	[ooo] במרק זבחם ועל זב אה הגויס	12
B09	[ooo] אל אהי אשא אהי אבמי שזנת אליו	13
B10	[ooo] השלמים א שמניחם א אותה מיום ליום ואף	14
B11	[ooo] שהמנהגה נאכלת על החלבים והבשר ביום זבחהם	15
B12	[ooo] הכוהנים אראו להזהר בדבר הזה בשל שלוא יהיו	16
B13	[ooo] מסיאיים את העם עון sp ואף על טהרת פרת החטאת	17
B14	[ooo] השוחט אותה והסורף אותה והאוסף את אפרה והמזה את	18
B15	[ooo] החטאת sp לכול אלה להעריבן השמש להיות טהורים	19
B16	[ooo] בשל שא יהיה הטהר מזה על הטמה כי לבני	20

07^a CT 1983 and 1990 note: “Erasure before הַר, perhaps וט” and “Damaged surface, perhaps intentionally ... After ה, surface lost”; see DJD 10, 9 on l. 6 and 47 n. 1; QIMRON 2013. The notes of CT 1983 are discussing several possibilities: וטהה or וטהרת (dittography) corrected to החט or החט-החט. QIMRON / STRUGNELL 1994 (in the following DJD 10), 9 notes: “after he ... no further reading is possible”; PUECH 2015 על ויצהר.

07^b Whether the additional fragments in the middle of the column in l. 7–12 (marked with |) belong in this place of the ms is questionable.

08^a STEGEMANN / STRUGNELL 1988 [ונגיע].

08^b CT 1983 [ש]; PUECH 2015 את.

08^c PUECH 2015 תהים[תבואו].

09^a or לביא.

10^a CT 1983 [ת].

11^{a–a} Reading and placement of fragments uncertain.

12^{a–a} Reading and placement of fragments uncertain; other possible readings: זכר, זכו; see QIMRON 1994, 9 on l. 11 and 150 n. 81; PUECH 2015 זכו.

A Calendar

i (A20–21; B01–16)

¹[...] ²[...] is a Shabbath. In a[ddi]tion, after [the] Sha[bbath...] ³[is ad]ded, and the year is complete: three-hundred and si[xty-four] ⁴days. *vacat*

B Halakhah

⁵These are some of our words [...], which/which they [...] ⁶[the] works, which w[e ... they al] concerning [...] ⁷and the purity of [...]

[...] the grain of the [gentiles ...] ⁸and they let to[u]ch it their[...] and de[file ...] ⁹from the grain [of the gen]tiles [...] to come/to be brought into the sanctuary [...].

[And concerning] the sacrifice [...], ¹⁰which they are cooking [...] in a vessel [...] in it [...] ¹¹the flesh of their sacrifices and [...] in the Temple cou[rt ?] ...] it [...] ¹²with the broth of their sacrifice.

And concerning the sacrifice of the gentiles (?) [...] they are sacrificing ¹³to the [...] which is [...]like whoring with him (?) [...]

[And concerning ...] the sacrifice ¹⁴of the well[-being] which they are leaving from one day to another, and further [...] ¹⁵that the cereal[-offering is to be e]aten with the fat and the flesh on the day they are sacri[fic]ing it. For the sons of] ¹⁶the pries[ts] should take care concerning this matter so that [they are] not ¹⁷going to bur[d]en the people with iniquity. *spatium*

And furthermore, concerning the purity of the (red) cow of the purification offering: ¹⁸the one who is slaughtering it, the one who is burning it, the one who is gathering its ashes, and the one who is sprinkling the [water of] ¹⁹the purification offering – *spatium* – for all of these the sun must have s[e]t to become pure ²⁰so that the pure is sprinkling the impure. For the sons

¹³a-a PUECH 2015 שא [ד]הי.

¹³b-b Reading and placement uncertain; CT 1983 and 1990 offer different readings: מושכת [or מושבת; see DJD 10, 9 on l. 12, and 47 on B9; QIMRON 2013; PUECH 2015 ב.מי שונת אליון אף].

¹⁴a-a Placement of this word on a single fragment is possible but not certain; CT 1983 notes: “Found also in (added: separate) frag. with a מ (of מושכת) above it; but there is no context to prove whether it really belongs here”; an additional note corrects the reading of the line above and hints to the connection with the ץ below; PUECH 2015 confirms the placement.

¹⁶a-a 4Q395 1 7 ראו לה[ני]הר, thus PUECH 2015, 117 also for 4Q394.

¹⁷a Supralinear in 4Q395 1 8.

¹⁸a PUECH 2015 את.

¹⁹a Dots above and below ץ signal the missing word spacing between the last two words of this line.

Col. ii

Manuscripts: 4Q394 3–7 ii 1–4, 13–19 (ii 14–20); 4Q395 1 11–12; 4Q397 3 1–5; gap 05–12: 4Q397 1–2/4Q398 1–3(?); l. 18: 4Q313 1(?)

B17	[אהרן] ראואי ^a [להיות] מִי ^b []	01
B18	[] עֲזָרָה [רָבוּ] הַבְּקָרָה ^a []	02
B19	[] יָהֵם [כִּלְיָהּ] []	03
B20	[] למקד[ש] []	04
	[]	05
	[]	06
B21	[] וּאָף עַל עֲזָרוֹת ^a []	07
B22	[] וּמִן עֲזָרוֹתֵיהֶם יָדוּת כְּלִים עוֹר [נבלת]	08
B23	[] הַטְּהוּרָה הַנוּשָׂא ^a [אֶן] תְּהִי [נבלת] יָנֵשׁ לְטְהוּרַת הַקּוֹדֵשׁ ^b []	09
B24	[] וּאָף עַל הַעַתְּ שֶׁהִמְחֵה ^a []	10
	[]	11
	[]	12
B25	[] כִּי לְבַנְיָא ^a []	13
B26	[] הַבְּזוֹתֵיהֶם רְאוּיָהּ [להש] מְרָ | בְּכֹל הַדְּבָרִים []	14
B27	[] מְשִׁיאִים אֶת הָעַם עוֹזֵן | [ וע] לֵ שֶׁא כְּתוּב ^b []	15
B28	[] מִחוּץ לְמַחֲנֵה שׁוֹרָה | וְכַשׁ בַּעֲזוֹתָיָם • [צִפּוֹרָה] הַמַּחֲנֵה []	16
B29	[] וְאִנְהוֹנוּ חוֹשְׁבִים שֶׁהִמְקִדְשׁ [ ] | [ ו] רְיוּשְׁלֵיהֶם []	17
B30	[] מַחֲנֵה הַיָּא ^a [וחוצה] לְמַחֲנֵה [ ] | הוּא ^b מַחֲנֵה []	18
B31	[] יָהֵם חוּץ מִמְּחֲנֵה [חנה] ^a [ ] | הַחֲטָאֵת [ו] מִזְעִיאִים אֶת דְּשֵׁא []	19
B32	[] מְזוּבַח וְשׁוֹרָה ^a [ ] | הוּא הַמְּקוֹם אֲשֶׁר []	20

01^a 4Q395 1 ראוי.

01^b CT 1983 "or" (cf. 4Q395 1 10).

02^{a-a} Reading uncertain; for הַבְּקָרָה QIMRON 2013 points to PAM 40.964. CT 1983 combines 4Q394 ii 1–2 with 4Q397 1 and says: "A frag. of d which may belong here reads: ... (4Q397 1)". CT 1990, DJD 10 and QIMRON 2013 combine 4Q394 3–7 ii 1–2 with 4Q395 1 11–12 and place 4Q397 1–2 + 4Q398 1–3 (B21–24) in the gap between 4Q394 3–7 ii 1–4 (B17–20) and 13–20 (B25–32). Stegemann in his unpublished "Remarks" to the version of CT 1990 discusses the two possibilities and favours the first option; PUECH 2015 follows Qimron with a few differing readings. The placement of this passage (B21–24) in ms 4Q394 is fortuitously.

07^a PUECH 2015 עורין[ת].

08^{a-a} PUECH 2015 מה[רות] וּמִן עוֹרֵיהֶם [ה].

09^a 4Q398 1–3 1 הַנוּשָׂא.

09^b PUECH 2015 ש[קוד].

10^{a-a} PUECH 2015 4Q397 1–2 4 + 4Q398 1–3 [על ...] הַחֲטָאֵת שֶׁהִמְחֵה [ה].

ii (B17–32)

¹of Aaron should be [...] ²[...]

[And furthermore, concerning] the hides of the cattle [...] ³their [...] vessels [...] ⁴[to bring] them to the sanctuar[y ...]

⁵⁻⁶[...] ⁷[Further, concerning the hides ... ⁸from their hides handles of a (vessel) ...

(And further, concerning) the hide of the carcass ⁹of the pure (animal): the one who is picking its carcass (must not) approach the purity (of the holy) ...

¹⁰And furthermore, concerning ... that they ...] ¹¹⁻¹²[...]

¹³[... For the sons] ¹⁴of the pri[es]ts should [take ca]r[r]e concerning all [these] matters [so that they are not going to] ¹⁵burden the people with iniquity.

[And con]cerning that it is written: [If a man slaughters in the camp ¹⁶or slaughters] outside the camp a bull, a lamb, or a goat for [... in the n]orth of the camp. ¹⁷And we hold that the sanctuary [is the Tent of the Meeting and that Je]rusale[m] ¹⁸is the camp, and what is outside the camp [...] this is the camp ¹⁹of their ci[t]ies outside the ca[mp ...] [the puri]fication offering and they are taking out the ashes ²⁰of [the] altar and bu[r]ning ... For Jerusalem] it is the place which

13^a PUECH 2015, 112 discovers some traces of ink on the top of 3Q394 3b and proposes *waw/yod/he* and *mem*.

15^{a-a} 4Q394 3b 2 and 6 2 om. in 4Q397 according to the reconstruction of PUECH 2015, 112f. who speculates about a secondary addition above the line (his l. 3a). 4Q397 may have had a shorter text here; see DJD 10,48f. n. 7–7.

15^b CT 1983 “Rather ברים”.

16^a PUECH 2015 reads in 4Q394 6 3 א]ם 3 ס

16^b QIMRON 2013 now reads א•• and proposes as an alternative reconstruction א]מ[ג].

18^{a-a} 4Q397 3 3 מתנה א]הי or – according to CT 1983 and 1990 – מתנה א]הי; 4Q313 1 (DJD 36) מתנה א]הי וחונ]צה

18^b Or א]היא.

19^a CT 1983] ר [; CT 1990]] או ו [; CT 1983]] או [; PUECH 2015 א]לה

20^a CT 1983 א]שור] or א]שור] ו]שוא]

Col. iii

Manuscripts: 4Q394 8 iii 1–15 (= iii 6–20); 4Q396 1–2 i 1–6 and ii 1–2;
 4Q397 3 5–6; 4 1–2; 5 1–6; 27 (4Q396//4Q397)

B33	[בחר בו • מְכֹל • שְׁבִי • ישראל •]	01
B34	[• • • • • תָּ • • • • •]	02
	[• • • • •]	03
B35	[• • • • • איִם • שוחטים •]	04
B35-36	[• • • • • חוֹשִׁים • אֲנַחְנוּ •]	05
B36	[• • • • •] ^a • [• • • • • אחד • ביום • הולד • את •]	06
B37	[• • • • • הולד • את •]	07
B38	[• • • • • אֲ • כן • i • הדבר • כתוב •]	08
B38-39	[• • • • • ועל • העמוני • זי • והמואבי •]	09
B39-40	[• • • • • וְהַמְזוֹר • וְפָצוּעַ • וְכֵרֶת • וְהַדְכָה • וְכִרְוֹת • הַשְׁפַּכְתָּ • שֶׁהֵם • בְּאִים •]	10
B40	[• • • • •]	11
B40-41	[• • • • • אחת • עצם •] ^a	12a
B42	[• • • • • טמאות • ואף • חושבים • אנחנו •]	12
B43	[• • • • • לְבוֹ • אֲ • עליהם •]	13
B44	[• • • • • וְאִין • לְהַתְלִיכָם • וְ]	14
B45	[• • • • • להביאים •] ^a	15
B46	[• • • • • מקצת •]	16
B47	[• • • • • מתוכים •]	17
B48	[• • • • • מְכֹל • תְּעֵרֹובַת • הַגְּבֵר •]	18
B49	[• • • • • וְהַיּוֹת • יִרְאִים • מֵהַמְקַדֵּשׁ • וְאִף • עַל • הַסּוּמִי •]	19
B50	[• • • • • אֲשֵׁינָם • רֹאִים • לְהַזְהֵר • מִכָּל • תְּעֵרֹובַת •]	20

02^a PUECH 2015 finds in 4Q397 3 6].ש.ה.

06^a Qimron identifies this trace of ink in 4Q394 8 iii 1 (= iii 06) with the basis of ב in ביום אחר but this is impossible for material reasons (length of lines in 4Q396).

08^a CT 1983 [והדבר 1983].

11^a Again, 4Q397 5 1–2 must have had a shorter text than 4Q394 8 iii 10–11, according to the reconstruction of PUECH 2015, 112; *ibid.* 114 he places frag. 4Q398 6 1–2 in his reconstruction of 4Q397 3–5, i.e. in our edition l. 06 ([היא]ם) and 07 ([שאיא]כל).

12^{a-a} Here we have to consider an additional line or a shorter text in 4Q394 compared to 4Q397 5 2–3.

12^b 4Q397 5 2 [להי]תם, CT 1983 [לעשו]תם.

14^a 4Q397 5 4 [להתיכמה].

15^a PUECH 2015 reads in 4Q394 8 iii 15 [להבי]אם.

16^a PUECH 2015 reads in 4Q397 5 5 [שמ]קצת.

20^{a-a} 4Q397 27 [ש]א[י]נמה רואים (TIGCHELAAR 2020).

iii (B33–50)

¹[He has chosen] from all trib[es of Israel ...]

²⁻⁴[...] ⁴they are [not] slaughtering ⁵in the sanctuary [... w]e ho[ld] that one must not slaughter ⁶the mother and the offspring on the same day [...]

⁷[And concerning] the eating [w]e hold that one may eat the offspring ⁸[...] thus it is, and the matter is written ⁹in regard to the pregnant animal. [*vacat?*]

[And concerning the Ammoni]tes and the Moabites ¹⁰and the *manzer* and the one who [has crushed testicles and the one] whose penis is [cu]t who are entering the assembly ¹¹[...] they are taking [wives] ^{12a}[to beco]me one bone ¹²[...] impurities. And indeed, we hold ¹³[... to com]e together with them [...] ¹⁴[...] and one [must n]ot let join them and make them ¹⁵[... to en]ter ¹⁶[... so]me of the people ¹⁷[... are joi]ning ¹⁸[...] from all [s]exual intermixture ¹⁹[...] to be in awe of the sanctuary [...]

[And furthermore, con]cerning the bl[i]nd ²⁰[...] who cannot see so that he is not beware of all intermix[tures]: the intermixture

Col. iv

Manuscripts: 4Q394 8 iv 1–16 (= iv 1–16); 4Q396 1–2 ii 2–11 and iii 1–10;
4Q397 6–13 1–9; 26 (4Q396//4Q397); 1. 12–13: 4Q313 2(?)

B51	<i>vacat</i> אִינִם • רואים	01
B52	<u>וְאֵל • עַל • הַחַרְשִׁים • שְׁלוֹא • שְׁמַעוּ • חֹק • וּמִשְׁפָּט • וְטַהֲרָה • וְלֹא</u>	02
B53	<u>שְׁמַעוּ • מִשְׁפָּטִי • יִשְׂרָאֵל • כִּי • שְׁלוֹא • רָאָה • וְלֹא • שְׁמַעְ • לֹא</u>	03
B54	<u>יִדְעַ • לַעֲשׂוֹת • וְהִמָּה • בְּאֵינִם • אֶלְטַהֲרָתְ • הַמְקַדֵּשׁ</u> <i>vacat</i>	04
B55	<u>וְאֵל • עַל • הַמוֹצְקוֹת • אֲנַחְנוּ • אֹמְרִים • שְׁהִם • שֶׁאִין • בְּהֵם</u>	05
B56	<u>טַהֲרָה • וְאֵל • הַמוֹצְקוֹת • אִינִם • מִבְּדִילוֹת • בֵּין • הַטְּמֵא</u>	06
B57	<u>לְטַהֲרָה • כִּי • לַחַת • הַמוֹצְקוֹת • וְהַמְקַבֵּל • מִהֵמָּה • כֹּהֵם</u>	07
B58	<u>לַחַת • אַחַת • וְאֵין • לְהַבִּיֵא • לְמַחֲנֵי • הַקְּדֹשִׁים • כְּלָבִים • שְׁהֵם</u>	08
B59	<u>אֲכָלִים • מִקְצַת • עֲצָמוֹת • הַמְּדַשׁ • וְהַבְּשָׂר • עֲלֵיהֶם • כִּי</u>	09
B60	<u>יְרוּשָׁלַיִם • הִיא • מַחֲנֵה • הַקְּדֹשִׁים • הִיא • הַמְּקוֹם</u>	10
B61	<u>שְׁבַחַר • בּוֹ • מְכָלֵה • שְׁבִטָּה • יִשְׂרָאֵל • כִּי • יְרוּשָׁלַיִם • הִיא • רֹאשׁ</u>	11
B62	<u>מִן־הַנְּזוֹתִים • יִשְׂרָאֵל • וְאֵל • עַל • מִטְעַתְ • עֲצֵי • הַמֵּאֲכָלִין • הַנְּטָע</u>	12
B63	<u>בְּאַרְץ • יִשְׂרָאֵל • כִּרְאשִׁית • הוּא • לְכוּה־נִים • וּמַעֲשֵׂר • הַבְּקָר</u>	13
B64	<u>וְהַצֵּן • לְכוּה־נִים • הוּא • וְאֵל • עַל • הַצְּרוּעִים • אֲנַחְנוּ</u>	14

02^{a-a} PUECH 2015 places here his new frag. 26 which was formerly combined with 4Q397 6–13 7–8 and placed in line 16 and 18 (B66 and 69), see DJD 10, 27.54 (fragment is missing on Plate V); QIMRON 2013, 209. Line 1 of this fragment according to Qimron reads שִׁילַח [בְּכַסּוֹ] (4Q397 6–13 7–8 B66), according to Puech ומִשְׁפָּט שְׁפָט [חֹק].

04^{a-a} Frag. 26 2 according to PUECH 2015 reads הַמְקַדֵּשׁ [לְטַהֲרָה], but see Qimron in DJD 10, 27 and QIMRON 2013 who places the fragment in 4Q397 6–13 8 (B68) and reads טַהֲרָה [הַמְקַדֵּשׁ].

05^a Qimron in DJD 10 and QIMRON 2013 identifies the trace of ink at the end of the line in 4Q396 1–2 ii 6 as the second *waw* in הַמוֹצְקוֹת.

07^a QIMRON 2013 reads in 4Q397 6 לְטַהֲרָה.

08^a CT 1983 להִיא.

08^b PUECH 2015 למַחֲנֵה.

08^c QIMRON 2013 and PUECH 2015 read in 4Q397 6 הַקְּדֹשִׁים; QIMRON 2013 reads in 4Q396 1–2 ii 9 וְדַשׁ [הַקְּדֹשִׁים] at the end of the line (in green), which, as far as I can see, is not preserved.

09^a QIMRON 2013 and PUECH 2015 read in 4Q397 8 עֲצָמוֹת.

09^b QIMRON 2013 reads in 4Q397 7 עֲלֵיהֶם.

10^a PUECH 2015 reads in 4Q397 6 3 הִיא.

10^b 4Q397 6–13 3 הַקְּדֹשִׁים.

10^c DJD 10, 12. 26, QIMRON 2013 and PUECH 2015 read in 4Q394 8 iv 10 as in 4Q397 6 3 וְהִיא or הִיא respectively, CT 1983 and 1990 just היא; in 4Q394 there are no traces of a ו, in 4Q397 it seems to be the case.

iv (B51–70)

¹of the [re]paration offering they cannot see. *vacat*

²And furthermore, concerning the deaf who have not heard the statute, the precept and the purity (rules): they have not ³heard the precepts of Israel. For the one who does not see and does not hear ⁴does not know how to practice (the law); and yet they are coming to the purity of the sanctuary (i.e. the sacred food). *vacat*

⁵And furthermore, concerning the (liquid) streams, we say of them that in them there is no ⁶[p]urity. And indeed, the (liquid) streams do not separate between impure ⁷and pure. For the liquid of the streams and of what receives from them (i.e. the vessels) are alike, ⁸one and the same liquid.

And one must not let dogs enter the holy camp for they ⁹are eating some of the [b]ones of the sanctua[ry and] the flesh which is on them. For ¹⁰Jerusalem is the holy camp and it is the place ¹¹which He has chosen from all tribes of Israel. For Jerusalem is the head ¹²of the camps of Israel.

And furthermore, concerning the planting of fruit trees which is planted ¹³in the land of Israel: Like the first fruits it belongs to the priests, and (like?) the tithe of the cattle ¹⁴and the sheep it belongs to the priests.

^{11a} DJD 10, 26 and 53 n. 2 and PUECH 2015 find in 4Q397 8 2 the orthographic variant מכול (cf. 4Q397 3 5).

^{11b} PUECH 2015 reads in 4Q397 8 2 ש[ב]טי 2 זאָר.

^{11c} 4Q397 6 4 זאָר הַיָּאָהּ which points to a different word order. CT 1983 notes: “d היאה at [transposed to] the end of the clause (before זאָר); its text must have read: ירושלים ראש כי [ירושלים] ראש ישראל היאה.” The beginning of the sentence is on frag. 7 2 See DJD 10, 53 n. 3–3; QIMRON 2013, and PUECH 2015.

^{12a} Reading uncertain, CT 1983 offers as alternative readings שביט or שבטי.

^{12b-b} 4Q313 (DJD 36) [ו]אף המטעת[ן].

^{13a-a} 4Q313 (DJD 36) [ו]אף המטעת[ן] א[ת] כְּרֵאשִׁית הַזֶּה 3 וְאֵת זֶה 3 וְאֵת זֶה 3 וְאֵת זֶה 3.

B65	[אזמרים ◦ שלוא ◦ יבואו ^a ◦ בעם ◦ טהרת ^b ◦ הקו]דש ◦ כי ◦ בדרך	15
B66	[יהי ^a ◦ ואף ◦ כתוב ◦ שמעת ^b ◦ שיג ^c ◦ לח ◦]וכבס ^c ◦ ישב מחוץ	16
B67	[ימים ◦ ועתה ◦ בהיות ◦ טמאתם ◦ עמהם]	17
B68	[הצ ◦ עם ◦ אטהרת ◦ הקודש ^a ◦ לבית ◦ ואתם ◦ יודעים]	18
B69	[הביא ^b ◦ ונעלה ^a ◦ ממנו ◦ להביא ^b]	19
B70	[חטאת ◦ ועל ^a ◦ כתוב ◦ שהואה ◦ בזה ^b ◦ ומגדף]	20

15^a PUECH 2015 reads in 4Q397 9 (traces of ink on the right top) יבואו].

15^{b-c} 4Q396 1-2 iii 5 טהרת ◦ לט-עם ◦ טהרת. For the deleted characters CT 1983 suggests the beginning of the word לטהרת; see DJD 10, 55 n. 1-1.

16^a QIMRON 2013, 208 on B66 reads rests of יד in 4Q397 6-13 6-7 with reference to the ד in 4Q397 18 i ("lost column") but it is not clear to me how this fits here.

16^b Corrected in 4Q396 1-2 iii 6 שבועת ◦.

16^{c-c} DJD 10, 27 reads in 4Q397 6-13 7 (B66) ה]כבס שיגל]ח ה]בכס, slightly different QIMRON 2013 (ויכ]בס); he finds this in a small fragment which is not presented on Plate V but seems to be identical with the small fragment numbered by PUECH 2015 as 4Q397 26 and placed elsewhere, see above 02^a and the following note.

18^{a-a} DJD 10, 27 and QIMRON 2013 read ש[קוד]ש טהרת in 4Q397 6-13 8 (B68), in QIMRON 2013 with reference to a small fragment on PAM 42.717 (B-284130); it is identical with frag. 26 numbered by PUECH 2015, see above 02^a and 04^a. Whether this fragment belongs here is uncertain and depends on the reading and assignment of the traces of the first line of this fragment; another option would be iv 15 (B65) or – with PUECH 2015 – iv 02 and 04 (B52 and 54).

And furthermore, concerning the lepers we ¹⁵sa[y that] they must [not] come in touch with the purity of the holy (i.e. the sacred food), but they should be set apart ¹⁶[...]. [And] indeed, it is written that from the time that he shaves and launders, he should [d]well outside ¹⁷[of his tent seven d]ays. But now, whilst their impurity still adheres to them, ¹⁸[the lepers are coming in touch w]ith the purity of the holy (i.e. the holy food) at home.

And you know ¹⁹[that the one who does not practice the ordinance inadvertently] and it escapes him, he is to bring ²⁰a purification offering.

And concer[ning the one who acts with intent it is writ]ten that he is a despiser and blasphemer.

¹⁹ In 4Q396 1-2 iii 9 CT 1983 reads *לֹא יִנָּע לָהּ*, the reading above comes from the notes.

¹⁹ CT 1983 reads in 4Q396 1-2 iii 9 *לֹא יִנָּע לָהּ* and offers as an alternative reading *לֹא יִנָּע לָהּ*; a marginal note hints to the space before the final ה or ה and suggest the beginning of the following word in the following line: *לֹא יִנָּע לָהּ*; see DJD 10, 20 on l. 9; QIMRON 2013 on B69.

²⁰ In continuation of 4Q397 11-13 3 (= 6-13 9) PUECH 2015 reads in 4Q397 9 3 *הָעוֹשֶׂה* ב[יד רמה].

²⁰^b This reading of 4Q397 6-13 9 in DJD 10 and QIMRON 2013 seems to come from 4Q397 9 3; also PUECH 2015, 109 reads *בְּזוֹהַר* ב[זהו] in 4Q397, but does not tell us where it comes from, according to figure 4 on p. 110 it is not preserved in the fragments of 4Q397, frag. 9 3 he places a few words before, see above 20^a.

Col. v

Manuscripts: 4Q394 8 v 10–13 (= v 10–13); 4Q396 1–2 iii 11 and iv 1–11;
4Q397 6–13 10–15 (4Q396//4Q397)

B71	[ואף • בהיות • להמָה • טמאות • נגע ^a • אין • להאכילם • מהקודשים ^b]	01
B72-73	[עד • בוא • השמש • ביום • השמיני ^a • ועל • האדם ^b]	02
B73-74	[אנתנו ^a • אומרים • שכול • עצם • שהיא • ושלמה • כמשפּט ^b]	03
B74-75	[המת • או • החלל • הוא • ועל • הזונת ^a • הנעסה ^b • בתוך • העם ^c]	04
B75-76	[והמה • בני • קדש • משכתוב ^a • קודש • ישראל • ועל]	05
B76-77	[בהמה ^a • הטהורה • כתוב • שלוא • לרבעה ^b • כלאים • ועל • לבוש ^c]	06
B77-78	[יהיה • שעטנו • ושלוא • לזרוע • שדו • וכרמו]	07
B78-79	[כלאים • בגלל ^a • שהמה • קדושים • ובני • אהרון • בקדושי • קדושים ^b]	08
B80	[ואתם ^a • יודעים • שמקצת • הבהנים • וזעים • מתעריים •]	09
B81-82	[מ/תוככים ^a • ומטמאים • את • זרע • הקודש • ואף • את • זרעם • עם]	10
B82	[הזונות • כי • לבני • אהרון •]	11
	[]	12
	[]	13
	[]	14
	[]	15
	[]	16
	[]	17
	[]	18
	[]	19
	[]	20

01^a QIMRON 2013 suggests for 4Q397 11–13 4 the reading בנ[גע] as possible.

01^b PUECH 2015 identifies 3Q394 8 v 10 with הקודשים [ה].

02^a PUECH 2015 reads in 4Q397 6–11 10 השמיני [ה].

02^b PUECH 2015 identifies 3Q394 8 v 11 with אדם [ה].

03^a 4Q397 6–13 11 שאנתנו.

03^b PUECH 2015 identifies 3Q394 8 v 12 with משפט [ב].

04^a 4Q397 6–13 12 הזנות.

04^b PUECH 2015 reads in 4Q397 6–13 12 הנעסה.

04^c PUECH 2015 identifies 3Q394 8 v 13 with עם [ה].

v (B71–82)

¹[And as long as the im]purity of le[prosy adheres to th]e[m] one should not let them eat from the holy things (food) ²until sunset of the eighth day.

And concerning [... the corpse of] the human being we ³say that every bone which [...] or is whole is to be handled according the precept ⁴of the dead or the slain.

And concerning the whoring practiced in midst of the people: ⁵They are son[s of ...] the holy of as it is written: Holy is Israel.

And concerning ⁶the [pur]e anim[al] it is written that one must not let interbreed two different species.

And concerning clothing ⁷[that it must not] be of mixed materials and that one must not sow his field and his vine[yard] ⁸with two specie[s] because they (i.e. Israel) are holy and the sons of Aaron are m[ost holy].

⁹[And y]ou know that some of the priests and [of the people are intermixing] ¹⁰they are joining and defilin[g] the [hol]y seed, [and also] their own [seed] with ¹¹whoring. For [the sons of Aaron ...] ^{12–20}[...].

05^a 4Q397 6–13 12 נשכתוב.

06^a DJD 10 and QIMRON 2013 בה[מתו].

06^b 4Q397 6–13 13 להרביע[ה].

06^c DJD 10 and QIMRON 2013 לבוש[ו].

08^a PUECH 2015 reads in 4Q397 6–11 14 בגלל.

08^{b–b} For the expression QIMRON 2013 points to 4Q398 9 2 קד[ש] דשים.

09^a 4Q397 6–13 14 ואת[מה].

10^a 4Q394 8 v 10–13 should be placed here, but see above on l. 01–04 (PUECH 2015).

C Parenthesis

vi (C19–24)

¹⁻⁴[...]

⁵in the days of Solomon, the son of David, and also the curses [which] came in the days of ⁶[Jero]boam, the son of Nebat, and until the exile of Jerusalem and of Zedekiah, the king of ⁷Judah [that] He will bring them in [...]. And we are aware that already have come some ⁸of the blessings and the curses, as it is written in the b[ook of Mos]es. And this is the end ⁹of the days, when they will return in Israel to [the law? ...] And they will not turn ¹⁰back and the wicked will [act] wickedly (will [be treated] as wicked) and [...] and [...] Remember the ¹¹kings of Israe[l] and reflect on their deeds, whoever of them feared ¹²[... the Tor]ah he was rescued from troubles [and they are seekers of] the Torah

¹³⁻²⁰[...]

05^b For וָאֵרָא in 4Q398 11–13 1 DJD 10, 60 finds an overlap with 4Q397 14–21 16 (but differently DJD 10, 28) which I cannot find on the photos; see VON WEISSENBERG 2009, 64.

05^{c-c} The reading is uncertain. CT 1983 [ש]באו בו מימי; DJD 10, 36 and QIMRON / CHARLESWORTH 2006 [ש]באו בימי, QIMRON 2013 (with 4Q397 22) [ש]באו מימי; VON WEISSENBERG 2009, 53 and PUECH 2012 [ש]באו בימי. CT 1983 and 1990, followed by DJD 10, 61 n. 4 and 5, QIMRON / CHARLESWORTH 2006 (p. 226), QIMRON 2013 and PUECH 2015 present also the readings and orthographic variants from 4Q397 22 (here l. 1. 1 מימי) and combine the fragment with 4Q398 11–13 2–4 (C19–21). However, the placement of this fragment is uncertain; CT is cautious: “if the frag. belongs here”; the editions take it for granted. See VON WEISSENBERG 2009, 65.

07^a CT 1983 and 1990 and the editions mentioned in 05^{c-c} note as variant [ו] שׂיבוא or [ו] שׂיבוא (PUECH 2015) from 4Q397 22 2 “if the frag. belongs here”.

08^{a-a} DJD 10 and QIMRON 2013, and PUECH 2012 correlate with 4Q397 22 3 חוה] מוש[ה חוה]ה, PUECH 2015 reads against 4Q398 here חוה]ה.

09^a QIMRON 2013 reads in 4Q398 11–13 4 [ב]ישר[אל].

10^{a-a} PUECH 2012 reads here [ו]הצניק[ים ייראו].

12^a QIMRON 2013 reconstructs התוהוה משפטי with reference to Ps 119:120.

12^{b-b} Thus DJD 10, 36 and CT 1990, PUECH 2012 and 2015, or מצרותיהם (thus CT 1983, see DJD 10, 37.60–61 n. 8–8); QIMRON 2013 מצרותיהם.

12^c CT 1983 [שי]א, DJD 10, 36.60 מב[ק]שי, PUECH 2012 and 2015 מבקשי.

viii (C09–18, 25–32)

¹disloyalty or deceit or evil is to be found in our hands (i.e. in our deeds, with us), since for [these things ...] we ²are giving the [...]

We have [written] to you so that you may reflect on the book of Moses ³[and] the books of the [pro]phets and in Davi[d? ...] generation to generation. ⁴And in the book/letter is written [...] ⁵[... for] you and the former times [for] you. And also it is written (Deut 31:29) that you will [stray] from the pa[t]h and it will encounter you ⁶the evil. And it is written (Deut 30:1–3): And it shall happen, when [al]l these thing[s shall come]e on you ⁷at the end of the days, the blessing [and] the curse, [then you shall take] it to ⁸your [hea]rt, and you will turn back to Him with all your heart and with all [your] soul at the end

^{05^{a-a}} 4Q398 14–17 i 4 with an א following at the end of the line. CT reads ה[]ת[]מנוה[] and notes: “Missing in d (i.e. 4Q397), perhaps as a result of homoioteleuton”; here the fragment is counted as an individual line and is placed between הרעה וכתוב in 4Q397 14–21 12 and כיהי בכתוב ויהיא in 4Q398 14–17 i 5 (C12f.). DJD 10, 37.58 reads in 4Q398 14–17 i 4 •מי, different in 4Q397 and C12 on p. 27 and 58; VON WEISSENBERG 2009, 56 and 58 reads א •••ת[]מניו[]ת[]ל[]ך וקדמניו[]ת[]ל[]ך, and suggests with E. Tov a scribal sign in the א. Both DJD 10 and von Weissenberg place the text between ... כתוב in 4Q397 14–21 11//4Q398 14–17 i 3 (C11) and ש כתוב in 4Q397 14–21 12//4Q398 14–17 i 5 (C12). QIMRON 2013 reads •••ת[]מניו[]ת[]ל[]ך יקימנו ויחַרפּוּ [ו]אַף[]ך marking an overlap with 4Q397 for the reading וַאֲפָּיָה; but differently PUECH 2015, 105.

^{05^c} CT 1983 and 1990 ה[]ה[] or ה[]ה[]; DJD 10, 27 reads 4Q397 14–21 12 ה[]ה[], on pp. 58f. ה[] with n. 4: “There are traces of letters in both d and e, but we could not propose any suggested text which would account for all the traces”; QIMRON 2013 ה[]ה[], thus also PUECH 2015. See VON WEISSENBERG 2009, 63f.; DJD 10, 37 finds in 4Q398 14–17 i 4 traces of •מי, see above n. 5^a.

^{05^c} In 4Q397 probably ה[]ה[]ת[]מנוה[], CT 1983 [אותכה] וקרתה[]ה[]ת[]מנוה[].

^{06^a} Thus also PUECH 2012 in 4Q398 14–17 i 6, PUECH 2015 או[]א[]ת[]ה[]ת[]מנוה[].

^{07^a} 4Q398 ה[]ה[]ת[]מנוה[]ל[]ך קללא[]ה[]ת[]מנוה[].

^{07^b} Qimron 2013 ה[]ה[]ת[]מנוה[]ש[]ת[]ה[]ת[]מנוה[].

^{08^a} 4Q398 לבבך[]ה[]ת[]מנוה[].

^{08^b} Thus also PUECH 2012 in 4Q398 14–17 i 7, PUECH 2015 י[]ת[]מנוה[]א[]ת[]ה[]ת[]מנוה[].

C16-17	[ן ן ן ן ן ן ח ן ן ן א ן ב ס פ ר ן מ ו ש ם ן ו ב ן ס פ ר י ן ה נ ב י א י ן ש י ב ו א ו]	09
C17-18	[ן ן ן ן ן ן ן ן ן ן ן ן ן ן ש ן ב ן י ו ת ן ש ן ן ן ן ן ן ן ן ן ן ן ן ן ן ש ל ן]	10
C25	[ן ן ן א ן ע ן ו ת ן ז כ ו ר ן א ת ן ד ן ו ן ד ן ש ה י א ן א י ש ן ח ס ד י ן]	11
C25-26	[ו א ן ן א ן ה י א ן נ ע ל ן מ צ ר ו ת ן ר ב ו ת ן ו נ ס ל ו ח ן ל ו ן ו א ן]	12
C26-27	[א א נ ח נ ו ן כ ת ב נ ן א ל י ן ן מ ק צ ת ן מ ע ש י ן ה ת ו ר ה ן ש ח ש ב נ ו]	13
C27-28	[ל ט ו ב ן ל ן ן ו ל ע מ ד ן ש ר א י נ ן ב ן ע מ ד ן ע ר מ ן ן ו מ ד ע ן ת ו ר ה ן ה ב ו]	14
C28-29	[ב כ ל ן א ל ה ן י ב ק ש ן מ ל פ נ ן ש י ת ק ן ן א ת ן ע צ ת ן ן ו ה ר ח י ק]	15
C29-30	[מ מ ד ן מ ח ש ב ת א ר ע ה ן ו ע צ ת ן ב ל י ע ל ן ב ש ל ן ש ת ש מ ח ן ב א ח ר י ת]	16
C30-31	[ה ע ת ן ב מ צ א ן מ ק צ ת ן ד ב ר י נ ן כ ן ן ו נ ח ש ב ה ן ל ן ן ל צ ד ק ה]	17
C31-32	[ב ע ש ת ן ד ן ה י ש ר ן ו ה ט ו ב ן ל פ נ ן ל ט ו ב ן ל ן ן ו ל י ש ר א ל]	18
	[blank lines]	19
	[blank lines]	20

09^{a-a} VON WEISSENBERG 2009, 56 and 59 proposes the reading of]פר מן [in 4Q398 14–17 i 8, which might suggest an overlap between 4Q397 14–21 15 (frag. 21) and 4Q398 14–17 i 8. However, this seems to be impossible on material reasons, see VON WEISSENBERG 2009, 66f. Others are postulating other overlaps, trying to justify their material reconstruction concerning the order of 4Q398 14–17 i and ii and 4Q398 11–13 respectively: Qimron in DJD 10, QIMRON / CHARLESWORTH 2006 and QIMRON 2013 combines the rests of 4Q397 14–21 15f. (frag. 14, 20, and 21) with 4Q398 14–17 i 8(-9) and 4Q398 11–13 1, and reads – according to the composite text (which is not exactly identical with the transcription of the individual fragments both in DJD 10 and QIMRON / CHARLESWORTH 2006) – as follows (QIMRON 2013 C16–18, according to 4Q398, 4Q397):

• [באחרית] וח [] • כתוב בספר מושה ובספרי הנביאים שיבואו ברכות שלום הברכות ש]באן]ו ב •
[] • [בימי שלומה]

Or (according to 4Q397, 4Q398):

• באחרית] וח • כתוב בספר מושה ובספרי הנביאים שיבואו ברכות שלום הברכות ש]באן]ו ב •
[] • [בימי שלומה]

PUECH 2012 and 2015, in contrary, combines 4Q397 14–21 15f with the transition from 4Q398 14–17 i 8(-9) to ii 1 and in PUECH 2015, 105 reads as follows (according to 4Q397, 4Q398):

באחרית הימים וכתוב בספר מושה ובספרי הנביאים שיבואו הברכות בעת שלום ובאחרית הימים
עונות]ישאן החסידים נשואן עונות זכור את דוד ...

In PUECH 2012, 2–4 the reading of 4Q398 14–17 i 8 + ii 1 is a bit different (4Q397):

[באחרית הימים]ושבנו ש]בספר מושה כ]תוב יבואו הברכות בעת שלום ובאחרית הימים עונות ישאן
החסידים נשואן עונות זכור [את] דוד ...

Both combinations are highly speculative and do not proof the reconstruction and order of the fragments.

⁹[of the days ... in the book of] Moses and in the boo[k of the prophet]s that they will come ¹⁰[...] ¹¹[... forgiv]en sins. Remember David who was a man of the pious ones, ¹²[and] he, too, [was r]escued from many troubles and was forgiven.

And also ¹³we have written to you some of the works of the Torah which we think ¹⁴are good for you and for your people. For we have seen with you wisdom and knowledge of the Torah. Reflect ¹⁵on all these things and seek from Him that he strengthen your counsel and keep far ¹⁶from you the plans of evil and the counsel of Belial, so that you may rejoice at the end ¹⁷of the time, finding that some of our words are in order. And it shall be reckoned to you as righteousness, ¹⁸when you do what is right and good in His eyes, for the good of you and of Israel.

10^a Both QIMRON 2013 and PUECH 2015 in frag. 4Q397 14 5 (= 4Q397 14–21 15 or C17) read שלן]ת, Qimron proposes the reading של]ום with reference to Shirof 'Olat ha-Shabbat, PUECH 2015 reconstructs של]ום בעת]ת של]ום.

10^{b-b} Qimron in DJD 10 and QIMRON 2013 suggests [הבר]כת]ת ש[בא]נות for frag. 4Q397 21 3 (= 4Q397 14–21 14) + 4Q398 14–17 i 8(-9) or C18; PUECH 2015, 104f. reads [י]שאו]ן ע[נ]ות [י]שאו]ן in combination with the transition from 4Q398 14–17 i 8(f.) to ii 1; see n. 09^{a-a} and for the different reconstruction of 4Q398 11–13 1 see above on vi 05.

11^a Thus CT 1990 but the reading is uncertain. CT 1980 reads [ן], DJD 10, 37 and QIMRON 2013 בא]י (with reference to Ps 32:1), VON WEISSENBURG 2009, 56 [ן].

12^a 4Q399 i 9 מצול]. This reading is also possible for 4Q398 14–17 ii 2, especially if CT 1983 and 1990 is correct and there is a supralinear ו before the ל in 4Q397; see DJD 10, 38 on l. 2.

13^{a-a} 4Q399 i 10 כתב]נו אנחנו

14^a om. 4Q399 i 11.

14^b PUECH 2012 and 2015 reads in 4Q398 14–17 ii 3 שדבקנו for שראיע in 4Q399 i 11.

14^{c-c} 4Q397 25 ע]מכ ערמ]ה

15^a CT 1983 and 1990 mentions the possibility of a supralinear ו before the ל in 4Q398 14–17 ii 4 and points to l. 2 ([נ]צל) and 8 (לישראל); see the discussion in DJD 10, 38 on l. 4.

15^{b-b} 4Q397 25 מל]פניו 4Q399 i 1 מלפניו

15^c CT 1983 and 1990 notes an orthographical variant in 4Q397 22 עצת]כה, which presupposes that the fragment is to be placed here. See DJD 10, 62 C29–30.

16^a 4Q398 14–17 ii 2 מחשב]ות 4Q397 25 (TIGCHELAAR 2014) and 4Q399 ii 2 מחשבת

16^b 4Q399 ii 2 רע and om. ועצת בליעל

16^c 4Q397 28 (TIGCHELAAR 2020) ש]תשמח joined with 4Q397 23 שת]ן, followed by באחר]ית in 4Q397 25.

17^{a-a} 4Q399 ii 3 מדברינו

17^b 4Q397 28 מקצ]ת joined with 4Q397 23 מקצ]

18^a DJD 10, 40 and QIMRON 2013 read in 4Q399 ii 4 בע]שותך

18^b om. 4Q399 ii 4.

18^c 4Q399 ii 4 לפניו

C. Essays

Material Construction and Palaeographic Dating of 4QMMT: The Evidence of the Manuscripts

Eibert Tigchelaar

In the official edition of MMT in the *Discoveries in the Judean Desert* series (DJD 10) the editors constructed a composite text of MMT based on the evidence of the various manuscripts, and presented a palaeographic dating of the manuscripts, arguing that all of them were written from the second half of the first century BCE onwards to the early first century CE. It should be emphasized that we only have fragments of manuscripts. No title or heading has been preserved, and the name MMT is a scholarly label. We do not know the exact extent of the text as it was preserved in the various manuscripts, and whether differences between manuscripts reflect various editions of the work, or, simply, different texts copied on one scroll. We therefore do not even know whether other manuscripts may be associated with MMT.

Since we do not have one single manuscript which preserves a version of MMT from beginning to end, editions have to construct a text by arranging the preserved textual material and taking into account the material artefactual evidence. The textual arrangement is facilitated by the fact that many fragments from the different manuscripts have partially overlapping text, thus allowing one to sequence many of the textual fragments. Material evidence takes into account the script of the fragments, the plausible or calculated height of columns of a manuscript, and corresponding damage patterns in multiple fragments of one manuscript. In the construction of a composite text like MMT, textual and material analysis are complementary.

Palaeographical examination of the 4QMMT manuscripts is of importance because the MMT has no internal dating, and scholars disagree on its historical setting or date of composition.¹ The palaeographical dating of the oldest manuscripts may serve as a *terminus ad quem* for its composition. Palaeographical comparison of the script of fragments suggests that in two cases (4Q394 1–2 and 3–10; 4Q398 1–10; 11–17) fragments of two manuscripts have incorrectly been merged into one manuscript. And pos-

¹ See for details John J. Collins in this volume, p. 174–177.

sibly, the characterization of the style of writing of the manuscripts may help one to assess the function of individual manuscripts.

1. Material construction in the Qimron / Strugnell edition

The construction of the composite text of the official edition by Qimron and Strugnell is based on a such combination of material and textual constructions which have led to the arrangement and numbering of the fragments and the transcription and construction of the composite text. The two editors did not fully agree on all respects. In the 1994 edition, the composite text reflects Qimron's interpretations on two major disputed issues, while in Appendix 3 Strugnell explains his disagreement.² Qimron's interpretation of the two calendrical fragments which originally were numbered 4Q327 as actually belonging to 4Q394 was questioned by Strugnell, and has been rejected on material and palaeographic grounds as incorrect by virtually all subsequent scholars,³ though Qimron held on to his identification.⁴ Nonetheless, 4Q394 did have a calendrical section before the laws, which raises the question whether a calendrical section was part of the composition, part of the 4Q394 literary version of the work, or simply another text copied on this scroll 4Q394.

The second issue is more complex. In the official edition Strugnell described the disagreement between the editors on the textual and material placement of 4Q398 11–13 (vi 5–12 [C18–24]).⁵ Qimron placed this fragment in the composite text in between 4Q398 14–17 i (C9–16) and 14–17 ii (C25–32), and constructed a direct textual sequence from one fragment to another: from 4Q398 11–13 7 וְהֵם מְבַקְשֵׁי תוֹרָה *hm mb[q]šy twrh* to 4Q398 14–17 ii 1 וְנִשְׂוֹתָי עֲוֹנוֹת *[nšw]y 'wnwt* – “these were the seekers of the Torah || whose transgressions were [for]given”.⁶ Overall, Qimron's constructed text would move, apparently fluently, from a description of the eschatological time blessings and curses, to an admonition to consider how some of these blessings and curses have already been fulfilled in the days of earlier kings. However, Strugnell and Stegemann objected that materially

² QIMRON / STRUGNELL 1994, 203–206.

³ See the full discussion in this volume by Jonathan Ben-Dov, p. 110–112.

⁴ QIMRON 2013, 205.

⁵ QIMRON / STRUGNELL 1994, 205. One may note that in the Qimron / Strugnell edition, the sequence of the numbering of the fragments (11–13 resp. 14–17), and the placement of the fragments on the plates (11–13 on Pl. VII and 14–17 on Pl. VIII) are according to Strugnell's construction, while the textual sequence in the composite text reflects Qimron's point of view.

⁶ QIMRON / STRUGNELL 1994, 58–63; QIMRON 2013, 210f. For Qimron's construction of the scroll this means that 4Q398 would have had columns of 16 lines, with only one complete line missing between 4Q398 frags. 14–17 i (the top 8 lines of the column) and frags. 11–13 (the bottom seven lines of the column).

these fragments could not have been in the order proposed by Qimron, and that the disputed section 4Q398 11–13 (vi 5–12 [C18–24]) should rather be placed earlier in its manuscript,⁷ even if this would mean that the textual sequence becomes more complex.⁸ Materially, the two constructions require a different format of the papyrus scroll 4Q398, namely Qimron assuming a height twice as large as Strugnell.

2. Alternative material constructions relating to 4Q398 11–13

While the material evidence of 4Q398 might perhaps not be conclusive to choose for one or the other construction, already in the 1980s Stegemann worked on constructions of the MMT manuscripts, in particular 4Q397.⁹ Since 4Q397 has overlaps with most of 4Q398 14–17 i–ii, both constructions can be tested with respect to the resulting corresponding construction of 4Q397.

Based on the textual and material features of a constructed 4Q397,¹⁰ one can easily construct in 4Q397 Strugnell's sequence of the text of 4Q398 14–17 i+ii ending with a narrow column in 4Q397.¹¹ However, the alternative sequence of Qimron, 4Q398 14–17 i, 11–13, 14–17 ii, requires in a construction of 4Q397 a more artificial arrangement of the text in two subsequent narrow columns. One may therefore consider the Strugnell-Stegemann option with regard to the sequence of the 4Q398 fragments, adopted and

⁷ The notes of Strugnell in QIMRON / STRUGNELLS 1994, 28 indicate that in his construction the manuscript 4Q398 would have had columns of 9 or 10 lines, and 4Q398 11–13 would have been two columns to the right of 4Q398 14–17 i. The fragment numbers in this paragraph are somewhat confused, due to incomplete revision of an older draft. On p. 28, "frg. 1" refers to 4Q398 frags. 11–13, and "frg. 2" to 4Q398 frags. 14–17.

⁸ QIMRON / STRUGNELLS 1994, 205.

⁹ Cf. KRATZ 2006, 162 n. 35. Stegemann's construction of 4Q397 is reflected in two 1985 photographs which display the fragments in five columns. Cf. the IAA photographs 190453 and 190454. These were included in TOV / PFANN 1993 (= TOV 1993–1995), fiche no. 132 and are now also accessible at the Leon Levy DSS Digital Library images B–298642 and 298643. This construction was adopted by TIGCHELAAR 2014a, based on the transcription in TOV 2006.

¹⁰ For the construction of 4Q397 the following aspects are important: (1) frags. 3 and 6 were found in a wad, and hence belonged to two consecutive layers (PAM 41.762 for the tags which generally were used for fragments dissolved from a pile); (2) the first lines of those fragments correspond to ii 14 (B26) and iv 6 (B56), which gives some idea of the possible length of a column in 4Q397; in his construction of 4Q397 PUECH 2015 needs 19 lines of 4Q397 for these 30 lines of the Composite Text; (3) the conglomerate of 4Q397 frags. 14–21 stretches over 16 lines in a column, indicating this as minimum height of columns in 4Q397; PUECH 2015 takes 18 lines as the height; (4) the last column of 4Q397 with frags. 23 and 25 is half (or less) of the width of the other columns of 4Q397 (corresponding to the composite text MMT C28–32 [viii 14–18]). For 4Q397 frag. 25, see TIGCHELAAR 2014.

¹¹ PUECH 2015, even if some details might need to be revised.

elaborated by Puech, as materially much better fitting the 4Q397 evidence than the Qimron option.

Most recently, on the basis of all material evidence, Puech constructed a six-column scroll of the 4Q397 version of MMT.¹²

Stegemann 1985 photographs (see fn. 8) (followed by Tigchelaar 2014a)	Puech 2015	Puech cols. – MMT Composite text (edition of this volume)	4Q398
	Col. I Frags. 1–2	B1–24 (i 5–ii 10)	
Col. I Frags. 3–5	Col. II Frags. 3–5	B25–50 (ii 13–iii 20)	
Col. II Frags. 6–13	Col. III Frags. 6–13 + 26	B50–82 (iii 20–v 11)	
Col. III Frags. 22, 1–2	Col. IV Frag. 18 i + 22	[B82–?;] C18–24 (v 20–?; vi 5–12)	11–13
Col. IV Frags. 14–21 + 24	Col. V Frag. 14–21 ii	C1–17; 25–27 (vii 11–viii 14)	14–17 i + ii
Col. V Frag. 23	Col. VI Frags. 25+23	C28–32 (viii 14–18)	14–17 ii

Table 1: The columns of Puech’s reconstruction of 4Q397 related to other texts

As visible in figure 3 of Puech’s construction,¹³ this creates a problem in between sections B and C. If 4Q397 and 4Q398 had more or less the same text, then about ten lines of the text in between B82 (v 11) and the 4Q398 11–13 section have not been preserved in any of our manuscripts – unless any of the unplaced fragments would fit there.

The alternative construction which is followed in this volume suggests a more complex literary structure than assumed in the DJD composite text. For example, Kratz proposes that the earlier placement of the disputed 4Q398 fragment results in a different literary reading, with two parallel sections, announcing initially (in 4Q398 11–13) the curses for those who act wickedly and the blessings for the seekers of the Torah; in the subsequent sections first the wicked and the curses are elaborated upon, and then the fate of those who seek the Torah.

¹² While overall Puech’s material construction of 4Q397 is attractive, and may be accepted for the last columns, it takes insufficient account of the materiality of the fragments and the original scroll. For example, the horizontal distance between frags. 3 and 6 (as presented on figures 4 and 5) amounts to ca. 18 cm. This is incompatible with the evidence that frags. 3 and 6 derive from two consecutive layers of a relatively short scroll. Also the placement of frag. 3 in lines 3–8 and frag. 5 in lines 4–9 of their respective columns might need to be corrected.

¹³ PUECH 2015, 107.

3. Previous palaeographic analyses of the MMT manuscripts

In the official edition of MMT, John Strugnell discussed the palaeography of 4Q394, 4Q395, 4Q396, and 4Q399, and Ada Yardeni the script of 4Q397 and 4Q398.¹⁴ They provided descriptions of individual letters of those manuscripts (except of 4Q399), characterized the script and style of the manuscripts, and dated the hands of those manuscripts in accordance to the typology developed by Frank Moore Cross.¹⁵ The index volume to the *Discoveries in the Judaean Desert* series, converted these typological labels to exact dates.¹⁶ More recently, in his study of 4Q397, Puech presented his own dating of those manuscripts, which tends to be slightly earlier than that of Strugnell and Yardeni.¹⁷ These different data can be conveniently presented in one table:

	Strugnell and Yardeni (in Strugnell / Qimron 1994)		DJD 39	Puech (2015)
	Script/style	Period	date	date
4Q394 3–10	“vulgar semiformal”	early Herodian	30–1 BCE	2nd half 1 c. BCE
4Q395	formal “strange mixture”	Herodian	30–1 BCE	2nd quarter 1 c. BCE
4Q396	“vulgar semiformal”	early or mid Herodian	30 BCE–30 CE	turn of the era
4Q397	“round semiformal”	early Herodian	30 BCE–20 CE	2nd half 1 c. BCE
4Q398 11–17	“semi-cursive”	transition Hasmonean to Herodian	50–1 BCE	2nd quarter 1 c. BCE
4Q399	formal	mid Herodian	1–30 CE	turn of the era

Table 2: Palaeographic Dating of the MMT Manuscripts

Hitherto, the major tool for dating of the Dead Sea Scrolls has been Cross’s programmatic typology of the development of the Jewish scripts, which, however, lacks the precision which is claimed. The dates provided by the

¹⁴ QIMRON / STRUGNELL 1994.

¹⁵ F. M. CROSS, “The Development of the Jewish Scripts”, in: G. E. WRIGHT (ed.), *The Bible and the Ancient Near East: Essays in Honor of William Foxwell Albright* (Garden City 1961) 133–202 (reprinted with revisions in Id., *Leaves from an Epigrapher’s Notebook: Collected Papers in Hebrew and West Semitic Palaeography and Epigraphy* [Winona Lake 2003] 3–43).

¹⁶ B. WEBSTER, “Chronological Index of the Texts from the Judaean Desert”, in: Tov 2002, 351–446.

¹⁷ PUECH 2015, 99–100 n. 1.

mentioned scholars are therefore less accurate than proposed.¹⁸ Nonetheless, Puech's somewhat older datings, in the case of 4Q395 amounting to possibly half a century earlier than suggested by Strugnell, seem to be typologically warranted. Thus, 4Q395 should rather be qualified as middle to late Hasmonean, than as early Herodian. However, such typological characterizations cannot simply be transformed into exact chronological dates.

4. Palaeographical comments relating to individual manuscripts

4Q394 frags. 3–10

Strugnell's descriptions of the letters only apply to the samples of 4Q394 frags. 3–10. Palaeographical analysis shows that 4Q394 frags. 1–2 and 4Q394 frags. 3–10, though they share the same style, were written by two different hands, and there is no material ground for assuming these two groups of fragments belonged to one and the same manuscript.¹⁹ Strugnell stipulates that the script of 4Q394 is an early Herodian representative of the Herodian vulgar semiformal. Yet, he refers to many correspondences with late Hasmonean forms, and provides no reason why this hand should be early Herodian rather than late Hasmonaean. In fact, the unclear typological transition between late Hasmonean and early Herodian is one of the problems of Cross's typology. Puech's dating of the hand to the second half of the first century nicely fits Strugnell's description of the hand.

4Q395

The script of this small fragment is difficult to characterize, since – according to Cross's typology – some of the letters have typically Hasmonaean forms (for example the one-stroke *bet*) whereas others (e.g., *tet*) have features generally ascribed to later periods. Strugnell therefore tentatively

¹⁸ D. LONGACRE / E. TIGCHELAAR, "4.1.3.2.1 Hebrew and Aramaic Palaeography (Ancient)", in: A. LANGE (general editor), *Textual History of the Bible* (Leiden 2017) http://dx.doi.org/10.1163/2452-4107_thb_COM_225895.

¹⁹ In the re-edition of 4Q394 frags. 1–2 as a separate document, TALMON / BEN-DOV 2001, 160 refer to discernible differences between 4Q394 frags. 1–2 and 4Q394 frags. 3–10 in the execution of several letters such as *shin* and *ayin*. (The characterization of the script as "early Herodian semiformal" or "rustic" [159] is incorrect.) One should add the even more distinctive differences in the execution of *alef* and *bet*. The only two remaining samples of *alef* in 4Q394 frags. 1–2 have the simple inverted "V"-form with right arm of *alef*, against more complex forms in 4Q394 frags. 3–10, which even has thickening of all ends of strokes of *alef*. In 4Q394 frags. 1–2, *bet* has in most cases an angular or slightly rounded right bottom corner (*bet* in one move, with the basestroke penned from right to left); in 4Q394 frags. 3–10, the basestroke systematically extends to the right of downstroke, indicating a separate stroke, most likely written from left to right.

postulates “an Herodian scribe, who attempts to write in an archaising Hasmonean style, which he constructs by borrowing both from the formal and the semiformal hands”. However, the majority of letters is typologically not yet late Hasmonaean, and one should consider, with Puech, an earlier typological date.²⁰

4Q396

Strugnell referred to the hand of 4Q396 as a Herodian vulgar semiformal, but many letters of this manuscripts are attested in different forms, several of which are close to that of the so-called “rustic” or “round semiformal”, which indicates that Cross’s differentiation between various traditions and styles is rather artificial.

4Q397

In her description of 4Q397 in the official edition, Yardeni assigns the script to the group described by Cross as “round semiformal”. In a later article, she ascribed many of the manuscripts with a “round semiformal” script to one and the same proliferous scribe from Qumran.²¹ While Yardeni is probably correct in assigning multiple manuscripts to one and the same scribe, the diversity of the script of the manuscripts listed in her article is too large to accept her hypothesis at large, and one may distinguish several different scribes with a similar script.²²

4Q398 / 4Q398a

There are several indications that 4Q398 frags. 1–10 and 4Q398 frags. 11–17 may not belong together, and probably represent two separate 4QMMT manuscripts.²³ The script, though similar in style, differs both in size and in details of several letters, and 4Q398 frags. 1–10 should be reassigned to a separate manuscript 4Q398a.²⁴ Dating of the hand of 4Q398 has partially

²⁰ Strugnell’s final comment on the script of 4Q395 in QIMRON / STRUGNELL 1994, 14, on the idiosyncratic distinction between thin and thick strokes clearly does not pertain to 4Q395 but to 4Q398.

²¹ YARDENI 2007.

²² Thus, in spite of small differences, 4Q397, 4Q161, 4Q475, and 11Q18 are quite alike and might have been written by one and the same scribe, but many of the other manuscripts assigned by YARDENI 2007 to the same scribe display significant differences.

²³ The description of the script by YARDENI in QIMRON / STRUGNELL 1994 only pertains to 4Q398 frags. 11–17.

²⁴ VON WEISSENBERG 2009, 42 referred to the different forms of *lamed* and *alef*. Even more particular than the particular form of *lamed*, is its inner-word relation to the preceding and especially following letter. In 4Q398 frags. 11–17 *lamed* is in almost all cases written on or above the ceiling line, while the following letter is often written clearly lower than the ceiling line, sometimes below the upper arm of *lamed*. Note also that in *ayin*, the right stroke tends towards the horizontal in 4Q398 frags. 1–10 but is more upright in 4Q398 frags. 11–17.

been based on palaeographic comparison with the hands of two possibly datable texts, 4Q448 (Apocryphal Psalm and Prayer) and *CIIP* I 392 (Jason's tomb), with Yardeni giving in various publications different dates to those texts.²⁵ Puech also offered widely ranging dates, but most recently dated all three of them to ca. 50 BCE.²⁶

4Q399

The manuscript is written in a neat formal script from around the turn of the era. A scribal idiosyncrasy are the scribe's attempts to create a flush left margin by additional spacing before the last word of a line.

5. Preliminary palaeographical conclusions

Some of the manuscripts may have to be dated somewhat earlier than suggested in the *editio princeps*, namely towards the middle, or perhaps even to the second quarter of the 1st century BCE. This would mean that all MMT manuscripts would fall – typologically – within the range of 75/50 BCE to ca. 25 CE, which is the range for the vast majority of manuscripts from Qumran Cave 4. This earlier date can still be compatible with Collins's proposed interpretation of the work as deriving from the period of Hircanus II. However, digital palaeographic sequencing of manuscripts based on the results of new radiocarbon dating of scrolls manuscripts may challenge the typological dates.

Palaeographically, only two of the manuscripts (4Q397 and 4Q399) display scripts which are common among the scrolls, 4Q395 and 4Q398 display less common, but nonetheless skilled hands, but the irregular writing of 4Q394 and 4Q396 suggests either a different style of writing (in 4Q394), or less skilled writers. Strugnell also comments on "vulgarism" and other

²⁵ In QIMRON / STRUGNELL 1994, 29, YARDENI dated 4Q448 to "about the middle of the first century BCE", but E. ESHEL / H. ESHEL / A. YARDENI, "448 4QApocryphal Psalm and Prayer", in: E. ESHEL et al. (eds.), *Qumran Cave 4 VI: Poetical and Liturgical Texts, Part 1* (Oxford 1998) [403–425] 404f., believe that "4Q448 was copied during Jannaeus' lifetime" (hence before 76 BCE). For *CIIP* I 392, see YARDENI's date in H. M. COTTON et al. (eds.), *Corpus Inscriptionum Iudaeae/Palaestinae, Volume I: Jerusalem, Part 1: 1–704* (Berlin 2010) 415: "Herodian period, shortly before the destruction of the tomb" (i.e., 31 BCE), but A. YARDENI, *Textbook of Aramaic, Hebrew and Nabataean Documentary Texts from the Judaean Desert and Related Material*, vols. A–B (Jerusalem 2000) B.78 dates the inscription to the "late first century BCE" and 2000, A.224 to the "beginning of first century".

²⁶ É. PUECH, "La paléographie des manuscrits de la mer Morte", in: M. FIDANZIO (ed.), *The Caves of Qumran: Proceedings of the International Conference*, Lugano 2014. STDJ 118 (Leiden 2016) [96–105] 100 (and n. 25). Earlier, É. PUECH, "Inscriptions funéraires palestiniennes: tombeau de Jason et ossuaires", *Revue Biblique* 90 (1983) [481–533] 491 had dated the script to the first part of the first century BCE, though some letters could suggest second c. BCE date.

oddities in the orthography of 4Q394,²⁷ which strengthens the possibility that the manuscript was copied for personal purposes, perhaps with different texts collected in one scroll. The combination of a calendrical section with MMT in this scroll may therefore be scribal rather than authorial.

While the idiosyncratic script of 4Q394 and the less common hands of 4Q395 and 4Q398 in comparison to the majority of the scrolls, might suggest a different provenance, 4Q397 is written by a scribe who was responsible for various manuscripts found in the caves at Qumran.

²⁷ QIMRON / STRUGNELL 1994, 6.

The Language of 4QMMT

Noam Mizrahi

1. Background

Any sample of linguistic utterances can be analyzed from various vantage points. When dealing with ancient languages, though, we usually have access only to *written* documentation of the language, which allows for just a limited insight into the language system. Many aspects of the pronunciation, for instance, cannot be captured by any writing system, and in the absence of recorded oral speech, it is impossible to attain certainty regarding matters such as phonetics and prosody. This is true to modern languages, and even more so to textual corpora documenting ancient languages (including Hebrew), which consist mostly of literary texts, because their language is stylized to a lesser or greater degree, which means that it does not properly reflect the vernacular speech of the ancient authors. All languages exhibit much internal variation, which is often conditioned by social and cultural factors such as social class, gender, age group, professional occupation, religious denomination, etc. Furthermore, if the speech community is bilingual (or multilingual), then all the languages in contact will be mutually affected. The various outcomes of such factors of linguistic variation, however, are only partially discernible in literary corpora. In not a few cases, a literary language is a standardized variety that may be quite distinct from the spoken varieties. For instance, in medieval Europe, Ecclesiastical Latin was used for literary composition, whereas the vernacular Romance dialects had already developed further and further away from their parent language. At the same time, Ecclesiastical Latin does not exactly follow Classical Latin. Late authors were no longer native speakers of the older variety of this language, and hence could not have a full command all the intricacies of its lexicon, grammar and syntax. Features of their actual vernacular(s), therefore, were bound to interfere with the literary idiom they attempted to employ.

Similarly, for much of the Second Temple period – the late 6th century BCE through the late 1st century CE – literary works in Hebrew were produced in a language that is modelled after the idiom of scriptural literature, whose spiritual authority extended to its language as well. This mode of stylization is not just a matter of fanciful style but rather an expression of

an overarching cultural trend. Much of the Jewish literature of the Second Temple period revolves around scriptural models, with numerous works rewriting scriptural texts, interpreting its passages and relating in various ways to its figures and themes. By the late second Temple period, an ever-growing chronological gap was felt between the archaic language of scriptural books (which was based on Hebrew varieties of the monarchic age, i.e., prior to the early 6th century BCE) and the vernacular languages of Judea of the Hellenistic-Roman age. In addition, contemporary scribes were also bilingual speakers of Middle Aramaic, and some of them also spoke Hellenistic Greek.

All the Qumran scrolls were penned between the 3rd century BCE and the 1st century CE. Admittedly, some of them are merely late copies of much earlier compositions, including primarily books that we now know as part of the Hebrew Bible or the Christian Old Testament. But many other scrolls represent original compositions of the Hellenistic-Roman period. They are written in a highly stylized (or 'biblicized') idiom, but careful comparison with the language of older sources reveals that their historical background shines through them. Furthermore, even when copying older material, contemporary scribes often adapted their sources, updating their orthography and reformulating their language to fit into their own standards, thus allowing us an insight into their native language system.

By 'older sources' I refer especially to the scriptural books at the late authors' disposal, the language of which is known, by scholarly conventions, as 'Biblical Hebrew'. The term 'contemporary sources' refers to works composed in the late Second Temple period. While copies of some such works were also discovered outside Qumran (e.g., the two best-preserved copies of the Damascus Document were found in the Cairo Genizah), most of the sources were found among the Qumran scrolls, and their language is therefore called 'Qumran Hebrew'. To be sure, both Biblical and Qumran Hebrew are somewhat artificial designations. The Hebrew Bible includes texts written along a millennium, demonstrating accordingly significant diachronic (and synchronic) variation. Similarly, the Qumran scrolls are not all of the same kind. Some of them are considerably older than the archeological remains of the settlement at the nearby site of Qumran, and must have been imported from various other places. There is no reason to presuppose, therefore, that the language system(s) transpiring from the various documents would be unified. Nevertheless, the admittedly rough categories of Biblical and Qumran Hebrew are useful as a general guideline, as long as we keep in mind their internal diversity.

In assessing the language of ancient Hebrew literature, it is also useful to compare it to additional corpora, which represent younger varieties. For diachronic purposes, it is particularly useful to pay attention to rabbinic literature, which crystallized gradually at a later period (2nd-5th centuries

CE), i.e., the late Roman and early Byzantine age. Rabbinic Hebrew, too, exhibits internal diversity, depending partly on the literary-historical distinction between early, Tannaitic literature (e.g., the Mishnah) and late, Amoraic literature (e.g., the Palestinian and Babylonian Talmuds). The former, in particular, contains sources that relate—and may go back—to the Second Temple period. Rabbinic literature is also thematically pertinent for analyzing MMT, since both corpora deal extensively with the same (or closely related) issues of religious law and scriptural interpretation.

2. MMT

As mentioned above, the main challenge – from a historical-linguistic point of view – posed by Hebrew works of the Second Temple period is their literary stylization, which masks developments that have taken place in the vernacular language. In order to cope with this challenge, historical linguists pay particular attention to non-standard elements in the linguistic texture of such works, as they are more likely to capture the authors' vernacular. Here lies the special importance of work known as “Some Precepts of the Torah” or MMT (מקצת מעשי התורה), which is distinct among all the other Qumran scrolls in exhibiting a particularly interesting pattern of non-standard elements, unmatched by any other work of the Second Temple period.¹

The linguistic peculiarity of MMT is apparently related to its genre. Most of the other Qumran scrolls represent literary genres, such as narratives (often of the ‘reworked Bible’ type), religious poetry, collections of laws and regulations, exegetical explication of scriptural works, prayer books, etc. A few scrolls contain non-literary material, such as the calendrical rosters and astronomical catalogues. But MMT is the only *letter* found among the Qumran scrolls. In principle, letters can be just as formal and stylized as any other form of literary texts. Still, epistolary writing can also accommodate a less formal register, sometimes allowing even for the incorporation of colloquial expressions, as is the case in the Hebrew letters dated to the Bar-Kochva Revolt of 132–136 CE, which were also found in the Judean Desert (e.g., Mur 43).² MMT does not make use of patently in-

¹ The following discussion is heavily indebted to the exhaustive linguistic analysis included in the *editio princeps*: QIMRON / STRUGNELL 1994, especially chapters 3 (“The Language”) and 5 (“The Halakha”), both by Qimron. Perceptive readers will notice, though, that my view slightly differs from his with respects to several key points.

² It was indeed suggested that some syntactic and discursive features of MMT may well reflect a more colloquial register of the language, especially when compared with the more polished equivalents of Rabbinic Hebrew, which, in its received form, is a literary language (just like Biblical Hebrew), not a faithful record of a spoken vernacular. See MORAG 1996 (Hebrew).

formal register, but some of the linguistic features of this work can indeed be explained as matching relatively closely a vernacular form of the language, far more than any other work found in Qumran. If so, MMT is of much importance for our understanding of the kind of Hebrew that was current in late Second Temple Judea.³

3. Lexicon (including semantics and phraseology)

As far as the lexicon of MMT is concerned, it may be regarded as mediating between Biblical and Rabbinic Hebrew. In cases of lexical items that are carried over from Biblical, through Qumran, to Rabbinic Hebrew while changing their semantics along the way, MMT might lean towards the early or the late side. The preference for one item or another is often controlled by the affinity of the lexical item, or rather its particular sense, to an equivalent item in Aramaic. MMT's profile is more-or-less similar to that of Qumran Hebrew more generally, but occasionally it features items that are unique to it. Indeed, some of these are so exceptional that they hardly find a parallel in any other Hebrew source. Let us consider a few illustrative examples for these phenomena.

Many of the lexemes employed in MMT are inherited from Biblical Hebrew, and differ from the peculiar vocabulary of Rabbinic Hebrew, even in everyday words. For instance, the word for "tree" and "wood" is still עץ, whereas Rabbinic Hebrew replaces it with אילן, which is an Aramaic loanword. Similarly, the word for "sun" is still שמש and not חמה, which seems to be an internal innovation of Rabbinic Hebrew. Note, though, that שמש is also the word for "sun" in Aramaic; in this particular case, the language in contact may well have supported the retention of the inherited term.

Both עץ and שמש are typical of Qumran Hebrew in general, but MMT also employs some words that are not shared with any other Qumran scroll but rather resurface later in Rabbinic Hebrew. For instance, the word for "blind" in Biblical Hebrew is עורר, which is also well-recorded in Qumran Hebrew, but MMT prefers in its stead סוקה (whose root is borrowed from Aramaic), as in Rabbinic Hebrew. Such cases demonstrate that Rabbinic Hebrew, although crystallizing at a much later period, actually preserves features of Second Temple Hebrew. At the same time, they also demonstrate that some innovations of Second Temple period are not properly reflected in Qumran Hebrew, whereas MMT matches more closely the spoken language. In this respect, Aramaic loanwords are particularly inter-

³ Only a selection of examples can be discussed herewith, focusing on the aspects most pertinent for this kind of a general survey. For a systematic linguistic exposition of the various topics and examples see E. QIMRON, *A Grammar of the Hebrew of the Dead Sea Scrolls* (Jerusalem 2018). Cf. E.D. REYMOND, *Qumran Hebrew: An Overview of the Orthography, Phonology, and Morphology* (Atlanta 2014).

esting, because borrowings of basic vocabulary can be diagnostic of developments taking place in the vernacular as a result of intense contact (as opposed to *Kulturwörter*, which can be borrowed easily from one language to another even without a direct contact).

The linguistic background and even peculiarity of MMT are not limited to lexical items but rather extend to subtle modes of usage of inherited words. For instance, the abstract noun *הַיְהוּבָה* “love” usually takes the singular form in Biblical Hebrew. The plural form (denoting “acts of love”) is very rare in early biblical literature, but its distribution increases in post-exilic works (e.g., Isa 63:7; Ps 119:41; Neh 13:14), and it becomes very popular in Qumran and Rabbinic Hebrew. No wonder, then, that its sole occurrence in MMT takes the plural form.⁴ Sometimes, though, the similarity to older antecedents is only in grammatical form and not necessarily in semantic content. Biblical Hebrew lexicon includes the verb *צָק* “to pour, cast”. The internal passive of the causative verbal stem (Hu) is documented in both Biblical Hebrew (Zech 4:2; 2 Chr 4:3, both being feminine participles denoting a “metallic casting”) and Qumran Hebrew.⁵ MMT has the Hu participle, in the feminine, *מוֹצְקוֹת*, but this form is clearly used as a fixed, technical term, denoting “liquid streams”.⁶ The parallel term in Rabbinic Hebrew is a participle of another passive verbal stem (N), derived from the biform *צוּק*: *נִצְוֶק* (e.g., *m. Yad.* 4:7). MMT thus reflects here a usage that did not continue into later stages of the language.

There are also cases that seem to reflect apparently recent developments. For instance, Biblical Hebrew knows the adjective *לֶחֶם* “moist”, but MMT employs the feminine form *לְחָה* as a noun denoting “liquid”.⁷ This usage is otherwise known only from other legal texts found in Qumran,⁸ and it continues into Rabbinic Hebrew. Apparently, this is an internal innovation within Hebrew. But sometimes the imprint of Aramaic can be discerned. Biblical Hebrew has a verb *פָּרַשׁ* “to declare”, which is also found in Qumran Hebrew, whereas MMT employs the verb in the sense of “to separate” (*פָּרַשְׁנוּ מִרֹב הָעָם*),⁹ which is a calque of Aramaic usage.¹⁰ Tellingly, in this usage, the verb governs a prepositional phrase whose head is *מִן* “from”, as also found in Rabbinic Hebrew.

⁴ MMT viii 11 (4Q398 14–17 ii 1 [C25]).

⁵ 4Q375 1 i 9; 11QT^a 49:7.

⁶ MMT iv 5–7 (4Q394 8 iv 5–7 [B55–57]).

⁷ MMT iv 7–8 (4Q394 8 iv 7–8 [B57–58]).

⁸ 11QT^a 49:12; 4Q274 3 ii 5; 4Q277 1 ii 5.

⁹ MMT vii 19 (4Q397 14–21 7 [C7]).

¹⁰ Compare, e.g., Targum Onkelos for Lev 20:24. As noted in the critical edition included in this volume, it has been proposed to restore the line differently as *[וְהוּ]פָרַשְׁנוּ מִרֹב הָעָם*, “[and we were] set apart from the multitude of the na[tions]”, see BAR-ASHER SEGAL 2011. This reading too presupposes the same Aramaic sense of the verb.

MMT employs well-known words but sometimes embeds them in non-standard expressions and constructions, the like of which can be found in Rabbinic Hebrew. In such cases the lexicon is seemingly old, while the phraseology betrays a younger age of the language. For instance, the Pentateuch instructs how to prepare a special material for ritual purification, made from the ashes of a “red heifer” (Num 19). The latter may be referred to as either הפרה “the cow” (e.g., v. 5) or as חטאת “sin-offering” (v. 17). The biblical usage was apparently carried on into an early version of MMT, which employs the term חט[את] alone.¹¹ Tellingly, however, a later, superlinear correction produced the phrase פרת החטאת “the cow of the sin-offering”. The same phrase recurs in the overlapping text of another manuscript.¹² That this is no coincidence is indicated by the fact that Rabbinic Hebrew employs the phrase פרת חטאת as a fixed phrase denoting the red heifer (e.g., *m. Hul.* 5:3).

Finally, there are cases in which MMT features inherited lexemes but reshaped their grammatical form. For instance, a Pentateuchal passage refers to the male organ by the term שפכה (Deut 23:1–2, vocalized as שִׁפְכָה /šɪpkɑ/ in the Tiberian tradition, but as /šipkɑ/ in the Babylonian tradition). This form is also used in Rabbinic Hebrew when referring to the same passage or paraphrasing it. By contrast, MMT employs the form שפכה.¹³ Evidently, for MMT, this form takes a different nominal pattern compared to all other traditions of Hebrew.

The lexical, semantic and phraseological evidence shows that MMT is largely – but not wholly – similar to Biblical Hebrew on its surface appearance, but profoundly deviant as far as actual usage of the words is in question. Many of these deviations find parallels either in Aramaic or in Rabbinic Hebrew (or in both).¹⁴ This state of affair indicates that the continuation of Biblical Hebrew is at least partly due to the literary stylization, while the substrate vernacular languages are Aramaic and a variety of Hebrew much closer – but not identical – to Rabbinic Hebrew. MMT exhibits forms that have no continuation in Rabbinic Hebrew, as well forms completely unique to it. The inevitable conclusion is that the linguistic

¹¹ MMT i 17 (4Q395 1 8 [B13]).

¹² MMT i 17 (4Q394 3–7 i 16 [B13]). See further MMT i 7, note a.

¹³ MMT iii 10 (4Q396 1–2 i 5–6 || 4Q394 8 iii 9–11 [B39]). The form is seemingly identical to a variant reading recorded in some manuscripts of the Samaritan Pentateuch, but its reading tradition reads it as a plural form (*ašfikot*). Note that the grammatical explanation of this word was changed following the publication of MMT. See Z. BEN-HAYYIM, *The Literary and Oral Tradition of Hebrew and Aramaic amongst the Samaritans, V: The Language of the Pentateuch* (Jerusalem 1977) 205, § 4.2.1.4 (Hebrew) vs. id., *A Grammar of Samaritan Hebrew* (Jerusalem 2000) 290, § 4.3.14.

¹⁴ The crucial role of Aramaic in determining the lexicon of MMT was especially highlighted by KISTER 1999, esp. 355–359 (Hebrew). Cf. id., “Some Observations on Vocabulary and Style in the Dead Sea Scrolls”, in: T. MURAOKA / J. F. ELWOLDE (eds.), *Diggers at the Well*. STDJ 36 (Leiden 2000) 137–165, esp. 142–144.

background of MMT cannot be reduced to components known from other varieties of Hebrew. Rather, through MMT one also hears faint traces of an independent variety, which unsurprisingly shares many features with contemporary works, but also exhibits some peculiarities of its own.

4. Grammar

The morphological subsystems – i.e., the verbal, nominal and pronominal paradigms – of the language of MMT generally align more closely with those of Biblical rather than Rabbinic Hebrew, where the two varieties differ from one another. There are, however, some telltale details in which MMT exhibits forms that diverge from this rule.

4.1. Morphology

In the realm of verbal morphology, for instance, there is a distinct difference between Biblical and Rabbinic Hebrew with respect to the form of the infinitive. The construction of an infinitive preceded by the preposition לְ (originally with a dative or lative sense, corresponding to English “to”) is unbound in Biblical Hebrew, namely, the infinitive may be preceded by this or any other preposition, depending on the requirements of the context. In Rabbinic Hebrew, by contrast, this construction underwent grammaticalization. This means that the initial לְ was no longer considered by speakers as a preposition at all; rather, it was taken to be an inseparable part of the verbal form of the infinitive. In MMT, and Qumran Hebrew more generally, this development did not yet take place as sweepingly as it did in Rabbinic Hebrew, and infinitival forms can be freely attached or detached from any preposition, as is the case in Biblical Hebrew. Nevertheless, there are few scattered examples in which the לְ is inserted between the infinitive and another preceding preposition, and one such case occurs in MMT: וּמִלְבוֹא,¹⁵ as against the standard construction מִבּוֹא (e.g., 1 Sam 25:26; Isa 24:10). Importantly, the same development is recorded in Aramaic (e.g., Targum Jonathan for Isa 24:10 reads מִלְמִיעַל). Examples of this sort demonstrate that the process of grammaticalization of infinitive preceded by לְ had already begun in the vernacular language of the Second Temple period, most probably under Aramaic influence.

A more complicated picture emerges from the realm of pronominal morphology. Generally speaking, Hebrew has both short and long variants (allomorphs) of each of the independent pronouns (and also of most of the pronominal suffixes), but the distribution of the various biforms in individual varieties and traditions is very complex. Every variety or tradition

¹⁵ MMT vii 20 (4Q397 14–21 8 [C8]).

exhibits its own peculiar selection of either short or long allomorph for each individual slot of the pronominal paradigm, while sometimes preserving traces of the alternative form in some contexts.¹⁶ Generally speaking, Rabbinic Hebrew prefers the short forms, eliminating the long allomorphs that do exist (and sometime even predominate) in Biblical Hebrew. Qumran Hebrew, in contrast, has a predilection to the long allomorphs, far beyond the mixed usage that typifies Biblical Hebrew. But much inconsistency is found between different manuscripts and sometimes even within a single manuscript, so it remains unclear whether this is the result of orthographic or morphological fluctuation. Interestingly, no Aramaic influence seems to be discernible in this case.

MMT similarly presents a mixed picture. For instance, for the 1pl (“we”), one always finds the long allomorph אִנְחֵנו, as in Biblical Hebrew, and not the short allomorph אֲנֵנו as in Rabbinic Hebrew.¹⁷ No such unity, however, exists in the case of the 3m.pl (“they”), for which we find the short הֵם (preferred by both Biblical and Rabbinic Hebrew) alongside the long הֵמָּה (which is also found in Biblical Hebrew), with no apparent conditioning factor.¹⁸ For the 3m.sg (“he”) and 3f.sg (“she”), Qumran Hebrew in general and MMT in particular introduce a long allomorph that is otherwise unknown from either Biblical or Rabbinic Hebrew (or, indeed, from any other variety or tradition of Hebrew): הוּאָה (3m.sg, otherwise הוּא) and הִיאָה (3f.sg, otherwise הִיא), but again with no apparent consistency.¹⁹ It is possible that the short spellings should be taken as defective spellings

¹⁶ For an overview, see M. MORGENSTERN, “The System of Independent Pronouns in Qumran: The Question of the History of Hebrew in the Second Temple Period”, in: A. MAMAN / S. E. FASSBERG / Y. BREUER (eds.), *Sha’arei Lashon: Studies in Hebrew, Aramaic and Jewish Languages Presented to Moshe Bar-Asher* (Jerusalem 2008) 1:44–63 (Hebrew).

¹⁷ MMT ii 17 (4Q394 3–7 ii 16 [B29]); MMT iii 12 (4Q394 8 iii 12 [B42]); MMT iv 5 (4Q394 8 iv 5 [B55]); MMT iv 14 (4Q396 1–2 iii 4 [B64]); MMT v 3 (4Q396 1–2 iv 2 || 4Q397 6–13 11 [B73]); MMT viii 1 (4Q397 4 1; 14–21 9 [C9]); MMT vi 7 (4Q398 11–13 3 [C20]); MMT viii 13 (4Q398 14–17 ii 2 || 4Q399 1 i 10 [C26]). Note that the references here and below usually include only certain readings or safe restorations based on overlapping copies, thus excluding doubtful readings.

¹⁸ For הֵם see MMT i 5, 10 (4Q394 3–7 i 4, 9 [B1, 6]); MMT iv 5, 8 (4Q394 8 iv 5, 8 || 4Q396 1–2 ii 7, 10 [B55, 58]); MMT iii 10 (4Q396 1–2 i 5 [B39]); MMT vi 11–12 (4Q398 11–13 7 [C24]). For הֵמָּה see MMT iv 20 (4Q394 8 iv 4 || 4Q396 1–2 ii 5 [B54]); MMT v 5, 8 (4Q396 1–2 iv 4, 8 [B75, 79]). Thus, for both 4Q394 and 4Q396, the two forms alternate within one and the same manuscript.

¹⁹ For the 3m.sg: הוּאָה is found in MMT ii 18 (4Q394 3–7 ii 16 [B30]); MMT iv 13, 14 (4Q396 1–2 iii 3, 4 [B63, 64]); MMT v 4 (4Q396 1–2 iv 3 [B74]); MMT vi 8 (4Q398 11–13 4 [C21]), while הוּאָה is found in MMT iv 20 (4Q396 1–2 iii 10 || 4Q397 6–13 9 [B70]). For the 3f.sg: הִיאָה is found in MMT ii 18, 20 (4Q394 3–7 ii 17, 19 [B30, 32]), while הִיאָה is found in MMT vii 18 (4Q397 14–21 7 [C7]). In one case, the two forms appear consecutively in the very same manuscript: MMT iv 10 (4Q394 8 iv 10 [B60]). On another case, the two forms interchange between different manuscripts: MMT iv 11 (4Q394 8 iv 11 and 4Q396 1–2 iii 1 vs. 4Q397 6–13 4 [B61]). Perhaps not incidentally, both of these cases occur in the same passage of the literary work.

of the long allomorphs. Alternatively, the morphological fluctuation may be governed by a discursive variable that is yet to be discovered. Be that as it may, the variegated pronominal system indicates that the language of MMT is no longer identical to the model of Biblical Hebrew, nor is it a precursor of Rabbinic Hebrew. Even if one dismisses some forms as orthographic alternants, the underlying system cannot be identified with either preceding or subsequent variety. It is possible, therefore, that those grammatical mismatches reflect a vernacular substrate, unless one assumes that this is the result of intentional, excessive archaizing.²⁰

Importantly, there is some evidence to suggest that different manuscripts of MMT could reflect slightly different language varieties. One example again entails pronominal morphology. For the 2m.sg pronominal suffix, Biblical Hebrew knows both a short (/-/k/, without a final vowel, e.g., כִּי) and long (/-/kɔ/, with a final vowel, e.g., כִּיֹּ) variants. The *plene* orthography typical of Qumran Hebrew can mark the long form explicitly by a final *mater lectionis*, i.e., כִּיֹּה (a spelling which is also found occasionally in Biblical Hebrew). In fact, the preponderance of such *plene* spellings suggests that the long allomorph was generalized in Qumran Hebrew all across the board. In MMT, however, the evidence is equivocal, in a very specific way. Unlike the cases adduced above, the short and long spellings of this pronominal suffix do not interchange in one and the same copy of the work. Rather, their distribution is conditioned by the manuscript: 4Q398 and 4Q399 consistently employ only the short spelling כִּי,²¹ whereas 4Q397 is as consistent in employing only the long spelling כִּיֹּה.²² This is particularly clear in passages for which 4Q397 and 4Q398 overlap.²³

Now, the long spelling is morphologically explicit, as it can only mark the long allomorph; the short spelling, by contrast, is morphologically ambiguous, because it may either mark the short allomorph or be taken as a defective spelling of the long allomorph. On the face of it, it is difficult to reach a decision. Nevertheless, some circumstantial evidence may tip the balance in favor of the former option, namely, that this is a reflection of a true morphological variation.

We should bear in mind that, from a scribal point of view, the short spelling is indicative of a conservative orthography, whereas the long spelling was applied consistently only in late Second Temple times. It

²⁰ S. E. FASSBERG, "The Preference for Lengthened Forms in Qumran Hebrew", *Meghillot* 1 (2003) 227–240 (Hebrew).

²¹ MMT viii 13–14 (4Q398 14–17 ii 2, 3 || 4Q399 1 i 10, 11 [C26, 27]). Cf. MMT viii 5, 6 (4Q398 14–17 i 5, 6 [C12, 14]); MMT viii 15–16 (4Q398 14–17 ii 3–5 (3x) [C28–29]). See further below, n. 14.

²² MMT viii 2 (4Q397 14–21 10 [C10]); MMT viii 15 (4Q397 23 1 [C29]). See further below, n. 14.

²³ MMT viii 8 (4Q397 14–21 14 || 4Q398 14–17 i 7 [C15]). Cf. MMT viii 5 (4Q397 14–21 12 || 4Q398 14–17 i 4 [C12]), but see note c in the critical edition *ad loc.*

is worthwhile to investigate, therefore, whether 4Q398 and 4Q399 exhibit comparable conservatism with regard to other orthographical categories. 4Q399 is represented by only a single fragment, but whatever is preserved of it is consistent with a conservative approach to the orthography, whereas 4Q398 freely employs innovative spellings. For instance, twice 4Q399 employs the historical spelling מלפניו, whereas 4Q398 prefers the phonetic spelling מלפנו.²⁴ Furthermore, 4Q398 exhibits orthographical fluctuation even within the same immediate context. For instance, it alternates the graphemes ה and א for representing the feminine marker /-ā/: והקללא והברכה, “the blessing and the curse”.²⁵ Contrast the canonical spellings of these words in the Masoretic version of the Pentateuchal proof-text of this passage: הַבְּרָכָה וְהַקְּלָלָה (Deut 30:1). The most reasonable conclusion is that 4Q399 follows a conservative orthography that does not allow us to decide whether the spelling ך represents the short or long allomorph, whereas the preference of 4Q398 for a facilitating orthography makes it highly likely that the very same spelling, in this particular manuscript, represents only the short allomorph.

Thus, 4Q397 and 4Q398 were produced by different scribes whose vernacular varieties of Hebrew differed grammatically, at least with respect to this particular detail of pronominal morphology. This conclusion is important, as it demonstrates the Qumran Hebrew in general and even the language of MMT in particular do not represent a single or completely unified language system. Rather, they allow us a glimpse into the linguistic variation that characterized Hebrew speech communities in the late Second Temple period.

4.2. Phonology

Phonological developments that might have taken place in the vernacular underlying the language of MMT are not easy to identify. Although MMT – like Qumran Hebrew more generally – employs a spelling system that is less conservative than that of the Masoretic tradition of Biblical Hebrew, favoring a more explicit marking of the vowels, its orthography is still relatively close to the historical system inherited from earlier Hebrew scribal traditions, thereby concealing many differences vis-à-vis older varieties of the language. This is, actually, a very common trait of many writing systems, especially in literate societies that invest linguistic conservatism with cultural prestige. It is mostly non-standard spellings that capture forms closer to the vernacular. Compare the English word whose standard spelling is *night*: the grapheme *gh* reflects a historical middle consonant (cf. German *Nacht*), which is no longer pronounced by modern

²⁴ MMT viii 15, 18 (4Q399 ii 1, 4 || 4Q398 14–17 ii 4, 7 [C28, 31]).

²⁵ MMT viii 7 (4Q398 14–17 i 6–7 [C14–15]).

speakers; the contemporary pronunciation [nait] is more closely reflected in the non-standard and informal spelling *nite*. From a normative point of view, non-standard spellings of this sort might be treated as “mistakes” or “vulgarisms” by the scribal elite, but as a matter of fact they bring linguists closer to the actual pronunciation of the words in question at the time they were committed to writing.

MMT supplies us with a number of non-standard spellings that are phonetically informative. Admittedly, they are relatively rare and randomly distributed, but if they match corroborative evidence from other contemporary sources, they may well be taken as reflecting vernacular developments. For example, the inherited inventory of phonemes of Hebrew, as that of most of the classical Semitic languages, included a series of so-called guttural consonants, including the glottal stop (/ʔ/, marked by א) and fricative (/ħ/, ה), and the pharyngeal stop (/ʕ/, ע) and fricative (/ħ/, ח). Many sources that have their roots in the Second Temple period testify to a growing weakening in the pronunciation of these consonants, i.e., their partial or complete loss (some have speculated that this is due, at least to some extent, to contact with Greek, which did not include such sounds in its phonemic system).

A sound change in this regard seems to be reflected in only one or two non-standard spellings that occur in MMT. The clearest example concerns the numeral “sixteen”. In Hebrew, the numerals signifying 11–19 take the form of a construct phrase denoting “X+10”, i.e., the first noun marks the digit, while the second noun refers to the ten. The canonical form of “16” is thus עָשָׁר עָשָׂר /šiššā-ʕāsār/. But the calendar preceding MMT in at least one manuscript spells this numeral אַשַׁר²⁶, suggesting that the historical pharyngeal stop /ʕ/ was lost in speech, merging with its glottal counterpart /ʔ/. This particular spelling is solitary, but Qumran Hebrew does furnish us with other cases for the replacement of the grapheme ע with א, e.g., וְאֵתָהּ for וְעֵתָהּ “and now”.²⁷ It stands to reason, therefore, that this single, non-standard spelling indicates that the articulatory distinction between the glottal and pharyngeal stops was lost, at least in this specific phonetic environment, in the scribe’s vernacular language.

At the same time, this example also illustrates some of the difficulties inherent in the attempt to extract phonological information from solitary spellings. The calendar (Part A of MMT) differs so markedly from the rest of MMT, that it may not be part of the original composition but rather a secondary insertion into the work.²⁸ In such a case, it needs not be taken as a testimony to the language of MMT but rather of the original source

²⁶ 4Q394 1–2 iv 3 [A]

²⁷ 4Q223–224 2 v 24, cf. Jub 40:4; 1QIsa^a for Isa 5:5; 28:22.

²⁸ See the Introduction to this volume, p. 19, as well as the contribution of Jonathan Ben-Dov, p. 112–116.

from which the calendar was taken. Even if we grant that the calendar is original, this feature might be attributed to a particular scribe, namely, the one responsible for the specific copy of 4Q394, rather than to the author of MMT. And even if we do ascribe it to the original author, it is impossible to know how general this phenomenon might have been in his vernacular. Did the sound change affect the pharyngeal stop everywhere, or did it apply to only very limited circumstances? Was it part of a global weakening of all the gutturals, or was it restricted only to the pharyngeal consonants, or even only to the pharyngeal stop? In this respect, comparing MMT to the other Qumran scrolls may be methodologically misleading, because each scroll presents its own pattern of treatments of the various gutturals, and could theoretically reflect a slightly different variety of the language. Thus, while non-standard spellings evidently hold precious information about phonological developments in the vernacular, they can only reveal bits and pieces of the underlying language system, not the full picture.

5. Syntax

As we have seen, with respect to both the lexicon and grammar, the language of MMT is by and large modeled after Biblical Hebrew. Admittedly, closer inspection reveals numerous interferences from the substrate languages: a contemporary variety of Middle Aramaic on the one hand, and a variety of Hebrew that shared many features with the later crystallization of Rabbinic Hebrew. Nonetheless, the ‘biblical’ impression is maintained, as in much of Qumran Hebrew, because older lexicon and morphology are relatively easy to mimic (though never with full success). By contrast, syntactic rules are much more difficult to emulate, because they are abstract constructions, not concrete, observable forms. No wonder, then, that it is in the realm of syntax that the language of MMT exhibits the most striking differences vis-à-vis Biblical Hebrew. Interestingly, in some of its distinctive syntactic traits, MMT also differs from Rabbinic Hebrew, often in reflecting a typologically earlier stage.

For example, the most salient and widespread syntactical peculiarity of MMT is its extensive employment of the particle ש as both a relative pronoun and multipurpose subordinator.²⁹ Although it is sporadically recorded in Biblical Hebrew, almost exclusively in the late literature, the canonical relative pronoun there is אשר , which grammaticalized as a marker of relative clauses, extending to some other kinds of subordinate

²⁹ An orthographic testimony of the predominance of this particle in the linguistic consciousness of the ancient scribes is the fact that it may be written as an independent graphic word, spelled ש (probably indicating that it was pronounced /ša/). See MMT i 6, 13, 20 (4Q394 3–7 i 5, 12, 19 [B2, 9, 16]); MMT ii 15 (4Q394 3–7 ii 14 [B27]). Cf. MMT iii 7 (4Q396 1–2 i 3 [B37]). This spelling recurs only in some sources of Rabbinic Hebrew.

clauses. In Rabbinic Hebrew, however, the inherited **אשר** was practically supplanted by **ש**. Moreover, Rabbinic Hebrew is far more prone than Biblical Hebrew for hypotaxis; while Biblical Hebrew usually prefers connecting clauses by way of coordination, Rabbinic Hebrew rather prefers subordinate constructions, which encode more complex logical and discursive relations between the clauses.

As usual, Qumran Hebrew generally follows the model of Biblical Hebrew, though the perceptive eye would notice that despite its clinging to the inherited particle **אשר**, it tends much more towards subordination than Biblical Hebrew does. MMT is patently exceptional, however, in its virtually exclusive employment of **ש** rather than **אשר**,³⁰ and in extending its usage to a whole range of functions and contexts in which Biblical Hebrew would not have used **אשר** at all.³¹

Take, for instance, the construction “he thought X to be Y”. In Biblical Hebrew, the transitive verb **חשב** “to think” requires that X is encoded as the direct object, whereas Y is introduced by the preposition **ל**, hence: **וַיִּרְאֶה וַיִּחְשְׁבֶהָ לְזוֹנָה כִּי כִסְתָהּ פָּנֶיהָ**, “Judah saw her (i.e., Tamar), and he thought her to be a prostitute, for she had covered her face” (Gen 38:15), or with a reverse constituent-order: **וַיִּחְשַׁב לְחֶבֶן בְּרִזָּל לְעֵץ רִקְבוֹן וַיְחַוֶּשֶׂה**, “It counts iron as straw, and bronze as rotten wood” (Job 41:19 [NRSV v. 27]). In contradistinction, MMT encodes this construction differently, representing X by a content clause introduced with **ש** as in the following example: **וְאִנְחָנו חוֹשְׁבִים** **שֶׁהַמִּקְדָּשׁ [מִשְׁכַּן אוֹהֵל מוֹעֵד הוּא] וִירוּשָׁלַיִם מַחֲנֵה הֵיא** [is the (Pentateuchal) Tabernacle, the Tent of Meeting], and Jerusalem is the (Pentateuchal) camp”.³² Similarly, MMT employs **ש** for a variety of other construction that would not necessarily require the marking of a relative or subordinate clause in Biblical Hebrew; this is manifested, among other things, with the employment of **ש** for marking content clauses following verbs such as **אמר** “say” and **הכיר** “know”.³³

³⁰ The only occurrence of **אשר** in MMT is in a phrase that clearly alludes to a particular scriptural formulation, namely, the Deuteronomistic formula referring to the chosen city (MMT ii 20–iii 1): **מְכֹל שְׁבֵטֵי יִשְׂרָאֵל**: [בְּחַר בּוֹ] הֵיא הַמְּקוֹם אֲשֶׁר [בְּחַר בּוֹ] מִכֹּל שְׁבֵטֵי יִשְׂרָאֵל, “[Jerusalem] is the place that [He had chosen] from among all the tri[bes of Israel]” (4Q394 3–7 ii 19 || 4Q397 3 5 [B32]). Compare Deut 12:5; 1 Kgs 8:16; 11:32; 14:21. Note, though, that **ש** overtook even this formula in another passage of MMT that alludes to it (MMT iv 10–11): **יְרוּשָׁלַיִם הֵיא מַחֲנֵה יִשְׂרָאֵל הַקֹּדֶשׁ וְהֵיא הַמְּקוֹם שֶׁבַח בּוֹ מְכֹל שְׁבֵטֵי יִשְׂרָאֵל הַתּוֹרָה הֵיא הַמְּקוֹם שֶׁבַח בּוֹ מִכֹּל שְׁבֵטֵי יִשְׂרָאֵל**, “Jerusalem is the holy camp, and it is the place that He had chosen from among all the tribes of Israel” (4Q394 8 iv 10–11 || 4Q396 1–2 ii 11–iii 1 || 4Q397 6–13 3–4 [B61]).

³¹ Cf. M. Z. KADDARI, “§ε- Clauses in MMT”, *Lešonenu* 63.3–4 (2001) 203–207 (Hebrew).

³² MMT ii 17–18 (4Q394 3–7 ii 16–17 [B29–30]).

³³ Cf. T. ZEWI, “Content Clauses in the Dead Sea Scrolls”, in: S. E. FASSBERG / M. BAR-ASHER / R. E. CLEMENTS (eds.), *Hebrew in the Second Temple Period: The Hebrew of the Dead Sea Scrolls and of Contemporary Sources*. STDJ 108 (Leiden 2013) 289–298.

The extensive use of ׀ sets MMT apart from almost all the other scrolls found in Qumran.³⁴ It endows the work with a ‘Mishnaic’ flavor that has been hailed as its distinctive characteristic from the earliest stages of its research; indeed, the provisional name of MMT among the team of scholars working at the Rockefeller Museum in the 1950s was “4QMishnaïque”.³⁵ Closer inspection, though, indicates that despite the external similarity with Rabbinic Hebrew, the actual patterns of usage of ׀ do not exactly match those of Rabbinic Hebrew. Moreover, in some cases, MMT reflects relatively older patterns of usage, close (though not necessarily identical) to those of Biblical Hebrew. For instance, causal clauses are usually marked with כִּי in Biblical Hebrew, whereas Rabbinic Hebrew replaces not only אֲשֶׁר but also כִּי with ׀, and therefore marks causal clauses too with ׀ as well. In MMT, causal clauses are still marked with כִּי, thus aligning with Biblical rather than Rabbinic Hebrew. It stands to reason that the generalization of ׀ into an all-purpose subordinator did not yet take place in the vernacular underlying MMT, so that Rabbinic Hebrew seems to reflect, on this matter, a later development.

Similarly, Biblical Hebrew can employ אֲשֶׁר as an independent relative pronoun, i.e., with a null head that must be inferred from the context: “(he) who” or “(that) which”, e.g., עָלֶיךָ יִקְפְּצוּ מַלְכִּים פִּיָּהֶם כִּי אֲשֶׁר לֹא סָפְרוּ לָהֶם רְאוּ וְאֲשֶׁר, “kings shall shut their mouths because of him, for that which had not been told them they shall see, and that which they had not heard they shall contemplate” (Isa 52:15). Rabbinic Hebrew obviously replaces אֲשֶׁר with ׀, but normally does not allow for a null head; it therefore requires a demonstrative or interrogative pronoun מִי “who”, or מה “what”, to be inserted before the marker of the relative clause: מִי שֶׁלֹּא רָאָה שְׂמַחַת בַּיִת “He who never has seen the joy at the place of pumping (of the water required for the Temple cult) has never in his life seen joy” (*m. Suk.* 5:1). MMT represents, in this respect, an intermediate position, since the older אֲשֶׁר is already replaced with ׀, but a null head is

³⁴ In Qumran Hebrew, the participle ׀ is also characteristic only of some calendrical documents of the *mišmārot* (priestly courses) type, as hinted already by MILIK 1959, 130–133, who refers to “two works, found in several copies in Cave IV, which antedate the copper rolls, and which are written in a neo-classical Hebrew with features, however, proper to the Mishnaic dialect (such as the frequent use of the participle instead of the indicative and of the relative *š* instead of *’asher*)”. It is found sporadically in a few other works, primarily the Damascus Document (CD^a 15:11; CD^b 20:4; 4QD^a [4Q266] 10 i 1; 10 ii 2), but even this work employs אֲשֶׁר far more systematically and extensively than ׀. In contradistinction, the Copper Scroll employs ׀ throughout, but this is only one of many other features that demonstrate that this work is atypical of Qumran Hebrew, being much closer to Rabbinic Hebrew than any other text found in Qumran. Indeed, there are archaeological reasons too for assuming that its deposition in Qumran Cave 3 is essentially unrelated to that of the other Qumran scrolls.

³⁵ See J. T. Milik’s edition of the Copper Scroll (3Q15) in: M. BAILLET / J. T. MILIK / R. DE VAUX (eds.), *Les ‘Petites Grottes’ de Qumrân*. DJD 3 (Oxford 1962) 1:223. 225.

still permissible: *ביא שלוא ראה ולוא שמע לוא ידע לעשות*, “for (he) who did not see and did not hear would not know what to do”.³⁶ In this case too, it seems that MMT represents a typologically intermediate stage between Biblical and Rabbinic Hebrew.

6. Discursive and Text-Linguistic Aspects

MMT breaks into three different parts in terms of subject matter.³⁷ Part A is a calendrical document, detailing the Sabbaths and holidays according to the 364-day calendar. Part B is a list of some twenty issues of religious law regarding which the collective speaker (the “we” group) disputes alternative views, which mostly concern the interpretation of the pertinent scriptural passages. Part C is exhortative, explaining that the legal disputes led to a social schism, and encouraging the addressee (apparently a man of authority equal to that of a king) to embrace the positions of the “we” group, so that he would be rewarded by God.

From a discursive point of view, the three parts differ markedly in their rhetoric and text-linguistic texture. Part A is presented as a catalogue of dates, concluding with some arithmetical summaries. In its preserved parts, no mention is made of either the addresser or the addressee, and its general tone is that of a factual report. It is formulated as a highly formulaic list of items, which can easily be converted into a table of mostly numerical data. To be sure, contemporary sources state explicitly that calendrical disputes were at the heart of much of the sectarian controversies of the late Second Temple period, and adherents of the 364-day calendar were particularly outspoken in their defense of it (e.g., Jub 6). No doubt, this is also the reason why a calendrical list was integrated into MMT in the first place. Nevertheless, the actual wording of this part of the document – as far as it is preserved – is not explicitly polemical.

By contrast, polemics imbues Part B, and even more so in Part C, though the addresser is careful to keep polite and respectful towards the addressee. A text-linguistic expression of this duality is the recurring self-reflective references to the addresser’s position, *ואנחנו חושבים ש* “we think

³⁶ MMT iv 3–4 (4Q394 8 iv 3–4 || 4Q396 1–2 ii 5 [B53–54]). This passage prohibits disabled people from entering the Temple precinct, arguing that they are unable to learn how to properly observe the religious (and highly complicated) laws of purity. The sacred status of the Temple required one to maintain a particularly high level of purity. Needless to say, the right to be admitted to the domain of the Temple was also standing for the ability to control this hub of religious, political and economic power.

³⁷ See the Introduction to this volume, p. 18–23, and the contributions of Lutz Doering, p. 179–198, and Reinhard G. Kratz, p. 85–104, who also discuss the rhetorical aspects mentioned below. The thematic and discursive difference are sometimes taken to imply a compositional – or redactional – history. See PÉREZ FERNÁNDEZ 1997 and 1999.

that...”,³⁸ or “אנחנו אומרים ש-”,³⁹ highlighting that the issue concerns a whole group rather than individuals.⁴⁰ Here and there, one also finds an appeal to the intended readers, usually in reference to a point of scriptural interpretation or legal ruling that is supposed to be beyond dispute: “ואתם יודעים ש-”,⁴¹ That the lexical choice of these verbs is carefully neutral and inclusive can be inferred from the more contentious formulation cited by the Mishnah, when reporting about the legal disputes between the Jewish sects of the late Second Temple period: “...שאתם... קובלים אנו עליכם... שאתם...”,⁴² “We cry out against you, O ye..., for ye say, ...” (*m. Yad.* 4:6–8).

A text-linguistic manifestation of the intensified polemical mode characteristic of Part C, is its extensive employment of deictic references – in the form of independent pronouns, pronominal suffixes and finite verbs – to the “we” and “they” groups, as well as to the “you” (both singular and plural) being addressed, as the addresser amounts more and more arguments why the addressee should comply with the sectarian legal interpretation of Scriptures. For instance, all occurrences of the 2m.sg pronominal suffix (no less than 15 cases) in MMT are wholly concentrated in Part C.

Also noteworthy is a formulaic headings of each subsection of Part B, which detail the individual cases of legal dispute. Each such article is introduced by the particles ועל (lit. “and on”, i.e., “concerning”) or ואף על (“and also concerning”), followed by a reference to the specific topic under consideration, e.g., “ואף על טהרת פרת החטאת”, “And also concerning the purity of the cow of sin-offering (i.e., the red heifer)”;⁴² “ואף על החרשים”, “And also concerning the deaf people”.⁴³ This formula may find an antecedent in the Damascus Document, which includes a few small collections of regulations and legal laws whose superscription is similarly formulated, e.g., על הטהרה במים, “Concerning the purification by water” (CD^a 10:10); על הש[ב]ת, “Concerning the Sabbath, to keep it in accordance with its rulings” (CD^a 10:14). However, these headings in D differ from the ones in MMT, as the former refer to the general subject matter of the entire com-

³⁸ MMT ii 17 (4Q394 3–7 ii 16 [B29]); MMT iii 5 (4Q397 4 1 [B36]); MMT iii 12 (4Q394 8 iii 12 [B42]).

³⁹ MMT iv 5 (4Q394 8 iv 5 [B55]); MMT iv 14–15 (4Q396 1–2 iii 4 [B64]); MMT v 3 (4Q396 1–2 iv 2 || 4Q397 6–13 11 [B73]).

⁴⁰ Compare אנחנו נתנים in MMT viii 1–2 (4Q397 14–21 9 [C9]); ואף אנחנו in MMT vi 7 (4Q398 11–13 3 [C20]). Note especially the cleft construction in MMT viii 12–13: “ואף אנחנו כתבנו אליך” (4Q398 14–17 ii 2 [C26]); the overlapping text of 4Q399 i 10 witnesses to a reverse word-order: “...[כתב]נו אנחנו אליך”, which focalizes the subject “we”.

⁴¹ MMT iv 18 (4Q396 1–2 iii 8 [B68]); MMT v 9 (4Q396 1–2 iv 9 || 4Q397 6–13 14 [B80]).

⁴² MMT i 17 (4Q394 3–7 i 16 || 4Q395 1 8 [B13]).

⁴³ MMT iv 2 (4Q394 8 iv 2 || 4Q396 1–2 ii 3 [B52]).

pilation of laws dealing with this topic, whereas the latter introduce very specific legal rulings.⁴⁴

7. Conclusion

The language of MMT differs from the rest of Qumran Hebrew in allowing a better glimpse into the vernacular languages of Judea in the Hellenistic-Roman period. It is less bound to the stylistic model of Biblical Hebrew, most probably because it is designed as a letter. Apparently, its communicative function allowed the author greater freedom in terms of linguistic register. This does not mean that MMT faithfully represents a spoken variety of contemporary Hebrew. MMT is still a written work, composed by learned scribes and engaged in complex cultural discourse (scriptural interpretation and religious law). Nevertheless, MMT deviates from Biblical Hebrew more than any other work found in Qumran. As the select examples adduced above demonstrate, many such deviations may be taken as precursors of Rabbinic Hebrew, or of a typological stage earlier than Rabbinic Hebrew but on a path leading to it, while others appear to be localized innovations that did not carry the day in terms of the history of the Hebrew language. In many cases, the influence of Aramaic as a substrate language is evident, either directly or indirectly, but some features appear to be internal developments within Hebrew.⁴⁵

In short, the language of MMT is not reducible either to elements inherited from Biblical Hebrew nor to elements that would resurface in Rabbinic Hebrew. It contains both components, but also comprises of other features, some shared with Qumran Hebrew in general, while others remain unique to MMT (at least for the time being). In so doing, MMT exemplifies the vital linguistic variation that typified Hebrew in the late Second Temple period.

⁴⁴ This special usage of על is so peculiar, that one wonders whether it may be reminiscent of a Greek convention, namely, the employment of the preposition περί (followed by the genitive case) in titles of topical treatises. Such an influence, however, might suit D but less so MMT.

⁴⁵ In a review article of the *editio princeps*, published in *DSD* 2.3 (1995) 365–377, D. TALSHIR nicely demonstrates this admixture by analyzing the historical-linguistic composition of a single clause of MMT: “The particular linguistic status of this document can be demonstrated through the clause ושלוא לזרוע שדו (B78). First, the form ושלוא reflects Rabbinical Hebrew (though the *plene* orthography, with a *waw*, is characteristic of Qumran, and the form itself is attested also in Late Biblical Hebrew – in two late s and in Qoheleth). The form לזרוע, on the other hand, is distinctively Biblical (Rabbinical: לזרע). Finally, שדו ‘his field’ is not known in either Biblical or Rabbinical Hebrew. As far as the syntax is concerned, the construction ושלוא + infinitive (with *lamed*) is characteristic of Qumran and Late Biblical Hebrew; this is true both if we explain לזרוע as a prohibitive, ‘one must not sow,’ or a finite verb, ‘and he will not sow his field’” (371–372).

Law and Narrative: 4QMMT and the Hebrew Bible

Reinhard G. Kratz

1. The literary unity of 4QMMT

A special feature of 4QMMT is the close connection that it makes between the interpretation of the law (Part B) and the historically motivated parenesis (Part C). Both of these parts are preceded by a 364-day calendar, at least in the manuscript 4Q394 (Part A). The combination of these three genres of text is unique among the Dead Sea Scrolls and raises the question of whether 4QMMT is an original literary unity or rather a compilation of independent texts on a single scroll, which could account for the connection between calendar, law, and narrative in 4QMMT.

Little can be said about the calendar, even though it can be reconstructed to a certain extent based on other texts from Qumran.¹ Its introduction, which might have shed light on the reason for placing the calendar before the halakhah and the parenesis, is missing. Likewise, the transitional passage in 4Q394 3–7 i 3–4 (i 4–5) does not provide much information in this regard. All that can be deduced from the introduction to the halakhic section in 4Q394 i 5 (“These are some of our words”) is that the calendar was apparently not part of the “works” of the Torah that followed, nor was it discussed as a halakhic problem. Thus, we cannot say with certainty what purpose the calendar served within the composition of 4QMMT. On the other hand, we know that calendrical questions were an important issue within the Qumran community and were hotly debated among different Jewish groups at the time. It is possible, then, that the calendar in Part A of 4QMMT – like the halakhic cases in Part B and the parenesis in Part C – was addressed to someone who was of a different opinion and who needed to be informed about the 364-day calendar, which was important for performing the cult at the correct times. If this is the case, then 4QMMT – like the Priestly narrative and the Pentateuch as a whole – would begin with the ordering of time (cf. Gen 1), within which history, law, and – if one adds Deuteronomy to this – the historically motivated parenesis to obey the law operate.

¹ See the contribution of Jonathan Ben-Dov in this volume, p. 105–116.

This observation already suggests how Parts B and C of 4QMMT relate to each other. Column viii of the reconstructed text sheds more light on this. In viii 13 (C26–27), the author refers to the text itself and its contents: “And also we have written to you some of the works of the Torah.” This expression draws on the introduction to Part B (i 5–6 [B1–2]) and thereby creates an explicit link between the historical-theological parenesis in Part C and the halakhah in Part B. The parenesis seeks to persuade the audience to accept and practice the halakhah that has just been set forth. The common element between the halakhah and the parenesis is the study of the Torah (and the Prophets), as can be seen in viii 2–3 (C10). This study of the Torah (and the Prophets) is the source of the author’s views on halakhah and parenesis as well as the aim of the whole writing, which invites its addressees to consider the historical connections set forth in the parenesis and to practice the Torah according to the halakhah of 4QMMT.

In this way, Parts B and C – law and narrative – are closely interrelated. This connection, however, becomes clear only in Part C, which explicitly refers to Part B and indeed to the writing as a whole. Given that the form of address shifts within 4QMMT (in Part B only second-person plural, in Part C second-person singular and plural), it is possible that Parts A (calendar) and B (halakhah) had an oral or written prehistory and were perhaps even separate at one time.² In contrast, Part C presupposes Part B and could have been written with a view to the overall composition (including the calendar in Part A?) from the outset. Parts B and C are also connected to each other through their quotations of Torah, which forms the basis for both law (halakhah) and narrative (parenesis).

2. Biblical quotations and allusions in 4QMMT B

Explicit quotations of Torah appear in both of the preserved parts of 4QMMT. Notably, Part B frequently cites the books of Leviticus and Numbers, while Part C cites the book of Deuteronomy. This can be explained by the differing interests of the two parts: While Part B has to do with the interpretation of individual laws in the Priestly Torah in the books of Leviticus and Numbers, Part C places this interpretation within a historiographical and parenetic framework, for which the book of Deuteronomy is most relevant. In what follows, I will first review the individual quotations, inquiring into their hermeneutical strategies. After doing so, I will consider the connection between Parts B and C.³

² Cf. PÉREZ FERNÁNDEZ 1997; HEMPEL 2000a, esp. 83f.

³ The following observations are based on R. G. KRATZ, “Mose und die Propheten: Zur Interpretation von 4QMMT C”, in: GARCÍA MARTÍNEZ/STEUDEL/TICHELAAAR 2006, 131–176. On this topic, see also BERNSTEIN 1996; BROOKE 1997.

The first attested⁴ citation formula appears in ii 15 (B27) in the context of the halakhah on the place of sacrifice in ii 15–iii 1 (B27–33). Introduced by **וְעַל שֶׁ כָּתוּב** “[And con]cerning that it is written,” Lev 17:3 is then quoted, followed by a paraphrase on the correct place of sacrifice mentioned in Lev 17:4: the entrance to the tent of meeting, “on the northern side of the camp” (cf. Lev 1:11). This quotation serves as the point of departure for further discussion – introduced by **וְאִנְחָנוּ חוֹשְׁבִים שֶׁ** “And we hold that” and thus as halakhic exegesis – of the precise identification of the “camp” (**מַחֲנֶה**) mentioned in Lev 17. The “camp” is explicitly equated with Jerusalem and with the central place of worship in Deut 12, which Yhwh has chosen from among the tribes of Israel (cf. Deut 12:5.11.14), where the sanctuary – the tent of meeting from Lev 17:4 – is also located.⁵ What is striking about this piece of halakhah is that it has a passage of scripture as its subject matter rather than a legal case.⁶ This interpretation of Lev 17 may have been motivated by the terminological imbalance and the vague formulation of Deut 12. To put it in terms of modern Pentateuchal scholarship, this piece of exegesis aligns the terminology of D (Deuteronomy) and P (Priestly writing). In doing so, it overcomes ambiguities and probably also serves to reject competing locations of the “camp” and the interpretations of Lev 17:3–4 used to support them.

The next citation formula in iii 8–9 (B38) is a riddle: **וְהַדְּבָר כָּתוּב עֵבֶרָה**. Maier⁷ regards it as a non-biblical quotation and translates: “Und (es steht) das Wort geschrieben: ‘ein Trächtiges/ihr(en) Fötus.’” Qimron, by contrast, takes **כָּתוּב** as a reference to the previously alluded verse Lev 22:28 and translates: “And the ruling refers (to) a pregnant animal.”⁸ The latter interpretation seems likely, since iii 5–7 (B36–37) relates to the case dealt with in Lev 22:28 of the sacrifice or slaughter of a mother animal and her young. Thus, in the questionable quotation in iii 8–9, the case of the mother animal and her young is applied to the pregnant animal and the consumption of its offspring. The halakhah is based on an interpretation of the Torah, which is alluded to through verbatim language and explained in typical fashion **וְאִנְחָנוּ חוֹשְׁבִים שֶׁ** “And we hold that”. The ruling could have arisen in response to a contemporary debate over the importance of unborn life. Thus, here the formula would not introduce a verbatim quotation, but instead would connect back to the previously cited biblical text, which is now applied to a new case: “And the word (or: the matter) is written re-

⁴ The formula is usually also reconstructed in i 14 (B10); see, however, BROOKE 1997, 71.

⁵ See also iv 8–12 (B58–62) and 11QT LII 13–16; cf. DJD 10, 143–147.

⁶ Cf. **וְעַל** or **וְעַל עַל** in i 12, 17; ii 7, 10; iii [7, 19]; iv 2, 5, 12, 14; v 2, 4–6, vii 14 (B[3, 5], 8, [9], 13, [18], 21, 24, [36, 37, 49], 52, 55, 62, 64, 72, 75, 76, 77; C4).

⁷ MAIER 1995, 2:365. 367; see also GARCÍA MARTÍNEZ / TICHELAAAR 2000, 793. 797.

⁸ DJD 10, 50–51, 141, 157–158; see also BERNSTEIN 1996, 40–41; BROOKE 1997, 72–73. DJD 10, 157 n. 114 considers but ultimately rejects the alternative reading **עֵבֶרָה** “transgression”; for this reading, see, however, KISTER 1999, here 358 n. 194.

garding a pregnant (animal).” This was a case in which the interpretation of scripture was presented as quotation of scripture.

The situation looks different, however, if, following Andrew Teeter, one considers a passage that is related thematically to Lev 22:27–29, namely, Exod 23:19 (|| Exod 34:26; Deut 14:21) in the Samaritan Pentateuch as well as a few Aramaic and Greek versions of this verse.⁹ Here, Exod 23:19 contains a curious addition that describes the prohibition against boiling a kid in its mother’s milk as “anger” *עֲבָרָה* or as a “transgression” *עֲבָרָה* against the God of Jacob. This addition may have related to slaughtering a fetus together with its mother from the outset or could at least be read in this sense, as both the Temple Scroll (11QT LII 5–7) and a fragment of the Damascus Document (4Q240 2 ii 15) attest. If such a version of Exod 23:19 was in view in 4QMMT iii 8–9, then this would be a direct quotation after all, albeit not from the proto-Masoretic, but rather a proto-Samaritan, version of the Torah.

The two following explicit quotations of scripture in iv 16 (B66) and iv 20 (B70) belong to the section on skin disease (iv 14–v 2 [B64–72]) and are easier to identify, even though the text is not well preserved. The first passage quotes Lev 14:8–9, while the second alludes to Lev 4:13–14 or 5:2–3 as well as Num 15:27–31. The second quotation of scripture threatens severe punishment for failure to observe the halakhah. The weightiness of the case is evident from the first quotation of scripture and its commentary, introduced by *אָנוּמְרִים שׁ* “We sa[y] that” (iv 14–15 [B64–65]). Invoking the Torah but going against the quoted passage, the commentary asserts that the person afflicted by a skin disease is by no means “pure” during the seven-day period after his purification, during which he may return to the camp but must stay “outside his tent” (i.e., outside his house). Thus, he may not come into contact with pure things and may not partake of holy food (i.e., sacrificial meat) (iv 14–18; v 1 [B64–68; 71]).

Here, too, a contemporary debate over a common practice (which 4QMMT criticizes) may have been the impetus for the interpretation of the law,¹⁰ which contains an exegetical problem: the formulation of iv 15–16 (B65–66) and v 1–2 (B71–72) also points to Lev 13:46, which specifies that the person afflicted by a skin disease should remain “outside the camp” during the entire period of his impurity. This raises the question for Lev 14:8–9 – particularly if the “camp” is understood as Jerusalem – of whether the person afflicted by a skin disease is indeed already clean after his first purification if he has to spend a further seven days outside his tent (i.e., house) and must purify himself a second time and, following the sacrifice on the eighth day (Lev 14:10–20), a third time in order to be declared pure. 4QMMT solves this problem by stating that – following Lev

⁹ TEETER 2014, 49–66 (for the variants mentioned here, see 53f.).

¹⁰ Cf. DJD 10, 166–170; somewhat differently BERNSTEIN 1996, 43f.

13:46 – the person afflicted by a skin disease must remain isolated (בדד) the whole time, but that this isolation (probably within the camp, i.e., the city) is extended to include separation from everything that is pure and holy in the city, in the temple, and in private homes.¹¹

The commentary ש אנוחנו אומרים “We say that” on the “law for the deceased or fallen” in v 2–4 (B72–74), which seems to pertain to Num 19:16–18, likewise constitutes an intensification, or at least a clarification. The precise nature of the clarification depends upon how one fills the lacuna in 4Q396 1–2 iv, 2.¹² What is clear is that it has to do with the constitution of the bones of the deceased, which – presumably contrary to other contemporary interpretations – is not an halakhic issue for the author of 4QMMT since for him they are impure by all means.

The last two preserved explicit quotations of scripture in the halakhic part of 4QMMT do not relate directly to a halakhic case but have an auxiliary function in the discussion of mixed marriages in v 4–11 (B75–82).¹³ These two references to scripture come in direct succession in v 5–8 (B76–78) and aim to demonstrate two things: firstly, the holiness of Israel, which is perhaps a direct quotation of Jer 2:3 but could also be a pastiche of several different verses (Exod 19:6; Lev 19:2; 21:15);¹⁴ and secondly, the incompatibility of two different species in the composite quotation of Lev 19:19 and Deut 22:9–10. Both serve as evidence that Israel is holy and that the “sons of Aaron,” that is, the priests, are likewise holy or “most holy”¹⁵ and thus may not mix with non-priests. The case itself is stated at the beginning (v 4 [B75]) and in the polemic against parts of the priesthood and the people, introduced by ש ואתם יודעים “And you know that” (v 9 [B80]): “fornication in the midst of the people” and illegitimate “mixing”, both of which render the holy seed impure. The biblical source text here could be the law regarding the marriage of the high priest in Lev 21:13–15. In 4QMMT, this law is applied to all priests as well as to marriages between priests and non-priests or, depending on how one fills the lacuna at the end of v 9 (B80), to all marriages among the people and within the priesthood.¹⁶

¹¹ The temporal specification “until sunset on the eighth day” (cf. Lev 22:4–8) also contributes to the intensification in 4QMMT.

¹² Cf. DJD 10, 170f.

¹³ For this passage, see also the contribution of Vered Noam in this volume, p. 137–159.

¹⁴ Cf. BERNSTEIN 1996, 45 and BROOKE 1997, 74f. on the one hand with DJD 10, 55 on the other.

¹⁵ Following the reconstruction of the lacuna in v 8 (B79) according to DJD 10, 56; see also MAIER 1995–1996, 2:369. 372; GARCÍA MARTÍNEZ / TICHELAAAR 2000, 798. 800.

¹⁶ For further discussion, see DJD 10, 171–175, esp. 171 n. 178a; BERNSTEIN 1996, 46.

3. Biblical quotations and allusions in 4QMMT C

A somewhat different use of scripture is found in Part C of 4QMMT. Here, the term “scripture” is referred to explicitly, and the scriptural quotation serves not only to resolve a halakhic question but also to explain the meaning of scripture itself.

4QMMT vii 17–18 (C6–7) quotes Deut 7:26 and combines this quotation with Deut 12:31. In the citation formula, only the beginning of כתוב is preserved. Based on the typical phraseology of Part C, this can be reconstructed as כתוי[ב בספר מושה] “It is writt[en in the book of Moses]”. The quotation has been chosen in light of what follows, which is no longer halakhah, but a reference to the fulfillment of scripture: What in Deut 7:26 is required with respect to the nations and their gods has been taken to heart and fulfilled by the “we” in 4QMMT with reference to their own people, and perhaps also with reference to the practices described in lines 1–4.¹⁷ This, too, is an interpretation of the quoted passage. It applies the warning to all Israel prior to the entry into the land to the author’s own time and extends the distinction between Israel and the nations to a division within Israel itself. Yet unlike the halakhah in Part B, the text here does not pertain to the legal regulation itself but rather to the question of who observes this regulation. In this case, the halakhah specifies only how the regulation should be observed.

The observance of the law as such is also a concern of the call to study scripture found in the subsequent passage in viii 2–9 (C10–16) and is supported by a threefold quotation of scripture. Here, the text is particularly interesting but also quite difficult. The first difficulty lies in identifying which books are recommended for study. The composite text in DJD 10, C10–11 has more text than can be identified in the photographs of the relevant manuscripts 4Q397 and 4Q398.¹⁸ The text of 4Q397 14–21 10–11 can be combined with 4Q398 14–17 2–3 (underlined) with a certain degree of confidence and reconstructed as follows:

10 כתב]נו אילכה שתבין בספר מושה [ו]בספר[י הנ]ביאים ובדו[ו].
11 [...] דור ודור ובספר כתוב]

¹⁰We have [written] to you so that you may reflect on the book of Moses [and] the books of the [pro]phets and in Davi[d? ...] ¹¹[...] generation to generation, and in the book is written ...

¹⁷ Because of the text’s poor state of preservation it remains unclear, whether lines 1–4 of the fragment 4Q397 14–21 constitute a halakhah, as the reconstruction in DJD 10, esp. in line 4 (ועל הנשי[ם]) suggests, and how the quotation of scripture and what follows relates with lines 1–4. Cf., however, מעל in lines 4 and 9. Stylistically, the statement [ואתם יודעים] in vii 20 (C8) connects the section with the halakhah in iv 18, and v 9 (B68, 80).

¹⁸ Cf. ULRICH 2003, esp. 208–211. CAMPBELL 2000 is questioning the attestation of a “tripartite canon” in general.

This passage seems to attest the tripartite canon of the Hebrew Bible: Torah (the book of Moses), Ketuvim (the books of the Prophets), and the Psalms (David). Yet, none of the three terms for the collections of scripture is fully preserved. The only secure reading in 4Q397 14–21 11 (viii 4) speaks merely of a “book” or “letter” in which something is “written.” Since a quotation of Deuteronomy follows, this “book” should be the Torah of Moses, i.e., the Pentateuch, which is also quoted in Part B and is referred to by name in Part C.¹⁹ Thus, the reconstruction “in the book of Moses” in 4Q397 14–21 10 || 4Q398 14–17 i 2 (viii 2 [C10]) seems likely. Likewise, the reconstruction of the word “[pro]phets” in 4Q397 14–21 10 (viii 3 [C10]) is probably correct, which suggests that here – and probably also in line 15 (viii 9 [C17]) – reference is made to the book of Moses and the books of the Prophets. The most uncertain is the reading “and in David” in line 10 (viii 3 [C10]), against which both epigraphic and philological arguments can be made.

Two aspects are noteworthy here. First, it is striking that, unlike in the references to scripture in Part B, all of which refer to the Torah, here Moses and the Prophets (and maybe the psalms of David) are mentioned. This could be connected to the reflections on history in Part C and also sheds (new) light on the understanding of the Torah: Here, it is a book which contains not only law but also narrative.

Secondly, the question arises how the introduction to the quotations of scripture (“and in the book is written”) relates to the reference to Moses and the Prophets, particularly if the text can be reconstructed as follows: “that you may reflect on the book of Moses and the books of the prophets.” Compared to its parallel in 4Q398, I would not rule out the possibility that the reference to the Prophets in 4Q397 is a later addition, which would explain the lack of agreement with the following lines. Already the first word of the passage in question in 4Q398 is a textual variant (כתוב[נוס]) instead of נב[חב] in 4Q397.²⁰ Moreover, the lacuna that follows in 4Q398 14 2 is too small to contain the text of 4Q397 (אליכה שתבין בספר) and thus a variant reading must be assumed here as well. The same is true of the beginning of line 3 in 4Q398 14–17 i, which, if one takes col. ii as a point of reference, hardly has space for the text of 4Q397 14–21 10–11 (viii 3 [C10–11]) from בספרי to דור, including the part of the text that has not been preserved). Thus, 4Q398 could preserve an older version of the text, which was expanded in 4Q397, including with the reference to the “books of the Prophets” (and possibly also the psalms of “David”).

¹⁹ “Torah” in 4Q398 14–17 ii 3–4 (viii 13–14 [C27–28]), once or perhaps twice also in 4Q398 11–13 7 (vi 12 [C24]); “Moses” in 4Q397 14–21 i 15 (viii 9 [C17]), presumably also in 4Q398 11–13 4 (vi 8 [C21]), but not in 4Q397 22 3 (see vi 8^{a–a} [C21]).

²⁰ On the textual variants, see DJD 10, 41 and in the edition of this volume on viii 2^{a–a}.

The three quotations of scripture that follow in viii 4–9 (C11–16) refer to passages in the Torah that serve as justifications for the observance of the law according to the halakhah in 4QMMT. The formulae “in the book is written” and “(also) it is written” introduce three passages: the first has to do with things past but is poorly preserved (perhaps Deut 32:7),²¹ while the second reference is to Deut 31:29 and the third to Deut 30:1–2. The two identifiable passages are not paraphrased but are instead reproduced verbatim, albeit selectively. The selection of text and the divergences from the biblical text seem to be intentional.²² The parts that have been left out include all of the historicizing details of Moses’ speech (Deut 31:29) and the reference to exile (Deut 30:1–2) as well as all internal references to the promulgation of the Deuteronomic law (“which I have set before you,” “which I have commanded you,” etc.). In this way, the statements are decoupled from their narrative context and can be applied to a different situation. Moreover, they have been aligned to the rhetorical perspective of 4QMMT through their consistent use of second-person singular forms of address.

Furthermore, the non-sequential order of the quotations of scripture is striking. With the change of the sequence the eschatological expression “at the end of days” was moved from Deut 31:29 to the quotation of Deut 30:1–2, thus implying a particular sequence of events. Following a reference to the past is a description of the present – a time of turning away from the correct observance of the law – and finally the announcement of blessings and curses for the end times, in which repentance will happen. This sequence of events is clearly related to the reflections on history that follow in viii 11–18 (C25–32). 4QMMT viii 13–14 (C26–28) takes up the direct address from viii 2 (C10) and connects the remembrance of David with the reference to the halakhah in 4QMMT and the addressee’s knowledge of the Torah. And, like in vii 11–viii 10 (C1–18), Deut 30:1 is likely also in view in vi 8–9 (C21), which refers to the enactment of blessings and curses, combined with a historical retrospective²³ and a look ahead to the reversal at the “end of days.” In this way, the observance of the Torah²⁴ according to the halakhah of 4QMMT is embedded in a larger historical-theological context, which is in turn oriented towards the Torah and Prophets.

²¹ The immediately preceding phrase דור ודור recalls Deut 32:7 (cf. DJD 10, 59 *ad loc.*). Provided that 4Q398 14–17 i 4, which is extremely difficult to read, has been deciphered correctly, the wording (וקדמויות) could have been influenced by Isa 43:18 or Mal 3:4–5.

²² For similar cases, see BROOKE 1997, 77. 79.

²³ Concerning the Torah in vi 12 (C24).

²⁴ “With all your heart and all your soul,” following Deut 30:2 (4:29; 10:12; 26:16; 30:10).

4. The Relationship between 4QMMT B and C

In light of the foregoing observations, it turns out that Parts B and C of 4QMMT are more closely connected than it may first appear.²⁵ This connection, however, runs exclusively from Part C to Part B but not the other way around.

In Part B, both the explicit and implicit references to scripture (the latter of which have not been dealt with here) in the halakhic sections²⁶ – perhaps with the exception of v 5 (B76), which could refer to Jer 2:3²⁷ – refer exclusively to the Torah of Moses, especially the book of Leviticus. Although this is hardly surprising given the priestly interests of the halakhah in 4QMMT, it is interesting in terms of literary history and the history of theology, since 4QMMT connects seamlessly to the latest legal portions of the Pentateuch, which in turn attest to a lively halakhic discourse among scribes and arose through a process of innerbiblical exegesis and *Fortschreibung*.²⁸

It is striking, however, that the point of reference – the Torah of Moses – is never mentioned by name. Rather, the more generic term כתוב,²⁹ which refers to the law and its authority,³⁰ is sufficient. The corresponding passage of scripture is cited more or less freely, often with only a very brief verbatim reference, which could only be recognized by those who knew the biblical text by heart. This type of allusion is found already in the literary development of the biblical books and is used in ‘innerbiblical’ exegesis.³¹ 4QMMT, in turn, reveals how this technique lived on in the ‘extrabiblical’ interpretation of scripture.

The fact that such interpretation is ‘extrabiblical’ is stated explicitly in 4QMMT. Already the very beginning of Part B states that the instructions for practicing the Torah [מקצת דברי ה[מעשים]; cf. מקצת מעשי התורה in viii 13 [C27]] are the interpretation of the author, which is announced already in the superscription דברינו מקצת דברינו אלה “These are some of our words” (i 5–6 [B1–2]). The expression used for this, „אנחנו חושבים ש” (cf. שחשבנו in viii 13 [C27]), is taken up repeatedly in the individual halakhot and is placed on a par with the expression כתוב “It is written”. Even when

²⁵ Cf. DJD 10, 111.

²⁶ Cf. DJD 10, 136 and the detailed discussion in *ibid.*, 147–175; BERNSTEIN 1996, 36–38; BROOKE 1997, 82–85.

²⁷ See, however, DJD 10, 53–54 *ad loc.*

²⁸ See KRATZ 2000, 99–155 (2005, 97–158).

²⁹ On the different citation formulae used in the Qumran texts, see STEUDEL 1994, 170–189, here 172–174 on 4QMMT.

³⁰ Similarly, iv 2–3 (B52–53) speaks only very generally of different types of laws: חוק במשפט המת או החלל (B74): משפט ישראל; ומשפט וטהרה.

³¹ Cf. M. FISHBANE, *Biblical Interpretation in Ancient Israel* (Oxford 1985); KRATZ 2004; TEETER 2014.

the meaning of the passage of scripture differs or the interpretation runs counter to its plain sense, to the author's mind the "We hold" or "We say" does not contradict, but rather agrees with, what "is written." The interpretation is not oriented against the Torah itself, but against interpretations and implementations of the Torah by others, who are referred to occasionally in the text (v 9–10 [B80–82]). The statement "but we say to you" introduces an explanation of what, according to 4QMMT, scripture has to say about a particular exegetical or practical problem. Here, we are clearly in a phase in which the Torah began to be treated as an authoritative entity in Judaism and struggles arose over the correct application of its laws.

Whereas Part B explains the author's views on how individual statutes in the Torah should be observed, the references to scripture in Part C serve to make clear to the addressee why he should follow the specific interpretations of the halakhah in Part B. In order to make his point, the author situates himself and the group of which he is a part within the biblical depiction of the history of Israel and appeals to the addressee to do the same.

The text begins abruptly in vi 5–12 (C18–24) with a look back to the days of Solomon, the son of David, and the days of Jeroboam, the son of Nebat, up to the exile under King Zedekiah of Judah, i.e., up to the destruction of Jerusalem in 587 B.C.E. In literary terms, this means that the biblical books of Samuel and Kings and their parallel, the books of Chronicles, are in view. To the extent that the text is preserved, the verbs are in the perfect tense and refer to blessings (in the days of Solomon) and curses (from the time of Jeroboam to Zedekiah) that came upon the kings. In this way, the entire preexilic history of the monarchy is evaluated in terms of the blessings and curses in the law of Moses (Deut 30:1; cf. Josh 8:34), which are referred to only once in the historical books of the Old Testament (2 Kgs 22:19). This understanding of the monarchic period corresponds to the Deuteronomistic perspective of the books of Samuel and Kings, yet the plural points to a new reading that is more indebted to Chronicles: Blessings and curses are meted out in individual historical events.

Precisely how the author of 4QMMT came to this topic following the halakhah in Part B remains a matter of speculation. Since the blessings and curses are apparently the subject and not the object of the main clause (cf. וְזָמַרְתָּ הַקְּלִלוֹת), a preceding זָכוֹר אֵת "remember" can be ruled out. Perhaps the back-reference to the "book of Moses" in vi 8 (C21) indicates that this section, like viii 9 (C17), opened with a reference to the book or books containing blessings and curses, with the difference that vi 5–12 (C18–24) has to do with past events while viii 9 (C17) has to do with future events. This is why, on the basis of content, 4Q397 14–21 || 4Q398 14–17 i (vii 11–viii 10 [C1–18]) is unlikely to be the point of connection for 4Q398 11–13 (vi 5–12 [C18–25]), and therefore, the placement of the fragments proposed by Strugnell and Stegemann is to be preferred against Qimron.

The historical-theological retrospective culminates in vi 7 (C20) with the announcement that something will be brought back (ב[ש]יב[ו]ת[א]ם ב). The plural suffix – following the biblical usage of בוא *hiphil* – most likely refers to the *galut* of Jerusalem and to King Zedekiah, i.e., to the exiles who are to be brought back. A reference to the curses³² seems less plausible to me. The reason for the sudden shift in perspective from the past to the future is explained in vi 7–10 (C20–21). Here, the author makes a statement about his own insight (נבר *hiphil*, vi 7 [C20]) into the course of biblical salvation history and attributes this to something that this written in the book of Moses. Here, Deut 30:1–3 is apparently in view. From the author’s perspective, the announcement in Deut 30:1 (“When all these things have happened to you, the blessing and the curse...”) has been at least partially fulfilled. Thus, one must now prepare for the future that is also announced in Deut 30:1–3, namely, the “end of days” (Deut 31:29),³³ when those in Israel³⁴ will repent and not fall away again³⁵ and the wicked will persist in their wickedness.³⁶ This is the same movement from the past to the future that is found in vi 5–7 (C18–20), and here it is linked to the author’s own standpoint. There is no direct speech here, which up to this point is also not to be expected. The author’s own perspective is first presented; then, in vi 10–12 (C23–24), as in the other fragments of the manuscripts 4Q397–399, a singular “you” is addressed and encouraged to adopt the same perspective.

The address begins with a reference to the preexilic history of the monarchy and a warning to “remember the kings of Israel and reflect on their deeds” (vi 10–11 [C23]).³⁷ The text focuses especially on whether particular kings feared (the Torah) and, if the conjecture is correct, were “Torah-seekers” (מבקשי תורה) and thus were delivered in times of need. The expression זכור את (“remember”) appears in the Bible³⁸ above all in

³² Thus DJD 10, 60 (note on C20).

³³ In my view, the expression זה הוא אחרית הימים (vi 8–9 [C21]) can only relate to what follows; otherwise, the relative clause שישובי would have no point of connection. As a result, this expression, as well as the following imperfect verb, points to the future. The extent to which the “end of days” mentioned here and elsewhere in 4QMMT has an eschatological sense is, however, a matter of debate. Cf. GARCÍA MARTÍNEZ 1996, esp. 20–23.

³⁴ Thus also MAIER 1995–1996, 2:375; GARCÍA MARTÍNEZ / TIGCHELAAR 2000, 803 (“return in Israel”); differently DJD 10, 61 (“return to Israel”).

³⁵ Cf. MAIER 1995–1996, 2:375 (“nicht wieder abtrünnig werden”). On the semantics of שוב, see DJD 10, 61 (note on C22) and 87.

³⁶ On this expression, cf. Dan 12:10, quoted in 4Q174 1–3 iii 3. MAIER 1995–1996, 2:375 translates in a causative sense: “und da man die Frevler schuldig spricht.” In any case, it can be assumed that they are punished for their misdeeds at the “end of days.”

³⁷ Without a distinction between Israel and Judah; cf. 2 Chr 28:27; 33:18; 35:18.

³⁸ Attested only once in the Qumran texts (1Q34bis 1 + 2 6); but see also 4Q501 1–2; 4Q504 1–2 ii 11; iii 4; v 9; 3 ii 5; 4 6; 5 ii 3; 6 6; 8 1; 4Q506 124 3; 131–132 12; 4Q507 3 3; 4Q508 2 2; 4Q509 12 i–13 5; 125 1; 131–132 ii 5; 4Q525 14 iii 6; 11Q5 XXII 6; XXIV 11.

speech directed to God in the Psalter and has as its goal divine intervention.³⁹ Here, the imperative is directed at a human addressee, who is called upon to recognize the conditions for being rescued through this example from history. This use of the expression resembles the remembrance of God's past deeds in the Psalms⁴⁰ and, even more so, the parenthesis in Deuteronomy, which in one passage (Deut 9:7) combines an imperative – and elsewhere a verb form corresponding to the context (impf., pf. cons., inf. abs.) – with the memory of past events in order to exhort the audience to observe the law.⁴¹ It is no coincidence that the quotation of Deut 30:1–3, which plays a decisive role in 4QMMT, stands in close proximity to the call to remember past days and years in Deut 32:7. In 4QMMT, this memory is focused on the kings of Israel, whose fate sets the standard for what is to follow: the observance of the Torah as interpreted in Part B of 4QMMT. In this respect, 4QMMT connects not only thematically, but also theologically, to the (late) Deuteronomistic parenthesis to observe the law in the books of Kings and its parallels in Chronicles.

This warning, however, only takes up one of the two sides of the historical retrospective in vi 5–12 (C18–24). It focuses on the sins of the past but avoids looking ahead to the “end of days.” There is no explanation of what “seeking the Torah” means, nor a positive instruction for what one can and should do in the present with a view to the future. This, however, is precisely the function of the continuation of Part C in cols. vii–viii (C1–17 and C25–32), which is anticipated in col. vi (C18–24). The shift in perspective that is introduced in col. vi and justified through scripture in cols. vii–viii thus runs through Part C as a whole: The focus moves from the dark past (col. vi) through the author's and addressee's present into the future (vii 11–viii 10 [C1–18]), which is vividly depicted through repeated references to the past and present (viii 11–18 [C25–32]). In terms of its content, 4Q398 11–13 (vi 5–12 [C18–24]) thus serves quite well as the foundation for the remaining fragments in cols. vii–viii (4Q397 14–21; 4Q398 14–17 i–ii; 4Q399 i–ii) and can be placed at the beginning of Part C without difficulty.

Since the author of the letter and the group that he represents are already informed (vi 7–8 [C20]), they have taken the necessary actions. In order not to become subject to the curse, they take the Torah of Moses seriously and have separated themselves from all that is impure, according to the instruction in Deut 7:26 (vii 19 [C7]). Thus, they have repented, as is expected in col. vi (C18–24). Yet, they also want to convince their addressee

³⁹ Cf. Ps 25:6–7; 74:2, 18; 89:48; 119:49; 132:1; 137:7; see also Lam 3:19; 5:1; 2 Kgs 20:3 || Isa 38:3; 2 Chr 6:42 as well as the famous refrain of Nehemiah in Neh 5:19; 6:14; 13:22, 29, 31.

⁴⁰ Ps 77:6–7, 12–13; 78:35, 42; 105:5 || 1 Chr 16:12; 106:7; 119:52; 143:5; Isa 63:9, 11; Neh 9:17. Cf. 4Q370 1 ii 7.

⁴¹ Deut 5:15; 7:18; 8:2, 18; 15:15; 16:3, 12; 24:9, 18, 22; 25:17. Cf. 1QM XVII 2.

to do the same. Thus, here the text shifts to direct speech (singular “you”) and uses scripture to justify what the addressee must do and expect. Now the meaning of Deut 30:1–3 and 31:29 is explained to the addressee: He, too, faces the “end of days” and must return to the law (viii 2–18 [C10–18, 25–32]). This return includes the recognition of the halakhah set forth in Part B of 4QMMT.

The concluding section in viii 12–18 (C25–32) is structured in miniature like the preceding sections in vi 5–12 (C18–24), beginning in vi 10 (C23) and vii 11–viii 10 (C1–18). The imperative *את זכור* and the reference to the positive consequences of Torah observance, namely, deliverance from danger (*ונצל מצרות*), are followed by the purpose of the letter (*כתבנו אליך* etc.), namely, to win the opponent over to the author’s own position (*ואנחנו מכרים* and *מין שפרשנו מן* or *שחשבנו לטוב*), and a look ahead to the “end of time,” as the wording is here (rather than “end of days”).

The parallel structure seems hardly coincidental; indeed, it speaks in favor of the ordering of the fragments proposed by Strugnell and Stegemann and adopted here.⁴² In light of this parallel structure, the distinctive elements become all the more significant. The historical evaluation and prediction for the future based on Deut 30:1–3 in the first part of the parallel structure is followed by practical implementation. The admonition *את זכור* refers to a positive example from the kings of Israel, namely David, who belongs in the period of blessing before the sin of Jeroboam that is referred to in col. vi. Like in Chronicles, the Psalms, and Ben Sira (Sir 47:1–11), David represents the exemplary pious person, who is delivered in times of need and whose transgressions are forgiven. He is the historical role model for the “we”-group who – contrary to the negative example of the kings of Israel in vi 10–12 (C23–24) – have separated themselves from the mass of the people and from everything that is unclean and, therefore, encourage the addressee to do the same engaging with the Torah and the Prophets (vii 11–viii 18 [C1–18]).

Correspondingly, the text of viii 11–18 (C25–32) continues with the repeated direct speech to the addressee, which refers to the letter itself. Whereas in the previous section the engagement with the Torah and the Prophets is the stated purpose of the letter, serving to understand the historical and theological circumstances that characterize the Torah obser-

⁴² Based on Qimron’s proposed ordering of the fragments, PÉREZ FERNÁNDEZ 1997, 197f., identifies two parts with a parallel structure: (a) “we have written to you” (viii 2 [C10] and viii 13 [C26–27]) and (b) “remember” (vi 10 [C23–24] and viii 11 [C25]). Yet this structure does not correctly render the progression of the text. As far as I can see, the structure is not parallel but rather concentric: a–b–b–a. Only this concentric structure, if it was intentional, could speak in favor of Qimron’s solution, but it is hard to prove with regard to the very different textual proportions and with regard to content. The mere recurrence of expressions, keyword connections, and overlaps in content – particularly in a fragmentarily preserved text – does not reveal much *per se* (see also the following note).

vance of the “we”-group (vii 12–viii 12 [C1–18]), in this section the specification of the contents in viii 13 (C27) (ולעמדך) מקצת מעשי התורה לטוב לך “some of the works of the Torah which are good for you (and for your people)” establishes an explicit connection between the historical-theological reflections in Part C and the halakhah in Part B (cf. i 5–6 [B1–2]). The connection lies in the fact that the person who knows how to read “Moses and the Prophets” correctly and to interpret them along the lines of Part C will also agree with the halakhah of Part B and will observe the Torah accordingly.

In order to emphasize this conclusion, the author describes his addressee as someone in whom he has observed prudence and knowledge of Torah (ערמה ומדע תורה) and exhorts him to “consider all this” (בין ב) and to “ask him [i.e., God]” (בקש מלפניו) to rescue the addressee from his false ways (viii 14–15 [C28–29]). The wording here is significant for several reasons. It apparently relates both to the correct insight into the Torah and the Prophets themselves and to their specific interpretation in the letter 4QMMT. It then suggests to the addressee the possibility – missed by the kings of Israel, with the exception of David – of belonging to the “seekers of Torah” (מבקשי תורה) (vi 5–12 [C18–24]). This is indicated by the keyword connections created by the lexemes בין (vi 11 [C23]; viii 2 [C10]) and בקש (vi 12 [C24]).⁴³ Here, it is notable that the typical biblical expression “to seek Yhwh” or to “to seek Yhwh’s face”⁴⁴ is linked with the non-biblical expression “to seek Torah,” which, in the form מבקשי תורה, is notably attested in the (likewise Deuteronomistically styled, historical-theological) first chapter of the book of Jubilees (4Q216 ii 13 = Jub 1:12) and also found its way into the language of the Qumran community.⁴⁵ Finally, Mal 2:7, the only biblical passage in which the term תורה and the verb בקש appear together, may have influenced the choice of this expression: Like a priest, the addressee, who is often presumed to be a high priest and/or political leader,⁴⁶ is responsible for the people of Israel (viii 14, 17–18 [C27, 31–32]). His engagement with the Torah and his expertise are the reason why he can pass on “knowledge” and “Torah” (i.e., instruction).

⁴³ The meaning can only be deduced in light of the parallel structure of Part C with 4Q398 11–13 (vi 5–12 [C18–24]) at the beginning; in this ordering, the keyword connection forms a sort of *inclusio*. Within a concentric structure (see n. 42 above), C28 (viii 14) would correspond with C10 (viii 2) (בין) but not with C23–24 (vi 11–12); the keywords in question in C23–24 (vi 11–12) would then have no counterpart in C25–26 (viii 11–12).

⁴⁴ See, respectively, Deut 4:29; Jer 29:13; 2 Chr 20:3–4 (all with דרש in parallel) and 2 Sam 21:1; Ps 24:6 (par. דרש); 27:8; 10:3 || 1 Chr 16:11; 2 Chr 7:14.

⁴⁵ 4Q306 2 3; 1QS V 11. However, the related expression דרש תורה (see the preceding footnote) became quite common: Ezra 7:10; Sir 35:15 (LXX 32:15); 1QS VI 6–7; VIII 15; CD VI 7; VII 18; XX 6; 4Q159 5 6; 4Q174 1–2 i 11. Both terms, as well as בין ב (cf. Neh 8:8; Dan 9:2), were on their way to becoming technical terms for the study of scripture; see DJD 10, 89.

⁴⁶ See DJD 10, 117–119.

The repeated eschatological perspective at the end of the text likewise makes reference to the letter itself (מקצת דברינו or מדברינו “some of our words”, viii 17 [C30], cf. i 5–6 [B1–2]) and puts the historical-theological reflections into practice. Like in the second direct address, it is not scripture itself, but its interpretation in the halakhah of the preceding letter of instruction, that provides the decisive guidance. The letter seeks to persuade the addressee not to do the same as the “kings of Israel,” who – as is shown in Moses and the Prophets – did only evil in the eyes of Yhwh, but instead (like David) to do what is right and good.⁴⁷ If the addressee – with God’s help – takes to heart what is in the letter of instruction, he can await the “end of time” with joy and without fear. His “righteousness” is secure, just as it was for Abraham (Gen 15:6; 4Q225 2 i 8) and Phinehas the priest (Ps 106:31). Belial is not (yet) the figure that must be defeated in the eschatological war, but instead represents the evil thoughts and plans⁴⁸ that must and can be overcome in everyday life thanks to 4QMMT’s interpretation of law and narrative in “Moses and the Prophets.”

5. Law and Narrative in 4QMMT and in the Jewish Tradition

4QMMT is a unique witness to the beginnings of Jewish halakhah, which here is grounded in a particular theology of history and is situated within the biblical depiction of Israel’s past. Its particular way of connecting law and narrative is, however, not a completely isolated phenomenon. Rather, as we have already seen at several points, it has precursors and parallels in biblical and para-biblical literature, which will be the focus of what follows.

Taken together with the admonition to consider the fate of the kings of Israel (who experienced the curse of 587 B.C.E.), the historical-theological exegesis of scripture and the eschatological parenthesis in Part C of 4QMMT shows close connections with a series of biblical and nonbiblical texts, especially penitential prayers that reflect a Deuteronomistic conception of history, which Odil Hannes Steck investigated in detail years ago.⁴⁹ The

⁴⁷ It should be noted that the manuscripts vacillate between the more common short form “to do what is right in the eyes of Yhwh” (Deut 12:8, 25; 13:19; Judg 2:11 and *passim*; 1 Kgs 14:22; 15:11, 26 and *passim*) and the long form “to do what is right and good” that is attested in Deut 6:18; 12:28 and 2 Chr 14:1; 31:20. Here, as elsewhere, 4Q399 has the shorter and presumably older reading as compared to 4Q398.

⁴⁸ On the parallelism of רעה and בליעל, see 1 Sam 30:22; on בליעל in an intellectual and ethical context, see Prov 6:12–14; Ps 101:3–4; with reference to the sons of a priest who do not know God, see 1 Sam 2:12. The use of the term in 4QMMT thus falls completely within the scope of biblical Hebrew and does not reflect the semantic shift found in other texts from Qumran. Cf. DJD 10, 84.

⁴⁹ STECK 1967.

remembrance of the history of Israel, the emphasis on the (enduring) judgment of 597/587 B.C.E. for the sins of the preexilic monarchic period, the warning to heed Moses and the Prophets, the call to repent, and the expectation of a future judgment in which blessings and curses will be meted out to the righteous and the wicked – all of these elements belong to such a conception of history, which is also found in texts such as Dan 9, Neh 9, Bar 1–3, in the Apocalypse of Weeks and in the Animal Apocalypse of 1 Enoch, and in the Qumran text 4QDibHam (4Q504, 506).⁵⁰

A comparison with 4QDibHam is particularly illuminating. This text contains a striking number of calls to God to remember (as in the Psalms and other prayers) and to act on the supplicant's behalf.⁵¹ In contrast, 4QMMT calls upon its human addressee to "remember." Like in the parenthesis of Deuteronomy, this act of remembering also serves as the impetus for repentance and obedience to the Torah.

The reference to Moses and the Prophets has the same function. In 4QDibHam (4Q504 1–2 iii 12–14 = XVI, 13–15 in DJD 7), these figures serve as mediators of the law and warners against impending judgment, as is common in the Deuteronomistic tradition. A unique aspect, however, is the fact that the prophets of the prophetic books are explicitly included among the "servants of Yhwh."⁵² This is also the case in 4QMMT. Unlike in the Deuteronomistic tradition and in 4QDibHam, however, 4QMMT not only calls upon the addressee to hear what Moses and the Prophets have to say, but also to study their books and to gain insight from them into the course of history that culminates in the "end of days" (ב שתיבין viii 2 [C10]). This insight will result in repentance and obedience to the Torah. In light of the historical examples that are taken from the "Former Prophets" and considering how the addressee is called upon to "consider" the scriptures (see והתבונן in vi 11 [C23]), it is likely that the expression "the books of the Prophets" – which is attested elsewhere in the Dead Sea Scrolls only in CD VII 17 (4Q266 3 iii 18–19)⁵³ – refers not only to the individual prophets who appear in the historical and prophetic books, but to the textual corpus of the "Prophets" as a whole.

⁵⁰ These points of contact are also mentioned by Strugnell in DJD 10, 205. SCHIFFMANN 1996 (on Part C see esp. 94–97) compares 4QMMT with 11QT.

⁵¹ For the references in 4Q504 and 506, see n. 38 above.

⁵² Cf. STECK 1967, 119. 167–168.

⁵³ The expression "the book of Moses" is not particularly common and, outside of 4QMMT, appears in 2Q25 1 3; 4Q197 4 ii 6 and 4Q249 1 verso, although it corresponds to late biblical linguistic usage (2 Chr 25:4; 35:12; Neh 13:1; Ezra 6:18); otherwise, the expression "the book(s) of the Torah" is used: CD V 2 (4Q273 5 1); VII 15; 4Q177 1–4 14; 4Q267 5 iii 5; 6Q9 21 3; 11Q9 LVI 21. Cf. also "Moses and the Prophets" (without "the book of") in 1QS 1 3 (= 4Q255 1 3–4); VIII 15–16 (= 4Q258 vi 7–8), and for the connection of both Torah and Prophets, see 4Q175 5–7; "the Prophets" in 1QpHab II 9; VII 5, 8; 4Q166 ii 5 (pHos); 4Q198 1 4, 12; 4Q292 2 4; 4Q381 69 4; 4Q390 2 i 5.

Finally, it should be noted that 4QDibHam also refers to the “end of days” that is anticipated by Moses and the Prophets. Following Deuteronomistic tradition, 4QDibHam identifies the “end of days” with the judgment of 587 B.C.E.,⁵⁴ whereas in 4QMMT it lies in the future. Here, the past and future are decoupled, and the blessing and curse from Deut 30:1–3 are applied to the two respective periods. The past no longer extends into the present, but instead serves as an example for the present and for the future that is foretold. The nature of both the past and the future can be deduced from the books of Moses and the Prophets.

These differences between 4QDibHam and 4QMMT come into even sharper focus if they are compared to the interpretation of prophetic literature in the Pesharim and to the understanding of scripture in other Qumran texts.⁵⁵ Here, too, the books of the Prophets, generally the writing prophets, are quoted verbatim, interpreted, and occasionally even mentioned by name.⁵⁶ The hermeneutical approach can be seen clearly in 1QpHab II and VII. Here, the words of the Prophets are understood on the whole⁵⁷ as predictions that relate to the interpreter’s own time and to the imminent end⁵⁸ and must be interpreted as such, which is made possible by the revelation of all the mysteries of the Prophets to the Teacher of Righteousness. No connection is made with the judgment of 587 B.C.E. or earlier cases of blessings and curses, such as is found in the interpretation of Jeremiah’s seventy years in Dan 9. This constitutes a divergence from the Deuteronomistic tradition but also from 4QMMT. By exhorting its addressee to study Moses and the Prophets in order to learn from the past experience of the kings of Israel with a view to the “end of days,” 4QMMT seeks to promote Torah observance⁵⁹ along the lines of its own halakhah, which should be practiced long-term, irrespective of when the “end of days” will come. As the history of the kings of Israel shows, blessings and curses can befall anyone at any time.

Thus, in Part C of 4QMMT, Moses and the Prophets are everything at once: history, prophecy, and law, which must be observed, interpreted for every single case, and practiced (at the temple in Jerusalem!). In this respect, 4QMMT comes quite close to the understanding of scripture in

⁵⁴ Cf. STECK 1967, 119; on the development of this idea within the Deuteronomistic tradition, see *ibid.*, 184–189.

⁵⁵ Cf. KRATZ 2004, 128–135.

⁵⁶ Cf. “the book of NN” in 4Q174 1–2 i 15–16; 1–3 ii 3; 4Q177 5–6 (I) 5; 7 3 (II 13); 4Q182 1 4; 4Q265 2 3 and with the names alone in CD III 21; IV 13; VII 10; XIX 7; 4Q285 5 1; 11Q13 ii 15.

⁵⁷ In contrast, in 4QpHos (4Q166 ii 5), like in the Deuteronomistic tradition, the Prophets appear as mediators of the law.

⁵⁸ The “end of days” in 4Q174 1–2 i 15.

⁵⁹ Cf. also 4Q174 1–3 ii 2.

Chronicles and the Chronistic view of its sources.⁶⁰ In addition, it is closely related to the book of Ben Sira, its ideal of the learned scribe who meditates on the law of the most high and takes prophecies to heart (Sir 39:1), its historical examples oriented toward the biblical canon (Sir 44–49) that should be remembered (זכר) or – in negative cases such as that of Jeroboam, son of Nebat – not remembered (Sir 44:9; 47:23), and its ideal of the high priest of Aaronide descent (Sir 45:6–24) who instructs his people in God’s laws (Sir 45:17) and takes care of them (Sir 50). Like 4QMMT, Ben Sira also contains an eschatological expectation (Sir 36). Yet, in Ben Sira as in 4QMMT, the instructions and the exhortation to live and serve in conformity with wisdom, the cult, and Torah receive particular emphasis and are more central.

Unlike the historical framing of the halakhah in Part C of 4QMMT, the halakhah in Part B does not have any direct precursors or parallels in texts from the same time period. Rather, it appears again only later in rabbinic literature. Yet, the halakhah in Part B does not stand in complete isolation; it merely makes explicit what was already implicit in the literary development of the legal texts within and outside of the Hebrew Bible. These texts include the three major biblical legal corpora of the Covenant Code (Exod 20–23), Deuteronomy, and the Holiness Code (Lev 17–26 and 27) as well as the extrabiblical corpora of the Temple Scroll and the community rules *Serekh ha-Yahad* and the Damascus Document as attested in their different versions at Qumran.⁶¹

The interest in interpreting the law in the context of biblical narrative can be seen in the process of the literary and redactional history of biblical law and its rewriting in the Dead Sea Scrolls. This process can be elucidated through the following example. The Covenant Code, embedded in the Sinai pericope of Exod 19–24, developed from a collection of impersonal (casuistic) stipulations in Exod 21–23. This original collection was subsequently expanded through the addition of a framework of cultic laws (altar, festivals) and integrated into the context of the larger biblical

⁶⁰ On this, see R. G. KRATZ, “Die Suche nach Identität in der nachexilischen Theologiegeschichte. Zur Hermeneutik des chronistischen Geschichtswerkes und ihrer Bedeutung für das Verständnis des Alten Testaments”, in: Id., *Das Judentum im Zeitalter des Zweiten Tempels*. FAT 42 (Tübingen 2004) 157–180 (originally published in: J. MEHLHAUSEN [ed.], *Pluralismus und Identität*. VWGTh 8 [Gütersloh 1995] 279–303). I agree with BERNSTEIN 1996, 50: “The adoption of Chronicles as a model by 4QMMT is worthy of further consideration.”

⁶¹ For the biblical corpora, see KRATZ 2000, 99–155 (2005, 97–152); for the extrabiblical examples and their relationship to the Hebrew Bible, see Id. 2011; 2013; Id., “Law and Narrative in Deuteronomy and the Temple Scroll”, in: C. BERNER / H. SAMUEL (eds.), *The Reception of Biblical War Legislation in Narrative Contexts: Studies in Law and Narrative*. BZAW 460 (Berlin 2015) 109–122. On what follows, see also Id., “Biblical Scholarship and Qumran Studies”, in: BROOKE / HEMPEL 2019, 204–215, esp. 209f. For relevant parallels and the relationship of MMT to Qumran literature, see the contribution of Charlotte Hempel in this volume, p. 117–136.

narrative. In the course of this redactional process, the impersonal stipulations were transformed into a first-person address by the deity directed towards a second-person singular addressee (Moses or the people) as well as occasionally a second-person plural addressee (the people).

This is the rhetorical scenario presupposed in the book of Deuteronomy, which was composed as an address to Moses in the second person singular and includes later additions that attest a second-person plural addressee. According to the fictional perspective of the narrative, Moses proclaimed the law which he had received from God on Mount Sinai (Exod 19–24) to the people in the land of Moab immediately before the entrance into the promised land (cf. Num 25:1; Josh 2:1; 3:1). Against the rhetorical background of this fictional framework, Deuteronomy emerges as a repetition of the Covenant Code, which to a certain degree it is. Deuteronomy is nothing other than a type of rewritten Bible: a reformulation of the Covenant Code, especially the cultic laws, with particular stress on the centralization of the cult (cf. Exod 20:24 with Deut 12:13ff.; Exod 23:14–17 with Deut 16:16–17, etc.).

This literary process is taken a step further in the rewriting process attested by the Temple Scroll, which presents the (already developed) text of Deuteronomy as first-person divine speech as revealed to Moses himself on Mount Sinai (see, e.g., the rules on the centralization of the cult in cols. 51–53). Both stylistically and in terms of content, the Holiness Code (Lev 17–26), telling Moses what he should tell the Israelites (Lev 17:1–2) and itself the product of a rewriting of the Covenant Code and Deuteronomy, represents a likely intermediate stage in this development.

Furthermore, biblical law is the basis of the Qumran Community Rules, even though the latter are – like halakhic texts – more removed from the biblical text and constitute independent compositions. Thus, our understanding of the processes that gave rise to biblical law as reconstructed by means of redaction-, form-, and tradition-critical methods may serve as a model to illuminate the literary development of legal texts from Qumran.⁶² In addition, the literary-historical relationship between different collections of biblical law (such as the Covenant Code, Deuteronomy, and the Holiness Code) can serve to illuminate the relationship between 1QS and 1QSa or the *Serekh ha-Yahad* and the Damascus Document. Like the various corpora of biblical laws, the latter compositions show a relatively rich network of intertextual relationships. As for the relationship of the Qumran Rule texts and halakhah to biblical law, a connection doubtlessly exists both literarily and in terms of content, as is demonstrated by the heading of the penal code in 1QS VI 24, which draws on Exod 21:1. An example of

⁶² See S. METSO, *The Textual Development of the Qumran Community Rule*. STDJ 21 (Leiden 1997); HEMPEL 1998; Ead., “The literary development of the S tradition: a new paradigm”, *RdQ* 22 (2006) 389–401.

the relationship between biblical and extrabiblical law and the halakhah in 4QMMT is the discourse on the cultic place (Exod 24:24; Deut 12; Lev 17).⁶³

In sum, it can be seen that the close connection between law and narrative in 4QMMT has precursors and parallels in biblical and para-biblical literature. In terms of relative chronology, the development within the biblical corpora, particularly in the Torah, has already reached its conclusion and underlies the halakhah in 4QMMT. As for the relationship to other texts such as the Temple Scroll and the Community Rules (*Serekh ha-Yahad* and the Damascus Document), establishing a relative chronology is much more difficult. In light of its use of biblical quotations and its interest in situating its own standpoint within the scope of biblical history, 4QMMT stands somewhere between the *Serekh ha-Yahad* and the Damascus Document. The former presupposes the Torah as an authoritative entity and formulates the rules for the community as an extension of the Torah. The latter connects the rules for the community with a historically (and, increasingly, also eschatologically) motivated parenthesis to observe the law, and it interprets the individual laws of the Torah in this context. Likewise, 4QMMT focuses on the interpretation of individual laws, situating them in the context of the (already eschatologically oriented) biblical depiction of the history of Israel. A unique aspect of 4QMMT is its polemic with the addressee and his interpretation of the Torah, which could indicate that 4QMMT postdates both the *Serekh ha-Yahad* and the Damascus Document. Almost at the same time, the authors of the Qumran Pesharim likewise deploy the Prophets (and the Psalms) for polemical purposes, interpreting their own present within an eschatological framework. The relationship between 4QMMT and the Pesharim still remains unclear in many respects and requires further investigation.

⁶³ See KRATZ 2007.

The Calendar and 4QMMT

Jonathan Ben-Dov

1. Introduction

Questions of time reckoning played a central part in the world of the yahad community, and in Second Temple Judaism in particular. With much emphasis placed on the accuracy of ritual, the right timing was crucial for the efficacy of the temple and of any other ritual (4Q266 2 i 2 and parallels; 1QSI 13–15). Sectarian circles have been promoting a sabbatarian calendar of 364 days, while the temple and as it seems other circles were following a luni-solar calendar, as was accepted throughout the Ancient Near East since time immemorial.¹ The debate was not devoid of theological dimensions: for the sectaries, time was anchored in divine numerical harmony, and no place was allowed for human beings to interfere in it. On the other hand, the lunar calendar requires a large measure of human intervention: observing the new moon, deciding on the length of months and establishing intercalations.² Following this mode of thought, the – admittedly later – Mishna tractate Rosh Hashana celebrates the human intervention in the calendar as its primary ideology. Second Temple sectarian sources, in contrast, underscore the pre-determined and ever-recurring aspect of time as part of their group identity. The inclusion of a calendar in one of the copies of MMT thus requires discussion and clarification.

The scroll 4Q394 MMT^a is dated to the early Herodian period. It is written in a rather distinctive Herodian semiformal script, with a tendency “to curve whatever can be curved”, including several idiosyncratic letters.³ At the beginning of the preserved part of the scroll, in fragments 3a and 4 lines 1–3 (A19–21), just before the title *אלה מקצה דברינו [בתורת א]*, there appears the very end of a fragmentary calendrical list. All that exists is:

¹ See BEN-DOV 2011; S. STERN, *Calendars in Antiquity. Empires, States, & Societies* (New York 2012) 197–200.

² R. FELDMAN, “Tame and Wild Time in the Qumran and Rabbinic Calendars”, in: BEN-DOV / HOROWITZ / STEELE 2012, 191–209; J. BEN-DOV, “Lunar Calendars at Qumran: A Comparative and Ideological Study”, in: BEN-DOV / HOROWITZ / STEELE 2012, 172–189.

³ QIMRON / STRUGNELL 1994, 3.

שבת ע[ל]י אחר [ה]ש[ב]ת A19
]ש[ב]ת ע[ל]י אחר [ה]ש[ב]ת ע[ל]י אחר [ה]ש[ב]ת A20
 וְשָׁלוֹם הַשָּׁנָה שְׁלוֹשׁ מֵאוֹת וְשָׁבַע
 vacat אִי־אֵס A21

2. [...] is a Sabbath. In a[ddi]tion, after [the] Sa[bbath...]
3. [is ad]ded, and the year is complete: three hundred and si[xty-four]
4. days. *vacat*

The fully complete words *ושלמה השנה* “the year is complete” show that these lines represent the end of the year. In the light of other calendrical texts from 1 Enoch and Qumran it is reasonable to reconstruct *שלוש מאת יום וְשָׁבַע יָמִים וְאַרְבַּעָה* [יָמִים] “three hundred and si[xty four] days”. One may also learn that the calendrical list ending on that fragment contained records of Sabbaths (line 1) and probably also of Sunday, called here *שבת* as usual in the DSS.

Three other fragments with calendrical content (two of them were subsequently joined), written in a very similar idiosyncratic script, were detected by the first generation of scholars. For the sake of clarity we shall call them here by their designated siglum 4Q327. These fragments altogether represent five consecutive columns from the beginning of a calendrical list covering one year. Most notably, the columns on these three fragments are extremely narrow, containing one item of information, that is 1–2 words per line, with the lines measuring 1.7–2 cm.⁴

The fragments of 4Q327 were not associated with MMT on the museum plates as represented in the PAM photos, but were rather placed on plates with other calendrical scrolls. Thus, on PAM 41.703, 42.335, and even on the later PAM 43.339 (taken 1960) they are contained on the same plate with other calendrical fragments (e.g. 4Q326) and remain outside the plates of MMT.

J. T. Milik was the first scholar who worked on the calendrical fragments.⁵ Before assigning the regular 4Q numbers he named the calendrical texts “Mishmarot A–F”, with 4Q327 designated 4Q Calendrical Text E^b.⁶ This is the entry represented in the *Handkonkordanz* and reflected in Wacholder’s edition from 1991.⁷

⁴ According to Tov 2004, 83, these columns are the narrowest in the entire DSS corpus. Note that the calendrical scroll 4Q320 also features several very narrow columns (4Q320 4 ii–iii). These columns, however, are written on extremely narrow pieces of leather stitched in the scroll, while in contrast the fragments of 4Q327 could have accommodated wider columns.

⁵ MILIK 1959.

⁶ Milik apparently considered each capital letter to represent a composition, with uppercase letters representing copies of that composition. Accordingly, Milik considered E^a (=4Q326) to represent a copy of the same composition as 4Q327. The respective fragments are presented in this way on the museum plates.

⁷ B. Z. WACHOLDER / M. G. ABEGG, *A Preliminary Edition of the Unpublished Dead Sea Scrolls*, Fascicle 1 (Washington DC 1991) 89.

As work on MMT unfolded, 4Q327 at some stage came to be considered part of 4Q394. This “join” was first officially announced in DJD 10, the *editio princeps* of MMT, where the fragments under discussion were designated 4Q394 frags. 1–2. Some objections to this classification were raised by Strugnell in the same volume, however (see below). The fragments were then republished together with all other calendrical texts by Talmon with the assistance of Ben-Dov in DJD 21, once again as 4Q394 1–2, but with some reservations (see below).⁸

Three separate questions arise from this brief survey:

1. Does 4Q327 (=4Q394 1–2) represent the same *kind* of calendar list as that represented at the top of 4Q394 frags. 3a and 4?
2. Does 4Q327 (=4Q394 1–2) belong to the same scroll as 4Q394 frags. 3 onwards?
3. Is the calendar (4Q394 3a–4 1–3) part of MMT? If not, why is it contained in the same scroll?

These questions bear important implications. For example, it might become necessary to change the title of 4Q394 1–2 back to 4Q327, depending on the answer we give to question (b) above. The questions are treated here one by one, with a short history of research contained in each chapter.

2. The kind of calendar contained in 4Q327 and 4Q394

Many different kinds, one may say *genres*, of calendar texts are attested in the Qumran scrolls. These various genres all attest to one and the same calendar year of 364 days containing the same festivals, but each author was free to choose which elements of the calendar to contain in each distinct document.⁹ Longer calendrical scrolls like 4Q319, 4Q320 and 4Q321 comprise a collection of various types of lists. In these cases the scroll is not the unit of content but rather each distinct list contained in it.¹⁰

The main criteria for discerning calendar lists are:

- Does the list record lunar months? Lunar texts in Qumran must by definition deal with at least 3 years, the basic lunar cycle in Qumran.
- Does the list mention names of *mishmarot* (i.e., names of priestly fami-

⁸ TALMON / BEN-DOV 2001.

⁹ For the unity of the calendrical system throughout the corpus see BEN-DOV 2011, 69–74. Pace Stephen Pfann, who considers the various texts as attesting to different calendars: S. J. PFANN, “The Ancient ‘Library’ or ‘Libraries’ of Qumran: The Specter of Cave 1Q”, in C. WASSEN / S. WHITE CRAWFORD (eds.), *The Dead Sea Scrolls at Qumran and the Concept of a Library*. STDJ 116 (Leiden 2016) 168–213.

¹⁰ See for example the classification of calendar lists by ABEGG 2004.

lies?)? Mishmarot texts must by definition relate to at least six years, the length of the priestly cycle in Qumran.¹¹

– Does the list record festivals alongside the Sabbaths? Which festivals are recorded: only those mentioned in the Pentateuch or also the additional harvest festivals such as those of the New Oil and New Wine?

The three lines of 4Q394 3a 1–3 are enough to show that the list contained neither names of mishmarot nor lunar months.¹² On the other hand, that list does record Sabbaths, and in addition a count of days must be assumed, based on the appearance of the fragmentary term [גו]טף “additional”. The evidence points towards a sort of list which covers only one year and counts the Sabbaths in it.

The same kind of list appears also in the fragments of 4Q327.¹³ They cover the first half of the year – one year without any longer cycles – counting the Sabbaths alongside some of the festivals. The explicitly preserved festivals are מועד השמן “Festival of Oil” (v 5–6) followed by קרב[ן העצים] “(festival of) Wood Offering” (v 9). The reconstruction of the scroll’s text requires the mention of מועד היין, מועד השבועים, as well.

The most telling feature connecting 4Q327 with 4Q394 3a–4 1–3 is the concluding formula at the end of each תקופה, “season”, as well as at the end of the year. Such a fragmentary formula is present in 4Q394 3a–4, and another one is fragmentarily preserved (and must be restored) at the end of month III in 4Q327 ii 8–14. According to the fixed structure of the 364-day year, all quarters of the year end in the same way on months III, VI, IX, XII respectively: Sabbath occurs on the 28th, then three more days pass until the new season begins on Wednesday. These three days are enumerated in the formula one by one, but the exact wording of the formula is not known. A cue is given by the remnant of the word [גו]טף in 4Q394 3a 2, which is part of the formula עליו אחר השבת ויום השני והשלישי נוסף “after it (come) Sunday, Monday, and Tuesday (as an) added day” (Qimron, DJD 10, 44) or maybe עליו אחר השבת ויום השני ויום השלישי נוסף (Talmon, DJD 21, 162). The “added” day

¹¹ See J. BEN-DOV, “Mishmarot”, *The Eerdmans Dictionary of Early Judaism*, ed. J. J. COLLINS / D. C. HARLOW (Grand Rapids MI 2010) 958–960.

¹² The space between the words אחר [ה]ש[ב]ת and שבת does not suffice for a name of any priestly family, while in addition the clearly preserved *ayin* after שבת precludes any such name here. In addition, announcing the 364 days of the year at its end is not commensurate with lunar or mishmarot texts, which involve a cycle of 3 or 6 years rather than a single year.

¹³ The following paragraphs thus disagree with F. GARCÍA-MARTÍNEZ, “Dos notas sobre 4QMMT”, *RdQ* 16 (1993-1994) 293–297, who claims that the calendar present in 4Q394 is different than the one contained in 4Q327. VANDERKAM 1997, n. 18, refuted that claim. However, VANDERKAM 1997, 192, was not correct when claiming that “I have found this limited array of data in no other Qumran calendrical work”. As we shall see, this is not the case.

is the 31st day of the month, added at the end of each quarter.¹⁴ This – admittedly fragmentary – formula is the strongest evidence indicating that 4Q327 and 4Q394 1–2 stem from the same *kind* of calendar list.

Two more calendrical documents should be taken in account here. Milik positioned 4Q327 (Mishmarot E^b) just below 4Q326 (E^a) on the same museum plate (represented e.g. on PAM 43.339). The latter fragment records the Sabbaths and festivals for month I of the year, with preserved mentions of חג המצות (line 3) and מועד ש[עוריים] (line 4), possibly also including הפסח in line 2.¹⁵ Mishmarot are not mentioned in 4Q326, a fact which ascertains that it does not belong to any cycle of years. In terms of style and ingredients this fragment may have constituted an account of the beginning of the year in a similar – though not identical – format to that of 4Q327.¹⁶

Most recently we have succeeded in reconstructing another pertinent calendrical scroll, 4Q324d.¹⁷ Written in cryptic script, it has later deteriorated into ca. 60 tiny fragments. While an earlier edition considered them to belong to as many as six different copies, new reconstruction work resulted in posing a jigsaw puzzle of five consecutive columns from one sheet of leather. The content of this scroll resembles the content of 4Q327 and 4Q394 3 1–3 inasmuch as it relates to one single year without integrating mishmarot and lunar dates. This scroll contains formulas for the end of the season (*tequfah*) which resemble those of 4Q327 and 4Q394 but are not identical to them. Finally, a marginal gloss at the margin of 4Q324d adds intriguing information about the halakha of the Festival of Wood Offering (קרבן העצים), the same festival mentioned also in 4Q327 v 9): the gloss informs that the festival should be celebrated along six days, two tribes sacrificing their wood on each day, in compliance with the rule in the *Temple Scroll* (11QT^a XXIII, 11QT^b VI, cf. also 4Q365 frag. 23).

In conclusion, we have detected 3–4 calendrical scrolls which seem to have belonged to a special type of list, pertaining to one year only with no mentions of mishmarot and lunar phenomena. These texts mention the

¹⁴ For the background for this term see VANDERKAM 1997, 188. 191f.; and cp. the evidence of 4Q324d below.

¹⁵ See the reconstruction in DJD 21, 134f.

¹⁶ A point of dissimilarity seems to be the way the first day of the month is recorded. This occasion receives no indication in 4Q327, but seems to be indicated in 4Q326. The last preserved word in this fragment (line 5) was read בוא (DJD 21, 5). However, new images (esp. IAA image B-365503) now show that the first letter of this word is *resh* rather than *bet*, the word being probably רשא and referring to the beginning of month II (cp. 4Q325 1 3, 6).

¹⁷ See RATZON / BEN-DOV 2017. No ‘official’ edition exists for these fragments, but their images were classified into copies and presented by S. J. PFANN in DJD 28, plates LIX–LXII; cf. the various fragments of 4Q324d–i in ABEGG 2004, 52–56; “4Q324d”, QIMRON 2014, 89 (Hebrew).

harvest festivals in the first half of the year, and dedicate special formulas to the end of each *teqfah*. The scrolls are:¹⁸

4Q326
 4Q327 (=4Q394 1–2)
 4Q394 3a–4 1–3
 4Q324d

3. Are 4Q327 and 4Q394 the same scroll?

Qimron writes:

The ascription of the calendar written in narrow columns to MMT is based on palaeographical considerations, and on its typological resemblance with the end of the calendar which appears on 4Q394 3–7 i. (DJD 10, 201)

While in the detailed paleographical discussion of 4Q394 Qimron and Strugnell count 4Q394 1–2 together with the other fragments of 4Q394 (DJD 10, 3–6), Qimron later admits that “some of the letters in the calendar differ from their counterparts in the halakhic section” (DJD 10, 201). This problem did not make him doubt their assignment, since in his renewed edition he endorses the same classification as in DJD 10, with 4Q394 1–2 heading the same page that continues in fragment 3.¹⁹ The scholars of the original team (Strugnell for MMT and Milik for the calendar texts) did not consider fragments 1–2 to be part of 4Q394, as these fragments are contained on a different museum plate than the halakhic section of MMT, and classified rather with other calendrical scrolls. Strugnell himself brings a series of reasons *against* the classification of the calendar as part of MMT (DJD 10, 205). Interestingly, Strugnell based his conclusion on the *content* of the fragments rather than on their material aspects. He apparently thought that fragments 1–2 were indeed part of 4Q394 in terms of material.

A more detailed material argument was made by VanderKam, rehearsed by Talmon (DJD 21, 159–161), and concluded by von Weissenberg.²⁰ It was endorsed by Tigchelaar in his contribution to the present volume.²¹ In short, one can point out several discontinuities between 4Q327 and 4Q394: (1) the letters of frags. 1–2 are smaller than those of frags. 3–7 and often differ in detail, although admittedly the script of 4Q394 itself is not entirely consistent. (2) the distance between lines in

¹⁸ At this point the reader may expect to see a hypothetical reconstruction of an entire year according to this list. Such a reconstruction is not possible, however, because the four documents are not entirely consistent in their notations, with each of them using a slightly different style.

¹⁹ QIMRON 2013, 205.

²⁰ VANDERKAM 1997, 184–187; VON WEISSENBERG 2009, 33–38.

²¹ Eibert Tigchelaar in this volume, p. 62.

frags. 1–2 is smaller than that of frags. 3–7; this may have to do with the fact that frags. 3–7 preserve dry rulings while frags. 1–2 preserve none.²² (3) the extremely narrow columns of frags. 1–2 are so different from the wide column of fragment 3 that they cannot possibly have been contained in the same sheet.

The calendar of 4Q394 3a–4 1–3 is the tail-end of the year, which must have been preceded by a lot of text describing the yearly course until the concluding formula. The five columns of frags. 1–2, however, lead up to the *middle* of the year, just before the beginning of month VII.²³ Even if these columns preceded 4Q394 3a–4, there must have been more text between the two passages, recounting the second half of the year. This point was noticed by the editors and recorded in tiny script at the bottom of DJD 10, 45.²⁴ If fragments 1–2 were part of 4Q394, there would have to be additional columns before reaching the concluding formula in fragment 3a 1–3.

Another major problem, noted mainly by García-Martínez and Talmon, is the difference in column layout between columns 1–2 and fragment 3a. The sheet containing frags. 1–2 takes a rather unusual shape of five extremely narrow columns, containing 1–2 words each, with wide margins separating them, while fragment 3a contains wide lines with narrow margins. The arrangement of 4Q327 was probably meant to contain each calendrical item (1–2 words) in a separate line, creating a tabular effect. The five columns of frags. 1–2 were contained in one sheet of parchment; no sign of stitching can be discerned between them. There is no way to tell whether frags. 1–2 were continued by additional narrow columns, how many such columns were there, and whether these additional columns were contained on the same sheet of parchment or whether another column was stitched to them.

Based on all of the above, it seems impossible that fragments 1–2 had originally belonged in the same scroll with the fragments now titled 4Q394.

²² The dry rulings are best discerned at the bottom right of 4Q394 3a (image number B-370828 in the *Leon Levy Dead Sea Scrolls Digital Library*).

²³ Writing in 1997, VANDERKAM (1997, 189f.) still doubts the order of fragments in 4Q327. The preserved text on columns i–ii (frag. 1) counts Sabbaths and days of the months without any festivals. VanderKam rightly claims that with the repetitive order of the Qumran calendar, these extant lines may equally represent months II–III, months VIII–IX or months XI–XII. In the latter two cases, frag. 1 would have stood *after* frag. 2 in the order of the year. VanderKam did not take in account, however, the reconstruction of the bottom part of columns i–ii. When placed in continuity with columns iii–v, these columns only work well if one reconstructs in i 13–15 the words *בַּחֲמִשָּׁה עֶשְׂרֵי בּוֹ חַג הַשַּׁבּוּעִים*, mentioning the Feast of Weeks on Month III. This reconstruction is employed by TALMON / BEN-DOV 2001 (DJD 21, 162). It is hard to supply equivalent reconstructions for VanderKam's other possibility, which would agree with the fixed number of lines in columns i–v.

²⁴ I thank Noam Mizrahi for pointing out this statement to me. VANDERKAM 1997, 185 surmises that "the scribe was almost at the end of his calendrical list".

Despite the similarity in content, they are materially incompatible. We must therefore invoke the older title 4Q327 as defined by Milik for these fragments. Curiously, although Talmon promoted practically the same conclusion in DJD 21, and although he accepted VanderKam's earlier conclusion that 4Q327 and 4Q394 are two separate scrolls, he (in fact we, because I was his assistant at the time) nevertheless retained the wrong name 4Q394 1–2.²⁵ I now believe that the title 4Q327 should be revived, and the fragments of 4Q394 renumbered accordingly.

4. Is the Calendar of 4Q394 part of MMT?

While the calendrical fragments 1–2 (=4Q327) are not part of 4Q394, the latter scroll did contain an undeniable calendrical section, whose final lines are preserved just before the beginning of the halakhic section of MMT.²⁶ Was this section part of MMT or rather a different composition copied on the same scroll? If the former is the case, how does the calendar integrate into the texture of the halakhic letter?

Strugnell (DJD 10, 203) could not see how the calendar was part of MMT and decided that “at the most it should be conceived as a list, of another genre, prefixed in 4Q394 to sections B and C for uncertain reasons”. The same conclusion was reached by von Weissenberg after long deliberations, and despite the following arguments:²⁷ she indicates, first, that the calendar is an integral part of the covenant in sectarian thought and hence may be expected to appear in both covenantal accounts and halakhic discussions. Furthermore, calendrical sections *per se* appear in other rule texts and other compositions from Qumran. Most notably, a long anthology of various calendrical lists is contained at the end of 4QS^e.²⁸ This anthology includes a calendrical list of Otot, ‘signs’, of a type not attested elsewhere in the mishmarot corpus, which is then followed by assorted calendrical lists paralleled in the mishmarot corpus. A calendrical component seems to be the norm in the S tradition: the tradition represented in 1QS contains instead at its end a psalm by the Maskil, which carries strong calendrical

²⁵ In hindsight I would make another change in the scroll names of DJD 21. The scroll called 4QOtot (4Q319) is very clearly part of the scroll 4Q259 S^e. The siglum 4Q319 is thus spurious and should be discarded, with the columns of 4Q319 renumbered as the subsequent columns of 4Q259.

²⁶ Strugnell (DJD 10, 203) claimed that the copy 4Q395 contained the beginning of MMT without the calendrical section. This is based on what he sees as remains of the handle sheet at the beginning of that scroll. His claim, however, was refuted by VANDERKAM 1997, 184; see also VON WEISSENBERG 2009, 36.

²⁷ VON WEISSENBERG 2009, 129–133.

²⁸ See above, where I have indicated that the siglum 4Q319 is in fact spurious, as the fragments are clearly a material part of 4Q259.

overtones but also continues the Maskil section in 1QS VIII–IX.²⁹ In contrast, in neither 1QS nor 4QS^e does the calendar section echo the dominant argument within the Serekh. Time-related themes do appear in S, but always as short statements merged into the main argument rather than as a leading theme.³⁰

The possibility that the calendar was part of MMT does make sense, not only due to the analogy from S but also based on other reasons. An author or a copyist included the calendar because it was considered a strong motive for the sectarian separation, in a text which indulges with the separation so deeply.³¹ Other, similar documents, employ the calendar in the context of the sectarian debate. Thus, 4Q513 which as Vered Noam suggests is particularly close to MMT, specifically involves calendrical matters.³² In addition, a source in the Scholion to Megillat Ta'anit (Nisan 8) recounts a rabbinic polemic dialogue, even satire, with the Sadducees about the dating of the Omer sacrifice.³³ This source resembles the sectarian polemical dialogues reflected in MMT.³⁴

How good is the analogy with S? The calendar *per se* is not mentioned in the halakhic section of MMT, even less than in S, and thus there is little continuity between the calendar and the body of MMT. Had the calendar been so dear for the author, one would have expected a more explicit mention of it in section B. In addition, while all copies of S include the calendar or a calendar-related psalm, a calendrical section spears *only in one* copy of MMT (4Q394), and was almost certainly not included in the other copy of

²⁹ For the psalm in 1QS X–XI see A. GAYER, "The Centrality of Prayer and Stability of Trust: An Analysis of the Hymn of the Maskil in 1QS IX 25b–XI 15a", in: S. C. REIF / R. EGGER-WENZEL (eds.), *Ancient Jewish Prayers and Emotions*. DCLS 26 (Berlin 2015) 317–333; J. PENNER, *Patterns of Daily Prayer in the Second Temple Period*. STDJ 104 (Leiden 2012) 137–164.

³⁰ For the role of Time in sectarian organization according to the Serekh see NEWSOM 2004, 177–186.

³¹ This motive for the inclusion of the calendar is valid regardless of whether MMT was written at an early date in the community's life or rather as an intra-mural instruction document at a later stage. As Charlotte Hempel suggests, if the calendar were part of MMT, it would have created an elegant *inclusio* with the figure of David as mentioned at the end of MMT (C25–26). David appears in the Psalms scroll from Cave 11 (column XXVII) as a promoter of the 364-day year; he has composed a series of liturgical works anchored to key points of the year (see J. BEN-DOV, *Head of All Years. Astronomy and Calendars at Qumran in Their Ancient Context*. STDJ 78 [Leiden 2008] 49–52). A mention of David at the end of the list could serve as a reference to the calendrical element of his personality. Note, however, that the mention of David in MMT C25–26 does not involve the calendar in any apparent way.

³² For the debate in 4Q513 see B. Z. WACHOLDER, "The Omer Polemics in 4Q513 fragments 3–4: Is Annani their Author?", *RdQ* 20 (2001) 93–108. Wacholder's specific argument in that article is not compelling, however.

³³ V. NOAM, *Megillat Ta'anit. Versions. Interpretation. History. With a Critical Edition* (Jerusalem 2003) 61 (Hebrew).

³⁴ The matter is discussed by KISTER 1999, 332 and fn. 68.

the beginning, 4Q395. The above considerations thus preclude the possibility that the calendar is a coherent part of MMT, or that it was deliberately included in its standard literary edition.

Why then was a calendar contained in the copy 4Q394? Granted that this is not a deliberate act by the original author or editor, why did a copyist of that 'rustic' Herodian or Hasmonean scroll decide to include the calendar before the halakhic section?

Emanuel Tov notes six cases where two separate compositions were contained in the same scroll, not all of them certain.³⁵ Curiously, 4Q394 is not mentioned in this list. The closest example to it would be the scroll 4Q448 "Apocryphal Psalm and Prayer", where the two poetic works included in the only surviving column seem not to be related.³⁶ Thus, the practice of including two separate compositions in the same scroll would be unusual yet not entirely unacceptable in the corpus of the Dead Sea Scrolls. The fact that other calendrical texts (like 4Q319) are copied in a similar way lends more credibility to that possibility.

Lutz Doering has recently suggested that, since MMT is in many ways a letter, the calendrical content may be associated with the long tradition of letters involving calendrical matters in both Jewish and Christian texts.³⁷ On a different tone, Schiffman and Kister claimed that a copyist considering MMT to be the basic account of the motivation for the schism could not leave out the calendar from the motivations for that schism and therefore added it in his copy.³⁸ The specific calendrical list chosen for that mission is admittedly not a very polemical one, but we know little about the content of the calendar section beyond the three partly preserved lines.

In an article bearing the suggestive name "Why does 4Q394 Begin with a Calendar?", George Branch-Trevathan concedes that the calendar was not part of MMT but rather seeks a reason why one particular scribe would have included it in the scroll.³⁹ According to him, the scribe read the halakhic section as describing an utopic and eschatological community seeking perfection, and associated that perfection with the solar calendar, a well-known symbol throughout Antiquity for wholeness and perfection. He cites the evidence from Augustus' monumental sundial in Rome and

³⁵ Tov 2004, 37. I would also mention the various 'texts' contained on the recto and verso of the scroll 4Q505–4Q509–4Q496.

³⁶ It might be relevant to say that the bottom part of 4Q448 uses very narrow lines of writing, somewhat similar to those of 4Q327. To take up a further – though quite remote – argument, it was suggested by STEUDEL 2006 that 4Q448 did in fact constitute the lost beginning of 4QMMT. Some connection may then be expected between MMT, 4Q448 and 4Q327.

³⁷ DOERING 2012, 198 and n. 144.

³⁸ SCHIFFMAN 1996, 85; KISTER 1999, 360.

³⁹ G. BRANCH-TREVATHAN, "Why does 4Q394 begin with a Calendar?", in: LANGE / Tov / WEIGOLD 2011, 923–933.

other, shorter, textual sources to demonstrate the use of royal symbolism as a marker of perfection. His proposal remains problematic, however, because the sectarian calendar represented at Qumran was not conceived and represented as a solar calendar. The main drive behind the sectarian calendar was its ideal septenary structure, which was appealing in the eyes of a priestly Jewish practitioner in Second Temple Times.⁴⁰ No explicit statement is preserved about the 364-day year being a solar year.⁴¹ More concretely, there is no sign that the particular calendrical list used in 4Q394 – whose general outline is known from other calendrical lists – underscored the solar elements in the calendar. This is enormously different than Augustus' solar ideology in his Temple of Peace in Rome.

Since the extant material of 4Q394 is so scarce, there is little more we can do about it. The most plausible idea would be that presented by Schiffman: while MMT did not include a calendar, an individual copyist decided to include a calendar preceding it in his copy. That individual may also have separately copied the calendrical scroll 4Q327.

This observation leads us from the compositional stage to the scribal stage, that of copying and producing manuscripts. This aspect won renewed attention in recent years, which could significantly enrich our discussion of the calendar in 4Q394.⁴² It should first be mentioned that the same person was interested in both the halakhic precepts of MMT and the structure of the calendar, this interest leading him to copy both on the same scroll. This resembles what we know about Mesopotamian scribes in the Hellenistic period, for example the scholars Anu-Belšunu and Iqīšâ from Uruk, who functioned in various priestly duties while at the same time copying or indulging in astral sciences.⁴³ In the context of Qumran Cave 4, it is instructive that a person interested in the calendar was also involved

⁴⁰ See the formulation of this principle by U. GLESSMER, "Calendars in the Dead Sea Scrolls", in: FLINT / VANDERKAM 1999, [213–278] 231; further: J. BEN-DOV / S. SAULNIER, "The Qumran Calendar: A Survey of Research 1980–2007", *Currents in Biblical Research* 7 (2008) 124–168.

⁴¹ *Contra* my late teacher Shemaryahu Talmon, who propagated this view in his writings. The only writer who seems to have preferred the sun as a marker of time is the author of Jubilees. The calendar of that book resembles that of the DSS but is not identical with it. See J. BEN-DOV, "Tradition and Innovation in the Calendar of Jubilees", in: G. BOCCACCINI / G. IBBA (eds.), *Enoch and the Mosaic Torah: The Evidence of Jubilees* (Grand Rapids MI 2009) 276–293.

⁴² See for example K. VAN DER TOORN, *Scribal Culture and the Making of the Hebrew Bible* (Cambridge MA 2007); TEETER 2014.

⁴³ L. PEARCE / T. DOTY, "The Activities of Anu-Belšunu, Seleucid Scribe", in: J. MARZAHN / H. NEUMANN (eds.), *Assyriologica et Semitica. Festschrift für Joachim Oelsner*. AOAT 252 (Münster 2000) 331–341; F. ROCHBERG, *The Heavenly Writing. Divination, Horoscopy, and Astronomy in Mesopotamian Culture* (New York 2004) 41f.

in copying a halakhic scroll. This fact attests to the sort of intellectual atmosphere encountered within the Yahad.⁴⁴

5. Conclusion

4Q394 3a–4 1–3 preserves the end of a calendrical list. The same kind of list is known from 4Q326, 4Q327, and 4Q324d. The fragments known as 4Q394 1–2 are not part of 4Q394. They should be designated by their original siglum 4Q327. This was Milik and Strugnell's original view, which should now be retained. The scrolls 4Q327 and 4Q394 were apparently written by the same scribe, however.

The scribe of 4Q394 decided to copy a calendrical list before the halakhic section of MMT in 4Q394. The list had been copied by that scribe beforehand in tabular form in the scroll 4Q327, but this time its graphic format was altered in order to fit the prose layout of MMT. The scribe decided to copy the calendrical list presumably because he considered the calendar to be a significant factor in defining the sectarian identity and in the need for a schism, both consisting the heart of the argument in MMT. The calendrical list, to the best of my understanding, was not an integral part of MMT.

⁴⁴ C. HEMPEL, "'Haskalah' at Qumran: The Eclectic Character of Qumran Cave 4", in: Ead. 2013, 303–337.

4QMMT in the Context of the Dead Sea Scrolls and Beyond¹

Charlotte Hempel

1. Introduction

This chapter offers a fresh reading of the legal debate reflected in 4QMMT based on the new edition of this text in this volume. It will be shown that rather than offering insights into a schism that lies at the root of the Qumran movement's emergence, 4QMMT should instead be recognized as part of a rich spectrum of halakhic discourse reflected *within* the Dead Sea Scrolls. We will expose the much maligned opponents known as the "they-group" in 4QMMT as interlocutors in other Scrolls. Moreover, a case will be made for identifying the position of the they-group, customarily considered very much as outside the orbit of the movement behind the Dead Sea Scrolls, in two of the movement's own halakhic compositions (see sections 4.2.6. and 4.7.3. below). Finally, we will offer reflections on the significance of our findings for the multivocal contribution of the legal component of the Dead Sea Scrolls² to our understanding of halakhic discourse in a crucial period that would come to define both emerging Christianity and rabbinic Judaism.

¹ I gratefully acknowledge the support of the UK's Arts and Humanities Research Council (AHRC) for this research which forms part of the legal strand of my Leadership Fellowship Project on *Ezra's Legacy and the Dead Sea Scrolls: Law and Narratives of Exclusion*. In addition to the extremely conducive discussions with the editors and fellow contributors during an intensive seminar in Göttingen I owe particular thanks also to Steven Fraade (Yale) who commented on the paper prior to publication. Finally, I acknowledge the excellent support by Simone Seibert and the SAPERE team in Göttingen in the process of seeing this chapter through the press.

² Pace the late A. SHEMESH, "Thou Shalt not Rabbinize the Qumran Sectarian: On the Inflexibility of the Halakah in the Dead Sea Scrolls", in: M. BAR-ASHER SIEGAL / T. NOVICK / C. HAYES (eds.), *The Faces of Torah: Studies in the Texts and Contexts of Ancient Judaism in Honor of Steven Fraade*. JAJSup 22 (Göttingen 2017) 169–178 who suggests "Qumran legal literature is uniform" (169). While I differ from Shemesh's equivocal judgment, his more developed argument has merit, and it is true to say that the Dead Sea Scrolls present less halakhic diversity than rabbinic literature. It is a great sadness not to be able to debate this issue with such a fine scholar.

2. The Dominant Scholarly Discourse on 4QMMT

From the moment the scholarly world became aware of the work known initially by the shorthand ‘Halakhic Letter,’ it seemed we were coming face to face with the events that led to the emergence of the movement behind the Dead Sea Scrolls.³ Initial readings of this fascinating ancient Jewish work suggested the new text provided answers to many questions scholars had been eager to find. The work was presented as a letter by the community’s elusive founder, the Teacher of Righteousness, to his nemesis, the Wicked Priest.⁴ A potent reading of the document as listing legal disagreements between the movement and the priestly establishment in Jerusalem that would ultimately lead to the former’s withdrawal to the site of Qumran by the north western shore of the Dead Sea sparked the imagination of scholars and the wider public alike. Equally dramatic was a controversial, unauthorised publication of this explosive new evidence that led to a series of high profile court cases that went all the way to the Israeli Supreme Court and a conference dedicated to the question of copyright raised by this case.⁵

In the aftermath of its official publication in volume 10 of the series *Discoveries in the Judaean Desert* (DJD 10) scholars were able to scrutinize the work more closely. While the bulk of the text is made up of a series of apparently contested stipulations on matters of Jewish legal observance,⁶ the analysis of the place of 4QMMT among the Dead Sea Scrolls continued to be heavily influenced by a number of statements interspersed in the epilogue that follows the legal material. In particular, attention focused on a supposed reference to a separation on the part of the author(s) from the majority of the people.⁷

To a large extent 4QMMT was treated from the beginning as *sui generis* – a rare gem that takes us right to the root of the emergence of the movement behind the Scrolls.⁸ Where connections were proposed with other texts from within the Scrolls, such as identifying the supposed author with the

³ See, e.g., DJD 10, 115.

⁴ DJD 10, 119–121. For a discussion that addresses the issue of the genre of 4QMMT see the contribution by Lutz Doering in this volume, p. 179–198. See also M. L. WHITE / A. G. KEDDIE, *Jewish Fictional Letters from Hellenistic Egypt: Texts and Translations with Notes and Introduction*. WGRW 37 (Atlanta 2018).

⁵ T. LIM / H. MACQUEEN (eds.), *On Scrolls, Artefacts and Intellectual Property*. LSTS 38 (London 2001).

⁶ See the contribution by Vered Noam in this volume, p. 137–159, which addresses the relationship of 4QMMT to rabbinic halakhah.

⁷ For a full and up to date analysis of this and other issues relating to prevalent readings of 4QMMT and History see the contribution by John J. Collins in this volume, p. 161–178.

⁸ For an analysis of the language of 4QMMT, which sets this text apart within the Dead Sea Scrolls, see DJD 10, 65–108 and the contribution by Noam Mizrahi to this volume, p. 67–83.

Teacher of Righteousness addressing the Wicked Priest, these have since been exposed as speculative and resting on slim foundations in the text of MMT itself.⁹

In reality, scholarly assessments of some of the most eye catching issues raised by 4QMMT were based on highly fragmentary remains, often no more than two or three at-times damaged words.¹⁰ As a result, a number of readings and interpretations remain contested in current research.¹¹

This contribution will focus on the portrayal of the crucial they-group whose halakhic practices are criticised by the author(s) of the text and whose actions are commonly taken to be the catalyst for the text's reference to a separation from the majority of the people. This they-group is frequently identified with the Pharisees,¹² whereas the authors' own halakhic stance has been compared to that of the Sadducees as presented in accounts of controversies between Pharisees and Sadducees in the Mishnah. Thus, Lawrence Schiffman has proposed identifying the authors of 4QMMT as Sadducees or drawing on Sadducean source material.¹³ Elsewhere Schiffman speaks of a "common halakhic substratum of the Sadducean tradition".¹⁴ Others have advocated that the halakhic disagreements with the they-group in 4QMMT represent a broader legal debate out of which positions attributed to Pharisees and Sadducees crystallised.¹⁵

In sum, a large amount of attention devoted to this text has, curiously, been driven by hypotheses based on individuals and groups that do *not* occur in the manuscripts such as the Teacher of Righteousness, the Wicked Priest, the Sadducees and the Pharisees.¹⁶

3. More Nuanced Reflections in Recent Research

We noted above that neither the Teacher of Righteousness nor the Wicked Priest – figures that occur in a small number of Scrolls – are found in

⁹ See, e.g., HEMPEL 2010a; KRATZ 2017; L. STUCKENBRUCK 2010; and John J. Collins in this volume, p. 161–162 and 177.

¹⁰ See, for instance, the reference to the so-called tri-partite canon in 4Q397 14–21 10–11 || 4Q398 14–17 i 2–3 (viii 2–3 [C10–11]). For a forceful challenge see ULRICH 2003; see also the contribution by Reinhard G. Kratz in this volume, p. 85–104, esp. 90–91.

¹¹ For a sampling of the trajectory of research on MMT see HEMPEL 2010a, DE LOOIJER 2015; and VON WEISSENBERG 2009.

¹² See DJD 10, 115; and SCHWARTZ 1996.

¹³ SCHIFFMAN 1996, 85; Id. 2008, 123–147. 299. 425–439.

¹⁴ SCHIFFMAN 1996, 94. For further discussion of these issues see Vered Noam in this volume, p. 139–158.

¹⁵ Y. SUSSMAN, "Appendix 1: The History of the Halakha and the Dead Sea Scrolls", in: DJD 10, 179–206. KISTER 1999 characterizes the halakhic position behind MMT more cautiously as "non-Pharisaic".

¹⁶ See DJD 10, 114f. and the analysis by John J. Collins in this volume, p. 161–178.

4QMMT. As a consequence, earlier lines of interpretation have made way for a more nuanced discussion that focuses on what *is* preserved in 4QMMT. Attention was drawn early on in the scholarly debate to 4QMMT's restrained polemic. The tone of the work was labelled "eirenic"¹⁷ and interpreted as suggesting that it reflects an incipient phase in the emergence of the movement.¹⁸ At such an early stage, it was proposed, relations and positions had not yet hardened to such an extent as we find in more starkly polarised polemics against opponents elsewhere in the Scrolls.

Albert Baumgarten's treatment of 4QMMT initially follows the dominant line of interpretation before offering a number of insightful and nuanced caveats.¹⁹ Steven Fraade has been a seminal voice in critiquing the view that 4QMMT represents a 'real' letter given its presence in multiple copies which were produced over the span of a century at Qumran. His laudably cautious analysis concludes that we are dealing, rather, with an intra-mural communication to new or aspiring community members.²⁰ Max Grossman addressed these issues concurrently with Fraade by emphasizing the significance of the genre of MMT for historical analyses of its contents.²¹

If Fraade is right on the intra-mural function of MMT – and the number of copies offers strong support for this view – it is worth looking again at whether polemical engagement with a "they-group" has left its mark elsewhere in the Scrolls. Particular attention will be paid to material where disagreements with a they-group revolve around issues comparable to those at stake in 4QMMT. A significant amount of work has been done already on identifying the halakhic positions endorsed by the authors – or we-group – of 4QMMT elsewhere in the Scrolls, especially in the Temple Scroll, the Laws of the Damascus Document and 4Q513 (4QOrdinances^b).²²

What has thus far been overlooked are relevant halakhic controversies with a misguided they-group in the Dead Sea Scrolls beyond 4QMMT. In what follows I will begin by outlining the main areas of dispute with the they-group in 4QMMT as they emerge from the Kratz Edition before turning to the Admonition of the Damascus Document and 4QApocryphon^C^e

¹⁷ See, e.g., DJD 10, 114.

¹⁸ DJD 10, 109–121 and others.

¹⁹ A. I. BAUMGARTEN, *The Flourishing of Jewish Sects in the Maccabean Era: An Interpretation*. JSJSup 55 (Leiden 1997) 75–80.

²⁰ FRAADE 2000. It is noteworthy that Fraade's important article discusses the Epilogue at much greater length than the legal section of 4QMMT. See also FRAADE 2003. BROOKE 2005, 167, labels MMT "an open circular".

²¹ GROSSMAN 2001.

²² See, for instance, the various contributions in KAMPEN / BERNSTEIN 1996; HEMPEL 2013, 173–186; SCHIFFMAN 2008, 123–147; KISTER 1999 as well as the important contribution by Vered Noam in this volume, p. 142–146, which demonstrates a relationship between parts of 4QMMT, 4Q513 and 4Q251.

(4Q390) where comparable critiques are aired and frequently attributed to a they-group. We will also note the case of 4QOrdinances^c (4Q514) which seems to promote a comparable position to that ascribed to the opponents in 4QMMT. The latter intertexts are materially and chronologically much closer to 4QMMT than rabbinic material and, yet, have been overlooked in research on 4QMMT to date.

4. The They-Group in 4QMMT

The following halakhic concerns are raised in 4QMMT vis-à-vis practices the authors find unacceptable.²³ These practices are often explicitly attributed to a they-group though, as Qimron and Strugnell have observed, 4QMMT contains a significant spectrum of halakhic statements of various lengths and does not conform to a single pattern of presentation. Thus, Qimron and Strugnell note,

Some halakhot are very short, and only describe either the (wrong) practice of the opponents or the (correct) view of the sect (though sometimes both the opponents' practice and the sect's view are stated). Some halakhot develop a more complex structure as the polemic is expanded by justificatory clauses and even the occasional citation of scriptural proof-texts. (DJD 10, 136)

The material can be grouped into six categories.

4.1. A New Proposal for Reading the Heading to the Halakhic Section of 4QMMT 4Q394 3–7 i 4–5a (i 5–6a [B1–2])

On our reading of the text as it emerges from the Kratz edition the they-group is first mentioned much earlier in the halakhic section of 4QMMT than previously supposed. Immediately after the opening words introducing the halakhic section of 4QMMT "These are some of our words ..." the new edition clearly indicates that the next preserved word is **שהם** which, on my reading and quite naturally, should be translated "which they" followed by initial *mem*.²⁴ In analogy with 4Q394 3–7 i 9 (i 10; cf. also 4Q394 8 iv 8–9 [iv 8–9]) this *mem* is best taken as the opening letter of a participle plural and the remains of the first reference to a practice of the they-group rather than the latter part of an extended and somewhat repetitive heading as reconstructed in DJD 10, 46f., particularly in the English translation: "These are some of our rulings [...] which are [some of the rulings according to the] precepts (of the Torah)." Alas, what remains does not allow us to identify anything about the nature of the contested practice.

²³ See DJD 10, 123–177; see also SCHIFFMAN 1996, 90–94.

²⁴ See also DJD 10, 110. Unless otherwise indicated translations from the DSS are my own and biblical translations are taken from the NRSV.

Moreover, rather than taking the opening word of 4Q394 3–7 i 5 (i 6 [B2]) as the noun מַעֲשִׂים “works” (Kratz) or “precepts” (DJD 10, 47 *passim*) as it is customarily read, the verb מַעֲשֶׂה is attested in the hiphil in rabbinic Hebrew and here constitutes another hiphil (or possibly piel) participle referring to the they-group as “they who are causing (them?) to do which we” or, as Jacob Levy put it in 1924, “zum Thun veranlassen.”²⁵ The widespread use of plural participles has been recognized as a particular characteristic of the halakhic discussion in 4QMMT (e.g. DJD 10, 135), though this example has not been previously recognized. In sum, it is clear that the halakhic discussion proper begins rather promptly after a more succinct introduction.

4.2. Cultic Purity and Propriety

4.2.1. Desecration of holy food 4Q394 3–7 i 6b–8a (i 7b–9a [B3–5])

This passage, which has for some time been interpreted as referring to defilement by contact with gentile grain, is re-examined by Vered Noam in this volume. Noam makes a strong case for understanding 4Q394 3–7 i 6b–8a (i 7b–9a) alongside 4Q513 2 ii and 4Q251 16 as referring to contamination of holy food shared with unsuitable women who joined a priestly household (cf. Lev 21–22).

4.2.2. The improper re-use of vessels used for cooking sacrifices, especially purification offerings 4Q394 3–7 i 8b–11a and 4Q395 1 1 (i 9b–12a [B5–8])

A new topic is dealt with in 4Q394 3–7 i 8b–11a (i 9b–12a) where we find a reference to the they-group’s practices after cooking sacrifices. The proper treatment of vessels in which sacrifices have been prepared is at issue, cf. Lev 6:21 (English v. 28, see DJD 10:136, 149).

4.2.3. The sacrifice of the gentiles followed by a reference likening the sacrificial practices of the they-group (or the gentiles?) to “fornication” (זנות)²⁶ 4Q394 3–7 i 11b–12a and 4Q395 1 4 (i 12b–13a [B8–9])

Though still dealing with the question of sacrifices a new section is introduced with “And concerning the sacrifice of the gentiles” in 4Q394 3–7 i 11b (i 12b). A well supported reconstruction based on 4Q395 1 4 continues the chain of third masculine plural participles with “they are sacrificing”

²⁵ J. LEVY, *Wörterbuch über die Talmudim und Midraschim* (Berlin / Wien 1924) 3:124.

²⁶ On the root *znh* in the Second Temple period see Vered Noam in this volume, p. 148.

at the end of 4Q394 3–7 i 11b (i 12b). The last preserved phrase of this segment likens the sacrificial practices of a they-group (or the gentiles?) to “fornication” (זנות).

4.2.4. Leaving the cereal offering of well-being overnight 4Q394 3–7 i 12b–14 and 4Q395 1 5–6 (i 13b–15 [B9–11])²⁷

The remaining text of 4Q394 3–7 i 13b–14 as presented in the Kratz Edition (i 14b–15) criticises the they-group for leaving the offering of wellbeing overnight (cf. Lev 7:15). Qimron and Strugnell propose restoring a reference to the accompanying cereal offering at 4Q394 3–7 i 12b–13a (i 13b–14a) and interpret the passage as dealing with leaving the cereal offering overnight. Such a reconstruction is convincing based on the second person feminine singular personal pronoun that follows in 4Q394 3–7 i 13 (i 14).²⁸

Debates on limits for consuming cereal offerings as found both in the Temple Scroll (11QT^a 20) and in the present passage should be considered in the context of the evidence for a decoupling of bloodless sacrifices from the Temple in a range of Second Temple period sources.²⁹ In fact, it would appear that clarifications were necessary on exegetical grounds such as a lack of detail on this matter in the Pentateuch, but also because some took liberties with the timing for consuming this offering.³⁰

4.2.5. The Red Cow ritual 4Q394 3–7 i 16b–19a and 4Q395 1 8–10a (i 17b–20a [B13–16])

This section deals with the red cow ritual (DJD 10, 152–154). Numbers 19 contains instructions to Moses and Aaron for a red cow to be slaughtered and burnt. Cedar wood, hyssop and scarlet yarn are thrown in to the flames. The ashes are mixed with water, and this water of purification is sprinkled on individuals and objects that have come into contact with a dead body. The particular issue for the authors of 4QMMT is the purity of those preparing the ashes and sprinkling the water. While full purification was complete only after immersion and waiting until sunset on the final day of the purification period, some ancient Jews allowed for a kind of interim purification after immersion known in rabbinic texts as the principle

²⁷ See SCHIFFMAN 2008, 124–126. 365–377 and Id. 1996, 86f.

²⁸ DJD 10, 8. 150–152. The editors note the more elaborate treatment of the cereal offering in the Temple Scroll (11QT^a 19:11–21:10).

²⁹ MILGROM 2007, 199. See also Amos 4:5 as noted by B. A. LEVINE, *Leviticus*. JPS Torah Commentary (Philadelphia 2003) 42. For a detailed discussion on the cereal offering see also R. RENDTORFF, *Studien zur Geschichte des Opfers im Alten Israel*. WMANT (Neukirchen-Vluyn 1967) 169–198.

³⁰ For an account of a more lenient attitude towards the consumption of the cereal offering see *m. Zevahim* 6:1 as noted by YADIN 1983, 2:89.

of *tevul yom* (“immersed [on that] day”). Such a preliminary purification was not acceptable to the authors of 4QMMT and is condemned also elsewhere in the Scrolls.³¹ While there is no explicit reference to a they-group here, the fact the issue is emphasized and followed by another admonition reminding the priests of their responsibilities indicates that the authors are responding to lax practice and debates on the issue. We find a position akin to the opponents of the authors of MMT in 4QOrdinances^c (4Q514) to be discussed below.

4.2.6. The (im)purity of animal hides 4Q394 3–7 ii 2–4 and 4Q395 1 11b–12 (see also 4Q397 1–2 + 4Q398 1–3) (ii 2–4 and ii 7–10 [B18–24])³²

According to Lev 11 the carcasses of clean animals transmit impurity until sundown.³³ Although the remains in 4QMMT are fragmentary the issue of the purity of animal hides can be established with confidence. A group of fragments from 4Q397 1–2 + 4Q398 1–3 (ii 7–10 [B21–24]) preserve more material on the hides and carcasses of pure animals and their use as vessel handles.³⁴

The Temple Scroll endorses a prohibition of bringing the hides of animals slaughtered outside the temple into the temple (11QT^a 47:7–15). The Damascus Document, by contrast, allows for a purification procedure for impure hides alongside garments and tools rather than an outright ban (cf. 4Q269 [4QD^d] 8; 4Q270 [4QD^e] 3 and 4Q271 [4QD^f] 2).³⁵ The Damascus Document here preserves precious evidence of endorsing a practice that is condemned in 4QMMT which indicates that the Scrolls attest to a spectrum of stances on halakhic matters.

The issue of the purity of animal hides is also addressed in the Temple Scroll (11QT^a 51:4–5) which prescribes immersion and waiting until sundown for anyone carrying any part of an animal carcass, including hides. However, whereas the Temple Scroll is concerned with the purification process, the emphasis in the fragmentary remains of 4QMMT is on exclusion from the sanctuary/holiness (see 4Q398 2–3). Beyond the Scrolls, Josephus refers to a decree by Antiochus III granting the Jews the right to forbid impure hides in the city of Jerusalem which demonstrates that the authors

³¹ See J. M. BAUMGARTEN, “The Red Cow Purification Rites in Qumran Texts”, *JJS* 46 (1995) 112–119.

³² See SCHIFFMAN 2008, 130–137 and Id. 1996, 87f.

³³ DJD 10, 154–156; BAUMGARTEN 1980; J. MILGROM, “Studies in the Temple Scroll”, *Jewish Quarterly Review* 97 (1978) 501–523, esp. 512–518.

³⁴ As indicated in the Kratz Edition above, the precise placement of this group of fragments in relation to 4Q394 is uncertain.

³⁵ SCHIFFMAN 1996, 92f. and KISTER 1999, 319–323. See also HEMPEL 1998 (pb. SBL 2006), 59–62 for a composite text, discussion and bibliography.

of 4QMMT were not alone in their concern about the purity of hides (cf. A.J. 12:3.4).

4.2.7. The place of slaughter and slaughtering practices 4Q394 3–7 ii 14b–19; 8 iii 6b–9a; 4Q397 3 2–5; 4Q396 1–2 i 1 and 4Q397 4 1–2 (ii 15b–iii 9a [B27–B38])³⁶

4Q394 3–7 ii 14b (ii 15b) resumes the argument that breaks off at 4Q394 3–7 ii 5 (ii 4) after several lines of lost text and still deals with the issue of slaughter. The passage begins with the first reference to “that which is written” preserved in 4QMMT.³⁷ After a paraphrase, or with George Brooke more precisely “re-ordering,” of Lev 17:3–4³⁸ and a reference to “the north of the camp” (4Q397 3 2),³⁹ the interpretation is introduced with “And we are of the view that,” and the authors identify “the camp” as the place of slaughter according to Lev 17:3 with Jerusalem before turning to an interpretation of “outside of the camp” after which the text breaks off. This topic also occurs in the Temple Scroll (11QT^a 52:13–16) where the rationale is the status of Jerusalem as God’s chosen place (cf. Deut 12:26).⁴⁰

4.2.8. Liquid streams 4Q394 8 iv 5–8a; 4Q396 1–2 ii 6b–9a and 4Q397 6–13 1b–2a (iv 5–8a [B55–58])

This statement offers the authors’ position on the impurity of liquid streams which extends upstream, so to speak, even to the pure vessel out of which such streams are poured into an impure vessel. The Scrolls provide powerful evidence that subsequent debates on this matter in the Mishnah are rooted in earlier discussions.⁴¹ The significant point for us is the halakhic issue at stake rather than the attribution of opposing posi-

³⁶ DJD 10, 156–158; see also BERNSTEIN 1996.

³⁷ DJD 10, 156f. For an analysis of the use of this formula in 4QMMT including to introduce paraphrases of scripture see BERNSTEIN 1996, 38–46, BROOKE 1997, and Reinhard G. Kratz in this volume, p. 93–99.

³⁸ BROOKE 1997, 72. See also DJD 10, 156f.; KISTER 1999, 338; SCHIFFMAN 2008, 60–63; E. ESHEL, “4QLev^d: A Possible Source for the Temple Scroll and Miqṣat Ma’āsheh Ha-Torah”, *DSD* 2 (1995) 1–13; and BERNSTEIN 1996, 39f.

³⁹ For a reference to the north side of the altar as the place of slaughter see Lev 10:11, cf. DJD 10, 157. Qimron’s more recent edition is less certain about reading “[n]orth,” see QIMRON 2013, 207 [Hebrew] and note 16b ad ii 16 in the Kratz Edition (DJD 4Q394 3–7 ii 15). A comparison of older images (B-284504 in the *Leon Levy Digital Library* dating from 1960) with the more recent image (B-358371 from 2013) suggests that part of 4Q397 3 2 broke off in the interval. The earlier photo and DJD 10: Plate V clearly preserve remains of *pe* and traces of *waw* to support the reading “[the n]orth of the camp” in DJD 10, 48f. and the Kratz Edition above.

⁴⁰ See YADIN 1983, 1:315f.; 2:231f. 234f., KRATZ 2007, and SCHIFFMAN 2008, 297–313.

⁴¹ YADIN 1983, 2:213; DJD 10, 161f.

tions on this matter to Pharisees and Sadducees in rabbinic texts.⁴² Beyond the declaration of the their own position on the part of the authors (“we say”) this statement lacks reference to a they-group but, again, suggests a need to reinforce their view which is suggestive of divergent views on the matter. Both the Temple Scroll (11QT^a 49:5–21a)⁴³ and the Damascus Document (CD 12:15b–18 and 4Q266 [D^a] 9 ii 2b–5a) are concerned with the pronounced susceptibility of liquids to defile in the house of a dead person. Note also that the rules on the admission of new members into the community in the Community Rule (1QS 6:13–23; 4Q256 11) demand a longer period for preserving the purity of liquids than for solid items which reflects anxiety about the enhanced potency of liquids for transmitting impurity.⁴⁴ It is curious that the Community Rule’s two tiered approach conceptually resembles the notion of an interim state of provisional purity that is decreed in 4QMMT.

4.2.9. On corpse impurity 4Q396 1–2 iv 1b–3 and 4Q397 6–13 10b–12a (v 2b–4a [B72–74])

This passage draws on Num 19:16–18 to make the case that contact with a bone is as defiling as touching a dead person.⁴⁵ The issue is also addressed in the Temple Scroll (11QT^a 50:4–6).

4.3. Priestly Responsibilities and Privileges⁴⁶

In addition to the specific issue of priestly privilege concerning priestly dues (see 4.3.4. below) the halakhic particularities covered in 4QMMT are interspersed with a number of admonitions that refer to priestly responsibilities and privileges in providing leadership to the people.

4.3.1. The priests are responsible to ensure the people do not bear sin 4Q394 3–7 i 14b–16a and 4Q395 1 6b–7 (i 16–17 [B12–13])

This is the first of three occurrences of a formula indirectly admonishing the priests not to cause the people to bear sin. The language is reminiscent of Lev 22:16 as noted by Bernstein.⁴⁷ While it is the priests who are held

⁴² See note 15 above.

⁴³ YADIN 1983, 1:325–334; 2:210–218.

⁴⁴ See C. HEMPEL, “Who is Making Dinner at Qumran”, *JTS* 63 (2012) 49–65 and C. WASSER, “Daily Life”, in: BROOKE / HEMPEL 2019, 547–558.

⁴⁵ See DJD 10, 170f.; also V. NOAM, “Qumran and the Rabbis on Corpse Impurity: Common Exegesis – Tacit Polemic”, in: HEMPEL 2010, 397–430.

⁴⁶ For the argument that MMT reflects predominantly inner-priestly debate and draws on Ez 44 see WEARNE 2019.

⁴⁷ BERNSTEIN 1996, 36.

responsible in 4QMMT, it is those who wrongfully consume holy food in a priestly household that cause the people to bear sin in Lev 22:10–16.⁴⁸ Both Qimron / Strugnell and Bernstein relate this admonition to the issue of leaving the cereal offering overnight which is referred in the preceding halakhic statement. However, it is clear that Lev 22:16 (“and so cause them to bear iniquity and guilt, by eating their holy things”) and, indeed, Lev 22:10–16 are concerned, rather, with the consumption of holy food by those who defile it.

4.3.2. The sons of Aaron are responsible [...] 4Q394 3–7 i 19b–ii 1a and 4Q395 1 10b–11a (i 20b–ii 1a [B16–17])

The second occurrence of the formula referring, again in the third person, to the sons of Aaron and their responsibilities breaks off before we are told anything about the particular issues at stake. However, the conjunction ‘for’ (כִּי) that introduces this admonition to the priests suggests the area for vigilance addressed here is the rigorous preparation and application of the ashes of the red cow which immediately precedes the conjunction (see 4Q394 3–7 i 16b–19a; 4Q395 1 8–10a [i 17b–20a {B13–16}] and 4.2.5. above).

4.3.3. The sons of the prie[st]s are to take care in all these matters and not cause the people to bear guilt 4Q394 3–7 ii [12b]–14a and 4Q397 3 1 (ii 13b–15 [B25–27])

The final admonition stresses the need for the priests to be vigilant in “all these matters” (rather than more narrowly “in this matter” as found in 4Q394 3–7 i 15 [i 16]) either refers to the discussion on animal hides that precedes in 4.2.6. above or, conceivably, a more comprehensive collection of preceding stipulations.

4.3.4. Priestly dues 4Q394 8 iv 12b–14a; 4Q396 1–2 iii 2b–4a and 4Q397 6–13 4b–5 (iv 12b–14a [B62–64])

According to Lev 19:23–25 the fruit of newly planted trees shall stay untouched for three years and in the fourth year it shall be holy and “an offering of rejoicing to the Lord” (trans. Milgrom). The authors of 4QMMT, alongside a number of other ancient Jewish texts including the Temple Scroll, the Damascus Document, but also Targum Pseudo-Jonathan, the Samaritans and later Karaites (DJD 10, 164f.) attest what Schiffman rightly refers to as a “shared halakhic tradition” that allocates the fourth year pro-

⁴⁸ For an extensive discussion of this issue see the contribution by Vered Noam in this volume, p. 140–149.

duce to the priests.⁴⁹ This is followed by a brief reference to the tenth part of cattle and sheep as belonging to the priests where Leviticus stipulates it shall be “holy to the LORD” (cf. Lev 27:32).⁵⁰

4.4. Forbidden Sexual Relations

Forbidden sexual relations are dealt with twice in 4QMMT.

4.4.1. Non-Israelites, mamzerim, and those with deformed genitals
4Q394 8 iii 9b–19a; 4Q396 1–2 i 5–ii 1a and 4Q397 5 1–6⁵¹ (iii 9b–19a
[B39–49])

The first passage outlining the position of the authors of 4QMMT on forbidden sexual relations deals both with non-Israelites as well as those of illegitimate birth (the *mamzer*) or deformed genitals. A similar combination of exclusions occurs in Deut 23 and 4QFlorilegium. While the ruling initially raises concerns about who may enter the congregation it quickly becomes apparent that it is, rather, the concomitant marriages and defiling sexual relations that are at issue. Particularly acute is the consequence that such defiling spouses enter the sanctuary. Similar concerns expressed in comparable terms come to the fore in the Admonition of the Damascus Document as will be demonstrated in section 4.7.2. below.

4.4.2. Forbidden marriages entered into among laity and priesthood
4Q394 8 v 11?; 4Q396 1–2 iv 4–11 and 4Q397 6–13 12b–15 (v 4b–12
[B74–82])

Whereas what remains of the first passage is concerned with forbidden unions among the people, the second set of stipulations explicitly implicates both laity and priests in condemned marital practices. The authors underpin their own stance by appealing to the holiness of both the people of Israel and the priests, the contamination of the holy seed, as well as the law on forbidden mixtures (Deut 22:9–11). The issue at hand is intermarriage between Jews and gentiles on the part of both laity and priests.⁵² In

⁴⁹ SCHIFFMAN 1996, 88.

⁵⁰ Both topics are dealt with in the same order in the Damascus Document as highlighted in HEMPEL 2013, 182. 183–185.

⁵¹ Cf. Deut 23:2–4; also 4QFlorilegium (4Q174) 1–2 i 3–4 and Neh 13:1–2. See DJD 10, 158–160; BERNSTEIN 1996, 34f. 37f.; Id., “Women and Children in Legal and Liturgical Texts from Qumran”, in: Id. 2013, [614–634] 625; and S. COHEN, *The Beginnings of Jewishness: Boundaries, Varieties, Uncertainties* (Berkeley / Los Angeles 2000) 261f.

⁵² See HAYES 2002, 82–91 and C. WASSEN, “The Importance of Marriage in the Construction of a Sectarian Identity in the Dead Sea Scrolls”, in: S. BYRSKOG / R. HAKOLA / J. JOKIRANTA (eds.), *Social Memory and Social Identity in the Study of Early Judaism and Early Christianity*.

addition to contested marriages 4QMMT legislates on a series of further exclusions.

4.5. Other Exclusions

Further exclusions found in 4QMMT concern the blind and the deaf from coming into contact with the purity of the sanctuary, dogs from Jerusalem, as well as those inflicted with skin disease who have not completed the purification process from holy food. We will briefly deal with each item in turn.

4.5.1. Concerns about the presence of the blind and the deaf in the sanctuary 4Q394 8 iii 19b–iv 4 and 4Q396 1–2 ii 1b–6 (iii 19b–iv 4 [B49–54])⁵³

This passage expresses concerns about the limitations of the blind and deaf in observing the law with regard to offerings and the purity of the sanctuary. Blindness, though not deafness, is part of the list of blemishes that excludes Aaron's descendants from the priestly office according to Lev 21:16–24. Similar exclusions with distinct rationales are attested elsewhere in the non-biblical Scrolls.⁵⁴ The Rule of the Congregation is concerned with disabilities on account of the presence of angels (1QSa 2:5–9).⁵⁵ The Damascus Document deals with the exclusion of those with learning difficulties from joining the camp community (CD 15:15–17; 4Q266 [D^a] 8 i and 4Q270 [D^e] 6 ii; see also CD 15:11). Both in CD 15:10–11 and 15 the concern with intellectual disability is referred to after emphasizing the importance of being able to absorb knowledge. According to CD 15:10–11 knowledge concerning the ordinances (המשפטים) is withheld until the overseer has assured himself of the candidate's mental capacity. In CD 15:14–15 the context appears to be the ability to retain knowledge imparted in the course of a year's instruction. The list continues with physical disabilities including blindness, deafness, walking impairments or immaturity on account of youth followed by a rationale based on the presence of angels.⁵⁶ As

NTOA/SUNT 116 (Göttingen 2016) 127–150. For the view that marriages between priests and laity are at issue see Qimron in DJD 10, 171–175.

⁵³ See A. FRISCH / L. H. SCHIFFMAN, "The Body in Qumran Literature: Flesh and Spirit, Purity and Impurity in the Dead Sea Scrolls", *DSD* 23 (2016) [155–182] 164–170.

⁵⁴ On the distinctive rationale given for the exclusion of the blind and the deaf in 4QMMT vis-à-vis other comparable exclusions see KISTER 1999, 339–342.

⁵⁵ See A. SHEMESH, "'The Holy Angels are in Their Council': The Exclusion of Deformed Persons from Holy Places in Qumranic and Rabbinic Literature", *DSD* 4 (1997) 179–206.

⁵⁶ C. WASSEN, "What Do Angels Have Against the Blind and the Deaf? Rules of Exclusion in the Dead Sea Scrolls", in: W. O. MCCREADY / A. REINHARTZ (eds.), *Common Judaism: Explorations in Second Temple Judaism* (Minneapolis 2008) 115–129, notes 270–280.

in 4QMMT the exclusions in CD 15 are related to halakhic competence followed by physical limitations and a new rationale referring to the presence of angels. Intellectual impairments inhibit halakhic competence whereas physical disabilities are linked with the presence of the angels in the community. Elsewhere in the Damascus Document, in the context of the disqualification of priests, poor eyesight, learning difficulties, and issues with speech are listed (4Q266 [D^a] 5 ii; 4Q267 [D^b] 5 iii and 4Q273 2).⁵⁷ The rationale offered is the danger of misleading in a capital case. The Temple Scroll prohibits the blind from entering the city of the sanctuary in their lifetime supported by the status of the city as God's dwelling place (11QT^a 45:12–14).⁵⁸ According to the War Scroll, finally, the young, women, those with physical impairments, damaged skin or temporary uncleanness as a result of an emission of semen are excluded from the combatants in the eschatological war due to the presence of the angels (1QM 7; cf. Deut 23:11–12).⁵⁹ In sum, the concerns about the diminished halakhic competence of the blind and the deaf expressed in 4QMMT are mirrored in a number of scrolls. Rationales range from the presence of angels (1QS^a, CD 15, and 1QM), God's presence in the city of the sanctuary (11QT^a), and halakhic competence as found in 4QMMT and CD 15. Uniquely in 4QMMT we find a reference to a they-group, presumably made up of those unable to see or hear, who are nevertheless approaching the purity of the sanctuary. This would suggest that in 4QMMT, as in Lev 21 and in the Damascus Document, the concern is with priests who suffer such impairments.

4.5.2. The exclusion of dogs from the holy camp 4Q394 8 iv 8b–9a;
4Q396 1–2 ii 9b–11a and 4Q397 6–13 2b–3a (iv 8–9 [B58–59])

This passage excludes dogs from the holy camp. A reference to the temple makes it clear that Jerusalem is in view. Curiously the they-“group” here are dogs who are eating bones discarded from the holy offerings in the sanctuary with residual flesh left on them.⁶⁰

⁵⁷ DJD 18, 49–52. 102. 195. For a composite text and discussion including further literature see HEMPEL 1998, 39–43.

⁵⁸ DJD 10, 160f.; YADIN 1983, 1:289–291; SCHIFFMAN 2008, 391–393.

⁵⁹ Y. YADIN, *The Scroll of the War of the Sons of Light Against the Sons of Darkness* (Oxford 1962) 70–73. 290f.

⁶⁰ Elisha Qimron has identified a fragment of the Temple Scroll (11QT^c) that prohibits rearing chickens in Jerusalem and notes its affinity to the attitude about dogs reflected in 4QMMT, cf. E. QIMRON, “Chickens in the Temple Scroll (11QT^c)”, *Tarbiz* 64 (1995) 473–476 [Hebrew] and E. QIMRON, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Beer Sheva / Jerusalem 1996) 69.

4.5.3. Those afflicted with skin disease (šaraʿat) 4Q394 8 iv 14b–16; 4Q396 1–2 iii 4b–iv 1a and 4Q397 6–13 6–10a (iv 14a–v 2a [B64–72])

This passage is concerned with reinforcing the exclusion period for those afflicted with skin disease until the end of the purification period. This topic is addressed both in Lev 14 (DJD 10, 166–170) as well as in Lev 22:4–8.⁶¹ In a recent article Gareth Wearne makes a strong case for Lev 22 and Ezekiel 44 underlying this discussion and proposes that priestly practices are in mind.⁶²

4.6. The Special Status of Jerusalem

4.6.1. Jerusalem identified with the camp and the chosen place⁶³ 4Q394 8 iv 9b–12a; 4Q396 1–2 ii 11b–iii 2a and 4Q397 6–13 3b–4a (iv 9b–12a [B59–62])

We noted the identification of Jerusalem with the camp as the place of slaughter in an interpretation of Lev 17:3 alongside the justification of Jerusalem as the chosen place in a similar context in the Temple Scroll based on Deut 26:26 (see 4.2.7.).⁶⁴ Based on a reference to the temple in the context of excluding dogs from the holy camp we noted that Jerusalem was also in view in the exclusion of dogs dealt with in 4.5.2. above. The topic of Jerusalem recurs here where both frames of reference – the camp (Lev 17:3–4) and the chosen place (Deut 12:5)⁶⁵ – are combined in a much less focused manner:

For Jerusalem is the camp of holiness and it is the place which He has chosen from all the tribes of [Israel for] Jerusalem is the head of the [camps of Israel].

It is significant that the relative pronoun that evokes Deut 12:5 in this passage resembles the language of the author(s) of 4QMMT (–*š*) rather than the form that predominates in the Hebrew Bible (–*š*). The latter is attested in the discussion on the place of slaughter in 4Q394 3–7 ii 19b (ii 20b, see 4.2.7. above).⁶⁶ This suggests the string of statements in the present passage recapitulates what has been said on the place of Jerusalem elsewhere in MMT. The aim of such a comprehensive statement goes beyond linking the scriptural paradigms on the camp and the chosen place. By intro-

⁶¹ This was first suggested by Menahem Kister as noted in DJD 10, 169.

⁶² WEARNE 2019.

⁶³ SCHIFFMAN 1996, 88–90.

⁶⁴ In a private communication Steven Fraade has pointed out that the Temple Scroll also shares the connection of the camp to the city of Jerusalem.

⁶⁵ See KRATZ 2007 and H. BIRENBOIM, “The Halakhic Status of Jerusalem according to 4QMMT, 1 Enoch, and Tannaitic Literature”, *Meghillot* 7 (2009) 3–17 (Hebrew), IX (English Abstract).

⁶⁶ DJD 10, 50. 83f.

ducing the hapax “camp of holiness” (DJD 10, 53) and culminating in the phrase “head of the camps” both paradigms are incorporated to convey the overriding message that Jerusalem is unique – and thus bringing the message of Lev 17 of a camp that is by nature transient in line with Deut 12 by stressing Jerusalem’s position as the single, unalterable chosen place.

Having re-examined the material on the they-group and halakhic debate in 4QMMT as it emerges particularly from the Kratz edition we will now turn our attention to passages that attest a they-group outside of 4QMMT.

4.7. The They-Group Beyond 4QMMT

In this section we will focus on three texts that attest both a they-group in opposition to the discourse of the texts in hand as well intriguing examples where the position of the they-group known from 4QMMT is endorsed in halakhic texts from Qumran.

4.7.1. The Admonition of the Damascus Document

The Admonition of the Damascus Document contains a number of passages that highlight the shortcomings of a contemporary they-group. In particular, a well known passage describes Israel ensnared by Belial, a leader of dark forces in the Scrolls (CD 4:12–5:19; 4Q266 3; 4Q267 2 and 6Q15).⁶⁷ Based on a particular reading of the oracle of doom in Isa 24:17⁶⁸ the three perils mentioned in the prophetic text – terror, pit, and snare – are interpreted as three nets of Belial. In a further stage of exposition the nets are, in turn, identified with fornication, wealth, and defiling the sanctuary. The text goes on to illustrate fornication as practicing polygamy or, conceivably, remarrying after bereavement or divorce.⁶⁹ While the exact offence is not found in 4QMMT, the verbal root *znh* occurs and inappropriate marriages are a key concern in the text. The third net is identified with defiling the sanctuary, a generic accusation that applies to many issues identified in 4QMMT and dealt with in section 4 above. Daniel Schwartz has related the material in CD 4–5 to the opening lines of the Epilogue of 4QMMT.⁷⁰ He draws attention to a fascinating parallel with the sins of

⁶⁷ See H. VON WEISSENBERG, “God(s), Angels and Demons”, in: BROOKE / HEMPEL 2019, 490–495.

⁶⁸ Cf. also Jer 48:43.

⁶⁹ For a comprehensive analysis including references to previous studies see WASSEN 2005, 114–118.

⁷⁰ SCHWARTZ 1996, 76. We note also the connections that have been drawn between CD 1 and 4Q390, a text to be dealt with below, see C. J. PATRICK DAVIS, “Torah-Performance and History in the *Golah*: Rewritten Bible or ‘Re-Presentational’ Authority in the *Apocryphon of Jeremiah C*”, in: P. FLINT / J. DUHAIME / K. S. BAEK (eds.), *Celebrating the Dead Sea Scrolls*:

the sons of Eli – sexual impropriety and defiling the sanctuary – according to 1 Samuel 2:22. To this we may add the use of the label ‘sons of belial’ (“worthless guys”) with reference to Eli’s sons in 1 Sam 2:12 which resonates with the references to Belial in the Damascus Document (CD 4:12, 15), 4QMMT (4Q398 14–17 ii 5 [viii 16 {C29}]), and Apocryphon of JeremiaC^e (4Q390 2 i 4).

Further, the Admonition of the Damascus Document includes a quotation and interpretation of Malachi 1:10 (CD 6:11b–14a) that admonishes those addressed not to light the altar in vain and is often read as referring to the movement’s rejection of the Jerusalem Temple.⁷¹ However, in Mal 1:10 priests are rebuked for bringing unacceptable offerings which suggests the issue is not the cult as such but rather cultic misuse. Already in the Damascus Document the list of prescriptions that follows the quotation of Mal 1:10 in CD 6:14b–7:4a presupposes offerings to the temple.⁷² Amongst the diverse list of twelve halakhic rules in CD 6:14b–7:4a⁷³ four point to concerns similar to those felt by the authors of 4QMMT and imply violations of the authors’ positions on marriage and cultic practice.

1. To distinguish between impure and pure and to make known (the difference) between holy and profane (CD 6:17–18; 4Q266 3 ii 23; cf. also CD 12:19b–20a; 4Q266 9 ii 6–7)⁷⁴

2. To offer holy things according to the exact prescriptions (CD 6:20; 4Q269 4 ii 1–2; 6Q15 4 1)

3. To keep from fornication according to the law (CD 7:1–2; 4Q269 4 ii 5)⁷⁵

4. To keep separate from all kinds of uncleanness according to the laws concerning them (CD 7:3; 4Q269 4 ii 7)

The critique in the Damascus Document is directed against outsiders (“Israel”).⁷⁶ Moreover, these overlapping concerns suggest that the sorts of disagreements held against the they-group in 4QMMT are part of a wider debate that was not settled by a schism that occurred early in the history of the movement. This is corroborated further by shared legal is-

A Canadian Collection (Atlanta 2011) 467–495 including a comprehensive discussion of earlier literature and K. DAVIS, *The Cave 4 Apocryphon of Jeremiah and the Qumran Jeremianic Traditions*. STDJ 111 (Leiden 2014), especially 175–232.

⁷¹ So my earlier view in HEMPEL 2000, 31 and KNIBB 1987, 52f.

⁷² Cf. KNIBB 1987, 54.

⁷³ HEMPEL 2000, 31; see also P. R. DAVIES, *The Damascus Covenant: An Interpretation of the “Damascus Document”* (Sheffield 1982) 161f. who includes CD 6:11b–14a and counts thirteen prescriptions.

⁷⁴ Cf. KNIBB 1987, 53.

⁷⁵ We know of references to improper sexual practices both within and outside marriage which are presented as live issues in the movement described in the Damascus Document including in the Catalogue of Transgressions and the Penal Code, see WASSEN 2005, 107–112. 171–197.

⁷⁶ See, e.g., KNIBB 1987, 40f. and WASSEN 2005, 113–118.

sues expounded in 4QMMT and the Laws of Damascus Document as noted above.⁷⁷

4.7.2. 4QApocryphon of Jeremiah^c 4Q390

The remains of this manuscript begin with a reference to the divinely sanctioned leadership of the sons of Aaron which is nevertheless followed by a decline towards wickedness. As the editor has rightly pointed out it is unclear whether the third person plural pronouns condemn the behaviour of the people, the sons of Aaron or both.⁷⁸ This is followed by a reminder of an earlier pattern of recurring disobedience during the monarchy. The cycle of waywardness is broken by recalling the exceptional role of “those who came up first from their captivity to build the sanctuary” (4Q390 1 5–6). Such an explicit reference to the return from captivity in the Babylonian exile is striking as it constitutes a singular acknowledgement of the restoration period in the Dead Sea Scrolls where the whole period is elsewhere passed over in silence.⁷⁹ This is followed by a statement on divine legal revelation (4Q390 1 6–7). It is ambiguous whether the recipients are the returnees or whether the discourse picks up a disobedient generation last mentioned in 4Q390 1 4. A brief interlude of enlightened obedience is followed by further disregard for the law. A remnant of fugitives is left but under the influence of malevolent angels of mastemot – a phrase known in this precise form only from 4QApocryphon of Jeremiah ^c – even those spared go on to commit evil deeds.⁸⁰ Fragment 2 begins with a reference to the holy sanctuary. Further disobedience and several periods of being ruled by Belial and the angels of mastemot follow. The kinds of evil acts listed in 4Q390 2 i 9–11 and 2 ii 11 take us particularly close to the actions of the they-group condemned in 4QMMT:

1. defiling the temple (4Q390 2 9)
2. defiling the seed with forbidden marriages (4Q390 2 10)
3. priests behaving inappropriately (4Q390 2 10)
4. and defiling the altar with unsuitable sacrifices (4Q390 2 ii 10–11)

4Q390 therefore offers a second example from the corpus of the non-biblical Scrolls that reflects the issues portrayed as debated between the authors of 4QMMT and the they-group.

⁷⁷ See note 22 above.

⁷⁸ DJD 30, 239 (Dimant).

⁷⁹ See esp. CD 1; DJD 30, 244 (Dimant) and M. A. KNIBB, “The Exile in the Literature of the Intertestamental Period”, *Heythrop Journal* 17 (1976) 249–272.

⁸⁰ DJD 30, 242 (Dimant).

4.7.3. 4QOrdinances^c (4Q514)⁸¹

Our final example is an exceptional legal text from Qumran which appears to make allowance for eating pure food at a certain stage during the purification process.⁸² Only in this text do we find the notion of “having begun to become pure” (חלל לטהר, cf. 4Q514 1 i 4, 7) as well “his initial uncleanness” (טמאתו הרישנה, cf. 4Q514 1 i 5, 7, 8). Line 7 makes it clear that both terms refer to what appear to be consecutive stages in the process of purification that allow for a certain level of functional purity (*tevul yom*) after immersion and before sun set on the last day of purification – in this case seven days after defilement with semen.⁸³ Such a position would have alienated the authors of 4QMMT and is contrary to the views expressed in a host of other witnesses from the corpus of the DSS outlined in section 4.2.5. above.⁸⁴ In short, it is likely that 4Q514 reflects a halakhic position that is opposed by 4QMMT and attributed to the they-group opposed by MMT. It is both curious and typical of the diversity attested at Qumran that 4Q514 and 4QMMT are preserved side by side.

4.8. Conclusion

Influential previous assessments of 4QMMT’s place among the Dead Sea Scrolls have approached the text as offering a kind of missing link that sheds light on the reasons for the movement’s secession from fellow Jews on the basis of sharp differences in the interpretation of the Law. The fresh engagement with the legal controversies exposed by 4QMMT above demonstrates, by contrast, that far from offering a singular voice both sides of the halakhic arguments reflected in 4QMMT are attested elsewhere in the Scrolls. Rather than anchoring 4QMMT at a clearly defined point in the emergence of the movement behind the Dead Sea Scrolls, our examination of the they-group both in 4QMMT and beyond demonstrates that the halakhic discourse we find in 4QMMT is part and parcel of a contin-

⁸¹ DJD 7, 295–298 (Baillet) and MILGROM 1994.

⁸² See MILGROM 2007, 968–976.

⁸³ On the significance of this text see C. WASSEN, “Impurity in Purity Laws for Men and Women in the Dead Sea Scrolls: A Comparison of Ideals and Praxis”, in: J. FREY / N. RUPSCHUS (eds.), *Women in Early Judaism and Early Christianity*. WUNT/II (Tübingen 2019) 57–86.

⁸⁴ In a seminal early article on purity in the Dead Sea Scrolls Joseph Baumgarten rather plays down the significance of the evidence of 4Q514 at a time when he, along with most scholars, operated under the assumption that Qumran offered a more unified view on things than it now appears, see BAUMGARTEN 1980. Similarly, Milgrom presents the evidence of 4Q514 read through the prism of 4Q274 (Tohorot^a), see MILGROM 1994, 177. I am inclined to resist chastening the striking evidence of 4Q514 on this issue and to take the evidence of this text seriously in its own right.

uum that has left its mark on other texts from the corpus of the Scrolls.⁸⁵ In particular we were able to demonstrate that the they-group, which has been considered as a hallmark of 4QMMT's distinctive outsider discourse, also emerges in the Admonition of the Damascus Document in remarkably analogous circumstances of halakhic disagreement on sexual relations and the purity of the sanctuary. Most unexpectedly, we identified two instances where Qumran has revealed material that epitomizes the views of the ultimate outsiders represented by the they-group maligned in 4QMMT in 4QOrdinances^c (4Q514, see 4.7.3. above) and the passage making allowance for the purification of impure animal hides in the Damascus Document (4Q269 8; 4Q270 3 and 4Q271 2, see 4.2.6. above). The recognition of the halakhic debate of 4QMMT as reflecting *internal discourse* as much as engagement with outsiders also offers an appealing and innovative explanation for the eirenic tone of the work that has puzzled scholars for so long.⁸⁶ This lack of a unified halakhic stance in the Dead Sea Scrolls also demonstrates that the materials preserved in the eleven caves at and near Qumran enrich our knowledge of ancient Jewish legal debate beyond the confines of a single group that defined itself by a particular halakhic stance.

Finally, recent years have witnessed a recognition of the much broader contribution of the Dead Sea Scrolls to our understanding of Jewish antiquity. A particularly striking example is the revolution the Scrolls have sparked in respect of our insights into the relationship of our oldest biblical manuscripts in Hebrew to ancient Greek translations as well as to the Samaritan Pentateuch. Rather than representing different strands in the textual history of the Hebrew Bible all three traditions have emerged as richly intertwined.⁸⁷ A comparable picture emerges as we recognize that the halakhic discourse contained within the Dead Sea Scrolls also offers a more panoramic view than previously recognized. Given that both emerging Christianity and rabbinic Judaism evolved to a large extent in response to debate and disagreements on how to interpret and live according to Jewish Law, the Scrolls have a much larger role to play in writing the history of Jewish antiquity and the story of the development of two world religions than previously recognized.⁸⁸

⁸⁵ On the implications of the legal material for debates in later rabbinic sources see Vered Noam's contribution to this volume, p. 137–159.

⁸⁶ These conclusions also dovetail well with Fraade's argument that 4QMMT reflects an "intramural" context, FRAADE 2000.

⁸⁷ See, e.g., E. ULRICH, *The Dead Sea Scrolls and the Developmental Composition of the Bible* (Leiden 2015).

⁸⁸ While not touching on Jewish legal debate which was our concern here, B. WRIGHT offers an excellent discussion on the significance of the Dead Sea Scrolls for our understanding of antiquity in "The Dead Sea Scrolls and the Study of the Ancient World", in: BROOKE / HEMPEL 2019, 216–227.

From 4QMMT to the Rabbinic Halakhah

Vered Noam

1. Qumran religious law and rabbinic halakhah

The legislative materials embedded in the Dead Sea Scrolls reflect the religious opinions and principles of a minority group during the last two hundred and fifty years of the Second Temple period, against the background of a divided, diversified Jewish society. As I have shown elsewhere, the legislation reflected in the Scrolls is fairly conservative, and does not depart greatly from the plain meaning of scripture. Such deviations from the biblical text are easily discernible in view of the solid scripturally-grounded foundation from which these laws emerge. These expansions mainly stem from three sources: scriptural exegesis; common Jewish pre-sectarian tradition; and also moderate innovation – necessitated either by circumstances or by the sect's unique beliefs.¹

Following the destruction of the Second Temple, over the course of hundreds of years, the former religious diversity solidified in the literary work of the sages into a single tradition that was multifaceted yet cohesive, rich and intricate. As the most prominent, comprehensive, postbiblical Jewish oeuvre – preserved as the main asset of the Jewish people for future generations – rabbinic literature includes the Mishnah, Tosefta and halakhic midrashim of the earlier Tannaitic period (70-c250), and the two Talmudim and aggadic midrashim from the later, Amoraic period (200-c700), and manifests, besides beliefs, opinions, tales and sayings, mainly an immense system of religious law, known as halakhah. The exegetical-halakhic enterprise of the sages, with its many facets and the literary works which comprise it, reflects bold innovation and new world views, almost completely distinct from the culture that preceded it.

Besides the great differences in scope and content, three dominant characteristics of later rabbinic halakhah are almost entirely absent from the Scrolls' legislative corpus.

i. "The phenomenon of transition from commandment to halakhah", as Moshe Halbertal described it – namely "the establishment of dense,

¹ See V. NOAM, "Stringency in Qumran: A Reassessment", *JSJ* 40 (2009) 1–14; Ead. 2016. This research was carried out with the aid of grant 725/16 from the Israel Science Foundation.

intricate fields of instructions at high resolution... which far exceed the purview of the original commandment"² – is lacking in the Dead Sea Scrolls and in Second-Temple legislative literature at large.

ii. Creation of thematic collections. Some Dead Sea Scrolls halakhic works and pericopes, such as the Temple Scroll and fragments of Rewritten Bible, are integrated into scripture and thus follow the biblical order. At times, as Aharon Shemesh has brilliantly shown, even compilations ostensibly detached from scripture are in fact set up according to the sequence of certain biblical units.³ However, most of the DSS halakhic works and sections, including the rules of 4QMMT, are not laid out in any apparent order, and certainly not according to related topics. The only cases of collections of religious rules organized by subject – concerning purification by water, oaths, incest laws, shabbat laws, etc.⁴ – are in fact extremely short units, incorporated into much larger structures. These wider contexts, for their part, contain a typical mixture of directives pertaining to diverse judicial fields and various aspects of life. This is in no way similar to the rabbinic elaborate organization of the halakhic materials into Orders, tractsates, chapters and halakhot/mishnayot in the Mishnah and Tosefta.⁵

iii. Midrash-halakhic exegesis does exist, apparently, at the basis of the Dead Sea texts, but the exegetical derivation or conclusion is an unspoken part of the text itself, by way of allusion to biblical expressions, or by combinations of verses that are mutually instructive, without actually explicating the inductive process in the text itself.⁶ In contrast to tannaitic legal midrash, Qumranic law is not presented by the fundamental infrastructure that we refer to as midrash – that is, a cited verse followed by differentiated interpretation that explicitly relates to the biblical text, and which is characterized by a different lingual register and fixed, sophisticated terminology. It also lacks an interpretative rhetoric, disputes are absent, and its laws are not attributed to specific, named personae. It will never propose interpretative options only in order to reject them, as is common in tannaitic legal midrash.⁷

² M. HALBERTAL, "The History of Halakhah and the Emergence of Halakha", *Diné Israel* 29 (2013) [1–23, Hebrew] 2, n. 3 (my translation).

³ SHEMESH 2005.

⁴ See for example CD 9:8; 10:10, 14; 16: 10, 13; 4Q159 f1 ii:6; 4Q266 f8 iii:4 and parallels. J. M. BAUMGARTEN, "Common Legal Exegesis in the Scrolls and Tannaitic Sources", in: M. KISTER (ed.), *The Qumran Scrolls and Their World* (Jerusalem 2009; Hebrew) 2:651.

⁵ M. KAHANA, "The Arrangement of the Orders of the Mishnah", *Tarbiz* 76 (2007) 29–40.

⁶ An outstanding example of this phenomenon is the Temple Scroll. See e.g. Yigael Yadin's classical introduction: YADIN 1983, 1:71–88.

⁷ See e.g. A. SHEMESH, "Scriptural Interpretations in the Damascus Document and their Parallels in Rabbinic Literature", in: BAUMGARTEN / CHAZON / PINNICK 2000, 161–175; S. D. FRAADE, "Looking for Legal Midrash in Qumran", in: Id. 2011, 145–167 (originally published in M. E. STONE / E. G. CHAZON [eds.], *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*. STDJ 20 [Leiden 1998] 59–79); NOAM 2011.

2. Sectarian law and rabbinic halakha from the perspective of 4QMMT

Still, as we are all aware, the Dead Sea Scrolls and rabbinic corpora are highly instructive mutually. They often share interest in the same halakhic issues, use identical, very specific terminology, reflect common traditions of biblical exegesis and extra-biblical early legislation, and yet – they often manifest contrasting opinions almost over any given halakhic subject.

Due to this contiguity, each corpus is essential for the investigation of the other. The expansive nature of the rabbinic formulations can shed light on parallel but often fragmentary, vague statements found in the Scrolls. The Dead Sea Scrolls' legislation, representing both a much earlier period and a different halakhic system, might provide access either to the springboard from which the rabbinic regulations took off, or to the opposing stance with which it struggled.

These two directions of inference are of course not devoid of difficulties. Deciphering the meaning of sectarian legislation based on a putative rabbinic parallel raises the famous question of "when is a parallel not a parallel".⁸ As for the use of the Dead Sea Scrolls to reconstruct the emergence of rabbinic halakhah,⁹ the vast schism between the two corpora makes it difficult to distinguish between the two above-mentioned possibilities – the Dead Sea Scrolls as either a springboard to or an opponent of rabbinic culture. How does the Qumran corpus really relate to later rabbinic constructions? Should most of the disparities between Qumran legislation and rabbinic law be attributed to the chronological gap between the two (the "vertical model"), the sectarian material thus representing a proto-rabbinic system of halakha; or should the gap be ascribed to an early polemic (the "horizontal model"), posing the two halakhic stances at the same level, as contemporary opponents?¹⁰

Miqṣat Ma'āse Ha-Torah is unique among the legal works within the Dead Sea Scrolls library, since it is a major source not only for sectarian religious law, but also for the views of opponents of the sect. The practices criticized by the author of the scroll are among those attested to in rabbinic literature as forming part of the later rabbinic consensus, and sometimes explicitly attributed to the Pharisees; whereas the views espoused by MMT

⁸ S. SANDMEL, "Parallelomania", *JBL* 81 (1962) 1–13; with regard to 4QMMT see ELMAN 1996.

⁹ Y. SUSSMANN, "The History of Halakha and the Dead Sea Scrolls – Preliminary Observations on *Miqṣat Ma'āse Ha-Torah* (4QMMT)", *Tarbiz* 59 (1990) 11–76; SHEMESH 2009; NOAM 2016.

¹⁰ This fundamental distinction was suggested and fully described for the first time by SHEMESH 2009, 3–7, who used different terminology ("developmental" versus "reflective" models). I offer here the labels "vertical" and "horizontal" to highlight a different aspect of the distinction between the two models.

represent stances commonly found in the Dead Sea Scrolls, which are in certain cases identical to Sadducean or Boethusian positions described in rabbinic literature.¹¹ Thus, this scroll is an exceptional case in which we can be certain that each discrepancy between the sectarian legislation contained in it and the rabbinic framework as we know it represents an actual Second-Temple controversy (the horizontal model) rather than a linear development (the vertical model). Here we have no doubt that the religious world reflected in 4QMMT represents the polemic background of the rabbinic movement's outgrowth rather than its foundation. 4QMMT therefore offers a rare glimpse into Second Temple sectarianism, and at the same time, constitutes a major resource for reconstructing the emergence of rabbinic halakhah.

3. Examples of interrelations between sectarian and rabbinic halakhah

Let us now delve into a few laws in 4QMMT, which will exemplify several kinds of interrelations between sectarian and rabbinic halakhah. The first case, which is also the opening rule of the Scroll, will show how rabbinic parallels can offer a new meaning to a rule which in my opinion was up until now misinterpreted. Another rule will serve as an example of the way a sectarian attitude might expose the background of a rabbinic seemingly arbitrary exegetical move. The third instance will uncover a shared halakhic infrastructure beneath the ground surface of a major dispute.

3.1. Reinterpretation of a sectarian law, assisted by rabbinic parallels

MMT i 7-9 (4Q394 3-7 i 6-8 [B3-5])

7 [] ה[] ג[]
 8 וּמְגִיעֵי [י]ם בַּהּ אֵת [י]הֶם וּמֵט [מ]אִים []
 9 מִדָּגָן [] יָיִם [] לְבֹרֵא לְמִקְדָּשׁ []

7 [] the g[rain] of the []
 8 and they let their [...] to[u]ch it and de[fi]le []
 9 from the grain [] *wym*, [] to come/ to be brought into the sanctuary.

This rule is extremely fragmentary and its content is almost entirely lost. The only complete words are (a) *וּמְגִיעֵים בַּהּ* – “letting people or items touch an object” (of feminine grammatical gender) thereby probably defiling it; and (b) *לְבֹרֵא לְמִקְדָּשׁ* – “coming to, or bringing something into, the sanctuary”. The word *דָּגָן*, “grain”, is also identified with high probability in line

¹¹ QIMRON / STRUGNELL 1994. The citations below are according to the edition included in the current volume.

9, and was consequently restored by the editors Qimron and Strugnell in line 7. According to QS's highly conjectural restoration, this unit protests against the practice of eating and bringing into the temple heave offerings (תרומה) of gentile grains, in accordance with 4QMMT's ban on the acceptance of gentile sacrifices (i 12–13 [4Q394 3–7 i 11–13 [B8–9]]). This rule is in contrast to the rabbinic/Pharisaic stance that “heave offerings (תרומה),¹² tithes and objects dedicated to the temple by a gentile or a Samaritan are valid”.¹³

But this restoration raises several difficulties. The words ומט[מאים] [...] אֹתָהּ point to a different concern than the invalidity of the *Terumah*. The grain is apparently considered impure only due to someone or something having touched it. The Mishnah indeed mentions an apprehension of a gentile defiling loaves of *terumah*,¹⁴ probably by touch.¹⁵ However, if this is the halakhic concern, it applies to ordinary heave offerings rather than to an invalid one offered by a gentile, and the specification “wheat grains of the [gentiles]” becomes redundant.¹⁶

Elisha Qimron suggested a connection between this rule and Yehoshua b. Perahyah's statement that wheat from Alexandria is deemed impure.¹⁷ However, this decree is concerned with Egyptian irrigation systems, which, according to this individual sage, make the wheat susceptible to impurity, but has nothing to do either with gentile impurity or with the heave offering.

According to the editors' further restoration – [וְאִין לְאֹכֹל] מְדוּגָן [הַגְּנִילִים] – “no one should eat any of the new wheat grains of t[he gen]tiles”, 4QMMT also forbade to eat of the gentile grain, apparently since gentile grain is generally forbidden for Jews to consume.¹⁸ However, this issue is detached from all other halakhic matters reconstructed by Qimron, and it has nothing to do either with the heave offering, or with the active defilement of the grain.¹⁹

¹² In contrast, the Mishnah determines that when a gentile allocates heave offering on behalf of an Israelite, even with permission, the heave offering is not valid (*m. Terumat* 1:1; see also *t. Terumat* 1:15).

¹³ *m. Ter.* 3:9. The current translation is adapted from Danby's translation (H. DANBY, *The Mishnah: translated from the Hebrew with introduction and brief explanatory notes* [London 1933] 55). In other cases I used Neusner's translations (see below); see also *t. Ter.* 4:12.

¹⁴ *m. Terumat* 8:11.

¹⁵ Maimonides, *Code*, *Hilkhot Terumat* 12:6.

¹⁶ See also Y. ELMAN, “MMT B 3–5 and its Ritual Context”, *DSD* 6 (1999) 147–156.

¹⁷ *t. Makshirin* 3:3–4 (DJJ 10, 148).

¹⁸ See Dan 1:8–16; Tob 1:10–12; Jud 10:5, 12:1–4; *m. Avodah Zarah* 2:6; G. ALON, “The Levitical Uncleanliness of Gentiles”, in: Id., *Jews, Judaism and the Classical World. Studies in Jewish History in the Times of the Second Temple and Talmud* (Jerusalem 1977) 156–158; D. L. GERA, *Judith*. CEJL (Berlin 2014) 369–370.

¹⁹ Yaakov Elman suggested the restoration [הַלְיִים] מְדוּגָן and proposed that the passage complains that the Levites do not keep in purity either their own Levitic tithe or the tenth

I believe that the wording of the passage clearly suggests that a different halakhic issue, also a major concern among the rabbis, is under discussion here. A better preserved Qumran fragment, 4Q513 2 ii, which uses verbs and terms similar to those that appear here, offers the link to the rabbinic counterpart and sheds new light on our passage. We shall therefore study this fragment first, in order to decipher the meaning of 4Q394 3–7 i 6–8 (i 7–9 [B3–5]).

4Q513 is a manuscript containing various legal matters which were apparently under dispute; this is evident from the fact that this work, just like 4QMMT, mentions practices of the opponents of the sect in participle form, suggesting practices conducted during the author's own time (e.g., עושים, מגלים). According to Qimron, the contents and the style are similar to that of 4QMMT.²⁰ Fragment 2 ii reads as follows:²¹

4Q513 f2 ii:

[	להגיעם בטהרת [הקו] דשׁ כיא טמאות המה]	1
[	בעלות לבני הנכר ולכול הזנות אשר--]קנה א	2
[	רא]לו להאכלם מכול תרומת ה-	3
[	ולבני [מ]לאכז ולכפר (במה) בהם לרצון על י[ש]ראל]	4
[	הזנות מאכליהם נשא עון כי החל כהונתו]°	5
[	המה מ[שיא]ם° [עון] אשמה בחללם] --	6
[	ומח]ם []ם° []ל	7

1	to let them touch the purity of the [hol]y food, for [they are] unclean[]
2	who had consorted with aliens and as for all the harlots who[]
3	—[] for him to feed them from all the <i>terumah</i> (heave offering) of the[]
4	and for the sons of my [a]ngels and to atone with them with acceptance for I[srael]
5	the harlots, he who feeds them bears iniquity for he has profaned his priesthood]
6	they c[ause them to be]ar the [iniquity] that brings guilt when they profane[]

This passage pertains to forbidden marriages of priests and to forbidden consumption of the *terumah*, the heave offering permitted only to priests and their [legal] household. Joseph Baumgarten and others in his wake suggested that the passage includes two disparate accusations against the priests – their marriage to harlots and their daughters' marriage to gentiles. He contended that these priests were prohibited to eat *terumah* due to both sins.²²

of it which they are obliged to give to the priests, and therefore it should not be brought to the temple and the latter are forbidden to eat it. As demonstrated below, the vocabulary left of this unit, when compared to other fragments and to rabbinic halakhic concerns, proves to be dealing with another matter, which was a common halakhic theme in Qumran and in rabbinic literature.

²⁰ QIMRON 2013, 197, commented on the similarity between 4Q513 2 ii and 4QMMT v 4–11 (B75–82), but never noticed the similarity of 4Q513 2 ii to lines i 7–9 (4Q394 3–7 i 6–8 [B3–5]) of 4QMMT.

²¹ First published as “Texte Halachique” in BAILLET 1982, 288. Cited here according to QIMRON 2013, 198.

²² BAUMGARTEN 1985; and in his wake SCHIFFMAN 1994, 159–161; KUGLER 1997; W. LOADER, *The Dead Sea Scrolls on Sexuality: Attitudes towards Sexuality in Sectarian and Related Literature*

In contrast, according to my reading the eating of *terumah* and the touching of the purities refer to females rather than to male priests,²³ and to the sin rather than to the punishment. The priests are accused of letting unworthy women²⁴ in their household – both those regarded as *zonot*, harlots, and those accused of consorting with gentiles – touch the holy food and consume *terumah*, as must be inferred from the words להאכילם, מאכליהם (“feed them; those who feed them”),²⁵ while there is no mention in biblical or rabbinic sources of priests losing their privileges due to the fornication of their daughters.

These impure and unfit women defile the *terumah*, and the priests who let them eat it “bear iniquity” or “bear the punishment of their iniquity” and desecrate their priesthood (lines 5, 6). The wording of the passage reiterates Leviticus 21 and 22. These two biblical pericopes deal with (a) priestly permitted and prohibited marriages, including the ban on marriage with a harlot (זונה, 21:7–9.13–15);²⁶ and (b) the ban on commons to eat of the holies, and specification of those in the priestly household who are entitled or forbidden to partake of them (22:10–16). The Qumranic passage weaves these two themes together in a semi-midrashic fashion, applying the prohibition on non-priests to consume the holy priestly gifts – to women who are forbidden for priests to marry, biblically defined as זונה. Thus, the זר (alien) of 22:10.12.13, who is warned of eating the *terumah*, is identified with the זונה (harlot) of 21:7.14.

As demonstrated in the following table, 4QMMT i 8–9 (4Q394 3–7 i 7–8 [B4–5] uses very similar verbs and terms to those employed by 4Q513 2 ii, and therefore appears to relate to the same issue. The proximity of 4Q513 to Leviticus 21–22 is presented in the third column.

at Qumran (Grand Rapids 2009) 221–223. For an utterly different, and in my mind unlikely, reading, see I. KNOHL, “New Light on the Copper Scroll and 4QMMT”, in: G. J. BROOKE / P. R. DAVIS (eds.), *Copper Scroll Studies*. JSP.S 40 (London 2002) [233–257] 242–248.

²³ Note that the first reading, טמאים, was later corrected by QIMRON 2013, 198 to טמאות.

²⁴ BAUMGARTEN 1985, 398 n. 15, suggested restoring the end of line 2 and the beginning of line 3 as אץ רא [וי] לו, unfit for him, in light of 11Q19 66:9, והיא ריהא לי מן הרוק, which refers to legitimate marriage.

²⁵ As opposed to BAILLET 1982, 289, and SCHIFMAN 1994, 159–161, I believe, as per QIMRON 2013, 198 n. 5, that in lines 2, 5 the right reading is *zonot* – “harlots”, rather than *zenut* – “fornication”, and מאכליהם (l. 5) should be read as “those who feed them” rather than “their food”.

²⁶ Generally, translations of scripture are adapted from the NJPS translation.

Leviticus 21–22	4Q513 f2 ii	4QMMT i 8–9 (4Q394 3–7 i 7–8 [B4–5])
<p>וְכֹל זָר לֹא יֹאכַל קֹדֶשׁ תּוֹשֵׁב בְּהֵן וְשֹׁכֵר לֹא-יֹאכַל קֹדֶשׁ No lay person shall eat of the sacred donations. No bound or hired laborer of a priest shall eat of the sa- cred donations (22:10)</p>	<p>להגיעם בטהרת [הקו]־ש to let them touch the purity of the [hol]ly food</p>	<p>וּמְגִיעִים בַּה אֲתָם and they let to[u]ch it their [...]</p>
	<p>כיא טמאות for [they are] unclean[]</p>	<p>[מטמאים] and de[fil]e]</p>
<p>ובת בהן כי תהיה לאיש זר הוא בתרומת הקדשים לא תאכל If a priest's daughter mar- ries a layman, she may not eat of the sacred gifts (22:12)</p>	<p>להאכילם מכול תרומת ה-²⁷ [--] for him to feed them (heave- offering) of the[]</p>	<p>מדגן from the grain</p>
<p>אשה זנה וְחִלְלָה לֹא יִקְחוּ וְאִשָּׁה גְרוּשָׁה מֵאִשָּׁה לֹא יִקְחוּ... וְחִלְלָה זֵנָה אֶת-אֵלֶּה לֹא יִקַּח They shall not marry a woman defiled by har- lotry, nor shall they marry one divorced from her husband... such he may not marry (21:7.14)</p>	<p>בעלות לבני הנכר ולכול הזנות אשר[---] who had consorted with aliens and as for all the harlots who[] הזנות מאכליהם נשא עון כי החל כהזנותו the harlots, he who feeds them bears iniquity for he has pro- faned his priesthood מ[שיא]־ם [עון] אשמה בחללם they c[ause them to be]ar the [iniquit]y that brings guilt when they profane[]</p>	
<p>ולא יחלו את קדשי בני ישראל את אשר ירימו לה' But [the priests] must not profane the sacred dona- tions of the Israelites that they set aside (יְרִימוּ) for the LORD (22:15)</p>	<p>זנות מאכליהם נשא עון כי החל כהזנותו the harlots, he who feeds them bears iniquity for he has pro- faned his priesthood מכול תרומת from all the <i>terumah</i></p>	
<p>והשיאו אותם עון אשמה באכלם את-קדשיהם or to bear iniquity that brings guilt, by eating such sacred donations (22:16)</p>	<p>מ[שיא]־ם [עון] אשמה בחללם they c[ause them to be]ar the [iniquit]y that brings guilt when they profane[] מאכליהם נשא עון he who feeds them bears iniq- uity</p>	

Table 1: 4QMMT and 4Q513

²⁷ BAUMGARTEN 1985, 398 n. 15 read this letter as ק, and suggested the restoration תרומת [הק[דשים]], derived from Lev 22:12. QIMRON 2013, 198 n. 3, reads either ש, ע or ק.

In yet another passage, 4Q251 16, a part of the work named by Aharon Shemesh *Midrash Mishpatim* (Shemesh 2005), the issue of desecration of the priestly gifts by inappropriate women is raised as well:

1 [-- ואישה כי תהיה לכוהן ואכל]ה את לחם אישה
 2 [-- קנין כספו וליד ביתו ה]ם יאכלו בלחמו. רק זונה
 3 [וחללה לוא יאכלו את לחם הקודש]°[ו]כל המעל אשר ימעל
 4 [איש --]°°[לאכול כי תועבה
 5 [היא --]מעל אשר אין לו גואל
 6 [--]ל[] 6

- 1 [when a woman is married to a priest, she may ea]t the food of her husband
 2 [one purchased by him and one born into his household the]y may eat of his food.
 Only a harlot
 3 [or a profaned woman may not eat of the sanctified food] [And] any trespass which
 4 [a person] shall commit [] [to eat, for [it] is an abomination
 5 []trespass/restitution that has no redeemer

Here too, the subject is the prohibition on “a harlot”, that is, a woman who is unfit for a priest, to eat of his food. Here too, the passage combines allusions to Leviticus 21 and 22 (the prohibition to marry a harlot and the ban on non-priests to eat priestly gifts). In this case a third biblical context is integrated as well, namely Numbers 5, which deals with desecration of the holy, defined as מעל – “trespass” – and the restitution required.²⁸ The author is apparently claiming that letting ‘a harlot’ partake of holy food and thereby defiling it is considered a trespass and an abomination (תועבה).

Further support for the identification of the topic of desecrating holy food in our 4QMMT passage is the mention of לבוא למקדש, “coming / bringing something into the temple” (i 9 [4Q394 3–7 i 8 {B5}]). The only combination of the root בוא with the temple in the Pentateuch is the prohibition on the parturient to enter the temple while impure, and this prohibition is juxtaposed to the ban on consuming consecrated food thereof (“she shall not touch any consecrated thing, nor enter the sanctuary until her period of purification is completed”, Lev 12:4). This juxtaposition reiterates in the scrolls, and is expanded to include impurities other than that of a woman after childbirth.²⁹ In a copy of the Temple Scroll, 11Q20 (11QT^b) 12–13, the warning against entering the sanctuary (אל המקדש) is probably juxtaposed to a ban on eating (יֹאכַל), which Elisha Qimron restored as relating to eating consecrated food.³⁰

In sum, the three passages: 4QMMT i 7–9 (4Q394 3–7 i 6–8 [B3–5]), 4Q513 2 ii and 4Q251 16 are all concerned with priests desecrating priestly food by feeding it to unworthy women, regarded as ‘harlots’ in at least

²⁸ See also Lev 5:15f. For the mention of גואל (“redeemer”) see Num 5:8.

²⁹ 4Q266 f6 ii:3–4 (menstruation), 9 (childbirth).

³⁰ QIMRON 2010, 185.

two of these texts. Two of these texts (4Q513, 4Q251)³¹ allude to Lev 21–22, chapters concerned with illicit priestly marriage and with the prohibition on non-priests to eat priestly food. 4Q251 uses also Num 5, regarding the desecration of the holy and the restitution required.

The issue of priests marrying *zonot* appears to be a central concern in the Jewish society of Second Temple era. A similar reproach is attested below in 4QMMT v 4–11 (4Q396 1–2 || 4Q397 12–15 [B75–82]), which juxtaposes an accusation of intermarriage (v 4–8 [B75–79]) with a reprimand of the priests for defiling their seed with הזנות (v 9–11 [B80–82]). It appears that our unit addresses the implications of this same trespass for the purity of the holy priestly gifts. In fact, the v 4–11 [B75–82] passage also implicitly hints at the issue of desecrating the *terumah*. As shown by Menahem Kister, the words משכתוב קודש ישראל (“as is written: Israel is holy”, v 5 [B76]) are a citation of Jer 2:3, comparing the sanctity of Israel to that of a priestly gift, forbidden to anyone who is not a priest.³² This sanctity is presented as rationale for the condemnation of Israelite intermarriage. Thus, the prohibition on mixed marriages is intricately connected with the exclusiveness of the priestly gifts, both as a halakhic implication and as a metaphor. Another law defending the holy food from desecration is B71–72, warning the priests to wait until they are completely pure, according to the sectarian definition, before they can eat of the sacred food.

Now, let us take a look at the rabbinic side of the equation. Anxiety regarding *terumah* eaten by an alien (non-priest), and a ban on inappropriate wives of priests to consume the latter’s sacred food, is well known from rabbinic literature as well. According to rabbinic halakha, based on the above mentioned pericope of Lev 22, an alien who intentionally eats *terumah* incurs death penalty by heaven (as an interpretation of Lev 22:10), and if he eats it unintentionally, he pays its worth, plus an additional fine of fifth (following Lev 22:14).

Heave offering and firstfruits – [non-priests] are liable on their account [to suffer the] death [penalty, if they eat them intentionally], or [for restoring the principal and an] added fifth [if they eat them unintentionally].³³

Consequently, halakhic sources testify to apprehension concerning the option that the *terumah* be eaten by women who might not be entitled to partake of it.

The daughter of a priest who married an Israelite and afterwards [unintentionally] ate heave offering, pays the principal but does not pay the [added] fifth [...]. [If] she married any person who is ineligible [and then unintentionally ate heave offering], she pays

³¹ The word נזה does not appear in our MMT unit in its current form, nor does any other allusion to Lev 21 or 22, but the text is too fragmentary to know whether such allusions had appeared there originally.

³² KISTER 1999.

³³ *m. Bikkurim* 2:1; see *hallah* 1:9; *t. Keritot* 1:8. NEUSNER 1988, 169.

the principal and the [added] fifth. [...] – the words of R. Meir. But the sages say, “Both of these [women] pay the principal but do not pay the [added] fifth” [...]”³⁴

We find discussions regarding border cases, such as an Israelite woman, betrothed but not yet married to a priest, or a priest’s wife who is still a minor.

[If the time came and he did not marry her, she in any event is supported by him, and she eats heave offering [if he is a priest, and she is not] [...]. This is the first Mishnah. The succeeding court ruled: “The woman does not eat heave offering until she enters the marriage canopy”.³⁵

The Talmud explains that the initial rule, following Lev 22:11, “but a person who is a priest’s property by purchase may eat of them”, was that the woman betrothed (and thus considered formally married, though still living with her parents) to a priest should eat of his consecrated food right away. However, the rabbis wished to prevent the girl from letting her non-priest brothers and sisters partake of the *terumah* while still in her father’s house. That is why they decided that she would eat *terumah* only in case the designated time has come but the marriage did not take place, in order to urge the bridegroom to support the bride. This second rule was again changed, as reported in the Mishnah, for fear that in case the marriage is abolished, it would retrospectively turn out that the girl had eaten the *terumah* under the status of an alien rather than a priest’s wife.³⁶

It appears that this halakhic issue, which apparently was a bone of contention in the inter-sectarian debate, has also created heated debates within rabbinic circles:

And already did Yohanan b. Bagbag send to R. Judah b. Betera in Nisibis, saying to him, “I heard about you that you rule, ‘An Israelite girl betrothed to a priest eats heave-offering’.” He sent back to him, “I was sure that you are an expert in the inner chambers of the law. But you don’t even know how to construct an argument *a fortiori!* [...] But what shall I do! For lo, sages have said, ‘An Israelite girl who is betrothed does not eat heave-offering until she enters the marriage-canopy’.”³⁷

Some of these discussions are presumably early since they involve sages who operated before the destruction of the Temple, like Yohanan b. Gudegedah:³⁸

Testified R. Yohanan b. Gudegedah [...] and concerning a minor Israelite girl who was married to a priest, that she eats heave offering.³⁹

³⁴ *m. Terumot* 7:2, see also 6:2; 8:1. NEUSNER 1988, 108.

³⁵ *m. Ketubot* 5:2–3. NEUSNER 1988, 387f.

³⁶ *b. Ketubot* 57b.

³⁷ *t. Ketubot* 5:1 (J. NEUSNER, *The Tosefta: translated from the Hebrew: Third Division, Nashim* (New York 1979) 74.

³⁸ See *t. Terumot* 1:1; *Sheqalim* 2:14.

³⁹ *m. Gittin* 5:5 = *m. Eduyot* 7:9. NEUSNER 1988, 475.

In the case of forbidden marriage, there is no doubt that the divorcee or any other woman illegally married to a priest is prohibited to eat of his heave offering.⁴⁰

Baumgarten marveled at the mention in 4Q513 of women who had intercourse with gentiles, since “a priest is forbidden to take a harlot regardless of whether she previously consorted with aliens or Israelites”.⁴¹ However, he did not recognize that the issue at hand was not merely intermarriage but also consumption of holy food by the wrong kind of women. Rabbinic halakhah also emphasizes that a woman who was engaged in intercourse with a gentile is forever forbidden to eat *terumah* and unfit for a priest.⁴² The same law applies to women who had been held captives by gentiles.⁴³

In all the above-mentioned issues – the prohibition on inappropriate wives of priests to consume the latter ones’ holy food, and the status of women who had sexual relations with gentiles – rabbinic sources, probably preserving earlier stances,⁴⁴ essentially concur with the DSS view. The question is, therefore, to which opposed opinion and practice 4QMMT is reacting here. As for the ‘harlots’, a reasonable guess would be a dispute regarding the definition of the biblical term *zonah* (Lev 21:7). In Qumran, as in Second Temple literature at large, the root *znh* is associated not with prostitution but with various sexual misdeeds, including intermarriage, incest, niece marriages, polygamy, and intercourse with a menstruant and with one’s wife when it is not permitted.⁴⁵ Aharon Shemesh inferred from 4Q271 3, instructing that a woman who has engaged in intercourse outside a marital bond is ineligible for marriage, that sectarian halakhah viewed such a case as also included in the definition of *zonah*, in a similar way to that of one of the sages (see below).⁴⁶

Rabbinic sources attest to a wide dispute vis-à-vis the women regarded as ‘harlots’ and consequently forbidden to priests. Besides gentile

⁴⁰ Even when a priests’ daughter, who is initially allowed to eat *terumah*, is betrothed – albeit not married yet – illegally (for example if she is a divorcee betrothed to a priest), she is banned from eating consecrated food, *m. Yevamot* 6:3.

⁴¹ BAUMGARTEN 1985, 393.

⁴² *m. Niddah* 5:4; *t. Yevamot* 8:1; *b. Yevamot* 45a, 68a–b.

⁴³ *m. Ketubot* 2:9; 4:8; *m. Eduyot* 3:6.

⁴⁴ See the middle Aramaic in *m. Ketubot* 4:8 and the involvement of R. Yohanan son of Gudgeda in *m. Eduyot* 7:9.

⁴⁵ BAUMGARTEN 1985, 392f.; KAMPEN 1996, 135–138; KUGLER 1997; M. HIMMELFARB, “Levi, Phinehas, and the Problem of Intermarriage at the Time of the Maccabean Revolt”, *Jewish Studies Quarterly* 6 (1999) [1–24] 5; HAYES 2002, 76. 83; H. BIRENBOIM, *The Stringent Observance of Body-Purity in the Jewish Society of the Land of Israel in the Second Temple Era*, Ph.D. Dissertation (Hebrew University 2006; Hebrew) 139–143.

⁴⁶ SHEMESH 1998, 247f.

women,⁴⁷ proselytes and freed bondwomen,⁴⁸ some opinions also considered illegal sexual relations⁴⁹ or promiscuity⁵⁰ as ‘harlotry’, and even a single woman who had sexual relations without intention of marriage.⁵¹ Although this last opinion was rejected halakhically in later generations of rabbinic Judaism,⁵² as mentioned above, Aharon Shemesh argued that sectarian halakhah held to a similar approach, albeit for different reasons.⁵³

We have no way to know what the practice of the majority of Jewish society, including Pharisaic circles, had been in this regard in pre-rabbinic times. One might suppose, however, that the sect’s opponents followed more lenient approaches, whereas the Qumranites believed that any woman who had pre-marital sexual relations desecrated her priest-husband, and more importantly, caused sacrilege to holy food. This might explain the sectarians’ complaint concerning ‘harlots’ eating the heave-offering.

In light of all the above, how should this law be restored? What is left is far too fragmentary to provide a full restoration. Suffice it is to suggest that line 4 should probably read *וּמִיָּעִים בַּה אֵת זִוְנוֹתֵיהֶם/נְשִׂיהֶם וּמִטְמָאִים אוֹתָהּ* – meaning the *terumah*. In any case, this rule is an example of the way comparison with parallel Dead Sea Scroll fragments using similar terminology, combined with awareness of dominant halakhic concerns within rabbinic literature, assist us in the reconstruction of fragmentary sectarian rulings.

3.2. 4QMMT regulations expose the background of rabbinic exegetical moves

Lev 6:21 rules: *וּכְלֵי־חֶרֶשׁ אֲשֶׁר תִּבְשַׁלְּבוּ וְשִׁבְרָן וְאִם־בְּכֵלֵי נְחֹשֶׁת בְּשִׁלָּהּ וּמִנְרֶק וְשִׁטֹּף בְּמַיִם*; “But the earthen vessel wherein it is sodden shall be broken; and if it be boiled in a brazen vessel, it shall be scoured, and rinsed in water.”

Scripture instructs that since the *hattat* (purification-offering) is considered “most holy” (Lev 6:18), “whatsoever shall touch the flesh thereof shall be holy”, and its blood, if spattered on a garment, should be washed out “in a holy place” (20). If the purification offering was boiled in an earthen vessel, the vessel should be broken; if in a copper vessel, it should be polished and rinsed with water (21).

Jacob Milgrom (2007, 403) explained that the washing of the bloodstains from the garment is a means to prevent it from becoming holy and conse-

⁴⁷ *b. Avodah Zarah* 36b, an Amoraitic tradition related to the Hasmonean era.

⁴⁸ *m. Yevamot* 6:5.

⁴⁹ *m. Yevamot* 6:2; *t. Yevamot* 8:1 and parallels; *b. Yevamot* 45a, 68b.

⁵⁰ *m. Yevamot* 6:5, *b. Yevamot* 61b.

⁵¹ *Sifra* Emor 1:2 (94a).

⁵² *b. Yevamot* 61b.

⁵³ SHEMESH 1998.

quently confiscated by the sanctuary. He further contended that the purification offering is “a case of ambivalence”. On the one hand, everything that touches it contracts holiness, on the other hand, the washing of garments, the breaking of earthenware and the scouring of copper vessels that were in contact with it suggest that the *hattat* is treated as if it were impure. According to Milgrom, this impurity is a residue of a pagan notion, which had ascribed contagious defiling power to objects used for exorcizing impurity. The transference of holiness to objects is, in his opinion, one of the measures taken by Scripture to reduce this primeval power of contamination (405).

The midrash in *Sifra*, however, appears to boldly contradict the verses:

בשלה. מלמד שהוא מבשיל ושונה ומשליש ובאחרונה מורק ושוטף. אין לי אילא כלי נחשת שהוא מבשל ושונה ומשליש ובאחרונה מורק ושוטף ומנ[יין] לכלי חרס שהוא מבשל ושונה ומשליש ובאחרונה שובר, תל' לו' וכלי חרס אשר תבושל בו יש[בר] ואם בכלי נח[שת] בשלה

“...If it be boiled”. This teaches that one boils it a second and a third time,⁵⁴ and at the end, one scours and rinses the utensil. I know only that in the case of a copper utensil one boils it and does it a second and a third time, and at the end, one scours and rinses the utensil. How do I know that in connection with earthenware utensils, one boils it and does it a second and a third time, and at the end one breaks the utensil? Scripture says, “...shall be broken; but if it be boiled in a copper vessel”⁵⁵ (*Sifra Zav Prasha 3* [Pereq 7]:2, 32d).⁵⁶

Whereas scripture commands the scouring and rinsing of metal vessels and the breaking of earthen vessels following the cooking of the *hattat*, and thus appears to prohibit its reuse before these imperatives are fulfilled, the midrash openly sanctions several actions of cooking before the eventual cleansing or breaking. The proof is from the redundancy of the word *בשלה*, “if it be boiled”.

The rabbinic attitude behind this exegesis, as demonstrated by Shamma Friedman, “exemplifies a thorough rejection of the concept of contagious holiness”. Therefore, the Rabbis did not categorize the garments or vessels as impure nor as holy, but rather defined them as identical to the sacrifice itself in terms of its halakhic status, vis-a-vis the problem of *גותר*, forbidden remnants of the sacrifice.⁵⁷ The flesh or blood of the sacrifice, only when absorbed into the vessel or garment,⁵⁸ and only if preserved there beyond the time allotted for consuming the sacrifice itself, are the same as a sacri-

⁵⁴ This is apparently inferred from the very use of the word “boiled”, which is considered redundant by the midrash.

⁵⁵ It appears that the inference is from the juxtaposition of the law of the earthenware to that of the copper vessel. Since the copper vessel may be reused, so too does the clay vessel.

⁵⁶ The Hebrew according to ms. Vatican 66. The English translation according to J. NEUSNER, *Sifra: An Analytical translation*. Brown Judaic Studies 139 (Atlanta 1988) 2:35f., slightly revised.

⁵⁷ FRIEDMAN 1993, 121–123, citation from 122, regarding another part of the midrash.

⁵⁸ FRIEDMAN 1993, 122, see *Sifra Zav* parasha 3 (pereq 5):5, 32b; *m. Zebahim* 11:8.

fice left-over beyond its time.⁵⁹ Therefore, the rabbis permitted sacrificial reuse of the clay or copper vessels following the cooking of the first sacrifice – without being broken or scoured, respectively, as long as the time allotted for eating the first sacrifice had not passed.⁶⁰

The arbitrary midrash was born from the urge to legitimize this leniency against the opposite stance. This opposite position is probably reflected in a fragmentary rule of 4QMMT:

i 9–12 (4Q394 3–7 i 8–11 || 4Q395 1 1–3 [B5–8])

	[זָבַח]	9
	[בַּהּ]	10
	[בְּעֹזָרָה]	11
		12

9 [And concerning] the sacrifice [...],

10 which they are cooking [...] in a vessel [...] in it [...]

11 the flesh of their sacrifices and[...] in the Temple cou[rt ?] ...] it [...]

12 with the broth of their sacrifice

Due to the use of the words *מרק בשל, כלי*,⁶¹ evidently alluding to the laws of the purification-offering in Lev 6:21 (*וְכַלֵּי־חֶרֶשׁ אֲשֶׁר תִּבְשְׁלֵיבוּ יִשְׁבֵּר וְאִם־בְּכֵלִי*) (*נִחֲשֶׁת בְּשִׁלָּה וּמִרְק וְשִׁטָּף בְּמִים* shall be broken; and if it be boiled in a brazen vessel, it shall be scoured, and rinsed in water”), Qimron and Strugnell reasonably connected the passage with this specific offering and ruling.⁶² As suggested by Milgrom⁶³ and Qimron, the practice criticized in this sectarian regulation is apparently the permission to reuse the vessels for additional sacrifices before purifying or breaking it. The sectarian, probably earlier, stance that accorded so smoothly with the plain meaning of scripture necessitated the creation of the midrash.

⁵⁹ But see Maimonides, *Code, Ma'aseh Ha-korbanot* 8:14 and the Ra'va" d's objection. For further rabbinic leniencies concerning the bloodstained garment, see e.g. *m. Zebah.* 11: 2–3, MILGROM 2007, 404.

⁶⁰ *m. Zebahim* 11:7 (see H. ALBECK, *Shisha Sidrei Mishnah: Meforashim bi-dey Hanokh Albek, u-menukadim bi-dey Hanokh Yalon*, 6 vols. [Jerusalem 1958] 6: *Qodashim*, 360); *t. Zebahim* 10:14; *b. Zebahim* 97a.

⁶¹ QIMRON / STRUGNELL 1994 suggest that the unsure reading *עוֹרָה*, Temple court (l. 7), may also allude to Lev 6:19: “in the court of the tent of meeting”. I submit that it may also serve as an equivalent of the “holy place” mentioned in Lev 6:19f. If this is correct, then we witness here a sectarian inference identical to the *heqesh* of the rabbis (*Sifra Zav* 3:7, 32b; *m. Zebahim* 11:4), which applied the requirement of a “holy place” mentioned with regard to the washing of the garment (Lev 6:20) to the breaking and scouring of the vessels mentioned in the next verse. On the possible reflection of this ruling in archaeological finds see A. GROSSBERG, “Cooking Pots with Holes Found in Jerusalem and the Customs of Haverim and Amei ha-Aretz”, in: *New Studies on Jerusalem* 8 (2002) 59–71 (Hebrew); I. STERN / V. NOAM, “Holey Vessels”, *Aram periodical* 27 (2015) 355–374.

⁶² QIMRON / STRUGNELL 1994, 149.

⁶³ MILGROM 2007, 407.

3.3. A subdued, shared infrastructure that preceded a dispute

In iv 12–14 (4Q394 8 iv 12–14 || 4Q396 1–2 iii 2–4 || 4Q397 6–13 4–5 [B62–64]), we read the following passage concerning the fourth-year fruit.

12 אף ע[ל מ]טעת עצי[ה] המאכל הנטע
 13 בארץ ישראל כראשית הוא לכוהנים ומעשר הבקר
 14 והצון לכוהנים הוא

12 And furthermore, concerning the planting of fruit trees which is planted
 13 in the land of Israel: Like the first fruits it belongs to the priests, {and (like?) the tithe of the cattle
 14 and the sheep it belongs to the priests}

This text clearly relates to the command in Lev 19:23–25:

When you enter the land and plant any tree for food, you shall regard its fruit as forbidden. Three years shall it be forbidden for you, not to be eaten. In the fourth year all its fruit shall be set aside as holy for giving praise before the Lord, and only in the fifth year may you use its fruit – that its yield to you may be increased. I am the Lord your God.

Elisha Qimron demonstrated that the phrase “(the fruits of) the trees for food” clearly echoes the biblical words “and plant any tree for food”, and the emphasis on “the land of Israel” is a clear reference to the “land” in the verse.⁶⁴ The scroll states that the fourth year fruit, scripturally designated as קדש הלולים “holy for giving praise before the Lord” should actually be given to the priests. The scroll adds the comparison כראשית “like first fruits”. This comparison is in fact an embryonic halakhic midrash using the comparative *kaf*, a typical linguistic feature serving as part of the Dead Sea Scrolls’ pristine midrashic terminology.⁶⁵ The following mention of the tithe of the cattle and the sheep might be either a separate but similar law, as per Qimron,⁶⁶ or another reference intended to further support the same assertion that whatever tax levied from all kinds of produce, cattle or crops should be given to the priests, as per Kratz.⁶⁷ The directive to give the fourth year fruit to the priests appears in several other works of the

⁶⁴ QIMRON / STRUGNELL 1994, 164.

⁶⁵ NOAM 2011, 241–252. An identical reference to ראשית, “first fruit”, in this context, probably appears in 4Q270 (4QDe)2 ii 7. In 4Q251 10:9 there is a similar comparison to *terumah*, a biblical term which the sect viewed as equivalent to ראשית – first fruits. See A. SEMESH, “The Laws of First Fruits in the Dead Sea Scrolls”, *Meghillot* 1 (2003) 147–164 (Hebrew).

⁶⁶ QIMRON / STRUGNELL 1994, 165f.

⁶⁷ Priestly gifts from the flock are juxtaposed – but not compared – to the fourth year fruit in 4Q251 10 6–9. The former is likened to firstborn animals, which belong to the priests.

Dead Sea Scrolls.⁶⁸ It is also attested in the Book of Jubilees,⁶⁹ Philo,⁷⁰ and *Targum Pseudo-Jonathan* on the Pentateuch.⁷¹

This understanding famously contradicts the rabbinic position whereby the fruit or the money equivalent given for its redemption was eaten (or the money spent) by the owners in Jerusalem, similar to the law applying to the tithe described in Deuteronomy 14:22–27, termed by the Rabbis “second-tithe”.⁷² 4QMMT, as a polemic treatise aimed at refuting the rival halakhic system, intended in this passage to dispute the halakhic position that later found expression in rabbinic literature.

This ancient dispute has been discussed extensively in the scholarly literature,⁷³ so here I shall limit the discussion to the exposure of the shared infrastructure that might have preceded it.

Sifre Numbers devotes a long and complex passage to clarifying the question of whether “holy for giving praise” (קודש הילולים) means “holy for the owners or holy for the priests”. The homilies included in it refute all the possible considerations in support of a textual exegesis that would result in the fourth year fruit being given to the priests. Instead, the tannaitic tradition, citing R. Meir, R. Ishmael and R. Yehoshua, presents a series of considerations in support of the rabbinic law that the fruit was eaten by its owners.

R. Meir proves that the fourth year’s fruit goes to the owners by force of the wording in Num 5:10 “and each man shall retain his sacred donations”. R. Yehoshua finds support in the verses in Leviticus 19, which deal specifically with the fourth year fruits.⁷⁴ The most complex exegesis is that of R. Ishmael, whose path differed from that of his colleagues. The exegesis is presented in his own name and does not rely on any technical, philological methods. Rather, it is typically based on a substantive comparison between the law of fourth year fruit and the laws governing other gifts.

⁶⁸ 11QT^a 60:34; 4Q266 6 iv; 4Q270 (4QD^e) 2 ii 6–7, and 4Q251 10:7–9.

⁶⁹ Jub 7:37f. According to the account in this book the priests would drink the remnant of the fourth year’s wine after part of it had already been poured on the altar. A different story is told though in the same chapter (verses 1–6), indicating that the wine was drunk by the owners. This problem and the previous research on it is dealt with in M. SEGAL, *The Book of Jubilees: Rewritten Bible, Redaction, Ideology and Theology* (Leiden 2007) 17–19. 156f. 163.

⁷⁰ Philo, *De virtutibus* 159: F. H. COLSON ed. and trans., *Philo VIII*. LCL 341 (London 1939) 260–262.

⁷¹ Lev 19:24; Deut 20:6.

⁷² See for example *m. Ma’aser Shenii* 5:1–5; *Sifra Kedoshim* 4:1 (90b); *Sifre Numbers* 6 (ed. KAHANA, 19f.). For traces of another exceptional view that was preserved in Gaonic literature, see J. M. BAUMGARTEN, “The Laws of ‘Orlah and First Fruits in the Light of Jubilees, the Qumran Writings, and Targum Ps. Jonathan”, *JJS* 38 (1978) 199.

⁷³ For references see NOAM 2011, 245; KAHANA 2011, 1:69–70, n. 13.

⁷⁴ Both in *Sifre Numbers* 6 (ed. KAHANA 2011, 1:20–22). The discussion below is based upon Kahana’s analysis in his edition (KAHANA 2011, 2:69–76).

In that sense this seems like a more primordial, fundamental midrash, resembling the one in 4QMMT and parallel Dead Sea Scroll sources, which draw a basic analogy from one scriptural subject to another:

R. Ishmael says, it is holy to the *priests*. You maintain that it is holy for the *priests*, or is it holy for the *owner*?

This is the version in Kahana's edition, following Codex Vaticanus 32, the best witness to the *Sifre Numbers*.⁷⁵ In all the other versions, including the printed editions:

R. Ishmael says, it is holy to the *owner*. You maintain that it is holy for the *owner*, or is it holy for the *priests*?

The midrash then continues as follows:

This is how you may logically deal with this:

1. The second tithe (Deut 14:22–27) is designated [in the Torah] קדש “holy”, and the fruit of an orchard in the fourth year after its planting (Lev 19:23–25) is designated קדש “holy” (Lev 19:24). If I inferred a rule regarding the second tithe that it only belongs to the owner, I may infer likewise that the same rule applies to the fourth year fruit that it only belongs to the owner.

The midrash compares the law of the fourth year produce to that of the second tithe which is eaten by the owner, since both are designated “holy”. The problem with this technique of *gezerah shavah* (analogy) is that while the word קדש indeed appears in the pericope dealing with the fourth year fruit (Lev 19:24), it never appears in the main pericope of “second tithe” (Deut 14:22–27).⁷⁶

2. But an opposite analogy can be drawn from the case of the תרומה, heave offering, for it too is called קדש “holy”, but belongs only to the priest (Lev 22:24), and this would prove that fourth year fruit, even though it is called “holy”, should belong only to the priests!

3. You may then offer the following distinction [showing that the correct analogy is from the second tithe and not from the heave offering]: the second tithe requires a special location⁷⁷ and the fourth year fruit requires bringing to a special location. If I inferred a rule regarding the second tithe that it only belongs to the owner, I may infer that the same rule applies to the fourth year fruit that it only belongs to the owner.

The midrash argues that the fruit of the fourth year resembles the second tithe, which is eaten by the owner, more than it resembles the *terumah*, which belongs to the priests, since both the fourth year fruit and the second

⁷⁵ For an evaluation of this MS with respect to the text-critical work on the *Sifre* see M. KAHANA, *Prolegomena to a New Edition of the Sifre on Numbers*, PhD Diss. (Jerusalem, Hebrew University 1982; Hebrew) 116–227. For an evaluation of its linguistic features see M. BAR-ASHER, “A Preliminary Study of Mishnaic Hebrew as Reflected in Codex Vatican 32 of *Sifre-Bemidbar*”, in: Id., *Studies in Mishnaic Hebrew* (Jerusalem 2009; Hebrew) 1:240–268.

⁷⁶ The *Sifre Numbers* commentators suggested that the midrash refers here to the verses of Deut 26:13 or Lev 27:30, both containing the word קדש, and both interpreted elsewhere in rabbinic literature as referring to the second tithe (KAHANA 2011, 2:70).

⁷⁷ That is, it should be eaten in Jerusalem (Deut 14:23).

tithe should be brought to a special location. The problem here, again, is that whereas this requirement indeed pertains to the second tithe (Deut 14:23), it is not specified with regard to the fourth year fruit in Lev 19:23–25. Commentators suggested that it might have been inferred by way of midrash from the words קדש הוללים, holy for giving praise.⁷⁸

4. But this argument can be disproved by the rule applying to first fruit (Exod 23:19; Deut 26:1–11), which requires that it be brought to a special location (Exod 23:19; Deut 26:2), but belongs only to the priest, so too the fourth year fruit, which requires bringing to a special location, will only belong to the priests!

The midrash here offers a refutation to the above inference from second tithe, since first-fruits, which belong to the priests, are also brought to the temple, and in that sense resemble the fourth-year-fruit the same way the second tithe, eaten by the owner, resembles it. However, as Kahana notes, in order for the first fruit to “compete” with the second tithe, which resembles the fourth-year-fruit in terms of both the mention of the word קדש and the requirement of bringing to a special location, a mention of the word קדש in the pericope of first-fruit is also needed. Indeed, the word קדש in Deut 26:13 is elsewhere applied to the first fruit (see below). However, Kahana calls attention to the fact that the mention of קדש concerning the first fruit is absent from our midrash.

5. You may then offer the following distinction [showing that the correct analogy is from the second tithe and not from the heave offering nor from the first fruit]. The second tithe is called “holy” and requires bringing to a special location and is subject to redemption,⁷⁹ and the fourth year fruit is called holy, and requires bringing to a special location, and is subject to the rules of redemption. And therefore the heave offering cannot serve as proof, for even though it is called holy, it does not require bringing to a special location, nor should the first fruit serve as proof, for even though it must be brought to a special location it is not subject to redemption.⁸⁰

In this unit of the midrash the component of redemption is inserted into the equation, in order to prove that the right inference is from second-tithe “based on the three shared traits”,⁸¹ rather than from heave offering or the first fruit. However, the mention of redemption is in fact redundant, since second tithe is designated “holy” and requires a special location, whereas heave-offering is only designated holy, and first fruit only require a special location. Had the midrash mentioned also the fact that first fruit is designated “holy”, then the mention of redemption would have been necessary (heave offering being only “holy”; first-fruit both holy and requiring a spe-

⁷⁸ KAHANA 2001, 2:71. See alternative interpretations there.

⁷⁹ That is, it may be substituted for money.

⁸⁰ *Sifre Num 6* (ed. KAHANA 1:20–22). The last unit of the midrash (1:21–22) appears to be an alternative wording of unit 5, but identical in content (KAHANA 2011, 2:74), so I will skip it here. The translation is based on J. NEUSNER, *Sifre to Numbers: an American translation and explanation* (Atlanta 1986) 76f., with many revisions.

⁸¹ See the following unit of the midrash (ed. KAHANA 1 (2011), 21).

cial location; and only second tithe being holy, requiring special location and subject to redemption as well).

In its current form, this full midrashic passage contends that the rule of fourth year fruit is the same as that of second tithe, which is eaten by the owners. It rejects the option of comparing it to the heave offering or to first-fruit which are given to the priests, insofar as these gifts lack basic features shared by the second tithe and fourth year produce. The heave offering lacks the feature of being “brought to a special location”, meaning the duty of eating it specifically in Jerusalem. The first fruit, while bearing this feature, lack the aspect of “redemption”, in the sense of exchanging the fruit with money and bringing the money to Jerusalem in its place, which is similar to the rabbinic ruling concerning fourth year produce. The second tithe on the other hand is “equivalent in three ways” to the fourth year produce. It is referred to as being “holy”, it is eaten in Jerusalem, and it can be redeemed. An analogy can therefore be drawn from it regarding the fourth year fruit which is eaten by the owners.

Scholarly research long ago acknowledged that this legal midrash had solid reasons for its arduous path. It was motivated by the desire to refute the contrary view reflected, as we have seen, in 4QMMT and in other Second Temple sources.

Moreover, the midrash also intended to reject the exegetical inference upon which the opposing view was based. Rabbinic authorities were no doubt aware of the comparison, evidenced in 4QMMT and elsewhere,⁸² between fourth year produce and the biblical ראשית, “first”, which is the first fruit or heave offering in rabbinical parlance. The sages staunchly rejected this analogy, and replaced it with the constrained comparison to the second tithe.

However, according to the Vatican Codex version at the beginning of R. Ishmael’s homily, R. Ishmael was actually attempting to refute the accepted view in rabbinic literature, namely that the fourth year produce belongs to the owner, and to teach, in accord with the priestly/sectarian/4QMMT opinion, that it is “holy for the priests”, rather than “to the owner”. This is evident from the wording of this version: “It is holy for the *priests*. You say holy for the *priests* or holy for the *owner*?” indicating that the first option (priests) is considered to be the right one, whereas the latter option (owner) is the one which is to be rejected. At first glance, this version appears to be a mere mistake, in view of its total deviation from the entirety of rabbinic literature, and primarily in view of R. Ishmael’s subsequent comments, which clearly attest to his attempt to prove precisely

⁸² For traces of a similar midrash in the Book of Jubilees and in Philo see NOAM 2011.

the opposite, namely that the fruits belong to the owners.⁸³ Nonetheless, according to Kahana, this wording is a relic of an exceptional halakhic position held by R. Ishmael,⁸⁴ which was identical to a priestly position recorded, as seen above, in many non-rabbinic sources.

Kahana noted an Ismaelian midrash in *Midrash Tannaim* to Deuteronomy 26:13 (“you shall declare before the Lord your God: ‘I have cleared out the consecrated portion [קדש] from the house’”): “I have cleared out the consecrated portion [שקדש] – these are the first-fruit.” In contrast, the Aqivan midrash interprets the word שקדש in this verse as “second tithe and fourth year produce”.⁸⁵ Kahana reconstructs in our passage of *Sifre Numbers* an original midrash in which R. Ishmael tried to prove that the fourth year produce belonged to the priests, as recorded in the Vatican Codex. R. Ishmael proved this by comparing the fourth year produce to the first-fruit, arguing that both are designated “holy”, according to his stance as preserved in *Midrash Tannaim*, that the word “holy” in Deut 26:13 refers to the first fruit. Due to the aberrant nature of this opinion, it has been replaced by later editors with the alternative Aqivan comparison to the second tithe. But the arbitrary nature of this amendment is apparent, since the word שקדש, originally referring to first-fruit, is totally absent from the secondary context of second tithe, as we have seen above, unit 1. Kahana also contends that the absence of mention of the word שקדש concerning first-fruit in units 4 and 5 is also the result of the same adaptation which, in order to refute the priestly inference, deleted any mention of the word שקדש with regard to first-fruit.

Kahana surmised:

From all of the above we can deduce that R. Ishmael actually adopted the view recorded in MS Vatican 32, at the beginning, i.e., that fourth year fruit are holy to the priests. It accords with the plain reading of the verse “holy for the praising of God”, and with the prevalent exegesis in the external sources. Support for this exegesis of “holy for the praising of God” was adduced by R. Ishmael from the first fruits. Just as the first fruits, which are called holy and must be brought to a particular place, are holy to the priests, so too fourth year fruits, which are called holy and must be brought to a particular place, should be holy to the priests.⁸⁶

However, this proof was intentionally reworked at a relatively early period, and replaced, in the following paragraph of the Vatican Codex as well, with a mirror exegesis, replete with substantive and stylistic difficulties, which attempted to substantiate an

⁸³ On this matter, see the comments of KISLEV 2004, 35 n. 35; D. HENSHKE, “Tithing of Livestock: The Roots of a Second Temple Halakhic Controversy”, *Meghillot* 4 (2006) [55–87] (Hebrew) 70f. n. 66.

⁸⁴ For another example of sectarian-like residues within the Ismaelian teachings, see D. HENSHKE, “On the History of Exegesis of the Pericopes Concerning Tithes: From the Temple Scroll to the Sages”, *Tarbiz* 72 (2003) 85–111; V. NOAM, “Divorce in Qumran in Light of Early Halakha”, *JJS* 56 (2005) 206–223.

⁸⁵ *Sifre Deuteronomy* 303; *m. Ma’aser Sheni* 5:10.

⁸⁶ KAHANA 2011, 2:75. Translation mine.

antithetically opposite view, teaching that the fourth year fruit was holy to its owners, which was the prevalent view in rabbinic literature.

To summarize, the ancient analogy reflected in 4QMMT and other contemporary sources, between the laws of fourth year fruit and the law of the biblical *ראשית*, prohibited for eating by owners and given to the priests, must have originated in an ancient common Jewish tradition. In contrast, a later Pharisaic regulation allotted the fourth year fruit to the owners. 4QMMT reflects the sectarian struggle against this innovation, but certain layers within rabbinic literature still preserve residues of the earlier shared infrastructure. These relics, however, were later replaced by an opposing exegesis.

4. Conclusion

Scholars have suggested different criteria to characterize the fundamental difference between the opposing halakhic stances of the sect and its opponents. Among them one finds stringency vs. leniency; conservatism vs. innovation; adherence to scripture vs. observance of ancestors' traditions; a divine vs. a human source of authority; realism vs. nominalism; exclusive vs. inclusive tendencies; different conceptions of impurity or holiness, and more.⁸⁷ The current article is not the appropriate place to define the nature of the sectarian legislation as opposed to its Pharisaic/rabbinic counterpart at large, nor even to draw the general picture emerging from all the disputes listed in 4QMMT. Nonetheless, the three cases examined above do point at certain typical characteristics of both systems, and represent emblematic kinds of connections between them.

In all three cases, the 4QMMT more-stringent ruling strives to protect the sphere of holiness from the profane, whereas the author's opponents, as well as the later rabbinic framework, open gateways between the two realms, diminish the power of holiness or present it within the everyday sphere.⁸⁸ Thus, the sect emphasizes the separation of the priests by limiting the number of legitimate marriage options open to them, and probably includes more potential wives under the biblical category of "harlot". From the sectarians' point of view, these women, once married to priests according to the more lenient opinion of their adversaries, desecrate their husbands' priestly food.

⁸⁷ For surveys see REGEV 2006; SHEMESH 2009, 1–7; FURSTENBERG 2016, 14–21.

⁸⁸ FURSTENBERG 2016, 144–155, 206f. 254f. 256–258, described a similar division between the Pharisees and priestly sects with respect to the degree of separation required between impurity and everyday reality. He defines the Pharisaic halakhic worldview as a "policy of non-separation" (257, my translation). See also REGEV 2006. For additional characterizations see SCHWARTZ 1992; SHEMESH 2009, 39–106; V. NOAM, *From Qumran to the Rabbinic Revolution: Conceptions of Impurity* (Jerusalem 2010; Hebrew) 4–8, 337–359.

While the author of 4QMMT adheres to the plain meaning of the biblical pericope regarding the contagious nature of the holiness of sacrifices, his opponents boldly replace this awesome, spreading sanctity with the rational concept of similarity of halakhic status.

Where our scroll prescribes, following the plain meaning of the verses in Leviticus, that the fourth year fruit be given to the priests, their rivals stick to early living traditions⁸⁹ and transfer, in a Deuteronomic fashion, the ritual of eating the sacred fruit from the priest to the lay person, and from the temple to Jerusalem.

Two of these rules illuminate the shared infrastructure of ancestral traditions buried beneath the manifest disputes. Thus, the anxiety involved with the *terumah* eaten by the priest's wives is apparent in both systems, though one of them found ways to decrease it. We also discovered beneath the obvious disagreement regarding the fourth year fruit residues of an ancient conception common to both religious cultures.

Our short examination likewise demonstrated how rabbinic preoccupation with certain halakhic issues sheds light on similar anxieties within the Qumran literature. Once the subject of the sectarian fragment is illuminated by the rabbinic elaborate parallel, it contributes in turn to the reconstruction of the latter's emergence against the background of inter-sectarian, Second Temple dispute. The unique nature of 4QMMT as an openly polemic document, specifying the opponents' approach, is an unequaled treasure for the reconstruction of this dispute and the society that surrounded it.

⁸⁹ See KISLEV 2004, esp. 37–39.

4QMMT and History

John J. Collins

The Dead Sea Scrolls are notoriously short on historical detail, and only rarely provide explicit references to historical figures and events.¹ 4QMMT provides no such reference at all. Nonetheless, ever since it was announced to the public in 1984, it has been regarded as a key text for determining both the reasons for the formation of the sect known from the Scrolls and the time at which it occurred.²

Already in the proceedings of the International Congress on Biblical Archaeology where the text was presented, Elisha Qimron and John Strugnell declared that “MMT is a letter from a leader of the Qumran sect (possibly the Teacher of Righteousness himself) to the leader of its opponents (possibly Jonathan or Simon)”.³ They granted that the exact date of composition was unknown, but added “however, from the moderate tone of the polemic, and from the fact that the author still hopes that his opponent will be persuaded to accept the sect’s viewpoint, we assume that the text is of an early date in the development of the Qumran schism ... MMT may then be the earliest Qumranic work, probably written immediately after the separation of the sect”.⁴ The official DJD edition in 1994 still suggested that “the sender may be identified with the Teacher of Righteousness, and the addressee with the Wicked Priest”.⁵

Even before the DJD volume was published, however, Strugnell expressed reservations.⁶ He attributed to Qimron the view that MMT distinguished between a “we” group led by the Teacher, a “you” group led by the Wicked Priest, and a “they” group, who were legal opponents of the “we” group. On this reading, MMT was written to warn the “you” group against the “they” group. Strugnell had followed Qimron initially, but now found “nothing in the text suggesting the presence of the specific *dramatis personae*”.⁷ He now characterized MMT as a legal proclamation

¹ See COLLINS 2011.

² For a recent overview see DE LOOIJER 2015, 89–138. De Looijer provides no constructive proposals for the interpretation of the text.

³ QIMRON / STRUGNELL 1985a, 400.

⁴ QIMRON / STRUGNELL 1985a, 401.

⁵ QIMRON / STRUGNELL 1994, 2.

⁶ STRUGNELL 1994, 57–73.

⁷ STRUGNELL 1994, 71.

rather than a letter. Nonetheless, he still regarded it as a missive from “a priestly faction that was later to evolve, under the influence of the Teacher of Righteousness, into the Qumran sect,” sent to “an accepted ruler, probably a High Priest,” possibly even the one who later became the Wicked Priest, to keep him faithful to a particular interpretation of the laws. In short, Strugnell had not moved as far from Qimron’s interpretation as his profession of “second thoughts” might suggest.

While this initial understanding of MMT has remained influential, many scholars have demurred from the highly specific originary setting and identification of the protagonists. Several issues may be distinguished, involving the scope and coherence of the composition, its genre, and the identification of the *dramatis personae*.

1. Scope and composition

Three main sections are usually distinguished: a calendrical section (A), a legal section (B), and a concluding hortatory section (C). (The editors also allow for the possibility that a title or proem that has not been preserved existed at the beginning of the work.) The calendrical section is only attested in one of six manuscripts. Strugnell, in his “second thoughts,” concluded that it is far from certain that the calendar, as found here, belonged to any letter at all or that it formed any part of the document MMT^{B-C}. At the most, it should be conceived as a list of another genre, prefixed in 4Q394 for uncertain reasons to sections B and C. The calendar in it may simply have been a noncontroversial list, a non-polemical mnemonic like our “30 days as September.” It was addressed to no “opponents” and formed no part of MMT’s loftier polemic or hortatory themes.⁸

But the 364-day calendar was surely not “non-controversial”. If the document as a whole is a statement of distinctive positions of a sect, then the reason for including the calendar is hardly “uncertain”. Even if the calendar was not part of every manuscript, it is not difficult to see why someone might have added it to fill out the profile of distinctive positions.⁹

Only one manuscript (4Q397) preserves parts of both section B and section C. In the view of the editors, the transition between these sections is not preserved.¹⁰ Some scholars have suggested that the transition is in fact preserved. Moshe Bernstein suspected that the fragmentary lines from 4Q397 14–21 (vii 11–viii 10 [C1–18]), dealing with women, which the editors in DJD placed at the beginning of section C (vii 11–19 [C1–7]), were actually

⁸ STRUGNELL 1994, 62.

⁹ Compare SCHIFFMAN 1996, 85, who points to analogies with the Temple Scroll.

¹⁰ QIMRON / STRUGNELL 1994, 111.

the conclusion of the halakic section B.¹¹ Miguel Pérez Fernández, in his redactional study of 4QMMT, argued that lines C7–9 of the composite text (vii 18–viii 2), which are also part of 4Q397 14–21 and contain the statement about separation from the multitude of the people, are still part of section B. Section C would then have begun with the statement “we have [written] to you so that you may reflect on the book of Moses ...”¹² These suggestions are put in doubt by the debate about the placement of the fragments, and the possibility that 4Q398 11–13 (viii 5–12 [C18–24]), which refers to David and Solomon, and the blessings and curses, should be placed before 4Q397 14–21 (vii 11–viii 10 [C1–18]), on material grounds.¹³

In any case, it is generally accepted that both B and C sections are part of the same composition. The B section is introduced as “some of our words,” (4Q394 3–7 i 4 [i 5 {B1}]). The C section refers back to this when it states “we have written to you some of the works of the Torah” (4Q398 14–17 ii 2–3 || 4Q399 i 10–11 [viii 13 {C26}]), and this *inclusio* binds sections B and C together.

This does not necessarily require that all this material was originally composed by a single author. Pérez Fernández noted several stylistic differences between B and C, notably the transition from plural “you” in the former to singular “you” in the latter. He concluded that “it does not seem likely that the Halakic and exhortative parts are the work of the same person,” but granted that the author of C must have retouched the halakic part, introducing a heading and perhaps the formula “we think” or “we say”.¹⁴ In short, the list of halakic rulings in the B section may well have been compiled independently, and been lightly adapted when it was attached to the C section.

2. Genre

A second set of issues concerns the genre of the text.¹⁵ Letters are usually identified by an opening salutation and a concluding greeting.¹⁶ These features are not attested in 4QMMT, but the C section is addressed to someone

¹¹ BERNSTEIN 1996, 46f.

¹² PÉREZ FERNÁNDEZ 1997, 196f.

¹³ See J. STRUGNELL, “Appendix 3”, in: QIMRON / STRUGNELL 1994, 205f.; VON WEISSENBERG 2009, 85–90, and the reconstructed text by Reinhard Kratz in this volume. See also the discussion by KRATZ 2006, 164f.; HEMPEL 2010a, 281–283. The alternative placement was originally suggested by H. Stegemann; see also E. Tigchelaar in this volume, p. 59–60.

¹⁴ PÉREZ FERNÁNDEZ 1997, 202f.

¹⁵ On the significance of genre for the historical understanding of the text, see GROSSMAN 2001.

¹⁶ See the composite entry by D. PARDEE / P. E. DION / S. K. STOWERS, “Letters”, in: D. N. FREEDMAN (ed.), *The Anchor Bible Dictionary* (New York 1992) 4:282–293.

in the second person.¹⁷ Moreover, the phrase “we have written to you” (partially reconstructed) in 4Q397 14–21 (C10), and again, more heavily reconstructed in 4Q398 14–17 i 2 (viii 2 [C9–10]), supports the view that this is an act of written communication.¹⁸ Accordingly some scholars have characterized it as a public letter or epistle, but even such epistles are usually identified by formal literary features. (See for example the epistolary decrees of Nebuchadnezzar in Dan 3:31–4:34 and 6:26–28.)¹⁹ Suggestions that it be classified as a treatise are equally unsatisfactory, given the second person address in the C section.²⁰ One might regard the B section as a collection of laws, but the notes that “we say” or “we are of the opinion” suggest that they are part of an act of communication.

Lutz Doering has provided the most thorough discussion to date of the epistolary features of MMT.²¹ He regards the letter not as a genre or literary type but as “a form of communication”.²² He notes “at least three features of MMT, which – though not formal markers of the letter form – nevertheless fit the letter in the wide sense assumed here”.²³ These are the sustained and dialogically construed direct discourse, with a plural narrator, the advancement of the halakic discourse by formulae such as “and (also) concerning,” and “a veritable epistolary epilogue,” in which the author wishes well to the addressee and to Israel.²⁴ Moreover, it is possible that an epistolary greeting preceded the surviving fragments, and was either dropped in copying or is now lost, and the phrase “we have written to you” strongly suggests an act of written communication. He then entertains sympathetically the suggestion of Armin Lange and Ulrike Mittmann that MMT be classified as an “epistolary treatise”.²⁵

Several scholars have noted the affinities of MMT with Deuteronomy. Strugnell already noted the influence of Deuteronomy: the opening words of section B, literally “these are some of our words” echo the first words of Deuteronomy (“these are the words”).²⁶ George Brooke noted that the references to blessings and curses in section C “recall the covenantal frame-

¹⁷ VON WEISSENBERG 2009, 161–167.

¹⁸ VON WEISSENBERG 2009, 166, claims that “the phrase does not necessarily have to refer to a letter,” but does not explain why.

¹⁹ See the discussion by VON WEISSENBERG 2009, 146–156.

²⁰ BROOKE 1995, 72–90 classifies MMT as “a treatise with a didactic element.” STRUGNELL 1994, 63 dismisses the treatise as “a very ill-defined genre.”

²¹ DOERING 2012, 194–214.

²² DOERING 2012, 199.

²³ DOERING 2012, 207.

²⁴ DOERING 2012. Note the parallels to the epilogue in Bar Kokhba letter Mur 42:7 and Gal 6:16.

²⁵ A. LANGE / U. MITTMANN-RICHERT, “Annotated List of the Texts from the Judaean Desert”, in: TOV 2002, [115–164] 133. They further qualify the “treatise” as “concerned with religious law.”

²⁶ STRUGNELL 1994, 62f. 67.

work of Deuteronomy".²⁷ Von Weissenberg builds on these observations to suggest that "the composition of MMT implicates and adjusts a covenantal pattern (*Bundesformular*): 1) an incipit, 2) legal statements, 3) paraenetic conclusion with reference to blessings and curses".²⁸ But while MMT presupposes the covenant as a conceptual framework, it can scarcely be said to use the *Bundesformular* as a literary form. Where Deuteronomy presents its laws and invokes curses and blessings directly, MMT is rather concerned to argue for particular interpretations, and simply remind the addressee of the blessings and curses.²⁹ Any proposal about the genre of MMT must take account of its communicative, epistolary, features, even if the lack of an epistolary greeting calls for some caution in the determination of the genre.

3. The *dramatis personae*

The understanding of the act of communication attempted in 4QMMT depends to a great extent on the identification of the *dramatis personae*, who are referred to as "we," "they," and "you".

3.1. "We"

The first person plural is used in both the B and C sections of MMT, to refer to the author or authors, and the group they represent. It is usually assumed that this group is some form of the sectarian movement known from the Scrolls, since six copies of MMT were preserved at Qumran. Indeed, Qimron declared bluntly in DJD 10: "The 'we' group is clearly the Dead Sea Sect."³⁰ Florentino García Martínez argues that MMT is likely to come from the "parent group" of the Qumran community, but this formulation presupposes the understanding of the development of the sect associated with the so-called Groningen hypothesis.³¹

The view that this is a sectarian document rests in part on a statement in C7 of the composite text (4Q397 14–21 7 [vii 19]): פִּרְשָׁנוּ מֵרַבּוּ הָעָם, translated by the editors as "we have separated ourselves from the multitude of the people". This statement has often been construed as a "smoking gun," revealing the reasons for the separation of the group were halakic in nature.

²⁷ BROOKE 1995, 80. On the use of the blessings and curses see also FRAADE 2003.

²⁸ VON WEISSENBERG 2009, 125.

²⁹ See the comments of DOERING 2012, 210. Also AMIHAI 2017, 134–140 on the use of covenant language in MMT.

³⁰ QIMRON / STRUGNELL 1994, 175.

³¹ GARCÍA MARTÍNEZ 1996.

Elitzur Bar-Asher Siegal has questioned this reading in a penetrating study.³² Noting that the preceding and following words are reconstructed, and also that only the initial *ayin* of 'am is attested, Bar-Asher Siegal suggests that the phrase should be restored as פִּרְשָׁנוּ מֵרֹב הָעַמִּים, *parashanu merov ha'ammim* – “he (God) separated us from the multitude of the peoples”. (Alternatively, the verb could be restored as a passive, “we were separated”.) He does not deny that the editors’ restoration and translation is possible, but he notes that sectarian texts that refer to the group’s separation typically use the metaphor of departing (סוּר) from the path of the people, rather than separating. In favor of the revised reading is the fact that MMT goes on to appeal to the writings (Moses, the Prophets, David), which the writers and addressee have in common. Against this, on the new reading, we must suppose that the “we” who are separated from the gentiles refers to the whole people of Israel. In contrast, “we” is usually used in MMT in a disjunctive sense, to designate the authors’ group as opposed to others. Such variation is not unusual, but the very next statement asserts that “no treachery or deceit or evil can be found in our hand”. This follows more easily if the statement about separation refers to the authors’ self-separation from the majority, as the editors proposed. This would provide the basis for the claim that no treachery or deceit can be found in them. As Steven Fraade paraphrases: “In effect, the addressee is told, ‘You now know why we separated ourselves from the rest of Israel, and that our motives are pure.’”³³ To my mind, the editors’ restoration remains preferable, but Bar-Asher Siegal’s suggestion cannot be ruled out.

If Bar-Asher Siegal’s restoration is accepted, then MMT no longer refers explicitly to separation from the rest of the people. This does not necessarily mean that a sectarian interpretation is excluded. The text still presents the authors’ views on disputed halakic issues. The issues in question are primarily matters of purity, probably including intermarriage in the immediate context.³⁴ These, according to the authors, are essential matters, fundamental to the holiness of Israel. Differences in interpretation on these matters might well be the basis for sectarian division. On Bar-Asher Siegal’s interpretation, however, sectarian separation has not yet necessarily occurred.

On either restoration, there is no need to assume that the authors’ group has just come into being. On the contrary, the authors present an elaborate set of views on halakic issues, which must have taken some time to develop. Whether the authors’ group has separated from the rest of the people or not, it must have been in existence for some time. The emergence of a sectarian movement, such as we find in the Scrolls, was a gradual process,

³² BAR-ASHER SIEGAL 2011.

³³ FRAADE 2011, 75.

³⁴ SHARP 1997, 211.

which probably went through several “separations” in the course of its history. In the case of the community of the new covenant, the formation of a community, with procedures for admission and expulsion, probably preceded the decision to separate from the Temple.

Also relevant to the identity of the “we” group is the degree to which the halakic positions expounded correspond to those otherwise attested for the sectarians in the Dead Sea Scrolls. I should acknowledge here the objection of Aryeh Amihai, that the use of the term “halakah” is inappropriate for the Scrolls.³⁵ The word is not used in the Scrolls, and indeed does not appear before the rabbinic literature. While I take Amihai’s point, I continue to use the word for the discussion of legal rulings, for lack of a convenient alternative.

Qimron asserts confidently that the identity of the “we” group is evident “not only from the fact that the manuscripts of MMT were found at Qumran (and not elsewhere), but also from agreement that exists between the halakic views of the author and those found in the other DSS”.³⁶ These include agreement with the Temple Scroll that *shelamim* sacrifices must be eaten by sunset,³⁷ that one who is impure must wait until after sunset on the last day of his purification to eat pure food,³⁸ and several other matters.³⁹ There are also many parallels with the Damascus Rule, again concerning the duration of impurity to sunset on the day of purification, restrictions on the blind and deaf, and illegal marriages, among other things.⁴⁰ The calendar, attested in 4Q394, is another point of convergence. According to the Damascus Document (CD 3:13–16), God had disclosed to the members of the new covenant the “hidden matters in which all Israel had gone astray, his holy Sabbaths and his glorious feasts, his just stipulations and his truthful paths, and the wishes of his will which man must do in order to live by them,” in effect, the true calendar and proper halakah. MMT is certainly compatible with this view of the priorities of the sectarian movement. Both the D rule and MMT are largely concerned with halakic matters that should in principle apply to all Israel. Some scholars have supposed that this concern with matters of relevance to all Israel must reflect an early stage in the development of the sect, possibly before the arrival of the Teacher.⁴¹ The Temple Scroll, after all, is not usually regarded as a sectarian text *stricto sensu*. It is also possible, however, to explain the

³⁵ AMIHAI 2017, 7.

³⁶ QIMRON / STRUGNELL 1994, 175.

³⁷ 11QT 20:11–13; MMT B9–13.

³⁸ 11QT 45:9–10; 49:19–29; 51:2–5; MMT B13–17.

³⁹ See SCHIFFMAN 1996, 86–90.

⁴⁰ SCHIFFMAN 1996, 90–94; C. HEMPEL, “The Damascus Document and MMT”, in: Ead. 2013, 173–186.

⁴¹ So SCHIFFMAN 1996, 97.

focus of MMT as a matter of genre and purpose.⁴² For the present, it will suffice to note the broad affinity of MMT with the Temple Scroll and D. If we may assume that MMT reflects some form or stage of the sectarian movement, it strengthens the view that the issues on which the movement differed from other parties in Judaism were primarily halakic. The issue of the legitimate High Priestly succession, which has often been thought to be a primary cause for the separation of the sect, is conspicuous by its absence in all these texts.

Debates about halakic issues such as we find in MMT may have gone on for some time before they led to the formation of sectarian communities, and continued for some time thereafter. Even if the “we” of MMT had separated from the majority of the people, we do not know how they were organized at this point, or whether they had also separated from the temple cult. MMT does not specify such separation, or indicate any kind of communal organization such as we find in the Community Rule. Silence on these issues is not necessarily definitive, since it may be related to the purpose of the composition, but it does not permit us to draw any conclusions as to the degree of separation that is implied. The claim of Qimron that the verb פָּרַשׁ is used here “to describe the creation of sects”⁴³ is not necessarily warranted. The name *perushim* as applied to the Pharisees is ambiguous, as it may have referred either to their separatism or to their penchant for fine distinctions in the interpretation of the Law.⁴⁴

3.2. “You”

The second person plural “you” occurs twice in the B section of MMT (and is reconstructed in two other passages) and occurs once and is reconstructed once in section C. All occurrences are in the phrase “and you know”. In one case (iv 18–20 [B68–70]) the addressee is told that “you know” the correct ruling; in another that “you know” the misdeeds of the priests. In vii 18 (C7), the editors restore the phrase before the statement about separation. In vii 20 (C8), the word “you” and the initial *yod* of “know” are preserved before the statement that no treachery or deceit can be found in the authors (4Q397).

After that point, all references to “you” are in the singular. The significance of the switch is unclear. Steven Fraade regards such alteration as commonplace in hortatory speech, and points to the precedent of Deuteronomy.⁴⁵ If vii 20–viii 1 (C8–9) (“and you know that no disloyalty or deceit or evil is to be found in our hand,”) were regarded as the

⁴² So AMIHAI 2017, 39.

⁴³ QIMRON / STRUGNELL 1994, 111.

⁴⁴ See A. I. BAUMGARTEN, “The Name of the Pharisees”, *JBL* 102 (1983) 411–428.

⁴⁵ FRAADE 2011, 76.

conclusion of the halakic section, then the switch to the singular would correspond to the transition to the concluding exhortation, but this is uncertain. The addressee of the final section has usually been taken to be a leader in Israel, probably the High Priest. The editors famously identified him as the Wicked Priest, or, in Strugnell's formulation, the one who would become the Wicked Priest. Qimron, in the DJD edition, says "it appears that he was one of the Hasmonean kings."⁴⁶

This construal of the addressee has been questioned by Steven Fraade, who argues for the intramural use of MMT as an instructional document.⁴⁷ He sketches weak, strong, and intermediate versions of his conclusions. At the least, he contends, "the extant textual evidence testifies to the use of the text for intramural sectarian instruction in the first century B.C.E./C.E."⁴⁸ (He finds less likely the weaker proposal that MMT was preserved as a venerated relic of earlier times, but without its latter-day audience feeling themselves to be addressed by the text.) Thus far, his argument seems to me quite reasonable.

As an intermediate version of his thesis, Fraade entertains the possibility that MMT "was composed as a pseudo-letter, that is, that it was composed with intramural study as its function, but in the form of a communication between the leadership of the community and its extramural opponents".⁴⁹ He rejects this suggestion, since he does not believe that anything in the text requires an external addressee. This suggestion seems to me quite gratuitous, all the more so if one thinks that the text *does* imply an external addressee.

Fraade prefers the strong form of his thesis, "that 4QMMT was not composed as a 'letter' or form of communication to an extramural addressee at all, but to members or potential members of its own community, most likely neophytes or candidates for membership. It is they who would be called upon to study its digest of rules, with its emphasis on matters of ritual purity (as perhaps its prefaced calendar), as a way of reinforcing the process of social separation and religious return that they had begun".⁵⁰

It is quite possible that the Halakic section of 4QMMT was composed for internal purposes, in a manner comparable to the halakic material in the Damascus Document. The use of "we say" or "you know" in the hortatory section is not especially problematic. This mode of speaking just gives the legal rulings a hortatory cast. It is more difficult, however, to construe the C section of MMT in this way.⁵¹ Many texts among the Scrolls were pre-

⁴⁶ QIMRON / STRUGNELL 1994, 175.

⁴⁷ FRAADE 2011.

⁴⁸ FRAADE 2011, 88. On the possible uses of MMT see MILLER 2015, 221–266.

⁴⁹ FRAADE 2011, 89.

⁵⁰ FRAADE 2011, 89.

⁵¹ Compare the comments of DOERING 2012, 211.

sumably intended for instruction within the community, but where do we find anything analogous to the C section of MMT? The Damascus Document, in the Geniza version, begins with a call to all who know justice and understand the actions of God to listen. But it does not interrupt the text repeatedly with direct address. MMT is notably lacking in distinctively sectarian language. It is difficult to see why a sectarian leader should underline the fact that “we have written to you” (viii 13 [4Q398 14–17 ii 2 || 4Q399 i 10 {C26}]). (Are we to suppose that this instruction was only intended for outlying communities?) Indeed, as Aryeh Amihai has argued, “we have written to you” is “a factual statement that could hardly serve any rhetorical purpose if it were entirely fictional and known to be such.”⁵²

Much of the debate about the addressee has centered on the concluding verses of section C(13–18):

...we have written to you some of the works of the Torah which we think are good for you and for your people. For we have seen with you wisdom and knowledge of the Torah. Reflect on all these things and seek from Him that he strengthen your counsel and keep far from you the plans of evil and the counsel of Belial, so that you may rejoice at the end of the time, finding that some of our words are in order. And it shall be reckoned to you as righteousness, when you do what is right and good in His eyes, for the good of you and of Israel.

In a modern context, it might be considered good recruiting strategy to flatter the potential recruit by complimenting him on his wisdom and knowledge. It seems to me, however, that such flattery is more readily intelligible if it is directed towards a ruler. As Amihai aptly puts it, “the praises of the addressee’s knowledge and prudence suggest a concrete original recipient, with the apparent flattery serving as a further sign of an appeal to a high official.”⁵³ There is some doubt about the suffix on “your people.” It seems unlikely, however, that the “people” in question here is the author’s sectarian community; it seems to be associated with the recipient rather than with the author. Again, at the end, the reading of “Israel” is uncertain, but makes good sense. Moreover, the modest formulation “that some of our words are in order” is hardly what we would expect in an address to neophytes or postulants, but is quite in accordance with epistolary style.⁵⁴ Also, the assertion in vii 20–viii 1 (C8–9) that “you k[now that no] disloyalty or deceit or evil is to be found in our hands,” seems more appropriate if it is addressed to a figure competent to judge such matters rather than to a potential recruit. Also, the exhortation to “remember the kings of Israel

⁵² AMIHAI 2017, 34.

⁵³ AMIHAI 2017, 36.

⁵⁴ DOERING 2012, 206, for examples of “stock phrases expressing modesty on the part of the addressor.”

and reflect on their deeds," vi 11 (C23) is more appropriately addressed to a ruler in Israel than to a postulant.⁵⁵

Much has been made of the deferential, respectful tone of address in this section.⁵⁶ It is unlikely that the authors already viewed the recipient as a "Wicked Priest," or as an enemy. It makes eminently good sense, however, to suppose that they viewed him as an authoritative figure, who must be treated with deference, and who was in a position to influence, if not control, the way these laws would be generally observed. The respectful, irenic, tone is determined by the rhetorical situation. The authors hope to persuade this individual to support their interpretation.⁵⁷ In contrast, the kind of invective that we find in the Damascus Document and the Pesharim presupposes a situation where hope of persuasion has been abandoned, and where the rhetoric is designed for intramural use.

3.3. "They"

On the understanding of MMT proposed by the editors, "the 'we' group recommended their own purity practices to the 'you' group, in contrast to the contrary practices of the 'they' group".⁵⁸

The "they" group is identified confidently as the Pharisees. "This," writes Qimron, "is evident from the similarity between the halakha of the opponents of the sect and rabbinic halakha: the 'they' group must have been the predecessors of the rabbis, namely the Pharisees."⁵⁹ The "they" party, however, are not so clearly attested in MMT. The pronoun "they" (הם or המה) occurs about half a dozen times in the B section, but some of these references are restorations, and the context is fragmentary in any case.⁶⁰ The references in i 8, i 12 and ii 3 (B4, 8 and 19) are restored. The antecedent in i 8 and i 12 is "the gentiles." In ii 3, the issue is the treatment of the hides of animals. i 10 (B6) concerns the cooking of the purification offering. i 14 (B10) refers to people who keep over the sacrifice of well-being from one day to another. In ii 10 (B24), the context is too fragmentary to be intelligible. iii 4–5 (B35) refers to people who do not sacrifice in the sanctuary. v 9 (B80) criticizes "some of the priests" for forbidden unions. The

⁵⁵ Cf. KRATZ 2006, 175f. G. J. BROOKE, "The Significance of the Kings in 4QMMT", in: KAPERA 1991, 109–113, rightly insists that the mention of kings is not sufficient evidence that the addressee is a ruler, but it is nonetheless highly compatible with such a thesis. See AMIHAI 2017, 139.

⁵⁶ E.g. DE LOOIJER 2015, 120–122.

⁵⁷ E. REGEV, *Sectarianism in Qumran. A Cross-Cultural Perspective*. Religion and society 45 (Berlin 2007) 108, argues that the authors wanted the addressee to accept their interpretation of the laws, in order to remove impurity from the temple.

⁵⁸ QIMRON / STRUGNELL 1994, 114.

⁵⁹ QIMRON / STRUGNELL 1994, 175

⁶⁰ FRAADE 2011, 74 n. 11.

editors specify three of these references as referring to the practices of the opponents: i 10, i 14 and iii 4–5 (B6, 10 and 35).⁶¹ It appears that “they” can refer to any group of whose practices the authors disapprove, but that the pronoun does not necessarily refer to a specific party.⁶² Despite the assertion of Qimron that “the ‘they’ group is referred to as רִיב הָעַם from whom (and from whose practices) the ‘we’ group has separated,”⁶³ this seems very unlikely. The authors separated from the majority of the people because of their desire to ensure strict purity, but the positions with which they disagree are not necessarily held by the people as a whole.⁶⁴

The argument that the opponents are specifically the Pharisees rests on a few rulings that are paralleled in rabbinic literature. One concerns the purification to those who performed the ceremony of the red heifer. The Sadducees held that they had to wait until after sunset on the day that performed their purification; the Pharisees held that they became pure immediately after the ceremony.⁶⁵ MMT states explicitly:

And furthermore, concerning the purity of the (red) cow of the purification offering: the one who is slaughtering it, the one who is burning it, the one who is gathering its ashes, and the one who is sprinkling the [water of] the purification offering – for all of these the sun must have s[e]t to become pure, so that the pure is sprinkling the impure. (i 17–ii 1 [B13–17]).

Another clear example concerns the purity of liquid streams. *Mishnah Yadaim* 7 reports: “The Sadducees say ‘We complain against you, Pharisees, for you declare unbroken columns of liquid incapable of transmitting ritual impurity.’” MMT clearly sides with the Sadducees on this issue:

And furthermore, concerning the (liquid) streams, we say of them that in them there is no [p]urity. And indeed, the (liquid) streams do not separate between impure and pure. For the liquid of the streams and of what receives from them (i.e. the vessels) are alike, one and the same liquid. (iv 5–8 [B55–58]).⁶⁶

Another instance, concerning the purity of animal bones, requires emendation in ii 7–9 [B21–23], but there is a reasonable inference that here too MMT takes a strict position.⁶⁷

In all of these cases, MMT takes a stricter position than the Pharisees.⁶⁸

⁶¹ QIMRON / STRUGNELL 1994, 46. 47. 50. 149. 150–152.

⁶² VON WEISSENBERG 2009, 135. HEMPEL 2010a, 289 identifies the group with whom the authors are in dispute as “misguided priests.”

⁶³ QIMRON / STRUGNELL 1994, 111.

⁶⁴ So also H. ESHEL, “4QMMT and the History of the Hasmonean Period”, in: KAMPEN / BERNSTEIN 1996, [53–65] 59; SCHWARTZ 1996, 75f.

⁶⁵ M. Para 5:4. See SUSSMAN 1994, 187f.

⁶⁶ SUSSMAN 1994, 188.

⁶⁷ SUSSMAN 1994, 189. See the comments of VANDERKAM 1992, 62, who grants that “there is a reasonable inference from the preserved words” that MMT takes a strict position on the purity of animal bones.

⁶⁸ See already BAUMGARTEN 1980. The nuanced discussion of ELMAN 1996 points out various complications, but does not seem to me to invalidate this conclusion. See the comments

The sectarian movement known from the Scrolls was certainly not Sadducean, but it appears to have had a similar approach to halakic issues, in contrast to that of the Pharisees, at least on some issues.⁶⁹ In view of the broader differences in worldview between the community of the new covenant and the Sadducees, the contrast with the Pharisees is arguably more significant than the affinity with the Sadducees. MMT is certainly not Pharisaic, and advances rulings counter to those of the Pharisees on a number of topics. (It is conceivable that others besides the Pharisees held the positions in question, but we have no evidence to that effect.) At the same time, it is an over-statement to simply identify the “they” group with the Pharisees, or indeed to speak of a single “they” group at all. The question then is, what weight should we give to the fact that MMT clearly contradicts some rulings later attributed to the Pharisees? Can these disputes help us locate MMT in the context of inter-sectarian disputes in the Hasmonean era?

4. The Pharisees and the covenanters

There is plenty of evidence to indicate that the Teacher and his followers were involved in intense halakic disputes with rival parties. The pesharim mention a figure called “the man of the lie,” who also appears in the Damascus Document (CD 1:14–21) as “the scoffer” who poured out over Israel waters of lies, and whose followers are said to “seek smooth things”. The “seekers after smooth things” appear in Peshar Nahum as the opponents of Alexander Jannaeus (the “Lion of Wrath”), and are also called “Ephraim”. The conflict with Jannaeus is described by Josephus in *B.J.* 1:92–98 and *A.J.* 13:377–383. The opponents of Jannaeus invited Demetrius III to invade Judea. Jannaeus succeeded in repelling the invasion and suppressing the rebellion. He then had 800 of his opponents crucified. Josephus does not identify the opponents as Pharisees, but he says that after the death of Jannaeus the Pharisees took the lead in prosecuting the advisers who had urged the king to crucify the 800 (*B.J.* 1:113; *A.J.* 13:340–411). Consequently, there is a scholarly consensus that the opponents of Jannaeus, including those identified as “Seekers after Smooth Things,” should be identified as Pharisees.⁷⁰ The expression Seekers after Smooth Things (רשי

of A. SHEMESH, “Halakhah Between the Dead Sea Scrolls and Rabbinic Literature”, in: LIM / COLLINS 2010, [595–616] 608.

⁶⁹ See the exchange between L. H. SCHIFFMAN, “The Sadducean Origins of the Dead Sea Scroll Sect”, in: SHANKS 1992, 35–49, and VANDERKAM 1992. See also GRABBE 1997.

⁷⁰ Sh. BERRIN, *The Peshar Nahum Scroll from Qumran: An Exegetical Study of 4Q169*. STJD 23 (Leiden 1997) 91–99; A. I. BAUMGARTEN, “Seekers after Smooth Things”, in: L. H. SCHIFFMAN / J. C. VANDERKAM (eds.), *Encyclopedia of the Dead Sea Scrolls* (New York 2000) 2:857f.; J. C. VANDERKAM, “Those Who Look for Smooth Things, Pharisees, and Oral Law”, in: S. M.

חלקות) seems to be a derogatory pun on halakah or halakot, but this too is not beyond dispute.⁷¹

Hartmut Stegemann argued that the “man of the lie” was the founder of the Pharisaic movement.⁷² He is accused of “building a city of emptiness” and “establishing a congregation with falsehood” in 1QpHab 10:10. This does not necessarily mean that he was the original founder of the movement, however. Michael Wise proposed that he be identified with Shimeon ben Shetach, who was active in the time of Alexander Jannaeus.⁷³ This, too, is speculative, but no less plausible than the view that he was the founder of the sect. All we can safely infer is that the “liar” was an influential Pharisaic leader.

We need not infer from all this that the Pharisees were the only people with whom the covenanters quarreled, but it does appear that the Pharisees figured prominently among their opponents. The label “Seekers after Smooth Things” suggests that they regarded the Pharisees as too lenient or accommodating in their legal interpretations. So while we must grant that explicit references are lacking, and that the evidence is inferential and contested, the view that the opponents in MMT included the Pharisees seems highly plausible.

5. The question of dating

The question now arises, when would the sectarian or proto-sectarian group reflected in the “we” of MMT, have had occasion to appeal to a ruler, to plead for acceptance of its own legal interpretations rather than those of the Pharisees (and perhaps others)?

The success of the Maccabean revolt and the rise of the Hasmonean state sparked an upsurge of interest in the legal requirements of the Torah. Antiochus Epiphanes had attempted to suppress the Torah as the ancestral law of Judea. The Maccabees had fought in defence of their ancestral law, although they were willing to make exceptions to it when necessary. When the Hasmoneans came to power, they encouraged the observance of the Torah. But many of those who were most zealous in its observance had distinctive views as to what that entailed. The new debates about the legal aspects of the Torah, especially in matters of purity, can be seen in such works as Jubilees and the Temple Scroll. Eventually these debates led to

PAUL / R. A. KRAFT / L. H. SCHIFFMAN / W. W. FIELDS (eds.), *Emanuel. Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov*. VTSup 94 (Leiden 2003) 465–477.

⁷¹ This interpretation is disputed by J. P. MEIER, “Is There Halaka (the Noun) at Qumran?”, *JBL* 122 (2003) 150–155.

⁷² STEGEMANN 1971, 253.

⁷³ WISE 1999, 68–73.

the formation of distinct parties or sects, such as the Pharisees and the Essenes.⁷⁴

In the *Antiquities*, Josephus first mentions the Jewish parties, or *haireseis*, in the context of his account of Jonathan Maccabee in *A.J.* 13:171. In the *Jewish War*, however, he introduces them much later, in the context of the early first century CE (*B.J.* 2:119–166). The passage in *Antiquities* is often cited as evidence that the sectarian conflict reflected in MMT dates from the time of Jonathan Maccabee, the putative Wicked Priest.⁷⁵ Steve Mason, who is not concerned with identifying the Wicked Priest, argues that Josephus “believed, or wished his readers to believe, that the Jewish schools were in existence at the time of the Hasmonean Jonathan”.⁷⁶ In contrast, other scholars have been troubled by the discrepancy with the *Jewish War*. Danny Schwartz has argued that the introductory phrase “at that time” is only a convenient way of linking inserted material with the context.⁷⁷ More recently, Joseph Sievers has argued persuasively that the passage in *Antiquities* 13 is out of context, and was added secondarily.⁷⁸ The passage in question is paraphrasing 1 Maccabees 12, but omits the letter to Arius of Sparta. Sievers argues that this created a gap in a manuscript that had already been formatted.⁷⁹ The passage about the three *haireseis* was introduced to fill this gap. Josephus gives no indication that either Jonathan or his brother Simon was engaged in controversy with any of the *haireseis*. Jonathan was still engaged in conflict with the Syrians, and his Jewish opponents were the Hellenizers, at least early in his career. Even in *Antiquities*, Josephus does not say that these parties arose in the time of Jonathan. On the contrary, he claims that they existed “from the most ancient times” (*A.J.* 18:11). He does not in fact seem to know when they originated.

The earliest instance of sectarian conflict in Josephus concerns the Pharisees and John Hyrcanus (*A.J.* 13:288–298).⁸⁰ That story is problematic, however, because it is very similar to a story told about Alexander Jannaeus and the Pharisees, in *b. Qiddushin* 66a. Hyrcanus and Jannaeus are each accused of being unfit for the High Priesthood because his mother had been a captive. It is likely that the two kings were confused in oral tra-

⁷⁴ See COLLINS 2017, especially chapter 5, 97–113, on the “halakic turn” in this period.

⁷⁵ E. g. QIMRON / STRUGNELL 1994, 119.

⁷⁶ MASON 2001, 201.

⁷⁷ D. R. SCHWARTZ, “Josephus and Nicolaus on the Pharisees”, *JSJ* 14 (1983) 157–171. Compare his article “KATA TOUTON TON KAIPON: Josephus’ Source on Agrippa II”, *Jewish Quarterly Review* 72 (1982) 241–268. See, however, the critique of Schwartz’s position by MASON 2001, 199–201.

⁷⁸ J. SIEVERS, “Josephus, First Maccabees, Sparta, the Three Haireseis – and Cicero”, *JSJ* 32 (2001) 24–51.

⁷⁹ So also ESHEL 2008, 40, n. 26, who holds nonetheless that the sects formed in the time of Jonathan Maccabee.

⁸⁰ Sievers also regards this story as a secondary insertion and out of context.

dition. Opinion is divided as to which form of the story is older.⁸¹ Shaye Cohen declared that “in not a single case is the rabbinic version earlier than the Josephan”.⁸² In contrast, Vered Noam has argued that “it is evident that the parallels between the Josephan and rabbinic stories stem from the use of a shared pool of traditions rather than resulting from Tannaitic or Amoraic familiarity with some version of Josephus’s writings”. She continues: “this conclusion fundamentally overturns the sweeping assumption that Josephus’s account offers the earlier, preferred version of these stories.”⁸³ She notes that the parallel stories often appear as interpolations into an existing Josephan account.⁸⁴ In this case, Mason also argues that “Josephus took over a traditional Jewish story about a rift between the Pharisees and John Hyrcanus (*A.J.* 13:289–296) and included it in his narrative of events under that High Priest.”⁸⁵

There was well-known conflict between the Pharisees and Alexander Jannaeus, and the Pharisees, at least, were well established by then, but they could already have been a force in the time of Hyrcanus, although the evidence is more dubious in this case. There is no evidence, however, of conflict involving Pharisees or any of the other *haireseis* before the time of Hyrcanus.

According to Josephus, Hyrcanus had been a disciple of the Pharisees, but after this conflict he transferred his allegiance to the Sadducees, deserted the Pharisees, and abrogated the regulations which they had established for the people (*A.J.* 13:296). The Pharisees remained out of favor during the remainder of his reign and that of Alexander Jannaeus. When Jannaeus was dying, however, in 76 BCE, he urged his widow Salome Alexandra to make peace with the Pharisees, and yield a certain amount of power to them, which she did. According to Josephus

she permitted the Pharisees to do as they liked in all matters, and also commanded the people to obey them; and whatever regulations, introduced by the Pharisees in accordance with the tradition of their fathers, had been abolished by her father-in-law

⁸¹ M. J. GELLER, “Alexander Jannaeus and the Pharisee Rift”, *JJS* 30 (1979) 202–211 argued for the priority of the Talmudic account, on the basis of other turbulence in Jannaeus’s reign. É. NODÉT, “Asidaioi and Essenes”, in: A. HILHORST / É. PUECH / E. TIGCHELAAR (eds.), *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino García Martínez*. *JJS*Sup 122 (Leiden 2007) 70–74. COHEN 1986, 7–15, argues for the priority of Josephus’ account. So also A. J. SALDARINI, *Pharisees, Scribes and Sadducees in Palestinian Society: A Sociological Approach* (Wilmington 1988) 86, n. 17.

⁸² COHEN 1986, 13f. Compare STEMBERGER 1995, 109: “We may conclude with some certainty that there was direct dependence by the rabbis on Josephus.”

⁸³ NOAM 2016b, 1015. See also V. NOAM, “The Story of King Jannaeus (b. Qiddushin 66a): A Pharisaic Reply to Sectarian Polemic”, *HTR* (2014) 31–58.

⁸⁴ NOAM 2016b, 1005.

⁸⁵ MASON 2001, 227.

Hyrchanus, these she again restored. And so while she had the title of sovereign, the Pharisees had the power (*A.J.* 13:408–409).⁸⁶

A missive such as we find in 4QMMT could conceivably have been sent to any of the Hasmonean rulers, from Hyrcanus I to Hyrcanus II, to press the views of the sender on halakic issues.⁸⁷ The earlier years of Hyrcanus I, or the time when he was deciding to switch his allegiance away from the Pharisees, might provide a possible setting, if indeed the story of his conflict with the Pharisees is historically reliable. An alternative setting might be found after the death of Jannaeus, when the Hasmonean rulers were again considering a switch of allegiance. In this case the plea would most probably have been addressed to Hyrcanus II, who served as High Priest while his mother, Salome Alexandra was queen. I have argued elsewhere that Hyrcanus II is a plausible candidate for identification as the Wicked Priest of the Pesharim.⁸⁸ If he was the recipient of MMT, he had presumably not yet been cast in that role.

The much-derided view that MMT was sent by the Teacher to the figure known in the Pesharim as the Wicked Priest is ultimately unprovable, but it would cast light on an enigmatic passage in the Pesharim. According to the pesher on Psalms, the Wicked Priest sought to murder the Teacher “and the Torah which he sent to him”.⁸⁹ Qimron and Strugnell suggested that the Torah in question was none other than MMT; at the least it was some kind of legal document sent by the sectarian leader to the High Priest.⁹⁰ The suggestion was accepted by such diverse scholars as Michael Wise and Hanan Eshel.⁹¹ It is of course speculative.⁹² MMT does not refer to itself as a “torah,” and the word normally refers to the Law of Moses, not to its interpretation, in the Scrolls. The passage in Pesher Psalms remains enigmatic in any case. The proposal that it refers to MMT remains, I think, an attractive proposal, despite all the uncertainty that surrounds it, but it is certainly speculative, and no weight can be placed on it.

⁸⁶ See the discussion of this episode by MASON 2001, 82–115 (on the account in the Jewish War), and 246–259 (on the *Antiquities*).

⁸⁷ STEUDEL 2006, has suggested that the Prayer for King Jonathan (4Q448) was a preface to MMT. Steudel favors the view that the addressee in both compositions is Jonathan Maccabee, but he was never king. The King Jonathan of 4Q448 can only be Alexander Jannaeus. 4Q448, however, is a very different kind of text from MMT, and it is unlikely to have been part of the same composition.

⁸⁸ COLLINS 2010, 111–113. So already WISE 1999, 67–73. The identification was originally proposed by A. DUPONT-SOMMER, *The Essene Writings from Qumran* (trans. G. Vermes; Gloucester, MA 1973) 351–357.

⁸⁹ 4QpPs^a frags. 1–10 4 8–9. The “man of the lie” rejected the torah according to 1QpHab 5.

⁹⁰ QIMRON / STRUGNELL 1994, 175.

⁹¹ WISE 1999, 65–68; ESHEL 2008, 46f.

⁹² See DE LOOIJER 2015, 127–130.

6. Conclusion

It remains true that there is no explicit historical information in 4QMMT. It is quite possible to take a minimalist approach and leave it at that, and it is certainly easier to point out the problems with any positive construction than to offer an alternative.⁹³ It is also possible, however, with all due tentativeness, to draw some inferences from this fragmentary and controversial text.

MMT allows for some significant historical inferences. These are always tentative and will probably always be contested because of the fragmentary and elliptic nature of the evidence. Some are more speculative than others. The attempt to identify the sender and the recipient as a specific sectarian leader and a specific High Priest is obviously highly tentative. The most we can say is that the hypothesis that it was sent by the Teacher to Hyrcanus II (or less plausibly in my view to Hyrcanus I) is attractive, and would explain some data in the Scrolls. The date we assign to the composition will obviously depend on the identifications proposed. It seems clear that the text dates from the Hasmonean era, since the manuscripts are dated to the period 75 to 50 BCE, approximately. It seems to me, however, that there is no basis for pushing the date back as early as 150 BCE, as has widely been supposed. The kind of intensive halakic debate reflected in MMT first arose in Judaism in the wake of the Maccabean revolt, and presumably took some time to develop. On the broader significance of the text, we may speak with a little more confidence. If we may at least assume that the “we” group in MMT is some form of the sectarian movement known from the rule books, then this text adds considerable weight to the view that the sect arose because of halakic disputes, and not because of disputes over the High Priesthood as has often been assumed. This view does not really depend on 4QMMT. It can already be deduced from the Damascus Rule, and less directly from other Scrolls. But before MMT came to light, scholars did not generally see things this way. MMT then has had considerable impact on our understanding of the concerns of the sectarian movement, and of its general historical context, even if there is no consensus about more specific historical details.

⁹³ As exemplified by DE LOOIJER 2015.

4QMMT and / as Hellenistic Literature

Lutz Doering

1. Introduction

At first sight, the question of what 4QMMT might have to do with Hellenistic literature could seem a little startling. MMT is in Hebrew, it has a (probably secondary) section referring to the 364-day calendar,¹ it deals to a large extent with matters of halakhah,² and its legal positions look strict and particularistic. Does this not suggest an antagonistic stance over against Hellenistic literature, very much like “fire and water” or, more appropriately for the Scrolls, like “light and darkness”, as M. Hengel once summarised his initial impression when dealing with “Qumran and Hellenism”?³ And yet, it would be a mistake to assume that the Scrolls found in the Qumran caves had nothing to do with Hellenism. Hengel himself is famous for pointing to “the encounter” of “Judaism and Hellenism”, including the Qumran Scrolls (“early Essenism”, as per Hengel),⁴ but he had both vocal forerunners and successors. Some among the latter are no longer content with either the dichotomy of “Qumran and Hellenism” or the notion of “influence” of Hellenism on Qumran, and instead suggest that the *yahad* and its predecessors were enmeshed in Hellenistic cultural practices – a lead we shall follow here as well and which informs the wording of the title of the present contribution.

Let us start with a brief review of how the relationship between Qumran and Hellenism has been approached in scholarship. Among the earliest scholars claiming significant inroads of Hellenism into Palestine was M. Hadas. For him, rabbinic teaching “can only be described as a species of Socratic dialectic”.⁵ The biblical book of Job bears remarkable resemblance to Greek tragedy, and Ecclesiastes imitates the Cynic-Stoic diatribe.⁶ As to the Scrolls, Hadas follows earlier suggestions by A. Dupont-Sommer about “the organizational affinity between the Qumran community and

¹ See the chapter by Johnathan Ben-Dov in this volume, p. 105–116.

² See the chapter by Vered Noam in this volume, p. 137–159.

³ HENGEL 1978, 333.

⁴ Apart from HENGEL 1978, see Id. 1988, 394–453.

⁵ HADAS 1959, 79.

⁶ HADAS 1959, 133–144.

the Pythagorean brotherhoods".⁷ Others, such as C. Schneider, were sceptical about some of Hadas's detailed suggestions but affirmed the thoroughgoing impact of "an intellectual *koinē*" that also affected Qumran.⁸ Like H. Bardtke shortly before him,⁹ Schneider saw particular similarities between sectarian organisation in the Qumran Scrolls and Hellenistic associations.¹⁰ Hengel, too, took up this approach briefly¹¹ but pointed out that the Qumran community resembled Hellenistic associations only in its legal form though not in its self-understanding: the latter was driven by its conviction of being God's holy remnant, living in the end time, and holding an exclusive truth claim.¹² M. Weinfeld provided a more detailed comparison between the organisation as well as the penal code of the Qumran community and the statutes of Hellenistic associations.¹³ In an appendix, Weinfeld argued specifically against the alternative view of L. H. Schiffman who claimed that the Qumran community intended to fulfil ideals contained in the Jewish scriptures.¹⁴ Following articles by several scholars engaging

⁷ HADAS 1959, 195; cf. 218; DUPONT-SOMMER 1950, 113; Id., *The Jewish Sect of Qumran and the Essenes* (London 1954), index, s.v. "Pythagoras". This is a thesis that has more recently been revisited by J. TAYLOR, *Pythagoreans and Essenes: Structural Parallels* (Paris / Louvain 2004); it had already played a role in 19th and early 20th century work on the Essenes (see *ibid.* 2).

⁸ SCHNEIDER 1963, 300: "eine klar zu beschreibende Koine aller Lebensgebiete, die das gesamte hellenistische Gebiet noch irgendwie bestimmte und der sich niemand ganz entziehen konnte"; 301: "... eine Auswirkung dieses Stromes einer geistigen Koine". – A contextual remark might be in order here: Carl Schneider is an example of how closely interests in Hellenism could have been interwoven with anti-Jewish, even antisemitic, interpretation during and after the NS regime. Schneider became a member of the NSDAP in 1933 and a contributor to the Eisenach "Institute for the Study and Elimination of Jewish Influence on German Church Life" in 1939. According to A. Merz, he was "one of the worst literary antisemites among the professors of theology", and his work after 1945, when he was unable to resume his professorship and instead worked as pastor and culture officer in Speyer, continued some of his earlier approaches in the form of a "Philhellenism" coupled with "controlled antisemitism": A. MERZ, "Philhellenism and Antisemitism: Two Sides of One Coin in the Academic Writings of Carl Schneider", *Kirchliche Zeitgeschichte* 17 (2004) [314–330] 317, 328.

⁹ BARDTKE 1961; Id., "Qumrān und seine Probleme", *Theologische Rundschau* 33 (1967) [97–119; 185–236] 217–236. Bardtke was the first to point to the Hellenistic associations as the legal form of corporation visible in the Dead Sea Scrolls (although E. ZIEBARTH had already viewed Philo's Essenes along these lines: *Das griechische Vereinswesen*. Preisschriften ... der Fürstlich Jablonowski'schen Gesellschaft 34 [Leipzig 1896] 130: "... ihre Organisation erschien dem Griechen durchaus wie die der Kultvereine").

¹⁰ SCHNEIDER 1963, 305–309. However, Schneider limits the relevance of the issue: "Die Frage nach Hellenistischem ist hier also nur da aufzuwerfen, wo deutlich Nichtjüdisches zu erkennen ist."

¹¹ HENGEL 1988, 446–448; Id. 1978, 342–352.

¹² Cf. HENGEL 1978, 350. Similarly already BARDTKE 1961, 104 n. 76.

¹³ WEINFELD 1986. The body of the analysis (without appendices) comprises less than 50 pages.

¹⁴ WEINFELD 1986, 71–76, taking issue with L. H. SCHIFFMAN, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code*. BJS 33 (Chico 1983).

with Weinfeld's work,¹⁵ Y. M. Gillihan published a more comprehensive analysis of the D, S and Sa texts in the context of voluntary associations, in which he claims that the Scrolls significantly appropriated civic ideology in order to forge an alternative *politeia*, similar to the Epicureans, Cynics, Stoics, and later also Paul's *ekklesiiai*: "Members of these associations identified themselves as citizens of a commonwealth other than and superior to the reigning state".¹⁶ It seems that such a self-understanding, if correct, has important implications for the politics of communication and the production of literature. We shall come back to this below (§ 3.1). However, it should be noted that a recent evaluation by B. Eckhardt views much less specific connection between the *yahad* and Graeco-Roman associations. In particular, Eckhardt, echoing Hengel's reservation from a different perspective, argues that most Graeco-Roman associations were assimilative to their respective societies, while the *yahad* provided an alternative to its surrounding society; Gillihan's observations on civic ideology may apply to both the *yahad* and philosophical schools, but the latter should be distinguished from (cult) associations.¹⁷

As mentioned above, several authors recently pointed out that the construal of the issue in terms of "Qumran and Hellenism" is problematic since it reifies both "Qumran" and "Hellenism" and in fact disjoins them before typically allowing more or less "influence" of Hellenism on Qumran texts. Instead, these scholars suggest that we should proceed from the assumption that the authors of the Qumran Scrolls were enmeshed in the Hellenistic culture of their time, and hence determine in which cultural discourses and practices the authors of these texts were engaged.¹⁸ One such practice is commentary writing. Already Schneider had pointed to the similarities between the Qumran *pesharim* and Alexandrian commentary

¹⁵ See especially M. KLINGHARDT, "The Manual of Discipline in the Light of Statutes of Hellenistic Associations", in: WISE 1994, 251–270, claiming that the Rules Scrolls represent the rules of individual synagogue associations; M.-F. BASLEZ, "Recherches sur le *yahad* des manuscrits de Qumrân", in: N. BELAYCHE / S. MIMOUNI (eds.), *Les communautés religieuses dans le monde gréco-romain*. BEHER 117 (Paris 2003) 75–92, considering "Semitic associations" alongside Hellenistic ones; R. HERRMANN, "Die Gemeinderegel von Qumran und das antike Vereinswesen", J. FREY / D. SCHWARTZ / S. GRIPENTROG (eds.), *Jewish Identity in the Greco-Roman World*. AJEC 71 (Leiden 2007) 161–203, providing a balanced account of the *status quaestionis*, arguing against direct "influence" from Greek associations onto the *yahad*, yet explaining the similarities against a common social environment shared by the latter with other associations.

¹⁶ GILLIHAN 2012, 506.

¹⁷ ECKHARDT 2019 allows for the equivalence of the terms *yahad* and κοινόν and points to similarities in the areas of (priestly) leadership, membership, and meetings (89f.). He admits that parallels between Hellenistic associations and the *yahad* exist, "but not a single one can be adduced without reservations" (91).

¹⁸ See P. B. HARTOG / J. JOKIRANTA, "The Dead Sea Scrolls in Their Hellenistic Context", *DSD* 24 (2017) 339–355; B. G. WRIGHT, "Were the Jews of Qumran Hellenistic Jews?", *DSD* 24 (2017) 356–377.

literature,¹⁹ and several essays in recent years have probed historical connections between Qumran and Greek commentaries.²⁰ A more sustained attempt is a recent study by P. B. Hartog, which compares the Qumran *pesharim* with the *hypomnemata* on Homer's *Iliad* and claims that both corpora manifest a turn towards tradition, stimulated by increased intercultural contacts.²¹ Already earlier, S. J. D. Cohen, when – reminiscent of the older paradigm – looking for “Hellenism in unexpected places”, found it in the Hellenistic practice of thematic lists drawn from authoritative texts.²²

In what follows, we shall therefore look at those cultural discourses and practices from the Hellenistic period that are relevant for MMT: calendar and law, the genre and deployment of epistle and treatise, as well as some forms that MMT has in common with (other) “Hellenistic literature” (i.e., literature from the Hellenistic[-Roman] period), predominantly in Greek.

2. Discourses on Calendar and Law in the Hellenistic Period

Although it is likely that the calendar section was not originally part of the composition that we call MMT, it is nevertheless worth commenting upon briefly, since it was copied at the top of one of the MMT manuscripts, 4Q394.²³ Using calendars for the politics of identity is very much a phenomenon of the Hellenistic period, where calendars differing from that of the ruling kingdom or empire were used to express an element of national identity²⁴ or of political and cultural dissidence.²⁵ In particular, the move of aligning the calendar with nature, as suggested by the Sabbatical structure and the (near) alignment with the solar year in the similar (though not

¹⁹ SCHNEIDER 1963, 302–305.

²⁰ M. BOCKMUEHL, “The Dead Sea Scrolls and the Origins of Biblical Commentary”, in: R. A. CLEMENTS / D. R. SCHWARTZ (eds.), *Text, Thought, and Practice in Qumran and Early Christianity*. STDJ 84 (Leiden 2009) 3–29; A. LANGE / Z. PLEŠE, “The Qumran Pesharim and the Derveni Papyrus: Transpositional Hermeneutics in Ancient Jewish and Ancient Greek Commentaries”, in: A. LANGE / E. TOV / M. WEIGOLD (eds.), *The Dead Sea Scrolls in Context: Integrating the Dead Sea Scrolls in the Study of Ancient Texts, Languages, and Cultures*. VTSup 140. 2 vols. (Leiden 2011) 2:985–922; KRATZ 2014.

²¹ P. B. HARTOG, *Peshar and Hypomnema: A Comparison of Two Commentary Traditions from the Hellenistic-Roman Period*. STDJ 121 (Leiden 2017).

²² S. J. D. COHEN, “Hellenism in Unexpected Places”, in: J. J. COLLINS / G. E. STERLING (eds.), *Hellenism in the Land of Israel*. Christianity and Judaism in Antiquity 13 (Notre Dame, IN 2001) [216–243] 217–223. Cohen compares 4Q339 (4QList of False Prophets) and 4Q340 (4QList of Netinim) with lists drawn from e.g. Homer and Greek mythographers.

²³ For details, see the article by Jonathan Ben-Dov in this volume, p. 105–116.

²⁴ BEN-DOV 2017, 10: “The idea of a national calendar is a novelty, harnessing the calendar to the effort of identity formation”.

²⁵ S. STERN, “Calendars, Politics, and Power Relations in the Roman Empire”, in: BEN-DOV / DOERING 2017, 31–49.

identical) calendars of the book of Jubilees and the Dead Sea Scrolls, should be seen in the wider context of correlating the Judaeen legal tradition, that is, Torah and halakhah, with natural law.²⁶ The calendar thus proves to be part of the same national law that is claimed to be concordant with natural law. If it is correct that the calendar was copied onto 4Q394 in order to indicate that the 364-day calendar was one cause for the schism between the *yahad* and its opponents, or was at least controversial between them,²⁷ then 4Q394 can be taken as an example of practical calendar politics in the Hellenistic period.

Moreover, the legal approach in Jubilees and later also the *yahadic* Dead Sea Scrolls is strongly interested in establishing the aforementioned concordance with natural law. In doing so, it appears to reflect, and to respond to, Graeco-Roman discourses of natural and positive law.²⁸ Jub 2–3 clearly resolves the relationship between universalism and particularism of law by suggesting that the Torah provides the “texture of creation”, that already Creation Sabbath aims at Israel, who is honoured with keeping Sabbath together with God and the two higher classes of angels, and that the Protoplasts are portrayed like Israelites observing purification periods. In MMT discourses on natural and positive law might be reflected in pronouncements about the “nature” of things, such as the (liquid) streams (iv 5–8 [B55–58]), the bone of a corpse (v 2–4 [B72–74]), and the prohibition of *kila'im* and *sha'atnez* (cf. v 5–11 [B76–82]).²⁹

3. Between Epistle and Treatise: The Genre of 4QMMT and Hellenistic Literature

As is well known, J. Strugnell and E. Qimron, in their preliminary discussions, did not hesitate to call MMT “a halakhic letter”.³⁰ In their DJD 10 edition, however, they have become less sure about the genre of MMT. The main body of the edition of MMT states that both formal features and contents “suggest that it should be classed with corporate or public letters sent from one group to another, or even with treatises, rather than with the pri-

²⁶ BEN-DOV 2017, 10f.

²⁷ Cf. SCHIFFMAN 1996, 85; KISTER 1999, 360. See the discussion by Jonathan Ben-Dov in this volume, 112–116.

²⁸ C. HAYES, *What's Divine About Divine Law: Early Perspectives* (Princeton 2015) esp. 125–139.

²⁹ Cf. the tendency towards “legal realism” claimed for the Dead Sea Scrolls by D. R. SCHWARTZ, “Law and Truth: On Qumran-Sadducean and Rabbinic Views of Law”, in: D. DIMANT / U. RAPPAPORT (eds.), *The Dead Sea Scrolls: Forty Years of Research*. STDJ 10 (Leiden 1992) 229–240; C. HAYES, “Legal Realism and Sectarian Self-Fashioning in Jewish Antiquity”, in: S. STERN (ed.), *Sects and Sectarianism in Jewish History*. IJS Studies in Judaica 12 (Leiden 2011) 119–146.

³⁰ QIMRON / STRUGNELL 1985a and b.

vate letter”, although the “distinction between the epistle and the treatise is hard to draw”.³¹ As we now know, Strugnell was unhappy with this description, apparently redacted by Qimron. Both in Appendix 3 to the DJD edition and in his notorious “Second Thoughts on a Forthcoming Edition”, Strugnell distanced himself from Qimron’s view of the genre (“his epistle”), pointing out that he has “questioned the use of the term ‘epistle’ ..., finding it inappropriate on form-critical grounds”.³² In his “Second Thoughts”, Strugnell also disclosed that he had in fact introduced the suggestion that MMT might be a treatise but that he now thought that “the treatise is, at least in Hellenistic literature, a very ill-defined genre”, and that “the suggestion, which you will find mentioned in the *editio major*, that this was a treatise, rather than a letter, should be withdrawn”. Instead, he now proposed “that we have in these lines a free-standing introduction to a collection of laws, perhaps consciously modelled on the opening of Deuteronomy”.³³ To be sure, the main text of the edition is not as clear about MMT as a treatise as Strugnell insinuated.

In an earlier reassessment of the genre of MMT, I suggested that the text shows at least three features that fit the letter, broadly understood as a “form of communication” or “basic text type”, quite well: “sustained and dialogically construed direct discourse, with a plural narrator; advancement of the halakhic discourse by *wl / wʔ l*, similar to *περὶ δέ* in Greek letters; and a veritable epistolary epilogue”.³⁴ While the two latter aspects will be further discussed below, a few comments on the first feature – direct discourse – may be apposite here. First of all, there is some agreement that 4Q397 14–21 10, *כתב[נו אליכה שתבין בספר מושה]* (viii 2 [C10]) with no object attached to *כתבנו*, means “we have written to you (sg.), so that you may understand the book of Moses etc.”. Nevertheless, it has been claimed that 4Q398 14–17 i 2 provides an alternative reading, *כתב[נום שתבין בס]ר מושה*, “we have written *them down* etc.”, and that this reading does not point to an epistolary situation.³⁵ However, this reading has been challenged by É. Puech, who reconstructs *כתב[נום שתבין בס]ר מושה* as *כתבנו אליכה שאתם מ[ב]ינים [בס]ר מושה*, “and also we have written to you (sg.), so that you (pl.) understand the book

³¹ QIMRON / STRUGNELL 1994, 114.

³² STRUGNELL, in: QIMRON / STRUGNELL 1994, 205; the same wording in STRUGNELL 1994, 67.

³³ STRUGNELL 1994, 63; similarly, STRUGNELL, in: QIMRON / STRUGNELL 1994, 204.

³⁴ DOERING 2012, 207. For the letter as a “form of communication” see K. ERMERT, *Briefsorten: Untersuchungen zu Theorie und Empirie der Textklassifikation*. Reihe Germanistische Linguistik 20 (Tübingen 1979) 1 and *passim*; for the letter as a “basic text form” (Grundtextsorte) see G. M. DIEWALD, *Deixis und Textsorten im Deutschen*. Reihe Germanistische Linguistik 118 (Tübingen 1991) 278–304. 330. Cf. the summary in DOERING 2012, 18f.

³⁵ Thus FRAADE 2000, 513f. n. 19.

of Moses", taken to be a variant of the phrasing in 4Q397 14–21 10,³⁶ with a return to the plural address in the ψ -clause as also attested in the preceding lines of the latter fragment. In viii 12–13 (4Q398 14–17 ii 2; 4Q399 i 10 [C26]), it would generally be possible to understand $\text{וְאִי אֲנַחְנוּ כָּתַבְנוּ לְאַלְלִיךָ}$ as "and also we have written *down for your* (sg.) *benefit*", followed by the phrase "some works of the law".³⁷ However, even here the wording is more readily taken in the sense of "and also we have written *to you* ...": the notion of "writing down for someone's benefit" usually requires the latter's presence, as in Judges 8:14, where the young man of Succoth is writing "for the benefit of" Gideon by listing, *in Gideon's presence*, the names of officials and elders of his town. This is evidently not the situation in MMT, where the readers first of all need to *receive* the writing. Taken together with viii 2 (C10), the notion of "writing *to you*" is preferable here too.

Based on the three observations mentioned above, I concluded that any generic assessment of MMT must take account of the epistolary traits of the text.³⁸ Thus, Strugnell's classification of the text as "a collection of laws, pronouncements, or the like"³⁹ or H. von Weissenberg's reference to the *Bundesformular*⁴⁰ are insufficient in this respect. In my view, the discussion has been unduly influenced by questions about the *historical situation* in which MMT might have functioned, and decisions on this matter have impacted on genre classification. Clearly, MMT is available in multiple copies, but that does not rule out that it belongs to an epistolary genre, as shown by the letters of Paul, which have been equally copied and reread by subsequent communities of readers. In my earlier study, I concluded that MMT is similar to *corporate letters* and to *epistolary treatises*, and that a final decision on the classification is difficult due to the fragmentary state of preservation, especially the question of whether and how the extant halakhic section was originally preceded by any text now lost.

In comparing MMT with (other) "Hellenistic literature" relevant for the composition as a whole, we shall therefore first discuss the comparative evidence for corporate letters, then for epistolary treatises or letter essays, before looking at structural features as well as some epistolary phrases.

³⁶ PUECH 2012, 313. 324. See note to line 2 of col. viii of the Reconstructed Text in this volume, p. 50.

³⁷ Cf. QIMRON / STRUGNELL 1994, 85; FRAADE 2000, 513f. n. 19, 517.

³⁸ DOERING 2012, 210.

³⁹ STRUGNELL, in: STRUGNELL / QIMRON 1994, 204.

⁴⁰ VON WEISSENBERG 2009, 231.

3.1. Official and Other Corporate Letters

The overall evidence for ancient Jewish letter writing shows some predominance of corporate letters, either from or to groups of persons, or both. This has more to do with modes of transmission than with a reluctance or inability of Judaeans to write private letters: the find contexts at Elephantine, in the Judaeian Desert, and at Herakleopolis feature several archives in which letters kept for storage were preserved, whilst other Judaeian letters have become part of Scripture or other literature. All of these letters go beyond the private realm: they are “official letters”, used in the administration of various Judaeian groups.

As to the classification of letters, H.-J. Klauck⁴¹ distinguishes between (1) non-literary (or documentary) letters, comprising private letters, official letters, and business letters, (2) diplomatic letters, that is, royal or imperial letters as a special group of official letters, preserved in inscriptions or quotations by historians, and (3) literary letters. “Official letters” (other than diplomatic letters) are thus primarily attested in documentary form (on papyrus or leather). However, they could also move into the class of literary letters, insofar as they have been included in literature or even invented for literary purposes.

Thus, the letters from the Jedaniah archive at Elephantine, preceding the Hellenistic period, function as part of the administration of the Judaeian garrison in the context of communication with Persian officials.⁴² The first introductory letter to 2 Maccabees, probably authentic and composed in either Hebrew or Aramaic, is directed “to the Judaeian brothers in Egypt” by “the Judaeian brothers in Jerusalem and in the land of Judaea” (2 Macc 1:1), while the second introductory letter, whose authenticity is debated, is sent by “those in Jerusalem and Judaea and the *gerousia* and Judas” “to Aristobulus the teacher of king Ptolemy, who is from the stock of anointed priests, and the Judaeians in Egypt” (2 Macc 1:10b).⁴³ Thus, we have here a singling out of a prominent addressee alongside the group he represents, which could be compared with MMT. Among the administrative letters from the Judaeian *politeuma* at Herakleopolis, we could take P.Polit.Jud. 18 as an example, which is directed from “Alexander and the judges from Peempasbytis to Str[aton and the judges (i.e. *archontes*) in Herakleopolis”, while nos. 19–20 are reports by village elders to the *archontes*. Set at the time of the First Revolt, the letters between the Jerusalem delegation and Josephus in Galilee are corporate, official letters (Jos. *Vita* 217f.; 226f.; 229; 235).⁴⁴ Documentary specimens from the Bar Kokhba war comprise the

⁴¹ KLAUCK 2006, 68–70.

⁴² See DOERING 2012, 37–44, with further literature.

⁴³ See DOERING 2012, 160–164, with further literature.

⁴⁴ E.g. *Vita* 217: “Jonathan and those sent with him by the Jerusalemites to Josephus, greeting. We have been sent by the leaders in Jerusalem, because they have heard that

letter from Yeshua and Eleazar, the administrators of Beit Mashikho, to Yeshua b. Galgula (Mur 42) as well as to some extent the letters by Bar Kokhba himself, insofar as they seem to be issued by some of his staff (see the remark כותבה). As a final example of Jewish official, corporate letters, mention can be made of *Tosefta Sanhedrin* 2:6, the letters ascribed to Rn. Gamaliel and the elders to areas at the fringes of the land of Israel about tithing and to various areas of the Diaspora about intercalation.⁴⁵ It is a reasonable suggestion that the rabbis here continue a privilege of the high priest and the *sanhedrin* before 70 CE,⁴⁶ as is imagined in Acts 9:1–2; 22:5, where Paul requests from them letters to the synagogues at Damascus. More generally, Jewish Scriptures contain several “diplomatic” letters, whether authentic or not, such as the royal letters in Ezra 4–7, the letters of “subverted” kings in Dan 3–4; 6 and 2 Macc 9:19–27, or the probably authentic diplomatic letters in 2 Macc 11:16–38.

While it cannot be completely ruled out that the “we” of MMT is a “royal we” as found in some Hellenistic royal letters,⁴⁷ it is more likely that it reflects the group for which the addressor writes.⁴⁸ In Greek letter writing, corporate address is largely limited to official letters. Many of these are diplomatic (royal) letters.⁴⁹ While Greek cities usually preferred the decree as a more precise form, “some poleis made use of letters for official communications”. Such letters “fall into two basic categories: self-sufficient official letters that on their own convey a decision, specific information, or a request; and the so-called ‘covering letters,’ sent to accompany a decree”.⁵⁰ While many such letters are preserved in inscriptions, they have occasionally been transmitted in literature, such as the letter of the magistrates of Laodicea to the proconsul Gaius Rabirius (Jos. *A.J.* 14:241–244, dated to 47–46 BCE). Similarly, we find numerous letters from Roman magistrates al-

John of Gischala has laid many snares for you, in order to rebuke him and exhort him to obey you in the future.”

⁴⁵ Plural verbs predominate here; for the letter to the inhabitants of the Diaspora, ms. Erfurt has the interesting reading, “it seemed good to me and my colleagues that we have added thirty days to this year”.

⁴⁶ Either by anachronistic ascription to Gamaliel I or by more credible ascription to Gamaliel II, who is elsewhere clearly connected with authority over the calendar; see C. HEZSER, *Jewish Literacy in Roman Palestine*. TSAJ 81 (Tübingen 2001) 268 (who tends to the former); DOERING 2012, 351–364 for full discussion with further literature.

⁴⁷ E.g. WELLES 1934, no. 44 = *OGIS* 244 (Antiochus III to a governor, 189 BCE); WELLES 1934, no. 67 = *OGIS* 331/IV (King Attalus to the council and people of Pergamum, 135 BCE); WELLES 1934, no. 71 = *OGIS* 257/1 (Antiochus VIII or IX to Ptolemy X, 109 BCE).

⁴⁸ It should also be noted that the *formula valetudinis initialis* even in private letters is often worded with the second part in the plural, probably hinting at the wider group at home: εἰ ἔρρωσσαι εὖ ἂν ἔχοι, ἐρρωμέθα δὲ καὶ ἡμεῖς (“we are also [well]”), e.g. in PSI IV 331, a letter from Epharmostus to Zeno.

⁴⁹ Collected in WELLES 1934.

⁵⁰ CECCARELLI 2013, 311f. Ceccarelli lists these letters in her Appendix 3, 365–383.

ready in the Republican period, often inscribed on stone as well.⁵¹ A number of letters by Roman magistrates from the time of Caesar and shortly thereafter is contained in the dossier of documents collected by Josephus in *A.J.* 14:190–264.⁵²

Apart from these contexts, corporate letter writing occurs in such groups that provide, as I have suggested earlier, an “inner public sphere”⁵³ or, as Gillihan might say, develop an alternative *politeia*: philosophical fraternities, such as the Epicureans, translocal associations, and the early Christians. Epicurus wrote letters to individuals and groups, such as “the friends in Lampsacus”, “the friends in Asia”, or “the philosophers in Mytilene”.⁵⁴ In the *Letter to Menoecus*,⁵⁵ he outlined elements of his philosophy and closed with an exhortation to “exercise these and related precepts day and night, both by yourself and with the one who is like-minded”. After Epicurus’s death, letters continued to play a role in community building amongst his followers.⁵⁶ As for *associations*, there is only sparse evidence for letter writing, probably due to the smaller, more local radius of most associations. However, *ethnic* associations do communicate with their homeland or *polis*, such as the Tyrians in Puteoli, who wrote to Tyre about the maintenance of the ancestral cult.⁵⁷ I would see some of the Judaeian epistolary communication discussed above along similar lines. In contrast, some of the “world-wide assemblies” of artists communicated predominantly with the *institutional* public sphere of the Roman empire.⁵⁸ Finally, in adopting and adapting the letter form for communication with Christ-believing communities, *Paul* may have taken Jewish epistolary communication as one of his models.⁵⁹ In his letters, Paul writes as letter author to communities (in most of his letters) or to individuals within the social context of their communities (in the letter to Philemon). In all of his authentic letters except for Romans he makes use of co-senders: Sosthenes (1 Cor), Timothy (2 Cor, Phil, Phm and – if orthonymous – Col), Silvanus and Timothy (1 Thess), and even “all brethren who are with me” (Gal). Use

⁵¹ R. K. SHERK, *Roman Documents from the Greek East: Senatus Consulta and Epistulae to the Age of Augustus* (Baltimore 1969); Id. (ed., trans.), *Rome and the Greek East to the Death of Augustus* (Cambridge 1984).

⁵² On which see M. PUCCI BEN ZEEV, *Jewish Rights in the Roman World: The Greek and Roman Documents Quoted by Josephus Flavius*. TSAJ 74 (Tübingen 1998).

⁵³ DOERING 2012, 386–393, following D. Mendels’s adaptation of J. Habermas’s notion of *Öffentlichkeit*: D. MENDELS, *The Media Revolution of Early Christianity: An Essay on Eusebius’s “Ecclesiastical History”* (Grand Rapids, MI 1999) 5f.

⁵⁴ Frags. 96–98, 101–104 ARRIGHETTI.

⁵⁵ Diog. Laert. 10:122–135.

⁵⁶ Cf. M. ERLER et al., *Die Hellenistische Philosophie* (Basel 1994) 205–215.

⁵⁷ OGIS II 595; see DOERING 2012, 390–392, with further literature.

⁵⁸ Cf. the letter of Claudius to the “World-Wide Assembly of Dionysiac Artists”, P.Oxy. XXVII 2476.

⁵⁹ For a fuller argument see DOERING 2012, 377–428, with further literature.

of co-senders is a feature more frequent in official letters than in private letters, where it is sparsely attested.⁶⁰ It is debated whether the “we” passages found in Paul’s letters imply that they were also co-authored by Paul together with the co-sender(s). Thus, 1 Thess is largely worded in first person plural, whereas in 1 Cor only short sections feature first person plural. According to J. Murphy-O’Connor, Sosthenes was co-author only of these sections (1 Cor 1:18–31; 2:6–16), while S. Byrskog has questioned the reliability of this distinction.⁶¹ It might be suggested that Paul (except in Rom) wrote as the leader of a team mission who drew on the *co-responsibility* of co-workers and only rarely expressed this also in terms of the first person plural. Nevertheless, where Paul *does* use the first person plural, he might do so out of actual or imagined co-authorship.

Thus far, the corporate authorship (“we”) of MMT as well as its address oscillating between “thou” and “you”, together with references to a third party (“they”), can be well aligned with corporate, and in particular official, letters from the Hellenistic-Roman period. Such letters may pertain to an inner public sphere (e.g., a sect, the Judaeans in the Diaspora) or the outer, institutional public sphere (e.g., a Hellenistic king, the Roman administration).

3.2. Epistolary Treatises, Letter-Essays

While Strugnell thought that the treatise is an “ill-defined genre”, it is undeniable that such a label has some heuristic value, and individual texts of *Fachprosa* could well be placed in this rubric. Greek terms often used (emically) in this respect are λόγος, σύνταξις or σύγγραμμα. However, since we ought to maintain the above requirement that a text fruitfully compared with MMT must show *epistolary* traits, a large number of treatises do not qualify, including most of Philo’s works.⁶² However, we find numerous *epistolary treatises* in both Greek and Latin literature. Following D. R. Langslow, we can distinguish two main types: type A has a *dedication*, either a superscript (“[A] to [B]”) or a preface in which a dedicatee

⁶⁰ For private letters see some of Cicero’s letters to Tiro: *Fam.* 16:1.3–7.9.11 (*Tullius et Cicero, Terentia, Tullia, Quintus* [Cicero’s brother] *et Quintus* [the latter’s son]). In letters to his wife and daughter, Cicero may include his son Marcus Tullius as co-sender: *Fam.* 14:14.18.

⁶¹ Cf. J. MURPHY-O’CONNOR, *Paul the Letter-Writer*. *Good News Studies* 41 (Collegeville, MN 1995) 24–30, with S. BYRSKOG, “Co-Senders, Co-Authors and Paul’s Use of the First Person Plural”, *Zeitschrift für die neutestamentliche Wissenschaft* 87 (1996) 230–250.

⁶² Which he, usually referring back to some preceding work, calls λόγος (cf. *Prob.* 1), γράφη (cf. *Somm.* 1:1), or σύνταξις (cf. *Her.* 1; *Mut.* 53; *Abr.* 2; 13; *Mos.* 2:1; *Decal.* 1; *Spec.* 1:1; 2:1; *Praem.* 3). But see below on *Prob.* and cf. also the use elsewhere of τοι “let me tell you”; see P. BORGES / K. FUGLSETH / R. SKARSTEN (eds.), *The Philo Index: A Complete Greek Word Index to the Writings of Philo of Alexandria* (Grand Rapids, MI / Leiden 2000) s.v.

is addressed in the vocative (as in Philo's only epistolary treatise, *Prob.*),⁶³ while type B features an *epistolary framework*.⁶⁴ Topics of such epistolary *Fachliteratur* could be so varied as geometry (already Archimedes [287–212 BCE] begins his treatises with an epistle), philosophy (Seneca's *Epistulae Morales* and again Epicurus's letters come to mind, but also Plutarch's *On Tranquility*, with epistolary preface and continuing "I-thou" style), rhetoric (Quintilian prefaces his *Institutions* with both an epistolary and a rhetorical preface), natural history or medicine (see Pliny the Elder's *Natural History* for the former, Scribonius Largus's *Compositiones* for the latter, both featuring epistolary prefaces).⁶⁵ L. Alexander has drawn on a number of technical and scientific treatises deploying various types of dedication to elucidate the preface of Luke, and G. Brooke has suggested classifying Luke-Acts as a confirmatory instructional treatise, a classification he has also proposed for MMT.⁶⁶ However, Luke-Acts limits second-person address to the dedications, and scholars like G. Sterling prefer aligning Luke-Acts with "apologetic" historiography like that of Berossus, Manetho, and Josephus,⁶⁷ all of which – unusual for Greek "Thucydidean" historiography – feature (or are said to have featured) dedications.⁶⁸

Langslow, in turn, divides both types of epistolary treatises into three subtypes: In subtype (1) the epistolary domain is limited to the preface (and, where extant, the letter closing); in subtype (2) it extends to both preface and summarising introduction; and in subtype (3) it permeates the entire treatise.⁶⁹ It is clear that – if classified as an epistolary treatise – MMT, on account of its sustained second-person address, would have to be compared with examples of subtype 3. As early Greek specimens of this subtype, Langslow mentions letters by Plato and again by Epicurus (probably the *Letter to Menoecus*). A later Latin example would be Cicero's instruction on political manoeuvring in his first letter to his brother Quintus (*Quint. fr.* 1). A Hellenistic-Jewish text that could be classified as an epistolary treatise of Langslow's type B, subtype 3, though with much sparser resumption of second-person address, is the *Letter of Aristeas*.⁷⁰ Moreover,

⁶³ *Prob.* 1: "My former treatise, O Theodotus (ὁ μὲν πρότερος λόγος ἦν ἡμῖν, ὦ Θεόδοτε), was intended to prove that every wicked man was a slave..."

⁶⁴ Cf. LANGSLOW 2007, 211–234.

⁶⁵ Cf. AUNE 1987, 167.

⁶⁶ Cf. ALEXANDER 1993, 50–63; BROOKE 1995 / 2005, 166–168.

⁶⁷ G. E. STERLING, *Historiography and Self-Definition: Josephos, Luke-Acts, and Apologetic Historiography*. N.T.S 64 (Leiden 1992) 103–136. 226–393.

⁶⁸ This is also noted by ALEXANDER 1993, 27f.

⁶⁹ Cf. LANGSLOW 2007, esp. 215–224.

⁷⁰ DOERING 2012, 217–232, see esp. 222f. for resumptions of second-person address in the *Letter of Aristeas*. L. M. WHITE, "Epistolarity, Exhortation, and Apologetics in the Epistle of Aristeas", *Early Christianity* 6 (2015) 179–219, similarly arguing for the epistolarity of the *Letter of Aristeas*, appears to criticise this classification as "formalistic" (181 n. 10; whatever this may mean), though his own suggestions ("'historical narrative' [though fictional, to

the genre of the Greek *epistolary* treatise might be a solution for the impasse in which the search for a genre for the *Epistle of Barnabas* is stuck, with some scholars capitalising on the “thinness” of the epistolary “garb” and others forcefully arguing for the text being a letter.⁷¹

With a slightly different terminology and definition, L. Stirewalt, Jr., has discussed, under the rubric of the “Greek letter-essay”, a number of Greek texts we might call epistolary treatises, counting in this group also 2 Maccabees, prefaced by two introductory letters, and the *Martyrdom of Polycarp*, which, as is well known, has epistolary features. As understood by Stirewalt, the “letter-essay” supplements *another* work or substitutes for a *projected* one by the same author, and its content is made available to a third party beyond the addressee. The body of the letter tends to be in either third or first person but rarely in direct “I-thou” discourse, although there are exceptions, such as, once more, Epicurus’s *Letter to Menoecus* and partially also Dionysius of Halicarnassus’s *Letter to Cn. Pompeius*.⁷² It is debatable whether the reference to another work is a necessary requirement for the epistolary type “letter-essay”;⁷³ one might of course argue with respect to MMT that sending “some of the works of the Torah” refers to a wider array of which the present text presents merely a digest, although we will suggest a slightly different way of understanding this phrase below (§ 3.4).

It could be argued, however, that epistolary treatises should be kept distinct from letters since Demetrius, *On Style* 223–235 contrasts the letter with the treatise, especially in § 228 (trans. M. Trapp, my italics):

The length of a letter should be restricted, just as should its stylistic range. Those that are too long, and in addition rather pretentious in style, *would not count as letters in the true sense, but as treatises with ‘Dear So-and-so’ attached* (οὐ μὰ τὴν ἀληθῆσαν ἐπιστολαὶ γένοιτο ἄν, ἀλλὰ συγγράμματα, τὸ χαίρειν ἔχοντα προσεγεγραμμένον), like many of Plato’s and that one of Thucydides.⁷⁴

be sure] conveyed as privileged, personal communication in epistolary form” or “perhaps ... epistolary novella” [206]) suffers from the lack of formal (*sic*) comparison with other relevant specimens. It would be difficult to find them among the materials discussed by P. A. ROSENMEYER, *Ancient Epistolary Fictions: The Letter in Greek Literature* (Cambridge 2001) (see 234: *Chion of Heraclea* “is our only surviving example of the ancient epistolary novel”), and there are differences between the Greek “novel” and the “novella”, which seems a rather problematic category; see M. FUSILLO / L. GALLI / H.-P. SCHÖNBECK, “Novella”, *DNP* 8 (2000) 1024–1027.

⁷¹ For the former see F. PROSTMEIER, *Der Barnabasbrief*. KAV 8 (Göttingen 1999) 86–89, classifying *Barn.* as a “treatise” (but not an epistolary one), for the latter, R. HVALVIK, *The Struggle for Scripture and Covenant: The Purpose of the Epistle of Barnabas and Jewish-Christian Competition in the Second Century*. WUNT 2/82 (Tübingen 1996) esp. 80 with n. 88.

⁷² Cf. M. L. STIREWALT, “The Form and Function of the Greek Letter-Essay” [1977], in: K. P. DONFRIED (ed.), *The Romans Debate: Revised and Expanded Edition* (Edinburgh 1991) 147–171.

⁷³ AUNE 1987, 167 appears to use it simply for what we call here an “epistolary treatise”.

⁷⁴ Perhaps a reference to the letter of Nicias in Thuc. 7:11.1–15.2; KLAUCK 2006, 186.

Also relevant is § 231:

If someone were to write <in a letter>⁷⁵ about logical problems (σοφίσματα) or natural science (φυσιολογία), he might indeed write, but it would not be a letter that he was writing (γράφει μὲν, οὐ μὴν ἐπιστολὴν γράφει). The aim of a letter is to convey friendly feelings (φιλοφρόνησις) succinctly (σύντομος), and to express a simple subject in simple terms.

In assessing these remarks, we ought to note that this otherwise unknown Demetrius, currently dated to the mid-second century BCE,⁷⁶ adds the section on letter writing to his treatment of the “plain style” (χαρακτῆρ ἰσχνός). His is a general stylistic approach to letter writing that centres on friendly disposition (φιλοφρόνησις) and views the letter as representing an “image of the soul” (§ 227: εἰκόνα ἕκαστος τῆς ἑαυτοῦ ψυχῆς).⁷⁷ It clearly takes the private exchange of friends as the model situation of letter writing. Only at the end of the section on letter writing does Demetrius turn to other situations, which are at the same time presented as the exception rather than the rule (§ 234):

Sometimes we write to cities and kings: this kind of letter ought to be in some way slightly more elaborate, as one should adapt to the person being written to, but not so elaborate as to become a treatise rather than a letter (ἐξηραμένη μέντοι οὐχ ὥστε σύγγραμμα εἶναι ἀντ’ ἐπιστολῆς), like Aristotle’s letter to Alexander and Plato’s to Dion’s friends.

Again, the slightly elaborate style here is distinguished from the “treatise”. Demetrius still takes the private exchange of friends as the model, from which the letters “to cities and kings” are adapted. In doing so, he reflects the wide spread of Greek epistolary practice within private communication since its beginnings around the 5th century BCE (when urgent private messages, business instructions, perhaps also military commands and *defixiones* still dominate).⁷⁸ However, alongside the private letter there certainly were other letter types in the Graeco-Roman world, such as diplomatic and other official letters as well as philosophical and other literary letters.⁷⁹ Promoting one particular ideal situation of letter writing (the plain and brief exchange between friends), Demetrius “has a rather one-dimensional concept of the text type of the letter”⁸⁰ and conversely attests to the existence of other varieties of letter writing, including epistolary treatises (like those of Plato and Aristotle), which ostensibly did not comply

⁷⁵ Curiously, TRAPP 2003 does not render ἐν ἐπιστολῇ.

⁷⁶ See TRAPP 2003, 43. Demetrius was later identified with Demetrius of Phalerum, Aristotle’s pupil.

⁷⁷ See KOSKENNIEMI 1956, 21–27. Cf. now FÖGEN 2018, 45–47.

⁷⁸ See the list of certain or probably early Greek letters in CECCARELLI 2013, Appendix 1. Significantly, Greek letter writing, which was to become so dominant culturally, had been a rather *latecomer* to the scene, with letters in the cultures of the Near East having been in use for official, business, and private purposes already for centuries.

⁷⁹ See the classification proposed by KLAUCK 2006, above, at n. 41.

⁸⁰ FÖGEN 2018, 47.

with the standards he set for his epistolary ideals.⁸¹ This tells us more about Demetrius's concept than about general genre boundaries between letter and treatise.

In sum, this section has shown that scholars of Graeco-Roman and early Christian literature, although using varying terminology, have less qualms about speaking of epistolary treatises (or the like) than Strugnell had.

3.3. Structural Features of Hellenistic Letter Closings

During the Hellenistic period, the Greek letter in its various uses developed structurally. As is well known, the salutations in the letter opening and closing centred on a small number of words, with *χαίρειν* and *ἔρωσο/ἔρωσθε* being by far the most frequent, and alternative verbs being largely limited to specific letter types such as the philosophical letter or the epistolary petition. For comparative purposes, we are here mostly interested in the letter closing, since it could be compared with MMT's "epilogue".⁸² In this respect, from about the second century BCE the *final salutation could be expanded* to include words addressing either the addressee (e.g. P.Oxy. XLII 3063 *ἔρωσο φίλτατε*, "be strong, dearest"; P.Oxy. XLII 3065 *ἐ[ρωσθ]αί ὑμᾶς εὐχομαι πολλοῖς χρόνοις*, "I pray that you might be strong for a long time") or further persons (e.g. P.Giss. 24 *ἔρωσο μοι σὺν τοῖς σοῖς πᾶσι*, "be strong for me together with all of yours").⁸³ In addition, between the third century BCE and the second century CE we often find a health wish before (sometimes also after) the farewell wish: the *formula valetudinis finalis*. In many cases it states something like, *ἐπιμέλου σεαυτοῦ ἵν' ὑγιαίνης* ("Take care of yourself, in order that you may be healthy", thus P.Mert. II 62). Moreover, from the first century BCE, we increasingly find *greetings* from and to further people. Finally, some letters feature an *addendum* (or postscript in the modern sense) that restates the main message of the letter.⁸⁴ This seems to be similar in function to the epilogue or *peroratio* in a speech, which according to H.-J. Klauck "summarizes its main points one last time, with the aim of refreshing the memory and affecting the emotions".⁸⁵ Letters may also refer to *plans for a future visit* and face-to-face communication taking place on this occasion.⁸⁶ More-

⁸¹ Also, Seneca's epistles, resembling "small treatises", would have fallen short of Demetrius's standards for genuine letters: FÖGEN 2018, 63.

⁸² See below at n. 95 for how the term "epilogue" is employed with respect to MMT here.

⁸³ See WEIMA 1994, 31–34.

⁸⁴ See WEIMA 1994, 52–55. WEIMA 1994 also discusses the addition of the final salutation in the author's own hand ("autograph") and the "illiteracy formula" in the case of illiterate authors, as well as a dating formula (45–52), but these are less relevant in our context.

⁸⁵ KLAUCK 2006, 220. See Quintilian, *Inst.* 6:1.51.

⁸⁶ Examples in KLAUCK 2006, 37f.

over, Greek letters may contain a *reflection on the act and purpose of writing*, in either the letter opening or closing.⁸⁷

Some of these expansions can also be found in *letters in either Hebrew or Aramaic*, as well as in further *Jewish letters*.⁸⁸ Two Bar Kokhba letters expand the final salutation: Mur 42, in Hebrew, ends with “Be (in) peace, and the entire House of Israel” (אהוה שלום וכל בית ישראל), while the Aramaic letter P.Yadin 58 reads, “Be (in) peace, and to the men of Qiryat ‘Arabayyah” (הוה שלם [ו]לגברי קריית ערבייה). A Hebrew letter from the Bar Kokhba correspondence features addendum-like phrases.⁸⁹ Jewish letters in the literary tradition show more traces of what might be called an epistolary epilogue. Thus, 2 Macc 2:16–18 can be viewed as an epistolary epilogue that “recapitulates the occasion for the entire letter”,⁹⁰ referring to the act of writing and providing an eschatological outlook, and 2 Bar 86:1–3 inscribes the reception of the Letter of Baruch onto its addressees by exhorting them to read it in their assemblies and to remember Baruch through this letter, as he remembers the addressees.⁹¹ The *Letter of Aristaeus*, too, features a brief epilogue, which refers to the act of writing (ἀπέχεις τὴν δῆμισησιν) and to the continuation of writing (πειράσομαι δὲ καὶ τὰ λοιπὰ τῶν ἀξιολόγων ἀναγρῶφειν; *Arist.* 322).

As is well known, Paul develops a characteristic closing of the letter body and the letter proper, which may feature so-called intercessory prayers (“may the God of peace ...”),⁹² final exhortations, greetings, instructions to have the letter read communally, plans for visits, reflection on the act of writing, and a final “grace” wish. In my view, Paul develops this section not only from the general Hellenistic developments mentioned above but draws also on Jewish practices, such as the mention of “peace” at the end of Jewish letters and perhaps also the exhortations and reading instructions found in some of the Jewish letters.⁹³ Non-Pauline letters,

⁸⁷ R. BUZÓN, “Die Briefe der Ptolemäerzeit: Ihre Struktur und ihre Formeln”, Dr.phil. thesis (Heidelberg 1984) 21. 168; cf. TRAPP 2003, 36, for references to the “process of correspondence itself” near the beginning and to “the length of one’s own letter” near the end.

⁸⁸ Already Imperial Aramaic letter writers may reflect on the purpose of sending the letter “in either the initial greeting or in the concluding formula”, deploying verbs in the epistolary perfect (on which see further below): DEMPSEY 1990, 8.

⁸⁹ Mur 44, where it is stated after the “peace” greeting: “I have designated the person who is to give you his wheat. They may take it after the sabbath.” Cf. WEIMA 1994, 73f.

⁹⁰ KLAUCK 2006, 269.

⁹¹ See in greater detail L. DOERING, “Configuring Addressee Communities in Ancient Jewish Letters: The Case of the Epistle of Baruch (2 *Baruch* 78–86)”, in: CECCARELLI / DOERING / FÖGEN / GILDENHARD 2018, [271–287] 281–284.

⁹² It is debated whether these should be reckoned with the body closing or with the letter closing. For the former, M. MÜLLER, *Vom Schluß zum Ganzen: Zur Bedeutung des paulinischen Briefkorpusabschlusses*. FRLANT 172 (Göttingen 1997) esp. 59f.; for the latter, WEIMA 1994. KLAUCK 2006, 302. 372f. assesses each instance individually.

⁹³ See in detail DOERING 2012, 422–427.

such as 1 Peter (5:10–14) or 2 John (12–13) and 3 John (13–15), adopt similar features for the body and letter closing. In both Pauline and non-Pauline letters we find references to the act of writing,⁹⁴ and it may be important to note that even Hebrews, which does not label itself a “letter” but a “word of encouragement” (λόγος τῆς παρακλήσεως), reflects in the same verse (Heb 13:22) on the brevity of the text sent (see further below, § 3.4).

In light of these parallels, 4QMMT viii 12–18 (C25–32) might be viewed as an *epilogue* with similar features.⁹⁵ The phrase, “And also we have written to you (sg.) some of the works of the Torah which we think they are good for you and for your people”, clearly indicates a resumption as characteristic of epistolary epilogues, and it provides a reference to the act of writing where we would structurally expect it in letters and related texts.⁹⁶ The ensuing exhortation and eschatological outlook similarly match some of the Jewish specimens and, text-pragmatically, resemble the way Paul would later develop his letter closings (although he might have objected to the contents of MMT!). Obviously, a “peace” greeting as usual in Hebrew and Aramaic letters is missing from MMT. It might have been dropped in the course of textual transmission, or the phrase “for the good of you and of Israel” might be understood as alluding to it.⁹⁷

3.4. Epistolary Phrases

Some of the developments described in the previous section reflect the aspect of friendly disposition, of *philophronēsis*, highlighted by Demetrius in his *On Style*; even apart from reflection about the ideals of letter writing, these features have increasingly permeated letter writing during the Hellenistic (and Roman) period. In addition to phrases addressing the well-being of the correspondent, prayer on behalf of the addressee (in Hellenistic letters represented by the *proskynēma* formula), and greetings and salutations, we should here also mention *statements on the act of writing*. Such statements comment on the use of the letter and thus fulfil an important text-pragmatic role, suggesting to the addressee how to understand, and what to do with, the letter. Some of the statements on the act of writ-

⁹⁴ Rom 15:15–16; 1 Pet 5:12; 2 John 12; 3 John 13; 1 John 5:13; cf. also 2 Macc 2:16; cf. F. SCHNIDER / W. STENGER, *Studien zum neutestamentlichen Briefformular*. NTTS 11 (Leiden 1987) 109f.

⁹⁵ Cf. KLAUCK 2006, 250f.; DOERING 2012, 206f. The claim is thus that within section C, in this volume called “Parenesis”, the final section constitutes an “epilogue”.

⁹⁶ VON WEISSENBERG 2009, 166 argues that “references to the act of writing are not a sufficient indicator of the epistolary genre”. But as we have seen it is not only the reference as such that MMT shares with many letters, it is also the structural position, and presumably function, of this reference.

⁹⁷ Compare the extension of some of the epistolary salutations to “all of ...” in the examples P.Giss. 24 and Mur 42 above.

ing might contain *stock phrases highlighting the modesty of the letter*, which is meant not to overwhelm the addressee. Thus we find New Testament letter writers asserting that they have written “briefly” (δὲ ὀλίγων [1 Pet 5:12]; διὰ βραχέων [Heb 13:22]) or made only “some points” (ἀπὸ μέρους [Rom 15:15]). It might be considered understanding the phrase מקצת דברינו כן “some of our words are in order” in 4QMMT viii 17 (C30) as a similar expression of modesty: surely, the author does not want to limit the validity of his words to *merely some part of them!* Moreover, one should also consider a similar interpretation of the phrase, מקצת מעשי התורה, “some of the works of the Torah” in viii 13 (C27), where it is immediately connected with the act of writing. Such a moderating notion might even be present in the phrase מקצת דברינו “some of our words” i 5 (B1) at the beginning of the halakhic section.

Another epistolary phrase connected with *philophronēsis* is *mutual remembrance*.⁹⁸ We can clearly see this in 2 Bar 86:1–3 but also in some of Paul’s letters. There is no direct statement of mutual remembrance in MMT (although David and the kings of Israel are to be remembered), but viii 14 (C27–28) can be taken as reflecting mutuality in the concession that “we have seen with you wisdom and knowledge of the Torah”. More generally, the conciliatory tone and the positive hope for the addressee appear to play a role similar to mutual future commemoration.

In many of the statements on the act of writing in letters we find the use of *epistolary tenses*, which indicate that the temporal circumstances of an enunciation are not determined by the moment of writing but rather of receiving the letter. Examples would be “I have written to you” or “I have sent you”, referring to a missive that (from the sender’s perspective) is yet to be sent. Such use of tenses is well-known from Latin epistolary style, and it is broadly attested in Greek papyrus letters, notably in the use of the epistolary aorist and the epistolary perfect.⁹⁹ An example in a Greek Jewish letter is the aorist ἐγράψαμεν in 2 Macc 2:16.¹⁰⁰ In the New Testament, the above-mentioned statements on the modesty of the letter all contain the epistolary aorist (ἔγραψα: Rom 15:15; 1 Pet 5:12; ἐπέστειλα: Heb 13:22). The epistolary perfect is already attested in the older Hebrew letters and in both Imperial and Roman-period Aramaic letters.¹⁰¹ As for

⁹⁸ Cf. KOSKENNIEMI 1956, 145.

⁹⁹ Cf. KOSKENNIEMI 1956, 78f. 189–200.

¹⁰⁰ Cf. SCHWARTZ 2008, 168. Schwartz similarly views in 2 Macc 1:7 γεγράφαμεν a translation of a Hebrew or Aramaic perfect, thus deviates from the majority view regarding this a reference to an *earlier* letter.

¹⁰¹ Cf. D. N. PARDEE, “The ‘Epistolary Perfect’ in Hebrew Letters”, *Biblische Notizen* 22 (1983) 34–40, with some qualifications provided by M. ROGLAND, “The Hebrew ‘Epistolary Perfect’ Revisited”, *Zeitschrift für Althebraistik* 13 (2000) 194–200; DEMPSEY 1990, listing two examples from the Aramaic Bar Kokhba letters (P.Yadin 50, 63 [though here the context is unclear]).

MMT, the perfect form כתבנו (viii 2, 13 [C10, 26]), probably to be taken as “we have written (*sc.* to you)” (see above), may similarly be considered to be an epistolary perfect.¹⁰²

A final phrase I would like to discuss here is the deployment of ועל / ויהא על, “and concerning / and furthermore concerning” in section B of MMT, which already in DJD 10 has been compared with the use of *περὶ δέ* in Paul’s letters.¹⁰³ H. von Weissenberg demurs on the grounds that this “is not specifically a formal feature of letters”,¹⁰⁴ referring to C. Hempel’s observation that על introduces legal statements in the Damascus Document (= D), in 4Q159 (4QOrd^a), and in 4Q251 (4QHal A), and “seems to have been the standard way of compiling strings of halakhic statements or expositions in the late Second Temple period”.¹⁰⁵ However, I have suggested that while in these rule texts על occurs in the superscriptions of entire *rubrics* (“On cleansing with water”, “On the Sabbath”, etc.), in MMT, by contrast, ועל / ויהא על introduces *individual* halakhic statements in a string (note the preceding ויהא / -ו).¹⁰⁶ Some of the issues thus introduced are qualified by “we think”, “we say” (iv 5.14–15; v 2–3 [B55, 64–65, 72–73]) or “it is written” (v 5–6 [B76–77]).¹⁰⁷ This is similar to the discursive structure of *περὶ δέ* + genitive in Paul’s letters, where the particle *δέ* provides both a link and a contrast with the preceding context,¹⁰⁸ and where sometimes phrases like “we know” (1 Cor 8:1), “I have no command of the Lord” (1 Cor 7:25) or “I do not want you to be uninformed” (1 Cor 12:1; 1 Thess 4:9) qualify the topic. There is ample evidence for similar use of *περὶ δέ* + genitive in Greek documentary letters,¹⁰⁹ and within Jewish literature a similar phrase with *περὶ* is found in a letter by the Romans about the treaty with the Judaeans transmitted in 1 Macc 8:22–32 (here: 31 καὶ *περὶ* + genitive).¹¹⁰ Amongst Latin letters, one might compare, for example, the use of *de* in one of Cicero’s letters to Atticus, introducing new topics (*de fratre; de comitiis meis*).¹¹¹ In sum, while this is certainly not an exclusively episto-

¹⁰² Thus SCHWARTZ 2008, 140, referring to 4QMMT viii 13 (C26) as evidence for the epistolary perfect in Hebrew.

¹⁰³ QIMRON / STRUGNELL 1994, 113f.

¹⁰⁴ VON WEISSENBERG 2009, 163; cf. also 110f.

¹⁰⁵ HEMPEL 2000a, 73.

¹⁰⁶ DOERING 2012, 202f. So already J. Baumgarten in private communication to C. Hempel, see HEMPEL 2000a, 73 n. 16; and J. M. BAUMGARTEN, “The Laws of the Damascus Document – Between Bible and Mishnah”, in: BAUMGARTEN / CHAZON / PINNICK 2000, [17–26] 24 n. 10.

¹⁰⁷ Cf. the restorations in DJD 10 for i 12 (B8) and v 7 (B77, end).

¹⁰⁸ 1 Cor 7:1.25; 8:1; 12:1; 16:1.12; 1 Thess 4:9; 5:1; cf. 1 Cor 8:4; 1 Thess 4:13 *περὶ* + gen.; 2 Cor 9:1 *περὶ μὲν γὰρ*.

¹⁰⁹ The passages are provided by P. ARZT-GRABNER et al., 1. *Korinther*. PapKNT 2 (Göttingen 2006) 243–245; and listed in DOERING 2012, 203 n. 164.

¹¹⁰ Cf. the syntactically more integrated phrases in a letter by the Spartan king Arius to the high priest Onias in 1 Macc 12:20–23, here 21: *περὶ τε* + genitive; 22: *περὶ* + genitive.

¹¹¹ Cicero, *A#*. 1:10, lines 5, 6.

lary phrase, it does have a place in letters, where it advances the discussion of individual topics.

4. Conclusion

Contrary to first impressions, MMT shows numerous intriguing similarities with (other) Hellenistic literature. It might reflect traces of an appropriation of civic ideology in portraying its ideal rules, not least in addressing a mighty addressee exhorted to reflect on royal precedence, in a way that has been claimed for sectarian rule texts. It reflects, at least in the form handed down in one manuscript (4Q394), calendar discourses as common in the Hellenistic period, and MMT in all of its copies may be seen as taking part in Hellenistic discourses on natural and positive law. Most importantly, however, MMT shows significant similarities with both letters and epistolary treatises from the Hellenistic-Roman period, ranging from the corporate address through matters of disposition and structure to individual, and here particularly epistolary, formulae. While the precise genre of MMT remains difficult to determine, these similarities should not be overlooked and may justify alignment of the text with the epistolary form of communication.

Contextualizing Paul's "Works of the Law": 4QMMT in New Testament Scholarship

Jörg Frey

1. The Scholarly Framework: The Qumran Discoveries and the New Testament

From the very beginning of the Dead Sea discoveries, the Scrolls were related to and utilised for the interpretation of early Christian documents. The discovery of new Hebrew and Aramaic texts from the 1st centuries BCE and CE filled a severe lacuna in our sources of Second Temple Judaism because before 1947 Hebrew and Aramaic sources from the time between the latest Hebrew Bible texts (Daniel) and the earliest Rabbinic were almost unknown, which meant that scholars could only draw on Greek authors and texts (LXX, Philo, Josephus) or some Pseudepigrapha preserved in other ancient languages (Syriac, Latin, Ethiopic, Slavonic etc.) when discussing the history and traditions of that period of Judaism. This lacuna strongly limited the possibilities for appropriately assessing the Jewish background of early Christian texts. Against this backdrop, the discovery and scholarly evaluation of more than 900 fragmentary manuscripts in the 11 caves near Khirbet Qumran has enormously contributed to a rediscovery of the Jewish roots of the Jesus movement and early Christianity and to the overcoming of the then dominant history-of-religions paradigm for explaining Pauline or Johannine thought against a non-Jewish background or even an alleged pre-Christian Gnosticism.¹

During the first two or three decades after the discoveries, the Qumran debate was limited to the small number of texts published in the early period, i.e., mostly the important Scrolls from Cave 1 (1QS, 1QH^a, 1QM, 1QpIsa) and the so-called Damascus Document (CD) already known from the Cairo Geniza, whereas the vast majority of texts, especially from the numerous fragments from Cave 4, were still inaccessible to wider scholarship. The themes discussed in this early period include topics of primarily 'Christian' interest, such as Messianism and Scriptural interpretation, du-

¹ Cf. FREY 2006, 458–461 and 2012b, 535f. For an overview cf. my comprehensive RAC article: "Qumran", RAC 28 (2017) 550–592; Engl. trans. (by J. Cerone): "Qumran: An Overview", in: FREY 2019, 45–81.

alism and eschatology, purification rites and community meals, the Qumran calendar and the comparison of the Qumran community and the community of the Jesus followers with regard to their offices, structure, admission procedure, and discipline.² Some scholars even boldly suggested a direct analogy between the 'new covenant' of the Scrolls and the Christian 'new covenant'³ or a historical connection between John the Baptist, Jesus, or the author of the Fourth Gospel and the Qumran community.⁴

The scholarly focus changed, when after the publication of the Temple Scroll⁵ in 1977 not only a wide variety of different para-biblical, liturgical, calendrical, and sapiential texts was made known⁶ but also the importance of halakhic issues was more widely acknowledged and the more 'Jewish' themes of halakhic debates became dominant in subsequent research.⁷ The impatience among scholars grew when the publication of the numerous promising texts was further delayed and only some preliminary information had been given to the public, with the texts themselves still being kept in secrecy. This was the soil on which conspiracy theories grew, including the suspicion that the new texts could totally change the traditional and scholarly views about Jesus and the early Christians.⁸ It is no coincidence that MMT was the example where the battle was fought with leaked or unauthorised publications and finally a lawsuit about the authors' rights with regard to his reconstructions.⁹

The information about an "Unpublished Halakhic Letter from Qumran" stimulated the discussion not only among specialists of Jewish halakha and calendar issues but also among New Testament scholars, for various reasons: There was, first, the suggestion that this letter might have been written by the "Teacher of Righteousness" himself, which would mean

² J. FREY, "Qumran Research and Biblical Scholarship in Germany", in: DIMANT 2012, [529–564] 533f. A survey of early research (from a sceptical perspective) is provided by H. BRAUN, *Qumran und das Neue Testament*, 2 vols. (Tübingen 1966).

³ Thus in an early attempt DUPONT-SOMMER 1950, 119–122. For critical evaluation, see FREY 2006, 419–424.

⁴ Cf. J. FREY, "Jesus, Paulus und die Texte vom Toten Meer: Forschungsgeschichtliche und hermeneutische Perspektiven", in: J. FREY / E. E. POPKES (eds., with S. TÄTWEILER), *Jesus, Paulus und die Texte von Qumran*. WUNT II/390 (Tübingen 2015) [1–29] 15–18.

⁵ YADIN 1977.

⁶ DIMANT 2012a, 6: "it was realized that the library is not a homogeneous sectarian-apocalyptic collection."

⁷ Cf. L. T. SCHIFFMAN, *Reclaiming the Dead Sea Scrolls* (Philadelphia 1994) 83–89. Cf. DIMANT 2012a, 7: The publication of MMT "turned the Qumran halakhah into a major research preoccupation".

⁸ The main scholar behind such suspicions was Robert EISENMAN. Cf. EISENMAN / WISE 1992 (with the German translation published under the rather inappropriate title "Jesus und die Urchristen" [EISENMAN / WISE 1993]).

⁹ Cf. FLINT / VANDERKAM 2002, 392–397.

that it could provide first-hand knowledge about this enigmatic figure.¹⁰ The juxtaposition of two interpretations of the Torah reminded scholars of the antitheses of Jesus in the Sermon on the Mount with the prominent formula "you have heard that the ancients were told..., but I say to you..." (Mt 5:21–48). The mention of the separation of a group by use of the verb פָּרַשׁ (*parash*, "to separate oneself") evoked questions about the separation of the Pharisees¹¹ or about other Jewish factions or 'sects'. Furthermore, the presence of a polemical letter in the Qumran corpus suggested itself for comparison with Paul's polemical letters, esp. Galatians. Finally (and most importantly) the phrase "*miqṣat Mā'ase ha-Tora*" ("some of the works of the Torah"), which was quoted in the preliminary notification on the text and even chosen as the scholarly name of the composition,¹² appeared to be a sensational discovery: It was the first and still is the only exact Jewish parallel to the Pauline phrase ἔργα νόμου ("works of the law"), which is intensely debated with regard to its meaning and has a pivotal position in the debate about Paul's view of justification and the Jewish Law.

This discovery was just made public when a new debate had started to occupy New Testament scholarship, the debate about the so-called "New Perspective on Paul" as opposed to an 'Old' or Lutheran perspective on Paul.¹³ The latter was represented by interpreters in the tradition of the Reformation, including the Bultmann School. In this debate, basic elements of the traditional interpretation of Pauline theology (and thus the center of the Protestant doctrine of justification) were at stake, and interpreters in the Lutheran tradition, especially from Germany, were accused of an inappropriate view of Judaism or even of a distinctive anti-Jewish bias. In this increasingly fervent debate, the new parallel was quickly utilized as an argument for the 'New Perspective' – although its real meaning and its applicability for the understanding of Paul were still unclear at that time.

¹⁰ Thus QIMRON / STRUGNELL 1985a; cf. also STEGEMANN 1993, 148–151, with the heading: "Die Weisung des Lehrers an Jonatan" (148), and BETZ 1994, 194, with reference to the remark in 4Q171 (4QpPs37) iv 7–10. The idea was eagerly adopted among non-specialists and NT scholars.

¹¹ This term, probably used not by the Pharisees themselves but only by outsiders, is derived from the verbal root פָּרַשׁ. In the present context, it seems to be used positively by a member of a group that separated itself from another group, probably the majority of Israel.

¹² An original title is not preserved. Earlier names include 4QMishn or just 'a Halakhic Letter.' Cf. JOHN STRUGNELL in QIMRON / STRUGNELL 1994, vii.

¹³ The debate exploded after earlier forerunners with the provoking book by E. P. SANDERS, *Paul and Palestinian Judaism* (= SANDERS 1977), and the name 'New Perspective on Paul' was given in a stimulating article by J. D. G. DUNN, "The New Perspective on Paul" (= DUNN 1983), although the term had already been used before by N. T. WRIGHT (cf. DUNN 2005, 7 n. 24). On the debate between Old and New Perspective, see WESTERHOLM 2004.

2. The “Works of the Law” and the Debate about Pauline Theology

2.1. The Early Reactions among Qumran and New Testament Scholars

After an early mention of the Text in the *Revue Biblique* in 1956,¹⁴ information on the text with some quotations was published by Qimron and Strugnell in the proceedings of a 1984 conference¹⁵ and in another brief article.¹⁶ It is no coincidence that the debate on this “revolutionary”¹⁷ text started long before its ‘official’ publication in 1994. In 1990, the textual reconstruction (as crafted jointly by Elisha Qimron and John Strugnell), which had been confidentially distributed at a conference, was ‘anonymously’ published together with a preliminary English translation in the Polish journal *The Qumran Chronicle*.¹⁸ This text was, then, also reprinted by Hershel Shanks in the original ‘Publisher’s Foreword’ of the ‘Facsimile Edition’ of the Scrolls.¹⁹ A different (and, as we can now see, erroneous) reconstruction of MMT as originally two (!) letters was published by Robert H. Eisenman and Michael O. Wise, together with the interpretation that the views uttered in MMT might concur with the position of James (as opposed to Paul) on justification. Playing with sensationalism about the ‘uncovered’ texts, the book by Eisenman and Wise ultimately was to support Eisenman’s idiosyncratic views that the Qumran texts (regardless of their palaeographical and radiocarbon date) contained encrypted information about the early Jesus movement (with James as the ‘righteous teacher’ and Paul as the ‘wicked priest’).²⁰ An early article by Martin G. Abegg

¹⁴ Cf. QIMRON / STRUGNELL 1994, vii.

¹⁵ QIMRON / STRUGNELL 1985a.

¹⁶ QIMRON / STRUGNELL 1985b.

¹⁷ Thus ABEGG 1994, 55: “nothing short of revolutionary.”

¹⁸ “An Anonymously Received Pre-Publication of the 4QMMT”, *The Qumran Chronicle* 2 (December 1990) 2–9. In spite of the dubious circumstances, the fact that the text was now made known to a greater public was enthusiastically welcomed by many NT scholars, who were eagerly waiting for the release of the hidden Qumran texts.

¹⁹ “Figure 8: Transcription of MMT from *The Qumran Chronicle* – 12/90,” in the original extended “Publisher’s Foreword” by Hershel Shanks (in EISENMAN / ROBINSON 1991, 1:xii–xlv) on p. xxxi. Cf. also SHANKS’ report in *Freeing the Dead Sea Scrolls. And Other Adventures of an Archaeology Outsider* (London / New York 2010) 164. Because of this republication, the Biblical Archaeological Society was sued by Elisha Qimron for copyright infringement. Cf. FLINT / VANDERKAM 2002, 392f. The page with “figure 8” was, then, removed from all copies of the Facsimile Edition following the lawsuit, with the longer Publisher’s Foreword quoting a lot of material on the delay of publication of the Scrolls replaced by a brief one (now xiii–xiv).

²⁰ EISENMAN / WISE 1993, 203. Cf. R. H. EISENMAN, *Maccabees, Zadokites, Christians and Qumran*. *Studia post-biblica* 34 (Leiden 1983); Id., *James the Just in the Habakkuk Pesher*. *Studia post-biblica* 35 (Leiden 1986). For criticism, see FREY 2006, 424–426.

in *Biblical Archaeology Review* focused on the relevance of this for the understanding of Paul, suggesting that Paul in his letters is "reacting to the kind of theology espoused by MMT"²¹ and speculating whether "Essene or other Jewish sectaries who were familiar with the phrase 'works of the law' had become followers of Jesus".²²

Other scholars were also quick to adopt the preliminary information and comment on the relevance of MMT for the understanding of Galatians and the phrase ἔργα νόμου in Paul.²³ The eminent British New Testament scholar James D. G. Dunn, who had coined the 'New Perspective on Paul,' provided a first comprehensive comparison of MMT and Galatians,²⁴ which was quickly followed by a critique from his steady rival, N. T. Wright, the other 'champion' of the 'New Perspective,' who tried to argue that the issues taken up in MMT and in Paul are so different that MMT cannot be used to illuminate the worldview of the apostle.²⁵ A few number of other contributions followed,²⁶ but about ten years after the release of the text, the debate calmed down. Although NT scholars have rarely discussed the wider framework of the text and its relevance within the Qumran debate, nor even noticed the difficulties of its reconstruction and interpretation, the passage about the "works of the Torah" from MMT viii 13 (C27) is regularly quoted in works on Paul and the Jewish Law, although the interpretations of Paul and the issue of contemporary Jewish 'nomism(s)' ²⁷ it is claimed to support differ significantly. Although the new parallel from MMT cannot decide the exegetical matters, the passage helps to contextualizing Paul's issue with his Judaizing opponents and his use of the Greek phrase ἔργα νόμου.

²¹ ABEGG 1994, 54.

²² ABEGG 1994, 55.

²³ Cf. BACHMANN 1993, 27–31; KUHN 1994, 209–213, GRELOT 1994, 445–448; less specific BETZ 1994 and FLUSSER 1996.

²⁴ DUNN 1997; see his own retrospective in DUNN 2005, 14.

²⁵ N. T. WRIGHT, "Paul and Qumran: When Paul shuns the 'works of the law,' is he referring to the very works commended by the Dead Sea Scroll known as MMT?", *Bible Review* 14/5 (1998) 18 and 54; also the more extensive article WRIGHT 2006 (cf. the retrospective in WRIGHT 2013, 332).

²⁶ Cf. ABEGG 1999; M. G. ABEGG, JR., "4QMMT, Paul and 'Works of the Law'," in: P. W. FLINT (ed.), *The Bible at Qumran: Text, shape, and interpretation* (Grand Rapids 2001) 203–216; FLUSSER 1996, WRIGHT 2006; HOGETERP 2008; comprehensively but with some misinterpretations J. C. R. DE ROO, *Works of the Law in Qumran and in Paul*. New Testament monographs 13 (Sheffield 2007).

²⁷ J. D. G. DUNN, "Noch einmal 'Works of the Law': The Dialogue Continues", in: I. DUNDERBERG / Ch. TUCKETT / K. SYREENI (eds.), *Fair Play: Diversity and Conflicts in Early Christianity. Essays in Honour of Heikki Räisänen*. NT.S 103 (Leiden / Boston 2002) [273–290] 274, notes that he discovered MMT to be supportive of his interpretation as originally phrased in DUNN 1983. On the various forms of nomism and the relevance of MMT, see HOGETERP 2008.

2.2. Aspects of the Pauline Debate: Justification, ‘Works of the Law’ and the ‘New Perspective’

In the present context, the main issues in the Pauline debate and the various possibilities of interpretation can be sketched only very briefly:²⁸ ἔργα νόμου is the Greek term used by Paul in Gal 2:16; 3:2.5.20, and in Rom 3:20.28, when he argues for the view that “a human is not justified by the works of the Law but through faith in Christ Jesus” (thus Gal 2:16: οὐ δικαιοῦται ἄνθρωπος ἐξ ἔργων νόμου ἐὰν μὴ διὰ πίστεως Ἰησοῦ Χριστοῦ).²⁹ In Galatians, Paul polemically refutes the position of rivaling missionaries who tried to convince the Gentile converts in Galatia to accept circumcision in addition to their faith in Christ. Such a view (based on the idea that Gentile converts should formally become Jewish in order to fully participate in the salvation through Christ) was about to undermine Paul’s gospel of grace. So the apostle had to point out that when being circumcised the former Gentiles would be liable to observe the Jewish Law in its entirety and that in case of transgression the curses on the transgressors would also fall on them (Gal 3:10; cf. Deut 27:26). As Paul (not in his pre-Christian period but as Jesus follower and Apostle) was convinced that no human fully observed the law, he was equally convinced that the curses of the law threatened everyone who had not been liberated from the power of sin (Rom 7:7–25) and from the curse on the sinner, by the one who took the curse on himself, Christ in his vicarious death (Gal 3:10). Thus, the additional acceptance of circumcision would be a relapse behind God’s grace granted to them on behalf of Christ, or even a denial of God’s grace in Christ. This is the reason why Paul argues so polemically against the Judaizing counter-missionaries who preached the soteriological necessity of circumcision and thus implicitly of doing the law.

In Romans where Paul unfolds his teaching more independently from immediate polemical interests, the principle is repeated that “by the works of the Law no flesh will be justified in His sight” (Rom 3:20) or that “a human is justified by faith apart from works of the law” (Rom 3:28). Unlike in Galatians 2:11–21, there is no link to particular boundary markers or to the specific issues of circumcision, food, or purity. Here, Paul seems to express a more general soteriological principle, not merely related to a particular situation or practical issues of his mission to the Gentiles. God will justify anyone, the circumcised and the uncircumcised, through faith

²⁸ Cf. my overview in FREY 2012b.

²⁹ I cannot enter the discussion about the suggestion by Richard Hays and others according to which the phrase διὰ πίστεως Ἰησοῦ Χριστοῦ should be interpreted in terms of a subjective genitive (“through the faithfulness of Jesus Christ”). In my view, the reading is inappropriate for contextual and theological reasons.

(Rom 3:29), and any kind of boasting of election or observance of the law is excluded (Rom 2:23; 1 Cor 1:29; 3:21).³⁰

The precise understanding and even the theological centrality of Paul's teaching on justification have been intensely debated in New Testament scholarship. While interpreters in the tradition of (particularly Lutheran) Reformation theology usually consider Paul's teaching of the justification of the ungodly through faith in Christ the pivotal idea of Pauline theology, rooted in his own conversion experience or his Pharisaic background, others consider Paul's distinctive views on justification merely a late development in his thought (as they only appear in Galatians and Romans)³¹ or a rather marginal idea within a wider concept of Pauline 'mysticism'³² or participation in the covenant or eschatological salvation. While traditional (in particular Lutheran) interpreters often saw a sharp contrast between Paul's doctrine of grace and contemporary Judaism (often misconceived of as a 'religion of works' done for 'earning' eschatological salvation, hence a religion of 'self-redemption'), more recent research (not only in the context of the 'New Perspective') has called for a number of modifications and changes, and the abandonment of traditional clichés of Judaism.

The so-called 'New Perspective' was first prepared by the work of the Lutheran bishop and Harvard professor Krister Stendahl³³ who made clear that Pauline interpretation in the West (since Augustine) had suffered from a narrow focus on individual sin and salvation and that (unlike Luther) Paul before his conversion had not suffered under the burden of sins or longed for a merciful God, but rather had a robust conscience. Thus, the Reformation paradigm was proven inadequate for interpreting Paul's biography. The most important change in scholarship was stimulated by the monograph by E. P. Sanders,³⁴ who polemically rejected the still widespread cliché that Judaism in the time of Paul was a religion of works and merit or even 'self-redemption'. According to his analysis of a large number of texts, Second Temple Judaism should also be considered a religion of grace, as manifest in Israel's election and the gift of the covenant. Thus, God's grace, not human dignity, is the reason for election and for entering the realm of salvation (or rather: the covenant). Lawful works are

³⁰ Cf. GATHERCOLE 2002.

³¹ Thus U. SCHNELLE, *Apostle Paul. His Life and Theology*, transl. E. BORING (Grand Rapids 2005). See earlier U. SCHNELLE, *Wandlungen im paulinischen Denken*. Stuttgarter Bibelstudien 137 (Stuttgart 1989). For criticism, see J. FREY, "Rechtfertigungstheologie im Ersten Korintherbrief", in: Id.. *Von Jesus zur neutestamentlichen Theologie*. WUNT 368 (Tübingen 2016) 415–441.

³² Thus already W. WREDE, *Paulus* (Halle 1904) and A. SCHWEITZER, *Die Mystik des Apostels Paulus* (Tübingen 1930).

³³ K. STENDAHL, "The Apostle Paul and the Introspective Conscience of the West", *HTR* 56 (1963) 199–215.

³⁴ SANDERS 1977.

not required to enter but merely to stay within the realm of the covenant. In this perspective, the religion of Second Temple Judaism and the religion of Paul share a common structure of 'covenantal nomism' according to which 'getting in' is granted by grace whereas 'staying in' is ensured by appropriate conduct. Critically building on the views of Stendahl and Sanders, but further applying sociological categories, James Dunn has developed the view that Paul's primary concern was not about the salvation of individual humans but about the inclusion of the Gentiles in the people of God and that when excluding the "works of the law", Paul primarily criticises his fellow-Jews in their use of 'boundary markers' such as circumcision, purity and food laws, for distancing and excluding the Gentiles.³⁵

In response to Sanders' provocative views, the question has been raised, whether such a concept can really be considered the common general structure in Second Temple Judaism or whether it is too much an abstraction that ignores the differences in detail. According to the critics, those differences between various factions and texts should better be considered in order to discern various types of nomism (or even various Judaisms).³⁶ Other scholars have expressed the critical question whether the 'New Perspective' focuses too much on sociological issues of community formation and identity but underestimates the eschatological dimension (of judgment) and Paul's forensic language.³⁷ A deepened investigation of various Second Temple and Rabbinic texts could further show that (in spite of the priority of grace and the covenant) human deeds were still considered important in face of the eschatological judgment.³⁸ After more than 35 years, the debate has created various sub-debates, and the lines between advocates of the 'new' and the 'old' perspective have partly blurred, so that the important changes inspired by Sanders and Dunn and the remaining legacy of aspects of the 'Lutheran' perspective can even be combined.³⁹

In this whole discussion, a pivotal issue has been the meaning of the term "works of the law": Does Paul reject even the human attempt to fulfil

³⁵ DUNN 1983; cf. in retrospective DUNN 2005.

³⁶ Cf. CARSON / O'BRIEN / SEIFRID 2001. In particular, the views about the covenant (and about the question of who is within the covenant and who is not) are quite different in various groups. Thus, e.g., Qumran covenanters held a concept that excluded the majority of other Jews. Therefore, it is not without problems to find all factions united in one common 'covenantal nomism'. Similarly, John Barclay has recently shown that Sanders's concept of 'grace' is monolithic as well: "Grace is everywhere in the *theology of Second Temple Judaism*, but not everywhere the same" (BARCLAY 2015, 565).

³⁷ P. STUHLMACHER, *Revisiting Paul's Doctrine of Justification: A Challenge in the New Perspective* (Downers Grove, IL 2001) 14–16 and 40f.; GATHERCOLE 2002, 223. See also the critical evaluation in FREY 2012b.

³⁸ On the Rabbinic material s. AVEMARIE 1999; on Pharisaism s. DEINES 2001 and, for a comprehensive critique of Sander's views s. M. HENGEL / R. DEINES, "E. P. Sanders' 'Common Judaism', Jesus and the Pharisees", *JTS* 46 (1995) 1–70.

³⁹ Cf. WESTERHOLM 2004; cf. also BARCLAY 2015.

the law⁴⁰ (as a misguided human attempt to gain salvation by works)? Such a view, as prominently advocated by the Lutheran existentialist Rudolf Bultmann, is almost totally abandoned today. It is widely accepted, instead, that Paul was not against 'doing' good or lawful works as such and that also for Paul the Jewish Law demands to be fulfilled (Rom 2:13). Paul simply denies the soteriological value of "works of the law" as he also denies the soteriological relevance of circumcision. But here the problems get even more difficult: Does the phrase refer to the whole law or only to a selection of laws such as, e.g., cultic laws,⁴¹ or to particular boundary markers, such as circumcision and food and purity laws, which could serve as a demarcation line between Jews and Gentiles?⁴² And does it point to lawful 'works',⁴³ with the focus on 'doing' or even on the merits of obedience, or does it merely mean precepts without implying the human activity or obedience,⁴⁴ or is it inappropriate to separate those two aspects, so that both aspects are linked together?⁴⁵

2.3. The Contribution of MMT to the Debate on the "Works of the Law"

These issues were intensely debated when MMT was made public. But what does this halakhic letter as a whole and the phrase מעשה התורה (*ma'ase ha-torah*) in particular contribute to the Pauline discussion? Is the parallel a real parallel, or does it actually represent a different perspective and focus on different aspects, so that it cannot be used to illuminate the context of the Pauline usage? What is really "revolutionary"⁴⁶ about MMT, or were the (early) claims about its importance an overstatement? From the aspects highlighted by various scholars, some common features might be too general, while others can be helpful for understanding Paul and his contemporaries.

⁴⁰ Thus prominently R. BULTMANN, *Theologie des Neuen Testaments* (Tübingen 1953) 263.

⁴¹ K. HAACKER, *Der Brief des Paulus an die Römer*. ThHK 6 (Leipzig 1999) 83f., and Id., "Verdienste und Grenzen der 'neuen Perspektive' der Paulus-Auslegung", in: BACHMANN 2005, [1–16] 13f.

⁴² DUNN 1983.

⁴³ Thus A. DAS, *Paul and the Jews* (Peabody 2003) 40–42, and F. AVEMARIE, "ἔργον", *TBLNT*² 1 (1996) 57–59 and Id., "Die Werke des Gesetzes im Spiegel des Jakobusbriefs. A Very Old Perspective on Paul", *ZTK* 98 (2001) 282–309.

⁴⁴ Thus BACHMANN 1993, 1999, 2005a and in a number of further publications, the most recent one is "Lutherische oder Neue Paulusperspektive? Merkwürdigkeiten bei der Wahrnehmung der betreffenden exegetischen Diskussionen", *Biblische Zeitschrift* 60 (2016) 73–101; cf. also R. BERGMEIER, *Gerechtigkeit, Gesetz und Glaube bei Paulus. Der judenchristliche Heidenapostel im Streit um das Gesetz und seine Werke*. BThS 115 (Neukirchen-Vluyn 2010) 27–30.

⁴⁵ FLUSSER 1996; cf. BACHMANN 2005a, 88f.

⁴⁶ ABEGG 1994, 55.

2.3.1. Some more General Analogies

Some features of MMT provide more general analogies with aspects of the Pauline letters. Whereas they might not help interpreting the phrase ἔργα νόμου, they provide a larger framework for comparing the ‘halakic letter’ with Pauline epistolography.

a) If MMT can be considered an admonishing and/or polemical letter or a letter treatise, it generally contributes to the Jewish context of Pauline epistolography.⁴⁷ The fact that the writing was later copied and studied within the community does not contradict the idea that it was first written as a letter addressing a figure outside or even opposed to the “we”-group.⁴⁸ Similar phenomena can also be presupposed with regard to the Pauline letters, which were collected and studied within communities that differed from the original addressees. The fact that the letter was preserved and copied rather points to the importance of its content or its author for later group members.

b) The author is using the plural “we,” which is also used occasionally in Paul. The meaning and implications of such a plural (“we” as an ‘authorial’ plural with the meaning “I” or “we” representing a real plurality of senders) have been intensely debated in Pauline research. In MMT, the “we” obviously refers to a plurality, represented by the author, namely to the group that has ‘separated’ itself from a larger body of the people and actually practices the halakha exposed in MMT, and occasionally, the writing also refers to a “they”-group. These references are not only an interesting clue for figuring out the development of factions and groups at the time of composition of MMT,⁴⁹ they can also be compared with the communication structure in Pauline (and other NT) epistles.⁵⁰ In MMT, the author addresses a “you” as a ruler or representative of Israel, with the aim to convince the addressee of his own legal viewpoint for his own benefit and also that of whole Israel.⁵¹ In spite of the separation or opposition, the tone of the letter is not hostile but apparently still open enough to convince the addressee, although it is unclear whether the addressee should be associated with all the dissenting views mentioned in MMT part B. In Galatians, the communication structure is clearer: Paul (using “I” or also “we”) addresses a “you” group (i.e. the communities he wants to convince)

⁴⁷ Cf. DOERING 2012, 194–214, 424 and 503; most recently MILLER 2015. On the genre of MMT and its epistolographic elements, see also the contribution by Lutz Doering in the present volume.

⁴⁸ Cf. the criticism in FRAADE 2000 and the discussion in DOERING 2012, 194–199.

⁴⁹ QIMRON / STRUGNELL 1994 identify the “they”-group with the Pharisees or their predecessors, whereas other authors want to see the Pharisees in the background of the “you”-group, see DEINES 2001, 465–474.

⁵⁰ Cf. DOERING 2012, 200–207, also KAMPEN 1996, 129–135.

⁵¹ Cf. also DEINES 2001, 463–465.

but also mentions a "they" group of rival preachers or opponents who are not directly addressed but only indirectly mentioned and polemically rejected.

c) Another similarity can be linked with the thematic variety in MMT and also in some of the Pauline epistles in which various halakhot (MMT) or topics (Paul) are dealt with in certain sequence.⁵² MMT connects the teaching on the various halakhot by the markers ועל (*w'l*) or על וְאִי (*w'p 'l*), whereas Paul in 1 Corinthians introduces the topics or problems he was asked for in the letter of the community (cf. 1 Cor 7:1) by the use of the structuring περι δέ (1 Cor 7:1.25; 8:1; 12:1; 16:1.12).⁵³

d) It has further been mentioned that both writings refer to calendrical matters, but while the calendrical instruction (regardless of original or a later addition) is a major part of MMT (part A, at least in the manuscript 4Q394),⁵⁴ the reference to the observance of days, months, seasons, and years (Gal 4:10) is only a minor issue in Galatians.

2.3.2. Four Important Parallels

While the aspects mentioned above merely provide a wider framework of comparison, we can focus on the more significant aspects for NT interpretation and, in particular, the debate about the "works of the Law" in Paul.

a) Following the writer's self-description "we have separated ourselves..." (MMT vii 19 [C7]), we can see that "separation was motivated by purity concerns".⁵⁵ This confirms the motives for separation in a wider context of Ancient Judaism, between Jews of different 'parties,' and even more so between Jews and Gentiles or Jewish followers of Jesus and Gentile converts, as is reported in Gal 2:12. This does not imply, however, that the Galatian Jesus followers had been confronted with detailed teachings of the sort found in MMT⁵⁶ or that the concerns of Peter in Antioch or other Jewish Jesus followers were similar to the detailed halakhot taught in MMT. The parallel only confirms that purity concerns were a reason for separation in Second Temple Judaism, whereas the precise views or halakhot might have differed from case to case.

⁵² For a discussion of Paul's ethical perspectives (focussing on 1 Corinthians) in the context of Jewish halakha see P. J. TOMSON, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles. Compendia rerum Iudaicarum ad Novum Testamentum* 1 (Assen 1991).

⁵³ Cf. QIMRON / STRUGNELL 1994, 113f.; cf. the discussion in DOERING 2012, 202–205, who also points to parallels in Greek documentary letters. See also the article by Lutz Doering in the present volume, p. 183 and 197–198.

⁵⁴ See Jonathan Ben-Dov in the present volume, p. 105–116 and Lutz Doering, p. 182–183.

⁵⁵ DUNN 1997, 147.

⁵⁶ Thus WRIGHT 2006, 337.

b) A significant parallel between MMT and Galatians is that both writings draw on the blessings and curses from Deuteronomy (esp. Deut 27–30). MMT vi 7–8 (C20) considers some of the blessings and curses already fulfilled, and according to MMT viii 6–7 (C13–14) it is expected that other words are yet to come true. Such a double eschatology (which is well-known also from other Qumran texts, such as the *Hodayot*) provides a close parallel to the eschatology of the “already” and “not yet” in the early Jesus movement and probably already in the proclamation of Jesus himself,⁵⁷ although there is a notable difference with regard to the reason for the assessment that some aspects are considered already present or fulfilled. The more important aspect here is that in Gal 3:8–14 Paul also adopts the reflection on Israel’s blessings and curses when discussing matters of the Torah. However, while MMT is about the welfare of Israel, Paul thinks of the blessing to the Gentiles, and while MMT sticks to Deut 27–30, Paul additionally refers to the blessing to Abraham to counterbalance the curses on the trespassers of the Law. When Wright says that the parallel is merely used to interpret both passages within a ‘covenantal’ context,⁵⁸ this is far too superficial, as the focus in MMT is on the decision between curse and blessing, and Paul is looking for a different blessing, which can finally outweigh the curse linked with the precepts of the law.

c) The most ‘revolutionary’ point for the discussion was, however, the term מעשי התירה which had been unattested before in pre-Pauline Greek as well as in the Hebrew Bible and in Rabbinic Literature. Apart from a number of less exact parallels,⁵⁹ 4QMMT viii 13 (C27) with its mention of התירה מעשי התירה provides the only exact Hebrew parallel to the syntagma ἔργα νόμου in Ancient Hebrew literature. If Paul was aware of a Hebrew rendering of his syntagma (as we can assume), it is most probably the phrase מעשי התירה.⁶⁰ If there is any chance to philologically and contextually clarify the enigmatic term ἔργα νόμου in Paul, the evidence provided by MMT must be the point of departure, although the semantic range of the phrase cannot be limited by this text, because it obviously represents a type of

⁵⁷ See the comprehensive early study by H.-W. KUHN, *Enderwartung und gegenwärtiges Heil. Untersuchungen zu den Gemeindefiedern von Qumran mit einem Anhang über Eschatologie und Gegenwart in der Verkündigung Jesu*. SUNT 4 (Göttingen 1966); cf. also FREY 2011, 267–272 and FREY 2012a, 456f.

⁵⁸ Thus WRIGHT 2013, 339–342 who considers the common deuteronomic thought pattern rather than the phrase ‘works of the law’ the most important parallel between MMT and Paul (cf. WRIGHT 2013, 345f.).

⁵⁹ Thus 1QS V 21 מעשי בתורה “works in the law” (cf. 1QS V 23) also 1QS VI 18 with suffix בתורה מעשי and other phrases such as “works of righteousness,” etc. The passage in 4Q174 1–2 i 7 = 4QMidrEsch³ III 7, which has often been quoted as a parallel, most probably reads a dalet instead of a resh, so that the syntagma there is מעשי בתודה (“works of praise”); cf. KUHN 1994, 205–207; GRELOT 1994, 446, following É. PUECH, *La croyance des Esséniens en la vie future: immortalité, résurrection, vie éternelle?* EtB 22 (Paris 1993) 578; STEUDEL 1994, 44.

⁶⁰ ABEGG 1999, 139.

thought different from Paul as well as from the Jewish Jesus followers he is in debate with.

In MMT, the term מעשי התורה clearly points to the halakhic regulations or teachings mentioned before in part B. But it is a severe misinterpretation to limit the term (in MMT and even more so in Paul) to mere precepts, as MMT strongly presupposes that these teachings ought to be practiced by the addressee or the group he represents. The focus is on doing "what is right and good before him," i.e. on the lawful works, so that the term should not be translated as "precepts of the law", as it is always implied that they are precepts that the law demands to be obeyed. Paul likewise draws on 'works' that were apparently supposed to make a human righteous (before God, in an eschatological judgment), so that also in Paul it is implausible to limit these ἔργα to mere precepts or halakhot without considering *the practice* of those precepts as well.

d) This is confirmed by the fact that, only four lines later, the author phrases: "...it will be reckoned to you as righteousness, in that you have done what is right and good before him" (MMT viii 17–18 [C31–32]). Again, the author stresses "doing" what is right before God, and this refers quite clearly to the "works of the law," the precepts or halakhot as presented before. The phrase "reckoned to one as righteousness" echoes the MT of Psalm 106:31 (rather than Gen 15:6 where not the *nif'al* but the *qal* of חשב is used).⁶¹ It can be assumed that the subject of such a 'reckoning' or the one who can consider the addressee righteous (because of his practice of lawful works) is God. The addressee will "rejoice in the end" if he has accepted the teaching and practiced the works accordingly so that he will be considered righteous. Here, righteousness occurs in a clearly eschatological framework in which the human (here: the addressee) is judged by God, and the criterion of being considered righteous is the teaching and practice of lawful works, based on the adoption of the correct halakhic interpretation.

2.4. Summing Up the Findings for the Pauline Debate

The question is, whether and to what extent the context of MMT can be used to illuminate the meaning of ἔργα νόμου in Paul. Was Paul aware of the context of the usage of this phrase in Palestinian-Jewish discourses, and, if so, how far did this affect his usage and the meaning of the Greek syntagma? Here, we can distinguish different levels of certainty:

a) First of all, Paul uses a legal terminology which points to legal discourses between various factions in Palestinian Judaism. Regardless which faction the author of MMT, his addressee, Paul and his opponents belong

⁶¹ ABEGG 1999, 207–212.

to, the reference to the Jewish law and the debate about its interpretation and practice was what united and divided them. And although we cannot know whether Paul's opponents themselves used the phrase 'works of the law' (or something similar), Paul's usage demonstrates his acquaintance with Palestinian Jewish debates and his capability of entering legal discourses with his fellow Jews. Together with a number of other linguistic parallels from Qumran, the phrase from MMT illuminates Paul's own religious background in contemporary Judaism, not only of the Diaspora but also within the Land of Israel.⁶² The Qumran discoveries have helped to rediscover the Jewish Paul and his background in Palestinian (and according to his own claims: Pharisaic) Judaism. Thus, it is improbably that in his rejection of the Judaizers, Paul has largely misunderstood contemporary Judaism, misrepresented the objectives of (at least some of) his fellow Jews, or even "created a straw man to bolster his own teaching regarding the Jewish law".⁶³

b) In MMT, the term מעשי התורה (*ma'ase ha-torah*), especially with the supplement מקצת (*miqṣat*) is clearly related to the list of halakhot presented in part B, which are mostly concerned about the boundaries between pure and impure. This may confirm the idea that ἔργα νόμου in Gal 2 also refers to boundary markers, albeit not those from MMT, marking the line between the group of the author and the group of the addressee(s) or other Jews. At least in Gal 2:16, Paul has in mind boundary markers between Jews and Gentiles, such as circumcision and food and purity regulations.⁶⁴ But as in MMT part B, the list of halakhot presented is only a selection ("some of"), the term מעשי התורה / ἔργα νόμου cannot be limited to those particular issues, nor generally to matters of purity, nor simply to particular issues between Jews and Gentiles.⁶⁵ Thus, the phrase can refer to a wider range of aspects of legal practice or to matters of the practice of the Law in general, as is the case in Rom 3:20.28. While Dunn has taken MMT as a confirmation of his views, Wright instead stresses the point that for Paul, the status of the Torah has changed in a more fundamental manner, it has been relativized in the new age inaugurated by Jesus's death and resurrection and "is of no use" any more "when it comes to defining the eschatological people of God."⁶⁶

⁶² FREY 2012a, 464–469, and Id., "Die religiöse Prägung: Weisheit, Apokalyptik, Schriftauslegung", in: F. W. HORN (ed.), *Paulus Handbuch* (Tübingen 2013) 59–66.

⁶³ Cf. ABEGG 1994, 55.

⁶⁴ DUNN 1983 and 1997.

⁶⁵ It should be noted that DUNN 2005, 25f., has cautiously clarified his earlier views from DUNN 1983. He does not want to narrow the 'works of the law' to boundary issues (DUNN 2005, 25), but rightly maintains that these issues can be considered a particular 'test case' for living according to what the law commands.

⁶⁶ WRIGHT 2006, 124f.

c) In MMT, the phrase refers to halakhot or precepts, but it is inappropriate to limit the semantic range of the term to the mere aspect of 'precepts' while excluding the idea that they should be practiced and done.⁶⁷ This is even more true in light of the fact that MMT viii 17–18 (C31–32) explicitly includes the aspect that the lawful practice shall be reckoned (eschatologically, by God) as righteousness. Bachmann's attempt of interpreting ἔργα νόμου as mere precepts, without any consideration of their observance, practice, and deeds, is not supported but questioned from the only exact Jewish parallel. In fact, Paul says that "through the practice of works as prescribed by the law" no one (neither Jew nor Gentile) can actually be considered righteous before God.

d) Considering the eschatological context of (God's final) judgment and the relevance of Torah practice as the criterion for judging Israel and the nations in numerous other Jewish texts, it is too one-sided to characterize Second Temple Judaism merely as a 'religion of grace' without any kind of 'optional' structure in its soteriology.⁶⁸ Furthermore, Paul's concerns are not merely social or ethnic problems of his mission, his aim is not only to overcoming the national pride or exclusiveness of some of his fellow Jews following Jesus. In his theological reasoning (in particular in Romans), he arrives at a more fundamental consideration of the soteriological situation of humans in face of the eschatological judgment, and in this situation any pride in election or boasting in lawful 'works' is excluded.⁶⁹ While Dunn and also Abegg have considered MMT a general confirmation of the 'New Perspective on Paul,' some aspects of the text give reason for a more cautious evaluation according to which some insights of the more traditional view should not be dismissed all-too easily.

In any case, the publication of MMT has provided Pauline scholarship with a most valuable parallel that illuminates discourses in the background of Paul's own language and terminology. While the situation of the Qumran text and its objectives widely differ from that of Paul and of his addressees and opponents, the text points to a common discourse about the relevance of halakhic interpretation and the related practice of the law for the identity of various factions and their mutual relations. As any history-of-religions material, MMT cannot clarify the precise meaning of the Pauline text but can only help to evaluate the various arguments and overall interpretations.

⁶⁷ This was the view suggested by BACHMANN 1993, 14; cf. *ibid.* 27f. and BACHMANN 1999 on MMT. The view has been repeated in a number of articles, cf. most extensively BACHMANN 2005a.

⁶⁸ Cf. the term in the description of Rabbinic soteriology in AVEMARIE 1999.

⁶⁹ Cf. GATHERCOLE 2002 and also S. GRINDHEIM, *The Crux of Election*. WUNT II/202 (Tübingen 2005) in critical response to DUNN 1983.

3. Other Parallels

Other suggested parallels between MMT and early Christian texts⁷⁰ are less specific, and the respective comparison can better be established with reference to other Qumran texts. So, a quick mention of further points of comparison can suffice.

a) From the very beginning, and due to the initial attribution of MMT to the ‘Teacher of Righteousness’, scholars have utilized the text for comparing the teaching authority or even the religious personality of the teacher and supposed founder of the *yahad* and the teacher and founder of the Jesus movement.⁷¹ But such a comparison is unsubstantiated if MMT cannot be attributed to the teacher and even more so since this figure is still so enigmatic and the references in a few texts (CD I 10–11; 1QpHab; 4QpPs37Peshar Habakkuk, Peshar on Psalm 37 etc) are hard to interpret.

b) A more promising comparison is the one between the teaching style in MMT (part B) and the teaching of Jesus according to the Synoptic tradition, in particular the antithetical teaching about the Mosaic Law in the Sermon on the Mount (Mt 5:21–48). Both texts use particular formulae for referring to the traditional or rejected teaching and for introducing their own interpretation and both introduce their own teaching with a remarkable authority. In MMT, the authority of the author and his group (as speaking in the plural) is contrasted to the authority and interpretation of the addressee or his group. Compared with such a debate between two Torah interpreters or the respective textual communities, the claim in the Matthaean antitheses in the Sermon on the Mount seems to go even further: As the formula, ἠκούσατε ὅτι ἐρρέθη τοῖς ἀρχαίοις (“you have heard that the ancients were told”) can refer to biblical commandments or to teachings or interpretations beyond from the Torah, the authoritative ἐγὼ δὲ λέγω ὑμῖν (“but I say to you”) can introduce teachings opposed to other interpretations but also teachings opposed to or going beyond the wording of the Torah. Jesus’s authority is juxtaposed not only to the teachings of others but also presented as an authoritative interpretation of the words of the Torah.⁷² It is disputed whether this particular type of interpretation of the Scriptures goes back to the Jesus of history or whether it was designed

⁷⁰ Cf. the survey by KAMPEN 1996.

⁷¹ Cf. H. STEGEMANN, “The ‘Teacher of Righteousness’ and Jesus. Two Types of Religious Leadership in Judaism at the Turn of the Era,” in: S. TALMON (ed.), *Jewish Civilization in the Hellenistic-Roman Period*. JSPE.S 10 (Sheffield 1991) 196–213; more briefly in H. STEGEMANN, “Jesus and the Teacher of Righteousness – Similarities and Differences”, *Bible Review* 10/1 (1994) 42–47 and 63; cf. the early, but overstated comparison in DUPONT-SOMMER 1950, 119–122 and, much more cautiously, JEREMIAS 1963. Cf. also FREY 2011, 263–266.

⁷² Cf. FREY 2011, 272–277; cf. on the example of marriage and divorce L. DOERING, “Marriage and Creation in Mark 10 and CD 4–5”, in: F. GARCÍA MARTÍNEZ (ed.), *Echoes from the Caves: Qumran and the New Testament*. STDJ 85 (Leiden 2009) 133–163; see also H.-W. KUHN,

within the later community, but at least in the view of the gospel writers, Jesus's authority can appear above the wording of the Torah and the authority of Moses, thus going beyond the authority of other interpreters, including the author of MMT.

c) There are other issues that have always been of interest for New Testament scholars, even though they go beyond the narrow range of New Testament interpretation. Mention should be made of the issue of Scriptural citations, although this is not a specific issue in MMT, and the whole Qumran corpus has intensely helped to shed light on the forms and techniques of quoting and interpreting the Scriptures in the NT. A more specific issue is given by MMT viii 2–3 (C9–10) and the mention of "the book of Moses, the books of the prophets, and David", that has been interpreted as an early testimony to the tripartite Biblical canon with David already representing the section of the writings,⁷³ but due to the uncertain date of MMT, the fragmentary preservation of the passage and the complicated history of the canonical process,⁷⁴ the text leaves more questions open than it solves.

4. Conclusion

MMT is of considerable importance for one of the most fierce debates in NT interpretation, the issue of Paul and the "works of the Law", providing (in Hebrew) the only exact verbal parallel to the Greek term used by Paul and thus confirming that the thought of the Apostle is deeply rooted within the debates of (Palestinian) Second Temple Judaism. As MMT was released only late, many other issues of the relationship between the Scrolls and the New Testament had been discussed earlier and based on other texts published earlier. On the contrary, MMT could appear particularly 'sensational', as it had been hidden from the eyes of scholars for such a long time. Its reception by NT scholars first 'exploded', but calmed down soon thereafter, and by now the text is left to Scrolls specialists. MMT sheds light on early Jewish factionalism and on the subtleties of Torah interpretation in the context or even at the outset of the Qumran movement. Although authorship and date of the text cannot be ascertained and the debate between a location of the text in the formative period of the Qumran community and a dating of (at least) the full composition (including the calendar) in a

"Jesus im Licht der Qumrangemeinde", in: T. HOLMÉN / S. E. PORTER (eds), *Handbook of the Study of the Historical Jesus*, vol. 2 (Leiden 2011) 1245–1285.

⁷³ QIMRON / STRUGNELL 1994, 59 and 112f.; but cf. the important critical rejection by BERTHELOT 2006.

⁷⁴ Cf. J. FREY, "Qumran and the Biblical Canon," in: Id., *Qumran, Early Judaism, and New Testament Interpretation: Kleine Schriften 3*, ed. J. CERONE. WUNT 424 (Tübingen 2019) 791–836.

later period will keep going on, the fact that this is one of very few letters in the corpus encourages comparison and helps to shed light on the techniques and varieties of early Jewish (and early Christian) letter writing, the emergence of Scriptural authority and – in particular – the terminological background of Paul's theology of grace.⁷⁵

⁷⁵ This essay was already published in FREY 2019.

D. Appendices

Bibliography

Following the specific rules of the series SAPERE, literature which is cited only once in the volume is notated only in the footnotes with full bibliographical references but is not listed in the bibliography; here, only literature is referenced which is quoted twice or more in the volume. The earlier editions of 4QMMT are listed among *Dead Sea Scrolls* under 2. Editions, Translations, Concordances, and Photos.

1. Abbreviations

CIIP	<i>Corpus Inscriptionum Iudaeae/Palaestinae</i>
DJD	<i>Discoveries in the Judaean Desert</i>
DSD	<i>Dead Sea Discoveries. A journal of current research on the scrolls and related literature</i>
DSSHW	<i>The Dead Sea Scrolls. The Hebrew Writings</i>
DSSP	<i>The Princeton Theological Seminary Dead Sea Scrolls Project</i>
DSSR	<i>The Dead Sea Scrolls Reader</i>
DSSSE	<i>The Dead Sea Scrolls Study Edition</i>
HTR	<i>Harvard Theological Review</i>
JAOS	<i>Journal of the American Oriental Society</i>
JBL	<i>Journal of Biblical Literature</i>
JJS	<i>Journal of Jewish Studies</i>
JSJ	<i>Journal for the Study of Judaism</i>
JTS	<i>Journal of Theological Studies</i>
NJPS	New Jewish Publication Society Translation (Tanakh)
NRSV	New Revised Standard Version (of the Bible)
NTS	<i>New Testament Studies</i>
OGIS	<i>Orientalis Graeci Inscriptiones Selectae</i>
PAM	Palestine Archaeological Museum
PSI	Papiri della Società Italiana
RAC	<i>Reallexikon für Antike und Christentum</i>
RdQ	<i>Revue de Qumrân</i>
ZTK	<i>Zeitschrift für Theologie und Kirche</i>

2. Editions, Translations, Concordances, and Photos

a. *Dead Sea Scrolls*

ABEGG 2003	M. G. ABEGG et al. (eds.), <i>The Dead Sea Scrolls Concordance</i> , 2 vols. (Leiden 2003)
ABEGG 2004	M. G. ABEGG, "Calendrical Texts", in: D. W. PARRY / E. TOV (eds.), <i>Calendrical and Sapiential Texts</i> . DSSR 4 (Leiden 2004) 2-79
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About the Authors of this Volume

Prof. Jonathan Ben-Dov is George and Florence Wise chair of Judaism in Antiquity at the department of Jewish History and Biblical Studies, University of Haifa, Israel. His research interests are biblical and post-biblical literature as part of the Ancient Near East; Apocalyptic literature and Dead Sea Scrolls; Calendars and Astronomy in Antiquity; Textual History of the Hebrew Bible. Together with Prof. Reinhard Kratz he heads the research project *Scripta Qumranica Electronica*, and together with Prof. Menahem Kister he edits the journal *Meghillot*.

Selected publications: (together with S. Talmon / U. Glessmer), *Calendrical Texts. Qumran Cave 4 XVI. DJD 21* (Oxford 2001); *Head of All Years: Astronomy and Calendars at Qumran in their Ancient Context*. STDJ 78 (Leiden 2008); (together with S. L. Sanders, eds.), *Ancient Jewish Sciences and the History of Knowledge in Second Temple Literature* (New York 2014); (together with L. Doering, eds.), *The Construction of Time in Antiquity* (New York 2017); (together with A. Gayer / E. Ratzon), *Material and Digital Reconstruction of Fragmentary Dead Sea Scrolls. The Case of 4Q418a* (forthcoming).

Prof. John J. Collins is Holmes Professor of Old Testament Criticism and Interpretation at Yale University. He previously taught at the University of Chicago and at Notre Dame. His main research is in Second Temple Judaism. He has served as editor of the *Journal of Biblical Literature* and of *Dead Sea Discoveries*, and of the *Supplement Series to the Journal for the Study of Judaism* (Brill) and is currently general editor of the *Anchor Bible* series for Yale University Press. He has been president of the Catholic Biblical Association (1997) and president of the Society of Biblical Literature (2002).

Selected publications: *A Commentary on The Book of Daniel*. Hermeneia (Minneapolis 1993); *The Scepter and the Star. The Messiahs of the Dead Sea Scrolls* (New York 1995; Grand Rapids, MI, ²2010); *Jewish Wisdom in the Hellenistic Age* (Westminster 1997); *Apocalypticism in the Dead Sea Scrolls* (London / New York 1997); *The Apocalyptic Imagination* (Grand Rapids, MI ²1998); *Between Athens and Jerusalem. Jewish Identity in the Hellenistic Diaspora* (Grand Rapids, MI, ²2000); *Introduction to the Hebrew Bible* (Minneapolis ³2016); *Does the Bible Justify Violence?* (Minneapolis 2004); *The Bible after Babel. Historical Criticism in a Postmodern Age* (Grand Rapids, MI, 2005); (together with Adela Yarbro Collins) *King and Messiah as Son of God* (Grand Rapids, MI, 2008); *Beyond the Qumran Community. Sectarian Communities in the Dead Sea Scrolls* (Grand Rapids, MI, 2010); *The Dead Sea Scrolls. A Biography* (Princeton, NJ, 2012); *Scriptures and Sectarianism. Essays on the Dead Sea Scrolls* (Tübingen 2014); *Apocalypse, Prophecy and Pseudepigraphy* (Grand Rapids, MI, 2015); *The Invention of Judaism. Torah and Jewish Identity from Deuteronomy to Paul* (Oakland, CA, 2017); *What Are Biblical Values?* (New Haven / London 2019).

Prof. Luk Doering has been Professor of New Testament and Ancient Judaism at Westfälische Wilhelms-Universität Münster since 2014, where he also heads the Institutum Judaicum Delitzschianum. Before coming to Münster, he taught at King's College London and Durham University. His research focuses on the Dead Sea Scrolls and the so-called OT Pseudepigrapha, Hellenistic and Rabbinic Judaism, ancient Jewish halakhah and festivals and their reception in early Christianity, as well as letter writing and communication in ancient Judaism and Christianity.

Selected publications: *Sabbat: Sabbathalacha und -praxis im antiken Judentum und Urchristentum*. TSAJ 78 (Tübingen 1999); *Ancient Jewish Letters and the Beginnings of Christian Epistolography*. WUNT 298 (Tübingen 2012); (together with J. Ben-Dov, eds.), *The*

Construction of Time in Antiquity: Ritual, Art, and Identity (Cambridge 2017); (together with P. Ceccarelli / T. Fögen / I. Gildenhard, eds.), *Letters and Communities: Studies in the Socio-Political Dimensions of Ancient Epistolography* (Oxford 2018); *Seder II: Mo'ed, 1: Schabbat. Rabbinische Texte, 1st series: Tosefta* (Stuttgart 2019).

Prof. Jörg Frey is Professor of New Testament Studies with special focus on Ancient Judaism and Hermeneutics at the Faculty of Theology of the University of Zürich, Switzerland, and Research Associate of the University of the Free State, Bloemfontein, South Africa. His main fields of research are the Gospel of John and Revelation, Pauline Theology, Catholic Epistles, New Testament Theology, History of Biblical Scholarship, Hermeneutics and Exegetical Methodology, Early Christian Apocryphal Literature, Jewish and Christian Apocalypticism, and the Dead Sea Scrolls. He is managing Editor of the series *Wissenschaftliche Untersuchungen zum Neuen Testament* and editor of the journal *Early Christianity* with Mohr Siebeck.

Selected publications: *Die johanneische Eschatologie*. 3 vols. WUNT 96, 110, 116 (Tübingen 1997–2000); *Die Herrlichkeit des Gekreuzigten. Studien zu den Johanneischen Schriften I*. WUNT 307 (Tübingen 2013); *The Gospel according to John: From the Jews and for the World* (in Ivrit) (Beersheva, 2014); *Der Judasbrief und der zweite Petrusbrief*. ThHK 15,2 (Leipzig 2015); *Von Jesus zur neutestamentlichen Theologie. Kleine Schriften II*. WUNT 368 (Tübingen 2016); *The Glory of the Crucified One: Christology and Theology in the Gospel of John*. BMSEC (Waco, Tx. / Tübingen 2018); *Theology and History in the Fourth Gospel: Tradition and Narration* (Waco, Tx. 2018); *The Letter of Jude and the Second Letter of Peter: A Theological Commentary* (Waco, Tx. 2018); *Qumran, Early Judaism, and New Testament Interpretation. Kleine Schriften III*. WUNT 407 (Tübingen 2019).

Prof. Charlotte Hempel is Professor of Hebrew Bible and Second Temple Judaism at the University of Birmingham UK. She has published extensively on the Dead Sea Scrolls as well as the Hebrew Bible and served as Editor in Chief of the international journal *Dead Sea Discoveries* from 2012–2018.

Selected publications: *The Laws of the Damascus Document: Sources, Traditions, and Redaction*. STDJ 29 (Leiden 1998; paperback Atlanta 2006); *The Damascus Texts. CQS 1* (Sheffield 2000); (together with A. Lange / H. Lichtenberger, eds.) *The Wisdom Texts from Qumran and the Development of Sapiential Thought*. BETL 159 (Leuven 2002); (together with J. M. Lieu, eds.) *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb*. JSJSup 111 (Leiden 2006); (ed.) *The Dead Sea Scrolls: Texts and Context*. STDJ 90 (Leiden 2010); *The Qumran Rule Texts in Context*. TSAJ 154 (Tübingen 2013); (together with A. Feldman / M. Cioatã, eds.), *Is There a Text in this Cave? Studies in the Textuality of the Dead Sea Scrolls in Honour of George Brooke*. STDJ 119 (Leiden 2017); (together with G. J. Brooke, eds.) *T&T Clark Companion to the Dead Sea Scrolls* (London 2019); *The Community Rules from Qumran: A Commentary*. TSAJ (Tübingen 2020).

Prof. Reinhard G. Kratz is professor for Hebrew Bible at Georg-August-University Göttingen. His main fields of research are History of literature and theology of the Hebrew Bible, ancient Near Eastern and Israelite Prophecy, Judaism in the Persian and Hellenistic periods (including Qumran-Studies).

Selected publications: *Translatio imperii: Untersuchungen zu den aramäischen Danielerzählungen und ihrem theologiegeschichtlichen Umfeld*. WMANT 63 (Neukirchen-Vluyn 1991); *Kyros im Deuterocesaja-Buch: redaktionsgeschichtliche Untersuchungen zu Entstehung und Theologie von Jesaja 40–55*. FAT 1 (Tübingen 1991); *Die Komposition der erzählenden Bücher des Alten Testaments. Grundwissen der Bibelkritik*. UTB 2157 (Göttingen 2000); English: *The Composition of the Narrative Books of the Old Testament*, London / New York 2005); *Die Propheten Israels*. Beck'sche Reihe Wissen 2326 (München 2003; Italian: *I profeti di Israele*, Brescia 2006; English: *The Prophets of Israel*, Winona Lake 2015); *Historisches und biblisches Israel*.

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Prof. Noam Mizrahi is an associate professor at the Department of Biblical Studies, Tel Aviv University. His main field of research is Hebrew philology, with special attention to the interaction between historical-linguistic study of Biblical and Qumran Hebrew, textual criticism of the Hebrew Bible, and the compositional history of biblical and Second Temple literature.

Selected publications: *Witnessing a Prophetic Text in the Making: The Literary, Textual and Linguistic Development of Jeremiah 10:1–16*. BZAW 502 (Berlin 2017); *Pesher Habakkuk* (Jerusalem, in press); *The Songs of the Sabbath Sacrifice* (Oxford, forthcoming).

Prof. Vered Noam is the chair of Chaim Rosenberg School of Jewish Studies and Archaeology, and teaches Talmud and Second Temple Jewish Literature at the Department of Jewish Philosophy and Talmud, Tel Aviv University. Her main fields of research are Rabbinic Literature, Second Temple Literature and Early Halakhah.

Selected publications: *Megillat Ta'anit: Versions, Interpretation, History* (Jerusalem 2003); *From Qumran to the Rabbinic Revolution: Conceptions of Impurity* (Jerusalem 2010); (together with T. Ilan) *Josephus and the Rabbis* (Jerusalem 2017); *Shifting Images of the Hasmoneans: Second Temple Legends and Their Reception in Josephus and Rabbinic Literature* (Oxford 2018); *'Some Precepts of the Torah' – An English translation and commentary of 4QMMT*. The Oxford Commentary on the Dead Sea Scrolls (forthcoming).

Prof. Eibert Tigchelaar is research professor of Biblical Studies at the KU Leuven. His main field of research is the Dead Sea Scrolls.

Selected publications: (together with A. S. van der Woude / F. García Martínez), *Qumran Cave 11. II. 11Q2-18, 11Q20-31*. DJD 23 (Oxford 1998); (together with F. García Martínez), *The Dead Sea Scrolls Study Edition* (Leiden 2000); *To Increase Learning for the Understanding Ones: Reading and Reconstructing the Fragmentary Early Jewish Sapiential Text 4QInstruction*. STDJ 44 (Leiden 2001).