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AN APPRAISAL OF THE DAMASCUS DOCUMENT AND ITS SIGNIFICANCE  
FOR THE QUMRAN COMMUNITY

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A Thesis Submitted to The University of Durham  
for the Degree of *Master of Letters*

Department of Theology  
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Andrew Collins Jones    An Appraisal of the Damascus Document and Its Significance for the Qumran Community

This thesis is a study of the central themes of the Damascus Document and the purposes for which it was written.

Before the discovery of the Qumran MSS a variety of opinions were held about the authorship of CD and the date of its composition. Since the Qumran discoveries most scholars have accepted the overwhelming evidence which identifies CD as a composition of the Qumran community. This fact points to a first century BC date for its composition.

The central theme of CD is covenant with God. To be in covenant with him it is necessary to obey God's law and to do that it is necessary to know what that law is and how it should be put into practice. The legal material of CD is, therefore, of fundamental importance.

The Qumran community saw itself as heir to the succession of faithful servants of God, who had resisted the repeated apostasy of the rest of God's people. God had, time and again, punished his faithless people, but had always preserved a faithful remnant. The theme of exile in CD reflects the Qumran community's belief that it was living, like the faithful had done so often in the past, in a period of wrath. They were convinced, however, of their own fidelity to God because of the leadership of the Teacher of Righteousness, who is to be identified as a Zadokite priest. Thus was continuity with God's chosen ones of old assured, and in this assurance the community looked forward to the coming of the Messiah.

Attempts to trace the origin of the community to Babylon are unfounded. The place-name 'Damascus' is a cryptic reference to Qumran. The Babylonian Exile is part of the community's heritage, but not the place of its origin as a distinct group.

CD presents the claim of the Qumran community to be the true heir of those who had been faithful to God in the past. It demonstrates that the basis for this fidelity is the covenant and, in its legal material, it shows how it believed that the members of the community were to make observance of the covenant a reality in their way of life.

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CHAPTER 1A SURVEY OF SCHOLARSHIP ON THE DAMASCUS DOCUMENT FROM THE DATE OF ITS PUBLICATION (1910) TO THE TIME OF THE QUMRAN DISCOVERIES (1947)

The manuscripts now commonly known as the 'Damascus Document' (CD) were first published by Solomon Schechter in 1910 as 'Fragments of a Zadokite Work,' (1.) having been discovered by him at the end of the last century in the genizah of a Karaite synagogue in Cairo. The manuscripts, (2.) which were acquired by the University Library at Cambridge and which became part of the Taylor-Schechter Collection, bear the class marks T.-S. 10 K.6 and T.-S. 16.311 respectively, but were referred to by Schechter in his edition, and by subsequent scholars, as Manuscript A and Manuscript B.

Manuscript A consists of eight leaves (sixteen pages), which measure  $8\frac{1}{2}$  x  $7\frac{1}{8}$  inches, and was dated by Schechter as having probably been written in the tenth century AD. There is a lacuna between the eighth and ninth pages, with the manuscript breaking off at the end of a line and possibly in the middle of a sentence. Manuscript B consists of only one leaf (two pages) and measures  $13\frac{1}{2}$  x 8 inches. It is of a later date than Manuscript A and Schechter placed it in the eleventh or twelfth century AD. It forms a different recension of the same text as that contained in Manuscript A.

It may, perhaps, be noted briefly at this point that Schechter's undoubted service to the academic world in the discovery and subsequent publication of CD was marred by the controversy surrounding the arrange-

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1. S. Schechter, Documents of Jewish Sectaries. Volume 1. Fragments of a Zadokite Work (Cambridge, 1910). Reprinted with Prolegomenon and Bibliography by J.A. Fitzmyer (New York, 1970).
  2. See Schechter, op. cit., pp. ixf.

ment he made with the Cambridge University Library at the time of publication. This arrangement was that no other scholar was to be permitted to see the manuscripts themselves for five years after the publication of Schechter's own edition. The anger of other scholars at this embargo was exacerbated by the shortcomings which were perceived in Schechter's work of editing. These shortcomings were noted when his printed text was compared with the two sample facsimile pages Schechter published in his book. R.H. Charles wrote,

If Dr. Schechter chooses to edit his text so carelessly that is of course his own concern, but, in that case he ought at all events to have published a facsimile of the entire MSS-- only a matter of eighteen pages. To publish such a text and then to deny all scholars access to the original MSS for five years is strange conduct on the part of a seeker after truth. (3.)

Despite this unfortunate controversy, Schechter's pioneering work of editing and interpreting CD is still of importance as it was the initial reaction, on the part of an eminent scholar, to the manuscripts. In his analysis of the history of the community which composed the document, (4.) Schechter began by accepting literally the figure of 390 years from the time of Nebuchadnezzar to the time when God raised up from Israel and from Aaron a 'root of cultivation' ( שורש מטעת ) to inherit the land. However, in his textual notes, (5.) he drew attention to the use of the same figure of 390 in Ezek. 4:5 and also suggested that the correct figure is 490, a common symbolic figure in apocalyptic literature.

3. See R.H. Charles, Fragments of a Zadokite Work (Oxford, 1912), p. xvii.
4. See Schechter, op. cit., pp. xiiff.
5. See Schechter, op. cit., p. xxxi.

Further, later in his introduction, (6.) Schechter dismissed the figure altogether as being without literal or symbolic value.

Twenty years after the emergence of the 'root,' whenever this took place, he managed to overcome all difficulties and was recognized as the Teacher of Righteousness. Differences between the CD community and the rest of Judaism led to its complete separation from other Jews and its departure for Damascus, where the New Covenant was established and where the Teacher died. The Teacher was, however, expected to rise again 'in the end of days' (CD 6:11). Schechter identified him with the Messiah from Aaron and Israel, an identification which many later scholars were to reject.

In his attempt to identify the community, Schechter drew attention to the sect of the Zadokites, referred to in early Karaitic writings. (7.) In his Book of Lights and the High Beacons, Kirkisani tells us that

Zadok was the first who exposed the Rabbanites and contradicted them publicly. He revealed a part of the truth and composed books in which he frequently denounced the Rabbanites and contradicted them publicly. But he adduced no proof for anything he said, merely saying it by way of statement, except in one thing, namely, in his prohibition against marrying the daughter of the brother, and the daughter of the sister. For he adduced as proof their being analogous to the paternal and maternal aunt.

This seemed, to Schechter, to agree with the contents of CD.

Kirkisani also recorded two laws peculiar to the Zadokites: the prohibition of divorce and a distinctive calendar, which fixed all months at thirty days each. Schechter argued that CD 4:20f. prohibited

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6. See Schechter, op. cit., pp. xxiif.

7. See Schechter, op. cit., pp. xviiiiff.

divorce, and that CD enjoined observance of the calendar of the Book of Jubilees, the ספר מחלקות השנים (CD 16:3), which has thirty days in each month. That CD came from the Zadokite sect was confirmed for Schechter by the fact that it is a Zadok to whom the document ascribes the rediscovery of the Law (5:4f.).

Schechter further argued that the sect of the Dositheans was in some way an offshoot of the Zadokites responsible for CD. Several early accounts of the Dosithean sect connect it with the Sadducees, one even making Zadok a disciple of Dositheus.

Another point of contact is the calendar. Writing of the Dositheans, Abul-Fath stated that

They abolished the reckonings of their astronomical tables. All their months consist of exactly thirty days.

Schechter also detected similarities in the dogmatic teachings of the Dositheans with those of CD, including belief in resurrection, hostility to Judah and belief in foundation by a Messiah. Sharastani tells us that the Dositheans recognized, in Dostan, the 'Star' and declared him to be the 'Only One,' which recalls the references in CD to the founder of the sect as the 'Star' and the 'Only Teacher.'

This highly speculative interpretation was rapidly followed by a host of books and articles containing a wide range of rival interpretations of this previously unknown text. As the manuscripts themselves were produced between the tenth and twelfth centuries AD it was possible, in the period before the Qumran discoveries, to argue that the work was composed, or even dealt with, any period up to, and including, that time. Since the discovery of fragments of CD in the Qumran caves, however, these theories based on a late date for the document are no longer really

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tenable, although Zeitlin has continued to press his case for a late date, by dismissing the Qumran fragments as forgeries. (8.)

The view that CD and the community it describes are of mediaeval origin was first put forward by Bllchler in a long review of Schechter's edition of the text. (9.) He dated the document to the seventh or eighth century AD, arguing that both the halachoth and the language of the text were so close to the halachoth and language of Karaite literature that it must be a Karaite writing. Bllchler asked whether the whole is not

an invented story to prove the early origin of a sect that lived in the district of Damascus in the seventh or eighth century, and to defend its peculiarities as to worship, constitution, and religious law. (10.)

Bllchler claimed that the author of CD seemed to be ignorant even of the circumstances surrounding the central fact of his book, the emigration of the community from Judea to Damascus. He seemed, according to Bllchler, to have no knowledge of Jerusalem, its priests and the Temple services. The history of the community presented in CD was, Bllchler tells us,

invented to show that the sect existed already in early times and that the differing practice of the Jews was wrong and followed the teaching of an unworthy, rebellious teacher and of a company that was punished by God. (11.)

Bllchler argued that CD was originally written in Arabic. Further evidence for this theory was provided by D.S. Margoliouth. (12.) He also argued that translation from Arabic into Hebrew cannot have been begun before AD 750, and that the form of the document as found in the Cairo

8. See S. Zeitlin, The Zadokite Fragments. Facsimile of the Manuscripts in the Cairo Genizah Collection in the Possession of the University Library, Cambridge, England (Philadelphia, 1952).
9. A. Bllchler, 'Schechter's "Jewish Sectaries"' JQR 3 (1912-13), pp. 429-85.
10. See Bllchler, op. cit., p. 478.
11. See Bllchler, op. cit., p. 483.
12. D.S. Margoliouth, 'The Zadokites' The Expositor 8th. Series, Vol. 6 (1913), pp. 157-64.

texts must, therefore, be later than that date. It deals, he contended, with a dispute between Rabbanites and Karaites which involved an uprising, followed or accompanied by a schism, after which the Karaite party, favoured by the author, escaped to Syria. A similar event known to us through the historian Dionysius of Tell Mahre is the uprising of AD 734, when a pseudo-Messiah caused the destruction of a number of Israelites, before being arrested and crucified.

A very different interpretation of CD was presented by G. Margoliouth (13.) in which he sought to identify the three main figures presented in the document: the Messiah 'from Aaron and from Israel,' the Teacher of Righteousness, also designated Messiah, and the Man of Scoffing, who is also called Belial. G. Margoliouth argued that the 'root of cultivation' (CD 1:7) is the same person as the Messiah 'from Aaron and from Israel' and that it is impossible to read the consequence of his work, as described in CD 1:8f., (14.) without thinking of John the Baptist. John was the son of a priest but, according to S. Luke, his mother also was of priestly descent and this would seem to rule out the description of John as being from Israel as well as from Aaron. G. Margoliouth, however, argued that there may well have been a strain of non-priestly blood in his family, to which S. Luke does not allude.

If the Messiah 'from Aaron and from Israel' is the Baptist, then the Teacher of Righteousness must be Jesus himself. Though a gap of twenty years between their respective ministries does not accord with the Gospel evidence it

should come as a relief to those who have found

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13. G. Margoliouth, 'The Sadducean Christians of Damascus' The Athenaeum 4,335 (26th. Nov., 1910), pp. 657-9; idem., 'The Sadducean Christians of Damascus' The Expositor 8th. Series, Vol. 2 (1911), pp. 499-517; Vol. 3 (1912), pp. 213-35.
14. 'And they considered their trespass and they knew that they were guilty men.'

it difficult to crowd all the activity, successes and trials of the Baptist within the space of one year or not much more than that. (15.)

Confirmation of the identification of Jesus as the Teacher is to be found, G. Margoliouth argued, in CD 2:13, where we read that 'in the explanation of his name are their names.' The Boethusians, believed to be a variety of Sadducees, derived their title from a priest named Boethus, the meaning of whose name is the same as the Hebrew name represented by 'Jesus.' The inference, therefore, is that the section of Zadokites, or Sadducees, who adopted an attitude of belief towards the Baptist and Jesus were the Boethusians, who liked to dwell on the identity of meaning between their name and that of the Teacher of Righteousness.

Thirdly, the Man of Scoffing is S. Paul who, in the document, is charged with three major offences. Firstly, he is accused of fostering sexual immorality, due perhaps to some case of moral aberration amongst his followers, as in 1 Cor. 5:1, or because he advocated the abolition of the Law. Secondly, he is accused of running after wealth, perhaps because of his collections for the poor of Jerusalem. Thirdly, he is denounced for polluting the Temple, which is possibly an allusion to the incident described in Acts 21:28.

These three identifications, according to G. Margoliouth, help to make clear the references to the New Covenant and the command to love one's neighbour, which is laid upon members of the community. His position was taken up and revised by Teicher in 1951 (16.) and, even more recently, some of his conclusions have found their way into the

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15. See G. Margoliouth, Athenaeum 4,335, p. 658.

16. J.L. Teicher, 'The Damascus Fragments and the Origin of the Jewish Christian Sect' JJS 2 (1951), pp. 115-43.

work of Thiering. (17.)

A directly contradictory analysis of CD was presented by Eisler, (18.) who saw it as an anti-Christian writing. He drew attention to the Mandaean 'Book of Yahyā Johānā,' in which the Jews say after the birth of John the Baptist,

Which weapons are we to use against און and  
his mother so that they should die through  
our hands?

This און, 'the only born,' 'the unique one,' is identified with the מורה היחיד of CD. Eisler then goes on to uphold Schechter's identification of the community with the Zadokites, mentioned by Kirkisani, who were later known as Dositheans. He argued that Schechter's view would not have been contested had he not overlooked the reference to Kirkisani's Zadokites or Dositheans in the Pseudo-Clementine Recognitions. (19.) He further drew attention to the eighth century Book of Scholia by Theodor bar Kewani of Maishan, who mentions a sect of 'disciples of Dostai.' In Maishan, the Dositheans were called Mandaeans, with whom Eisler identifies the Damascus covenanters, also identifying the 'man of Scorn' as none other than Jesus.

Most scholars, as has already been seen, sought to identify the CD community with some previously known group. This, however, was not the method adopted by all scholars. Lagrange (20.) understood the community to have been a messianic group, which probably arose during the reign

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17. B.E. Thiering, Redating the Teacher of Righteousness (Sydney, 1979); idem., The Gospels and Qumran (Sydney, 1981); idem., The Qumran Origins of the Christian Church (Sydney, 1983).
18. R. Eisler, 'The Sadoqite Book of the New Covenant: Its Date and Origin' in B. Schindler and A. Marmorstein (eds.), Occident and Orient: Being Studies in Honour of M. Gaster's 80th. Birthday (London, 1936), pp. 110-43.
19. See Eisler, op. cit., pp. 126f.
20. M.-J. Lagrange, 'La secte juive de la Nouvelle Alliance au pays de Damas' RB 9 (1912), pp. 213-40, 321-60.

of Hadrian, around the time of the revolt of Bar Kochba. The sect looked back sixty years (21.) to the flight to Damascus of a group of Jews under a High Priest named Zadok. Twenty years later, the faithful welcomed the arrival of the Teacher of Righteousness and awaited the coming Messiah, while others, led by the 'Spouter,' were about to be punished afresh.

Moore (22.) had previously presented a similar view to that advanced by Lagrange, though he placed the events described in CD at an earlier date, in the Maccabean period. He argued that it is not surprising that we should be unable to identify the community responsible for CD. He recognized the affinities the community undoubtedly bore to various parties, such as the Samaritans, the Sadducees and the Karaites, and, arguing that the community must have perpetuated itself for some time, as otherwise the document would not have been preserved, he allowed himself to speculate that it survived long enough 'to be gathered into the bosom of Karaism.' (23.)

Many of the most influential scholars to contribute to the debate surrounding CD in the period before the Qumran discoveries placed the events described in the text in the last two centuries before the birth of Christ and understood the background of the community to have been in priestly circles. Such an interpretation was adopted by Lévi. (24.) He took as his starting point CD 6:11ff., and interpreted this passage as referring to those who have promised not to enter the sanctuary. This must mean that CD refers to priests and that it must pre-date the destruction of the Jerusalem Temple. Lévi argued that these priests

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21. See CD 1:10 (twenty years) and CD 20:15 (forty years).

22. G.F. Moore, 'The Covenanters of Damascus: A Hitherto Unknown Jewish Sect' HTR 4 (1911), pp. 330-77.

23. See Moore, op. cit., p. 377.

24. I. Lévi, 'Un écrit sadducéen antérieur à la destruction du Temple' REJ 61 (1911), pp. 161-205; 63 (1912), pp. 1-19.

had been ousted by usurpers and, under the leadership of the 'Interpreter of the Law,' they went to Damascus to await the Teacher of Righteousness, the Messiah. The historical events reflected in CD are those surrounding the usurpation of the High Priesthood from the Zadokite house during the hellenistic crisis, early in the second century BC. The community was made up of those who wanted the High Priest to be a descendant of Zadok. Lévi called this community Sadducees, though he did not consider them to be the party as it is described by Josephus.

Charles (25.) also dated the origin of the community to the second century BC, and located it within the Sadducean priesthood. Having failed to reform the cult of the Temple, the members of the community withdrew from Jerusalem to Damascus under the leadership of the one called the 'Star' or the 'Lawgiver.' There, in Damascus, the community established a 'new covenant.' After this, the Zadokites seem to have returned from their period of exile and to have embarked on missionary work in the cities of Israel. There then followed a period of waiting for the coming of the Teacher of Righteousness, who came 'in the end of the days.' After the death of the Teacher, forty years elapsed before the time of the author of CD is reached. He expected the advent of the Messiah from Aaron and Israel soon.

Charles declared the Messiah to be either Alexander or Aristobulus, who were the two sons of Herod the Great, an Israelite, and of Mariamne, the last survivor of the senior branch of the Maccabean house, who was, therefore, of priestly descent. All this enabled Charles to date CD between 18 BC, the date of the return of Alexander and Aristobulus to Israel from their stay in Rome, and 8 BC, when Herod had the two brothers

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25. See Charles, op. cit., Introduction.

put to death.

Meyer, (26.) in an article in the Abhandlungen der preussischen Akademie der Wissenschaften, argued that CD reflected the clash between traditionalists and innovators during the hellenistic crisis of the second century BC. He identified the 'Spouter of Lies' with the ῥίος παρανομος of 1 Macc. 1:11, who

Persuaded many, saying, 'Let us go and make a covenant with the nations around us.'

Meyer considered this figure to be Jason. He dated the formation of the Damascus community, its departure from Jerusalem and the composition of CD all shortly before 170-169 BC, following the first entry of King Antiochus IV into Jerusalem.

As the Damascus community seems to have been formed for the defence of principles hostile to the rulers in Judea, but which were apparently welcomed by the authorities in power in Damascus, Segal (27.) concluded that the events in CD must have taken place in Hasmonean times, before the Roman occupation. Segal concluded that the 'parent body' of the community rose against John Hyrcanus. As it was composed of many disparate elements, dissension soon broke out, one leader, the Teacher of Righteousness, going so far as to reject the Temple, its ritual and its calendar. He was opposed by a rival leader, called in CD the 'Man of Mockery.' There then broke out a ruthless suppression of the community, in which the Teacher may have been killed. Having been martyred, the Teacher was invested with messianic attributes, as, for example, at CD 6:10f. After a generation there arose the 'Searcher of the Law' (הַתּוֹרָה הַדְּרוֹשׁ) or 'Staff' (מַחֲוֹקֵק) (CD 6:7), who organized the

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26. See P.R. Davies, The Damascus Covenant An Interpretation of the 'Damascus Document' (Sheffield, 1983), pp. 11f.

27. M.H. Segal, 'Additional Notes on "Fragments of a Zadokite Work"' JQR 3 (1912-13), pp. 301-11.

emigration to Damascus.

Segal dated the events by interpreting the 'twenty years,' from the formation of the parent body to the arising of the Teacher, as representing half a generation and the 'forty years,' from the Teacher's death to the final suppression of the community, as representing a whole generation. The opposition was first formed at the beginning of the rule of John Hyrcanus (135 BC), possibly even in the time of Simon. Assuming this is correct, the Teacher arose in the middle years of Hyrcanus' reign, perhaps after 120 BC. His death must have occurred towards the end of Hyrcanus' reign, and the emigration must then have taken place towards the end of the reign of Alexander Janneus, c. 85 BC.

Barnes (28.) accepted literally the figures of 390 and twenty from the first page of CD and, subtracting them from 586 BC, the date of Nebuchadnezzar's capture of Jerusalem, he argued that a time very close to the revolt of Mattathias was thus reached. He saw in CD 20:14f. - forty years from the gathering in of the unique teacher to the destruction of all the men of war - a reference to the removal and murder of the High Priest Onias in 175 BC, followed, in 142 BC, by the surrender of the heathen garrison of the citadel of Jerusalem to Simon.

Perhaps the most important scholarly work on CD in the pre-Qumran period was that undertaken by Louis Ginzberg. During the years 1911 to 1914 he wrote a series of articles, which were published in Volumes LV-LVIII of the Monatsschrift für Geschichte und Wissenschaft des Judentums and which, in 1922, appeared as a book, entitled Eine unbekante jüdische Sekte. This book was republished, in English translation, and with pre-

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28. W.E. Barnes, 'Fresh Light on Maccabean Times' JTS 13 (1911), pp. 301-3.

viously unpublished additional material, in 1970. (29.)

What particularly distinguished Ginzberg's analysis of CD from that of nearly all other scholars was his belief that the community responsible for the composition of CD was Pharisaic in origin. He analysed, in great depth, both the halachah and the theology of the community, as well as presenting his interpretation of the origin and history of the community, as set forth in CD.

Ginzberg's study of the halachah of CD (30.) established that most emphasis was laid upon the laws governing ritual purity and, especially, those dealing with Sabbath observance. With regard to the Sabbath laws, Ginzberg concluded that

we may confidently state that there is nothing in [them] that could not have come from the hand of a Pharisee. (31.)

The rule about the extension of the Sabbath to safeguard its observance, often mentioned in the Talmud and in tannaitic passages, is to be found in CD at 10:14ff. The prohibition of certain forms of speech at CD 10:17f. is reflected in the regulation to be found in bShabbath 113b that

one's conversation on the Sabbath must be different from that on weekdays.

As restrictions were placed on speech on the Sabbath, so, too, the distance and purposes for which one might walk were limited. According to CD 10:20ff., a man was not permitted to 'walk about in the field on the Sabbath in order to do the work he requires,' nor was he allowed to 'walk about outside his town above one thousand cubits.' The first

29. L. Ginzberg, An Unknown Jewish Sect (Moreshet Series; Vol. 1) (including a Preface by Eli Ginzberg) (New York, 1970).

30. See Ginzberg, op. cit., Chap. IV. 'The Halakah of the Fragments.'

31. See Ginzberg, op. cit., p. 126, and, for a detailed analysis of the Sabbath laws, pp. 108-14.

of these prohibitions is paralleled in a baraita cited in bEruvin 38b and the second, if אֵלֵךְ is emended to אֵלֵךְ, as Ginzberg argued, also agrees with the rabbinic rule.

The regulations at CD 10:22 and 11:1 concerning the preparation of food on the day before the Sabbath and the permitting of the use of flowing water for drinking and bathing also coincide with rabbinic regulations, as does the prohibition of CD 11:2 on the performing of works on the Sabbath through the agency of a Gentile, which is to be compared with the ruling of mShabbath 1:8. Ginzberg further found that the rules concerning the working of animals on the Sabbath (CD 11:5f.), carrying objects into or out of houses on the Sabbath (CD 11:9-11) and opening sealed vessels (CD 11:9) all followed the laws set out in the Mishnah. CD 11:15-17 presents the following ruling:

Let no man profane the Sabbath for the sake of property and gain on the Sabbath. But every living man who falls into a place of water or into a place from which one cannot come up, let any man bring him up with a ladder or a rope or any instrument.

This makes it clear that the Sabbath may be profaned where human life is at stake, and this principle is to be found many times in the rabbinic sources, as well as in Josephus and in Philo.

CD 12:1 forbids sexual intercourse in the 'city of the sanctuary' (32.) and Ginzberg saw parallels to this prohibition in the strict laws of holiness regarding Jerusalem contained in the rabbinic sources. Targum Jonathan provides a parallel with the teaching in CD 12:15-18 that wood, stones and dust can acquire uncleanness from a dead human body.

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32. See Ginzberg, *op. cit.*, pp. 115f., on the purity laws.

Amongst the food laws of CD, (33.) to be found at 12:11-15, is the general rule that the biblical prohibitions against eating certain animals include even the smallest species of aquatic and land animals. This may be compared with the rule in bMakkoth 16b that the eating of a forbidden animal, even if it is only an ant, is a punishable transgression.

CD 12:2f. tells us that

every man over whom the spirits of Belial obtain dominion, so that he teaches rebellion, shall be judged in the same manner as the case of a ghost and a familiar spirit.

This means that such a person should be stoned. Ginzberg discovered three instances of orders being given for this punishment to be meted out on false prophets in rabbinic literature, at Sifre Deuteronomy 86, p. 151, Midrash Tannaim 64 and bSanhedrin 67a.

The regulations set out in CD 12:6-11 dealing with relations between the members of the community and Gentiles belong, Ginzberg points out, more to the constitution of the community than to the realm of law as such, but they do correspond to the rules set out in rabbinic sources. Ginzberg especially noted that, in agreement with Mekhilta, Mishpatim IV, p. 263, it was permitted to kill a Gentile in self-defence and, as in bSanhedrin 26b, the taking of alms from Gentiles is forbidden in CD 12:7, if Ginzberg's interpretation is accepted.

The two rules relating to the conduct of divine service in CD - the exclusion of the ritually impure and the sounding of the trumpet (11:22f.) - parallel comparable usages in the Temple and the synagogue. Many of the important elements in the community's constitution are also paralleled

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33. See Ginzberg, op. cit., pp. 116-24, on the dietary and other laws.

in the ordinances of other Jewish communities. The 'priest instructed in the Book of the Hagu' ( כהן מבונין בספר ההגו ) (CD 13:2), who stands at the head of the court, has his counterpart in the 'expert of the court' of mHorayoth 1:4, whose presence is necessary to give authority to judicial decisions. The 'censor' ( מוֹכֵר ), the real leader of the community, takes his name from the Temple officials who had to examine sacrificial animals for defects and who was called גבוקרי מומיין.

Ginzberg summarized the results of his study in the following sentence:

The Halakah of the sect in all essential questions of law (with the exception of polygamy and marriage with a niece) represents the Pharisaic standpoint, and contains nothing that can be ascribed to Sadducean, Dosithean or any other heretical influence. (34.)

The mere fact, however, that he had to make exceptions with regard to these two very important matters inevitably weakened his case for a Pharisaic origin for CD. He did, though, provide an explanation for this discrepancy between the halachah of the community and that of the rabbis in his analysis of the history of the community, and this must add weight to his argument.

Ginzberg also discovered a number of agreements between the theology of CD (35.) and that of the Pharisees, as opposed to what we know of Sadducee beliefs. Josephus, in Antiquities 18.1.3f. tells us that

They [the Pharisees] believe that souls have power to survive death and that there are rewards and punishments under the earth for those who have led lives of virtue or vice....The Sadducees hold that the soul perishes along with the body.

34. See Ginzberg, op. cit., p. 144.

35. See Ginzberg, op. cit., Chap. V, 'The Theology of the Fragments.'

Ginzberg states that in the passage of CD beginning at 2:2 the 'ways of the wicked' are said to lead to the angels of destruction, who inflict divine punishment on those who scorn the law. This leads on to belief in the existence of angels and spirits, shared by the Damascus community and the Pharisees, but rejected by the Sadducees. Apart from the 'angels of destruction' ( מלאכי חבל ) mention is made in CD of the 'Watchers' ( טירימ ) (2:18), who fell from heaven because of their sins, and of the 'holy ones of the Most High' ( קדושי עליון ) (20:8), who curse sinners, as well as the bad angel Belial (8:2) and his spirits (12:2), who mislead men into sin. Divine providence is strongly affirmed in CD, as it was by the Pharisees, particularly in 2:7ff. -

And before they [sinners] were created, he knew their deeds...and he knew the years of their duration, the number and exact periods of all that exists, has existed, and will exist.

The Sadducees, however, emphasized instead man's free will.

A further link between the theology of CD and of the Pharisees is that both seem to accord some degree of authority to the Prophets and the Hagiographa, whereas the Sadducees accepted only the Torah as authoritative. There are frequent quotations in CD from the Prophets and the Writings as, for example, at 11:18ff., where Prov. 15:8 is quoted in connection with the prohibition on the sending of offerings to the altar by means of an unclean man, although Ginzberg maintained that the verse quoted from Proverbs did not actually form the basis of the halachah as such.

Ginzberg understood the first page of CD to form a summary of the history of Israel and Judah up to the time of the restoration of the

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Torah in the days of Josiah. (36.) The Teacher of Righteousness, who restored the Torah, was Hilkiah, the High Priest during Josiah's reign. At this point, the faithful realized that they had been groping for the way for twenty years, that is, during the reigns of the twenty kings from Saul to Josiah. All this happened during the 390 years epoch of wrath, which Ginzberg understood to be the period from the fall of Samaria to the fall of Jerusalem.

The first certain information about the formation of the community which Ginzberg found is in the exegesis of Ezek. 44:15, at CD 4:2-4. Aside from the 'Elect,' to whom CD only assigns a role in the messianic era, two groups of people, who correspond to two periods in the evolution of the community, may be discerned. The founders of the community, represented here by the 'priests' were God-fearing Judaeans, who left their land to live out their ideals in peace, while the 'levites' were Jews who later joined them as disciples in their new home. The ideals of the members of the community are set out in CD 6:11ff., where it is made clear that they believed the Temple to be in unclean hands. This eventually led them to emigrate to Damascus, where, under the 'Searcher of the Law,' the New Covenant was promulgated.

The description of the period during which the community emerged (CD 5:20ff.) corresponds best to the conditions which prevailed during the years of warfare between Alexander Jannaeus and the Pharisees. Alexander's persecutions, in which, according to Josephus, as many as 50,000 people died, led the Pharisees to emigrate to Egypt and to Damascus. Many of them returned to Palestine during the reign of Queen Alexandra Salome, but by no means all did so, and those who remained behind in Damascus, and who formed themselves into the community, refused

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36. See Ginzberg, op. cit., Chap. VII, 'The Genesis of the Sect.'

to accept a compromise with the Sadducees, as the Pharisees in Judea inevitably had to do. The **התורה שורש** began to develop his own hal-achah independently of the Judaeen Pharisees, on such matters as the marriage of an uncle with his niece and on polygamy. This caused a break with the Pharisees of Jerusalem who, because of their moderation and opportunism, were branded (CD 8:12) as those who build a wall, but who then daub it with untempered mortar, instead of making a wall of iron, as the Law should be.

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## Conclusions to Chapter 1

Scholarship on CD in the period before the Qumran discoveries is marked by the wide disparity in the conclusions reached about the origins of the document. This disparity is hardly surprising when it is considered that scholars had before them a text, hitherto unknown, which had, therefore, no established connections with other texts or with known events or persons. All that was initially known was that it had been in the possession of a Karaite synagogue in Cairo and that Schechter was able to establish the date of the manuscripts, though not, of course, the date of the original composition of the text. Schechter, Büchler and Eisler emphasized the connection of CD with the Karaites. Büchler and D.S. Margoliouth argued for a mediaeval origin of the text, which in the light of the Qumran discoveries is impossible to maintain, unless these discoveries are to be dismissed as forgeries.

G. Margoliouth's attempt to interpret CD as an early Christian writing, reflecting the controversy over the teachings of the Apostle Paul, reads far too much into the text, has received little support and can be discounted. Other scholars, too, have been guilty of reading too much into the text in their attempts to identify the many cryptic allusions in CD with known historical events and persons. An example of this tendency is to be seen in the work of Charles, in his attempt to identify the Messiah of Israel and Aaron with Alexander or Aristobulus.

Lagrange and Moore were both more circumspect in their claims to have, in CD, the writings of a previously unknown sect.

Many traced the origins of CD to priestly circles, and saw in it a dispute concerning the Temple and the priesthood during the hellenistic crisis of the last two centuries BC. CD was understood, on this reck-

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oning, to have been the work of a conservative group, who rejected the authority of those who took over the High Priesthood and the Temple cult during this period.

Ginzberg's careful and detailed study of CD took a rather different line in emphasizing the parallels which exist between CD and what is known of the traditions of the Pharisees. His work still deserves careful consideration, not least because he attempted to answer many difficult problems which had largely been ignored by other scholars.

Ginzberg was able to do this because he studied closely the whole text of CD, including the legal material of pages 9-16, and he did not over-concentrate his attention on what were at least assumed to be the historical references in the text. His views cannot, however, be accepted without reservation, for he did not always deal adequately with portions of the text which appeared to be in contradiction with the rabbinic sources.

It is not at all surprising that no firm conclusions were reached about CD in the period before the Qumran discoveries. Some of the interpretations which were advanced can be considered, at least in retrospect, to have been rather fanciful. Others drew out important elements to be found in the text. Many recognized the importance of priestly matters to the writer of CD. Ginzberg, on the other hand, redressed the balance in his studies of the large body of legal material in the text. Both of these emphases were important insights which were to be developed in the years after the Qumran discoveries.

What is, perhaps, surprising about the scholarship on CD in the period before the Qumran discoveries is the large number of scholars who dated the text to the last two centuries BC, a period which the Qumran discoveries established beyond reasonable doubt as the period of the origin of CD and, almost undoubtedly, the time with which it is primarily concerned.

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## CHAPTER 2

A SURVEY OF SCHOLARSHIP ON THE DAMASCUS DOCUMENT IN THE PERIOD AFTER  
THE QUMRAN DISCOVERIES

The discovery of fragments of CD at Qumran <sup>(1.)</sup> and the obvious parallels between CD and the Qumran scrolls, particularly the pesharim and 1QS, inevitably made an extremely significant impact on the study of CD. In fact, so strong was this impact, that independent study of CD virtually came to an end and the document has been accepted as the product of the same group of people who composed the other scrolls. There are good and strong reasons for adopting this approach to CD, but there has been a tendency to concentrate, perhaps too much, on the similarities CD has with the scrolls, and to ignore the very real differences which also exist.

One of the earliest studies of the relationship of CD and the Qumran scrolls, however, set CD, and the group from which it emanated, very much apart from the Qumran community, although it viewed both as having been part of the same general anti-Hellenistic movement. <sup>(2.)</sup>

Reicke concluded his study by linking what he considered to be the two distinct communities with two separate incidents recorded in the Books of Maccabees. The Qumran community, or, as he called it, die Ta'amire-Gemeinde, he connected with the events described in 1 Macc. 2:29-38. This passage describes how, in reaction to the hellenizing policies of King Antiochus Epiphanes, many fled from the towns of Israel to the wilderness. There they were pursued by the king's troops, but so loyal were they to the Law, that they refused to repulse the attacks made upon them on the

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1. For the Qumran fragments of CD see M. Baillet, J.T. Milik and R. de Vaux, Discoveries in the Judean Desert III: Les 'Petites Grottes' de Qumran...2Q, 3Q, 5Q, 6Q, 7Q a 10Q (Oxford, 1962), pp. 128-31, 181.
  2. See B. Reicke, 'Die Ta'amire-Schriften und die Damaskus Fragmente' Studia theologica 2 (1949-50), pp. 45-70.

Sabbath. Reicke distinguishes this group from the Maccabees, with whom it is often identified, and asserts,

Diese Dissidentum-Bewegung scheint uns die  
Entstehung der Ta'amire Gemeinde in der Wüste  
Juda zu beleuchten.

Die Gemeinde des Neuen Bundes in das Land von Damaskus, however, is linked by Reicke with the flight of the High Priest, Onias III, to Daphne, near Antioch, after the seizure of the High Priesthood by the usurper, Menelaus. This is recorded in 2 Macc. 4:33-35, which also describes how Menelaus incited Andronicus to murder Onias, for which act, we are told,

not only Jews, but many also of the other nations,  
had indignation and displeasure at the unjust murder  
of the man (v.35).

In 1950, W.H. Brownlee published an article <sup>(3.)</sup> in which he drew attention to the many resemblances of vocabulary and phraseology between CD and the Qumran scrolls.

He noted that 1QpHab. has the following phrases in common with CD: 'the teacher of righteousness,' 'the man of lies,' 'the oracle of lies,' 'the new covenant,' 'the community,' 'the treacherous, or unfaithful,' 'the period of wickedness' and 'its meaning concerns.'

He also listed some of the phrases used both by CD and by 1QS: 'to enter the covenant,' 'to walk uprightly,' 'to walk in the stubbornness of his heart,' 'those who repent of transgression,' 'the season of visitation,' 'the life of eternity,' 'the way,' 'to turn to the law of Moses,' 'the censor,' 'sons of Zadok,' 'angels of affliction,' 'prince of lights,'

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3. W.H. Brownlee, 'A Comparison of the Covenanters of the Dead Sea Scrolls with Pre-Christian Jewish Sects' BA 13 (1950), pp. 50-72.

'Belial,' 'the Holy Spirit,' and 'the men of the community.'

All this led Brownlee to conclude that there must have been a near kinship, if not identity, between the Dead Sea and Damascus communities. He quoted with approval Burrows' judgement that,

The contacts between the Damascus Document and the Discipline Scroll are all the more striking because they are not the same as those between the Damascus Document and the Habakkuk Commentary, but afford additional evidence of the relationship between the Judean Covenanters and the later Covenanters of Damascus. (4.)

Further evidence for this position Brownlee discovered in what he considered to be documentary dependence of CD on 1QS. That 1QS is the older source he established on the basis of two passages in CD and their parallels in 1QS. CD 20:28ff. quotes from a confession:

כִּי אֲנִי  
 רָשָׁענוּ גַם אֲנַחְנוּ גַם אֲבוֹתֵינוּ בְּלִכְתָּנוּ קִרְיָ בְּחִקֵי הַבְּרִית צַדִּיק  
 וְאִמַּת מִשְׁפָּטֶיךָ בְּנוּ

The parallel in 1QS which Brownlee found to this passage of CD - 1QS 1:24ff. - gives the ritual prescription of the actual confession employed.

Likewise, CD 20:8 makes an allusion to a curse which 'all the holy ones of the Highmost' use against a wicked man, while, Brownlee claimed, the liturgical form of this curse appears in 1QS 2:11ff. Brownlee further identified the סֵפֶר הַגּוֹ, referred to in CD, with 1QS. He referred to Schechter's note on this matter, (5.) in which the latter claimed that the reference to the Book of Hagu

might suggest that the Sect was in possession of

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4. See Brownlee, op. cit., pp. 51f.

5. See Brownlee, op. cit., p. 54.

some sort of manual containing the tenets of the Sect, and perhaps also a regular set of rules of discipline for the initiation of novices and penitents.

Brownlee claimed that a more perfect description of IQS could not be written.

The parallels between CD, on the one hand, and IQS and 1QpHab., on the other, highlighted by Brownlee, are of great importance in understanding the origins and relationship of all these texts. His argument for a direct literary dependence of CD on IQS is less certain, and also unnecessary. It is perfectly possible to maintain that CD and IQS come from the same circles without any theory of literary dependence, which inevitably forces one to date one of the texts as being earlier than the other.

Brownlee also emphasized the fact that CD and 1QpHab. both make reference to the Teacher of Righteousness and to the Man of Lies, as well as to conflict between the group responsible for the composition of these texts and the priestly party in Jerusalem. The references to the 'sons of Zadok' both in CD and in IQS led Brownlee to link the origins of the community which wrote these documents with the deposition of Onias III, as Reicke had previously argued for the Damascus community.

Teicher (6.) revived the theory, originally proposed by G. Margoliouth, (7.) that CD is a Jewish Christian writing, which deals with events concerning this group around the time of the destruction of Jerusalem in AD 70. Teicher argued that CD divides history into three broad periods.

The first period is itself divided into two, the first half dealing

6. See Teicher, op. cit.

7. See G. Margoliouth, The Athenaeum 4,335 (26th. Nov., 1910), pp. 657-9; idem., The Expositor 8th. Series, Vol. 2 (1911), pp. 499-517; Vol. 3 (1912), pp. 213-35.

with the history of mankind from the creation to the Babylonian exile, which was caused by the sinfulness of the descendants of Jacob. The second half of the first period began with the return from exile, and lasted several centuries until the appearance of the **מורה נבוכד**, whom God sent to teach the way of salvation after the people had recognized their guilt, repented and sought God with a perfect heart.

The second period follows a similar pattern to that found in the first: sin, punishment, and the preservation of a remnant. The sin in this period is committed by the 'Man of Scoffing' and his followers, who rebelled against God's law and against his Messiah. They were subsequently punished during a catastrophe in which the land was destroyed, but a remnant, which held to God's commandments, was spared and it escaped to the land of Damascus.

The third period follows on from this, and is that in which CD was written. The refugees from Israel have entered into the 'New Covenant' in the land of Damascus, but it is also the period in which 'Belial is let loose in Israel.' It will end, however, with the appearance of the 'Messiah from Aaron and Israel,' when all those who have despised the statutes of God will be destroyed.

Teicher considered the second of these periods to be the most relevant for the dating of the events that CD describes. The central event of the period is the destruction of the land. He drew attention <sup>(8.)</sup> to Lagrange's list of the four events to which this catastrophe could possibly be related: 1. the desecration of the Temple by Antiochus Epiphanes; 2. the desecration of the Temple by Pompey; 3. the destruction of Jeru-

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8. See Teicher, op. cit., pp. 121f.

salem by Titus; and 4. the destruction of Jerusalem by the Romans in the time of Hadrian.

Having concluded that CD was written sixty years after the catastrophe, Lagrange eliminated the first two possibilities, arguing that sixty years after these two events they had ceased to be significant. He then made two further assumptions, firstly, that the exodus of the community from Jerusalem took place under the leadership of the Teacher of Righteousness; and, secondly, that the Man of Lies was also the military leader of the nation in war. The second of these assumptions helped him to eliminate the third possibility for, he argued, the leaders of the revolt in Titus' time were at least two in number, John and Simon.

This left Lagrange with the fourth possibility - this revolt had only one leader, Bar Kochba, and it was with him that Lagrange identified the Man of Lies.

However, Teicher argued that there is no evidence that the exodus from Jerusalem was led by the Teacher of Righteousness, nor is there any hint that the Man of Lies was a military leader. On the other hand, he argued, there was a valid reason for eliminating from the reckoning the periods of Antiochus and of Pompey, as well as that of Bar Kochba, because the description of the great event as 'the destruction of the land' cannot be applied to them. No event, Teicher contended, fits the description of the catastrophe in CD as well as the fall and destruction of Jerusalem in AD 70.

Teicher further identified the Teacher of Righteousness with Jesus, and the Man of Scoffing, the **אִישׁ הַכֹּזֵב**, with S. Paul. The first period concluded with the ministry of Jesus, and the second began with Paul's activity, ending with the destruction of Jerusalem, the death of the followers of Paul and the flight of the faithful remnant to the north.

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The covenant these Jewish Christians entered into there was a covenant of repentance, and they are called the 'penitents of Israel.' Their sin, Teicher thought, was their association with the followers of Paul, as well as the fact that they had made use of the collection Paul had made on their behalf amongst the Gentile Christians.

Teicher's whole theory has not been accepted by other scholars. Apart from the fact that CD and the Qumran scrolls contain nothing which can be identified as specifically Christian, the over-riding objection to the theory is that it makes the composition of CD impossibly late for its deposition in the Qumran caves.

Segal, (9.) like Brownlee, drew attention to the words and phrases to be found both in CD and in the Dead Sea Scrolls, and to the prominent place held by the Teacher of Righteousness and the Man of Lies in 1QpHab., as well as in CD. He also made reference to a fragment discovered by de Vaux, which was claimed to be the missing opening of 1QS in which the members of the community are told that they should be instructed in the ספר ההגו. This ספר ההגו is also mentioned in CD, as the book in which the שפטי הטהרה are to be instructed (CD 10:6). Segal concluded that CD forms an integral part of the literature of the Dead Sea community, and considered it to be, along with 1QpHab., the most important source for the community's history.

1QpHab., according to Segal, traces the early history of the community in the time of Alexander Jannaeus, whom he identified with the Wicked Priest. Members of the community were among those who invited Demetrius Eucraerus, King of Syria, to come to Judea to overthrow Jannaeus, and

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9. M.H. Segal, 'The Habakkuk "Commentary" and the Damascus Fragments' JBL 70 (1951), pp. 131-47.

after the latter's victory they were amongst those who fled to Damascus. While in exile, the community produced CD, both sections of which, according to Segal, 'bear the indubitable mark of their Syrian origin.'

While it is true that the opening, hortatory section does indeed contain allusions to an emigration from Judea and to a new covenant entered into in a place called the 'land of Damascus' it is not so clear that the legal section 'describes an organization of the community which could only have existed outside the Judean State,' as Segal claimed. The only evidence he supplied to support this claim was the presence in CD of regulations relating to the dealings of members of the community with Gentiles, which, he claimed, proved that the community must have lived in Gentile territory. This cannot, however, necessarily be assumed, as Gentiles were, of course, far from unknown in Palestine itself.

The community settled down permanently in camps or villages (CD 12:23) and in towns (CD 12:19) in Damascus, under the authority of a priest and a lay official, the 'Mebaqqer.' The members of the community also had their own judges and their own religious centre, the **שֵׁט הַמִּקְדָּשׁ** (CD 12:1). However, they had to contend with opposition from the many Pharisees who had also fled from Palestine. These opponents are denounced as 'the removers of the boundary' (CD 5:20), as those who 'built the wall and daubed it with plaster' (CD 19:31) and as 'the men of scoffing' (CD 20:11). They are accused of three particular sins: fornication, wicked wealth and defilement of the Sanctuary (CD 4:16-18). After the death of Jannaeus and the accession of Salome Alexandra, many of the Pharisees returned home and took some of the members of the community with them. These deserters are condemned in CD 20:10-13 - they 'have no share in the house of the Law' and 'in the same manner as their fellows who returned with the "man of Scoffing" they shall be judged.' This event is

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now in the past, and the evil-doers are currently, according to CD, being threatened by the 'Head of the Asps,' 'the chief of the Kings of the Greeks' (CD 8:11f.//19:23f.). Segal identified this figure as Pompey, who in 63 BC was moving from Damascus to Judea. This identification led Segal to conclude that CD was, in its original form, composed in that year.

Rowley (10.) also identified the authors of CD with the community responsible for the composition of the Dead Sea Scrolls. Like Segal, he drew attention to the fragment claimed by de Vaux to be the missing opening section of 1QS and which refers to the Book of Hagu, mentioned in CD.

Rowley considered Onias, the deposed Zadokite High Priest, replaced first by his brother Jason and later by Menelaus to be the Teacher of Righteousness. The persecution of Antiochus Epiphanes and the Maccabean revolt is the setting for 1QM. The Teacher played no part in these events, probably because he was no longer alive. The migration to Damascus, referred to in CD, took place within forty years of the Teacher's death (CD 20:13ff.), probably towards the end of this period, which Rowley calculated as falling in 131 BC. This would mean, he concluded, that CD was composed before this date, though probably not much before it, perhaps not very long after the migration.

In a later article, (11.) Rowley argued that CD reflects an earlier stage in the history of the community than that to be found in 1QS. Some scholars, he pointed out, had identified 'Damascus' with Qumran, which would, of course, mean that the establishment of the community at Qumran preceded the composition of CD. This, he argued, was unlikely and he

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10. H.H. Rowley, 'The Covenanters of Damascus and the Dead Sea Scrolls' BJRL 35 (1952), pp. 111-54.

11. H.H. Rowley, 'Some Traces of the History of the Qumran Sect' TZ 13 (1957), pp. 530-40.

pointed to a number of issues treated in a much less rigid way by CD in comparison with their treatment in 1QS.

1QS makes it clear that the community practised community of goods, whereas CD only rules that everyone must contribute the wages of two days per month to a common fund for the relief of the poor. No mention is made in CD of a common meal shared by the whole community, whereas this is prescribed in 1QS. When Qumran was excavated, a room that appears to have been a refectory was uncovered, where these common meals would have taken place. This archaeological evidence suggests that the practice of eating in common was maintained until the demise of the community. This, Rowley argued, further strengthened his case for the dating of CD before 1QS, as it is more likely that the practice was a later development, than that it was established, abandoned and then later re-established. Marriage is not mentioned in 1QS and it is widely held that the community at Qumran was celibate. CD, however, makes provision for marriage. CD also indicates that the covenanters regarded the Temple in Jerusalem as a legitimate sanctuary, which does not seem to have been the case for the writer of 1QS.

Rowley concluded that if CD was written before the establishment of the community at Qumran, it must have been composed before the reign of John Hyrcanus (134-104 BC), as it was during his reign that Qumran was founded. The differences noted by Rowley in the practice and structure of the community as described in CD and in 1QS are most certainly present, and CD does seem to reflect a much looser organization than does 1QS, at least in some ways, but it does not necessarily follow that CD represents an earlier stage in the development of the community. The different information provided by the two texts may have more to do with differing purposes for which the two documents were written.

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In an article published in 1954 Rabinowitz (12.) made an important contribution to the interpretation of CD. He argued that **שנים שלוש מאות ותשעים לתיתו אותם ביד נבוכדנאצר** at CD 1:5f. could not be translated '390 years after he had given them into the hand of Nebuchadnezzar' because the **ל** in **לתיתו** could not mean 'after.' When it has a temporal meaning it can be translated 'at the time of,' 'on,' 'towards,' 'to,' 'for the duration of' or 'during,' but not 'after.' Hence, Rabinowitz argued, **לתיתו** here means 'at the time of his giving' or 'to the time of his giving' or 'as of his giving,' indicating that the 'period of wrath' had endured for 390 years when God brought it to a conclusion by a visitation in which Israel was given into Nebuchadnezzar's hand. Rabinowitz, therefore, considered CD 1 to describe the history of the whole nation, and not only the history of a community within it.

The twenty years of CD 1:10 Rabinowitz considered to be a period after the restoration in which difficulties arose for those who had returned from exile. A similar situation is described in the opening verses of the Book of Nehemiah, including a reference to twenty years, and it is Nehemiah himself whom Rabinowitz understood to be the Teacher of Righteousness.

Rabinowitz did not believe that there had ever been an actual migration to Damascus, but that this was the term used by the author to designate the place where the remnant of Israel was exiled, that is Babylon. The source for this designation was Amos 5:27, which is quoted at CD 7:14ff. This led Rabinowitz to the conclusion that as

there never was a withdrawal to Damascus and a sojourn there by any of the Jews who produced DF [i.e. CD], consequently they are in all respects

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12. I. Rabinowitz, 'A Reconsideration of "Damascus" and "390 Years" in the "Damascus" ("Zadokite") Fragments' JBL 73 (1954), pp. 11-35.

the identical Jews by and for whom DSS were written. (13.)

Rabinowitz's linking of CD with the Dead Sea Scrolls community was part of what had already become the scholarly consensus. His understanding of the period of 390 years in CD 1 has not, however, generally been accepted, but his identification of Damascus as being, in reality, Babylon, has also been adopted by a number of other scholars, and those who have taken up such a position have represented one very significant strand of thought on the question of the origins of CD and, indeed, of the Qumran community itself.

In the following year, 1955, Wiesenberg<sup>(14.)</sup> published a response to Rabinowitz's article. He presented a number of objections to Rabinowitz's theory that the period of 390 years of CD 1:5 culminated in the fall of Jerusalem in 586 BC, in the eleventh year of King Zedekiah, having, by Rabinowitz's reckoning, begun in the fourth year of King Rehoboam, the year, according to 2 Chron. 11:16f., in which the northern and southern kingdoms divided. Rabinowitz saw a reference to this division of the united kingdom in CD 7:12-14, but Wiesenberg argued that the שְׁנֵי בְּתָרֵי שְׁרָאֵל referred to there are not Ephraim and Judah, but two sections of Ephraim, whose departure from Judah is apparently quite approved of by the writer. Furthermore, the whole period from the fourth year of Rehoboam's reign to the eleventh year of Zedekiah was not an unrelieved 'period of wrath': there were good kings, Hezekiah and Josiah, who did what was right in the eyes of the Lord. Wiesenberg also argued that to compute the period from Rehoboam to Zedekiah as 390 years presupposes

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13. See Rabinowitz, op. cit., p. 35.

14. E. Wiesenberg, 'Chronological Data in the Zadokite Fragments' VT 5 (1955), pp. 284-308.

a 'shallow acquaintance' with biblical chronology, for although the regnal years of the Judean kings during this time do add up to this total, it should not be forgotten that some of these years overlap, the first and last years of each king being but parts of years.

Instead, Wiesenberg computed intermittent periods of disloyalty from the time of the conquest of Canaan up to the time of the fall of Samaria, either on the part of the whole nation, or on the part of the northern kingdom alone, as adding up to 390 years. Thus, according to this scheme the 'period of wrath' culminated in the destruction of the northern kingdom and its subsequent exile. The linking of Nebuchadnezzar with this event is explained by Wiesenberg as a reference to the Nebuchadnezzar of fable and fancy, not of history. This rather weak explanation is, however, supported by the reference in the Book of Judith to the expedition despatched by a Nebuchadnezzar, King of Assyria against the Jews.

Allusion is, however, also made to the Judean exile. Ezek. 4:5f., the origin of the figure 390, also refers to a period of forty days and this is taken up in CD 20:15. Wiesenberg argued that further periods of disloyalty from the fall of Samaria to the fall of Jerusalem total forty years.

From the remnant which survived the exile came 'the root of planting,' the community which emerged somewhere during the Persian or early Greek period. Ultimately, the apparently detailed chronological data of CD provide little, if any, historical information about the origin of the community, which CD is probably deliberately trying to date in the exilic period in order to be able to claim great antiquity for it.

One interesting feature of Wiesenberg's work is that in spite of his intricate interpretation of the chronological data in CD, with its emphasis on events in the northern kingdom, he still concludes with the opinion, almost universally held, except by those few who would view CD

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as a Christian writing, or a mediaeval forgery, which dates the origin of the community at some point during the post-exilic period.

In 1954 Rabin <sup>(15.)</sup> published an edition of the text of CD which is still generally considered to be the best available in English. In his preface, Rabin presented a number of his conclusions about the nature of CD. He emphasized his view, made clear in the title of his book, that the text is made up of two 'entirely different writings,' <sup>(16.)</sup> which were copied out in the same manuscript. The first of these two writings Rabin called the 'Admonition' (CD 1-8, 19-20) and the second he called the 'Laws' (CD 9-16).

Rabin followed most scholars in accepting CD as a writing of the Qumran community:

Since a fragment of Z. has now been found at Khirbet Qumrân, we need not hesitate to mark these writings, too, by the letters DS. <sup>(17.)</sup>

Where he apparently presented a less widely-accepted view was in his statement that

the Admonition...is all of it a mosaic of quotations, both from O.T. and other, now lost, writings, a clever presentation of testimonia, not a history of the sect. <sup>(18.)</sup>

Rabin did not, however, elaborate on this statement and so it is not possible to be sure of how, precisely, he understood the nature of the Admonition.

The first edition of Rabin's work was seriously at fault in one respect. He combined the readings of the two extant manuscripts, A and B,

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15. C. Rabin, The Zadokite Documents I. The Admonition II. The Laws (Oxford, 1954; second revised edition, 1958).

16. See Rabin, op. cit., p. x.

17. See Rabin, ibid.

18. See Rabin, op. cit., p. ix.

where a passage is to be found in both of them. Rabin did this because he considered both A and B to be faulty copies of a single archetypal text. Despite the fact that the combination of the two manuscripts, as worked out by Rabin, generally makes good sense, it is not, of course, possible to be sure that what is achieved is the original text. It is equally possible that one or other of the two manuscripts preserves the original text, and that the other is a later modification of it. Furthermore, in order to achieve one continuous text from the two manuscripts Rabin had, again and again, to choose one reading in preference to the other. It would have been more satisfactory to have printed both texts in their entirety in parallel columns, with the proposed combined text in an appendix. This weakness was recognized in the second edition of Rabin's work, where the complete texts of Manuscripts A and B are both printed in full in an appendix. (19.)

Rabin noted that CD is the only Qumran writing to mention the New Covenant, the emigration to Damascus, the Man of Scoffing, the Man of Lies, and the death of the Teacher of Righteousness, although there may hint at this event in 1QpHab. CD shares with 1QpHab. references to the Teacher and to 'Judah,' but not the Wicked Priest nor the general anti-priestly outlook of the Habakkuk commentary. With 1QS, CD shares the Prince of Lights, the Confession Ceremony and the Messiah of Aaron and Israel. Rabin pointed out that the legal section of CD is not a comprehensive handbook of halakhah, but a series of halakhic statements, roughly arranged by subject. It often comments on a biblical law and, in a few cases, it seems to comment in a similar way on a sectarian work of halakhah, which Rabin thought was the case at CD 9:9 and at 16:10. He

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19. See Rabin, op. cit., (second revised edition), pp. 78-80.

also noted the references to the Book of Hagu (CD 10:6) and to the Book of the Divisions of Times into their Jubilees and Weeks (CD 16:3), which Rabin understood to be the Book of Jubilees. The solemn concluding sections suggested to him that the legal section of CD is a record of decisions taken at various sessions of the Meeting of the Camps (CD 12:19). These decisions mostly resemble closely the decisions of rabbinic law. The community to which they apply was one of farmers (CD 12:10) and wage-earners (CD 14:13). It possessed slaves and property and included some poor people. It seemed to Rabin to be less strictly organized than the community reflected in 1QS.

In 1958 Annie Jaubert published an article entitled 'Le Pays de Damas.' (20)

The first issue with which she dealt in this important article was that which centres on the interpretation of CD 1:6 - the question of the exile in CD and whether it is to be understood as the historical event of the sixth century BC, when Jerusalem was taken and destroyed by the Babylonians during the reign of King Nebuchadnezzar, or whether it was a later event in the history of the community.

In her analysis of CD 1:3-9 (21.) Jaubert pointed to the sequence of Péché-Punition-Repentir which makes up the passage, a sequence also found in many other post-exilic writings. This sequence begins with the wickedness of Israel during the Exile, continues with the punishment - the destruction of the sanctuary and the exile in Babylon - goes on with the mercy of God, when he remembers his covenant with the patriarchs, and is completed by the repentance of the exiles who repent of their sins.

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20. A. Jaubert, 'Le Pays de Damas' RB 65 (1958), pp. 214-48.

21. See Jaubert, op. cit., pp. 216-19.

Of particular importance is the reference in Jub. 1:16 to the plante de droiture, which germinates in exile but is to be transplanted to the Promised Land. This is a significant parallel to the 'Root of Planting' in CD 1:7. Jaubert, however, also pointed out that in much post-exilic literature, the Exile was not dealt with as a historical fact, but was used for its typological significance and that therefore the community from which CD originates may have gone into exile at some later time, an exile which they later described in their writings in terms of the exile to Babylon under Nebuchadnezzar. Two solutions are possible: either that the 'root' symbolizes a movement which began 390 years after 586 BC, or that it represents those Babylonian exiles who repented, the remnant.

Jaubert then quotes and discusses two other passages of CD, namely 3:10-4:4 and 5:15-6:11, (22.) which are both historical summaries and which both refer to exile. Neither of them, however, make any mention of a 390 year gap between exile and the foundation of the community. This fact strongly favours the second of the two solutions noted above.

Further, in CD 3:14 reference is made to a calendar, which God had revealed to the exiles. Jaubert's previous research on the solar calendar of Jubilees and of the Scrolls (23.) had led her to conclude that this same calendar could also be found in the Priestly material in the Pentateuch and in Ezekiel, both of which she dated during the Babylonian Exile. This fact seemed to link the references to Exile in CD with the exile to Babylon; and this was Jaubert's conclusion. The 390 years of CD 1:5f. lead up to, rather than follow, the great Exile; the 'root' is the exilic community in Babylon, not some body which came into existence at a later date.

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22. See Jaubert, op. cit., pp. 219ff.

23. A. Jaubert, La date de la Cène. Calendrier biblique et liturgie chrétienne (Paris, 1957).

There are a number of significant references in CD to a 'new covenant.' The time of the formation of this covenant and the place where this took place are not easy to determine. CD 6:19 refers to a 'new covenant in the land of Damascus.' Reference is also made to a covenant with Israel at CD 3:13, which seems to take place during the Babylonian exile, if Jaubert's interpretation is accepted. The 'new covenant in the land of Damascus' mentioned at CD 19:33f., however, seems to be something entered into by the men of the time in which CD was written, long after the Exile in Babylon.

Jaubert's solution to this problem was her proposal that 'Damascus' has, in CD, a double meaning. Firstly, and primarily, it refers to Babylon. However, it also refers to the place that later became the place of exile for the community: Qumran. Therefore, when Damascus is used to refer to a place where events took place in the distant past it is Babylon which is meant; when the reference is to happenings contemporary with the writing of CD it is Qumran that is meant.

Jaubert did not, however, consider Babylon and Qumran to be linked only by virtue of their both being designated as 'Damascus' in CD. She also argued that the origins of the Qumran community are to be sought in the Babylonian exile. In support of this view she cited a passage in the War Scroll, 1QM 1:2f., which makes reference to the 'exiled sons of light' who 'return from the Desert of the Peoples.' She argued that these 'sons of light' cannot be the community at Qumran because another group, 'the exiles in the desert,' have already been mentioned and it is this latter company that is most probably the Qumran community itself. The 'exiled sons of light' may well, therefore, be Babylonian Jews.

A further piece of evidence is the 4QPrNab fragment, which is an earlier version of the story to be found in Dan. 4, and which may have arisen in

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Babylon. Jaubert also argued that the Book of Baruch shows affinities both with Babylon and with Qumran, that the word  $\text{יהודה(1)}$  at CD 13:8 should be rendered as 'Parthia,' and that baptism, which was practised in some form at Qumran, is in origin a Babylonian practice.

All these arguments, perhaps, amount to very little firm evidence to justify a claim that the Qumran community originated in, or had close links with, Babylon. The 'exiled sons of light' in 1QM have no explicit connection with any particular place. The claims of Babylonian influence in 4QPrNab and of Babylonian and Qumranic influence in Baruch, even if accepted, do not necessarily point to a direct link between the two places, and the translation of  $\text{יהודה(1)}$  is very difficult, if not impossible, as the text is corrupt at this point.

The major weakness, however, in Jaubert's thesis about the interpretation of 'Damascus' in CD is that it seems unlikely that the writer should have deliberately used the one name for two separate places, which would be bound to cause confusion. Although parallels can be drawn between the significance of Babylon and the significance of Qumran for the community as both were places of exile, and although the writer may not have wished to use the proper names of these places because of the associations these places would have had for him, it still seems unlikely that he should have chosen only one, rather than two, substitute names and one which, moreover, was not itself without exilic overtones.

Jaubert's contribution to the study of CD should not, however, be dismissed too lightly and her ideas about a Babylonian origin for the community were also to be promoted by Albright, who developed an idea he had originally presented before the Qumran discoveries which was based on his study of the Greek sources on the Essenes. Jaubert's ideas were also to be taken up by Murphy-O'Connor in his series of major articles on CD.

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In the 1958-59 edition of Tarbiz Brand published an article in which he attempted to unravel the cryptic historical allusions he thought were hidden in the text of CD. (24.) He considered the background of the text to be one of war and the general destruction of Judah in which only a remnant of the people survived. The Temple, however, still existed and sacrifices were still offered. In the midst of this situation a band of people were forced to leave Judah and to flee to Damascus. There they made a new covenant, which was inspired by the ideal of the literal performance of biblical precepts. This group was opposed by the 'Man of Scorn,' who in his turn was hated by them. The group looked for the coming of a Messiah from Aaron and Israel.

The expulsion of the community from Judah was preceded by many debates on religious matters. The exiles accused the men of Judah of three particular crimes: polygamy, the love of lucre and defilement of the sanctuary. The allusion in this third offence is to the conduct of family life in Jerusalem, which the community believed should not have been permitted there. These details, Brand argued, indicate that CD cannot be dated to the hellenistic period, nor to the middle ages, but to the period of the return to Zion under Persian rule.

Among the first to return, Brand believed, were members of the ten northern tribes. These Israelites were hotheaded pietists, who returned to the Holy Land to lead a pure and holy life, which had been impossible in the unclean lands to which they had been exiled. They fought every deviation from their purpose. An example of their zeal, Brand argued, was to be found in Ezra 3:2f., where it is described how, when the altar was to be rebuilt on a new site, they intervened to make sure that it

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24. J. Brand, 'The Scroll of the Covenant of Damascus and Its Date of Composition' Tarbiz 28 (1958-59), pp. 18-39.

was rebuilt in its original position. They turned Jerusalem into a sort of monastery, forbidding family life there. The prophet Zechariah fought against this and he looked forward to the day when, once more, there would be old men and children in Jerusalem (Zech. 8:2-5). There were probably other controversies as well, but these are unrecorded.

These zealous Israelites were eventually expelled from Jerusalem. Their arch-enemy, whom they designated the 'Man of Scorn,' was Zechariah. He advocated the abolition of fasts commemorating the destruction of the Temple, which the expelled Israelites continued to observe (CD 6:19). He was liberal about Sabbath and festival prohibitions.

Brand dated these events between 480 and 460 BC. Then the 'head of the kings of Yavan' appeared (CD 8:11). Brand saw here an allusion to Pausanias, King of Sparta, who headed the confederacy of Greek states. In his struggle against the Persians he caused difficulties for the other citizens of the Persian empire and he was an accessory to the destruction of Judah.

Brand distinguished between the 'Teacher of Righteousness' and the 'Teacher of the unity.' The latter he considered to be the community's teacher in the present day, the former he considered to be the Messiah, who was destined to appear in the latter days and whose advent would bring with it world dominion for the community.

The author of CD lived some time between the period of the destruction of Judah and this future date. In the course of time, Brand argued, the identity of the Man of Scorn was forgotten, and the editor of Manuscript B even added a verse from Zechariah's prophecy to the text, as well as passages from other late biblical works. This text, Brand concluded, is a relic of the original Israelite literature, filling in a chapter of history during the Persian period, and he saw a reference to it in 1 Macc. 1:57, where a 'book of the covenant' is mentioned.

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In 1969 Iwry published an article on CD which argued for a literal understanding of the place-name 'Damascus.' (25.) Crucial to his argument is his translation of the phrase שְׂבִי יִשְׂרָאֵל הַיּוֹצֵאִים מֵאֶרֶץ  
 וַיָּשֻׁבוּ יִשְׂרָאֵל וַיָּגִדוּ וַיִּשְׂבְּ. He considered שְׂבִי יִשְׂרָאֵל to mean 'the returness of Israel,' that is, those Israelites who have returned home. (26.) He then translated the rest of the phrase as 'who hail from or originate in the pre-exilic land of Judah' and 'who had sojourned during their exile in Damascus.'

Iwry rejected the translation 'who went forth from the land of Judea and dwelt in Damascus,' which would describe two actions following on from each other in the past as not being compatible with the use which is made here of a participle with a qualifying article. This modifies the subject, the שְׂבִי יִשְׂרָאֵל, rather than indicating a consecutive action. Iwry also rejected the translation of שְׂבִי יִשְׂרָאֵל as 'penitents of Israel.'

Instead of a group of people leaving Judea to go to Damascus, who then returned at some later date, Iwry argued that CD refers to a group of Jews from Damascus, who returned to the land after a long exile.

As evidence for his claim that Damascus is used literally in CD Iwry cited the fact that the Jewish settlement there was the oldest outside Palestine. He drew attention to references in Josephus, Megillath Ta'anith and 1 Maccabees to the continuous movement of Jews to and from Syria.

With the rise to power of the Maccabees, many Jews scattered in the surrounding countries decided to return to the Promised Land. Amongst these was a group of priests and levites and others, who returned from

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25. S. Iwry, 'Was There a Migration to Damascus? The Problem of שְׂבִי יִשְׂרָאֵל' Eretz-Israel 9 (1969) (W.F. Albright Volume), pp. 80-88.

26. See Iwry, op. cit., p. 86.

Damascus. During their long exile they had lost touch with religious developments in Jerusalem and when they returned they discovered that much had changed and that many aspects of their understanding of the faith were not accepted by the Jerusalem authorities. Their claim to priestly status was rejected and they found out that the Temple priests were no longer of the Zadokite family. The calendar they observed was no longer that which was kept in the Temple, and the priests were no longer the final authority in matters of Torah observance.

Their reaction to all this was to boycott the Temple, which they considered to be polluted and they understood the period in which they were living as a period of wrath. Eventually their disillusion with the situation in Jerusalem led them to withdraw to Qumran to live a life isolated from the rest of the nation.

In a series of articles published in the early 1970s Murphy-O'Connor presented a long and detailed literary analysis of the Admonition of CD. (27) He considered CD to be a complex compilation of various strands, gathered around a central core of material, which he called the 'Missionary Document,' and which runs from CD 2:14 to CD 6:1. The purpose of this 'Missionary Document' was to present to those outside the community a choice, a choice between accepting the claims of the community to be the guardians of the true understanding of God's will for his people, on the one hand, and the threat of punishment, on the other.

In CD, as it now stands, the 'Missionary Document' is preceded by two introductions, one historical (CD 1:1-2:1) and the other theological (2:2-14

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27. J. Murphy-O'Connor, 'An Essene Missionary Document? CD II,14-VI,1' RB 77 (1970), pp. 201-29; idem., 'A Literary Analysis of Damascus Document VI,2-VIII,3' RB 78 (1971), pp. 210-32; idem., 'The Critique of the Princes of Judah (CD VIII,3-19)' RB 79 (1972), pp. 200-16; idem., 'A Literary Analysis of Damascus Document XIX,33-XX,34' RB 79 (1972), pp. 544-64.

which were intended to relate the material contained in the Missionary Document to those who were already members of the community, but who were in danger of falling away.

Murphy-O'Connor considered the 'Well Midrash' of 6:2-11 as an independent section, which acts as a link between the Missionary Document and the 'Memorandum,' which consists of a series of precepts, which were considered to be of special importance. These precepts are preceded by an introductory statement which makes it clear that those to whom this text is addressed had rejected the validity of the worship offered in the Jerusalem Temple and had adopted a particular understanding of the Law. The 'Memorandum' concludes with an epilogue containing a promise for those who held fast to the correct observance of the Law, and a warning for those who did not (CD 7:4-8:3).

The next section of CD, according to Murphy-O'Connor's analysis, is a 'Critique of the Princes of Judah' (CD 8:3-19). He dated it to the High Priesthood of Jonathan Maccabeus and he considered it to have originally been a condemnation of the religious and political leaders of the nation at that time. Its inclusion in CD was to be explained, Murphy-O'Connor argued, by its reapplication as a condemnation of members of the community who betrayed the Teacher of Righteousness.

The last section of the Admonition to be isolated by Murphy-O'Connor was that which consists of 19:33-20:34. This Murphy-O'Connor interpreted as a document which formed part of an attempt to put an end to growing disillusion and disaffection within the community. It provides a criticism of members of the community who had actually departed, as well as of those who still remained, but who were spiritually alienated. It also acted as a warning to those who remained committed to the principles of the community.

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In the course of all this literary analysis Murphy-O'Connor sought to determine the history of the community as it is presented in CD. In a further article (28.) Murphy-O'Connor set out his understanding of the history of the community, drawn from his study of CD and elsewhere. He understood the CD community to have emerged from the Essenes. This movement had its origins in Babylon, amongst Jews who remained there after the return from the Exile.

However, in the wake of the victories of Judas Maccabeus and the establishment of an independent Jewish state in Palestine some of these Essenes returned. They were bitterly disappointed with the state of the Judaism which they discovered in Palestine. It was deeply influenced by hellenistic ideas and the Essenes' interpretation of the Torah did not accord with current practice in Palestine.

Some time after the return of the Essenes to Palestine Jonathan Maccabeus usurped the High Priesthood. Murphy-O'Connor argued that the High Priest whom he deposed, the unknown High Priest of the 'Inter-Sacerdotium,' joined himself to the Essenes and is to be identified as the Teacher of Righteousness. He was not, however, universally accepted as such by all the Essenes, and a split developed within the movement. The Teacher was challenged by a 'Man of the Lie.' Those who supported the Teacher departed to the wilderness and there they set up their isolated community at Qumran. Those who rejected the Teacher remained in the towns and villages of the land.

The key points of Murphy-O'Connor's analysis of CD and the history of the community from which it comes stress that the earliest origins of the group from which the Qumran community emerged are to be found in

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28. J. Murphy-O'Connor, 'The Essenes and their History' RB 81 (1974), pp. 215-44.

Babylon, and that the Qumran community itself came into being as the result of a split in the wider group over the acceptance, or rejection, of the authority of the Teacher of Righteousness, who is to be identified as the deposed High Priest of the 'Inter-Sacerdotium.'

Babylonian origins for CD, and the group which produced it, are also stressed by Davies in his book, which provides a detailed study of the Admonition of CD. (29.) This is, of course, far from being a new idea. What does, however, set Davies' study apart from most scholarship on CD after the Qumran discoveries is his argument that

the document achieved its outline and substantially its present form before the foundation of the Qumran community. (30.)

The general trend had been to stress what CD had in common with the Dead Sea Scrolls. Sometimes this had been at the expense of the differences which do exist, but Davies stressed these differences in order to show that CD is to be dated to a period before the settlement at Qumran.

Davies argues that the thought of CD is greatly influenced by priestly exilic literature, in particular the Holiness Code and Ezekiel. This does not mean that the community responsible for CD had its origins in the sixth century BC, although similarities to be found with the ideology of Ezra and Nehemiah may suggest an origin some time before the middle of the fifth century.

Davies argues that CD was certainly composed before the settlement at Qumran, and that there is evidence to suggest that it was actually written in Babylon, before the return to Palestine. Dating the composition of CD

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29. Davies, op. cit.

30. See Davies, op. cit., p. 202.

is not an easy task. It took place before the settlement at Qumran, but after the composition of the Book of Jubilees. Fixing the date of these events is, however, not easy, either.

The split in the parent community responsible for CD and the departure of the break-away group to Qumran was caused by the appearance of a person who claimed to be the one who would arrive 'at the end of days.' This was the Teacher of Righteousness, who led his followers out to Qumran, where they established themselves as an independent community, cut off from the parent community, which they regarded as being guilty of apostasy.

Although Davies accepts CD as being substantially a unity, a coherent composition, which reflects 'an organised, well-developed community with a clearly-expressed ideology and historical traditions,' (31.) he does have to resort to the argument that the manuscripts of CD which we possess are of a Qumranic recension of the text, which adapted the work so as to fit it into the changed ideology of the splinter group, with its rejection of the parent community and its acceptance of the claims of the Teacher. This inevitably weakens Davies' argument considerably.

Davies' argument is also weakened by the way in which he ignores the parallels which exist between CD and the Dead Sea Scrolls. The great problem which faced scholars who worked on CD before the Qumran discoveries was the fact that they had to analyse the text very largely in isolation, with no fixed context within which to work. This resulted in the vast array of ideas about which group, known or unknown, had been responsible for the composition of the document. The Qumran discoveries and the obvious similarities between them and CD gave scholars such a

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31. See Davies, op. cit., p. 202.

context within which they could examine the difficulties of interpretation which CD undoubtedly still presented. Davies has very largely returned to a way of looking at CD which ignores this Qumran context. Obviously, he cannot ignore it completely, but his solution to this problem is to propose that what we possess in the Cairo manuscripts of CD is a Qumranic recension of what is, in origin and still very largely in its present form, an older, pre-Qumran text.

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## Conclusions to Chapter 2

Unless the Qumran discoveries are to be dismissed as mediaeval, or later, forgeries, they make it extremely difficult to accept any theory of the origins of CD which tries to establish it as a writing of the Christian era. There are, of course, still those, such as Thiering, who would want to maintain that CD is a Jewish Christian writing, but this is certainly not a mainstream view and cannot be accepted.

The Qumran discoveries demonstrated that many scholars who had worked on CD without the benefit of these texts had, in fact, been remarkably accurate in their dating of CD.

Very few scholars would now want to say that CD is not a product of the Qumran community, and even Davies has to argue that what we now possess is a Qumranic recension of an earlier work. The vast number of parallels which are to be drawn between CD and such texts as 1QS and 1QpHab. have convinced most scholars that all these writings must be the work of one group. The presence of fragments of CD at Qumran, even if they can do little else, do show that CD was a text which the Qumran community possessed and copied.

Controversy still remains, however, about how, precisely, the information contained in CD is to be used in any interpretation of the history of the Qumran community. Attempts to identify the various figures to whom cryptic references are made in CD and the Scrolls have not produced a consensus. The interpretation of the place-name 'Damascus' has also proved controversial. A proper understanding of the use of this name is, however, fundamental to any understanding of the history of the Qumran community.

Interest has tended to concentrate on the historical references in CD. Sometimes answers have been sought to historical questions which CD

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probably <sup>does not</sup> intend to answer. On the other hand, there has been a general lack of interest in other aspects of CD, such as the legal material of pages 9-16, and this has caused something of an imbalance in our understanding of the text, especially in the matter of the purpose of the document and the reason for the gathering of the particular material which CD contains into a single text. This question arises most especially when the connection is sought between the Admonition and the Laws.

On many aspects of CD there has been a high degree of consensus in the period after the Qumran discoveries, but this has sometimes been achieved by ignoring outstanding problems in the correct interpretation of the text and there has also been a tendency to concentrate on certain aspects of the work at the expense of others.

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CHAPTER 3PART 1: AN ANALYSIS OF THE SABBATH LAWS OF THE DAMASCUS DOCUMENT

Interest in CD has, to a large extent, been concentrated upon pages 1-8 and 19-20, which constitute what is generally known as the Admonition. Much less importance has generally been attached to the section which consists of pages 9-16 and which is made up of legal material.

A notable exception to this tendency was Ginzberg, who, in his work on CD, (1.) devoted a great deal of space to an analysis of the halakhah to be found in it. His study led him to conclude that 'in our document we have a Pharisaic book of law.' (2.) This view was at variance with virtually all other scholarship on CD at the time, and this still remains the case. In spite of this, the conclusions reached by Ginzberg, as a result of his detailed analysis of the text of CD, still deserve serious consideration.

The matter to be treated in the greatest depth, and probably the only one which is approached with any attempt at completeness, in the halakhah of CD is that of the proper observance of the Sabbath. The laws relating to the Sabbath are, therefore, of particular importance in that they give us a significant amount of information concerning the attitude of the writer of CD to a central aspect of life.

The Sabbath laws are to be found between line 14 of page 10 and line 18 of page 11, with an additional law, dealing with the punishment to be meted out to those who profane the Sabbath, on page 12, at lines 4-6. Whether the fact that all but one of the Sabbath laws contained in CD

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1. See Ginzberg, op. cit.

2. See Ginzberg, op. cit., p. 127.

are gathered together into a single unit is an indication that what is presented in that unit is a comprehensive treatment of the subject of proper Sabbath observance is not entirely certain. This is, however, the view of Schiffman, who made a thorough study of the laws in CD concerning the Sabbath in his book on the Qumran halakhah. (3.) He points to the fact that the first and the last of the Sabbath laws in the section 10:14-11:18, and these two alone, are accompanied and supported by scriptural proof-texts. (4.) Thus an inclusio is formed.

Whether these two laws are provided with proof-texts because they appear at the beginning and the end of the section of CD dealing with the Sabbath, or whether these laws were placed in the positions in which we find them because they were supported by scriptural texts, while all the other precepts were not, is unclear. The first precept, which concerns the proper time for the beginning of the observance of the Sabbath, certainly stands in an appropriate position, before the other rules about proper behaviour on the Sabbath. Not only this, knowing the correct time at which the Sabbath began would have been of paramount importance, as it was, of course, essential to know when to begin the Sabbath observances as well as to know what these observances actually were.

The final law concerning the Sabbath, dealing as it does with the proper sacrifices to be made on the day, also concerns a subject of great importance; and it may well be the case that the positioning of these two precepts, in first and last place respectively, is an indication that what is to be found between them is meant to be a comprehensive treatment of Sabbath observance.

Reference to the Sabbath in CD is first made at 3:12-16, which tells us that God established his covenant with the remnant of Israel by revealing

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3. L.H. Schiffman, The Halakhah at Qumran (Leiden, 1975).

4. See Schiffman, op. cit., p. 80.

to them hidden things concerning which the nation had gone astray. One of these things was the 'holy Sabbaths.' It is, then, possible to understand the Sabbath laws of CD as a statement of correct Sabbath observance known only to the community of which CD is a product.

At CD 6:18 we are told that one of the obligations imposed upon those who enter the covenant is to keep the Sabbath 'according to its exact rules.' The exact rules here referred to may well be those contained in 10:14-11:18.

The Qumran Sabbath Code, as Schiffman calls this section of CD, begins with a heading, which announces what is to follow:

Concerning the Sabbath, to guard it according to its rule.

The verb **גָּרַשׁ**, 'to guard,' is found in the commandment concerning the Sabbath in the version of the Decalogue in Deuteronomy (Deut. 5:12). There is, then, here, right at the beginning of the Sabbath laws, an allusion to the Decalogue, obviously one of the most important bases for the whole concept of Sabbath observance. And this allusion to Deut. 5:12 is followed, in the first of the Sabbath laws, by a quotation of this very text as the scriptural authority for the ruling in CD.

#### 1. The Proper Time for the Beginning of the Sabbath (10:14-17)

The first of the halakhah dealing with the Sabbath concerns the extension of the seventh day so that its observance began during the course of the Friday. Instead of beginning on the Saturday morning, or even at midnight on the Friday night, the Sabbath began during the day on the Friday.

A reference to this practice is to be found in bYoma 81b:

From here <sup>(5.)</sup> we learn that we add from the

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5. This is a reference to the talmudic interpretation of Lev. 23:32, discussed in the immediately preceding passage.

profane time to the sacred time. Thus I know it only at its beginning. Whence do I know it at its end? Therefore Scripture said: 'From even unto even.' Thus I know it only for the Days of Atonement, whence do I learn the same for the Sabbath days? Therefore the text reads: 'Your Sabbath.' How is that? Wherever the word 'shebuth' [rest] is mentioned, we add from the profane time to the sacred one.

BShabbath 148<sup>b</sup> states, with reference to the Day of Atonement, that this extension of the sacred time is a scriptural command:

For lo! the addition to the Day of Atonement is Scriptural, yet we see them [women] eat and drink until it is dark and do not rebuke them.

That the observance of the Sabbath began before dark on the Friday is also attested at bShabbath 35b, where we read:

R. Jose son of R. Zebida said: If one performs work at two twilights, <sup>(6.)</sup> he incurs a sin-offering, whatever view you take.

Raba said to his attendant: You, who are not clear in the Rabbinical standards, light the lamp when the sun is at the top of the palm trees. How is it on a cloudy day? - In town, observe the fowls; in the field, observe the ravens or arore. <sup>(7.)</sup>

As bShabbath 148<sup>b</sup> presents the extension of the sacred time as a scriptural command, so does CD, with its presentation of Deut. 5:12 as a proof-text. Ginzberg <sup>(8.)</sup> argued that the Jerusalem Talmud considered the extension of the Sabbath to be a rabbinic, and not a

6. I.e. the twilights of Friday and of Saturday.

7. Fowls and ravens retire to roost at night and, therefore, the lamp should be lit before night falls. Arore is a plant whose leaves turn eastward by day and westward by night.

8. See Ginzberg, op. cit., p. 108.

biblical, precept, because at yShevi'ith 1,33a it is stated that 'one may work on Friday until sunset.' Ginzberg does not consider that a different point of view is being presented here, but that the apparently contradictory statement of the Jerusalem Talmud is made to indicate the fact that a different authority is thought to be the source of the precept. It seems much more likely that the Jerusalem Talmud is presenting a different standpoint on the timing of the beginning of the Sabbath observance.

In the Jewish Wars 4.9.12 Josephus tells us of the practice of sounding a trumpet before the beginning of the Sabbath, and at its conclusion, to announce the times for the cessation and the resumption of work. He does so in the course of describing Zealot attempts to maintain control of the Temple against the assault of Simon of Gerasa. To aid them, the Zealots had constructed four towers, the fourth of which

was erected above the roof of the priests' chambers, at the point where it was the custom for one of the priests to stand and to give notice, by sound of trumpet, in the afternoon of the approach, and on the following evening of the close, of every seventh day, announcing to the people the respective hours for ceasing work and for resuming their labours.

Further references to this sounding of a trumpet are to be found in the rabbinic sources. MSukkah 5:5 tells us that

On the eve of Sabbath they used to blow six more blasts, three to cause the people to cease from work and three to mark the break between the sacred and the profane.

BShabbath 35b also describes the sounding of six trumpet blasts:

Our Rabbis taught: Six blasts were blown on the eve of the Sabbath. The first, for people

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to cease work in the fields; the second, for the city and shops to cease [work]; the third, for the lights to be kindled: that is R. Nathan's view. R. Judah the Nasi said: The third is for the tefillin to be removed. Then there was an interval for as long as it takes to bake a small fish, or to put a loaf in the oven, and then a teki'ah, teru'ah and a teki'ah were blown, and one commenced the Sabbath.

TSukkoth 4:12 describes how the minister of the synagogue would sound a trumpet from the highest roof of the town in which he lived and gives some indication of what was, and what was not, permissible after the sound of the trumpet had been heard, and about the disagreement that there was between the rabbis about correct practice in this area:

The minister of the synagogue takes a trumpet and goes up to the top of the highest roof in the town. He begins to sound the trumpet. They take the cooked dish off the stove and cover it with a warm pot and light the candle. Once he has completed sounding, even if the warm pot is in his hand, he may not cover it, but he leaves it on the ground. Even if the candle is in his hand, he may not put it into the candle-holder, but he leaves it on the ground. The minister of the synagogue leaves the trumpet up there on the roof and climbs down and goes his way. R. Yose says, '[If] he wanted to light [the candle] afterward, he may light it.' They said to him, 'You have placed a limit on your opinion.' 'But there was a place on top of the roof, where the minister of the synagogue leaves his trumpet.'

These texts do not, however, specify the exact time when work ceased in preparation for the Sabbath. One rabbinic source, however, tells us

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that one hour should be added to the Sabbath:

[And the seventh day is a Sabbath unto the Lord thy God.] The addition of the word And to the phrase the seventh day...unto the Lord thy God refers, says R. Yudan, to the hour which is added to the sacred by taking it away from the secular: [what is added is the last hour in the sixth day], this being the one in which the work of creating the world was finished. (9.)

CD tells us that work should cease from the time 'when the orb of the sun is distant from the gate by its fulness.'

The gate which is referred to here could be the gate of the city and so what could be meant here would be some method of measuring time in relation to the sun's position relative to it. More likely, however, is the view which sees here an allusion to 1 Enoch 72:2f., where we read

The sun is a luminary whose egress is an opening of heaven, which is (located) in the direction of the east, and whose ingress is (another) opening of heaven, in the west. I saw six openings through which the sun rises and six openings through which it sets.

A third interpretation, referred to by Ginzberg, (10.) connects this passage with the rabbinic references to the 365 windows through which the sun rises and sets. (11.) Whether the author of CD was here directly following one or other of these traditions is hard to say. It seems probable that he is following neither in particular, because he talks of a gate in the singular, whereas both the Enoch and the rabbinic traditions refer to multiple openings through which the sun rises and sets. Never-

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9. Pesikta Rabbati, Piska 23 (p. 476).

10. See Ginzberg, op. cit., p. 55.

11. yRosh Hashanah 2,58a; Pirqe R. Eliezer c.6.

theless, the same general idea of the sun passing through an opening, or openings, does seem to be present. Ginzberg tried to claim that the use of the word **רש**, 'gate,' here, rather than the word **חלון**, 'window,' as in the rabbinic sources, is an indication that it is the Enoch tradition which CD is following here. The difficulty here is that our text of Enoch is in Ethiopic, and the Ethiopic word **ḥewḥew** means, according to E. Isaac, (12.) a 'hole,' 'crack,' 'aperture,' 'slot,' or 'vent,' rather than specifically a 'gate' or 'portal.'

The interpretation of **מלוואו** still remains problematical and prevents an accurate calculation of precisely what time on the Friday is meant to signal the start of the Sabbath. Schechter proposed two possible emendations of the text. (13.) The one he incorporated into his translation of the text into English involved adding a **ጊ** to **מלוואו** to give the meaning 'in its fulness.' This would suggest that the Sabbath began while the sun was at its height in the sky. The alternative emendation involved reading **ጊጊ** for **מלוואו** and translating as 'at its setting.' This would contradict the other evidence we have to suggest that the Sabbath began before the sun had set. Neither emendation, however, brings us any nearer to a solution of the problem of when, precisely, in the view of CD, the Sabbath began.

Ginzberg, too, proposed two emendations to clarify the problem. The first involved reading **ጊጊ** for **מלוואו** and translating the phrase as 'when the sun is still distant from the gate through which it sets.' This emendation, however, possible as it may be, gives us even less indication of the position of the sun in the sky, and hence of the time of day, than does the text as it stands.

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12. See E. Isaac, '1 (Ethiopic Apocalypse of) Enoch (Second Century BC - First Century AD) A New Translation and Introduction' in J.H. Charlesworth, The Old Testament Pseudepigrapha Vol. 1 Apocalyptic Literature and Testaments (New York, 1983), pp. 5-89.

13. See Schechter, op. cit., p. xlviii.

Ginzberg's second proposed emendation, if accepted, would neatly solve the difficulty presented here in the text, but it is, perhaps, too ingenious to be accepted. He suggested that  $\text{לילואו}$  be divided into two words,  $\text{ליל}$  'mile' and  $\text{לואו}$  'six.' This precisely determines the time of the beginning of Sabbath observance as being one hour and forty-eight minutes before sunset. This calculation is based on the talmudic reckoning of time, by giving the distance that can be covered in the period specified. BPesaḥim 93b reckons forty miles to represent twelve hours. Ginzberg made his calculation on this basis, reckoning each mile to be the equivalent of eighteen minutes. If this proposal of Ginzberg's were the correct reading, the rule in CD would be very close to the rabbinic calculation of the beginning of the Sabbath, which was something more than one and a half hours before nightfall.

The three ways of reckoning the beginning of the night in the Talmud are sunset, the appearance of the stars and twilight. The time between sunset and the appearance of the stars comes to ninety minutes (bPesaḥim 93b) and the Sabbath is supposed to begin shortly before sunset (bRosh Hashanah 9a), which would bring us to a time close to that which Ginzberg proposed we should find in the text of CD.

All of this is highly speculative, but what can safely be said is that while the exact time for the beginning of Sabbath observance cannot be definitely determined from CD, it can be stated that the principle reflected in 10:14-17 on this matter accords with that to be found in the rabbinic sources.

A further parallel on this matter may be drawn with Jubilees. As in CD, the day in Jubilees begins in the evening. <sup>(14.)</sup> Baumgarten refers

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14. See J.M. Baumgarten, Studies in Qumran Law (Leiden, 1977), pp. 124-30.

particularly to two passages which establish this fact. The first is Jub. 32:16 -

And on the following night, on the twenty-second day of this month, Jacob resolved to build that place, and to surround the court with a wall, and to sanctify it and make it holy forever, for himself and his children after him.

From the context it is evident that the night referred to is that following the twenty-first day of the seventh month, the last day of the Feast of Tabernacles. This night is reckoned by the author as part of the twenty-second day.

The second passage quoted by Baumgarten, Jub. 49:1, reads

Remember the commandment which the Lord commanded thee concerning the Passover, that thou shouldst celebrate it in its season on the fourteenth of the first month, that thou shouldst kill it before it is evening, and that they should eat it by night on the evening of the fifteenth from the time of the setting of the sun.

Here the night on which the paschal lamb is eaten is specifically designated as part of the fifteenth day.

The question of why Deut. 5:12 was chosen as the proof-text for this precept concerning the extension of the Sabbath into the Friday immediately before it is not easy to explain. Schiffman<sup>(15.)</sup> argued that it was possible that the change from זכר, 'to remember' to שמר, 'to guard,' when the version of the Decalogue in Deuteronomy is compared with that in Exodus, gave an indication that it was necessary to add to the Sabbath in order to prevent its violation. He draws attention to the fact that

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15. See Schiffman, op. cit., p. 86.

the tannaim used Deut. 5:12 to justify the addition of sacred time to the end of the Sabbath (16.) and he also notes that Lev. 19:3, which also contains the root **נש**, was similarly interpreted by the Karaite, Eliezer Bashyatchi.

Talmon (17.) wanted to dismiss this first of the Sabbath laws of CD as a later addition to the text. He did this because it contradicts his theory that Sabbath observance at Qumran began in the morning and lasted until the following morning, rather than during the previous day. He drew this conclusion from his understanding of the solar calendar used at Qumran, and he supported his conclusion by drawing attention to 1QS 10:14, which lists the daily prayers in the sequence of morning, afternoon and evening. Schiffman dismisses this claim by stating

It is difficult to understand why a copyist should here insert a normative Rabbinic law while ignoring many other blatantly schismatic elements in this text. (18.)

Talmon may be correct in his understanding of the nature of the Sabbath celebration as assumed in the text of 1QS, but we should then have to accept that 1QS and CD reflect a difference of opinion on this matter. Even so, there seems no good reason to dismiss the opening precept of the Sabbath code of CD, with its scriptural proof-text, as a later addition to the text.

Although it is not possible to determine from CD 10:14-17 the exact time at which Sabbath observance began, it does seem to be stating the same general principle as is to be found in the rabbinic sources and in what we know of contemporary practice, as well as in Jubilees. It ref-

16. See Mekhilta' De-Rabbi Shim'on ben Yoḥai to Ex. 20:8; Mekhilta De-Rabbi Ishmael, Yitro **7**, Midrash Tannaim I, to Deut. 5:12.

17. See S. Talmon, 'The Calendar Reckoning of the Sect from the Judaeen Desert' in Aspects of the Dead Sea Scrolls (Scripta hierosolymitana, 4) (Jerusalem, 1958), pp. 162-99.

18. See Schiffman, op. cit., p. 85.

lects the desire to protect the proper observance of the Sabbath by extending it into the profane time of the day before, so as to avoid any possibility of profanation of the Sabbath day itself. It saw the difference in the wording of the Decalogue in the Exodus and Deuteronomy texts as indicating that this should be done and it used the Deuteronomy version of the commandment to keep the Sabbath as a proof of the divine authority for this practice.

## 2. Subjects of Conversation on the Sabbath (10:17-19)

CD 10:17-19 is generally thought to deal with the subject of one's conversation on the Sabbath. BShabbath 113a-b contains the principle, reflected here, that 'thy speech on the Sabbath should not be like thy speech on weekdays.'

In his treatise Against Apion (1.209-11) Josephus emphasises how behaviour on the Sabbath is totally different from that on weekdays, as the people spend the day praying 'with outstretched hands in the temples until the evening.' A similar point is made by the Jerusalem Talmud when it states, at yShabbath 15,15a, that

the Sabbaths and the festivals were given by  
God only that they might be used for the study  
of the Torah.

Philo, in De Specialibus Legibus 2.15.62, also tells us that every Sabbath thousands of schools operated for the study of the Law.

The first clause, prohibiting the use of a 'foolish or empty word' on the Sabbath is seen by Ginzberg simply as the first of the four clauses on this matter, while Schiffman sees it as an introduction to three rules prohibiting the discussion of business affairs on the Sabbath. (19.)

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19. See Ginzberg, op. cit., p. 57; Schiffman, op. cit., p. 88.

This prohibition is derived from Is. 58:13<sup>(20.)</sup> where the prophet promises the people that they will find joy in the Lord if they call the sabbath a delight, and the holy of the Lord honourable; and shalt honour it, not doing thine own ways, nor finding thine own pleasure, nor speaking thine own words.

This general prohibition is also to be found in the rabbinic sources, at bShabbath 150a -

Scripture saith, nor finding thine own affairs nor speaking thine own words: thine affairs are forbidden, the affairs of Heaven [religious matters] are permitted.

Ginzberg<sup>(21.)</sup> refers, in connection with this command, to a citation from yShabbath 15 by R. Moses of Tachau in his **כתב תמיים** (Ozar Nehmad 3:62), which reads,

It is forbidden to speak of idle matters on the Sabbath.

This is a close parallel to the text of CD here, but this sentence is not to be found in the present text of the Jerusalem Talmud. Nevertheless, R. Moses' quotation shows that this precept was taught in rabbinic circles.

The next statement in CD may be taken either as a prohibition of lending or as a prohibition of pressing a debtor for repayment. This distinction is between an action, on the one hand, and speech, on the other. The context seems to favour the latter view and this is the one favoured by Schechter<sup>(22.)</sup> and by Ginzberg, who referred to the use of the verb in Ps. 89:23 and Neh. 5:7.<sup>(23.)</sup> Charles,<sup>(24.)</sup> however, translates

20. See Schechter, op. cit., p. xlviiii.

21. See Ginzberg, op. cit., p. 108.

22. See Schechter, ibid.

23. See Ginzberg, op. cit., p. 109, n.12.

24. See Charles, op. cit., p. 28.

לשׁ as 'to lend' and refers to Schechter's 'mistranslation' as well as to Levi's emendation to לשׁ, 'to complain.' Rabin, (25.) too, translates 'to lend' but also refers to the alternative interpretation.

If the reference here is to lending there would appear to be a contradiction between this precept and that to be found in mShabbath 23:1, which permits the lending of various items on the Sabbath in certain circumstances:

[On the Sabbath] a man may borrow of his fellow jars of wine or jars of oil, provided that he does not say to him, 'Lend me them'; so, too, a woman [may borrow] of her neighbour loaves of bread; and if one does not trust the other, the other may leave his cloak with the lender and make a reckoning with him after the Sabbath.

What is important about this mishnah, however, is that it concedes that lending is permitted, albeit by circumlocution. This is an example of the rabbis accepting a compromise situation. For them, the ideal would have been a total ban on all lending on the Sabbath, but they recognized that the practice was so deeply ingrained that such a ban would have been impossible to enforce. They therefore sought to bring the practice under some sort of control by placing restrictions on the circumstances in which lending was to be tolerated. (26.)

If the CD ruling is indeed about the act of lending itself it can be said that, although stricter than the rabbinic ruling, it is not fundamentally opposed to it. It is, in fact, what the rabbis would have seen as the ideal. The context of the ruling in CD, however, does make it more likely that it forbids discussion of the repayment of loans, rather

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25. See Rabin, op. cit., p. 52.

26. See Schiffman, op. cit., pp. 88f.

than the act of lending itself.

Rabin (27.) reads the verb in the next clause as **לְדַבֵּר** and translates,

Let them not shed (blood) for property and gain.

In a footnote he refers to tEruvin 4:5, where it is stated that no defence is permitted if the attack is only for robbery.

Schechter, (28.) Charles, (29.) Ginzberg (30.) and Rost (31.) all read or translate the verb **לְדַבֵּר**, 'to dispute about.' Schechter (32.) understood the prohibition to be of the holding of a trial on the Sabbath, a prohibition to be found in the Mishnah, at mBeṣah 5:2. A more general prohibition of arguments about business matters is, however, more likely in the context, a meaning of **לְדַבֵּר** attested in Jer. 2:35.

The final command in this section prohibits talk about the work planned for the day after the Sabbath. A similar command is to be found in bShabbath 150b -

One shall not say to his neighbour on the Sabbath, I am thinking of spending such and such a sum. (33.)

### 3. Walking on the Sabbath (10:20-21)

The law found at 10:20 has generally been understood to prohibit the planning, on the Sabbath, of work to be done on the following day. This interpretation, however, presents certain difficulties. For the rule to

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27. See Rabin, op. cit., pp. 52f.

28. See Schechter, op. cit., p. 10.

29. See Charles, op. cit., p. 28.

30. See Ginzberg, op. cit., p. 58.

31. See L. Rost, Die Damaskusschrift (Berlin, 1933), p. 20.

32. See Schechter, op. cit., p. xlviiii.

33. See also the following passage in the Talmud and tShabbath 17:9.

be taken to refer to activity planned for the day after the Sabbath the preposition 'after' must be added to the text or, at least, understood.

This is the course adopted by Rabin. (34.) Charles (35.) translated the text as it stands, but suggested that **תשׁו** might be understood in the sense of 'to prepare' or 'to provide for,' while Schechter (36.) argued that **יצׁו** probably only means to plan for the work for the following day.

This brings us to another problem: the meaning of the verb, **צׁו**. In biblical Hebrew it means 'to delight in' (37.) and this would suggest that what is prohibited here is not work, either on the Sabbath or after it, but going out to walk for pleasure.

However, in Is. 58:13, a similar expression to that found here, **תשׁו** **צׁו**, 'doing thy affairs,' occurs. Here the meaning of the noun **צׁו** seems to be more akin to work and duties than to pleasure, and so it may well be justified to understand the same root here in CD in a similar way. If this is done, we avoid reading here a law of the extremest rigour and also discover a parallel with the rabbinic sources. In bEruvin 38l we read that

A man shall not walk [on the Sabbath] to the  
end of his field to ascertain what is required.

This is Rabin's conclusion about the meaning of this ruling. (38.) What is prohibited here is going to the Sabbath limit to await the end of the Sabbath in order to begin work beyond the limit as soon as the Sabbath was over.

The following line, 10:21, presents even greater difficulties, as it

34. See Rabin, op. cit., p. 52.

35. See Charles, op. cit., p. 28.

36. See Schechter, op. cit., p. xlviiii.

37. See F. Brown, S.R. Driver and C.A. Briggs, A Hebrew and English Lexicon of the Old Testament (BDB) (Oxford, 1906; reprinted, 1951), pp. 342f.

38. See Rabin, op. cit., p. 53.

appears to contradict directly the law to be found at CD 11:5f.

There the Sabbath limit is said to be 2,000 cubits; here it is 1,000 cubits. One possible solution is that the text here is corrupt and that what should be read is  $\text{אלף אמה}$  instead of  $\text{אלף}$ , thus eliminating the discrepancy between CD 10:21 and CD 11:5. However, while this solution may be correct, it is impossible to be certain, and other possible explanations which retain the text in its present form should be considered.

The traditional rabbinic Sabbath limit was 2,000 cubits, a ruling which was based on Num. 35:5 -

And ye shall measure without the city for the east side two thousand cubits, and for the south side two thousand cubits, and for the west side two thousand cubits, and the north side two thousand cubits, the city being in the midst. This shall be to them the suburbs of the city.

While this verse provided the actual measurement of the limit, the principle behind this was derived from Exod. 16:29 -

See, for that the Lord hath given you the Sabbath, therefore he giveth you on the sixth day the bread of two days; abide ye every man in his place, let no man go out of his place on the seventh day.

The definition of the Sabbath was, however, complicated by the verse preceding Num. 35:5, which states that

the suburbs of the cities...shall be from the wall of the city and outward a thousand cubits round about.

That this discrepancy caused debate amongst the rabbis is reflected in bEruvin 51a, where we find the question,

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But why should we not deduce it from the  
verse, From the wall of the city and out-  
ward a thousand cubits?

The matter is discussed in mSoṭah 5:3. Here R. Akiba, after referring  
to the discrepancy, concludes that

the one thousand cubits are the outskirts,  
while the two thousand cubits are the  
Sabbath limit.

The conclusion of R. Eleazar b. R. Jose the Galilean is also given in  
this mishnah. He said,

The one thousand cubits are the outskirts  
and the two thousand cubits are the  
[surrounding] fields and vineyards.

All this shows that there was uncertainty about the extent of the  
Sabbath limit and that a solution to the problem was sought by applying  
the different limits to differing circumstances. It is not, therefore,  
necessary to explain away one or other of the limits referred to in CD,  
as one refers to walking, presumably for any purpose, while the other  
refers to leading animals to pasture.

Schiffman (39.) makes reference to the prohibition in Jub. 50:12 of  
making any journey whatsoever. If taken literally this would be a far  
harsher law than is found here in CD, but this is unlikely to be the  
correct interpretation as Jubilees goes on to mention specific prohib-  
itions such as riding, which would be automatically excluded if one  
were forbidden even to leave one's house. Schiffman, therefore, agrees  
with Tchernowitz who, in his Toledot Ha-Halakhah, states that what  
Jubilees forbids is the undertaking of a long journey on the Sabbath.

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39. See Schiffman, op. cit., pp. 94ff.

That the Sabbath limit be measured from the end of the city is reflected in mEruvin 5:8, although the limit in this mishnah is 2,000 cubits. The mishnah tells us that

The people of a large town may traverse the whole of a small town; but the people of a small town may not traverse the whole of a large town. Thus if a man was in a large town and he put his Erub in a small town, or if he was in a small town and he put his Erub in a large town, he may walk through the whole of it and 2,000 cubits beyond.

Here reference is made to the Erub, <sup>(40.)</sup> a term applied to various symbolical acts, which facilitated the accomplishment of otherwise forbidden acts. The literal meaning of the term is 'mixing' and it probably connotes the insertion of the forbidden into the sphere of the permissible. It was possible, for example, to walk further than the Sabbath limit by establishing an eruv tehumin, an act accomplished by placing sufficient food for two meals within the Sabbath limit, thus establishing another 'residence' from which one could again walk the permissible distance in any direction.

No mention is made of the Erub in CD, and it may possibly be concluded from this that such a practice was not committed by the community of which CD is a product. Certainly, a prohibition on what was a way of alleviating the rigours of the Sabbath laws would not be out of keeping with the rigorist tendency to be found in much of CD's legal code.

#### 4. Eating and Drinking on the Sabbath (10:22-23)

10:22f. deals with the question of what may be eaten and drunk on the

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40. See Encyclopaedia Judaica, Vol. 6, pp. 850f.

Sabbath. The first clause prohibits the consumption of food not prepared for eating before the Sabbath began. Such a prohibition is also to be found in Jub. 2:29, where Moses is told to command the children of Israel

that they should not prepare thereon [i.e. on the Sabbath] anything to be eaten or drunk.

As it stands in the present text of CD, the next clause seems to permit the eating on the Sabbath of **האונן בשבת**. This appears to parallel one of the acts for which the men of Jericho were reproved by the rabbis:

The men of Jericho did six things: for three they reproved them and for three they did not reprove them...And these are the things for which they reproved them: they permitted the use of Egyptian figs [from stems that had been] dedicated to the Temple, they ate on the Sabbath fruit that lay fallen under the tree, and they gave Peah from vegetables; and the Sages reproved them. (41.)

Schiffman, however, distinguishes between what is apparently permitted here and what the men of Jericho did, by arguing that CD allows the eating of fallen fruit that had begun to decay. (42.) It could then be assumed that the fruit had fallen from the tree before the beginning of the Sabbath.

Ginzberg (43.) considered emendation to be necessary, reading **האונן** **האצרה** for **האונן בשבת** and translating, 'that which has been stored away in the storeroom.' The question of whether or not food could be brought out from the storeroom on the Sabbath is dealt with in mShabbath 18:1 and bShabbath 127a, where it is permitted in certain circumstances,

41. MPesahim 4 end.

42. See Schiffman, op. cit., p. 100.

43. See Ginzberg, op. cit., p. 59.

whereas in CD, if Ginzberg's emendation is accepted, it is completely forbidden. This is, perhaps, another example of CD setting forth a stricter ruling than that of the rabbis.

These rabbinic texts dealing with food kept in the storeroom may also be of relevance to a discussion concerning the clause on the preparing of food, as it may be assumed that food still in the storeroom would not have been prepared.

Another emendation considered by Ginzberg <sup>(44.)</sup> is to read **האוכר**, 'farmer' for **האוב** and the meaning of the clause would then be that on the Sabbath it is permissible to eat that which the farmer has prepared but which is still in the field. A much more satisfactory solution to the textual problem here is to follow Rabin, <sup>(45.)</sup> who omits the **ו** preceding the first **א** of line 23, and then reads **אל יאכל** with what precedes, rather than with what follows. The text then adopts the same position regarding **האוב הושר** as that taken by the rabbis with regard to the activities of the men of Jericho.

If Rabin's minor emendation is accepted, what is forbidden in the next clause is the drinking of water which is not in the camp. MErubin 8:6-8 permits the drawing of water from a well inside the house, but Jub. 50:8 forbids it. The rabbis, however, according to mEruvin 8:7, did not allow the drawing of water from a water-course even if it was inside a courtyard. By permitting this anywhere within the camp, this precept in CD is, for once, more liberal than the corresponding rabbinic ruling, rather than more severe as is usually the case.

##### 5. The Drawing of Water on the Sabbath (11:1-2)

11:1f. assumes that bathing on the Sabbath is permissible, and a similar

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44. See Ginzberg, op. cit., p. 60.

45. See Rabin, op. cit., p. 53.

view is to be found in the rabbinic sources. In bBeṣah 18b we read as follows:

Said R. Naḥman b Isaac: It happens that one comes [home] in hot weather and bathes even in water used for soaking [dirty linen]. This is well in summer; what will you say of winter?

R. Naḥman b Isaac replied: A man sometimes returns [home] from the field besmeared with mud and filth and bathes even in winter. This is well on a Sabbath.

YYoma 8,44d refers to a ruling made by R. Acha, who

permitted a man (on the Day of Atonement) who returned from a journey and whose feet hurt to bathe them in water.

These rulings, however, deal only with washing or bathing to remove physical dirt, and not with the issue of ritual bathing for religious purposes, about which there was some dispute, the School of Shammai not allowing this practice on the Sabbath, the School of Hillel considering it to be permissible. In mYom Tov 2:2 we read,

If a Festival-day fell on the day before the Sabbath, the School of Shammai say: All [that need it] must be immersed on the day before the Sabbath. And the School of Hillel say: Vessels [must be immersed] before the Sabbath, but men [may immerse themselves] on the Sabbath.

Schiffman (46.) does not consider the ruling here in CD to be about bathing at all, but about washing, which he understands to be ritual washing of the hands, and possibly also of the feet. He understands the text in this way because otherwise, he argues, 'where he stands,' further on in the same line, does not make sense. This conclusion is not, however, necessary, as the act of drinking may be taken as preceding or

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46. See Schiffman, op. cit., p. 102.

following immersion, when the person taking the bath is, in fact, standing.

The principal matter with which 11:1f. is concerned is the drinking and drawing of water. Jub. 50:8 completely forbids the drawing of water on the Sabbath under any circumstances, but what is forbidden in CD is the drawing of water in a vessel. On the other hand, drinking water at the place where one intends to bathe, without the aid of a vessel, is permitted. This ruling accords with that found in mEruvin 10:6, which states that

a man may not stand within a private domain  
and drink in the public domain, nor may he  
stand within the public domain and drink  
within a private domain unless he has inserted  
his head and the greater part of his body into  
the place where he drinks.

Both the Mishnah and CD allow a man who stands on the bank of a stream to stretch out and, without leaving his place, put his mouth to the stream and drink. What both forbid is for a man to stretch out his arm and draw water in a vessel, for then he may draw back his arm with the filled vessel, thereby bringing the water from the stream to the bank, that is, from one domain to another, a practice which is not permitted.

#### 6. The Performance of Work by Others on the Sabbath (11:2,12)

The next line (11:2), together with 11:12, deals with commands given to others. CD 11:2 deals with the giving of orders to a Gentile to perform a certain task on the Sabbath. This is not permitted.

A number of examples of particular actions which Gentiles may not perform for Jews on the Sabbath are given in the Mishnah. MShabbath 1:8 states

The School of Shammai say: Hides may not be  
given to a [Gentile] tanner nor clothes to a

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Gentile washerman unless there is time for the work to be done the same day.

16:6 of the same tractate says that

If a Gentile came to put out the fire they may not say to him, 'Put it out,' or 'Do not put it out,' since they are not answerable for his keeping Sabbath.

16:8 may also be relevant here, for it refers to actions performed by Gentiles on behalf of Jews:

If a Gentile lighted a lamp an Israelite may make use of the light, but if he lighted it for the sake of the Israelite it is forbidden. If he filled [a trough] with water to give his cattle to drink, an Israelite may give his own cattle to drink after him, but if the Gentile did it for the Israelite, it is forbidden. If he made a gangway by which to come down [from a ship] an Israelite may come down after him, but if he did it for the Israelite, it is forbidden.

Rabin <sup>(47.)</sup> understood the **וְהַגֵּיטִים** here to be not a pagan Gentile, but a proselyte, someone who observed Jewish practices, but was not bound by the entire Torah. He did this on the basis of the usage of the term in Is. 56:3,6 and in order to avoid an apparent contradiction between this line and CD 11:14f., as the precept set out there forbids the spending of the Sabbath in a place near to Gentiles. The contradiction is, however, only apparent, as the present ruling may well be intended to embrace the giving of orders to Gentiles before the commencement of the Sabbath concerning actions to be performed on that day.

Schechter <sup>(48.)</sup> translated the verb **וְהִתְעוֹבֵר** in line 12 as 'to provoke.'

47. See Rabin, op. cit., p. 54.

48. See Schechter, op. cit., p. xlix.

A more likely translation is derived from the Aramaic ארנ, 'master' or 'lord' (49.) and one should, therefore, understand the precept to forbid the giving of commands to servants on the Sabbath. This ruling is reflected by Philo, who wrote,

The masters must be accustomed to work themselves without waiting for the offices and attentions of their menials, and so in the event of times of difficulty such as occur through the vicissitudes of human affairs, they may not through unfamiliarity with personal service lose heart at the outset and despair of accomplishing the tasks set before them, but use the different parts of their body with more nimbleness and show a robust and easy activity, while on the other hand the servants are not to refuse to entertain still higher hopes, but should find in the relaxation allowed after six days an ember or spark of freedom, and look forward to their complete liberation if they continue to serve well and loyally. (50.)

Schiffman (51.) refutes Rabin's view that the servants referred to here are Jews, by arguing that CD 11:2 deals with free non-Jews and CD 11:12 with Gentiles, indentured through the institution of ebed kena'ani, (52.) who were forbidden to perform any work whatever on the Sabbath on behalf of a Jew, even if the Jew himself was allowed to do it.

#### 7. Clothes to be Worn on the Sabbath (11:3-4)

The wearing of dirty clothes, or those that have been put into store,

49. See Ginzberg, op. cit., p. 67.

50. Philo, De Specialibus Legibus 2.16.67.

51. See Schiffman, op. cit., p. 104.

52. See Jewish Encyclopaedia, Vol. 2, pp. 405-7.

is forbidden by CD 11:3f., unless they have been washed or rubbed with frankincense.

The Mekhilta de Rabbi Shim'on b Yoḥai Yitro 20:8 requires that clean clothes be worn on the Sabbath, as well as on festivals and on the Day of Atonement; and bBaba Qamma 82a explains that Ezra's institution of the practice of washing clothes on Thursdays was 'in honour of the Sabbath.'

The use of spices as deodorants for clothes is referred to in Ps. 45:9, and the use of frankincense for perfuming is mentioned in Song of Songs 3:6, where we read

Who is this that cometh out of the wilderness  
like pillars of smoke, perfumed with myrrh  
and frankincense with all powders of the mer-  
chant? (53.)

#### 8. Fasting on the Sabbath (11:4-5)

The meaning of the following prohibition is not entirely clear. Schechter<sup>(54.)</sup> translated the verb **לִיָּוֵן** as 'to mingle' but he admitted that the meaning was obscure. If this reading is maintained, the line should be taken, Schiffman<sup>(55.)</sup> argued, as being a prohibition on declaring, on the Sabbath, of private property as being available for communal use.

Most scholars, following Schechter, have emended the text to **לִיָּוֵן** and have understood the ruling to be against the practice of fasting on the Sabbath. This was also forbidden by the rabbis and, in bRosh Hashanah 19a, it is stated that

53. See also Song of Songs 4:6,14.

54. See Schechter, p. xlix.

55. See Schiffman, op. cit., p. 110.

those days which are mentioned in Megillath Ta'anith are forbidden [for fasting on] along with both the day before and the day after them. As to Sabbaths and New Moons they themselves are forbidden, but the days before and after ~~are~~ permitted.

Jubilees also forbids fasting on the Sabbath, including it in a list of activities punishable by death if practised on the Sabbath.

In Judith 8:6 we are told that Judith herself

fasted all the days of her widowhood, save the eves of the sabbaths, and the sabbaths and the eves of the new moons, and the new moons, and the feasts and joyful days of the house of Israel.

#### 9. The Treatment of Animals on the Sabbath (11:5-7, 13-14)

The treatment of animals is dealt with at CD 11:5-7. The question of the extent of the Sabbath limit, which is raised here with regard to the grazing of cattle, has already been dealt with in the discussion of CD 10:21.

That the cattle may not exceed the limit either, is emphasized in mBeṣah 5:3, where it is stated that

a man's cattle and utensils are [restricted to the same limits] as his feet. If a man committed his beast to his son or to his herdsman they are [restricted to the same limits] as his feet.

The primary intention of the following rulings on animals may be concerned with the prohibition of causing pain on the Sabbath. If this is the case, the precept is derived from Exod. 20:10, which makes clear that the Sabbath was given to animals as a day of recuperation. Alternatively, the emphasis may be on striking an animal in order to force it to

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move. This seems to be the more likely of the two possible explanations, as the concluding clause concerning the refractory beast, which will not go out of the house, favours this understanding.

These rulings are not reflected in the rabbinic sources, and in bShabbath 52a permission is expressly given to drag an unruly beast by a rein or rope:

Said he [Levi son of R. Huna b Ḥiyya]: An ass of evil habits, such as this one, may it go forth wearing a halter on the Sabbath? - Thus did your father say in Samuel's name, he answered him, The halakhah is as Ḥaninah.

This refers back to a ruling in 51b, where Ḥaninah says

It may go forth with a muzzle and with anything whereby it is guided.

Schiffman (56.) notes that the rabbis taught that where an animal had fled into the public domain it could be pushed back towards the private domain, or pulled by ropes or reins, and he refers to the ruling in mShabbath 18:2,

if a hen has escaped it may be driven along until it comes in again. Calves or young asses may be pulled along in the public road.

According to mShabbath 5:3f. the Sabbath rest for animals consists in their not being burdened with a load. For example, with regard to the ass we are told that it

may not go out with its saddle-cloth if this was not fastened on [before the Sabbath], or with a bell even though it is plugged, or with the ladder-yoke round its neck, or with its leg strap.

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56. See Schiffman, op. cit., p. 112.

BShabbath 154a gives a more comprehensive ruling when it records that Rami b Hama said,

If one leads a laden ass on the Sabbath: if unwittingly, he does not incur a sin offering: if deliberately, he is liable to stoning.

The precept found here in CD seems to be more akin to that found in Jub. 50:12, which states that striking, or killing, any beast on the Sabbath is punishable by death.

CD 11:13f. presents two laws dealing with the care of domestic animals. The first forbids assistance in the birth of a beast on the Sabbath. MShabbath 18:3 forbids the actual delivery of a beast on the Sabbath and on festivals. On festivals, however, it was permitted to help in the delivery of a beast in a number of ways, by holding the newly-born creature to prevent it falling, by helping it to start breathing, and by placing its mother's udder into its mouth. (57.)

By linking the two rulings of CD 11:13f., Rabin (58.) makes it clear that he understands there to be a complete ban, in CD, on any assistance whatsoever being given on the Sabbath to a beast which is being born. The second ruling, however, makes good sense as an independent precept dealing with any beast which happens to fall into a pit on the Sabbath. The wording of the first ruling would then leave unclear the issue of whether it was intended that all assistance to a creature born on the Sabbath was forbidden, or whether it was only the actual act of delivery with which it was not permitted to assist.

The second ruling here, on the lifting of animals out of pits into which they have fallen, recalls the famous Gospel passages at Matt. 12:11 and Luke 14:5, which show that general practice, at least, was much more

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57. See bShabbath 128b.

58. See Rabin, op. cit., p. 56.

lenient than what is allowed here in CD.

#### 10. The Carrying and Picking Up of Objects on the Sabbath (11:7-11)

CD 11:7-11 deals with the question of what may, or may not, be carried or picked up on the Sabbath, and begins with a prohibition on carrying things into, or out of, a house.

According to bHorayot 4a, the Sadducees permitted the carrying of objects into houses. CD forbids this, as well as the act of carrying something out of a house, in line with the rabbinic sources.

In tShabbath 1:3 it is stated that

They do not transport an object from the private domain into that public domain, and they do not transport an object from this public domain into that private domain.

A similar ruling is also to be found in Jub. 2:30 -

And they shall not bring in nor take out from house to house on that day.

In his discussion on the booths, mentioned next in the text of CD, Schiffman (59.) notes that Rabin assumes that the authors of CD required, with Josephus, that each family must have its own tent for the feast of Tabernacles. (60.)

This was probably the case, as Neh. 8:16 indicates that each man built his own family booth. However, such booths could be built on public property. This was probably the usual practice in the circles from which CD comes. It could be claimed, however, Schiffman goes on, that CD does not even allow carrying from communal dwellings in an enclosed space, that is, that it does not accept the erub hašerot of the rabbis.

59. See Schiffman, op. cit., p. 115.

60. See Josephus, Antiquities 3.10.4.

On the question of opening a sealed vessel on the Sabbath, CD, as is often the case, adopts a stricter position than does the rabbinic halakhah, which does permit this in certain circumstances. BBeṣah 33b tells us that

A man may break open a cask in order to eat of its dry figs provided that he does not intend to make a utensil. (61.)

Schiffman (62.) considers the ruling about the carrying of spices to apply to women, even though it is formulated in the masculine. This would bring the precept into agreement with mShabbath 6:3 which, amongst other things, forbids women to go out on the Sabbath with a spice-box or a perfume-flask. There was some debate about this matter, however, for it is also recorded in the same mishnah that 'the Sages' permitted these things, in contrast to R. Meir's stricter ruling. Rabin's translation (63.) 'medicaments' would again make the CD ruling stricter than that of the rabbis, who permitted one to go out with bandages or with medicines in the mouth. (64.)

The handling of rock or earth in public was forbidden, as this constituted carrying. Within the house such handling was forbidden by the law of muqṣeh, which stated that whatever was not to be used on the Sabbath could not be handled. Thus unusable earth and stones were forbidden. BShabbath 46a indicates that the handling of pebbles was forbidden, bBeṣah 12a forbids the handling of rocks, and bBeṣah 8a indicates that dust on the floor was also muqṣeh.

The carrying of a young child which was unable to walk by itself is also forbidden here, as in mShabbath 18:2, which states that a woman

61. See also mShabbath 22:3.

62. See Schiffman, op. cit., p. 117.

63. See Rabin, op. cit., p. 56.

64. See mShabbath 6:5.

may pull her child along only

when the child can lift up one leg and put  
down the other.

#### 11. Residing Near Gentiles on the Sabbath (11:14-15)

The ban on residing near Gentiles on the Sabbath found at CD 11:14 seems to be reflected in the judgement of the School of Shammai, which is recorded in mShabbath 1:7, where we read that

they may not sell aught to a Gentile or help him to load his beast or raise [a burden] on his shoulders unless there is time for him to reach a place near by [the same day].

Ginzberg<sup>(65.)</sup> considered this prohibition to be connected with the question of profaning the Sabbath in order to save life, which is dealt with in the following lines. The proximity of a Gentile settlement could under certain circumstances lead to the desecration of the Sabbath, such as in the event of a Jew being attacked. That this was considered to be a genuine threat is suggested by mAvodah Zarah 2:1, which states, with reference to Gentiles,

nor may a man remain alone with them since they are suspected of shedding blood.

Less likely than this concern to avoid attack by Gentiles on the Sabbath is the suggestion made by Schiffman<sup>(66.)</sup> that what is forbidden is the establishment of a technical residence for the Sabbath 'in partnership with' a non-Jew.

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65. See Ginzberg, op. cit., p. 114.

66. See Schiffman, op. cit., p. 124.

12. Saving Property and Life on the Sabbath (11:15-17)

The following line, which states 'Let no man profane the Sabbath for the sake of wealth and gain on the Sabbath' is open to two interpretations. The first, which would accord best with what follows, understands the ruling to forbid the violation of the Sabbath in order to save property. This would be similar to tEruvin 3:5, which allows the Sabbath to be violated to fend off an attack upon the person, but not where the assailant seeks only to seize property. The second interpretation sees here a ban on commercial transactions on the Sabbath, as in Jub. 50:8.

Lines 16f. deal with the subject of saving a life on the Sabbath. The text, however, is not altogether in a satisfactory state, which makes correct interpretation difficult. As it stands, the precept seems to forbid the rescuing of a man with a ladder or rope or other instrument. Ginzberg (67.) emended the text so as to turn the ruling into one in favour of using these means of rescue. This modest emendation, which is adopted by Rabin, (68.) would bring the ruling in CD into line with the rabbinic ruling in bYoma 84b, where we read,

Why was it necessary to add 'and wherever there is danger to human life, the laws of the Sabbath are suspended'? - Rab Judah in the name of Rab said: Not only in the case of a danger [to human life] on this Sabbath, but even in the case of a danger on the following Sabbath...Our Rabbis taught: One must remove debris to save a life on the Sabbath, and the more eager one is, the more praiseworthy is one...If one saw a child falling into the sea, he spreads a net and brings it up - the faster the better...If he saw a

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67. See Ginzberg, op. cit., pp. 68f.

68. See Rabin, op. cit., p. 57.

child fall into a pit, he breaks loose one segment [of the entranchment] and pulls it up - the faster the better...If he saw a door closing upon an infant, he may break it, so as to get the child out - the faster the better...One may extinguish and isolate [the fire] in the case of a conflagration - the sooner the better...

Even if Ginzberg's emendation is not adopted, it is not necessary to hold that the community permitted no action whatsoever to be taken to save a life on the Sabbath, which would be a ruling of extraordinary harshness. The specific mention of various methods of rescue is probably a ban on these methods alone, which would mean that we have here another case of CD adopting a stricter, though not directly opposed, stance on a particular issue to that found in the rabbinic sources.

### 13. Sacrificial Offerings on the Sabbath (11:17-18)

The banning of any offering on the Sabbath other than the 'burnt-offering of the Sabbath' is based on an out-of-context exegesis of Lev. 23:38, which contradicts Num. 28:9f., which states,

And on the sabbath day two he-lambs of the first year without blemish, and two tenth parts of an ephah of fine flour for a meal offering, mingled with oil and the drink offering thereof: This is the burnt offering of every sabbath, beside the continual burnt offering, and the drink offering thereof.

The ruling here does not accord even with Jubilees, where we find that despite the rigorous rules, the daily offering is permitted. (69.) Baumgarten (70.) notes Ginzberg's suggestion that the ban here was directed

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69. See Jub. 50:10f.

70. See Baumgarten, op. cit., p. 69.

against Hillel's view that the paschal lamb could be sacrificed on the Sabbath, when Nisan 14 occurs on that day. This problem could not, however, have affected the group from which CD comes, as their calendar fixed their Passover on a Wednesday each year.

#### 14. Punishment for Violation of the Sabbath (12:4-5)

CD 12:4f. contains a further ruling concerning the Sabbath, detached from the main body of such rulings. The prohibition on executing those who profane the Sabbath contradicts both rabbinic tradition (71.) and the Book of Jubilees. (72.) Ginzberg, (73.) therefore, proposed an alternative rendering of the consonantal text to that read by Schechter, pointing  $\text{הַתְּעִי}$  as  $\text{הַתְּעִי}$ , 'lead astray' instead of  $\text{הַתְּעִי}$ , 'go astray.' The reference here would then be to those who cause others to desecrate the Sabbath, rather than to those who desecrate it themselves. Ginzberg defined these people as those who did not conform to the strict Sabbath laws contained in CD.

Schiffman (74.) argued that CD could not have abolished the death penalty as such, as it is biblical in origin, but it could reflect the fact that it was no longer carried out. He refers, to support his case, to bSanhedrin 30a, where there is a view expressed that the punishment of a 'rebellious son' had never taken place and that the laws had as their intention only the reward one received for studying them. It may, however, simply be the case that in this instance the halakhah of CD differs from that of the rabbinic sources. The alternative is to accept what is stated here as the actual practice of the time CD was written, as opposed to the punishment theoretically permissible for this offence.

71. See mSanhedrin 7:4.

72. See Jub. 50:8.

73. See Ginzberg, op. cit., p. 74f.

74. See Schiffman, op. cit., p. 78.

CHAPTER 3PART 2: AN ANALYSIS OF THE OTHER LAWS OF THE DAMASCUS DOCUMENT

As stated in the first part of this study of the legal material contained in CD, the only matter treated therein in any great depth, or with any attempt at completeness, is that of the Sabbath. Many other issues are dealt with, in greater or lesser detail, but it is not always easy to determine the reasons for the selection of the subjects discussed or for the order in which they are presented. Those who would argue that the Cairo manuscripts of CD are far from complete, or that the work is not a unity, would see the apparently haphazard nature of the treatment of the legal material as evidence in favour of their position.

On the basis of his work on the Cave 4 fragments from Qumran, Milik (75.) has argued that several pages of legal material have been lost from the Cairo manuscripts. He lists the subjects covered in these pages as

the cultic purity of priests and sacrifices;  
a more detailed treatment of the law of diseases (Lev. 13:29ff.) and an expanded version of Lev. 15 (fluxes of men and women), laws of marriage, prescription relating to agricultural life, the payment of tithes, relations with pagans, relations between the sexes, a prohibition of magic, etc.

Much of this material remains unpublished and it must be doubtful, anyway, whether it did, in whole or in part, originally belong to CD.

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75. See J.T. Milik, Ten Years of Discovery in the Wilderness of Judaea (Studies in Biblical Theology, 26) (London, 1959), pp. 151f.

1. The Law of 'Devoting' (9:1-8)

The opening line of the legal section of CD (9:1) is one of the most difficult to interpret in the whole work. It concerns 'devoting' (**אָרַן**), but in the present context the meaning of this term is uncertain, as is the actual text itself in a number of places. Also uncertain is the question of whether or not 9:1 is to be read in conjunction with the lines which follow (9:2-8), or whether it is to be studied in isolation.

In the Old Testament, **אָרַן** is most often used to refer to the destruction of the cities of the Canaanites and other neighbours of Israel and of all who lived in them, and it is usually the whole nation of Israel, or her leaders, or even sometimes God himself, who engages in this activity.

Occasionally, this act of destruction is said to be carried out by other nations, or it is Israelites who are said to be destroyed because of their lack of faithfulness to God. It is not seen as the act of a private individual, but rather something which takes place at the official level. Here in CD, however, it seems to be the case that what is being dealt with is the action of the individual.

Most of CD 9:1 is a somewhat compressed quotation of Lev. 27:29, which states that no-one who has been devoted can be ransomed, but must be put to death. This verse is also quoted in the Talmud, (76.) where it is used to draw a distinction between those 'to be put to death by the hand of heaven' and those 'to be put to death by the hand of a man.' Those in the former category are able to offer a ransom for their lives, but those in the latter category cannot, because, it is claimed, the Leviticus text states that 'No devoted thing shall be redeemed.'

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76. See bArakhin 6b.

Rabin (77.) emended the first **סא** of the line to **סא** and then translated, 'As for every case of devoting, namely...' This is an unnecessary change as it makes perfectly good sense to begin the sentence, 'Every man who devotes...' Later in the line **סא** has caused some difficulties. Schechter (78.) wished to remove **סא** as a dittography. If it is retained we could understand 'a man from a man' in the sense of ceasing to be a man, that is, to die; or, possibly, as a way of referring to anybody, a man from (amongst) men.

As Winter points out in his note on this line (79.) our understanding of the text depends to a great extent on the identity of the **סא** at the end of the line. Does **סא** refer to the one who is devoted, or to the one who does the devoting?

If **סא** refers to the one who is devoted, what could be being ordered here is that they are to be put to death by the laws of the Gentiles, either because, quite simply, this is what Gentile law demanded, or because at the time the ruling was formulated the Jews were forbidden to hold executions themselves and, therefore, anyone to be executed would have had to be handed over to the Gentiles for their punishment.

If, on the other hand, it is the person who does the devoting who is to be put to death we could again have an allusion to the fact that the Jews were not permitted to hold executions themselves, or we could have a reference to a transgression of a Gentile law forbidding the act of devoting. A third possibility would be that the text is dealing with the case of a man who devotes another in accordance with Gentile law, and who is to be punished for this contravention of the Jewish law.

77. See Rabin, *op. cit.*, pp. 44f.

78. See Schechter, *op. cit.*, p. xlvi.

79. See P. Winter, 'Sadoqite Fragments IX,1' *RQ* 6 (1967-68), pp. 131-6.

Schechter (80.) understood CD 9:1 to forbid any acknowledgement of the authority of the Gentile rule of law over Jews. He linked 9:1 with the following lines, which concern the bearing of grudges and the seeking of revenge. He understood the whole passage to be a condemnation of anyone who brought about the death of a fellow Jew by means of recourse to the Gentile law. To do so would, according to Schechter's interpretation, be to contravene God's command to his people not to seek vengeance, but rather to leave such matters to God himself. Having removed **מאדם** as a dittography, Schechter translated as follows:

Any man who will destroy a man in accordance with the statutes of the gentiles so that he is to be put to death, it is concerning him that He said, "Thou shalt not avenge..." (81.)

Charles (82.) understood **להמית הוא** to refer to the person who does the banning and translated:

Every man who puts under the ban a man [amongst men] according to the ordinances of the Gentiles is to be put to death.

Charles was followed by Vermes (83.) and Molin (84.) in understanding **מאדם** in this context to refer to the unjustifiable removal of a person from society by bringing about their destruction by the invocation of a Gentile decree. Rabin, (85.) however, followed by Gaster, (86.)

80. See Schechter, op. cit., p. xlvi.

81. See Schechter, ibid.

82. See Charles, op. cit., p. 25.

83. See G. Vermes, The Dead Sea Scrolls in English (London, 1962), p. 110; idem., Les manuscrits du Désert de Juda (Paris et Tournai, 1953), p. 174.

84. See G. Molin, Die Söhne des Lichtes. Zeit und Stellung der Handschriften vom Toten Meer (Wien, 1954), p. 50.

85. See Rabin, op. cit., pp. 44f.

86. See T. Gaster, The Scriptures of the Dead Sea Sect in English Translation (New York and London, 1957), p. 83.

Dupont-Sommer, (87.) Maier (88.) and Lohse (89.) take the **הוא** at the end of 9:1 to refer to the person against whom a ban has been pronounced, and see the ruling as ordering the resort to Gentile law as the means to bring about the death of the banned person.

Winter (90.) dismissed the interpretation of Rabin, and of those who have followed him, and translated the precept as follows:

Anyone who in compliance with pagan decrees  
designs another man's doom shall die.

Schechter, he felt, correctly understood the passage as placing a prohibition on the acknowledgement of the authority of Gentile law, but misapplied **להמית הוא** to the person placed under the ban, rather than to the person who did the banning.

In the light of the other rulings in CD concerning relations with the Gentiles it is impossible to believe that the community from which CD emanates could have countenanced the execution of fellow Jews by means of resort to the Gentile courts. It was a general Jewish principle not to take fellow Jews to law in Gentile courts. In spite of their differences with their co-religionists, the Qumran community is highly unlikely to have made use of Gentile legislation to settle scores with other Jews. In fact, it seems fairly likely that this precept at 9:1 is designed to forbid that very thing, as it is possible that there might have been some over-zealous members of the community who might have considered such extreme means as a legitimate way of taking revenge on Jews outside the community. Even Jews outside the community, however,

87. See A. Dupont-Sommer, Les Écrits esséniens découverts près de la Mer Morte (Paris, 1959), p. 163.

88. See J. Maier, Die Texte vom Toten Meer (München und Basel, 1960), Vol. 1, p. 58.

89. See E. Lohse, Die Texte aus Qumran Hebräisch und Deutsch (München, 1964), p. 58.

90. See Winter, op. cit., p. 134.

were not to be treated in this way. Vengeance belongs to God alone, as is made clear in the following lines (9:2-8).

The whole question of whether or not at this particular time in history the Jews were able to hold executions is a very confused one. In John 18:31 the Jews state explicitly to Pilate, 'It is not lawful for us to put any man to death.' This cannot be a reference, of course, to what was permitted in the Jewish law, as the Torah does permit the infliction of the death penalty, but to what the Jews of Palestine were actually allowed to do by their Roman overlords.

An understanding of John 18:31 as a reference to the Jews' lack of power to hold executions without direct Roman authority is supported by the general tenor of the synoptic accounts of the trial of Jesus, where it seems to be implied, at least, that Jesus could not be crucified without the authority of Pilate. In the rabbinic writings there is also the statement, at ySanhedrin 18a, 24b, that

the right to try capital cases was taken  
from Israel forty years before the destruc-  
tion of the Temple.

It is possible, however, to understand the statement of the Jews at John 18:31 to mean that it was not lawful for them to hold an execution during the Passover. (91.) Amongst the Church fathers this was the understanding of the passage which was held by Augustine (92.) and by John Chrysostom (93.) and the Mishnah provides support for this view in the statement of mSanhedrin 4:1 that capital cases could not be tried by a Jewish court on the eve of a sabbath or a festival, which is the very time when the trial of Jesus took place, at least according

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91. See E. Schlürer, The history of the Jewish people in the age of Jesus Christ (revised and edited by G. Vermes, F. Millar and M. Black) (Edinburgh, 1973-87), Vol. 2, pp. 221f.
92. See Augustine, Homilies on the Gospel according to S. John, cxiv, 4 (A Library of Fathers of the Holy Catholic Church, Anterior to the Division of the East and West, Vol. 29) (Oxford, 1849).
93. See John Chrysostom, Homilies on the Gospel of S. John, lxxxiii, 4 (A Library of Fathers of the Holy Catholic Church, Anterior to the Division of the East and West, Vol. 36) (Oxford, 1852).

to S. John.

Further evidence is to be found to support the case that even under Roman occupation the Jews continued to impose the death penalty under their own authority. Philo quotes a letter of Agrippa I to the Emperor Gaius which asserts that anyone, even the High Priest himself, who entered the Holy of Holies, when not explicitly ordered so to do, should be punished by death, without appeal. (94.) Josephus makes reference to the authority possessed by the Jews to put to death any non-Jew who made his way into the inner Temple court. (95.) And in the New Testament Jewish authority to hold executions is provided in the Acts of the Apostles by the trial and stoning of Stephen and by Paul's trial before the Sanhedrin. (96.) Further, there is Josephus' reference to the trial and stoning of James, the brother of Jesus, (97.) and to the execution by burning of a priest's daughter, who was guilty of adultery. (98.)

There is, therefore, a quite considerable body of evidence to suggest that the Jews themselves were able to execute those who offended against the Jewish law, independently of the Roman authorities. If this was indeed the case, there would have been no need to resort to the Gentile courts to punish one considered guilty of a crime deserving death. However, even if this were not the case, it still seems highly unlikely that the Qumran community would have been prepared to collude with the Gentiles to the extent of invoking their authority to bring about the execution of a fellow Jew. Even if the Jews were forbidden by the Romans to carry out the death penalty, it still seems more likely that CD 9:1

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94. See Philo, De Legatione ad Gaium, 307.

95. See Josephus, Wars of the Jews 5.5.2; 6.2.4.; idem., Antiquities 15.11.5.

96. See Acts 7:54-8:2; 23:26.

97. See Josephus, Antiquities 20.9.1.

98. See mSanhedrin 7:2.

is a ban on resort to Gentile law and refers to what the community should do in such a circumstance were it free to act as it saw fit, rather than that it should be advocating resort to the Gentile courts because this was the only way an execution could actually be procured at the time.

The Qumran community is far more likely to describe what should be the case, were their understanding of the Jewish law in full operation, than to be making even the slightest compromise with Gentile jurisdiction. It is far more likely that collusion with the Gentiles is being forbidden, than that resort to Gentile law is being encouraged. This is especially true in the light of the following lines. Even if we do not wish to run lines 1 and 2 of CD 9 together into a single sentence, as did Schechter, (99.) it is not unreasonable to understand lines 2-8 as having some bearing on the meaning of line 1. The waw at the beginning of line 2 is a strong indication that it is to be linked with the preceding line, and the quotation from Lev. 19:18 may be taken as an explanation of the ruling given in the preceding line.

After the quotation of Lev. 19:18 an illustration of the kind of behaviour being forbidden is given. No-one is meant to denounce another in anger for an offence committed at some time in the past. Deut. 19:15 makes it clear that the word of one witness had no validity in law (100.) and, therefore, for one person alone to make an accusation against someone else could only serve to lower the prestige of that person, without the possibility of bringing him to justice, were it in fact the case that he were guilty of the alleged offence.

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99. See Schechter, op. cit., p. xlvi.

100. This ruling does, however, seem to be altered, in certain circumstances, at CD 9:17-19.

The Talmud (101.) provides a denunciation of this practice in the reference to the whipping meted out by R. Papa to a man who came alone to accuse someone else of a crime:

It is written that a single witness may not testify against a person, yet you appeared as an only witness with the intention of giving this man a bad reputation.

Further scriptural support for this condemnation of the taking of vengeance is provided in the quotation of Nah. 1:2 at CD 9:5. This text makes clear that the taking of vengeance and the punishment of offenders belongs to God alone, and not to human beings. A similar point is made by Paul in Romans 12:19, where he quotes Deut. 32:35,

Avenge not yourselves, beloved, but give place unto wrath: for it is written, Vengeance belongeth unto me; I will recompense, saith the Lord.

The Nahum text is also followed by an illustration, which deals with a situation rather similar to that found in lines 2-4. The first two words of line 7 have caused some translation difficulties. Schechter emended **לְ חַטָּאתוֹ** to **לְ חַטָּאתוֹ** (102.) and translated 'his sin is upon him.' This did not really help to clarify the difficulty, and scholars have not followed his emendation. In a note on this line of CD, Ira Robinson (103.) noted that two basic renderings have emerged. On the one hand, Charles, Levi and Dupont-Sommer have understood the passage to say that the man referred to in line 6, who remained silent and then spoke out, testified against himself by so doing. On the other hand, Rabin, Burrows, Gaster, Maier and Lohse have understood the

101. See bPesahim 113b.

102. See Schechter, op. cit., p. xlvi.

103. I. Robinson, 'A Note on Damascus Document IX,7' RQ (1977), pp. 237-40.

passage to say that the man who spoke out accused his fellow.

Robinson, however, argues that the subject of **הנני** is God. God is the one, according to the quotation from Nahum, who takes vengeance, and so it is by God that the man who usurps God's role is most fittingly punished. The interpretation favoured by Rabin and those who have taken a similar line seems to be the least satisfactory, as it does not proceed from the description of the action of the man who first remains silent and then speaks out in anger to any condemnation of this action. The translations of Charles and of Robinson both explicitly condemn the man's actions, with that of Robinson making it most clear from whom the punishment will rightly come - the one whom the passage has repeatedly emphasized as being the one to whom vengeance rightly belongs.

The whole section ends with a further text of Scripture, Lev. 19:17, the verse which immediately precedes the text given at 9:2.

## 2. Oaths (9:8-10; 15:1-16:12)

The whole of page 15 and most of page 16 of CD, as well as 9:8-10, is concerned with the subject of oaths.

The single ruling on the subject given on page 9 is preceded by the superscription, **על השבועה**, which announces the subject matter of what is to come. A similar superscription introduces the Sabbath laws at 10:14, and the same form is used to introduce the rulings on purification with water at 10:10, and on freewill gifts at 16:13. The form is also probably to be found at 16:10, to introduce a ruling about the oath of a woman.

It is possible that these headings are later editorial additions to the original text. In the case of their use to introduce the Sabbath rulings and the laws dealing with the swearing of oaths it is easy to accept that they appear at these points to draw attention to especially

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important material, which takes up a large proportion of the space in CD which is devoted to legal material. The rules about purification with water and about freewill gifts seem to have a less obviously prominent place in CD, but it may be presumed that the writer, or later editor, had some reason for drawing attention to these rulings with his use of a superscription.

The quotation which is used to introduce the ruling at CD 9:8-10 is not to be found in the Old Testament, and possibly comes from an unknown extra-biblical work, now lost. Alternatively, it could be a misquotation of 1 Sam. 25:26, where a construction similar to לא תושעך לך (104.) can be found. The same idea of taking vengeance by one's own hand also occurs at IQS 6:27, where it is stated that

Whoever has answered his companion with obstinacy, or has addressed him impatiently, going so far as to take no account of the dignity of his fellow by disobeying the order of a brother inscribed before him, he has taken the law into his own hand.

The Talmud also deals with the matter of taking the law into one's own hand. In bBaba Qamma 27b, Rab Judah and R. Nahman debate this issue, the former taking a strict line on the matter, the latter being more lenient:

Rab Judah said: No man may take the law into his own hands for the protection of his interests, whereas R. Nahman said: A man may take the law into his own hands for the protection of his interests. In a case where an irreparable loss is pending, no two opinions

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104. לא תושעך לך.

exist that he may take the law into his own hands for the protection of his interests: the difference of opinion is only where no irreparable loss is pending. Rab Judah maintains that no man may take the law into his own hands for the [alleged] protection of his interests, for since no irreparable loss is pending let him resort to the judge; whereas R. Nahman says that a man may take the law into his own hands for the protection of his interests, for since he acts in accordance with [the prescriptions of the] law, why [need he] take the trouble [to go to Court]?

Even Rab Judah, who takes the stricter of the two points of view in the Talmud, does allow of an exception to his ruling, in the case of the prospect of some irreparable loss to a man's interests. CD certainly makes no reference to such an exception, and this may very well be yet another case of a CD ruling adopting a stricter stance than that to be found in the rabbinic sources.

The text about not finding redress for oneself is followed by the ruling that oaths are not to be sworn in the open field, but before the judges. The expression 'open field' (פְּנֵי הַשָּׂדֶה) is also found in Lev. 14:7, where the living bird used in the rite of purification of a leper is, at the end of the rite, released into the open field. Here, as there, it is used to designate any place away from the centre of population, with the possible additional implication of a lonely place, where there would be no-one to witness what had been done.

To swear an oath in such circumstances would be to take the law into one's own hands, and would be a contravention of the normal and proper method of swearing oaths, in the presence of judges and at their direction.

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CD 15:1-5 forbids the swearing of oaths by God's Name, by any form of that Name, or by the Law of Moses. Instead, oaths are to be sworn by the 'curses of the covenant.' (105.) The reference to אֱלֹהִים and לַמֶּלֶךְ and to אֱלֹהִים and לַדָּת is to abbreviated forms of the Divine Name, the former reference being to El or Elohim, and the latter to Adonai. An aversion to swearing by the Name of God is to be found in the rabbinic sources. However, neither the rabbis nor CD went so far as the New Testament, where there is a total ban on the swearing of any oaths whatsoever.

In Tanḥuma, at the end of the section אֲשֶׁר, it is said, in reference to Gen. 31:53,

Far be it! That righteous man (Jacob) did not swear by the name of the King (God), but rather by the life of his father, like one who says, to give force to his words, 'by the life of my father, I will not do it.' And even this oath Jacob would not have taken if it had not been for his fear (of Laban).

Commenting on the same verse, Philo (106.) makes the same point:

In the laws we read of one of our first founders, who are particularly admired for their wisdom, that he swore by the fear of his father, a fact recorded, I believe, for the benefit of posterity and to teach them the necessary lesson that they should honour their parents in the proper way by showing affection to them as benefactors and awe of them as rulers appointed by nature, and should not lightly essay to use the name of God.

In the Midrash on the Decalogue (107.) an even stricter view of oaths is taken, where it is stated,

105. On the 'curses of the covenant' in CD, see Chapter 4, 'The Use of the Word אֱלֹהִים in the Damascus Document.'

106. See Philo, De Specialibus Legibus 2.1.3.

107. See A. Jellinek, Bet haMidrasch I, 72.



One may not swear even a true oath...and if anyone desecrates the name of God by swearing falsely or even when he swears in accordance with the truth, God reveals his hiding place, and his wickedness is made known to all men.

The reluctance that there was amongst the rabbis to take an oath at all is clearly illustrated in the story to be found in bBava Bathra 32b, about the man who stakes his reputation and even speaks an untruth to avoid taking an oath.

According to Josephus (108.) the Essenes considered an oath to be worse than perjury, and the Pharisees refused to take an oath of allegiance to Herod because of their aversion to swearing by the Name of God. The Essenes, too, refused to take such an oath. The Pharisees did, however, permit oaths to be sworn during trials, and the Essenes did allow forms of oaths and curses other than those taken in the Name of God. (109.) This seems to be the standpoint taken by CD here.

CD permits oaths taken by the 'curses of the covenant.' No list of curses, however, is to be found in the text of CD. There may, therefore, be the intention to refer to the list of curses at Deut. 27:15-26. Ginzberg (110.) suggested that the oath followed the form of the curses in Deut. 28:15ff., and that the expression שְׁבִי הַכֹּת וְכוּ is probably based on Deut. 29:20 and 2 Chron. 34:24.

CD 15:3 tells us that transgression of an oath, possibly specifically an oath sworn by the Name of God, profanes the Name. The danger of not properly fulfilling an oath may, at least, be part of the reason for not swearing by the Name of God in the first place. To fail to fulfill

108. See Josephus, Wars of the Jews 2.8.6.

109. See Josephus, Wars of the Jews 2.8.7.

110. See Ginzberg, op. cit., p. 91.

such an oath would, it might be assumed, bring with it dire consequences. This idea is to be found in Lev. 19:12, where it is forbidden to swear falsely by God's Name, lest one profane his Name. In Mishnaic Hebrew 'the Name' was used as a euphemism for God himself, as at mSanhedrin 6:4.

CD 15:3-5 states that an oath sworn by the curses of the covenant before judges, if broken, does not incur the death penalty. Schechter (111.) saw in this precept echoes of Lev. 5:4,5,23. There is some overlap of vocabulary, and it is possible that the ruling here in CD is an attempt to summarize the ideas of Lev. 5 or to make reference back to all the material of the chapter by means of a brief reference to it.

CD 15:5-11 describes entry into the covenant by means of an oath. Lines 5f. refer to an oath made by the children of members of the community when they reach the age to make such a commitment for themselves. Schechter (112.) argued that the age at which this oath was sworn was thirty, on the basis of the ages prescribed at CD 14:7,9 for 'the priest that is appointed at the head of the Many' and for the 'overseer over all the camps,' who were both required to be at least thirty years old. The information given in the same place that the maximum age for these two officers was sixty, in the case of the priest, and fifty, in the case of the overseer, is less relevant to the question raised in 15:5f. and, therefore, makes it unlikely that the fact that thirty was the minimum age for the holding of these two offices had any bearing on the age at which the oath was to be taken.

The reference to mustering at 15:6 is also to be found at 14:3,

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111. See Schechter, op. cit., p. lv.

112. See Schechter, ibid.

but this reference concerns all the members of the community, as does that at 15:6, and not specific offices, which are dealt with in the following section, beginning at 14:6. Perhaps more relevant here is Exod. 30:14, where it is stated that all over the age of twenty shall give the offering of the Lord. 1QSa 1:8 also refers to the enrolling of those aged twenty years,

that he may enter upon his allotted duties  
in the midst of his family (and) be joined  
to the holy congregation.

1QS 5:8ff. also refers to an oath made upon entry to the community, and to the covenant:

Whoever approaches the council of the Community shall enter the Covenant of God in the presence of all who have freely pledged themselves. He shall undertake by a binding oath to return with all his heart and soul to every commandment of the Law of Moses in accordance with all that has been revealed of it to the sons of Zadok, the Keepers of the Covenant and Seekers of his will, and to the multitude of the men of their Covenant who together have freely pledged themselves to His truth and to walking in the way of His delight.

This passage of 1QS seems to contain within itself many of the key ideas which CD wishes to present. It stresses the importance of the covenant with God and entry into it. It stresses that this covenant is made into a practical reality by a commitment to keep the Law of Moses, and to keep it as revealed in its true form to the sons of Zadok, who are said to be the keepers of the covenant and the seekers of God's will.

Lines 6-11 of CD 15 concern the entry into the covenant of one who makes the decision to join the community from the outside, to turn from

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his corrupt ways. He, too, must be mustered with an oath, and again the emphasis is on a return to the Law of Moses. In this process the <sup>המבקר</sup> <sup>(113.)</sup> <sup>אשר לרבנים</sup>, the 'overseer of the Many,' as Rabin translates, plays a prominent role.

1QS 6 also deals with the matter of entry into the community,

Every many, born of Israel, who freely pledges himself to join the Council of the Community, shall be examined by the Guardian at the head of the Congregation concerning his understanding and his deeds. If he is fitted to the discipline, he shall admit him into the Covenant that he may be converted to the truth and depart from all falsehood; and he shall instruct him in all the rules of the Community.

What is required is a return to the Law of Moses 'with all one's heart and with all one's soul.' This expression is to be found at 1QS 5:8f. and the same expression is also contained in the Shema, at Deut. 6:5.

This practice is said to be what should take place during the whole epoch of wickedness. This is an expression used in the Qumran texts to refer to the age in which the documents were actually written, before the coming of the Messiah.

Lines 10f. of CD 15 state that no-one is to be admitted to the secrets of the community until after their admittance to the covenant. Josephus makes a similar point about the Essenes. (114.)

CD 15:12-17 deals with the question of the punishment of one who transgresses the Law after having sworn the oath to return to its observance, heart and soul. The text at the end of CD 15 becomes rather

113. See Rabin, op. cit., p. 72.

114. See Josephus, Wars of the Jews 2.8.7.

fragmentary, but reference is made to punishment for a whole year for transgression of the Law.

Four lines are missing from the end of page 15, which makes the interpretation of the opening lines of page 16 difficult. A further reference is made, at 16:1f., to the swearing of an oath to return to the Law of Moses, 'for in it everything can be learnt.'

Then comes a reference to the 'Book of the Divisions of Times into their Jubilees and Weeks,' where the exact statement of the epochs of Israel's history is to be found. A similar title is to be found in the prologue to the Book of Jubilees, and there can be little doubt that it is this book to which reference is here being made. Mastema, who is here said to depart from a man on the day he makes the oath to return to the Law of Moses, is also mentioned at Jub. 11:5; 17:16; 18:9. Because Abraham was so released and 'acquired knowledge' he was saved, Abraham who was the friend of God, one of those in Israel's past who remained faithful.

CD 16:6-10 begins with a quotation from Deut. 23:24,

That which is gone out of thy lips thou  
shalt observe and do; according as thou hast  
vowed unto the Lord thy God...

This makes clear that once a vow has been sworn it must be kept. CD states that even the risk of death cannot justify the breaking of such an oath. Nor should any oath which has been sworn, which would involve departure from the Law, be kept, even if its avoidance involves the risk of death. As is so often the case in CD, these rulings are extremely exacting.

The rabbis considered that it was possible to set aside all prohibitions in certain circumstances, with the exception of idolatry, sexual

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immorality and murder. (115.) These acts could not be contemplated in any circumstances, whatever the consequences of their avoidance; but any other act could be undertaken if circumstances were severe enough to warrant such extraordinary action. Ginzberg argued that the references to death here may not be meant to be taken literally, but he does refer to Philo's statement that perjury is punishable with death, and to the Karaite view that a prohibition, whose transgression was punishable with death, must not be disregarded even to save one's own life. Even these examples, however, are not as severe as that which is found here in CD.

Lines 9f. of CD 16 agree with mNedarim 2:2, which states that

no oath is valid if its fulfillment is a  
breach of a commandment.

The ruling at CD 16:10-12 concerning the oaths of women seems to imply that a husband or a father has complete control over oaths made by wives and daughters. An oath made by a wife or daughter, about which there is uncertainty as to whether or not it should be carried out, is to be observed and not annulled. Any oath, however, taken by a woman, which would lead to transgression of the covenant, must be annulled. These rulings follow what had been previously said concerning oaths sworn by men.

### 3. Lost Property (9:11-12, 14-16)

CD 9:11f. describes the procedure to be followed when an item of property is stolen and the identity of the thief is unknown. The owner of the property swears an 'oath of the curse' and anyone who hears this

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115. See Ginzberg, op. cit., p. 95.

oath and, knowing who committed the crime, remains silent will be considered guilty of the offence.

A parallel to this ruling, which applies the same principle to wrongdoing in general, is to be found in Lev. 5:21. Rabin<sup>(116.)</sup> considered this ruling in CD to be based on Judg. 17:2, which also refers to the uttering of a curse in connection with the committing of an offence, in this case the offence being the theft of silver. This is a specific example of the kind of situation envisaged by CD.

CD 9:14-16 deals with lost property which has been found, but whose owner is unknown. In such a situation the property is to go to the priests. The use of the word *למנוש* in line 16, however, suggests that such property does not pass into the ownership of the priests, but is simply given to them for safekeeping. Ginzberg<sup>(117.)</sup> argued that there is a contradiction in the ruling here, as the text first seems to suggest that unclaimed lost property actually becomes the property of the priests, but that this is then denied by the statement that the priests are to be responsible for guarding this property. The text does not, however, need to be read in this way: it first makes clear what is to be done with the property, that is, it is to be handed over to the priests; and then the text goes on to make clear that this is done so that the priests might guard it. Another way to read the text is to understand the first part of the ruling to be an early law, later modified by the second part of the ruling, which altered the previous practice of transferring the ownership of lost property to the priests. It is not necessary, however, to understand the text in this way, as it makes good sense when read as a single ruling, which clarifies in its second half the exact implications of the first half.

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116. See Rabin, *op. cit.*, p. 46.

117. See Ginzberg, *op. cit.*, pp. 43f.

4. Laws Concerning Sacrifices (9:13-14; 11:18-21; 16:13-14)

Three independent passages deal with the cult and the sacrifices.

9:13f. is taken almost directly from Num. 5:8 in the matter of the offering. The same matter is dealt with in mBaba Kamma 9:11, where the verse from Numbers is quoted in full. Confession to a priest does not, however, appear to have been approved by the rabbis, though when the matter is discussed, (118.) a certain amount of ambiguity on the whole question of public confession seems to have existed, for it is recorded that R. Simeon b Yohai said,

A man should recount what is to his credit  
in a low voice and what is to his discredit  
in a loud voice.

11:18-21 shows clearly that the writer of this passage shared the rabbinic principle that 'a man's emissary is like himself.' (119.) This meant that the messenger who conveyed a sacrifice to the altar made the altar unclean if he was affected by uncleanness, even though he was no more than the means by which another conveyed his offering to the place of sacrifice. The supporting text from Prov. 15:8 shows that CD held a view similar to the rabbis, that while sacrifice is important,

Prayer is more important than any sacrifice. (120.)

Schechter (121.) translated 16:13 as

No man shall vow anything for the altar  
under compulsion.

This law would be addressed to the wrong person, as no-one wishes to

118. See bSoṭah 32b.

119. See mBerakoth 5:5.

120. BBerakoth 32b.

121. See Schechter, op. cit., p. lvi.

be compelled to do something, but many enjoy compelling others. A better translation is,

Let no man vow to the altar anything  
unlawfully acquired.

This is how Rabin renders it. (122.)

Condemnation of the practice of offering in sacrifice what has been stolen is to be found in Scripture. (123.) This practice was viewed with the utmost severity by the rabbis, as is reflected in bSukkah 30a, where the challenge is issued,

And ye have brought that which is stolen,  
and the lame and the sick. 'The stolen'  
is thus compared with the lame; just as the  
lame can never be rectified, so that which  
is stolen can never be rectified.

The following line, 16:14, has had to be reconstructed, but seems to deal with priestly extortion. If this reconstruction is correct, we may have here condemnation of practices referred to by Josephus and by the rabbinic sources. In Antiquities 20.8.8 we are told that in the High Priesthood of Ishmael, son of Phabi, the high priests had such 'shamelessness and effrontery' that

they actually were so brazen as to send slaves  
to the threshing floors to receive the tithes  
that were due to the priests.

TMenahoth 13:18 reflects a similar violent seizure of offerings by the priestly authorities, when it states that,

At first did they bring the hides of Holy  
Things to the room of 'bet happarvah' and  
divided them in the evening to each house-  
hold which served on that day. But the

122. See Rabin, op. cit., p. 76.

123. See Is. 61:8; Mal. 1:13;

powerful men of the priesthood would come  
and take them by force.

##### 5. Courts and Witnesses (9:16-10:10)

A large number of rulings deal with the procedure of courts and especially with the witnesses who appear before them.

10:4 and 13:1 state that the number of judges in a court should be ten. This does not reflect the constitution of courts in the time of Josephus, who refers to a body of seven judges, <sup>(124.)</sup> nor in Mishnaic times, when three judges sat together. <sup>(125.)</sup> Only in mSanhedrin 1:3 is reference made to ten judges, and only in two particular contexts. R. Joshua b Levi seems to talk, however, in bSanhedrin 7b as if ten were the normal strength of a court, when he says,

If ten judge a case, the chain hangs on the  
neck of all. Is not this self-evident?

The concept of ten being the smallest communal unit is reflected strongly in mMegillah 4:3, where it is said that fewer than ten men may not recite the Shema, go before the Ark, pronounce the Blessing of the Priests, read the prescribed portions of the Law and the Prophets, nor perform various other ritual duties.

The election of the judges by the congregation (CD 10:4) is paralleled in mSanhedrin 3:1, except that in the Mishnah the judges are chosen by the litigants in every individual case, whereas in CD it is more likely that the judges were chosen for fixed periods of time. The lower age limit for the judges, of twenty-five years, finds a parallel in Num. 8:24, where it applies to the Levites, while the upper age limit - sixty - may

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124. See Josephus, Antiquities 4.8.14.

125. See mSanhedrin 1:1.

be derived from a misreading of Num. 8:25 or, more probably, from Lev. 27:7, where sixty is the age limit for 'estimation' of full value.

10:1 emphasizes that witnesses must have come of age if their witness is to be accepted in capital cases. Originally, the age of majority was twenty (126.) but, according to the accepted halakhah, the male reaches adulthood at the end of his thirteenth year. (127.) BShabbath 89b, however, seems to accept the older age of twenty when it asks,

How many are the years of man? Seventy.  
Subtract twenty, for which Thou dost not  
punish and there remain fifty.

BBaba Bathra 156a adopts a similar view:

But in regard to the sale of the estate of  
his father, he cannot do so until he becomes  
twenty years of age.

Jubilees also favours the age of twenty as the age of majority, as only those over twenty eat the Passover. (128.)

CD 10:2 deals with a moral qualification to be a witness: those who have transgressed must first be purified before they can offer reliable evidence.

MSanhedrin 3:3 disqualifies from giving evidence

a dice-player, a usurer, pigeon-flyers,  
or traffickers in Seventh Year produce.

CD and the rabbinic halakhah differ on the question of the reliability of various witnesses. CD 9:16-20 says that the evidence of one person on two different occasions about the same person is admissible in capital cases. According to the rabbis, however, it is only admissible in property cases. (129.)

126. See Exod. 30:14.

127. See mNiddah 5:6,9.

128. See Jub. 49:17.

129. See Ginzberg, *op. cit.*, pp. 119f.

CD's position on this matter is based on the view that Lev. 5:1 prescribes the duty of bearing witness. This verse includes the words, 'and he is a witness,' and, it was reasoned, since the witness of one man is of no weight in court, the words of Scripture can only have imposed upon a single witness the duty of giving testimony because this testimony is important if the transgressor again commits the same sin before the same witness. The principle set forth in CD 9:22 is, however, in complete agreement with the rabbis. BGittin 3b declares that

one witness suffices to declare whether  
something is permitted or forbidden.

This is a similar exception to the general rule that two witnesses are required.

What seems to be the case in this matter of witnesses is that CD is again tending to a view which is stricter than that which was generally held by the rabbis. It made it easier to procure a conviction, on the evidence, in certain circumstances, of only one person.

#### 6. Laws Dealing With Ritual Uncleaness (10:10-13; 11:21-23; 12:1; 12:15-18)

The question of uncleanness is dealt with in four separate passages of CD.

CD 10:10-13, which concerns 'the purification with water,' is, in Ginzberg's assessment, (130.) 'essentially in agreement with the Halakhah.' MMikwaoth 7:3 instances cases in which water which has lost its natural colour may not be used; these cases include dye-water and water into which wine or olive sap has fallen. TYadayim 1:10 and bHullin 106a both forbid the use of dirty water for the washing of hands, the latter passage reading,

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130. See Ginzberg, op. cit., p. 116.

[It was taught:] Water which is unfit for cattle to drink, if it is in a vessel, is invalid [for the immersion of hands].

Schechter <sup>(131.)</sup> draws attention to the requirement of the rabbis that the entire body of the person bathing must be covered with water. BERubin 4b tells us,

Since it is written in Scripture, 'Then he shall bathe all his flesh' [it follows] that there must be no interposition between his flesh and the water; 'In water' implies, In water that is gathered together; 'all his flesh' implies, Water in which all his body can be immersed; and how much is this? [A volume of the size of] a cubit by a cubit by a height of three cubits; and the Sages accordingly estimated that the waters of a ritual bath must measure forty se'ah.

BNazir 38a extends this requirement of forty se'ahs of water for purification of people to things as well, as does CD at the beginning of 10:12.

The teaching which follows, concerning the way in which pools of water may become unclean, is paralleled in mMikwaoth 1:1-2. There it is stated that

if a man that was unclean drank from it and afterward a man that was clean drank from it, he becomes unclean.

The precept contained in CD 11:21-23 forbids the unclean from entering a place of worship. Literally the place of worship is referred to as a 'house of prostration.' Ginzberg <sup>(132.)</sup> considered this to be a very

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131. See Schechter, op. cit., p. xlviiii.

132. See Ginzberg, op. cit., p. 71.

strange designation for a place of worship, because prostration, although a part of Jewish worship, was never so central to Jewish devotion as to have been a likely designation for the actual place of worship itself. Ginzberg's own conclusion on this matter was that here was a reference to the sect's central sanctuary in Damascus. In coming to this conclusion Ginzberg was reflecting his own understanding of the history of the CD community and of 'Damascus' as being a literal reference to the Syrian city of that name. Rabin, (133.) unhappy with the expression 'house of prostration,' emended the text to **בֵּית הַכְּנוּסָה לְהִשְׁתַּחֲוֹת** and translated, 'the house of meeting in order to pray.'

This bar on the entry of an unclean person to a place of worship is in accord with rulings in the Mishnah and in the Talmud. (134.)

The use of the word **כְּנוּס** shows that the uncleanness here referred to is specifically **בְּטֵל קֵרִי**, which required washing to remove it and not the act of immersion, which applied to all other forms of uncleanness.

The precept which follows, concerning the sounding of the trumpet, is difficult to interpret, and it is hard to know whether it follows on from the ruling concerning the unclean person, or whether it is independent. Is the one who should not enter during the sounding of the trumpets the unclean man, or does this ruling apply to any member of the congregation? Schechter, (135.) in his translation of CD, dismissed the ruling as unintelligible.

Ginzberg (136.) drew attention to Sir. 50:14-17. There the people do not come together until the sacrifice is ended and the trumpet has sounded. Then all gather and prostrate themselves in prayer. Here

133. See Rabin, op. cit., pp. 58f.

134. See mBerakhoth 3:5; bBerakhoth 22a.

135. See Schechter, op. cit., p. 1.

136. See Ginzberg, op. cit., p. 72.

Ginzberg found a link with the use of the name 'house of prostration' in the preceding ruling. He assumed that the sect had adopted this aspect of Temple ritual into their own worship.

CD 12:1, which is based on the ruling in Lev. 15:18 that the 'woman also with whom a man shall lie with seed of copulation, they shall both bathe themselves in water, and be unclean until the even,' gives to the entire city of Jerusalem the degree of holiness which, according to the rabbinic halakhah, is possessed only by the Temple Mount.

MKelim 1:8 states that

Within the wall [of Jerusalem] is still more holy, for there [only] they may eat the Lesser Holy Things and the Second Tithe. The Temple Mount is still more holy, for no man or woman that has a flux, no menstruant, and no woman after childbirth may enter therein.

The only direct parallel to the CD ruling is to be found in the Temple Scroll, at 45:11f.,

And if a man lies with his wife and has an emission of semen, he shall not come into any part of the city of the temple, where I will settle my name, for three days.

It is far from unusual to find a ruling in CD which adopts a stricter attitude than the ruling on a similar issue in the rabbinic sources. It does not mean that the rulings of CD and of the rabbis are in contradiction, for differing degrees of rigour are to be found within the rabbinic sources themselves.

In this particular case the difference between the two authorities may not be as great as at first appears. It must be remembered that Kelim does state that Jerusalem is more holy than the rest of the land,

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and Josephus' statement (137.) that 'persons afflicted with gonorrhoea or leprosy were excluded from the city altogether' also emphasizes the special status enjoyed by the whole city. Ginzberg (138.) further argued that עיר המוקדש corresponds to the biblical expression עיר קודש, which in turn coincides with the rabbinic הר הבית, which is used to refer to the Temple Mount. This would bring the CD ruling directly into line with the judgement of the rabbis, but, as Ginzberg himself stated, it is no more than an assumption, based partly on the view that 2 Chron. 8:11 underlies this ruling in CD.

Direct influence of the verse from 2 Chron. on CD is, perhaps, unlikely; there is certainly no verbal parallel. What is interesting, however, is that in the 2 Chron. verse עיר קודש and בית קודש seem to have the same meaning. The interpretation of the verse and its applicability to the interpretation of CD 12:1 is complicated by the fact that it concerns a Gentile woman, Pharaoh's daughter. A similar ban on her residence in the בית קודש may not have been imposed had she been an Israelite.

The ruling in CD 12:15-18, which states that wood, stones, dust, nails and pegs are made unclean by the presence of a dead body in the house with them, does seem to contradict the rabbinic principle that immovable things are not capable of receiving and transmitting impurity, though, as Rabin states, (139.) it is in line with Pseudo-Jonathan (140.) and with popular feeling in mediaeval times, when it was believed that the ground trodden by a menstrous woman was unclean.

137. See Josephus, Wars of the Jews 5.5.6.

138. See Ginzberg, op. cit., p. 74.

139. See Rabin, op. cit., p. 63.

140. Pseudo-Jonathan Num. 19:14, 'and everything that is in the tent, even its floor, its stones, its wood and its vessels, shall be unclean.'

Charles (141.) attempted to argue, on the basis of mKelim 12:6, that the rabbis considered unfinished wooden vessels, unless the wood was box, to be capable of causing pollution, and likewise tent-pegs. He also, in his attempt to bring this passage of CD into line with rabbinic thought, made reference to mKelim 6:1, which states that if three stones were secured together with lime to support a pot on the floor, they were subject to pollution, and to mKelim 12:5, where it is concluded that if a nail was driven in with a view to fastening an object, it was capable of pollution. Charles concluded.

In short in place of all this hair-splitting our text declares a man's uncleanness affects the uncleanness of the objects he touches or is near.

This is indeed the view of CD, but the rabbis' position is far less simple.

Ginzberg (142.) presents two contradictory analyses of the passage in two different chapters of his book. He first argues that כלי should be understood before טיט, which would bring CD into agreement with the rabbinic sources, except in the matter of כלי אבנים. His second view seems more satisfactory. MKelim 12:6, cited by Charles, has to do with unfinished wooden articles, not with wood as a raw material. MKelim 6:1, also cited by Charles, deals specifically with ovens, not with stones as such. Charles' appeal to mKelim 12:5 to prove that nails driven into a wall for hanging something onto them are unclean is dismissed by Ginzberg because, as he states, such a statement is not to be found there, nor anywhere else in the rabbinic literature.

141. See Charles, op. cit., pp. 31f.

142. See Ginzberg, op. cit., pp. 81, 115.

A possible parallel to CD 12:15-18 is to be found in the Temple Scroll, at 49:5-7,

And when a man dies in your cities, every house in which a dead (man) died shall become unclean, seven days; everything which is in the house and every one who comes into the house shall become unclean, seven days.

Does this ruling, by implication, include amongst the things which become unclean the immovable raw materials and fixed objects dealt with in CD?

#### 7. The Man Over Whom Belial Has Gained Dominion (12:2-3)

This ruling imposes the death penalty on anyone possessed by the spirits of Belial who 'speaks rebellion.' Rabin (143.) rightly understood this to refer to utterances against the Law. That it is the death penalty which is to be meted out in such a case is made clear by the allusion to Lev. 20:27, which tells us that

A man also or a woman that hath a familiar spirit, or that is a wizard, shall surely be put to death: they shall stone them with stones: their blood shall be upon them.

It may be that this ruling might help in the proper understanding of the ruling at CD 9:1 and in the whole issue of whether the Jews were permitted by the Romans to perform executions. The principle set out here, however, does not necessarily reflect what happened in practice or, at least, what happened in practice amongst the Jews of Palestine as a whole.

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143. See Rabin, op. cit., p. 60.

8. Relations With the Gentiles (12:6-11; 13:14-15)

CD 12:6-11 contains four rulings dealing with the Gentiles, and 13:14f. is concerned with the regulation of trade with the 'Children of the Pit,' an expression which would have included the Gentiles, but which is more likely to refer primarily to other Jews, outside the community.

CD 12:6f. forbids the killing of Gentiles in order to gain property or wealth. Schiffman <sup>(144.)</sup> argued that this ruling reflects the community's disapproval of the Hasmonean wars of conquest, which they viewed as being solely for the purpose of amassing power and wealth for the Jewish state. Schiffman also agreed with Schechter that by implication the ruling permitted the killing of Gentiles in order to preserve Jewish lives.

Ginzberg <sup>(145.)</sup> argued that the text then went on to forbid the acceptance of charitable contributions from Gentiles, a ban which the 'high council of the sect' could, on occasions, set aside. Schiffman <sup>(146.)</sup> rejected this interpretation. He argued that the use of **וְגֵרִים** shows that the ruling is closely linked with what immediately preceded it and that what is forbidden is the seizure of Gentile property without having to kill to do so, as well as the killing of Gentiles in order to gain their wealth. The verb **אָשׁוּף** here means to carry off violently, a use to be found in the Old Testament, at Num. 16:15 and 1 Sam. 17:34, as well as possibly at Judg. 21:23.

Ginzberg <sup>(147.)</sup> thought that the **הַגְּבוּרִים הַגְּדוֹלִים** was the 'high council of the sect.' Schiffman follows Schlürer <sup>(148.)</sup> in accepting the reference here to be to the **ἐκκλησία**, the congregation of the Jewish nation, later known as the Sanhedrin.

144. See L.H. Schiffman, 'Legislation Concerning Relations with Non-Jews in The Zadokite Fragments and in Tannaitic Literature' RQ 11 (1983), pp. 379-89, esp. pp. 380-82.

145. See Ginzberg, op. cit., pp. 75f.

146. See Schiffman, op. cit., pp. 382-85.

147. See Ginzberg, op. cit., p. 76.

148. See Schlürer, op. cit., Vol. 1, p. 211.

The Temple Scroll takes a different stand: there it is the King who can call out the army for defensive purposes, and the High Priest for offensive wars. (149.) The Temple Scroll rulings are purely theoretical and, within the context of the community, so are those of CD, though the CD ruling does seem to reflect a little more accurately the situation as it might actually have been. A similar ruling to that in CD is to be found at mSanhedrin 1:8, which states that the army is not sent out to an optional war without the approval of the Court of Seventy-one.

The reason given for obeying this ruling is so as to prevent the Gentiles blaspheming. Bad behaviour by the Jews, it is here implied, would cause the Gentiles to treat with disdain the God whom the Jews worshipped. Such a reason for not stealing from the Gentiles is also to be found in the Tosefta. (150.)

Schiffman concludes his study of this ruling by stating that it does not mean that, on occasion, the Sanhedrin could authorise an unwarranted attack on the Gentiles, but that, if necessary, it could allow the Jews to go to war:

The permission of the council would guarantee that this was not a case of killing gentiles purely for gain or of simply plundering them, actions which would result in blaspheming, what the Tannaim later termed "the profanation of God's name." (151.)

CD 12:8f. forbids the sale of clean beasts and birds to Gentiles, lest they offer them in sacrifice. M'Avodah Zarah 1:5 deals with the case of the sale of a white rooster to Gentiles. Such a sale is only

149. See Temple Scroll 58:3-11, 15-21.

150. See tBava' Qamma' 10:15.

151. See Schiffman, op. cit., p. 385.

permitted if the toe of the birds is first cut off, which would make it unsuitable for sacrifice.

M'Avodah Zarah 1:6, however, permits the sale of small animals to the Gentiles where this is the custom, although it forbids completely the sale of larger animals to the Gentiles.

CD 12:9f. forbids the sale of grain or wine to the Gentiles 'from [the] threshing-floor and from [the] wine-press.' Schiffman (152.) agrees with Ginzberg's argument that there is not here a complete ban on the sale of these agricultural products to the Gentiles, a practice permitted by m'Avodah Zarah 1:8, but a ban on their sale before they have been tithed. This explains the reference to the threshing-floor and the wine-press. While the grain and the wine are still at their place of production tithing has not taken place.

CD 12:10f forbids the sale of non-Jewish slaves, who have entered the covenant of Abraham, to the Gentiles. Schiffman (153.) states that this ruling is paralleled in the rabbinic sources. As soon as a slave had begun the process of conversion to Judaism it was forbidden to sell him or her. If such a sale took place, the slave was considered to be a free person.

#### 9. Dietary Laws (12:12-15)

CD contains three dietary laws, grouped together at 12:12-15.

The first ruling, forbidding the eating of unclean animals, does not forbid the consumption of honey, but the larvae of the bee. BBekoroth 7b

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152. See Schiffman, op. cit., pp. 387f.

153. See Schiffman, op. cit., p. 388.

makes such a distinction between bee and honey when it states,

An unclean fowl that swarms you must not eat,  
but you may eat what an unclean fowl casts  
forth from its body. And what is this? This  
is bees' honey.

Schechter (154.) suggested that the text may refer specifically 'to particles of the bees which are mixed up with the honey' and he referred to the Karaite practice of filtering honey before using it.

The **החיה אשר תרמוש במים** are considered by Schechter (155.) and by Charles, (156.) on the basis of Lev. 11:46, to refer to any unclean water creature. Rabin (157.) specifically takes them to be 'yavhushim,' creatures not visible to the naked eye, which were supposed to be generated in the water, and which are alluded to in tYadayim 2:3c,

Rabban Simeon b Gamaliel says, 'If one  
poured out the first water and on his  
hand was found a red insect which originates  
in the water, his hands are clean.

The prohibition on the consumption of fish-blood is not generally upheld by the rabbis. (158.) It is, however, not permitted when collected in a dish and not, therefore, recognizable as fish-blood, and R. Judah's statement in mKerithoth 5:1 shows that it was not universally accepted as permissible. What we probably have here is a case of CD imposing a stricter ruling on a matter about which the rabbis generally took a more relaxed view.

The cooking of locusts, while still alive, is permitted here in CD and also by the rabbis. (159.)

154. See Schechter, op. cit., p. li.

155. See Schechter, ibid.

156. See Charles, op. cit., p. 31.

157. See Rabin, op. cit., p. 62.

158. See bKerithoth 21b; bHullin 27b.

159. See tTerumoth 9:6, which does not include locusts in its prohibition on eating live animals.

10. The Organisation of the Community (12:22-13:13; 13:15-19; 14:3-16)

The community was organised into groups consisting of at least ten men, 'by thousands and hundreds and fifties and tens.' These different groupings are referred to at Exod. 18:25, and the reference to them here is intended to show that the community was ordered in the same way as the people of Israel had been in the days of Moses. There seems little need to understand the figures literally.

In each group of ten there was to be a priest 'instructed in the Book of the Hagu.' If, however, the priest in any group was not so instructed, his function was to be carried out by a levite, if the group included such a one. The only function which had to be reserved to the priest himself, however incompetent he might be, was in the matter of the law of blemishes, when the priest himself had to act on the advice of the 'Mebaqqer.'

The ruling in CD, at 13:2, about the need to have a priest for each group of ten men, is paralleled in 1QS, at 6:4f. As Kruse (160.) points out, however, 1QS does not make any provision for the fulfilling of the priestly duties in cases where the priest himself is incompetent. This reflects the general trend Kruse observes in CD, which is to be more detailed in its rulings than is 1QS and to make provision for unusual circumstances which 1QS ignores.

CD 13:7ff. deals with the functions of the 'Mebaqqer.' In CD he is a very important and powerful figure. He instructs the Many in the works of God and makes them consider his mighty deeds. He recounts to them the events of eternity. He takes pity on them, as a father takes pity on his sons, and he brings back the strayed. He loosens all their

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160. See C.G. Kruse, 'Community Functionaries in the Rule of the Community and the Damascus Document: A Test of Chronological Relationships' RQ 10 (1981), pp. 543-51, esp. p. 545.

fetters, so that no-one amongst them is oppressed. It is the 'Mebaqqer' who examines those who wish to enter the community, and no-one can be admitted without his agreement. The 'Mebaqqer' is also responsible for regulating the commercial life of the community, giving his approval for trading agreements.

The treatment of the 'Mebaqqer' in CD contrasts with that accorded him in IQS, where he is only mentioned twice. (161.) Kruse (162.) argues that the explanation for this difference of treatment is that CD reflects a 'more developed state of affairs than does IQS.' This is not necessarily the case. What we certainly have in CD is a more comprehensive treatment of the role of the 'Mebaqqer,' but this need only mean that CD is dealing with him in a more comprehensive way than does IQS, as it deals with the functions of the priest in unusual circumstances, which are ignored in IQS.

CD deals not only with individual camps, but with the 'meetings of all camps.' Here there is a strict hierarchical order of priests, levites, the children of Israel and proselytes.

As with each individual group, the 'meeting of all camps' is also headed by a priest, whom it is stipulated must be between thirty and sixty years old. (163.) He must be learned in the Book of the Hagu and in all the rulings of the Law.

The 'meeting of all camps' also had a 'Mebaqqer'. (164.) He had to be between thirty and fifty years old. He dealt with admissions to the community and with disputes within the community.

Any attempt to define clearly the distinction between these various officers is, inevitably, difficult, especially when comparison is made

161. See IQS 6:11f., 18-20.

162. See Kruse, op. cit., p. 548.

163. See CD 14:6-8.

164. See CD 14:8-12.

with the evidence provided in 1QS. There the same title is used to refer to an official whose functions are different, or, at least, are described differently, or are not described in such detail. 1QS also makes reference to officials with other titles - the 'Paqid' (1QS 6:13-15) and the 'Maskil' (1QS 3:13; 9:12ff.), who does appear in CD, at 12:21 and 13:22, but in contexts which make it unclear as to whether a distinct official, holding a special office, is meant or whether reference is being made to any wise man who belonged to the community. Vermes (165.) argues strongly in favour of understanding the 'Maskil' as a distinct, and very important, official, but the evidence of CD alone cannot determine this issue. What the text of CD does very strongly indicate is that, both at the level of the individual group and at the level of the community as a whole, there was a dual leadership of priest and layman. In fact, it is this sharing in many of the important functions of community life by a priestly leader and a lay leader that may well lead to the confusion surrounding the question of who was responsible for which functions. These functions were, most likely, shared by more than one official, but different texts, and different parts within these texts, refer only to one or other official as being responsible for performing these duties. This sharing of duties between priests and laity at each level of the community may reflect its understanding of itself to be the faithful remnant of Israel. At community level was to be seen the whole of the nation functioning in microcosm, while the nation at large had abandoned the ways of God.

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165. See G. Vermes, The Dead Sea Scrolls in English, pp. 22-25.

### Conclusions to Chapter 3

Study of the Sabbath regulations, and of the other legal rulings, of CD cannot but highlight the many parallels which exist with the stipulations of the rabbinic sources. In many cases the ruling of CD on a particular issue is exactly the same as that contained in the written records of the teachings of the rabbis. Where reference is made to issues dealt with in CD by Josephus and Philo, parallels are often to be found with these authors as well.

It cannot, however, be claimed that in each and every case the judgment of CD on a particular matter is reflected exactly by the rabbinic sources. Where differences arise there is a tendency for CD to adopt a stricter stance than that held by the rabbis, although this is not always the case. It must, of course, be remembered that the rabbinic texts we possess were not committed to writing until well into the Christian era, a considerable length of time after the composition of CD. But the traditions which the rabbinic texts preserve claim to be much older than the written documents themselves. The very nature of those texts, with their record of the disputes and differences of opinion on each and every issue addressed in the rabbinic tradition, reflects the fact that what we now possess in writing is the product of a long and complicated attempt to apply the rulings of the Torah to the changing circumstances of succeeding generations and of a continual striving to understand the true meaning of the original deposit in the Torah itself.

CD seems to be part of this long tradition. This does not mean that it is not the product of the Qumran community, or that it should be attributed to the Pharisees instead. It must not be thought that there was a smooth and direct transition from the Pharisees to the rabbis of

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the Mishnah and the Talmud, along with the complete demise of all other traditions from the Judaism of the pre-AD 70 period. The nature of the legal material of CD strongly suggests that it, at least, was, in some way, part of the tradition of Torah scholarship which was eventually to find its way into the rabbinical texts which we possess today.

The importance of the Law to CD is clear from the amount of space which is devoted to it in the course of the work. Those who have tried to understand CD while ignoring this legal material have studied only half a text. The legal material is vital to any correct understanding of the purpose of CD, while an explanation must also be given of the nature of the relationship between the two portions of CD and why the one has the other attached to it.

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## CHAPTER 4

THE USE OF THE WORD **תָּרַח** IN THE DAMASCUS DOCUMENTIntroduction

The word **תָּרַח** and the concept it represents are to be found throughout CD, on practically every page. <sup>(1.)</sup> In total, **תָּרַח** occurs forty-two times in the course of the text. This frequent occurrence is not, however, in itself particularly remarkable. **תָּרַח** is used 285 times in the Old Testament <sup>(2.)</sup> and is found many times in all the major Dead Sea Scrolls. For example, it occurs thirty-two times in 1QS, twenty-four times in 1QH and thirteen times in 1QM. <sup>(3.)</sup> What is of more interest is the way in which the word is used.

In his study of CD, Davies argues <sup>(4.)</sup> that the entire structure of the text, or at least of the Admonition (CD 1-8, 19-20), is best understood in terms of a 'covenant formulary.' He notes that Vermes <sup>(5.)</sup> states that it may be assumed that CD was originally connected with a 'Feast of the Renewal of the Covenant,' because the Laws, as they appear in the Qumran fragments of CD, include the form of the ritual for this feast.

Vermes does not elaborate this statement and it should be remembered that arguments based on the Qumran fragments are, of necessity, rather weak, due to the corrupt state of the texts so far published, as well as their extreme brevity, not to mention the doubt that there must be concerning the original connection of some of them with CD.

Only Baltzer, as Davies states, has made a detailed study of the connection of CD with a covenant festival. <sup>(6.)</sup>

1. **תָּרַח** is missing only on p. 11.

2. See BDB, pp. 136f.

3. See K.G. Kuhn, Konkordanz zu den Qumrantexten (Göttingen, 1960), **תָּרַח**.

4. See Davies, op. cit., especially pp. 50-53.

5. See G. Vermes, The Dead Sea Scrolls in English, p. 97.

6. See K. Baltzer, Das Bundesformular (Neukirchen, 1964), pp. 117-27.

In his analysis of the structure of the text, Baltzer divides CD into four broad sections:

1. Dogmatic Section (Antecedent History)  
[Der dogmatische Teil (Die Vorgeschichte)]  
1:1-6:11.
2. Ethical Section [Der ethische Teil]  
6:11-7:4.
3. Blessings and Curses [Segen und Fluch]  
7:4-6,7ff.
4. Corpus of Legal Stipulations [Das Corpus  
der rechtlichen Bestimmungen]  
9:1-16:20.

Baltzer found parallels to the first three of these sections in 1QS 3:15-4:14, from the 'Discourse on the Two Spirits,' which he linked with the description of the covenant ceremony in 1QS 1:18-2:18. He entitled 3:15-4:1 the 'Dogmatic Section,' 4:2-6,9-11 the 'Ethical Section' and 4:6b-8,12-14 'Blessings and Curses.' Davies dismisses the literary connection of 3:15-4:14 with 1:18-2:18 because the two passages are separated by 2:19-3:14. Of the 'Discourse on the Two Spirits,' Davies argues that

Its position in 1QS, its rubric, and its contents all lead one to classify it as catechesis, and there would be no reason to expect a covenant from here, even if one could be demonstrated which I doubt. (7.)

Moreover, Davies rejects the description of CD 1:1-6:11 as a 'Dogmatic Section,' preferring Baltzer's subtitle 'Antecedent History,' but of which there is no trace in 1QS 3:15-4:14.

Nevertheless, Davies does see some parallels between Baltzer's analysis of CD's structure and his outline of the 'covenant formulary' current in the post-exilic period. This consists of the following elements:

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7. See Davies, op. cit., p. 51.

Antecedent History  
 Statement of Substance (General Clause)  
 Stipulations of the Covenant  
 Blessings and Curses

One of the discrepancies between this outline and Baltzer's analysis of CD is that in the former the Blessings and Curses appear last of all, while in CD they precede the body of legal material. Davies' proposed solution (8.) to this problem is to leave out of consideration the Laws (CD 9-16) and to regard 6:11-7:9 - Baltzer's 'Ethical Section' - as corresponding to the 'Stipulations of the Covenant' in Baltzer's 'covenant formulary.' This, then, results in an analysis of the Admonition alone, which Davies presents as follows:

1:1-4:12a	Historical section.
4:12a-7:9	Legal section.
7:5-8:19	Warnings, a secondary expansion to reinforce the claims of the CD community.
19:33-20:34	A supplement, betraying the presence of a new group, i.e. the Qumran settlers.

Davies' misgivings about Baltzer's attempts to draw parallels between the structure of CD and of the 'Discourse on the Two Spirits' in 1QS are quite justified, but Baltzer's analysis is more satisfactory in the sense that it attempts to deal with the whole text of CD, and not only with the Admonition. Davies' failure to deal with the Laws of CD in any detail is a drawback to his work on CD in general and, in particular, in the matter of the structure of the text.

Before the individual passages of CD which use the word **לִיָּד** are examined, it will be useful to look at the meaning of the word itself.

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8. See Davies, op. cit., pp. 52f.

In his article on the word in the Theological Dictionary of the Old Testament,<sup>(9.)</sup> Weinfeld presents four possible derivations of the word.

The first makes **אָרַב** a feminine noun from the verb **אָרַב**, 'to eat' or 'to dine,' which relates it to the festive meal accompanying the covenantal ceremony.<sup>(10.)</sup> Weinfeld dismisses this etymology, because **אָרַב** is not the normal verb for eating but, he argues, is rather to be associated with recuperation or convalescence. This is certainly true for most of the very few occurrences of the word.<sup>(11.)</sup> It is also true of the three usages of the feminine noun **אָרַבָּת**, derived from the verb.<sup>(12.)</sup> It is less certain, however, in the case of the use of the verb in Lam. 4:10, where it is used with reference to the consumption of children by their own mothers in the midst of the destruction, and in the use of the noun **אָרַבָּת** in Ps. 69:22, where it refers to the gall the Psalmist's persecutors have given him to eat. Perhaps it would be more accurate to state that **אָרַב** is used in the context of tribulation, be it sickness, persecution or war. What is certain is that it is **אָכַל** that is the usual verb for eating in the Old Testament, and that **אָרַב** is used very seldom indeed. It is unlikely, therefore, that **אָרַב** should be derived from this verb.

Noth<sup>(13.)</sup> proposed that **אָרַב** be identified with the Akkadian birīt, meaning 'between, among,' and which corresponds with the Hebrew preposition **בֵּין**. It is indeed the case that **בֵּין** does occur in connection with **אָרַב**, as in the expression **בֵּין...בֵּין...אָרַב** used, for example, at Gen. 9:12,15. Weinfeld, however, dismisses this

9. See M. Weinfeld, **אָרַב** b<sup>e</sup>rith in Theological Dictionary of the Old Testament, (translated by J.T. Willis) (Grand Rapids, Michigan, 1974), Vol. 2, pp. 253-79.

10. See, on this view, L. Köhler, 'Problems in the Study of the Old Testament' JSS 1 (1956), pp. 4-7.

11. See 2 Sam. 3:35; 12:17; 13:5,6,10.

12. See 2 Sam. 13:5,7,10.

13. See M. Noth, 'Old Testament Covenant-Making in the Light of a Text from Mari' in The Laws in the Pentateuch and other Studies (translated by D.R. Ap-Thomas) (Edinburgh, 1966), pp. 108-17.

possibility, partly because it assumed that the preposition birīt has been developed into an adverb and then into a noun, an assumption which cannot, he argues, 'be accepted without reservations,' and partly, and more importantly, because the coupling of ברית and בין would result in a tautology, if ברית itself also meant 'between.'

The third possible origin of the word ברית discussed by Weinfeld is that proposed by Kutsch, (14.) who suggested that it derived from the verb ברח, meaning 'to look for,' 'to choose.' This translation of ברח was based on the Akkadian cognate barû, 'to look.' Later, Kutsch argued, the meaning of the verb developed into 'determining' or 'fixing.'

The main evidence for this development is the use of the words חנה and חנות in Is. 28:15,18, where they are in parallel with ברית. The verb חנה, and also the verb ראה, both of which have the basic meaning 'to see' do seem, on occasion, to have the meaning of 'selecting' or 'determining.' (15.) This said, it can by no means be assumed that there was a similar extension of the meaning of another verb with the same original meaning. Furthermore, ברח, meaning 'to see,' is not itself attested in the Old Testament, and this translation seems to depend on the Akkadian cognate. The basis of this understanding of ברית seems, therefore, to be rather weak.

More convincing is Weinfeld's fourth proposal, and the one he himself favours. This, too, depends on evidence from other languages, but the evidence here appears to be stronger. This solution associates ברית with the Akkadian birītu, meaning 'clasp' or 'fetter.' This link is supported by the Akkadian and Hittite terms for a treaty, riksu and išhuil respectively, which both mean 'bond.' The concept of a binding

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14. See E. Kutsch, 'Sehen und Bestimmen. Die Etymologie von ברית' in Archäologie und Altes Testament. Festschrift für K. Galling (edited by A. Kuschke and E. Kutsch) (Tübingen, 1970), pp. 165-78.

15. See Gen. 22:8, in the case of ראה, and Exod. 18:21, in the case of חנה.

settlement also stands behind the Arabic 'aqd, the Latin vinculum fidei, 'bond of faith,' and contractus, 'contract,' and the German Bund. The Greek terms for 'covenant,' συνθήκη, ἁρμονία, συνθεσία and συνημοσύνη, also express the idea of binding, or putting together. The 'bond' metaphor might explain the use of the terms 'strengthening' or 'fastening' to convey the idea of the validity, or reliability, of the treaty. For example, in Akkadian we find the expressions dunnunu riksāte, 'to fasten the bonds,' i.e. to validate the treaty, and riksu dannu, 'strong persistent bond,' i.e. a valid and reliable treaty; and in Aramaic we find ܕܢܐܢܐ ܕܢܐܢܐ, 'to strengthen the bond.' (16.) The Greek term for annulling a pact is λυειν, 'to loosen,' and this, too, points to the understanding of the treaty as a bond.

All this can only suggest possibilities in the question of the etymology of the Hebrew בְּרִית, but the weight of evidence does seem to lie with this last proposal, and it is this understanding of the word which is favoured by BDB, (17.) which notes the Assyrian word barû, 'bind,' whence comes the word birîtu, meaning 'fetter, treaty, covenant.'

#### The Passages of CD Which Use the Word בְּרִית

The passages of CD which use the word בְּרִית may be divided into a number of broad categories, and this study will look at each of these in turn.

The first such category is that which connects בְּרִית with figures from Israel's past, or which sets the covenant in an historical context.

The very first use of בְּרִית in CD is, in fact, to be placed in this

16. See Dan. 6:8.

17. See BDB, p. 136.

category. At 1:4 we read that when God remembered the **רְגִיל רְאִשֵׁי** 'He caused a remnant to remain of Israel and gave them not up to be consumed.' This idea of God remembering the 'covenant of the forefathers' is to be found in Lev. 26:45, where God declares,

But I will for their sakes remember the  
covenant of their ancestors.

What we have here in CD is almost certainly a modified quotation of that passage from Leviticus. A similar passage, concerning God's remembering of the covenant, is at Exod. 2:24, but here it is not the covenant with the forefathers or ancestors, but the covenant specifically 'with Abraham, with Isaac and with Jacob' to which reference is made. (18.)

The Leviticus text is particularly interesting, because in the previous verse, v.44, God states that in spite of the punishments the people will receive for their misdeeds, which are dealt with in the whole section from v.27, he will not break his covenant with them. This assurance may, perhaps, be significant in the light of the use of the expression 'the new covenant' elsewhere in CD. (19.) Does it suggest that 'new' implies something akin to 'renewed,' as opposed to something completely new, and separate from what has gone before?

But what of the word **רְאִשֵׁי**? It is the masculine plural of the adjective **רִאשֹׁן**, meaning 'former, first, chief,' used as a noun to refer to 'former persons,' or, more precisely, 'ancestors' or 'forefathers.' (20.)

In the Old Testament it is to be found at Deut. 19:14 and at Eccles. 1:11, as well as at Lev. 26:45. In CD it occurs a number of times unconnected with **רְגִיל**, at 1:16; 4:8; and 8:17//19:29, as well as at 20:8,

18. See also Lev. 26:42, 'Then I will remember my covenant with Jacob; and also my covenant with Isaac, and also my covenant with Abraham.'

19. See CD 6:19; 8:21//19:33; 20:12.

20. See BDB, p. 911.

where it may mean 'former ordinances' rather than 'former persons,' though this latter translation is the more probable. It may also occur at 4:6, if, with Rabin, <sup>(21.)</sup> we accept Bacher's emendation of **אֲבוֹתָם**. The word is also used as an adjective, not only in its masculine plural form, as at 20:31, but also in its masculine singular <sup>(22.)</sup> and feminine singular <sup>(23.)</sup> forms. It is also to be found a number of times in the major Dead Sea Scrolls, but significantly always as an adjective, never as a noun. <sup>(24.)</sup> The only references to the 'forefathers' in the corpus of the Qumran literature are in CD.

God also remembers the 'covenant of the forefathers' at 6:2, where the result of this is said to be that

He raised from Aaron men of understanding  
and from Israel men of wisdom, and He caused  
them to hear; and they digged the well.

The well is, in line 4, identified as the Torah. Rabin <sup>(25.)</sup> takes the reference to 'men of understanding' and 'men of wisdom' to be an allusion to Deut. 1:13, midrashically expanded to justify the arrangement of courts and councils adopted by CD. Further information on this matter is to be found at 10:5f., which may be compared with IQS 8:1f. What is significant for us here, and at 1:4, is that God's action in preserving a remnant or in raising men of understanding and wisdom is dependent upon what has already happened in the past. Because there was made a 'covenant of the forefathers' and because God remembered this, the remnant was preserved, the wise men were raised up. These latter events did not happen 'out of the blue' but because another event, the making of a covenant, had gone before.

21. See Rabin, op. cit., p. 15.

22. See CD 7:21//19:11.

23. See CD 4:17.

24. See IQS 9:10; IQM 2:10; 4:9; 6:1,5; 8:3,15; 9:15; IQH 9:13; 17:18.

25. See Rabin, op. cit., p. 21.

At 4:9 the members of the community are promised that God will 'make conciliation' for them,

like the covenant which God established for  
the forefathers to make conciliation for  
their trespasses.

Here, what is going to happen is directly compared with what had happened in the past to the forefathers. It is made clear here that the community did not consider itself, or the forefathers, to be entirely free from sin. What does distinguish them, as is made clear from the previous lines, is that they follow or, at least, accept, the Law, as understood by the forefathers.

אֲשֶׁר־בְּרִיחַ also occurs in connection with אֲשֶׁר־בְּרִיחַ at 3:10. Here, however, it is to be understood as meaning 'the first members,' rather than 'the forefathers.' These 'first members' are treated in a negative way. Their transgression results in their being 'given over to the sword.' (26.) They 'forsook the covenant of God,' we are told. This punishment is reminiscent of that meted out by Pekah upon 120,000 men of Judah, who had 'forsaken the Lord, the God of their fathers.' (27.) However, with those who kept his commandments God

established his covenant with Israel even  
until eternity, by revealing to them hidden  
things concerning which all Israel had gone  
astray. (28.)

The covenant here is eternal and it makes manifest 'hidden things.' Is this covenant here at CD 3:13 a different one from that entered into by the 'first members of the covenant' at 3:10? Or, is the reference here to a renewal, or re-ratification, of the original covenant, with those who have remained faithful?

26. This is an allusion to Ps. 78:62.

27. See 2 Chron. 28:6.

28. CD 3:12f.

A phrase very similar to **ברית ראשנים** is to be found at 8:18//19:31 - **ברית האבות**, 'the covenant of the fathers.' (29.) God is said to love the members of the community because of his love for the forefathers, who possess the 'covenant of the fathers.' A similar expression, referring to possession of the covenant, is to be found at Rom. 9:3f., where Paul states of his fellow Jews,

who are Israelites; whose is the adoption, and the glory, and the covenants, and the giving of the law, and the service of God, and the promises.

A number of texts in CD link the covenant with specific individuals in the history of Israel. At 3:3f., Isaac and Jacob, because they keep God's commandments, handed down to them by Abraham, are said to have been written down as 'friends of God and (his) covenanters forever.' The linking of Abraham, Isaac and Jacob in fidelity to God is also to be found in Jub. 6:19, where the three patriarchs are said to have all kept the feast of Weeks, the purpose of which, we are told at v.17, is to 'renew the covenant each year.'

The phrase **ברית גטלי** occurs in the Old Testament, at Gen. 14:13, where we are informed that Eshcol and Aner were 'confederate with Abram.' Ginzberg (30.) proposed an interesting emendation to **לעולם**, which again emphasizes the eternal validity of the covenant. He suggested it be read as **עליון** to form a parallel with **לאל**. He argued that the designation of God as **אל עליון** was very popular in Hasmonean times and that the Hasmoneans officially described themselves as priests **לאל עליון**, citing in favour of his argument Jub. 32:1 and the Assumption of Moses 6:1. He also drew attention to Ben Sira's use of the title,

29. See, in the Old Testament, Deut. 4:31, which refers to the 'covenant of thy fathers,' and Mal. 2:10, which refers to 'the covenant of our fathers.'

30. See Ginzberg, op. cit., p. 12.

as at 46:5 and 47:5, and he considered the possibility that the writer of CD had made use here of Sir. 44:20, where we read of Abraham, that he

kept the law of the Most High, and was  
taken into covenant with him.

Attractive as this suggested emendation is, it must be rejected, as the text we have makes good sense without it, making the change an unnecessary one.

The 'covenant of Abraham' is mentioned at CD 12:11, where we find a law forbidding the sale of slaves or maidservants to Gentiles, because they are in the 'covenant of Abraham.' Rabin (31.) understands this to be a reference to circumcision, though this could then only apply to the male slaves, and not to the maidservants. Exod. 21:9 contains the ruling that a maidservant may not be sold to a foreigner. Ginzberg (32.) considered the present ruling in CD to agree with that of the rabbinic halakhah, according to which slaves may be sold to Gentiles if they are uncircumcised, but not otherwise. Rabin, however, cited bYebamoth 48b's prohibition on the keeping of uncircumcised slaves, and the ruling here in CD does seem to assume that all slaves would be in the 'covenant of Abraham.'

CD 15:8f. refers to the 'oath of the covenant which Moses concluded with Israel, namely the covenant to return to the Law of Moses.' This expression, **שְׁבוּעַת הַבְּרִית**, will be discussed later. It is not entirely clear what is being referred to here. The text is defective and 'to return to' is largely reconstructed. If, with Rabin, (33.) we accept this proposal, we have here some kind of reference to a renewal

31. See Rabin, op. cit., p. 61.

32. See Ginzberg, op. cit., p. 78.

33. See Rabin, op. cit., p. 73.

of the covenant, or a return to it, which seems to have taken place in Moses' own day. Schechter <sup>(34.)</sup> preferred to read here **שׂוֹמְרֵי**, 'to obey,' which puts rather a different, and less difficult, light on matters. It is impossible to be certain which proposal, if either, is correct.

At CD 19:15ff. we are told of the 'princes of Judah,' and how they 'entered a covenant of repentance but did not depart from the way of traitors.' Who are these 'princes of Judah?' Are they, from the writer's point of view, historical or contemporary figures, or are they purely symbolic? The reference to them comes from a quotation of Hos. 5:10,

The princes of Judah have become like those  
who remove the boundary, upon whom I will  
pour out wrath like water.

The allusion to Hosea is also found in the parallel passage in Text A, at 8:3, although there the quotation is not so accurate, neither is there a reference to the princes entering the 'covenant of repentance.' These textual problems have complicated the search for the identity of the princes and firm conclusions on this matter cannot be reached until the issue of the text, and its development, has been studied. Here, the various positions which have been adopted will be summarized.

The various proposals have been discussed by Davies, <sup>(35.)</sup> who deals with the arguments of Jeremias, Stegemann and Murphy-O'Connor. Jeremias' <sup>(36)</sup> position was that the 'princes of Judah' were members of the community from which CD comes, but who had apostasized. In support of this position, he argued that the words 'princes' and 'Judah' are elsewhere used separately to refer to members of the community, that the phrase 'removers of the bound' is used elsewhere of the community of the 'Scoffer,' a

34. See Schechter, op. cit., p. lv.

35. See Davies, op. cit., pp. 155-71.

36. See G. Jeremias, Der Lehrer der Gerechtigkeit (Göttingen, 1963), pp. 110ff.

break-away group, and that there are several verbs denoting treason used in this passage.

Stegemann, on the other hand, believes that the princes were not members of the CD community and he rejected Jeremias' arguments. He stated that the expression 'princes of Judah' was a biblical quotation and that the use of the two words separately elsewhere could not explain their meaning in this context. He also argued that the phrase 'removers of the bound' did not always refer to the same group and that, although verbs of treason are used, the actual accusations themselves are not such as would be directed against former members of the community.

Murphy-O'Connor's solution to the problem (37.) incorporated elements of the views of both Jeremias and Stegemann, and also provided an answer to the difficulty of having two variant texts at this point. He considered Text A, the earlier version, which does not include such references as that to the 'covenant of repentance,' to have been an attack on the leaders of Judah of the time, the Maccabees, who were not members of the community, but from whom the community had, in vain, expected support. Later, after the community's withdrawal to Qumran, the text was adapted into the form found in Text B, for use against apostates.

It will be convenient to refer briefly here to the use of  $\text{הַגְּבֻרִים}$  at CD 10:6. The text reads  $\text{וּבְיָסוּדֵי הַבְּרִית}$ , 'and in the foundations of the covenant,' but Rabin, following Brownlee, emends  $\text{וּבְיָסוּדֵי}$  to  $\text{וּבְיָסוּדֵי}$  and translates 'and in the teachings (of the covenant).' (38.) This emendation may be little more than a clarification of the meaning of the original text, as the context in which this phrase occurs is that of instruction. It is possible, however, that  $\text{וּבְיָסוּדֵי הַבְּרִית}$  has something to do with the origins of the covenant.

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37. See J. Murphy-O'Connor, 'The Critique of the Princes of Judah (CD VIII,3-19)' RB 79 (1972), pp. 200-16.

38. See Rabin, op. cit., pp. 50f.

The second category of passages containing the word **ברית** is made up of texts which use one very important expression - 'the new covenant in the land of Damascus.' It occurs at 6:19 and at 8:12//19:33; and at 20:12 a longer form occurs, 'the covenant and compact which they established in the land of Damascus, which is the new covenant.'

The phrase 'new covenant' occurs elsewhere only in Jer. 31:31 and in a number of New Testament passages. (39.) It is interesting that Jeremiah's unique expression was taken up, centuries later, by the CD community and by Jesus, or, at least, by the very early Christians, but it is unlikely that we should read into this fact any special link between CD and the early Church, tempting as it might be so to do.

The question that must be asked is, What did Jeremiah, and those who subsequently used this phrase, mean when they spoke of a 'new Covenant?' It what sense is it radically different from what has gone before? What connection, if any, does it have with what has been in operation in the past?

In his commentary on the Book of Jeremiah in The Interpreters' Bible, Hyatt (40.) refers to the arguments put forward by Duham, whose view was that the passage on the new covenant did not originate with the prophet himself, that it did not advance a new conception of religion and that it is

only the effusion of a scribe who holds as the highest ideal that everyone among the Jewish people should know by heart and understand the Law, that all Jews should be scribes. (41.)

Von Rad, on the other hand, in his Old Testament Theology, asserts that what we have here is

39. See 1 Cor. 11:25; 2 Cor. 3:6; Hebr. 8:8; 9:15; Luke 22:20.

40. See J.P. Hyatt in The Interpreters' Bible, Vol. 5, pp. 1,037ff.

41. See Hyatt, op. cit., p. 1,037.

clearly something quite different from Jahweh's saying that days were coming when he would again remember his covenant which he made with Israel. No, the old covenant is broken...The new covenant is entirely new. (42.)

Von Rad does, however, go on to say that the new covenant makes no change as far as the content of God's self-revelation is concerned, for his revelation at Sinai cannot be nullified, altered or expanded. The new covenant is new because it changes the way in which the divine will is conveyed to men. Von Rad warns against describing the difference between old and new covenants in terms of the outward obedience of the old and the inward obedience at the heart of the new. For Jeremiah, the doubtful element of human obedience drops out altogether, Von Rad argues, as men are to have the will of God in their hearts, that is, a miraculous change in their nature, which will enable them to obey God perfectly.

However, even if we determine correctly what Jeremiah meant when he spoke of a new covenant, we cannot, of course, be sure that the writer of CD had a similar view in mind when he used the same expression. Nor would it necessarily be helpful to have a full understanding of the New Testament, and later Christian, use of the term. Certainly within Christianity, the new covenant is seen as being a radical break with the old, although even here the two are not unrelated and, indeed, the new is seen as the fulfillment of the old, that towards which the old was directed and towards which it pointed.

Whether similar ideas should be read into CD is far from certain. What is also uncertain is whether the passages in CD which use the phrase 'new covenant' refer to a covenant which is distinct from the covenant

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42. See G. Von Rad, Old Testament Theology (London, 1965), Vol. 2, pp. 212ff.

referred to elsewhere in the text, or whether some, at least, of the other uses of the word **ברית** in CD refer to this 'new covenant' in a less explicit form.

The view that the 'new covenant' is something distinct is that accepted by Davies, (43.) who considers the references to a 'new covenant' to be later interpolations into the text, the work of a group which had broken away from the parent community responsible for the bulk of CD. This parent community belonged to an older covenant 'in the land of Damascus,' made at some period prior to the making of the 'new covenant in the land of Damascus.'

Another, fairly substantial, category of passages in CD which uses the word **ברית** is that which deals with what may, perhaps, be termed negative aspects of the covenant, or negative reactions to it.

The first such usage occurs at 1:17, where there is a reference to the 'curses of his covenant.' This expression is to be found in the Old Testament, at Deut. 29:20, where we are told that

the Lord shall separate [the man who serves other gods] unto evil out of all the tribes of Israel, according to all the curses of the covenant that is written in this book of the law.

The writer of this passage would, obviously, have had in mind here the list of specific curses in Deut. 27:15-26, as well as the description of the results of disobedience of God's commandment in Deut. 28:15-68. Despite the fact that CD contains a good deal of material about those who disregard or break God's word, there is no list of curses in the text, and the author of CD probably intended to refer to the curses

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43. See Davies, op. cit., pp. 176ff.

of Deuteronomy.

Another reference to these 'curses of the covenant' is at 2 Chron. 34:24, where the prophetess Huldah warns Hilkiah, and the other men whom King Josiah had sent to her, that God will bring evil upon Jerusalem and its inhabitants,

even all the curses that are written in  
the book which they have read before the  
king of Judah.

Reference is also made to the 'curses of the covenant' in 1QS, at 2:16 and at 5:12. At 2:16 it is said that the 'curses of the covenant' will cleave <sup>(44.)</sup> to the man who enters the covenant without the right intention. At 5:12 the 'men of falsehood' will have vengeance <sup>(45.)</sup> wreaked upon them by the 'curses of the covenant.'

The 'curses of the covenant' also occur in CD at 15:2f. The text at the beginning of page 15 is corrupt, and the last line of page 14 is completely missing. What we seem to have, however, is a prohibition on the swearing of oaths using the divine name. Instead, what is advocated is some kind of oath by the 'curses of the covenant.' Schechter's <sup>(46.)</sup> reconstruction of the text involves reading **או הברית** after **שוטת** in 15:1 and results in there being a reference to two distinct things, 'the oath of the covenant' and 'the curses of the covenant,' or, possibly, to only one thing - the 'oath of the covenant' - which can also be known by another title, the 'curses of the covenant.'

This proposal has not been followed by later editors of CD, and Rabin <sup>(47.)</sup> proposed **הסכמ** as the missing word at the end of 15:1. He then translated, 'an oath of agreement by the curses of the covenant.' He argued

44. The verb used in 1QS 2:16 (**בנב**) is also used in the same context in CD 1:17.

45. Note that this word, **נקם**, occurs at CD 1:17f. in the expression 'vengeance of the covenant.'

46. See Schechter, op. cit., p. liv.

47. See Rabin, op. cit., pp. 71, 72 (n. 1.3).

that the Mishnaic Hebrew word **הסכם** is consistent with the traces to be found in the manuscript.

However, perhaps the most satisfactory reconstruction is that favoured by Charles, <sup>(48.)</sup> Levi and others, who rendered the phrase as **שבוטת הכתובה באלות הברית**, 'the oath written in the curses of the covenant.' It is impossible to be certain of the original text at this point, but this last proposal avoids the somewhat clumsy nature of Schechter's suggestion, which would probably require more space than is available in the manuscript. It also avoids the introduction of a completely new, non-biblical, idea, which is involved with Rabin's reading. Charles' reading, on the other hand, provides us with a possible echo of Deut. 29:20 and 2 Chron. 34:24, referred to above.

Note should also be made here of the reference to the 'oath of the curse' at CD 9:12, which is derived from Num. 5:21, where it is to be taken by the unfaithful wife. A similar oath is referred to in Jub. 9:14, where Noah binds all his sons

by an oath, imprecating a curse on every-  
one that sought to seize the portion which  
had not fallen (to him) by his lot.

At CD 15:6 and 15:8, it may be noted here, the expression 'oath of the covenant' is used. Rabin <sup>(49.)</sup> sees a parallel to this in the 'binding oath' of IQS 5:8, where the pledge made is to return to all the commandments of the Mosaic Law, with all one's heart and soul. Here in CD, too, 15:9,12 suggest that the oath is to keep the Law of Moses. Rabin also refers to the oaths sworn by the Essenes when they became members of the community, and which are described by Josephus. (50.)

48. See Charles, op. cit., pp. 34f.

49. See Rabin, op. cit., p. 73 (n. 6.3).

50. See Josephus, Wars of the Jews 2.8.7.

These oaths were intended primarily to protect Essene secrets from outsiders. Rabin, however, dismisses any direct connection between these Essene oaths and the oaths in CD 15 and, indeed, Josephus never actually uses the term 'oath of the covenant.' A more likely parallel is to be found in Dan. 9:11, where reference is made to 'the oath that is written in the law of Moses the servant of God' which, together with 'the curse,' will come upon all Israel because they have transgressed the Law.

At CD 1:18 and at 19:13 the 'vengeance of the covenant' is referred to. This expression, with the two preceding words, <sup>(51.)</sup> **חרב נקמת** **ננס ברת**, is derived from Lev. 26:25, where it forms one of the threats against those who disobey the commandments of God. Though occurring only in Manuscript B, and not in the parallel passage in Manuscript A, <sup>(52.)</sup> it is easy to see how it was added to the text after **לחרב**, which must have made the copyist recall the expression in Lev. 26 and in CD 1:18. It is less likely, though not impossible, that the copyist of Manuscript A should have omitted **נקמת ננס ברת** having written **לחרב**, either by mistake, or because he thought that the entire phrase could be understood from the first word only.

CD 1:20 and 16:12 both refer to transgression of the covenant. The former text reads **ויטבירו ברת**, using the Hiphil Imperfect form of the verb **טב**, and may be translated,

and they [the backsliders] caused others  
to transgress the covenant.

Schechter <sup>(53.)</sup> emended the text here to **ויטברו** and most translators, with the exception of Rabin, <sup>(54.)</sup> have rendered it as a Qal in their translations. However, it is not impossible to understand the text with

51. At 19:13 this word reads **נוקמת**. The reading at 1:18 follows the MT.

52. I.e. CD 8:1.

53. See Schechter, op. cit., p. xxxii.

54. See Rabin, op. cit., p. 4.

גור translated as a Hiphil. One factor which may lead to support of the emendation is that it brings closer the parallel with the text of Is. 24:5,

they have transgressed the laws, changed  
the ordinance, broken the everlasting covenant.

In CD 1:20 the various words have been transposed and so reference is made to transgression of the covenant, rather than to breaking of the covenant as in Isaiah, and then, following this, there is a reference to the breaking of the ordinance, instead of to the changing of the ordinance, as in Isaiah. At Josh. 7:15 the words גור and גרית do occur together, when we are told that

he that is taken with the devoted thing  
( חרם ) shall be burnt with fire, he and  
all that he hath; because he hath trans-  
gressed the covenant of the Lord ( כי טור  
את-גרית יהוה ).

CD 16:12 uses the noun 'transgression' and forms part of the ruling that a man should annul the oath of his wife if it is of such a nature as to lead to 'transgression of the covenant.'

At CD 5:12 the 'builders of the wall' <sup>(55.)</sup> are said to have spoken against the 'ordinances of the covenant of God' and to have said, 'They are not established.' This expression, in the singular form, occurs at 1QH 4:18, where the teachers of lies and the seers of falsehood say this of the 'vision of knowledge.' The next phrase, at the end of line 12 and the beginning of line 13 - 'and they are speaking abomination against them' - is emended by Rabin <sup>(56.)</sup> to ותוטה הם מדברים גם, 'and they are seeking error against them.' If this reading is accepted it would provide a link with the reference to גרית at 20:12, for at

55. See CD 4:19.

56. See Rabin, op. cit., pp. 20f.



8:1 from 19:14, **באלה** should be taken as being an abbreviation of **באלות הברית** and he cited Deut. 29:20 as a parallel to this reading -

So it will befall all those who entered the covenant but did not hold fast to the oath of the covenant.

Furthermore, Ginzberg argued,

there are no **חקים** in what immediately precedes to which **באלה** could refer. (58.)

These are strong arguments, but the theory requires the emendation of the text of Manuscript A, and it must not be forgotten that the copyist of Manuscript B, though working some time later than the Manuscript A copyist, does stand considerably closer in time to the latter than did Ginzberg, and this fact cannot be ignored.

Finally in this broad category of the usage of **ברית** mention can be made of the reference, at 20:29, to walking against the 'ordinances of the covenant,' which occurs in the middle of a confession made by members of the covenant community.

**ברית** is used in CD a number of times in relation to entering the covenant, or to being a member of the covenant. Some of these texts have already been discussed within the context of other themes; (59.) the others will be mentioned here.

The first occurs at 2:2, where the writer addresses himself to **כל** **ברית**. The word **ברית** here has usually been translated as a verb, 'have entered' or 'enter.' Rabin, however, arguing on the basis of his understanding of the use of the word elsewhere in CD (60.) and

58. See Ginzberg, op. cit., p. 35.

59. See CD 6:19; 8:1//19:14; 8:21//19:33; 19:16.

60. See CD 5:1; 6:19; 8:1; 9:2; 13:4; 14:10.

in Mishnaic Hebrew, translated the phrase as 'all ye that are in the covenant.' (61.)

Rabin took **אָב** here to refer to a state, and not to an action. The difference may not really be very important, as to be a member implies entry at some date in the past. At Jer. 34:10, there is a reference to all the princes and the people 'which had entered into the covenant' which Zedekiah had made with all the people to free all the Jewish slaves.

At CD 6:11 there is a reference to all who have been brought into the covenant. The 'members of the covenant' or 'those who have entered the covenant' are also referred to at 9:3; 13:14; 15:5 and 20:25. The reference at 15:5 to the 'covenant for all Israel' has a possible, partial parallel at 1QM 17:7, where the text may read **וְרֵיטָהּ אִישְׁרָאֵל** but this is far from certain. What is certain, however, is that several passages in 1QS and 1QH are concerned with entering the covenant. The whole of the opening section of 1QS is, in fact, about entry into the covenant, and specific references to this in this section are to be found at 2:12 and 2:18. Further references to entering the covenant are to be found in 1QS at 5:8,20 and 6:15. At 1QH 5:23 there is a reference to the rebellion of the members of the covenant, and there are two references to entering a covenant at 18:24 and 18:28.

CD 7:5 and 14:2 include an allusion to Ps. 89:29b, in which it is stated that 'the covenant of God will stand fast to them,' that is, to those who walk in perfection (7:4f.). The text of CD 19:1 begins at the word **אֱמִנוֹת** and goes on to provide another reference to the covenant in a quotation of Deut. 7:9,

who keeps the covenant and the grace to

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61. See Rabin, op. cit., p. 6.

his friends and the keepers of his  
commandments.

A further reference to the keepers of God's covenant is to be found at CD 20:17, and this is paralleled in 1QS 5:2, where the 'sons of Zadok the priests' are called the 'keepers of the covenant.'

One final use of the word  $\text{לְשֹׂמְרֵי}$  in CD which must be mentioned is at 16:1, where the opening words are 'with you a covenant and with all Israel.' However, as the last four lines of page 15 are entirely missing and three of the lines before that are fragmentary, it is impossible to say exactly what the first five words of line 1 of page 16 are all about. Rabin<sup>(62.)</sup> considers them to be a quotation from a sectarian book, possibly Jubilees. However, he gives no reference to this text, nor does he give any reasons for holding this view.

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62. See Rabin, op. cit., p. 74.

#### Conclusions to Chapter 4

Having examined each of the references to אִתִּי in CD, it is now necessary to try to summarise, in a more coherent way, the central themes underlying these usages.

Firstly, the covenant is of great antiquity. It can be traced into the distant past, and it is something which belongs to 'the forefathers' (1:4; 6:2), to Abraham (12:11), to Isaac and Jacob (3:4) and to Moses (15:9). Despite frequent lapses and infidelities, the covenant continues to have some form of validity. 1:4 tells us that God's remembrance of the covenant made him preserve a remnant and, at 6:2, this remembrance is said to have caused God to raise up men of understanding from Aaron and men of wisdom from Israel. At 8:18, we are told that God loves those who come after because theirs is the covenant of the forefathers.

Secondly, the references to entering the covenant make it clear that it is something which individuals choose to enter, and not something to which there is automatic entry by virtue of birth. Even after becoming a member it is still possible to fall away, as is made clear, for example, at 3:10ff., where the fate of the 'first members of the covenant' is described.

Thirdly, a result of the establishment of the covenant is the revelation of 'hidden things' which are unknown to those outside, and amongst which calendrical matters are prominent (see 3:13ff.).

Fourthly, there are a number of significant references to a 'new covenant,' which is said to have been made in 'the land of Damascus' (see 6:19; 8:21//19:33; 20:12; and, also, 6:4f.).

Fifthly, and most importantly, or, at least, most pervasively, the theme of covenant in CD is inextricably bound up with that of law. To be in the covenant is to keep the commandments (see 19:1; 13:22ff., and

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especially 14:2). Isaac and Jacob are God's covenanters forever (3:4) because they kept his commandments, whereas the 'first members of the covenant' were given to the sword and forsook the covenant, because they themselves followed their own desires in their actions. Speaking against the ordinances (20:11) is equated with rejection of the covenant, while accepting the oath of the covenant (15:6,8) is to keep the Law of Moses. The 'curses of the covenant' and the 'vengeance of the covenant' visited upon those who 'turn from the way' (1:7) also at least imply that there are rules and legal stipulations attached to the covenant and that there are punishments for their transgression.

All these ideas about covenant are, in one way or another, drawn from, or are paralleled in, the Old Testament. In fact, as has been seen in the detailed study of the individual passages, much of the material on the covenant in CD is couched in biblical language. The historical references to past figures connected, in a special way, with the covenant are obviously derived from the Old Testament, and the strong connection between covenant and law is a central theme of the Old Testament, in its presentation of the meaning of the Mosaic covenant. The 'new covenant' is present, of course, in Jer. 31, though it is not there presented as taking place in 'the land of Damascus.' Even the concept of the covenant *ās* making known 'hidden things,' previously lost or unknown, is not completely alien to Old Testament thought. There is an echo of what CD says on this matter in the account, in 2 Kings 22, of the discovery of the 'book of the Law' (2 Kings 22:11) or 'book of the covenant' (2 Kings 23:21). This book makes known to the Israelites, if we take the 2 Kings account at its face value, laws which had been previously known, but which had been forgotten for many generations. Whether this precise idea is reproduced in CD is not certain. What CD may mean to suggest is that new information, not previously known, is being imparted to the members of the covenant for the first time. If this is the case the biblical parallel is less direct, but it is still far from non-existent.

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CHAPTER 5THE THEME OF EXILE IN THE DAMASCUS DOCUMENT

CD is the product of a community which believed itself to be the true heir of all that God had revealed to his people in the long history of his dealings with them. They believed that it was they who were in a correct covenantal relationship with God, that it was they who properly fulfilled God's will by a faithful observance of the Law of Moses.

Such beliefs inevitably mean that a distinction is drawn between any group holding such beliefs, on the one hand, and those who do not hold these beliefs, on the other. In this particular case, those who did not hold such beliefs were the vast majority of the Jewish people, who did not agree with the Qumran community's understanding of its own role in God's plan. Neither, of course, would the Jewish people at large have agreed with the Qumran community's belief that everyone who was not a member of the community was an apostate.

The Qumran community saw itself in clear distinction from the rest of the people of Israel and, therefore, in CD there is a large number of words and phrases which draw attention to the community's belief that it was set apart from the rest of the people, that it was a faithful remnant amongst the apostasy of the nation as a whole, that it was in some kind of state of exile, and that it alone held fast to the true ways of God. CD also looks forward to some kind of restoration, when the position of the Qumran community would be vindicated by God and when it would be seen to have been correct all along.

CD contains a great many references to the sinfulness of those who are outside the community, as well as to the way in which the people have gone astray from God, time and time again.

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At the very beginning of the document, the situation which existed before the Qumran community came into being is described. The people had 'sinned in that they forsook [God]' and so God, in his turn, had hidden his face from Israel and from his sanctuary, and he had given up his people to the sword (CD 1:3f.). Then God created a remnant for himself and those who formed this remnant, unlike the rest of the people, 'considered their trespass' (1:8) and repented.

CD 1:12-2:1 contains a description of the behaviour of the 'congregation of the faithless.' They are described as backsliders, who followed the lead of the 'man of scoffing' (1:14) and who brought upon themselves the 'curses of the covenant' (1:17). They showed favour to the wicked and persecuted the righteous and, as a result, they brought upon themselves the wrath of God (1:21).

Many figures from the past history of the nation are condemned for having strayed from the true ways of God. These figures include the watchers of heaven (2:17f.), the children of Noah (3:1), the children of Jacob (3:4) and 'the first members of the covenant' (3:10).

At CD 4:14, Is. 24:17 is quoted,

Fear, and the pit, and the snare are upon  
thee, O inhabitant of the land.

This is explained as being a reference to the 'three nets of Belial,' in which the people of Israel have been caught. 4:17f. explains what these three nets are:

The first is whoredom, the second is wealth,  
the third is conveying uncleanness to the  
sanctuary.

In one or other of these nets all the people are caught. The 'builders of the wall' are condemned as being guilty of whoredom on two counts, by marrying two women in their lifetimes and by permitting the marriage

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of a niece by her uncle (4:20f.; 5:7f.). They are also guilty of failing to observe aright laws about menstruation (5:6f.) and of rendering their holy spirits unclean (5:11). They are all, says the writer of CD,

kindlers of fire and setters-alight of  
firebrands; spiders' webs are their webs  
and cockatrices eggs are their eggs (5:13f.).

This is the current situation in the life of the nation, as CD sees it, but it is also the case that this has been the situation since ancient times (5:16f.). Moses and Aaron met with opposition in their day from Jannes and his brother (5:17f.). In the 'epoch of the desolation' (5:20), which certainly includes the Babylonian exile, but which may also include the whole period from that time up to the time of the composition of CD, <sup>(1.)</sup> there arose the 'removers of the boundary' who led Israel astray.

CD 8 contains a bitter condemnation of the 'princes of Judah' (8:3), who are denounced for a whole range of rebellious behaviour, including indulging in lust, amassing ill-gotten wealth, seeking revenge, bearing grudges, hating their neighbours, and not separating from the people, that is, from the Gentiles.

As well as those completely outside the community, condemnation is also meted out to those who have joined the community, but who have then fallen away. Those who do so will not, according to CD 19:35,

be reckoned with the gathering of the  
people, and in their writing they shall  
not be written.

Those community members who are loth to carry out the commands are described as 'melted in the midst of a furnace' (20:3) and are dismissed

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1. See Davies, op. cit., p. 122.

until they repent (20:3-8). And, at 20:25, those who have 'broken out of the boundary of the Law' will, it is said, be cut off when God's glory shall appear.

CD's attitude to the people of Israel as a whole, and to backsliding members of the Qumran community, is extremely harsh. It was so harsh because of the firm belief that only the community itself properly obeyed God, and that everyone else had wilfully rebelled against him. Such rebellion deserved the severest censure and the severest punishment which, it was believed, it would, ultimately, receive.

Over against all this wickedness and rebellion stood the remnant of the community, which had been separated by God from the rest of his people in order to keep alive the proper observance of the covenant. The community was an exiled remnant, keeping alive the true faith, and this understanding of itself on the part of the Qumran community comes across in the vocabulary of CD.

The verb **גלה**, 'to uncover, to remove, to go into exile,' (2.) occurs eight times in CD, but only once with the meaning of 'to go into exile.' At 2:2,14 and 5:10 it means 'to uncover.' In the first two of these occurrences the writer summons his readers to **שמעו לי** in order that he may 'uncover' their ear (2:2) or their eyes (2:14), (3.) with reference to the 'ways of the wicked' (2:2) or to the 'works of God' (2:14). At 5:10, **גלה** occurs in the context of rules concerning marriage and refers to a woman uncovering the 'nakedness' of her uncle.

Four times in CD **גלה** means 'to reveal' and this has more relevance to the theme of this chapter, as the contexts in which this meaning occurs deal with the revelation by God to his chosen ones of certain

2. See BDB, pp. 162f.

3. **ואגלה אונכם** (2:2); **ואגלה עיניכם** (2:14).

secret matters, matters of which all others are ignorant.

At 3:13 God is said to have established his covenant with Israel 'by revealing to them hidden things concerning which all Israel had gone astray.' 5:5 states that the ספר התורה was not 'revealed' (נגלה) 'until Zadok arose,' having been hidden since the death of Eleazar, Joshua and the Elders. At 15:13 there is a reference to all that is revealed of the Law (וכל אשר נגלה מן התורה) and, at 20:20, allusion is made to the time when 'salvation and righteousness' will be revealed for those who fear God (עד יגלה ישע וצדקה ליראי אל).

The use of גלה to refer to exile occurs at 7:4, in a quotation of Amos 5:26f. This quotation is used to reinforce the preceding statement, that

those that held fast escaped to the land  
of the north.

The wording of the Amos passage, as found here in CD, differs a little from MT -

CD	והגליתי את סכות מלככם ואת כיון צלמיכם מאהלי דמשק
MT	ונשאתם את סכות מלככם ואת כיון צלמיכם <sup>כוכב</sup> גאלוהיכם אשר עשיתם לכם והגליתי אתכם מהלאה לדמשק

CD reads והגליתי at the beginning of the quotation, instead of ונשאתם, while in MT the word occurs later, after לכם. CD omits the reference to the 'star of your God' in the quotation, although it does provide an explanation of the meaning of this phrase. It also misreads מהלאה, 'beyond,' as מאהלי, 'my tent,' or possibly follows a variant reading.

The midrash on the Amos passage, and that on Num. 24:17 associated with it, is an important passage in any attempt to understand the CD community's view of its own exile and of the location of that exile.

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It is, however, extremely difficult to decipher, both as a biblical passage and as it is worked out as a midrash in CD.

Much rests on the interpretation given to the use of the word 'Damascus.' Three different interpretations are possible: one is that Damascus is used symbolically for the community's place of exile in the Judaeen desert, that is Qumran; one is that Damascus be taken literally; and the third, favoured by Murphy-O'Connor, in his series of articles in the RB, (4.) is that Damascus represents Babylon and that what became the Qumran community had its origins in, and was deeply influenced by its experiences in, the city of Babylon.

Here, at 7:15, however, Murphy-O'Connor understands Damascus to refer to Qumran, but denies that it has this meaning elsewhere. (5.) He sees the reference to Damascus here to come from a part of CD which was written after those passages of the text that contain other references to Damascus. Murphy-O'Connor argues that as Damascus was used to represent Babylon as a place of exile, so later, after the community's move to Qumran, the significance of the place-name Damascus as the designation of a place of exile was altered.

$\text{מִכּוֹשׁ}$  and  $\text{פִּדְיוֹן}$  refer to pagan gods, illicitly worshipped by the Israelites, whom Amos denounced. In LXX  $\text{מִכּוֹשׁ}$  becomes  $\text{τὴν σκηνὴν}$ , 'the tabernacle.' On that basis, some have seen in the word  $\text{פִּדְיוֹן}$  the Hebrew word for 'pedestal' and so have interpreted the reference here to be to cultic worship objects, rather than to pagan gods. It seems more likely, however, that it is pagan worship which is being denounced by Amos and which has deserved the punishment of exile.

Rabin (6.) includes the words 'tabernacle' and 'pedestal' in his trans-

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4. See J. Murphy-O'Connor, 'An Essene Missionary Document? CD II,14-VI,1' RB 77 (1970), pp. 201-29; idem., 'A Literary Analysis of Damascus Document VI,2-VIII,3' RB 78 (1971), pp. 210-32; idem., 'The Critique of the Princes of Judah (CD VIII,3-19)' RB 79 (1972), pp. 200-16; idem., 'A Literary Analysis of Damascus Document XIX, 33-XX,34' RB 79 (1972), pp. 544-64.

5. See J. Murphy-O'Connor, 'The Essenes and their History' RB 81 (1974), p. 221, esp. n.39.

6. See Rabin, op. cit., pp. 28,30.

lation of CD, and support is to be found for CD's having understood סכות as 'tabernacles' in its use of the quotation from Amos 9:11 - 'And I will raise up the tabernacle of David that is fallen' - as explanation of the interpretation of the Tabernacle/Sukkath of the King as the books of the Law. It may be argued that originally סכות was meant to refer to a pagan deity, but that this fact had been forgotten by the time of the composition of CD and the translation of LXX, and that 'tabernacle' was substituted instead.

Ginzberg <sup>(7.)</sup> provides a possible explanation as to why סכות is explained as being the books of the Law. He suggested that the writer of CD probably derived his interpretation of סכות from סכת, 'to take note of' and then understood סכות מלככם as 'that to which the people shall give heed, that is the Torah.'

It is impossible to be certain. The King is defined as the assembly or the congregation as a whole. Rabin, however, argues <sup>(8.)</sup> that there is a lacuna here in the text, and that the interpretation of the word 'king' is lost. He refers to Hvidberg's view <sup>(9.)</sup> that the definition of 'images' was to be found in the lacuna. Rabin offers a reconstruction of this supposed lacuna, which would read,

The king is the prince of all the congregation;  
the intercessors are those that instruct the  
assembly.

In this reconstruction, Rabin finds an attractive parallelism. The King, in his understanding of the passage, is the leader of the community, and his Tabernacle is the Torah, while the images are the community's teachers and their pedestals are the Prophets. This is, perhaps, a little too neat, and anyway it is not necessary to assume the existence of a

7. See Ginzberg, op. cit., p. 34.

8. See Rabin, op. cit., p. 29.

9. See Rabin, ibid.

lacuna. It makes good sense to understand the Tabernacle to be the Torah, and the King to be the congregation as a whole, as the Torah certainly belonged to all who were in the community and was equally the responsibility of all its members. It is true that without Rabin's insertion the images do not receive a definition. The text shows that the writer of CD understood  $\int 15$  to mean 'pedestals' because that is the word he uses in his midrash, though he, or probably some later copyist, also notes down the word as it is found in the biblical text.

The Star is defined as 'the searcher of the Law,' although reference to the Star is omitted from the actual quotation of the biblical text. The Star is then further defined by the quotation of Num. 24:17,

A star shall step forth out of Jacob and  
a sceptre shall rise out of Israel.

The Star has already been described as the 'searcher of the Law who came to Damascus' and the Sceptre is now said to have been the 'prince of all the congregation.' Some scholars have seen here a reference to two Messiahs, whom it was hoped would arise at some time in the future. (10.)

In his article on the Amos-Numbers midrash, Brooke argues that the explanation for the presence of this passage in Text A of CD, but not in Text B, is that Text A reflects the later expectation of two Messiahs, which replaced an earlier expectation of only one Messiah. This view requires the understanding of both the 'searcher of the Law' and the 'prince of all the congregation' as future figures. While the prince is probably someone who is expected in the future, it is much more likely that the 'searcher' is a past figure, possibly even pre-dating

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10. See, for example, G.J. Brooke, 'The Amos-Numbers Midrash (CD 7:13b-8:1a) and Messianic Expectation' ZAW 92 (1980), pp. 397-404.

the Teacher of Righteousness, or identical with him. The context of the whole midrash is a past event, the separation of the two houses of Israel. The 'searcher' is, therefore, a past figure from the perspective of the writer, but the 'sceptre'/'prince of the congregation' does not have to be, and, in fact, is not described as such, because he does not form part of the explanation of the Amos passage, but is mentioned in the Numbers text, which is quoted to explain further the explanation given of the 'star' in Amos.

A number of the many uses of the word **שׁוּב**, 'to turn back, to return' (11.) in CD are relevant here. Reference is made at CD 2:5 and at 20:17 to 'those who turn from impiety' ( **שׁוּבֵי פִשׁוּעַ** ). This expression is also found in 1QS, at 10:20, and comes from Is. 59:20.

The verb **שׁוּב** also appears in the expression, **שׁוּבֵי יִשְׂרָאֵל**. This has presented translation problems. There are three possible alternatives. The first, favoured by Rabin, (12.) understands **שׁוּבֵי** here to mean 'penitents' and he translates the whole expression as 'they that turned (from impiety) of Israel.' The objection to this translation centres on the question of whether, without the use of a preposition, **שׁוּבֵי יִשְׂרָאֵל** can mean anything other than 'those who repented of being Israel.' This cannot be what is meant. Rabin solves the problem by assuming that the expression **שׁוּבֵי יִשְׂרָאֵל** is an abbreviation for **שׁוּבֵי פִשׁוּעַ יִשְׂרָאֵל**, which would form a conflation with the expression **שׁוּבֵי פִשׁוּעַ** at 2:5 and at 20:17. BDB, (13.) however, provide examples of **שׁוּב** used absolutely to mean 'to repent.' Knibb (14.) finds the use of the participle on its own in this sense at Is. 1:27 to be the most convincing.

11. See BDB, pp. 996-1000.

12. See Rabin, op. cit., pp. 12ff.

13. See BDB, p. 997.

14. See M.A. Knibb, 'Exile in the Damascus Document' JSOT 25 (1983), pp. 99-117, esp. p. 106.

Murphy-O'Connor, however, rejected this interpretation of the phrase and instead translated it as 'the returnees of Israel.' (15.) He saw this phrase, thus translated, as supporting his theory that the Qumran community was made up of returnees from Babylon.

A third possible understanding of  $\text{יְבִשׁ}$  is to see it as deriving, not from the verb  $\text{בִּשַׁ$  at all, but from  $\text{הִבִּשׁ}$ , 'to take captive.' The  $\text{יְבִשׁ}$   $\text{יִשְׂרָאֵל}$  would then be the 'captives of Israel.' This translation has had little support, and the first proposed rendering of the phrase, as 'penitents of Israel,' is to be supported.

The first occurrence of  $\text{יְבִשׁ יִשְׂרָאֵל}$  is at CD 4:2, which forms part of the explanation of the meaning of Ezek. 44:15 and in which the Priests are said to be those who were the 'penitents of Israel who went out from the land of Judah.'

The second occurrence is at CD 6:5, which forms part of what is known as the 'Well Midrash.' Those who dug the Well, which is the Law, were the

penitents of Israel who went out from the  
land of Judah and sojourned in the land  
of Damascus.

Murphy-O'Connor supported his argument that Damascus usually represents Babylon in CD, by stating that Damascus could not possibly represent Qumran as Qumran is not outside the land of Judah, while it is stated in the text that the penitents of Israel left Judah to take up their sojourn in Damascus. This determination to take Judah in an absolutely literal way is a little inconsistent with the symbolic understanding of Damascus in the very same sentence.

To assume a link between the CD community and Damascus itself, or with

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15. See J. Murphy-O'Connor, 'An Essene Missionary Document,' pp. 211f., RB 77 (1970).

Babylon, is to work with assumptions which cannot be verified. We do, however, have a great deal of evidence to link CD with Qumran, and it must, therefore, be best to understand 'Damascus' as a way of referring to Qumran, which was the community's place of exile and the place where it expected its eschatological hopes to be fulfilled.

Vermes (16.) has shown that there was a tradition, independent of CD, which associated the awaited eschatological sanctuary with Damascus, and that it was this tradition which lay behind CD's symbolic use of the name.

The expression שְׁבִי יִשְׂרָאֵל also occurs at CD 8:16//19:29.

At CD 1:4 the verb שָׂרַח, 'to remain, to be left over,' and the noun שְׂאֲרֵית, 'a remnant' both occur. The passage describes the origins of the Qumran community, and lines 4f. record how God remembered the 'covenant of the forefathers' in spite of the sinfulness of his people. As a result of this, he preserved a remnant of faithful Israelites, who were not given up to destruction. The preservation of this remnant is the first stage in the emergence of the community itself, and the passage goes on to give further details of how this came about and when it occurred.

The noun פְּלִיטָה, from the verb פָּלַט, 'to escape,' occurs at CD 2:11. This occurs in a passage describing the ways of the wicked. In every age in which the wicked hold sway, however, God has raised up for himself men 'called by name' in order to preserve a remnant ( פְּלִיטָה ) to remain loyal to him.

In the introduction to the Amos-Numbers midrash of CD 7:14ff., there is a reference to those who held fast, making their escape to the 'land

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16. See G. Vermes, Scripture and Tradition in Judaism: Haggadic Studies (SPB, 4) (2nd edition) (Leiden, 1973), pp. 43-49.

of the north.' The verb used is **חלט**. The same verb occurs again at CD 7:21//19:10, where it is stated that those who are faithful to God will escape 'in the time of the visitation.'

The verb **פיק**, 'to hold fast,' occurs a number of times. At CD 3:12 it is stated that those who held fast to God's commandments were the ones with whom God established his covenant by revealing to them the hidden things in which Israel had gone astray. CD 3:18ff. describes the establishment of the 'sure house' and 3:20 states that those who hold fast to it are destined for eternal life. At CD 7:13 it is those who held fast who were the ones who escaped to the north; and at 20:27 there is a further reference to those who hold fast to the rules of the community. By contrast, at CD 8:2//19:14 mention is made of the judgement meted out to those members of God's covenant who have not held fast to the proper injunctions.

At CD 20:22f. mention is made of the 'house of Peleg,' which went out (**ינצו**) from the holy city and put their trust in God at the time when Israel sinned.

All these words and expressions reflect the self-understanding of the community from which CD emanates as being the faithful remnant, keeping alive the true ways of God in the midst of apostasy. They were a remnant who, to maintain their purity, had gone into exile and in exile they had established a new covenant 'in the land of Damascus.' This was to ensure that they maintained their fidelity during the period when the wicked-doers held sway over the nation as a whole.

Murphy-O'Connor's thesis that the Qumran community had its origins in Babylon cannot, however, be allowed to stand. Vermes <sup>(17.)</sup> maintains that

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17. See G. Vermes, 'The Essenes and History' JJS 32 (1981), p. 28.

such a claim is based on nothing more than speculation. Knibb (18.) presents some of the arguments against this speculation. The first problem he cites is the lack of knowledge we possess about the Jewish community in Babylon after the time of Ezra and Nehemiah until the first century BC, the period in which the community would have come into existence. Babylonian influence on the books of Esther, Daniel and Enoch could mean no more than the spread of Babylonian ideas to Palestine at the time these books were written. Even if the information contained in these books accurately reflects the situation in Babylon they do not tell us very much about it.

Murphy-O'Connor quotes Albright's views with approval. (19.) Albright claimed that Essene interest in the virtues of plants and stones, attention to divination and astrology, their frequent lustrations and their prayer for sunrise each day were all examples of Babylonian influence. Lustrations were certainly not an exclusively Babylonian practice, as the Old Testament bears witness in a number of places. (20.) Interest in the other matters could derive from the circulation of these ideas in Palestine itself.

Murphy-O'Connor further claimed that there was too great an emphasis on relations with Gentiles in the Laws of CD for the document to have originated in a Palestinian context. In fact, the number of references to the Gentiles is not especially large: there are three isolated references to them at CD 9:1, 11:14f. and 14:14f., and other references to them in 12:6-11. This does not seem to be a disproportionate amount of material referring to Gentiles if a Palestinian origin for CD and its community is assumed.

18. See Knibb, op. cit., pp. 101-05.

19. See W.F. Albright, From the Stone Age to Christianity (2nd. edition) (Baltimore, 1957), p. 376; Murphy-O'Connor, 'The Essenes and their History' RB 81 (1974), p. 222; idem., 'An Essene Missionary Document?' RB 77 (1970), p. 215.

20. See Exod. 29:4; 30:20; Lev. 8:6, on the lustrations of priests; Num. 8:7, on the lustrations of levites; Lev. 15:5,7, on lustrations in the case of those afflicted with various kinds of uncleanness.

Furthermore, there are also references to Jerusalem (CD 12:1f.), as well as to the offering of sacrifices in the Temple (CD 11:17-21). These are more easily explained if it is assumed that the setting for the composition of CD, as well as the place of residence of those for whom it was written, was Palestine and not Babylon, or elsewhere in the diaspora. There is evidence aplenty to associate CD, and the community from which it comes, with Palestine, and specifically with Qumran. There is no such evidence which establishes a link with Babylon or, indeed, with Damascus, and so it must be assumed that the place of exile of the remnant that was the CD community was, in fact, Qumran.

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Conclusions to Chapter 5

This chapter has shown that the CD community had a very strong sense of the sinfulness of the Jewish nation as a whole. This is certainly something which applied to the situation contemporary with the composition of CD, but it was not a situation that was new. CD sought to demonstrate that this had been the case throughout the history of the Jewish people, and that there had become established in the whole saga of God's dealings with his people a very firm pattern which involved repeated rebellion on the part of the people. In response to this God preserved for himself a faithful remnant which maintained the faith intact and which observed the Law as God intended it to be kept.

The CD community saw itself as the heir to these faithful individuals whom God had preserved throughout history. Other Jews were lost in their sinful practices; only the community remained faithful. And even within the community, from time to time, lapses occurred, making it necessary to denounce those who were guilty of such backsliding.

This self-understanding on the part of the community as the faithful remnant in the midst of apostasy and rebellion is linked with the theme of exile. Much controversy has surrounded the location of this place of exile, centering on the interpretation of the word 'Damascus.' The only place of exile with which the community, as such, is known to have been associated is, of course, Qumran. Inevitably the experience of the Babylonian exile would have had a great influence on the thought of the community, as it was such a pivotal event in the whole of Jewish history. To go further than that, however, and to envisage a Babylonian origin for the Qumran community, or for the parent group from which the Qumran community emerged, is to go beyond the evidence which is available to us and to ignore the evidence which associates the CD community with Qumran.

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CHAPTER 6HISTORICAL REFERENCES IN THE DAMASCUS DOCUMENT

CD presents a number of references to, what at least appear to be, specific, historical events, persons, places and dates, which might offer the information required to piece together the context from which it emerged, and which might also shed light on the times in which it was written. As has been seen, many studies of CD, and of the Dead Sea Scrolls in general, have indeed used the information in this way, basing their analysis on facts known from other sources and, at the same time, making use of the relevant references in CD to enlarge knowledge of the period to which it seems to refer.

That CD dates from some time in the 'inter-testamental' period is almost unanimously held by scholars, and is confirmed by the palaeographical evidence provided by the 4Q and 5Q fragments of the text, which have been dated at least to the first half of the first century BC, and by the 6Q fragments, which come from the first century AD. (1.) This is in spite of the fact that the full manuscripts of the text which we possess, if full manuscripts they be, date only from the tenth century AD, in the case of Manuscript A, and from the eleventh to twelfth centuries AD, in the case of Manuscript B. (2.)

The date of the 4Q and 5Q fragments make a date later than the first century BC for the origin of CD impossible, though, of course, this cannot rule out later modifications to the text. A significantly earlier date also seems to be ruled out by the references to events, apparently in the past from the perspective of the writer, which are said to have

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1. See Milik, op. cit., pp. 38, 124.

2. See Schechter, op. cit., pp. ix f.

taken place 390 years after the Babylonian exile and another twenty years after that (CD 1:5f.,10), which would bring us to at least 197/186 BC and 177/166 BC respectively. Even if these periods of time are historically inaccurate, purely symbolic or later interpolations into the text, it seems unlikely that the writer who included them in his work would have done so if such periods of time had not actually elapsed since the time of the Babylonian exile.

CD, therefore, seems to have its origin in the first century BC, although it is probably not possible to be more precise in dating the time of its composition, and any historical information which may be drawn from it must deal with happenings of that time and earlier.

A recent attempt to decipher the historical data of CD, and of the Scrolls in general, is that of Callaway. (3.) He concentrates his study on three specific types of historical information in CD, which he considers to be of most importance. These three types of information are references to historical persons, to geographical locations, and to chronological data.

In his study of historical, or apparently historical, persons who appear in the text of CD, Callaway deals particularly with the מורה **פ79**, the 'Teacher of Righteousness,' with the דורש התורה, the 'Searcher of the Law,' who is in some way connected with the Teacher and is sometimes even identified with him, and with the איש הכוזב, the 'Man of the Lie.' (4.)

There are also, however, many references to Old Testament characters and writers. CD is full of Old Testament quotations and allusions, and

3. See P.R. Callaway, The History of the Qumran Community An Investigation (JSOP Supplement, 3) (Sheffield, 1988), especially pp. 89-133.

4. See Callaway, op. cit., pp. 100-21.

sometimes a quotation is introduced with a reference to the person whose name is associated with the authorship of the book being quoted. This is the case with the references to Ezekiel (CD 3:21; 19:12), Isaiah (CD 4:13; 6:8; 7:10), Moses (CD 5:8; 8:14) and Zechariah (CD 19:7).

Other Old Testament figures appear in connection with a reference to an event in biblical history, and this is the case with the inclusion of the following persons in the text: Nebuchadnezzar (CD 1:6), the sons of Noah (CD 3:1), Abraham (CD 3:2; 12:11; 16:6), Isaac and Jacob (CD 3:3; cf. 20:17), the sons of Jacob (CD 3:4), their sons in Egypt (CD 3:5), David (CD 5:2), Eleazar (CD 5:3), Joshua (CD 5:4), Zadok (CD 5:5), Uriah (CD 5:5), further references to Moses (CD 5:17f.; 15:2,9,12; 16:2,5), Aaron (CD 5:17), the sons of Seth (CD 7:21), Jeremiah and Baruch (CD 8:20), and Elisha and Gehazi (CD 8:20).

Reference is also made to the 'Watchers of Heaven' (CD 2:18), known from I Enoch 91:15, and to Jannes and his brother, opponents of Moses and Aaron, known from rabbinical sources and from the New Testament. (5.) Furthermore, there is a reference, at CD 4:15, to a saying of Levi, son of Jacob, which might be assumed to come from the Testament of Levi, but which is not to be found in the extant text of this work.

Not all the events in which these characters take part are lifted directly from the biblical text, but whether the events described are scriptural or not the characters who take part in them can shed no light on the period in which CD was actually written, as the writer evidently intends these references to be understood to be dealing with occurrences distant in time from his own day. What these references can do is to show which historical events the writer considered to be of

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5. See bMenaḥoth 85a; 2 Tim. 3:8.

special importance for an understanding of the situation of his own day; and which biblical, and other, texts were of most relevance to him and to his community.

The Old Testament figure most frequently referred to in CD is Moses. This accords with the importance the text attributes to the Law and its observance. The references to Abraham, and specifically to the covenant he made with God (CD 12:11), accord with the great interest that CD has in the whole concept of covenant and with the references to the 'new covenant in the land of Damascus.' The alternating references to faithful and faithless characters from Israel's past are but a part of the whole theme of repeated disobedience amongst the people, which is contrasted time and again with the preservation of a loyal remnant.

However, it is the characters who are, at least apparently, not attested in other, non-Qumranic, texts, which, potentially, shed light upon the writer's own period, for it is these figures of whom it is possible for the writer of CD to have had more direct knowledge, if they were, in fact, historical figures.

The figure in CD whose identity and history has exercised the minds of scholars to a greater extent than any other is the 'Teacher of Righteousness.'

The first reference to the Teacher comes in the opening section of CD (1:1-12), which describes how God, when he remembers the 'covenant of the forefathers,' preserves a remnant of the people of Israel, in the midst of apostasy of most of the nation. When God discerns the repentance of this remnant and their search for him, he raises up for them a 'Teacher of Righteousness,' who guides and instructs them.

The prevailing consensus, represented by such scholars as Jeremias (6.)

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6. See Jeremias, op. cit.

and Murphy-O'Connor, (7.) is that the Teacher was a contemporary of Jonathan Maccabeus, who is himself identified with the 'Wicked Priest' of 1QpHab., and who is so designated because of his illegal assumption of the High Priesthood, in spite of the fact that he was not of the legitimate Zadokite line of priestly descent. The Teacher is identified as the High Priest ousted by Jonathan, who served in Jerusalem during the so-called 'Inter-Sacerdotium' of 159-152 BC.

Some other scholars (8.) have claimed that 'Teacher of Righteousness' was an office filled by various individuals at various times. Other scholars again, in attempts to unite as closely as possible the evidence of the Scrolls with that of the New Testament, have identified the Teacher with Jesus, or with John the Baptist. (9.)

Davies (10.) argues that the reference to the Teacher in CD 1:11 is a secondary addition to the original text. He does so partly on metrical grounds, which on their own are a weak basis for textual emendation and partly because he sees the reference to the Teacher to be part of a later, Qumranic, recension of a text which has its origins before the Qumran community came into existence.

Callaway (11.) agrees that the text does make good sense without the reference to the Teacher, as the whole passage, from CD 1:1 to 1:12, with the single exception of the reference to the Teacher's leading of the people at line 12, deals with God's own direct activity. Davies would like to omit all but the last word of line 11, from  $\text{מִיָּד}$  to  $\text{וְיָד}$  and

7. See J. Murphy-O'Connor, 'Demetrius I and the Teacher of Righteousness' RB 83 (1976), pp. 400-20; idem., 'The Essenes in Palestine' BA 40 (1977), pp. 100-24.

8. See, for example, G.W. Buchanan, 'The Office of Teacher of Righteousness' RQ 9 (1977), pp. 241-43; M. Bregman, 'Another Reference to "A Teacher of Righteousness" in Midrashic Literature' RQ 10 (1979), pp. 97-100.

9. See J.L. Teicher, 'The Teaching of the Pre-Pauline Church in the Dead Sea Scrolls' JJS 3 (1952), pp. 111-18, 139-50; 4 (1953), pp. 1-13, 49-58, 93-103, 139-53; B. Thiering, 'Once More the Wicked Priest' JBL 97 (1978), pp. 191-205.

10. See Davies, op. cit., p. 63.

11. See Callaway, op. cit., p. 101.

to make God, and not the Teacher, the subject of **וְיָיָא**. The super-  
 scription of the passage presents the reader with the expectation of  
 a discourse on the works of God himself. It is his works that the reader  
 is called on to consider by the opening lines, and it is God who is  
 going to execute judgement on those who despise him. This, however,  
 does not necessarily preclude all reference to the activity of another  
 figure, in this case the Teacher, especially as it is made clear that  
 he acts as God's agent and that it is God who raises him up in the first  
 place.

Whether reference to the Teacher is secondary or not, its inclusion  
 by the writer, or by a later editor, requires explanation. The form of  
 the title used here lacks the article and so is, literally, 'a teacher  
 of righteousness,' rather than 'The Teacher of Righteousness.' This  
 could support, though it does not necessarily do so, those who claim  
 that the writer of CD did not have a particular individual in mind  
 when he used this expression; alternatively, it could mean that the act-  
 ual identity of the Teacher was unknown to him. What is certainly the  
 case is that the Teacher's identity cannot be determined from the inform-  
 ation which is given in CD 1:1-12.

A further difficulty in the way of arriving at a correct understanding  
 of this reference to the Teacher is the translation of the verb **יָיָא** in  
 line 12. Jeremias (12.) translated it with a future meaning, and Thorion-  
 Vardi, in a study of the tenses of CD, does the same. (13.) Rabin (14.)  
 proposes an emendation of **יָיָא** to the Imperfect form, and then translates  
 as '[that which] he would do.' However, Jaubert (15.) and Davies (16.)

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12. See Jeremias, op. cit., p. 152, n.1.

13. See T. Thorion-Vardi, 'The Use of the Tenses in the Zadokite Documents' RQ 12 (1985), pp. 70f.

14. See Rabin, op. cit., pp. 4f.

15. See Jaubert, 'Le Pays de Damas' RB 65 (1958), p. 236.

16. See Davies, op. cit., p. 68.

translate it as a past tense, referring to what God had already done in the past. This seems to accord better with the subject-matter of the whole passage from CD 1:1, which describes how God has dealt with the past apostasies of Israel, and it also seems to fit in well with the succeeding passage, which goes on to elaborate on the past wickednesses of the 'congregation of the faithless.'

This passage culminates, at 1:21, with a reference to a past punishment by God of 'their congregation,' the same term as is used at 1:12. Jaubert understands the 'last generations' to be those after the Babylonian Exile, contemporary with the Teacher; and the 'last generation, the congregation of the faithless' to be those who lived at the time of the Exile and who, by their betrayal of the covenant, had brought about the ruin of Jerusalem. This may be too specific an identification of the 'congregation of the faithless,' who should probably be understood to be all who had forsaken God. Jaubert is, however, correct to understand the 'congregation' to be a past, rather than a future, entity here.

After discussing the place of the Teacher in the opening section of CD, Callaway goes on to discuss a number of passages which he sees as being connected with the Teacher. (17.)

In CD 2:11-13 the verbs **םִיִּן** and **םִיִּן־וְ** occur, with God as their subject. God is said, at 2:11, to raise up for himself in all the 'years of eternity' 'men called by name' in order to maintain a remnant. In the same way, God is said, at 1:11, to raise up the Teacher of Righteousness. Then, at CD 2:12, God is described as making known the remnant 'by the hand of those anointed with his holy spirit and the seers of truth.' This same verb is used of the action of the Teacher in CD 1:11 or, as some would have it, of God's own action. No mention

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17. See Callaway, op. cit., pp. 104ff.

is made here of the Teacher, but Callaway sees as significant the use of the same verbs here as in the passage dealing explicitly with the Teacher; and he sees further significance in the statement made here that God communicates through his anointed ones and seers, amongst whom it would be possible to see the Teacher.

At CD 3:8, there is a reference to God's own work as a teacher. When, at Kadesh, God told the Israelites to go up to take possession of the Promised Land, they refused to listen to him and they rejected the commandments which he had taught them. Callaway does not think that this episode directly clarifies the reference to the Teacher of Righteousness at CD 1:11, but he argues that it suggests that the reference there to a teacher may be understood to refer to a figure distinct from God, but dependent on his action. This is certainly how the Teacher is presented in the opening passage of CD, at least in its present form. The Teacher is definitely meant to be seen as a distinct character, raised up by God, and his work is in accord with God's will. These observations, however, do no more than to repeat what is obvious from the text of CD 1 itself and they do not really help us to broaden our knowledge of the Teacher's activity.

Callaway sees further parallels with CD 1:10-12 and 2:10-13 at CD 3:12-15, where God deals with the remnant by establishing his covenant with them and by revealing to them hidden things; at CD 3:19-21, which refers to the building of the sure house in Israel; and at CD 3:21-4:11, where the description of the sons of Zadok as 'the men called by name' recalls CD 2:11.

The arising of Moses and Aaron at CD 5:17 is paralleled with that of Teacher in CD 1:11, and Callaway draws attention to the way in which the verb **מנן**, used to describe the appearance of Moses and Aaron is paralleled

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by **זכור**, the verb used in 1:11 and also used here for the arising of Jannes and his brother. CD 5:21-6:2 describes how God remembered the covenant and raised up men of understanding.

The passage running from line 2 to line 11 of CD 6, often known as the 'Well Midrash,' contains a reference to the **לורש התורה**, the 'Searcher of the Law,' and to the **יורה הצדק**, 'he who teaches righteousness [in the end of days].' Callaway argues that the latter of these two figures is to be identified with the Teacher of Righteousness of CD 1:11, seen here as someone who is to come in the future, and that therefore the Searcher of the Law is to be understood as a figure distinct from the Teacher and preceding him in time.

The Searcher is again referred to at CD 7:18, as part of a midrash on Amos 5:26f. In itself this midrash could be interpreted as referring to the present or to the future, but the context in which it is set refers to the past and, specifically, to the separation of the two houses of Israel. This, then, means that the Searcher must be a past figure, from the perspective of the writer, but it does not necessarily help to place the Searcher and the Teacher in their correct chronological order, if it is assumed that they are two distinct figures and not one person bearing two different titles.

Davies<sup>(18.)</sup> argues that the Searcher must precede the Teacher in time because the references to these two figures in CD show that the Searcher is placed right at the very beginning of the remnant community, while the Teacher appears at a much later point. While it is true that the Teacher, in CD 1:1-12, is said to arise twenty years after the formation of the 'root' and that there is no similar reference in CD 6:2-11 to any similar lapse of time, neither is there a specific statement that the Searcher's work was done right at the beginning of the emergence

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18. See Davies, op. cit., pp. 123f.

of the remnant community. The writer is looking back on the history of his community, but he does not place the activities and persons he mentions within any strict chronology. It is, therefore, a mere assumption that he is referring only to what happened at the very beginning of the history of his community. The digging of the well and the delving with the staff, which is identified as the Searcher of the Law, need not be seen as activities which occurred once and for all at the time of the emergence of the community, but as having taken place over at least a certain length of time, and from the perspective of the writer the twenty years mentioned at CD 1:10 may not necessarily have been seen as stretching so far away from the time of the origins of the community for the events of the whole period <sup>not</sup> to be encompassed within one statement. It is, therefore, not impossible to view the Teacher and the Searcher as one and the same figure.

This still leaves the allusion to 'he who teaches righteousness in the end of days' to be explained. Rather wild explanations have sometimes been offered to reconcile the identity of this character, who is still to come, with that of the Teacher of Righteousness of CD 1:11, who is obviously a figure from the past.

It has been argued that the Teacher would be reincarnated, or would rise from the dead. (19.) None of these explanations need be accepted, for, as Davies states, (20.) the more sober explanation is that 'he who teaches righteousness' is not the historical Teacher at all, but another figure. This almost seems to be demanded by the way in which reference is made to this figure of the future. He will, like the Teacher of the past, teach righteousness, but he is the one who will do so 'in the end

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19. See, for example, J. Carmignac, 'Le retour du Docteur de Justice à la fin des jours?' RQ 1 (1958-59), pp. 235-48.

20. See Davies, op. cit., pp. 123f.

of days,' unlike the historical Teacher, who did so long ago. It would, perhaps, be more fruitful to investigate the possibility of the identity of the one 'who teaches righteousness in the end of days' with the Messiah, who is as described as coming in the future, rather than with the Teacher of Righteousness, who at CD 1:11 is very definitely a figure of the past.

Having provided an analysis of the passages discussed above, which either refer directly to the Teacher/a teacher, or, in his estimation, have some bearing upon such passages, Callaway<sup>(21.)</sup> provides a summary of his findings. Firstly, he states that the superscription in CD 1:1 leads the reader to anticipate a lecture on the works of God, and that in the whole of 1:1-12 it is God who is the subject of almost all of the verbs, even of  $\text{יָשָׁב}$  in 1:12. Secondly, he points out that no teacher is mentioned again explicitly until CD 3:8, where it is God who is meant. Thirdly, he argues that God is probably meant to be presented as a teacher in several other passages (CD 2:12; 3:13f.; 6:3; 7:4). Fourthly, he points out that CD 6:7-11 describes an authoritative interpreter of the Law, who is set in the past, and a later Teacher, who is, possibly, set in the future from the perspective of the writer.

Callaway's conclusion from this is that references in CD to a teacher are not all identical. The overriding emphasis, he argues, is that it is God who is the teacher, and that others teach only in subordination to him. This may mean that the identity of individual teachers was not of importance to the writer of CD and also that there was no one human individual who could be called The Teacher par excellence. This role is God's alone.

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21. See Callaway, op. cit., p. 110.

The source of all true teaching must, of course, be seen to be God himself, but this does not necessarily preclude the attachment of great importance to certain individuals, or to a single individual, who teaches faithfully the things of God. Indeed, the greater the emphasis on God as the true Teacher, the greater the position which may well be given to the servant who most fully conveys this teaching from God to his people. Callaway seeks, in his analysis, to minimize the importance of the references in CD to the Teacher of Righteousness, by emphasizing the allusions in the text to God's own teaching role, but these references to the Teacher cannot so easily be dismissed.

Further references to the Teacher occur in Manuscript B of CD. There he is mentioned four times. At CD 19:35-20:1, there seems to be a reference to two historical occurrences: the death of the Teacher, here described as the 'unique teacher' or the 'teacher of the community,' at some undetermined time in the past; and the coming of the Messiah, at some uncertain time in the future.

CD 20:13f. also seems to refer to the death of the Teacher, (22.) but here this event is coupled, not with the coming of the Messiah, but with a period of forty years which will culminate in the ending of the men of-war.

The Teacher and the Messiah are clearly distinct figures, and Callaway argues, (23.) therefore, that it is not possible to identify the future teacher of CD 6:11 with the Messiah, although he, too, is a figure who is yet to come. This is only the case if the identification of the Teacher of Righteousness, of CD 1:11, with the one who is to teach in the

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22. But for an alternative opinion, see B.Z. Wacholder, 'Does Qumran Record the Death of the Moreh? The Meaning of he'aseph in Damascus Covenant XIX,35, XX,14' RQ 13 (1988), pp. 288-98.

23. See Callaway, op. cit., p. 113.

end of days, of CD 6:11, is insisted upon. It is far from certain, however, why this has to be attempted, as the two figures seem to be very clearly differentiated, the one being placed firmly in the past, and the other equally firmly in the future. Davies <sup>(24.)</sup> suggests that the Teacher claimed to be the figure referred to at CD 6:11, but that this view had to be modified after his death, when it was realized that he was not the Messiah, who was still to come. This explanation does not seem to be necessary if it is not felt that the figures of CD 1:11 and 6:11 have to be identified as one and the same person.

CD 20:28 and 20:32 both contain references to the Teacher, in statements which frame a confession of sin. Callaway argues that Denis and Murphy-O'Connor are probably correct to maintain that the 'Teacher' here is either God himself, or God's original legislator, Moses. Neither of these identifications are impossible, but there seems to be no reason why, if God or Moses were meant, that they should not have been referred to directly, instead of with the title 'Teacher,' which, at CD 1:11, is very definitely a figure from the history of the remnant community, who is neither God himself nor Moses.

References to the Teacher of Righteousness in the Pesharim do not help to identify him with any known historical figure. In many of the places where he appears, he does so in direct opposition to the Wicked Priest (1QpHab. 9:9; 11:4), the Liar (1QpHab. 5:11) or the Spouter of Lies (1QpHab. 10:9). The Liar and the Spouter of Lies are also mentioned in CD, at 20:15 and 8:13 respectively, but not the Wicked Priest. Nor are these opponents ever brought into direct contact with the Teacher in CD.

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24. See Davies, op. cit., pp. 177-79.

There are, however, good reasons for assuming that the Wicked Priest, the Liar and the Spouter of Lies are all one and the same person. (25.) At 1QpHab. 8:8f., the Wicked Priest is said to have been called 'by the name of truth' at the beginning of his career. It could then be assumed that the one who was truthful in his early years is now quite the opposite, and is a liar. At CD 1~~4~~, there is also a reference to the 'Man of Scoffing.' He, too, is probably to be identified with the Liar and the Spouter of Lies because it is said that he 'spouted' ( **ףטת** ) to Israel the water of a lie ( **לש** ). All these figures are, therefore, linked by the use of the words 'to lie' ( **לש** ) and 'to spout' ( **ףטת** ).

A further reference to this character is probably to be found at CD 4:19, where Hos. 5:11 is quoted, and where it seems that the elusive word **לש** is used to refer to a person. This **לש** is said to be 'a spouter' ( **ףטת** ), and is, therefore, to be identified with the Man of Scoffing, the Liar and the Spouter of Lies elsewhere in CD, and also, probably, with the Wicked Priest of the Pesharim.

The most important fact that the Pesharim tell us about the Teacher of Righteousness is that he was a priest. There is a hint of this in 1QpHab. 2, where the 'Priest' is probably to be identified with the Teacher of Righteousness.

There, however, it is possible that two distinct characters are being described. At 4QpPs. 37 2:18, however, the Teacher of Righteousness is directly identified as 'the Priest.' The emphasis in CD on the Zadokite tradition, and the reference to the 'sons of Zadok' at 3:21-4:1 and at 4:3f., makes it certain that the priest who was Teacher of Righteousness would have been a Zadokite priest. Claims have been made to identify this

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25. See G. Vermes, The Dead Sea Scrolls Qumran in Perspective (London, 1977), p. 150.

Zadokite priest with the High Priest who is supposed to have functioned between the time of Alcimus' death and the assumption of the high priesthood by Jonathan Maccabeus, in 152 BC.

In an article in RQ, Wise (26.) deals with this whole issue, and with the contradictory evidence which surrounds it. He draws attention to Stegemann's conclusion that the Teacher of Righteousness was the High Priest of the 'Inter-Sacerdotium.'

1 Macc. tells us nothing about who was High Priest during this period, and Josephus provides contradictory evidence. On the one hand, he says that Judas Maccabeus became High Priest when Alcimus died, (27.) but on the other, he also says that there was no High Priest at all during this period. (28.) Wise considers it unlikely that Judas would have usurped the position of High Priest, while a legitimate Zadokite heir, in the person of Onias IV, was available, but he also believes that it is unlikely that there was not, at least a de facto, High Priest to carry out the rites of the Day of Atonement. Josephus, however, in Antiquities 12.9.7, tells us that Onias IV departed for Egypt when he was passed over for the High Priesthood in favour of Alcimus, after the death of Menelaus. This makes the identity of the High Priest during the 'Inter-Sacerdotium' no clearer, if indeed there was a High Priest at all during that time.

Stegemann based his claim that the Teacher of Righteousness was this missing High Priest on the fact that the Teacher is described as 'The Priest.' This, Stegemann, asserted, was a title of the High Priest himself in post-exilic Judaism. Wise, however, argues that there is no convincing evidence to prove that this was so. He asserts that the usual title for the High Priest was הכהן הגדול.

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26. See M.O. Wise, 'The Teacher of Righteousness and the High Priest of the Intersacerdotium: Two approaches' RQ 14 (1990), pp. 587-613.

27. See Josephus, Antiquities 12.10.6; 12.11.2.

28. See Josephus, Antiquities 20.10.3.

Wise made his claim on the basis of a detailed study of the biblical, numismatic and inscriptional evidence. Stegemann had supported his claim by stating that the title nowhere occurs in the Dead Sea texts. This, however, is now known to be untrue, because the style is used a number of times in the Temple Scroll, at 15:15, 23:9 and 25:16. There is thus no reason why the Teacher should not have been designated 'The High Priest' if he had, in fact, held that office.

It is not, therefore, possible to say any more about the identity of the Teacher of Righteousness than that he was a Zadokite priest and, on the basis of the chronological information contained in CD and the palaeographical evidence of the Qumran fragments of CD, that he is to be dated some time during the second century BC. The emphasis in CD on the importance of Law and Covenant also make it fitting that he was a Zadokite priest. In the period with which we are concerned, it was the priest who was the ultimate authority as far as the Law was concerned. Sir. 45:17 notes that it was to Aaron the Priest that authority in matters of the Law was given:

He [God] gave unto him [Aaron] in his commandments, Yea, authority in the covenants of judgements, To teach Jacob the testimonies, And to enlighten Israel in his law.

Furthermore, at 1QS 5:7-11 it is the sons of Zadok who are called the 'Keepers of the Covenant.' They are the ones who have the correct interpretation of the Law in their possession.

The Teacher could, therefore, hardly have been anyone other than a Zadokite priest. More specific identification, however, is impossible, and, with Wise, we must conclude that

it is hard to escape the feeling that in seeking to identify the Teacher of Right-

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eousness with a known historical figure, named or unnamed, we are asking the sources a question for which they simply do not have the answer. (29.)

The most important topographical reference in CD is undoubtedly that to 'the land of Damascus.' (30.) The interpretation of this reference is of the greatest significance in reaching a proper understanding of what CD is all about.

The expression 'land of Damascus' does not occur in the Old Testament, but 'Damascus' itself does, the name being used 45 times, most frequently in the Books of Kings, and also in Isaiah, Jeremiah, Ezekiel and Amos, as well as in Genesis, 2 Samuel, Chronicles, Song of Songs and Zechariah.

The ancient Aramean city of Damascus was situated in an oasis, on the Nahr Barada river (the river Abana), in the plain east of Hermon and south-east of the Anti-Lebanon. It is presented frequently in the Old Testament in its role as capital and residence of the King of Aram. (31.) Ezek. 27:18 presents it as a trading centre, a position it held because it was situated where important military and commercial routes met. A number of passages also seem to include the surrounding territory under the name 'Damascus.' 1 Kings 19:15 refers to the 'wilderness of Damascus' and 2 Kings 5:12 to the 'rivers of Damascus,' while Ezek. 47:16f. falls into this category with its references to the 'border of Damascus.' There is a single, late reference to a 'king of Damascus' at 2 Chron. 24:23.

In Akkadian the name 'Damascus' occurs as Dimisqi, in the Amarna Letters as Dimasqa, Dumasqa and Timasgi and in Arabic as Dimisq, Dimasq

29. Wise, op. cit., p. 613.

30. See Davies, op. cit., pp. 176ff.

31. See, for example, 1 Kings 15:18; 2 Kings 16:9; Is. 7:8.

and Dimisq as-Sam. (32.) The very earliest occurrence of the name is to be found in an inscription of Pharaoh Thutmose III, dating from the sixteenth century BC. In the monarchical period in Israel, Damascus was ruled by the Aramaeans, who had conquered the city c.1,200 BC, after the downfall of the Hittites. Throughout the period, Damascus was the rival, both of Jerusalem and of Samaria. David was victorious in his war against Damascus and made it tributary (2 Sam. 8:5f.), but, during Solomon's reign, the city was conquered by Reson of Aram-Zobah, who made himself independent of Israel (1 Kings 11:23ff.). Tabrimmon of Damascus was the ally of Abijam of Judah, against Israel (1 Kings 15:19), while his son, Ben-hadad I (900-875 BC), was first allied to Baasha of Israel, but afterwards made a league with Asa of Judah (1 Kings 15:18ff.).

Ben-hadad II and his son, Hadadezer, made war against Ahab of Israel, who was killed in battle at Ramoth-gilead in 853 BC, as is described in 1 Kings 22. Ben-hadad III ruled for only two years and was then killed by Hazael (843-979 BC) (2 Kings 8:7-15), who was then followed by Ben-hadad IV. This king was victorious against Israel, conquered almost the whole territory of the kingdom and besieged Samaria (2 Kings 6:24ff.). Through the intervention of Elisha, however, the siege was raised. Soon, Damascus also had to face the threat of Assyria.

Important in Damascus' attempts to stop the westward spread of the Assyrian Empire was the Syro-Ephraimite War of 734 BC, in which Rezin of Damascus sought, with King Pekah of Israel, to persuade King Ahaz of Judah to join him in a war against Assyria. The outcome of the whole episode, however, was that Damascus was conquered by Assyria, under Tiglath-pileser, in 733/2 BC. From then on the city was merely the centre of a province under various foreign rulers, first the Assyrians, then the

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32. See A. Haldar in Interpreter's Dictionary of the Bible, Volume 1, pp. 757ff.

Babylonians, the Persians and, finally, the Greeks under Alexander the Great. (33.)

In the period after the death of Alexander, the city had a complicated history, being under the control sometimes of the Ptolemies, and sometimes of the Seleucids. Later, it was conquered by Pompey and became part of the Roman Empire.

The New Testament bears witness to the existence of a Jewish community in Damascus and, according to Josephus (Wars of the Jews 2.20.2), 10,500 Jews were slain there at the outbreak of the revolution. Even if this figure cannot be accepted as entirely accurate, it must surely testify to the existence of a substantial Jewish population in the city, a community which must have developed and grown over a considerable period of time.

All other things being equal, therefore, it would not be impossible for the references in CD to 'Damascus' to be taken literally, as referring to the Syrian city of that name. There were certainly plenty of Jews living in the city from amongst whom CD could have emanated and amongst whom could have developed the views it contains.

This was the view adopted by scholars in the years before the discovery of the scrolls at Qumran. (34.) Ginzberg did not hesitate to understand the text to mean that there had been a literal exile of certain pious Jews, who were opposed to the Jerusalem authorities, to the Syrian city of Damascus. Later, with the accession of Queen Alexandra Salome, with her sympathetic attitude towards the Pharisees, some of these exiles returned to Jerusalem, while others rejected this move, which they considered to be a surrender of their principles, and remained in Dam-

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33. For the history of Damascus in this 'inter-testamental' period see Schlirer, op. cit., Volume 2, pp. 127-30.

34. See Ginzberg, op. cit., pp. 262-65.

ascus, where they promulgated the 'new covenant.'

After the discovery of the Qumran scrolls, including fragments of CD, a literal understanding of 'Damascus' fell from favour, because it became apparent that nothing in the other scrolls provided a link with that city. This point of view was presented by Rabinowitz, and was taken up by, amongst others, Jaubert and Murphy-O'Connor, who sought to interpret 'Damascus' as a cryptic reference to Babylon. (35.)

Others, also seeking to find some significance other than the literal in the name 'Damascus,' argued that 'Damascus' must be identified with Qumran, the place with which, of course, it is known that the community of the scrolls was actually associated. (36.) Archaeological evidence, which did not seem to allow for a time when Qumran might have been abandoned for a sojourn elsewhere, was invoked to support this view. (37.)

The attempt to understand the name 'Damascus' in CD as a cryptic way to refer to Babylon can, ultimately, be dismissed on the basis of a lack of firm evidence to support such an identification. It is not, however, possible to do this with regard to the identification of 'Damascus' in CD with Qumran. Nevertheless, the problem which still remains is the question as to why the text does not refer to Qumran by its own name, if, indeed, it is Qumran to which the text intends to refer.

Milikowsky (38.) argues that the answer to this question is to be found in the text of CD itself. One of the passages of CD which discusses 'Damascus' is the elaborate exegesis of Amos 5:26f., which occurs at

35. See Rabinowitz, *op. cit.*; Jaubert, 'Le pays de Damas' RB 65 (1958), pp. 214-48; Murphy-O'Connor, 'The Essenes and Their History' RB 81 (1974), pp. 215-44.

36 See Gaster, *op. cit.*, p. 4; F.M. Cross, The Ancient Library of Qumran and Modern Biblical Studies (revised edition) (Grand Rapids, 1980), pp. 81-83, n. 46; R. de Vaux, Archaeology and the Dead Sea Scrolls (revised edition, The Schweich Lectures, 1959) (Oxford, 1973), pp. 112f.

37. See Cross, *ibid.*; de Vaux, *ibid.*

38. See Ch. Milikowsky, 'Again "Damascus" in Damascus Document and in Rabbinic Literature' RQ 11 (1982), pp. 97-106.

CD 7:15ff. In the Amos text there is a close connection between the place-name 'Damascus' and the theme of exile. The Qumran community felt itself to be, in some sense, in a state of exile, and, Milikowsky's argument runs, because the Amos text associates Damascus with the state of being in exile, the Qumran community applied the name 'Damascus' to the place where they were undergoing their period of exile. That place was Qumran and, therefore, 'Damascus' was used as a name for Qumran in the writings of the community.

Milikowsky dismisses Vermes' attempt to associate Damascus with eschatological and messianic expectations, which the latter claimed to find in the rabbinic literature. (39.) He does, however, admit that the most important text discussed by Vermes, Sifre Deuteronomy 1, and the biblical text it interprets, Zech. 9:1, do seem to refer to a future divine presence in Damascus. However, he does find evidence in the rabbinic sources for the association of Damascus with the subject of exile. He finds in the Sifre Deuteronomy passage discussed by Vermes the phrase,

And the exiles come and rest in it, as it says, "And Damascus is his resting place."

This, he argues, reflects an independent tradition which links Damascus with exile. Milikowsky also finds a more explicit connection between Damascus and exile in Seder 'Olam, chapter 22, where an exegesis of Amos 3:12 concludes with a quotation of Amos 5:27, the text quoted in CD itself -

Rabbi Nehorai says in the name of Rabbi Yehoshua: It says, "Thus says the Lord, 'As a shepherd rescues from the mouth of the lion two legs or the piece of an ear so shall the people of Israel who dwell in

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39. See Vermes, Scripture and Tradition in Judaism: Haggadic Studies, pp. 44ff.

Samaria be rescued with the corner of a bed and in Damascus shall be the bed.'" (Amos 3,12). These from all Israel escaped; "with the corner of a bed" - this teaches that only one eighth remained. And the remainder of the bed - where is it? In Damascus; to fulfill what is said, "I will take you into exile beyond to Damascus" (Amos 5,27).

Milikowsky concludes, therefore, that 'Damascus' can be understood as a code-word for a place of exile in sources other than CD, and that therefore this is the significance of the use of the name in CD itself.

The place with which it is certainly known that the community of the Dead Sea Scrolls was associated is Qumran. It does not, therefore, seem unreasonable to understand 'Damascus' in CD as a way of referring to Qumran. Babylonian origins for the Qumran community simply cannot be proven from the evidence which we possess, nor do we have any evidence to link the community with the city of Damascus in Syria. It seems, therefore, most satisfactory to take the name 'Damascus' in CD as a cryptic reference to Qumran, a usage which was based on the way in which the community understood the use of that name in the Amos 5 passage.

The third kind of historical information contained in CD, according to Callaway's analysis, (40:) is chronological information. Very little of this information, however, is particularly specific. It consists mostly of references to various periods of time of uncertain duration.

CD 1, however, does contain two chronological references which are, at least on the surface, very specific, but which have proved, as has been seen already, to be very difficult to interpret. The figures of 390 years

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40. See Callaway, *op. cit.*, p. 99f.

and twenty years have sometimes been dismissed as secondary additions to the text which are of no importance, as has been done by Davies. (41.) As it has been noted, Schechter's four possible interpretations ranged from the acceptance of these figures as historically accurate to the complete dismissal of them as being quite worthless.

Generally speaking, however, they have been regarded as, at least, approximately accurate, on the basis of the palaeographical, and other corroborating, evidence.

The figure of 390 years is applied to the 'period of wrath.' This period is said to have come to an end when God visited his people and cultivated the 'root of planting.'

BDB (42.) tells us that the word  $\Upsilon\text{P}$ , however, is usually translated as 'end,' rather than as 'period.' Rabin, (43.) on the other hand, argues that it means 'epoch' in a number of Old Testament passages. (44.) Rabin also refers to Rashi's explanation of the word to mean 'epoch' at Dan. 8:14, and he dismisses Rashi's statement on Gen. 41:1, that

$\Upsilon\text{P}$  always means 'end,' as 'an evident piece of polemic.'

Charles (45.) also adopted the translation 'period,' following Levi's rendering, and he referred to Sir. 43:6 and to the LXX rendering of Job 6:11 as  $\mu\omicron\nu\ \acute{\omicron}\ \chi\rho\omicron\nu\omicron\varsigma$  as corroborating evidence.

Barr (46.) argues that the meaning of 'time in general' is at least a possibility. This is so in the Hebrew text of Sir. 43:6, although the LXX text seems to take it to refer to particular times.

A number of cases of  $\Upsilon\text{P}$  have been translated in the LXX by  $\mu\alpha\lambda\iota\omicron\varsigma$ . This suggests that  $\Upsilon\text{P}$  does refer, on occasions, to a period of time,

41. See Davies, op. cit., p. 63.

42. See BDB, p. 892.

43. See Rabin, op. cit., pp. 2f.

44. See Ezek. 7:6; Hab. 2:3 (cf. 1QpHab. 7:7); Ps. 39:5; Job. 6:11; 16:3; 28:3; Dan. 12:6; Sir. 43:6.

45. See Charles, op. cit., p. 2.

46. See J. Barr, Biblical Words for Time (London, 1962), p. 101.

and not just to a decisive moment. Referring to rabbinic usage of the word, Barr states,

As at Qumran ges is found used for times and periods related to the divine purpose, and sometimes explicitly of the time of the Messiah's coming (e.g. bMeg. 3a). (47.)

Callaway divides the chronological references in CD into two principal categories. (48.) The first consists of references to an age whose specific parameters are never mentioned. The following passages come into this category: 1:3 ('when they sinned'); 4:5 ('the epoch of their existence, the number of their troubles, the years of their sojourning in exile'); 5:20 ('the epoch of the desolation of the land'); 6:10 ('the whole epoch of wickedness'); 6:14 ('the epoch of wickedness'); 7:21 ('the time of the visitation'); 12:23 ('the epoch of wickedness'); 19:10 (cf. 7:21); 4:4 ('the end of days'); 6:11 ('the end of days'). There are also, in this category, a few references to the former and the latter generations. (49.)

Callaway's second category of chronological references consists of periods of time, whose duration is indicated, though without the use of exact figures: 2:17 ('from old times even until now'); 3:9; 5:3-5 ('it [i.e. the ark of the covenant] had not been opened in Israel since the day when Eleazar and Jehoshua (and Joshua) and the Elders died, forasmuch as they worshipped the Ashtoreth, and it was hidden and was not revealed until the son of Zadok arose'); 19:35-20:1 ('from the day when there was gathered in the unique teacher until a Messiah shall arise from Aaron and from Israel'); 20:13-15 ('from the day that the unique teacher was gathered in until the being consumed of all the men of war

47. See Barr, op. cit., pp. 118f.

48. See Callaway, op. cit., pp. 127ff.

49. See CD 1:12, 'the last generations...the last generation;' 2:8,10; 4:9; 5:19; 20:8f.

who returned with the man of falsehood, it is about forty years').

The community responsible for CD seems to have understood itself to be living in an 'age of wrath,' awaiting the coming of the Messiah, who would teach righteousness in the end of days. Its chronological notes do seem to date the community's foundation at some considerable distance in time after the Babylonian Exile, at some stage during the early second century BC. The calendar and the question of the proper observance of feast-days seem to have been matters of considerable importance for the community, matters concerning which they believed the nation as a whole to have gone astray, as is made clear at CD 3:14f. At CD 16:2f. there is what is almost certainly a reference to the Book of Jubilees, which indicates that the CD community probably observed the solar calendar of Jubilees, which would have set them at variance with the Jerusalem authorities in the matter of the proper time for the celebration of the liturgical feasts.

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## Conclusions to Chapter 6

A great deal of the interest which scholars have shown in CD has concentrated itself in attempts to decipher the historical references and allusions which occur in the text. This has often led to a neglect of other aspects of CD. Sometimes, exaggerated claims have been made about CD's historical references and identifications have been made which cannot be justified by the available evidence.

It must be remembered that the writer of CD may well have made deliberate use of cryptic references to people, places and events in the knowledge that those for whom he wrote would understand to whom or to what he was referring. He may have had little or no interest in the intelligibility of his text to future generations.

This is not, however, to say that no conclusions can be reached about the historical context in which CD is set, nor does it mean that the identity of the characters which it describes must remain a complete mystery. The conclusions which have been reached in this chapter concerning the identity of the Teacher of Righteousness and his opponents, about the location of 'Damascus' and about the nature of the chronological information in CD have been based on what it has been thought reasonable to draw out of the text itself, without resorting to mere speculation.

The identification of people and places mentioned in CD with known historical figures and with places known to us from other sources is not what is most important. CD's most important contribution to a greater understanding of the Judaism of its time lies in its theological ideas about the nature of God's relationship with his people and man's proper response to God in the keeping of the Law as God would have it kept.

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CONCLUSIONS

Any attempt to draw conclusions about the origins and purpose of CD can only be made under severe difficulties. The principal manuscripts which we possess of the text are of mediaeval origin and come to us, not from Qumran, or even some other area of Palestine, but from the Cairo Geniza. The great variety of interpretations placed upon CD in the period before the Qumran discoveries shows how scholars of that time found it impossible to arrive at anything like a consensus about the document. As an independent text it was possible to discover within it ideas which seemed to link it with almost every known movement within Judaism over a long period of time, or which seemed to suggest that it was the sole surviving witness of some hitherto unknown movement.

The discovery of fragments of CD at Qumran caused most scholars to identify CD as a writing of the Qumran community. However, further problems arose. The very fragmentary nature of the Qumran manuscripts of CD so far published have made it extremely difficult to determine anything more than that CD was actually known at Qumran. The Qumran manuscripts have been unable to supply answers to such questions as whether or not CD should be thought of as a composite work, built up of a number of originally-independent pieces or composed of a central core to which various additions have gradually been made. The Qumran fragments have been unable to provide an answer to the speculation that CD had an original, pre-Qumran recension, as well as a later recension, represented by the Cairo manuscripts, which was composed by the Qumran community itself to adapt the document to the specific ideas

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of the community. If the existence of these two recensions is the explanation for the presence of what have come to be known as Text A and Text B, the Qumran fragments, or at least those which have been published to date, do not supply the evidence for such a conclusion.

Furthermore, any study of CD must be overshadowed by the still not fully accessible Qumran fragments. It could be argued that any serious study of CD cannot satisfactorily proceed until these fragments and texts have all been published and studied. Until then, it might be claimed, any study of CD can, at best, be incomplete and, at worst, could arrive at conclusions which could not be upheld in the light of the unpublished manuscripts when their full publication does, finally, come to pass. However, the Cairo manuscripts of CD which we possess do deserve to be studied and assessed as they stand. Whoever copied them, it must be assumed, believed himself to be copying a text which made sense as it stood, and if it made sense to the mediaeval copyist, then it cannot be impossible for it to make sense to us. Whether or not various parts of CD originally formed independent works which were composed at various times is difficult to ascertain, because we have only the text as it now stands. The Qumran additions to the Cairo texts, which it is claimed are to be found amongst the unpublished manuscripts, still exist—largely, to all intents and purposes, only in the realms of speculation.

Even, however, if all the material from Qumran which Milik has claimed to have belonged originally to the complete text of CD actually did so, none of it, as described by Milik, would seem to alter the purposes and the standpoint of CD, as these can be ascertained from the Cairo texts. In fact, this material would seem rather to support the conclu-

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sions which may be drawn from the text as we now possess it.

The material missing from the Cairo texts of CD, according to Milik, is of a legal nature and is concerned with such matters as the purity of priests and sacrifices, diseases, marriage, relations with pagans and so on. It also contains a liturgy for a feast of the renewal of the Covenant. Covenant, it is fair to say, is the central idea of the whole of CD, a covenant which finds its expression in the keeping of the Law, a covenant which in some sense or other has been made anew and into which certain people have entered anew. If the still generally unavailable Qumran material belonging to CD concerns the right keeping of the Law, as does so much of CD as we now have it, and contains details of a Covenant-renewal festival, then this material can only strengthen the case which argues that covenant is the idea which is fundamental to the whole document.

In CD, therefore, we have a document which sees the idea of covenant with God as being of central importance. To be in right relationship with God in his covenant is what life is all about, is what the Qumran community is all about. And it must be the Qumran community in which this document was composed and the Qumran community whose ideas it is recording, for there are too many similarities between CD and the other Qumran-texts for it to be enough to say that CD is simply a text which the Qumran community happened to possess, as it possessed copies of the books of the Bible and other works.

Being in God's Covenant entails obedience to God's Law, and in order to obey God's Law it is necessary to know what that law is and to know how properly to interpret the meaning of the precepts of that law. CD proclaims that the Covenant is what true religion is all about and, in

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the legal material of the document, it shows what fidelity to that covenant means in practice.

That, of course, is what all Jews would say. Covenant is not an idea belonging exclusively to the Qumran community, or even, in fact, to the Jews. The Qumran community, however, believed that they were the true possessors of the Covenant, both because of the faithlessness of their fellow Jews and because they considered themselves to possess the correct understanding of how to put the Covenant into practice in their daily lives by a proper keeping of God's Law.

And yet God's relationship with his people does not begin with the people living at Qumran. It goes back through the history of the Israelite nation, back before the Babylonian Exile as far as Abraham, the friend of God, back even to Noah and into the mists of the mythological past to the time of the 'watchers of heaven.'

This covenant relationship has, however, been marred, time and time again, by rebellion and infidelity on the part of God's people, as is made abundantly clear in CD. This understanding of the course of the history of Israel is not an idea exclusive to the Qumran community. It is one which is also to be found in the Old Testament, in the prophets and in the work of the deuteronomi<sup>stic</sup> historian. What the Qumran community claimed was that it was the true heir to the Covenant which God had made with his people. The members of the community were the ones who had remained faithful to God and to his Covenant, while the rest of the nation had gone its own way. It was the members of the Qumran community who understood the Law aright and who put it into practice.

These are the claims which CD wishes to demonstrate, to the Qumran community itself and beyond. Many of the other Qumran documents are

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concerned almost exclusively with the contemporary life of the community and with its future, rather than with the community's history or with the history of the Israelite people as a whole. This, of course, is untrue of the pesharim, which do deal with history and whose sphere of interest is not far removed from that of CD. Recent attempts to distance CD from the pesharim are not, therefore, very well founded. This thesis does not deal directly with the pesharim, but it suggests that a re-appraisal of the relationship of CD with them is required.

History is certainly of great importance to CD, in that it attempts to show that the Jews of the Qumran community are the genuine heirs to the whole story of God's covenantal relationship with his people. The Admonition of CD sets out the way in which the Qumran community has remained faithful, while others have turned away from the right way, and in the Laws of CD we are shown in what that right way consists.

Perhaps too much effort has been put into attempts to identify the central figures referred to in CD, especially the Teacher of Righteousness, with known historical figures. The information given in the text is not really of such a nature as to make this kind of exercise possible. Claims that the Teacher of Righteousness was the High Priest of the 'inter-sacerdotium,' who was ousted by Jonathan Maccabeus, are impossible to verify. What can be said is that the Teacher was a Zadokite priest, and thus an heir to the tradition which was considered, by the Qumran community, to have remained faithful to God throughout Israel's history.

The date of the Qumran fragments of CD and the dates given in CD 1, whether taken literally or not, point to a first century BC origin for the document, and to an early first or second century BC date for the

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beginnings of the Qumran community or of what was to become the Qumran community. It is not easy to be more precise than this, but however we understand the 390 years and the 20 years to which reference is made in CD 1 it seems highly unlikely that the writer of CD, or whoever put these dates into the text, would have used them if such a period had not actually elapsed from the time of the Babylonian exile. At the very least, therefore, we are brought to the early years of the second century BC.

As far as Damascus is concerned, claims have been made for the use of this place-name in CD as a way of making reference to Babylon and that therefore the origins of the Qumran community are to be sought during the Babylonian exile. There seems to be little evidence for this point of view. Of course, the Qumran community, seeing its ultimate origins going back to the very beginning of God's dealings with his people, viewed the Babylonian exile as very much part of its own history and as a very important piece of evidence for the lack of fidelity of the people. However, to go on from there and to claim that the Qumran community, as such, began its life amongst the Jews left behind in Babylon after the return to Palestine is to go beyond the available evidence.

Furthermore, there is no evidence to link the Qumran community with the Syrian city of Damascus. Certainly, Jews did live there from early times, but there is no evidence which especially links the Jews of the Qumran community with that city. These Jews are, however, very much associated with Qumran in the Judaeian wilderness, and the theme of exile and separation from the rest of the nation is an important one in CD. It seems most likely, therefore, that in CD Damascus is used symbolically of the exile of the Qumran community at Qumran itself. Evidence for this is provided in the use of the Amos 5 passage, with its reference to

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exile to Damascus. For the Qumran community, its exile was to the Judaeen wilderness, to Qumran.

There, in the wilderness, was made the 'new covenant.' The use of this expression is confined to CD, the prophet Jeremiah and the New Testament. Even in the New Testament, where we find the most radical break with all that had gone before, the New Covenant does not represent a complete divorce from the Old. The New Covenant fulfils and brings to perfection the Old Covenant and does not deny the place of the Old Covenant in God's plan for his people. The emphasis which CD places on the fact that the Qumran community is heir to the whole history of the Israelite nation shows that the New Covenant is in no way a denial of the covenant relationship between God and his people which existed previously. It is much more the negative reaction of the people to the covenant of the past, than the lack of efficacy of that covenant, which requires a New Covenant in the present.

The very fact that 'new covenant' is an Old Testament expression, as well as the copious use of Old Testament quotations, expressions and ideas throughout CD, shows that CD understands itself to be entirely within the whole tradition of Israelite history. In fact, the central claim of CD is that it is the community from which it comes, and that community alone, which has maintained the tradition as God intends. The rest of the nation might consider them to be a fringe group of fanatics, but that was certainly not the view they had of themselves. They were the mainstream thinkers; everyone else had strayed from the right path to a greater or lesser degree.

Perhaps this understanding of themselves as being in the centre of the

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tradition explains the degree to which material in CD accords with the rabbinic tradition and with what we know of the Pharisaic tradition before it. Those groups, too, saw themselves as the true heirs of the tradition. Different groups claiming descent from, and inheritance of, a common tradition are, perhaps, bound to continue to share a great deal, however much animosity might exist between them, and however exclusive each group might be.

The Qumran community saw itself as maintaining fidelity to God, fidelity to his Covenant and fidelity to the outworking of that Covenant in the Law, in the midst of an era of wickedness. The community, however, had a vision of the future which included the coming of a messiah and of one who would teach righteousness in the end of days, whom it is best to identify with the Messiah and not with the Teacher of Righteousness of the past. In the period before the advent of the Messiah, the Qumran community kept faith with God and with his Covenant and preserved their hopes for the future. In CD, we have the explanation of the Qumran community's basis for their claim and what that claim meant in practice in terms of a right keeping of the Law.

The fact that CD was found in the Cairo Geniza is a strong indication of the fact that it had a wider circulation than other Qumran texts, many of which were concerned exclusively with the current life of the community and, therefore, of interest only to members of the community. It may also say something about a possible link, in some way, with the Karaites, for which claims have been made, either in the sense of a direct and personal continuity of the one group with the other, or in the sense of a Karaite adoption of CD as an important text. The former possibility is the less likely, given the fact that the Karaites are not

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known to have possessed any of the other Qumran writings; while the latter possibility has in its favour the fact that CD would have helped the Karaites in their own claims to be genuine heirs to the ancient tradition of Israel, as it had originally been written to justify the similar claims of the Qumran community.

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INDEX OF ABBREVIATIONS

b	Babylonian Talmud
BA	Biblical Archaeologist
BDB	F. Brown, S.R. Driver and C.A. Briggs, <u>A Hebrew and English Lexicon of the Old Testament</u>
BJRL	Bulletin of the John Rylands Library
CD	Cairo (Geniza text of the) Damascus (Document)
DSS	Dead Sea Scrolls
HTR	Harvard Theological Review
JBL	Journal of Biblical Literature
JJS	Journal of Jewish Studies
JQR	Jewish Quarterly Review
JSS	Journal of Semitic Studies
JSP	Journal for the Study of the Pseudepigrapha
JSOT	Journal for the Study of the Old Testament
JTS	Journal of Theological Studies
LXX	Septuagint
m	Mishnah
MT	Masoretic Text
RB	Revue Biblique
REJ	Revue Etude Juive
RQ	Revue de Qumran
SPB	Studia post biblica
t	Tosefta
TZ	Theologische Zeitschrift
VT	Vetus Testamentum
y	Jerusalem Talmud
ZAW	Zeitschrift für die alttestamentliche Wissenschaft
1Q, 2Q, 3Q, etc.	Numbered caves of Qumran, yielding written material
1QM	War Scroll
1QpHab	Pesher on Habakkuk
1QS	Manual of Discipline
4QPrNab	Prayer of Nabonidus

