

Overall, Penner has contributed to the understanding of the verbal system of Qumran Hebrew. The wide range of texts included in his analysis provides a broad base from which to draw conclusions, and since his database is online, other researchers may easily compare their findings with his. Additionally, Penner has designed a largely effective methodology for determining the semantics of verb forms, and with some further refinement, particularly on the issue of circularity, this methodology could also be applied to similar studies of Biblical and Mishnaic Hebrew. Thus, the second and third chapters, in which Penner lays out his methodology and analysis, provide this study's main contribution to the field.

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Aryeh Amihay

Dead Sea Discoveries 25.2 (2018)

Theory and Practice in Essene Law. New York: Oxford University Press, 2017.

Hardback. Pp. 256. \$199. ISBN 9780190631017.

Aryeh Amihay's book makes an important, original, and very readable contribution to the study of the principal legal texts of the Dead Sea Scrolls. His approach is highly innovative, even as his arguments are in respectful and constructive dialogue with prior scholarship. The most important aspect of Amihay's book is its treatment of the laws of the Scrolls as a (relatively) unified whole, rather than as either an extension of the Hebrew Bible or as a precursor to rabbinic *halakhah*.

Amihay combines or alternates between the lens of legal theory and those of social and literary theory, without being slavishly beholden to any, meaning that he is methodologically eclectic, in the best sense of the term. Even Monty Python makes a brief appearance (37). As denoted in his book's title, the chief tension (a frequently appearing word) that Amihay seeks to uncover and understand is that between legal "theory" (or concepts or ideals) and its socially applied (real) "practice," that is, the ways the former must adapt to the latter and vice versa. But before turning to those tensions, a few words need be said on Amihay's own choices of terminology and their justifications.

Most scholars of the Dead Sea Scrolls, regardless of whether they subscribe to all or some part of the "Essene hypothesis," reserve the term "Essene" for the group described principally by Josephus, Philo, and Pliny the Elder, and refer to the communities that stand behind the Scrolls, especially those deemed to be "sectarian," as something else, e.g., the Qumran Community, the New Covenanters, or simply the *Yahad*, so as to preserve the difference in the nature of the first-hand "insider" evidence of the Scrolls from second- and third-hand "outsider" accounts intended for different audiences, and with different rhetorical aims. While Amihay (13–15) correctly identifies the imprecision of the alternative terms, he did not convince this reader of the advantage of collapsing the differences altogether. As he states, such an "outsider" perspective tends to emphasize the unity, rather than diversity, of a "joint movement with similarities" (14). There is no correct solution to this terminological conundrum, but at least Amihay is fairly consistent. Despite my reservations, I will use "Essene" in the sense that Amihay does, but please imagine it within air quotes.

The other terminological (and philosophical) debate that Amihay wades into is that centered on the differentiation between the legal stance of the Scrolls as "realist" and that of the early rabbis as "nominalist." He prefers the dyad of "essentialist" (which includes "determinist") and "formalist" (which

derives from "positivist"). Although I found his critique of other possibilities to be persuasive, it is important not to become captive to these dichotomies, as heuristically useful as they may be, or to allow them to become too wooden in their application. All legal "systems," including those of the Scrolls and of the rabbis, are hybrids at best, and as such resistant to philosophical totalizing.

The structure of Amihay's book, in keeping with his book's title and introduction, is divided into two, with the first part elaborating the "Concepts" and the second part analyzing the "Practices." As he admits, however, the two halves are not symmetrically paired as there is not always enough material for each module of "concepts" to have its corresponding "practices." Similarly, Amihay is aware that the "tensions" that he uncovers are not just between concepts and practices, but also within the concepts themselves. For example, he often compares the Essene principle of divine predeterminism with practices that presume human choice. But this is a tension at the level of theory as well, and not only in its subsequent application, since predeterminism leaves room for wrong choices, even if predetermined, among the preordained Sons of Light. The assumed dichotomy between theory and practice suggests that such tensions only emerge when the ideal rubber hits the real road. That said, some of the chapters from either side of the structural divide pair up very well, especially "Intent and Responsibility" (ch. 5) with "Reproof and Mediation" (ch. 10) and "Retribution and Control" (ch. 6) with "Punishment and Exclusion" (ch. 11).

While these are more than mere quibbles, they should not detract value from some very interesting and revealing case studies through which Amihay astutely leads his readers. Those that I found particularly insightful and persuasive dealt with his distinction between individual membership and subgroup association, his social grounding of the laws and rituals of reproof as mediation rather than meddling, his account of the Essene understanding and measuring of intentionality, the evolving roles of the Examiner and the Instructor, and the ambivalence toward penal exclusion as a means of retribution and control. Others will find additional insights worthy of appreciation.

A final quibble, if not a qualm: As Amihay readily and repetitively acknowledges (140–41, 164–65, 180, 187), the comparison of Essene "theory" (or written law) with "practice" (its social application) is hampered by the fact that we have no means by which to directly view or gauge such practice since we are almost entirely dependent on the very same rhetorically charged textual sources for both. For virtually every "practice" that Amihay examines, we have very little way of knowing whether what is prescribed and even described was actually practiced, or whether it was practiced in some Essene communities but not in others, or at some stage in the movement's history but not at others. In other words, to what extent are practices mimetically represented or

aspirationally prescribed? Archaeological evidence from the remains of the ancient settlement at Qumran could ameliorate this dilemma, but it is generally not invoked by Amihay and is usually ambiguous in its own right. Similarly, the "outsider" ancient attestations to the Essenes may be of some use in triangulating the evidence, but they have their own rhetorical purposes (and audiences) which need first to be better understood. The one case in which we might gain a glimpse of theory in practice regards sectarian rules of reproof (based on Lev 19:17–18). 4Q477 (4QRebukes Reported by the Overseer) contains a list of actual reproofs against named members as recorded by the Examiner (or Overseer). This is rightly and deservedly celebrated by Amihay (164–65) for its evidence for actual practice ("a rare preserved evidence of the socio-legal life of the *Yahad*"), but it remains unknown whether this single fragment reflects the practice for all Essenes at all times and whether it is possible to extrapolate from it alone to other areas of theory/practice.

Sometimes, in the absence of reliable accounts of Essene practice, Amihay imaginatively fills in the practical blanks. A good illustration of this, worthy of lengthy citation, is his description of how the Essene communities conduct their deliberative business of admitting new members at communal meetings, based on scant textual evidence, whether from the Scrolls or ancient reports (126, and similarly 142, 151–52):

A vote that is preceded with open deliberations inevitably necessitates a political element. Some members would favor a candidate, while others would oppose him. A certain question intended to embarrass or trap the candidate could be thwarted by a supporting member, who would object to the question, or add a follow-up inquiry to help the candidate....

In the absence of textual (or archaeological) support, such an account is more socio-legal projection than detection.

Notwithstanding my quibbles and qualms, Amihay makes a very important contribution to the study of Essene law through his sharp uncovering of the dynamic intersections of its ideological, rhetorical, and social vectors. Anyone interested in Essene law, which should be anyone interested in the Dead Sea Scrolls, should read it and savor its numerous insights. Anyone working in this field should be encouraged to build upon its innovative foundations.

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