



Qumran *Yahad* and Rabbinic *Hăbūrâ*: A Comparison Reconsidered¹

Steven D. Fraade

Department of Religious Studies, Yale University, P.O. Box 208287
451 College Street, New Haven, CT 06520-8287
steven.fraade@yale.edu

Abstract

Since soon after the initial discoveries and publications of the Dead Sea Scrolls, scholars have compared the *yahad* of the scrolls with the *hăbūrâ* of early rabbinic literature and sought to establish a historical relationship and developmental progression between the two types of communal organization. The present article reviews select but representative examples from such scholarship, seeking to reveal their underlying presumptions and broader implications, while questioning whether the available evidence allows for the sorts of sociological comparisons and historical reconstructions that they adduce.

Keywords

Essenes, *hăbūrâ*, historiography, history of scholarship, Pharisees, rabbinic literature, *yahad*

1. Introduction

In the first scholarly announcement of the discovery of the Dead Sea Scrolls, William F. Albright, having seen only four scrolls, presciently wrote early in 1948:

¹ This article began as a paper at the Society of Biblical Literature, 2007 Annual Meeting, San Diego, CA, November 18, 2007. I wish to acknowledge the generous and sage assistance of the following colleagues in preparing this article for publication: John Collins, Yair Furstenberg, Yonder Gillihan, and Charlotte Hempel.

It is easy to surmise that the new discovery will revolutionize intertestamental studies, and that it will soon antiquate all present handbooks on the background of the New Testament and on the textual criticism and interpretation of the Old Testament.²

The absence of any mention of early rabbinic literature as a field that might be affected by the new-found scrolls was not a mere oversight. In Albright's words, the principal area that Dead Sea Scroll scholarship would revolutionize is "intertestamental studies," reflecting the Christian theological perspective of most, but certainly not all, early students of the scrolls: the hope that this discovery would supply the missing link between the two "testaments."

The fact that many introductory surveys of the Dead Sea Scrolls, from soon after their first publication until the present, begin with a chapter on their relevance to the Hebrew Bible (rather, Old Testament) and end with one on their relevance to the New Testament or to "Christian origins," reflects, in many instances, not just a chronological progression, but a teleological one.³ Similarly, were we to survey the bibliography of scholarship on the Dead Sea Scrolls overall, we would find that relative to the enormous industry of relating the scrolls to the New Testament and early Christianity, studies relating the scrolls to early rabbinic literature, or vice versa, are few and far between, although significantly greater in number and proportion in more recent years. So far as I am aware, in the first sixty years of Dead Sea Scrolls scholarship, there has been only *one* conference fully devoted to the intersections between the scrolls and early rabbinic literature (and that only in 2003, under the auspices of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature of the Hebrew University of Jerusalem), and only one volume devoted to the

² *BASOR* 110 (April 1948): 3.

³ See, for example the following introductions: André Dupont-Sommer, *The Jewish Sect of Qumran and the Essenes: New Studies on the Dead Sea Scrolls* (trans. R. D. Barnett; London: Valentin, Mitchell, 1954), first published as *Nouveaux Aperçus sur les Manuscrits de la Mer Morte* (Paris: Editions Lassalle, 1953); Frank Moore Cross, *The Ancient Library of Qumran* (3rd ed.; Minneapolis: Fortress, 1995); James C. VanderKam, *The Dead Sea Scrolls Today* (Grand Rapids, Mich.: Eerdmans, 1994); James VanderKam and Peter Flint, *The Meaning of the Dead Sea Scrolls: Their Significance for Understanding the Bible, Judaism, Jesus, and Christianity* (San Francisco: Harper San Francisco, 2002).

subject (that being the conference proceedings of the same).⁴ To be sure, there are, as I will soon indicate, legitimate reasons to problematize the relation between the Dead Sea Scrolls and rabbinic literature, as between their respective forms of “Judaism,” but so too are there with respect to the relation of the Dead Sea Scrolls to the other fields mentioned by Albright. But I doubt these were the reasons for Albright’s omission, since early rabbinic literature was most likely not even within his field of vision when it came to the Dead Sea Scrolls.

A correlate of the relative avoidance of attention to the possible intersections of the Dead Sea Scrolls with early rabbinic literature, and in many ways a more serious lapse, has been the relative inattention to and disinterest in the central legal contents of the Dead Sea Scrolls, and their centrality to the community’s self-understanding and its place within the broader history of ancient Judaism, especially when contrasted to the attention lavished on their exegetical, messianic, and theological aspects (all, of course, important). This can be seen in the much greater amount of scholarship (until fairly recently) devoted to the introductory Admonition of the *Damascus Document* than to its more sizable (we now know from the 4QD fragments) legal core.⁵

Lest I be suspected of saying anything new in this regard, let me quote Joseph Baumgarten from over fifty years ago (1958). In introducing his critical review of Chaim Rabin’s *Qumran Studies* (1957), to which I shall return, he states:

Current research on the Dead Sea Scrolls has devoted relatively little attention to the religious practices and laws found in the Qumran literature. While much has been written on the theology, biblical interpretations, and historical allusions in the scrolls, we have had only few

⁴ Steven D. Fraade, Aharon Shemesh, and Ruth A. Clements, eds., *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls: Proceedings of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 7–9 January, 2003* (STDJ 62; Leiden: Brill, 2006).

⁵ See, e.g., Michael A. Knibb, *The Qumran Community* (Cambridge: Cambridge University Press, 1987); Philip R. Davies, *The Damascus Covenant: An Interpretation of the “Damascus Document”* (JSOTSup 25; Sheffield: JSOT Press, 1983); both of which omit entirely the laws from their translations of and commentaries to the *Damascus Document*. On the history of neglect of the Laws, see Charlotte Hempel, *The Damascus Texts* (Companion to the Qumran Scrolls 1; Sheffield: Sheffield Academic Press, 2000), 71–74.

extensions of Louis Ginzberg's pioneer work on the relation of the Damascus Document to Pharisaic halakah⁶—this, despite the discovery of significant new halakic material at Qumran and the entirely new context in which CDC [=Cairo Damascus Document] is now placed.⁷

In the fifty years since Baumgarten's review, the publication of the *Temple Scroll*, the Cave 4 fragments of the *Damascus Document*, 4QMMT, and various legal fragments have made this critique and desideratum all the more acute. Happily, with the publication of such texts, and the continued labors of Baumgarten⁸ and Lawrence Schiffman,⁹ and several other schol-

⁶ Reference is being made to Louis Ginzberg's *Eine unbekannte Jüdische Sekte* (New York, 1922), originally appearing in *MGWJ* 55–9 (1911–15), and later translated as *An Unknown Jewish Sect* (New York: Jewish Theological Seminary, 1970). Ginzberg's study, on which more below, was based on Solomon Schechter's work, published a year earlier, *Fragments of a Zadokite Work: Documents of Jewish Sectaries* (Cambridge: Cambridge University, 1910; repr. with a foreword by J. A. Fitzmyer, New York: Ktav, 1970). While Baumgarten is critical of Ginzberg's overall identification of the laws of the *Damascus Document* with the Pharisees, and his discounting of an Essene connection, he applauds his attention to the legal contents of CD and his efforts to shed light on them from early rabbinic literature, as he does for Rabin.

⁷ Joseph M. Baumgarten, review of Chaim Rabin, *Qumran Studies* (see below, n. 32), *JBL* 77 (1958): 249.

⁸ See especially *Studies in Qumran Law* (SJLA 24; Leiden: Brill, 1977); *Qumran Cave 4 XIII: The Damascus Document (4Q266–273)* (DJD 18; Oxford: Clarendon, 1996). See also Moshe Bernstein, Florentino García Martínez, and John Kampen, eds., *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies Cambridge 1995: Published in Honour of Joseph M. Baumgarten* (STDJ 23; Leiden: Brill, 1997), xv–xviii (D. R. Schwartz, “Joseph M. Baumgarten: An Appreciation”), xix–xxv (F. García Martínez, “A Bibliography of Joseph M. Baumgarten”).

⁹ See in particular *The Halakhah at Qumran* (SJLA 16; Leiden: Brill, 1975); *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony, and the Penal Code* (BJS 33; Chico, Calif.: Scholars Press, 1983); *The Eschatological Community of the Dead Sea Scrolls: A Study of the Rule of the Congregation* (SBLMS 38; Atlanta: Scholars Press, 1989); *Law, Custom and Messianism in the Dead Sea Sect* (Hebrew) (Jerusalem: Zalman Shazar Center, 1993); *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (Philadelphia: Jewish Publication Society, 1994).

ars linguistically and textually competent to study both bodies of literature, the condition that Baumgarten had diagnosed has steadily improved.¹⁰ For example, in recent years, at the annual meetings of the Society of Biblical Literature, several joint sessions have been held by the “Qumran” and “History and Literature of Early Rabbinic Judaism” sections,¹¹ contributing to two special issues of *Dead Sea Discoveries*, one on “Studies in Qumran Law,” another on “Qumran and Rabbinic Judaism.”¹² Similarly, the *Encyclopedia of the Dead Sea Scrolls*¹³ includes articles on the major divisions of early rabbinic literature. However, notwithstanding the significance of such advances, in the larger field of Qumran scholarship, rabbinic Judaism has remained largely off-screen, as it had been for Albright.

¹⁰ Special mention should also be made of Yigael Yadin, *The Temple Scroll* (3 vols.; Hebrew ed., Jerusalem: Israel Exploration Society, 1977; revised English ed., 1983); and Yaakov Sussmann, “The History of *Halakha* and the Dead Sea Scrolls—Preliminary Observations on *Miqsat Ma’ase Ha-Torah* (4QMMT),” *Tarbiz* 59 (1989–90): 11–76; the same in English but with far fewer notes in *Qumran Cave 4: V. Miqsat Ma’ase Ha-Torah* (ed. Elisha Qimron and John Strugnell, DJD 10; Oxford: Clarendon Press, 1994), 179–200 (Appendix 1: “The History of the *Halakha* and the Dead Sea Scrolls”). See also the contributions to *Rabbinic Perspectives* (above, n. 4); and Aharon Shemesh, *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis* (Berkeley: University of California Press, 2009).

¹¹ At the 1997 meeting in San Francisco, there was a session of the History and Literature of Early Rabbinic Judaism Section on the theme, “Rabbinic *Halakha* and Qumran.” In 1999 in Boston, there were two joint sessions with the Qumran Section on the themes, “Early Jewish Legal Texts” and “The Intersections of Qumran and Rabbinic Judaism.”

¹² For the former, see *DSD* 6 (1999), especially, Steven D. Fraade, “Shifting from Priestly to Non-Priestly Legal Authority: A Comparison of the Damascus Document and the Midrash Sifra,” 109–25; Jeffrey L. Rubenstein, “Nominalism and Realism in Qumranic and Rabbinic Law: A Reassessment,” 184–93 (response to Daniel Schwartz’s earlier article). For the latter, see *DSD* 8 (2001), especially Paul Mandel, “Midrashic Exegesis and its Precedents in the Dead Sea Scrolls,” 149–68; Richard S. Sarason, “The ‘Intersections’ of Qumran and Rabbinic Judaism: The Case of Prayer Texts and Liturgies,” 169–81; Michael D. Swartz, “The Dead Sea Scrolls and Later Jewish Magic and Mysticism,” 182–93. My own contribution to the 1999 SBL Meeting was published as “To Whom It May Concern: 4QMMT and Its Addressee(s),” *RevQ* 19/76 (2000): 507–26.

¹³ Lawrence H. Schiffman and James C. VanderKam, eds., *Encyclopedia of the Dead Sea Scrolls* (New York: Oxford University Press, 2000).

In what follows I wish to consider one oft-studied point of possible intersection between the two literatures, that being between the Qumran *yahad*, and the early rabbinic (some would say Pharisaic) *ḥābūrā* (plural: *ḥābūrôt*, whose members are *ḥābēr/ḥābērîm*), a possible intersection first suggested almost sixty years ago, very shortly after the first publications of the Dead Sea Scrolls. Both groups apply strictures of ritual purity to lay persons outside the sacred realm of the temple, and both are thereby restrictive in their admission of members. However, as we shall see, scholars give very different weight to the balance of similarities and differences between the two societies and to the historical implications of this comparison. Space permits only a sampling of scholars who have addressed this question.

2. Saul Lieberman

Saul Lieberman, undoubtedly one of the greatest scholars of early rabbinic literature of his generation, already in 1951 and 1952 devoted two articles to the relevance of rabbinic sources to the Dead Sea Scrolls and *vice versa*. In the first, Lieberman identifies rabbinic references to heterodoxical practices of דרך אחרת (“a different way”) with sectarian practices known from the Dead Sea Scrolls, associating without identifying the scrolls’ community with the Essenes.¹⁴ In the second, he compares the practices of the “Pharisaic *ḥābūrā*” of rabbinic literature with the *yahad* of the scrolls.¹⁵ It is with the latter article that I wish to begin our tour. Prior to Lieberman’s article, that is, prior to the discovery of the Dead Sea Scrolls, scholars did not associate the *ḥābūrā* of rabbinic literature with Second Temple times or groups.¹⁶

¹⁴ Saul Lieberman, “Light on the Cave Scrolls from Rabbinic Sources,” *PAAJR* 20 (1951): 395–404.

¹⁵ Saul Lieberman, “The Discipline of the So-called Dead Sea Manual of Discipline,” *JBL* 71 (1952): 199–206.

¹⁶ See for example, Adolf Büchler, *Der galiläische ‘Am ha-‘Araš des zweiten Jahrhunderts: Beiträge zur innern Geschichte des palaestinischen Judentums in den ersten zwei Jahrhunderten* (Vienna: A. Hölder, 1906). How the association of the *ḥābūrā* with second temple times became so widespread, despite an absence of evidence, may have been due to the influence of scholars such as Lieberman and Jacob Neusner (on whom, see below). It may, however, rest on a widespread presumption

In order to justify his comparative exercise, Lieberman emphasizes that although great effort had already by then gone into noting similarities between the rules of the “Manual of Discipline” and those of the Essenes of the Classical sources, the latter, having been recorded in Greek, might be less apt for comparison than the rules governing the *ḥābūrā*, which like the sectarian scrolls were recorded in Hebrew. Lieberman is careful to stress that he is not seeking identity between the two, but the “light” that each might shed on the other, and that the light so shed reveals similarities as much as differences between the two societies.

In particular, like subsequent scholars, Lieberman is especially drawn to the similar ways in which the *yahad* and the *ḥābūrā* admit and initiate members by a *staged* process of entry until able to fully participate in shared, ritually pure meals, in both cases by a process of investigation into behavior and instruction in norms, although the staged process is less clear with respect to the *ḥābūrā* than it is for the *yahad*.¹⁷ Similarly, although Lieberman wants to argue that in both societies new members join by undertaking an oath before the members, he must concede that the utterance of an oath is less clearly indicated in rabbinic sources. Lieberman is particularly taken with the use of identical or proximate terminology for the admission process of both societies: “The similarities between the regulations of the Pharisaic *havurah* and those of DSD [=Manual of Discipline/Community Rule] are striking. They both use the same terms.”¹⁸ For example, of both groups, the term רבים is used for the members, and טהורה/ות is used to refer to the ritually pure articles and food that the members alone can touch or consume. In both cases, members may be expelled for lapsed behavior, although there are differences between the two groups as to how severely and permanently this is applied. Other significant *differences*—such as the centrality of proper tithing in the rules

that Mishnaic rules dealing with the temple, priesthood, and, by extension, ritual purity, must derive from a time in which those institutions were fully operative.

¹⁷ The main sources for initiation into the Qumran *yahad* are 1QS 5:20–24; 6:13–23; for the Essenes, Josephus, *J.W.* 2.137–142; for the *ḥābūrā*, *m. Demai* 2:2, 3; *t. Demai* 2:2–3:10. Although not my focus here, much effort has gone into comparing (often, reconciling) the account of the Josephus for the Essenes with that of the Dead Sea Scrolls for the *yahad*. See, for example, Todd S. Beall, *Josephus’ Description of the Essenes Illustrated by the Dead Sea Scrolls* (SNTSMS 58; Cambridge: Cambridge University Press, 1988), 73–89.

¹⁸ Lieberman, “Discipline,” 202.

of the *ḥābūrā* and their relations to outsiders, but its peripheral role in defining membership in the *yahad*; or the communal structure, leadership, and activities that we know for the *yahad*, but not for the *ḥābūrā*—are ignored by Lieberman. The identification of the *ḥābūrā* with the Pharisees is assumed by Lieberman, as by most scholars since, without adducing evidence from the rabbinic sources, where it is lacking, or at least unclear.¹⁹

In characterizing and comparing the practices of the *yahad* and the *ḥābūrā*, Lieberman repeatedly brands the former as “extreme,” and by implication the latter as “moderate.”²⁰ Occasionally, however, the *ḥābūrā* appears to be too stringent for Lieberman’s comfort:

According to the view of R. Meir, a member of the *ḥaburah* who relapsed into his former practices is never admitted again to the *ḥaburah*. This opinion is entirely foreign to rabbinic Judaism, which never disregards genuine repentance, but we probably have here an echo of the ancient regulations of the *ḥaburah*, which were very strict.²¹

Thus, in this case the apparent strictness of the *ḥābūrā*, at least in relation to rabbinic Judaism, is residual from some (unspecified) “ancient,” presumably pre-rabbinic, time.

Similarly, Lieberman wishes to contrast the two societies with respect to their attitudes toward “outsiders”:

At first sight the strongest contrast between the regulations of the *יהוד* and those of the *ḥaburah* appears in their relations to outsiders. The spirit of the former is hatred of all the uninitiated, who according to them are most wicked. The *ḥaburah* does not seem to have gone to such extremes.²²

However, Lieberman notes that in some, especially later, rabbinic sources can be found sharp condemnations of the *עַם הָאָרֶץ*, “the man of the land”

¹⁹ See, for example, George Foot Moore, *Judaism in the First Centuries of the Common Era: The Age of the Tannaim* (3 vols.; Cambridge, Mass.: Harvard University Press, 1927–30), 2:23.

²⁰ Lieberman, “Discipline,” 204, 205, quoted below. This characterization is even more prevalent in “Light on the Cave Scrolls from Rabbinic Sources.”

²¹ Lieberman, “Discipline,” 204.

²² Lieberman, “Discipline,” 204.

(his translation), a term used for the opposite of the *ḥābēr*, that is, one who is lax in the practices undertaken by the *ḥābēr*, and deficient in his learning. Once again, Lieberman apologizes for such unattractive attitudes by saying:

We may perhaps assume that we have here again an echo of the attitude of the ancient *ḥaburah* towards outsiders, an attitude of extreme hatred towards the uninitiated. The rabbis repeated here ancient traditions, remnants of utterances by some sectarian extremists, which were entirely foreign to rabbinic Judaism.²³

Thus, Lieberman harmonizes the seemingly “extreme” aspects of the *ḥābūrā* with the generally attractive picture of the *ḥābūrā* that he wishes to paint by assigning the former to an “ancient” residue, it not being clear what he means by “ancient,” but presumably referring to pre-rabbinic (Second Temple) times.

In the end, Lieberman, while stressing the similarities between the *yahad* and the *ḥābūrā*, wishes to strike a balance between similarity and difference. He cautions nevertheless that the differences need not be fatal to an association between the two:

It is likewise true that there are many divergences between the regulations of the *תבורה* and those of the *יהוד*. But such differences exist also between the Essenes and our sectarians. Moreover similar differences are found among the rabbis themselves.²⁴

Yet he holds back from claiming any direct connection between the *yahad* of the Dead Sea Scrolls and the *ḥābūrā* of rabbinic sources, emphasizing similarities but not identity in his preference for the more moderate and altruistic qualities of the *ḥābūrā*, as he sees it. He extends his cautionary approach to the question of the identification of the Dead Sea Scroll sect with the Essenes, resisting the temptation to identify the Dead Sea Scroll sectarians with *any* known group:

Hence we must be very cautious in drawing conclusions from similarities and differences between the regulations of the sects. The various sects with which Palestine of the first century swarmed might have

²³ Lieberman, “Discipline,” 205.

²⁴ Lieberman, “Discipline,” 204.

had much in common although they differed from one another in basic and cardinal principles.²⁵

Lieberman concludes:

Jewish Palestine of the first century swarmed with different sects. Every sect probably had its divisions and subdivisions. Even the Pharisees themselves were reported to have been divided into seven categories. It is therefore precarious to ascribe our documents definitely to any of the known three major Jewish sects.²⁶

But then he adds in a final footnote: “Although, we must admit, their affinity to the regulations of the Essenes can by no means be disregarded.”²⁷ Such reserved positivism is still a worthwhile prescription in relating textual corpora to one another fifty-five years, and hundreds of scrolls, later.

3. André Dupont-Sommer

The possibility of identifying the Dead Sea Scroll sectarians with the Pharisees was already tentatively endorsed by Roland de Vaux in 1950, as had long previously been suggested by Louis Ginzberg for the laws of the *Damascus Document*.²⁸ This identification was soon rejected by most Dead Sea Scrolls scholars, not simply because it lacked merit, but also because it prevented scholars from using the scrolls to elucidate (and anticipate) the New Testament. Here is what André Dupont-Sommer had to say, in 1953, on the matter:

It is extremely unlikely that any Pharisaic brotherhood existed in this desert during those years. Father de Vaux had earlier expressed the view that the sect of the Dead Sea manuscripts should be identified with some Pharisaic group. Such a hypothesis ran the risk of gravely misleading research. It is gratifying to see that he now inclines to the

²⁵ Lieberman, “Discipline,” 205.

²⁶ Lieberman, “Discipline,” 206.

²⁷ Lieberman, “Discipline,” 206 n. 77.

²⁸ See Roland de Vaux, “A propos des manuscrits de la Mer Morte,” *RB* (1950): 428–9: “Cette hypothèse inclut que le Document Sadocide émane d’un groupe des Pharisiens, si durement persécutés par Jannée, mais cette origine, d’abord contestée, est de plus en plus acceptée.” For Ginzberg, see above, n. 6.

Essene theory.²⁹ [...] My idea was that instead of looking for the Jewish substratum of Christian doctrines in Pharisaic and Talmudic quarters, as had hitherto been done, henceforth the same research must be conducted from the direction of Essenism as revealed by the new documents.³⁰ [...] The rôle and the greatness of Pharisaic Judaism are not here questioned; but it was a mistake to see in Pharisaism approximately the Jewish “milieu” in which the Christian faith was directly forged.³¹

Most striking in this formulation is the way the two alternatives are set opposite one another diametrically: the “substratum” (*Hintergrund*, from Karl Georg Kuhn) of Christianity is to be sought *either* in the Essenes/the scrolls, *or* in Pharisaism, and that the whole enterprise is driven by the desire to uncover the origins of Christianity and not to better understand the Dead Sea Scrolls and their sectarian community in their own rights, or to compare them to contemporary Jewish groups such as the Pharisees. Therefore, investigation of possible intersections between the scrolls and the “Pharisaic brotherhood” (by which I take him to mean, a Pharisaic *ḥābūrā*) should be abandoned as “gravely misleading research.”

4. Chaim Rabin

The one Jewish scholar of this period who pursued Ginzberg’s lead in connecting the scrolls to the Pharisees was, as previously mentioned, Chaim Rabin, a scholar of Hebrew language at the Hebrew University, in his *Qumran Studies* of 1957.³² Rabin’s reconstruction is remarkable, if not convincing, for several reasons: first, he differentiates rather sharply between the Essenes and the Qumran community on the one hand, and between the Pharisees and the tannaitic Rabbis on the other. He does so by emphasizing inconsistencies between the description of the Essenes in the Greek sources and the rules governing the Qumran community in the

²⁹ André Dupont-Sommer, *The Jewish Sect of Qumran*, 7 (*Nouveaux Aperçus*, 23).

³⁰ Dupont-Sommer, *The Jewish Sect of Qumran*, 152.

³¹ Dupont-Sommer, *The Jewish Sect of Qumran*, 153.

³² Chaim Rabin, *Qumran Studies* (Oxford: University Press, 1957). See also idem, *The Zadokite Documents* (Oxford: University Press, 1954; 2nd ed., 1958), in which he draws heavily upon rabbinic literature in his notes.

scrolls on the one hand, and between rabbinic halakah and the rules of the *ḥābūrā* (presumed to be pre-rabbinic and Pharisaic) on the other. Second, these differentiations allow him to identify the Qumran community (*yahad*) with the Pharisees (*ḥābūrā*), based largely on his comparison of the rules for the novitiate of each. In this he goes far beyond Lieberman by attributing such similarities to “a common organizational origin.”³³ Third, he hopes thereby to employ the scrolls as a source of information with which to better understand the *pre-rabbinic* Pharisees, just as Christian scholars have employed them, as “*Hintergrund*,” to understand nascent Christianity, in both cases hoping thereby to get behind *later* depictions of *earlier* movements.

According to Rabin, the Qumran *yahad* represents the *continuation* of the Pharisaic *ḥābūrā*, in the late first century C.E., at a time in which the Pharisees and the Rabbis were splitting apart over the latter’s lenient accommodations of halakic, especially purity, practices to a broader, non-Pharisaic public that it sought to attract (the “Rabbinic revolution”).³⁴ Thus, according to Rabin, both the Qumran sect and the early Rabbis claimed to be the true heirs of the Pharisaic tradition. The Qumranites were closer to the truth, with their close-knit pietistic community in which members trusted one another with respect to purity rules and tithing. However, it was rabbinic Judaism, by accommodating to a broader audience, that succeeded as the *ḥābūrā* “withered away.” Thus, for Rabin, the primary historical value of the scrolls is in the light they shed on the formative split between Pharisaic (that is, *ḥābūrā*) and rabbinic Judaism.

However few its merits, Rabin’s approach to the scrolls is remarkable for its converse similarity to the approach of many Christian scholars to the scrolls in the same period. As previously mentioned, Joseph Baumgarten in his 1958 review of Rabin’s book, respectfully demolishes Rabin’s main arguments, in part based on their chronological improbability in light of the archeological and paleographic evidence, and in part because of Rabin’s selective and forced employment of both early rabbinic and Qumranic sources to make them appear alike. In particular, Baumgarten argues that in emphasizing the similarities between the Qumran *yahad* of the Dead Sea Scrolls and the Pharisaic *ḥābūrā* of early rabbinic sources, Rabin ignores significant differences between them:

³³ Rabin, *Qumran Studies*, 21.

³⁴ Rabin, *Qumran Studies*, 66.

In the area of economic organization, there is an almost total lack of correspondence between the *ḥaburah* and Qumran. We have nothing in rabbinic sources concerning any registration of property, any supervisor, or any central administration of the *ḥaburah*. [...] To the communal meals, which were prominent among both the Qumran sect and the Essenes, we have nothing comparable among the Pharisees. The חבורה של מצוה (p. 33) were festive meals on special occasions rather than the daily ritual of a separatist community. All in all, it seems quite difficult to make out of the *ḥaburah* anything more than a society for the strict observance of ritual cleanliness.³⁵

Despite its many useful details of legal analysis, wherein the intersections between Second Temple groups need to be located, Rabin's book stands as a monument to the pitfalls of the historicist preoccupation with the *singular* identification of groups and their interrelations, often driven by the need to linearly connect the dots (most of which, undoubtedly, are missing) and thereby to retrojectively uncover the origins of later movements.

5. Jacob Neusner

Jacob Neusner's second book published, in 1963, is *Fellowship in Judaism: The First Century and Today*.³⁶ Although his overall aim there is to prescribe the model of the ancient *ḥābūrā* as a cure for the ailments of modern American Judaism, he asks that his historical reconstruction of the ancient *ḥābūrā* be considered on its own merits.³⁷ For Neusner, the first-century Qumran *yahad* and its contemporary Pharisaic *ḥābūrā* represent two contrasting models of fellowship community: "revolutionary utopianism" and "social utopianism" respectively. Since his interest (and preference) is clearly with the Pharisaic *ḥābūrā*, he treats the Qumran *yahad* only secondarily, mainly as a contrastive (and negative) foil.

³⁵ Baumgarten, *JBL* 77 (1958): 251.

³⁶ Jacob Neusner, *Fellowship in Judaism: The First Century and Today* (London: Vallentine, Mitchell and Co., 1963). He had previously published "Qumran and Jerusalem: Two Jewish Roads to Utopia," *JBR* 27 (1959): 284–90; "The Fellowship (חבורה) in the Second Jewish Commonwealth," *HTR* 53 (1960): 125–42; both incorporated into the book.

³⁷ Neusner, *Fellowship*, 9.

Whereas members of the Qumran *yahad* in their zealotry separated entirely from Jewish society, so as to build in the wilderness its own Jewish society, the Pharisees chose to live in religious communes in the midst of their fellow Jews, although separated from them for purposes of meals, within the “common society” of the towns and villages of first-century Palestine. As a result, “they exercised formidable influence over the mind of Jewish Palestine.”³⁸ Neusner repeatedly states that the members of the *ḥābūrā* join together in order to observe the “details of the Torah” which had been *neglected* by the rest of the Jewish population (specifically, rules of ritual purity and tithing).³⁹ “The purpose of the fellowship from the first was to carry out the obligations incumbent on all men.”⁴⁰ While all *ḥābērīm* are Pharisees, not all Pharisees choose to become *ḥābērīm*. Nevertheless, Neusner repeatedly suggests that the *ḥābērīm* best represent the goals and ideals of the Pharisaic movement as a whole.

Because of the *ḥābūrā*’s being “among the people but not of them,” its members are torn—whereas the *yahad* separatists are not—between two opposing commitments: “to transform and to transcend society, to ‘live Utopia’ in an ‘unredeemed’ world.”⁴¹ Stated differently, the members of the *ḥābūrā* wish for *all of Israel* to be a “kingdom of priests and a holy nation,” even as they seek for themselves as *individuals* to be “as ritually fit as a priest to perform the sacrificial act in the Temple.”⁴² For this reason, complete separation from the rest of Jewish society, which they sought to transform through their influence, was not for the *ḥābūrā* an option. Hence, the nature of their social interactions with non-members (the *‘am hā-ārēš*), was more complex and ambiguous.⁴³

Neusner stresses several other contrasts between the *ḥābūrā* and the *yahad*, largely built on the *silence* of rabbinic sources: While the *yahad* is a totalistic society, in which all aspects (e.g., spiritual qualities and insight) of the individual member are collectively examined, the *ḥābūrā* requires of its members deeds alone.⁴⁴ Unlike the *yahad*, the *ḥābūrā* had no interior organizational structure, no leadership positions or governing body, and

³⁸ Neusner, *Fellowship*, 14.

³⁹ Neusner, *Fellowship*, 14, 18, 21, 22, 25, 34.

⁴⁰ Neusner, *Fellowship*, 16.

⁴¹ Neusner, *Fellowship*, 15.

⁴² Neusner, *Fellowship*, 14.

⁴³ Neusner, *Fellowship*, 17.

⁴⁴ Neusner, *Fellowship*, 19, 34.

no internal hierarchy among its members.⁴⁵ Finally, in reconstructing three stages in the process of entry into the *ḥābūrā*, in parallel to the process of joining the Qumran *yaḥad*, Neusner wishes to stress the *flexibility* of this process, its purpose being to *draw* people *in*, not to *push* them *away*:

Such flexibility followed from the very purpose of the fellowship: to encourage Jews to fulfill neglected religious duties. At each stage, the newcomer reached a level of observance higher than before; if, therefore, he chose to remain only partially affiliated, this did not conflict with the purpose of the fellowship.⁴⁶

After the destruction of the Second Temple in 70 CE, laments Neusner, the *ḥābūrā* changed for the worse, abandoning its original purpose of seeking to transform the larger Jewish society, turning instead inward in rigidity of practice and sharpening thereby the lines between “insider” and “outsider.”

While Neusner’s picture of the *ḥābūrā* is attractive, we might say romantically and homiletically so, it is painted largely in contrast to the foil of the Qumran *yaḥad*, which receives scant attention in its own right. Under closer scrutiny, however, much of his characterization of the *ḥābūrā* is built on what the rabbinic sources (which are our only source of information for the *ḥābūrā*) either omit to say or are forced to say. Like Rabin before him, Neusner finds things to both like and dislike about the *ḥābūrā*, which he separates by means of an imposed chronological progression from an early ideal to a late degeneration.

6. Aharon Oppenheimer

In contrast to Neusner, who stresses the non-supererogatory nature of the practices of the *ḥābērīm*, Aharon Oppenheimer, who devoted a chapter to them in the context of his 1977 monograph on *The ‘Am Ha-aretz*,⁴⁷ and an entry on “*ḥaverim*” in the *Encyclopedia of the Dead Sea Scrolls* of 2000,⁴⁸ emphasizes precisely the opposite, that is, that they practiced “exceptional

⁴⁵ Neusner, *Fellowship*, 22–23.

⁴⁶ Neusner, *Fellowship*, 24.

⁴⁷ Aharon Oppenheimer, *The ‘Am Ha-aretz: A Study in the Social History of the Jewish People in the Hellenistic-Roman Period* (trans. I. H. Levine; ALGHJ 8; Leiden: Brill, 1977), 118–69.

⁴⁸ Aharon Oppenheimer, “*ḥaverim*,” *Encyclopedia of the Dead Sea Scrolls*, 333–36.

stringencies” and “extreme scrupulousness”⁴⁹ with regard to ritual purity and tithing: “[T]he obligations undertaken by the members of the *ḥābūrā* did not usually become religious laws that were binding on most Jews, and were never a central concern in the discussion of the sages.”⁵⁰ Being the elite among the Pharisees, they were at the other end of the Jewish social scale from the *‘am ḥā-ārēš*. Like Neusner and the earlier scholars whom we have examined, Oppenheimer assumes that the *ḥābūrā* is a Pharisaic and late Second Temple institution, even though none of our rabbinic sources indicate that explicitly, or come from an early stratum of tannaitic literature. He is especially free in using not just tannaitic rabbinic sources, but also those from the later talmuds, to fill in the details of the practices of the Pharisaic *ḥābērīm*. Oppenheimer does not draw the contrast between the *ḥābūrā* and the *yaḥad* as sharply as does Neusner, presenting the *yaḥad* as a separate form of the *ḥābūrā* from that of the Pharisees:

Some of these *ḥavurot* had rules and ways of living that required segregation and even total withdrawal from normative society, as with the Judean Desert sect, while other *ḥavurot* continued to live in settled areas and within the community. These latter included *ḥaverim*, who formed a kind of elite stratum among the Pharisees.⁵¹

Oppenheimer sums up the *common* features of the *ḥābūrā* and the *yaḥad* as follows:

A comparison of the conditions for membership makes it clear that, both in the case of the *ḥaverim* and in the case of the Judean Desert community, there was a public undertaking of the obligations of the *ḥavurah*; a period of learning the rules; a trial period and graduated acceptance based on the measure of reliability in the area of purity; and a final stage of acceptance, which allowed the new member access to liquids. The central importance of communal meals is noteworthy both with the *ḥaverim* and with the Judean Desert sect.⁵²

⁴⁹ Oppenheimer, “*ḥaverim*,” 334.

⁵⁰ Oppenheimer, “*ḥaverim*,” 333.

⁵¹ *Ibid.*

⁵² Oppenheimer, “*ḥaverim*,” 334.

Their main *differences* are as follows:

The most essential of these differences is the way in which the sect broke away from normative Jewish society as well as its ascetic way of life (it is probable that there were no women in the dominant group of the sect, for they are not mentioned in some sources), and its communal ownership of the use of property (according to the majority of scholars). *Hābērīm*, in contrast, remained part of their hometowns and villages, maintained their families and their private property, and participated in local life.⁵³

Like Neusner and Rabin before him, Oppenheimer regrets the changes that occurred to the *hābūrā* in the years following the destruction of the Second Temple, but he avers that their “ideals . . . continued to exist, as they are found to a certain extent in the world of the sages.”⁵⁴

7. Moshe Weinfeld

Missing in all of these accounts is a comprehensive and sustained explanation for the similarities and differences between the *yaḥad* of the Dead Sea Scrolls and the *hābūrā* of early rabbinic sources. Were they two branches of what had once been a common trunk? Were they based on common and differing interpretations of the same scriptural imperatives that required but resisted actualization? If they occupied the same place in time, were they responses to shared historical circumstances? If contemporaneous, did they exert any influence, whether positive or negative, on one another? Alternatively, and more importantly, is there a larger context in which both should be viewed, if immediate chronological proximity and direct filial relations between the two are impossible to establish?

One scholar, Moshe Weinfeld, in a 1986 monograph,⁵⁵ following the earlier lead of Hans Bardtke in the 1960s,⁵⁶ asked specifically with respect to the Qumran *yaḥad*, whether its organizational features and legal code

⁵³ Ibid.

⁵⁴ Oppenheimer, “ḥaverim,” 336.

⁵⁵ Moshe Weinfeld, *The Organizational Pattern and the Penal Code of the Qumran Sect: A Comparison with Guilds and Religious Associations of the Hellenistic-Roman Period* (NTOA 2; Göttingen: Vandenhoeck & Ruprecht, 1986).

⁵⁶ Weinfeld, *Organizational Pattern*, 7 n. 1.

bore resemblances to those of other voluntaristic guilds and societies of the broader Roman world of roughly the same time, suggesting thereby a larger cultural context in which these societies should be viewed, rather than only the inner-Jewish context of scriptural interpretation and inter-group influences and rivalries. Weinfeld finds many similarities between the organization and rules of the *yahad* and those of the Roman groups with which he compares it, and wishes thereby to attribute those similarities to cross-cultural influences. However, the other groups cover such a broad chronological and geographical spread that it is difficult to know what sorts of contacts would have been responsible, and whether the similarities need necessarily rule out internal, exegetical propellants.⁵⁷

In charting the common traits among such groups, Weinfeld includes a column for “Pharisaic, Rabbinic, others,” in which he lists similarities between the Qumran sect and the *ḥābūrā*. Interestingly, the only points of convergence are with respect to appellation (the use of רבים) for both and partial similarities with respect to admission and expulsion, largely because rabbinic sources are silent on other aspects of the *ḥābūrā*’s organization. By setting out to find *similarities* between the *yahad* and non-Jewish voluntaristic groups, which are indeed impressive, Weinfeld shortchanges the points of *difference* between them, for example, the central role of ritual purity in the progressive induction of members to both the *yahad* and the *ḥābūrā*, but absent from the Roman *comparanda*, a point already made by Lawrence Schiffman.⁵⁸

8. Conclusions

While we have not solved the riddles of the identity of either the *yahad* or the *ḥābūrā*, and even less of their possible relationship to one another, hopefully our partial tour of the history of scholarship on this question has proved revealing in other regards.

⁵⁷ See Yonder Moynihan Gillihan, “Civic Ideology among the Covenanters of the Dead Sea Scrolls and Other Greco-roman Voluntary Associations” (Ph.D. diss., Yale University, 2007), 55–64.

⁵⁸ See Schiffman’s summary treatment of the *ḥābūrā* with respect to the Dead Sea sectarians in Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (Philadelphia: Jewish Publication Society, 1994), 104–5.

Our exercise has highlighted some pitfalls of the comparative enterprise itself. It is one thing to list points of similarity and difference. It is quite another to weigh and tally them, as if it were possible to calculate a final score of either more similarity or more difference, proclaiming one the victor. The conjunction “and” of my title is never innocent of directionality, often privileging one element over the other.

As we have repeatedly seen, in comparing the *yahad* to the *ḥābūrâ*, we are in effect in need of understanding how each saw itself in relation to its larger select society, the Dead Sea Scroll “Covenanters” (for want of a better term) for the former, the “sages” for the latter. Was each supererogatory or exemplary with respect to the obligations of its broader society? Our sources are less clear than we would like, but perhaps it is their very ambivalence and uncertainty that constitute their story.⁵⁹

One aspect of the comparison to which, so far as I can tell, previous scholars have not taken note, and which complicates comparisons between the *yahad* and the *ḥābūrâ* is as follows: The *yahad* (never appearing in plural form), refers, as best we can tell, to a singular “membership” group, whether that be the Qumran community in particular or the larger sectarian movement represented by the Dead Sea Scrolls, even if that movement had local “branches,” as it were. By contrast, the *ḥābūrôt* refer to a plethora (and perhaps variety) of decentralized social groupings, which despite common concerns for maintaining ritual purity in relation to food, lacked any overarching organization (but see my qualifications, below).⁶⁰

⁵⁹ On mixed views of the application of strictures of ritual purity to laity outside the context of the temple, see Gedalyahu Alon, “The Bounds of the Laws of Levitical Cleanness,” in *Jews, Judaism, and the Classical World* (trans. Israel Abrahams; Jerusalem: Magnes, 1977), 190–234; Yigael Yadin, ed., *The Temple Scroll* (3 vols; Jerusalem: Israel Exploration Society, 1983), 1:277–85; Vered Noam, “The Bounds of Non-Priestly Purity: A Reassessment,” *Zion* 72 (2007): 127–60; idem, “The Dual Strategy of Rabbinic Purity Legislation,” *JSJ* 39 (2008): 471–512.

⁶⁰ See in particular recent discussions by John J. Collins: “Forms of Community in the Dead Sea Scrolls,” in *Emanuel: Studies in Hebrew Bible, Septuagint, and Dead Sea Scrolls in Honor of Emanuel Tov* (ed. Shalom M. Paul, Robert A. Kraft, Lawrence H. Schiffman, and Weston W. Fields; VTSup 94; Leiden: Brill, 2003), 97–111; “The Yahad and ‘The Qumran Community,’” in *Biblical Traditions in Transmission: Essays in Honour of Michael A. Knibb* (ed. Charlotte Hempel and Judith M. Lieu; JSJSup 111; Leiden: Brill, 2006), 81–96; “The Nature and Aims of the Sect Known from the Dead Sea Scrolls,” in *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino Garcia Martínez* (ed.

What precisely are we comparing, the historical *yahad* and the historical *ḥābūrā*, or their rhetorical constructions according to their respective literary sources, that is, the *yahad* of the *Rule of the Community* and the *ḥābūrā* of the Mishnah and Tosefta?⁶¹ If the latter, as is certainly the case in the first order, then the uncovered differences between the two societies may be as much about the differences in the literary forms and rhetorical functions of those sources than about any historical social formations to which they point. For example, if, as is often noted, the *ḥābūrā* lacks, in comparison to the *yahad*, internal organizational structures, hierarchy, and leadership roles, does this necessarily mean, as is commonly presumed, that it lacked these, or only that the Mishnah and Tosefta are disinterested in them, focusing, rather, as is their generic predilection, on such liminal matters as entry and expulsion, and the ambiguous nature of social intercourse between “insiders” and “outsiders.”

If, as I have indicated, we have no reason to presume that the *ḥābūrôt* of early rabbinic sources relate to Second Temple times (and most likely not to the period immediately after the destruction of the Temple), then comparisons between the *yahad* and the *ḥābūrôt* are more of morphological than of immediately historical significance for the relation between the two. For example, regardless of any genetic link between them, we might ask of both, what is the connection between concerns for maintaining one’s ritual purity and one’s membership/ participation in an exclusive social order?⁶² Furthermore, if we have no reason to presume that the *ḥābūrôt* of early rabbinic literature existed in Second Temple times, and we have no evidence for a direct connection between the *ḥābūrôt* and the Pharisees of Second Temple times (notwithstanding shared concerns for ritual purity), then the question of comparing the *yahad* to the Pharisees may be re-opened in its own right (without presuming any direct connec-

Anthony Hilhorst, Émile Puech and Eibert Tigchelaar; JSJSup 122; Leiden: Brill, 2007), 31–52; *Beyond the Qumran Community: Sectarian Movements in the Dead Sea Scrolls* (Grand Rapids, Mich.: Eerdmans, 2009), esp. chap. 2, “The Yahad.”

⁶¹ Thus, the historical *ḥābūrā* of Second Temple times need not be the same as that constructed by (or from) the Mishnah and Tosefta, and in the absence of other, more contemporaneous evidence, may simply not be recoverable. See Alan J. Avery-Peck, *Mishnah’s Division of Agriculture: A History and Theology of Seder Zeraim* (Brown Judaic Studies 79; Chico, Calif.: Scholars Press, 1985), 418 n. 3.

⁶² My thanks to Yair Furstenberg for this suggestion.

tion between the two), even if the evidence for the Pharisees is much less direct than that for the *yahad*.

To the extent that all history is the history of its historians, then, as we have seen from our survey of the history of scholarship, the exercise of comparing ancient societies is fraught of necessity with our own confessional histories, which we cannot escape but can at least struggle to recognize. Perhaps the greatest value in juxtaposing the study of the Dead Sea Scrolls with that of early rabbinic Judaism—in exposing each to the light of the other—is to enable such intellectual self-recognition in comparative relief.⁶³

⁶³ I have made no claims to having exhaustively considered all of the many scholars who have written on the *yahad* and the *ḥābūrôt*, but wish here to mention some additional discussions of one or the other: Moshe Beer, “On the Havura in Eretz Israel in the Amoraic Period,” *Zion* 47 (1982): 178–85; Shaye J. D. Cohen, “The Rabbi in Second-Century Jewish Society,” in *The Cambridge History of Judaism, Vol. 3: The Early Roman Period* (ed. W. Horbury, W. D. Davies, and J. Sturdy; Cambridge: Cambridge University Press, 1999), 956–59; Moshe Greenberg and Stephen Wald, “Am Ha-Arez,” *EncJud* (2nd rev. ed.; Detroit: Macmillan Reference USA, 2007), 2:67–70; Ephraim E. Urbach, *The Sages: Their Concepts and Beliefs* (trans. Israel Abrahams; 2 vols.; 2nd ed.; Jerusalem: Magnes, 1979), 1:583–88, 630, 634, 642; James VanderKam and Peter Flint, *The Meaning of the Dead Sea Scrolls: Their Significance for Understanding the Bible, Judaism, Jesus, and Christianity* (San Francisco: Harper San Francisco, 2002), 249.