“Comparative Midrash” Revisited: 
The Case of the Dead Sea Scrolls and Rabbinic Midrash

Steven D. Fraade

1. Introduction:

The discovery of the Dead Sea Scrolls fifty years ago marked an important shift in our ability to set rabbinic Judaism and its literature in relation to its second temple antecedents. Previously, little of the post-biblical but pre-rabbinic Jewish writings had survived in their original forms and languages, most of it having been preserved in translation and varying degrees of adaptation by later Christian communities. In particular, apart from the allegorical commentaries of Philo of Alexandria, little was known of the methods and forms of scriptural interpretation employed by groups among whom rabbinic Judaism might have had roots and from whom the rabbis might have derived the rich traditions and forms of scriptural interpretation we know as rabbinic midrash.

All of this changed with the earliest publication of the Dead Sea Scrolls, especially the Pesher Habakkuk. Here was an ancient Jewish corpus of writings in their original languages and in unaltered texts, which were not only suffused with biblical language and allusion, but also contained explicit scriptural exegesis, and especially commentary. It was as if a long sought missing link between the Hebrew Bible and early rabbinic midrash had been found, generating hopes (and claims) that most of the interpretive methods and products of rabbinic midrash could now be found centuries earlier in the period either following or contemporaneous with the gradual closing of the biblical canon.1 Two interrelated changes ensued upon these discoveries: 1. The word “midrash,” denoting less a specific type of exegesis than an exegetical stance vis-à-vis Scripture, need not any long be restricted to rabbinic midrash alone, but could now denote a much broader phenomenon that was well-attested long before our earliest rabbinic writings (early third century CE), in fact having its origins in the inner scriptural exegesis of the Hebrew Bible itself. Thus, “midrash” now spanned from the Hebrew Bible to early rabbinic literature (and, of course, beyond), with the Dead Sea Scrolls occupying an important intermediate position between the two (along with Philo, Josephus, the Book of Jubilees, Pseudo-Philo’s Biblical Antiquities, ancient versions and translations, and the New Testament).2 The study of any one of these had to take into account the broader context of exegetical practice and tradition from which it presumably drew, hence, the idea of “comparative midrash.”

From early on, however, some scholars raised questions concerning these developments. Two interconnected sets of questions, relating respectively to the two developments noted above, were: 1. If the term “midrash” were broadened too much, becoming synonymous with “interpretation” generally, what would be gained? More significantly, what might be lost in blurring important differences between the exegetical stances and practices of specific ancient Jewish authors and communities?2. What precisely are we comparing in “comparative midrash”: the methods, forms, products of exegesis, or the exegetical stances and their underlying views of scripture, revelation, and interpretive authority?3

In general, practitioners of “comparative midrash” have focused their attention at the level of interpretive traditions, seeking to understand the way in which such traditions are creatively adapted to the situational needs of their communal audiences. In order to understand this process of adaptation by specific communities, it is necessary to know how such traditions would have resonated for their audiences in relation to the broader context of interpretive traditions that would have been familiar to them. However, several interconnected choices, whether conscious or not, have been made along the way by practitioners of “comparative midrash.” 1. They have focused their attention on narrative but, generally, not legal interpretive traditions, even though the legal traditions are central to the adaptation of the Hebrew Bible by Second Temple groups, as is abundantly clear now from the Dead Sea Scrolls. 2. “Comparative midrash” has been less interested in comparing and contrasting the formal instruments employed in scriptural interpretation across communities and the rhetorical significance of those similarities and differences of textual practice. 3. The end point of most “comparative midrash” has been the reuse of the Hebrew Bible (Old Testament) by the writers of the New Testament. Less attention, in this regard, has been paid to the later interpretive corpora of the early rabbis and church fathers in relation to one another or to their shared and respective antecedents. In what follows, I will suggest some ways in which these gaps might be corrected, with particular attention to comparisons between scriptural interpretation in the Dead Sea Scrolls and early rabbinic midrash.

2. Shared Terminology:

We begin our examination of the significance of the Dead Sea Scrolls for the study of rabbinic midrash with terminological parallels between the two. In several cases, exegetical terms found in rabbinic literature, which had previously been unattested in Jewish literature of the second temple period, are now attested in the Dead Sea Scrolls. The Hebrew noun “midrash,” which appears twice ambiguously in the Hebrew Bible,7 and once uncertainly in Ben Sira,8 appears some eight times in the Dead Sea Scrolls (1QS 6:24; 8:15; 8:26; 4QFlor 1:14; CD 20:6; 4QD* 5 i 17; 11 29; 4QD* 7 ii 15), in five of which it is followed by the word “Torah.” However, it is often not clear whether in such usages the word “midrash” has the specific connotation of scriptural exegesis or the more general sense of study.9 The same ambiguity pertains to the Dead Sea Scrolls’ usage of the verb lidrash in conjunction with a text or body of laws. Let us look at one example of this ambiguous use of the word “midrash.”

The Qumran community, in describing its separation from the rest of Israel for a life in the wilderness, characterizes its collective activity as charting a redemptive highway of God through its ongoing revelatory activity of midrash ha-torah, searching study of the Torah of Moses (1QS 8:12-16):10

When these become a Community in Israel in accordance with these rules,11 they shall separate themselves from the session of the men of deceit in order to depart into the wilderness to prepare there the Way of the Lord;12 as it is written (Neh. 9:3): “In the wilderness prepare the way of the Lord, make level in the desert a highway for our God” (Isa. 40:3). This (altudes to) the study of the Torah (midrash ha-torah)13 which he commanded through Moses to do,14 according to everything which has been revealed (meggilah) (from) time to time,15 and according to that which the prophets have revealed by his Holy Spirit.16

The study activity of the community is the ongoing context for their discerning and performing of God’s will, as initially commanded through Moses and subsequently revealed through the inspired words of the prophets. It is, therefore, central to the community’s sacro-historical self-understanding. However, here and in several similar passages, it is not clear what is the nature of such study activity and, in particular, whether...
or not it takes a form similar to that of rabbinic midrash, with its explicit exegetis of biblical verses, whether as commentary or citation of prooftext.27 In this regard, it is significant that the Dead Sea Scrolls employ terminology similar to that of rabbinic midrash to introduce biblical citations, especially the verb ‘amar and the passive participle of the verb katar (katan, as in the above passage).28 However, it should be noted that the frequency of use of such terminology is much less than in early rabbinic literature, especially midrash. The Dead Sea Scrolls, like second temple Jewish writings in general, tend to present the results of exegesis as “rewritten Bible,” without explicit citation and explanation of biblical verses.29 Furthermore, in several of the Dead Sea Scroll passages where such citation terminology is employed, it introduces not a precise biblical citation but a biblical allusion, paraphrase, or rearranged verse.30 Explicit scriptural exegesis and its terminology is even less evident in the legal texts of Qumran, notwithstanding the community’s emphasis on the centrality of study to its life and even the suggestion that its esoteric laws derive in some sense from the esoteric Torah.31

Another striking terminological similarity is the Dead Sea Scroll use of the noun peshar as a technical term denoting the exegetical decoding of a biblical word or phrase (e.g., pshuro ‘al, “its interpretation concerns”; pshar hadar, “the interpretation of the matter”). This terminology is so prominent in the continuous commentaries to books of the Prophets and Psalms at Qumran that these works are referred to by modern scholarship as pesharim.32 This is the same term used in the Aramaic of the Book of Daniel for dream or vision interpretation (Dan. 2, 4, 5, 7), and in its Hebrew cognate patur for Joseph’s dream interpretations (Gen. 40, 41).33 However, unlike dream interpretation, in which each symbolic detail of a dream is decoded, that is, assigned its concrete signification so as to explain or predict circumstances or events in the dreamer’s life or context, the pesharim decode earlier prophecies so as to locate their actualization in the life of the later interpretive community. This is best exemplified by the following peshar (1QpHab. 6:15-7:5):

"[And He said: Write the vision and make it plain upon the tablets so that the one who reads it may run [with it]" (Hab. 2:2): Its interpretation: ...] And God told Habakkuk to write down the things that are to come upon the last generation, but the fulfillment of the end-time he did not make known to him. And when it says, "That the one who reads it may run [with it]," the interpretation of it concerns the Teacher of Righteousness, to whom God made known all the mysteries of the words of his servants the prophets.34

Thus, the peshar commentary reveals its interpretive community that the previously concealed fulfillment of divine prophecies has been or will soon be fulfilled within that very community.

The Qumran term peshar and its form bear striking resemblance to the later rabbinic exegetical form, and cognate term, petirah, found mainly in amoraic midrashic collections.35 However, there are some significant differences of form and function between the two. In the rabbinic petirah, an indeterminate scriptural verse or phrase, more typically from the Writings than the Prophets, is decoded so as to refer intertextually to a specific biblical figure or event, and not to events, groups, or individuals of post-biblical times (i.e., not, directly at least, to the rabbinic interpretive community). Furthermore, it commonly provides a series of such decodings, each referring to a different referent or set of referents. Thus, while the rabbinic petirah (like rabbinic midrash generally) often adds multiple intrascriptural decoding possibilities, the Qumran peshar commonly gives a single extrascriptural one.36 Finally, the rabbinic petirah, like rabbinic midrash in general, achieves its results through the exegetical juxtaposition of verses from different parts of Scripture, while the continuous pesharim refer only to the base verse being commented upon.37

3. Legal Midrash:

While, as stated above, Qumran writings contain a much smaller proportion of explicit scriptural exegesis than is found in early rabbinic literature, this tendency is even more pronounced in Qumran legal writings. This is surprising given the great emphasis on communal study of both Torah and mishnah, communal laws, at Qumran and the sense that the community’s esoteric laws were contained within the esoteric Torah.39 To be clear: I am not arguing that something like midrash halakhah, the deriving of justifying of laws from Scripture, did not take place in the communal study sessions at Qumran or in the training of their communal leaders, but simply that in organizing and presenting their laws for transmission, this is not a prevalent feature. From the fact that we have a few examples of such midrash halakhah at Qumran, all within the Damascus Document, we can assume that the community was familiar with such explicitly exegetical discourse and its teachers had the ability to produce it. However, to a great degree, communal law appears to have been transmitted and taught primarily as lists of rules (4QMMT), the bulk of the legal sections of CD, 1QS, 1QM) or rewritten legal Scripture (11QTemple).

However, there is one paradigm example (and exception) that demonstrates the possibilities for explicit midrash halakhah at Qumran (CD 9:2-8):

And as to that which he said (‘asher ‘amar), “You shall not take vengeance nor keep a grudge against the sons of your people” (Lev. 19:18), anyone of those who enter the covenant who brings a charge against his neighbor without proof before witnesses, but brings it in his burning wrath or tells it to his elders to put him to shame, is taking vengeance and bearing a grudge. It is written only, “He [God] takes vengeance against his adversaries and keeps a grudge against his enemies” (Nah. 1:2).40 If he was silent from day to day and in his burning wrath charged him with a capital offense, his iniquity is upon him, for he did not fulfill the ordinance of God which says to him, “You shall surely reprieve your neighbor so that you do not bear sin because of him” (Lev. 19:17).41

Of interest for the present discussion are the following features that distinguish this passage as legal midrash: 1. It begins with the citation of a verse of the Torah (Lev. 19:18) to be legally explicated, rather than with a rule for which a proof text or scriptural allusion is provided. 2. The crux of the exegesis is the relation between the successive verses of Lev. 19:17-18 (the obligation to reprove and the prohibition not to bear a grudge), which are here textually separated so as to be exegetically relinked through a series of rhetorical steps, beginning with the latter verse and culminating in the former. 3. These verses from the Torah are explicated by reference to a verse from the Prophets: the bearing of a grudge against one’s fellow is not only a violation of the Torah but is precluded by the prophets.42 The resulting rule, as it unfolds through the intertextual interpretation of Lev. 19:17-18, requires a member of the community to reprove his fellow in the presence of witnesses before the transgressor can be charged with a capital offense, lest the member harbor bad feelings towards his fellow. One who fails to so reprove his fellow violates both a positive (v. 17) and negative (v. 18) commandment, and is culpable for the penalty for which the transgressor is liable (“so that you do not bear sin because of
worthy. The Damascus Document (like the rabbinic Mishnah) simply lists its rules without scriptural reference (10:1721):

And on the Sabbath day a man shall not talk disgraceful and empty talk. He shall not demand payment from his neighbor for anything. He shall not make judgments concerning wealth and gain. He shall not talk about the work and the task to be done the next morning. Let no man walk in the field to do his workday business (on) the Sabbath.82

By contrast, the Me'ila’s comment to Exod. 20:9 has:

"Six days you shall labor and do all you work"; But is it possible for a human being to do all his work in six days? It simply means: Rest on the Sabbath as if all your work were done. Another interpretation: Rest even from the thought of labor. And it says: "If you turn away your feet because of the Sabbath [from pursuing your affairs on My holy day... And if you honor it and go not your ways nor look to your affairs, nor strike bargains]" (Isa. 58:13) and then it says: "Then you shall delight yourself in the Lord," etc. (ibid. v. 14).83

Even if the Damascus Document’s rule is based on a combined exegesis of Exod. 20:9 and Isa. 58:13, which would be difficult to determine with any certainty, it shows no interest in transmitting that rule in exegetical form, not to mention employing the dialogical rhetoric characteristic of rabbinic midrash halakhah.

Finally, the Damascus Document’s list of Sabbath laws concludes with an explicit scriptural citation (CD 11:17-18):

Let no man bring on the altar on the Sabbath (any offering) except the burnt offering of the Sabbath, for thus it is written, "Apart from your Sabbath (millevad shab- betoekhem)" (Lev. 23:38).84

While not explicit, this sectarian rule appears to prohibit the offering of festival sacrifices when they would coincide with the Sabbath. The phrase from Lev. 23:38 is scripturally preceded by a list of types of offerings to be brought at their assigned festival times. Our text clearly understands the word millevad to mean “apart from,” thereby distinguishing the Sabbath day from the festival days. Only the prescribed Sabbath sacrifice is to be offered on the Sabbath, presumably since the bringing of the festival offerings would entail forbidden labor on the Sabbath.85 This ruling is in contrast to that of early rabbinic midrash halakhah, according to which festival sacrifices were offered in addition to the Sabbath offering when they coincided, based on the same scriptural word millevad, now understood to mean “besides.” In commenting on Lev. 23:38, the Sifra asks:

From whence do we know that the additional Sabbath sacrifices are to be offered with the festival sacrifices? Scripture teaches, “Besides the Sabbaths of the Lord.”86

As significant as the opposite interpretations of CD and rabbinic legal midrash, are their differences in rhetorical style. The rabbinic midrash formulates a rhetorical legal question, to which Scripture provides the answer, whereas CD provides the rule, to which is appended its scriptural warrant. While the scriptural citation is integral to the structure of the rabbinic argument, it is not required by the sectarian rule. Therefore, it is not clear why this rule of CD requires a scriptural proof-text whereas its predecessors in the list do not.87 The citation of Lev. 23:38 works well, however, in providing the end bracket to the overall section of scriptureless Sabbath rules. Just as the opening citation estab-
lishes the importance of safeguarding the sanctity of the Sabbath with respect to the preceding profane day, the closing citation asserts the unique and superior status of the Sabbath with respect to the sacred festivals.

From the foregoing, we should be careful not to characterize Qumran scriptural interpretation, especially for purposes of comparison with early rabbinic midrash, in terms of the pesharim, as important as they might be. The fact that *torah* and *mišpat* were central elements in the Qumran community’s study diet and self-understanding should not lead us to cast the relation between those two in rabbinic midrashic terms. That is, however they regarded their laws in relation to Scripture, for the most part they were not interested in demonstrating or transmitting their exegetical interconnections, as were the rabbis. Although from the perspective of the Qumran *pesharim* and the retrospective of rabbinic midrash haKallah we might presume that sectarian legal study took the form of explicit biblical exegesis, in no case do the Qumran texts evidence such a connection between sectarian rules and scriptural interpretation as the primary mode of legal study. In other words, the proper *peshal ha-torah* that the community taught and followed is never claimed to be the hermeneutical result of their collective life of *midrash ha-torah*. Before suggesting why this might be, let us turn to some other comparisons and contrasts.

4. Midrashic Characteristics Shared and Unshared:

From the above, it should be clear that comparing rabbinic and Qumranic forms of scriptural exegesis requires attention to lines of similarity as well as dissimilarity. To begin with, scriptural interpretation in both communities is situated within, or at the interstices of, a twofold diet of study: *torah* and *mišpat* at Qumran, *miqra’* and *mišnah* among the early rabbinic sages. Nevertheless, there are significant differences between the two pairs. The Qumran texts draw the additional distinction respectively between *nigleh* and *masor*, that which was revealed to all of Israel and that which was hidden from Israel but revealed over time to the community alone, while early rabbinic texts draw the important distinction respectively between written and oral modes of public performance. While both textual corpora employ explicit, continuous scriptural commentary, the Qumran community employs this form only with respect to prophetic texts (and Psalms), whereas our earliest rabbinic commentaries are to the books of the Pentateuch, excluding Genesis. While the early rabbinic midrashim tend to focus more on legal than narrative sections of the Torah, at Qumran explicit biblical exegesis tends to be employed mainly for eschatological exegesis of prophecies and hardly at all for legal exegesis.

A number of other characteristics that we might take for granted in rabbinic midrash are noticeably absent at Qumran: 1. Early rabbinic midrash often attributes individual midrashic traditions to a variety of named rabbinic sages, even if those attributions are not necessarily consistent or historically reliable. Although the Teacher of Righteousness is said to have had revealed to him the esoteric, actualized meanings of biblical prophecies and the community’s “first rules” (CD 20:31-33), no individual interpretation is attributed to him or to any other figure or functionary at Qumran. 2. Early rabbinic midrash identifies the hermeneutical methods it employs, giving them names (e.g., *gezerah shavah*, *qal vayomer*) and employing other identifying terminology. While some have tried to locate similar hermeneutical methods underlying Qumranic exegesis, these attempts have often been forced and largely unsuccessful. In any case, they must reconstruct what in rabbinic midrash is often explicitly stated. 3. Another hallmark of rabbinic midrash is its explicit interpretation of a verse by creatively employing another verse (or more) from elsewhere in Scripture. By contrast, this method is only rarely employed in the Dead Sea Scrolls (most notably, CD 6:24; 7:9-8:2; 4QFlor) and never in the pesharim commentaries. Again, even if such intertextual exegesis may underlie, and in some cases be recoverable from, Qumran exegesis, it is not nearly as dominant there as it is in our earliest rabbinic midrashim. 4. Rabbinic midrashic discourse commonly employs a dialogical rhetoric of question and answer (a trait it shares with Philo’s allegorical commentaries) and the posing of rhetorical alternatives, which are absent in Qumran scriptural exegesis. Finally, a much-celebrated feature of early rabbinic midrash, its multiplicity of interpretations of a single word, phrase or verse, is virtually non-existent at Qumran.

5. Accounting for Similarity and Difference:

How might we account for both the similarities and differences between the textual practices of scriptural interpretation in the Dead Sea Scrolls and in early rabbinic midrash? Given the programmatic nature of this paper, I will suggest some avenues for thinking about this question rather than conclusive answers. But first, three preliminary caveats: 1. It is important in stressing continuities between the two not to over-emphasize conjunctions, or in stressing their discontinuities not to over-emphasize disjunctions. It is precisely in light of the similarities that the dissimilarities are so remarkable, and visa versa. 2. Scriptural interpretation, being only one part of the cultural praxis of the two communities, has to be viewed in terms of the overall structures, socio-historical circumstances, and ideological underpinnings of the two communities. 3. Since neither Qumranic nor rabbinic writings are uniform across texts or static across time, generalizations will always need to be qualified.

To begin with, there is much the two communities had in common (mutatis mutandis) that would account for the similarities between their exegetical stances and practices. Both were studying communities, for whom active and ongoing engagement with the words of Scripture and its accompanying traditions was a central religious practice of stoning and redemptive power in its own right. For both, such engagement was definitive of membership in the group, required for advancement through its ranks, and a sine qua non of the privileged status of its leaders. Both communities understood divine revelation to be continuous in their time and midst within the context of their ongoing lives of Torah study and practice. That is, both communities viewed themselves as vehicles for the continuation of divine revelation in succession to Moses and the prophets. Accounting for the significant differences that I have sketched above is more difficult. One approach, suggested already by others, is to account for those differences in terms of chronological or developmental progression. For example, since our earliest rabbinic collections, including midrashim, are some two hundred years later than the core Dead Sea Scrolls, they might reflect a later, more developed stage of Jewish exegetical practice. In particular, some time between the last of the Dead Sea Scrolls and the first extant rabbinic texts the Hebrew biblical canon came to final closure. This would have encouraged a more “postbiblical” attitude to the biblical text and its authority. New teachings, whether legal or theological, would need to be anchored in the words of a fixed and closed biblical text, rather than presented in the form of parabiblical teachings deriving from a contemporary or recent figure claiming prophetic authority. Similarly, the failed Jewish revolts of 70 and 135 C. E. would have discouraged the sort of actualized eschatological commentaries of the Qumran *pesharim* for a more trans-temporal and eschatologically deferred commentary, as found in early rabbinic midrash. These events
might also have discouraged reliance on charismatic, messianic figures for singular interpretive authority. Finally, in the aftermath of second temple period Jewish sectarianism, which according to the rabbis was the cause of the temple’s destruction, the rabbis might have realized the necessity of turning from intercommunal diatribes to intrarabbinic dialogue, from multiple Judaisms to multiple interpretations within a common interpretive community.  

While such explanations do not account for all of the differences discussed above, they have the advantage of balancing continuity and change in the relation between the interpretative practices of Qumran and early rabbinism. They also make some major assumptions. For such a linear explanation to work, we would have to assume that Pharisaic (pre-70) scriptural interpretation resembled in form that of the Dead Sea Scrolls (more rewritten Bible and less dialogical commentary) and that the remnants of the Dead Sea Community (post-70) would have changed their manner of scriptural interpretation in the direction of rabbinic midrash in response to the changed circumstances of post-destruction Judaism and Galilee.  

Of course, since neither of these groups has left us any writings, these assumptions cannot be proved nor falsified.

The alternative is to seek an explanation not in simple linear development but in the significant morphological and ideological differences between the two communities, which while historically conditioned, cannot be historically reduced. For example, while the Qumran community understood their elect members alone to be worthy of continued esoteric revelation, which had been vouchsafed to them only with the advent of the Teacher of Righteousness in the time following the Babylonian Exile, the early rabbis considered their oral Torah to originate with the sinatic revelation to the whole people of Israel through Moses and the elders. The early rabbinic midrashic documents conceive of the link between written and oral Torahs to have been exegetical from its very beginning at Mt. Sinai, when both were revealed to the people of Israel as a whole (ideally at least). By contrast, the Qumran writings stress continued direct revelation to and through their elect community alone, since Israel as a whole were no longer considered to be worthy recipients. Nor does the Qumran community appear to have drawn a distinction between the Torah of Moses and their own laws in terms of their modes of written/oral performance and transmission. The different modes of formulation and transmission of continuous revelation in the two communities may be correlated to their differing ideologies of revelation. Another correlate might be the fact that we find nothing resembling the master-disciple relationship at Qumran. Neophytes joined the community as a whole and advanced through its ranks, studying its texts and practicing its rules, under the instruction of its priestly and levitical teachers, but with no indication of individual master-disciple relations or circles, as is characteristic of early rabbinic Judaism. Thus, the less-structured nature of rabbinic society effected a less-centered pedagogy, which would have been served by a more dialogical and multivocal form of study and, hence, scriptural commentary, whereby students were inducted into the process of study as much as its products.

While these suggestions are most preliminary and tentative, they exemplify my central argument: “Comparative midrash” needs to move from the comparison of disembodied traditions to the comparison of the diverse rhetorical strategies and textual practices by which ancient Jewish communities employed and engaged scripture and tradition in their formations of distinctive yet intersecting worlds of Torah law and narrative.
principles of the Community for two years..."

2 For this as a representation of the tetragrammaton, see Charlesworth, 37 n. 210. In the citation from Isaiah 40:3 that follows, the tetragrammaton is represented in the manuscript by four dots.

3 This phrase also appears in CD 9:6. For the verb darash applied to Torah, see the expression 

darash Torah/haboth 

in QJS 6:8-9; CD 6:7; 7:18; 4QCatena 15 [4Q77]; 4QFlor 11.11: the combination of the verb darash and the noun Torah is already found in Ezra 7:10; 8:5 (52:15); cf. Isa. 34:16, where the object is "the book of the Lord."

4 I understand the relative particle "as" (which) to refer to the Torah (and not the study), which was commanded by God through Moses for Israel to perform, in accord with successive revelations.

5 For this phrase denoting successive stages of revelation, each appropriate to its time, see IQS 9:12-13. See further my article, "Interpretive Authority in the Studying Community at Qumran," Journal of Jewish Studies 44 (1993): 52 n. 18.

6 For additional notes and discussion, see Frade, "Interpretive Authority," 51-55. For another passage that similarly characterizes the founding and ongoing life of the community in terms of scriptural study, see CD 6:2-11 ("well midrash"), discussed in ibid., 58-63. That passage also employs the verb darash.

7 For this question with specific relation to the practice of midrash halakhah (legal midrash) at Qumran, I will pursue in my fuller treatment in "Looking for Legal Midrash at Qumran," in Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls, ed. Michael E. Stone and Esther G. Zochan (Leiden, 1998), 59-79.


10 For such pseudo-citations, see Fisher, "The Use of Explicit Old Testament Quotations in Qumran Literature and in the New Testament," 14-15; Joseph M. Baumgarten, "A Scriptural Citation in 4Q frags of the Damascus Document," Journal of Jewish Studies 43 (1992): 95-98; Devarah Dimant, "The Hebrew Bible in the Dead Sea Scrolls," 119. For a discussion of this phenomenon in 4QMMT, where of eleven uses of the passive form "limat" not a single one introduces an actual scriptural citation, see DJD 10:140-41. For a more qualified view, see George J. Brooke, "Explicit Presentation of the Scripture in 4QMMT: Legal Texts and Legal Issues, Proceedings of the Second Meeting of the International Organization for Qumran Studies, ed. M. Bernstein et al. (Leiden, 1997), 67-84. In one instance (4QMMT B8), the reference may be to a sectarian law. In such terminology ("mashuq") is even used (once) to introduce a citation is a version from the non-canonical Testament of Levi (CD 6:15). For a possible reference to the Book of Jubilees, but without citation language, see CD 163; 4Q288ii; 4Q89 4.2.

11 See also below. For a more extensive treatment of the relative absence of legal midrash form Quaran see my article, "Looking for Legal Midrash at Qumran," "Similar observations, but with different explicit uses of the passive form "limat" not a single one introduces an actual scriptural citation, see DJD 10:140-41. For a more qualified view, see George J. Brooke, "Explicit Presentation of the Scripture in 4QMMT: Legal Texts and Legal Issues, Proceedings of the Second Meeting of the International Organization for Qumran Studies, ed. M. Bernstein et al. (Leiden, 1997), 67-84. In one instance (4QMMT B8), the reference may be to a sectarian law. In such terminology ("mashuq") is even used (once) to introduce a citation is a version from the non-canonical Testament of Levi (CD 6:15). For a possible reference to the Book of Jubilees, but without citation language, see CD 163; 4Q288ii; 4Q89 4.2.

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13 For broader discussion, especially with respect to the comparison of pesher and midrash, see my book, From Tradition to Commentary: Commentary: Torah and Its Interpretation in the Dead Sea Scrolls, 103-111.
tion of Nah. 1:2 is not clear. It is usually understood to emphasize that God alone (and not humans) "takes vengeance and keeps a grudge." See Schiffman, Reclaiming, 220. However, Devorah Dimant ("The Hebrew Bible in the Dead Sea Scrolls," 117) understands the citation of the verse to mean that one is allowed to take vengeance and bear a grudge against one's enemy (outside the sectarian community), but not one's fellow (within the community). He argues that understanding the rule to be intramurally directed.

18 This is in fact what we find in every other reference in the DSS to reproof and bearing a grudge. See above, n. 35.

19 CD 10:14-11:18, Ginberg (An Unknown Jewish Sect, 108) estimates that this section makes up more than a third of the legal part of CD.

20 Schiffman (The Halakhah at Qumran, 85) refers to this as a "literary framework." Cf. Djima, "The Hebrew Bible in the Dead Sea Scrolls," 121; Abraham Goldberg, "The Early and the Late Midrash," Tanit 50 (1982): 99 n. 16 (Hebrew). Compare Jb, 56:6-15, where a similarly long list of Sabbath prohibitions begins with a biblical citation (Exod. 35:2); although not identical with the MT or any biblical version. However, in Jubilees the verse is not introduced with citation terminology. Compare as well CD 16:6-9, where Deut. 28:24 is cited at the beginning of a series of scripture rules regarding oaths and vows (including CD 16:10-12; where citation language is used to introduce an allusion to Num. 5:9), as might have been the case for CD 5:9-10 (where the citation is not of an actual scriptural verse).

21 Translation is from The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations, Volume 2, Damascus Document, War Scroll, and Related Documents, ed. James H. Charlesworth, 47. The text is also found in 4QD 10v 1-3. Schiffman (The Halakhah at Qumran, 85) refers to this as "one of the few mishrash in the Zadokite Fragments which is expressly derived from a scriptural quotation," and as "a mishrash haalakhah." He similarly refers to the scriptural citation at the end of the Shabbaterekh (CD 11:17-18): "This is a clear example of mishrash haalakhah." (128)

22 L. Ginberg, An Unknown Jewish Sect, 56-57, 108, 183, 199-200; L. Schiffman, The Halakhah at Qumran, 84-87. Cf. D. Dimant ("The Hebrew Bible in the Dead Sea Scrolls," 120), who, while drawing a similar connection, understands the CD formulation as a polemic against the Pharisaic position, with the former being more concerned with an earlier cessation of work on the eve of the Sabbath. This interpretation, however, hinges on one's understanding of the "gate" of our passage. Dimant (119-120 n. 38) favors viewing it as the physical western gate of Jerusalem or of the sect's camp, rather than the symbolic gate of the horizon, as is usually understood. The former would presumably result in an earlier time for the cessation of work. This agrees with Dimant's general principle that scriptural citations are provided as being polemical statements against the norms of other groups.

23 Bahadsh (Yiro), 7, ed. and trans. J. Lauterbach, 2:2-25. The same basic exegesis can be found in the Meikta of R. Simeon bar Yohai Exod. 34:8, ed. Epstein-Melamed, 148, in the name of Shammai the Elder, and in Midrash Tanaim ad Deut. 5:12, ed. D. Hoffman, 1:21. In all of these, shanir of Deut. 5:12 is taken to refer to the ending of the Sabbath after its departure.

24 This appears to be how J. Finney ("The Use of Explicit Old Testament Quotations in Quirinian Literature and in the New Testament," 19) understands CD's citation of Deut. 5:12, including this passage under the category of cases in which the "Quirinian author quotes the Old Testament in the same sense in which it was used in the original writing" (17-18).

25 Translation is from The Dead Sea Scrolls, Volume 2, Damascus Document, ed. James H. Charlesworth, 500. Conditions one who says anything about work on it—that he is to set out on a trip on it, or about any selling or buying. Translation is from James C. VanderKam, The Book of Jubilees (2 vols.; Louisville, 1989), 2:2-26.


27 L. Ginberg, An Unknown Jewish Sect, 58-59, 108-109; L. Schiffman, The Halakhah at Qumran, 87-91; Reclaiming the Dead Sea Sects, 221-229. Schiffman argues for dependence on Isa. 58:13 based on phrases of that verse that are woven into the CD passage. He further argues that the prohibition of walking one's field on the Sabbath for the purposes of contemplating business is based on "turning back, your foot up, your hand back...." Strangely, Schiffman (Reclaiming the Dead Sea Scrolls, 229) makes a point of contrasting CD's exegethical dependence on a prophetic verse with the rabbis' reluctance to do so. Yet, it is in the Meikta passage that Isa. 58:15 is cited and not in CD. In his earlier work (The Halakhah at Qumran, 89), he stressed that Isa. 58:15 informed both the Qumran and early rabbinic mishrash haalakhah on this topic. See above, n. 34.

28 Translation is from Charlesworth, 49. MT has milledad shabbat yhshu*, but continues milledad matnemat dekkhem, which may have influenced CD's citation.