

# "Comparative Midrash" Revisited: The Case of the Dead Sea Scrolls and Rabbinic Midrash

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## 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 Peshet Habakkuk. Here was an ancient Jewish corpus of writings in their original languages and in unadulterated 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.<sup>1</sup> Two interrelated changes ensued upon these discoveries: 1. The word "midrash," denoting less a specific type of exegesis than an exegetical stance vis-a-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).<sup>2</sup> 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."<sup>3</sup>

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?<sup>4</sup> 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?<sup>5</sup>

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.<sup>6</sup>

## 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, but 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,<sup>7</sup> and once uncertainly in Ben Sira,<sup>8</sup> appears some eight times in the Dead Sea Scrolls (1QS 6:24; 8:15; 8:26; 4QFlor 1:14; CD 20:6; 4QD<sup>a</sup> 5 i 17; 11 20; 4QD<sup>c</sup> 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.<sup>9</sup> The same ambiguity pertains to the Dead Sea Scrolls' usage of the verb hidros 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):<sup>10</sup>

When these become a Community in Israel in accordance with these rules,<sup>11</sup> 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<sup>12</sup>; as it is written (asher katuv): "In the wilderness prepare the way of the Lord, make level in the desert a highway for our God" (Isa. 40:3). This (alludes to) the study of the Torah (midrash ha-torah)<sup>13</sup> wh[ic]h he commanded through Moses to do,<sup>14</sup> according to everything which has been revealed (nigleh) (from) time to time,<sup>15</sup> and according to that which the prophets have revealed by his Holy Spirit.<sup>16</sup>

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 exegesis of biblical verses, whether as commentary or citation of prooftexts.<sup>17</sup>

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 *katav* (*katuv*, as in the above passage).<sup>18</sup> 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 explication of biblical verses.<sup>19</sup> 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.<sup>20</sup> 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 exoteric Torah.<sup>21</sup>

Another striking terminological similarity is the Dead Sea Scroll use of the noun *pesher* as a technical term denoting the exegetical decoding of a biblical word or phrase (e.g., *pishro 'al*, "its interpretation concerns"; *pesher ha-davar*, "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*.<sup>22</sup> 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 *patar* for Joseph's dream interpretations (Gen. 40, 41).<sup>23</sup> However, unlike dream interpretation, in which each symbolic detail of a dream is decoded, that is, assigned its concrete significance 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 *pesher* (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.<sup>24</sup>

Thus, the *pesher* commentary reveals to 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 *pesher* and its form bear striking resemblance to the later rabbinic exegetical form, and cognate term, *petirah*, found mainly in amoraic midrashic collections.<sup>25</sup> 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 adduces multiple intrascriptural decoding possibilities, the Qumran *pesher* commonly

gives a single extrascriptural one.<sup>26</sup> 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.<sup>27</sup>

### 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 *mishpat*, communal laws, at Qumran<sup>28</sup> and the sense that the community's esoteric laws were contained within the exoteric Torah.<sup>29</sup> To be clear: I am not arguing that something like midrash halakhah, the deriving or 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).<sup>30</sup>

However, there is one parade 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 reproof 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).<sup>31</sup> If he was silent from day to day<sup>32</sup> 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 reprove your neighbor so that you do not bear sin because of him" (Lev. 19:17).<sup>33</sup>

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.<sup>34</sup> 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

him"). The far more common way in the Dead Sea Scrolls for such a law to be formulated and transmitted is through a paraphrastic interweaving of scriptural phrases in such a way as to dissolve the scriptural verses and their interpretation into the new sectarian rule.<sup>35</sup>

However, as akin to rabbinic midrash as this example is, it is atypical of Qumran legal discourse overall. For example, in one of the longest serakhim, or topically grouped collections of rules, the Damascus Document assembles twenty-six rules of prohibited Sabbath activities.<sup>36</sup> However, in only two does it provide scriptural proof-texts, the first and the last, as if structurally to bracket an otherwise scriptureless list with scriptural citations.<sup>37</sup> Thus, this section begins (CD 10:14-17):

Concerning the Sabbath to guard it according to its precept: Let no man do work on the sixth day from the time when the sphere of the sun is distant from the gate by its fullness; for that is what he said: "Guard the Sabbath day to make it holy" (Deut. 5:12).<sup>38</sup>

Although Deut. 5:12 is cited in support of the preceding statement, the passage does not specify the hermeneutical relation between the two. Is the verse cited in support of the general obligation to "guard" the Sabbath rigorously ("to make it holy") according to the precepts that follow, or the more specific requirement to begin such guarding shortly prior to the actual setting of the sun. Most scholars, on the basis of early rabbinic interpretation, favor the latter, and cite this passage as an example of legal midrash at Qumran akin to that of the rabbis, finding in our document a pre-rabbinic attestation of the rabbinic principle of tosephet shabbat or rosephet melakhah, adding to the Sabbath and its work restrictions.<sup>39</sup> But the analogy is not that tight, since in our earliest rabbinic interpretations, Deut. 5:12, in exegetical combination with Exod. 20:8, is taken to denote the extending of the Sabbath at its conclusion, rather than its beginning. But more significantly, the form that legal midrash takes in its early rabbinic context is notably different from what we find in the Damascus Document, as can be seen from the following passage from the Mekilta of R. Ishmael:

"Remember the Sabbath Day to keep it holy" (Exod. 20:8). "Remember" (zakhor) and "observe" (shamor) (Deut. 5:12) were both spoken as one utterance.... "Remember" and "observe." Remember it before it comes and observe it after it has gone. Hence they say: We should always increase what is holy by adding to it some of the non-holy.<sup>40</sup>

The rabbinic text, hermeneutically sensitive to the possible redundancy of different formulations of the fourth commandment of the Decalogue in its two pentateuchal settings, asserts that the two expressions, shamor and zakhor, are to be taken as one: add to the holiness of the Sabbath both before its arrival (zakhor) and after its departure (shamor). It is impossible to know whether such a midrash halakhah lies behind the terse formulation of the Damascus Document. The Qumran text is simply not interested in sharing with its readers the hermeneutical specifics and dynamics of its citation of Deut. 5:12. Do we have here the tip of a more complex, underlying midrash halakhah, the specifics of which we can supply from a later rabbinic midrash, or simply the citation of a scriptural phrase to stress the importance of guarding the sanctity of the Sabbath with particular rigor?<sup>41</sup>

More typical is the following prohibition of talk (or thought) about work on the Sabbath, which scholars have sought to connect to early rabbinic parallels. But it is precisely the formal and rhetorical differences in expression between the two that are note-

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.<sup>42</sup>

By contrast, the Mekilta'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 foot 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).<sup>43</sup>

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,<sup>44</sup> 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 Sabbaths (millevad shabbetotekhem)" (Lev. 23:38).<sup>45</sup>

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.<sup>46</sup> 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."<sup>47</sup>

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.<sup>48</sup> 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.<sup>49</sup> The fact that torah and mishpat 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 halakhah 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 pērush ha-torah that the community taught and followed is never claimed to be the hermeneutical result of their collective life of midrash ha-torah.<sup>50</sup> 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 mishpat at Qumran, miqra' and mishnah among the early rabbinic sages.<sup>51</sup> Nevertheless, there are significant differences between the two pairs. The Qumran texts draw the additional distinction respectively between nigleh and nistar, 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.<sup>52</sup> 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.<sup>53</sup>

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),<sup>54</sup> 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., gezērah shavah, qal ve-homer) 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.<sup>55</sup> 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 6:2-11; 7:9-8:2; 4QFlor) and never in the pesharim commentaries.<sup>56</sup> 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.<sup>57</sup> 5. 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.<sup>58</sup>

#### 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 atoning 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.<sup>59</sup> 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.<sup>60</sup>

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 interpretive 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 Judea and Galilee.<sup>61</sup> Of course, since neither of these groups has left us any writings, these assumptions can neither 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 sinaitic revelation to the whole people of Israel through Moses and the elders. The early rabbinic sages 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.<sup>62</sup> 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-centered structure 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.

## Notes

<sup>1</sup> A comprehensive bibliography here would be impractical. Important contributions include the following: Renée Bloch, "Midrash," in *Supplément au Dictionnaire de la Bible* 5 (1957): 1263-1280; idem, "Écriture et Tradition dans le judaïsme: Aperçus sur l'origine du Midrash," *Cahiers Sioniens* 8 (1954): 1-34; idem, "Note méthodologique pour l'étude de la littérature rabbinique," *Recherches de Science Religieuse* 43 (1955): 194-227; Geza Vermes, *Scripture and Tradition in Judaism: Haggadic Studies* (rev. ed.; Leiden, 1973); idem, "Bible and Midrash: Early Old Testament Exegesis," in *Cambridge History of the Bible*, vol. 1, ed. Peter R. Ackroyd and Craig F. Evans (Cambridge, 1970), 199-231; Merrill P. Miller, "Midrash," *Interpreters Dictionary of the Bible, Supplementary Volume* (Nashville, 1976): 598-597; idem, "Targum, Midrash and the Use of the Old Testament in the New Testament," *Journal for the Study of Judaism* 2 (1971): 29-82.

<sup>2</sup> On the expanded definition of "midrash," see: Roger le Déaut, "A propos d'une définition du midrash," *Biblica* 50 (1969): 395-413; Gary Porton, "Defining Midrash," in *The Study of Ancient Judaism*, ed. Jacob Neusner, vol. 1 (New York, 1981), 55-92; Addison Wright, *The Literary Genre Midrash* (Staten Island, NY, 1967).

<sup>3</sup> The term "comparative midrash" has been employed mainly by James A. Sanders and his students. See especially: James A. Sanders, "From Isaiah 61 to Luke 4," in *Christianity, Judaism and Other Greco-Roman Cults: Studies for Morton Smith at Sixty*, Part I, *New Testament*, ed. Jacob Neusner (Leiden, 1975), 75-106; idem, *From Sacred Story to Sacred Text: Canon as Paradigm* (Philadelphia, 1987); David McLain Carr, *From D to Q: A Study of Early Jewish Interpretations of Solomon's Dream at Gibeon* (Atlanta, 1991); idem, "Canonization in the Context of Community: An Outline of the Formation of the Tanakh and the Christian Bible," in *A Gift of God in Due Season: Essays on Scripture and Community in Honor of James A. Sanders*, ed. Richard D. Weis and David M. Carr (Sheffield, 1996), 22-64; Craig A. Evans, *To See and Not Perceive: Isaiah 6:9-10 in Early Jewish and Christian Interpretation* (Sheffield, 1989); Mary Callaway, *Sing, O Barren One: A Study in Comparative Midrash* (Atlanta, 1986).

<sup>4</sup> See bibliography cited above, n. 2.

<sup>5</sup> The main critic of "comparative midrash" has been Jacob Neusner, who has argued that comparison must be between whole midrashic documents rather than isolated or extracted traditions. He makes the same point in several contexts: *Comparative Midrash: The Plan and Program of Genesis Rabbah and Leviticus Rabbah* (Atlanta, 1986); *The Religious Study of Judaism: Description, Analysis, and Interpretation*. Vol. I (Lanham, 1986), 93-127; "Toward a Theory of Comparison: The Case of Comparative Midrash," *Religion* 16 (1986): 269-303.

<sup>6</sup> See earlier, Richard Sarason, "Toward a New Agendum for the Study of Rabbinic Midrashic Literature," in *Studies in Aggadah, Targum and Jewish Liturgy in Memory of Joseph Heinemann*, ed. J. Petuchowski and E. Fleischer (Jerusalem, 1981), 53-73.

<sup>7</sup> 2 Chron. 13:22; 24:27.

<sup>8</sup> The phrase *bêt midrashi* ("my house of study") might be a later Hebrew retroversion from the Syriac, the original Hebrew more likely having been *bêt musar* ("house of instruction"), without a possessive pronoun. See Patrick Skehan, "The Acrostic Poem in Sirach 51:13-30," *Harvard Theological Review* 64 (1971): 387-400, esp. 390, 397.

<sup>9</sup> In IQS 6:24 "midrash" is used in the sense of a judicial inquiry or investigation, whereas in IQS 8:26 its meaning, whether communal study or judicial deliberation, is ambiguous. In CD 20:6 the sense seems to be the correct meaning of the Torah. Only in 4QFlor 1:14 is the sense clearly exegetical, followed by a biblical verse and its interpretation (*pesher*, on which see below). See also Joseph M. Baumgarten, "The Unwritten Law in the Pre-Rabbinic Period," *Studies in Qumran Law* (Leiden, 1977), 31-32: "It is significant that in Qumran usage, unlike rabbinic Hebrew, the verb *hidros* still has predominantly the meaning 'to seek' or 'to inquire' with only isolated indications of the transition to the midrashic sense of 'expounding Scripture'."

<sup>10</sup> Except as noted below, translation is from *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations*, Volume I, *Rule of the Community and Related Documents*, ed. James H. Charlesworth (text of 1QS by Elisha Qimron and translation by Charlesworth) (Tübingen, 1994), 34-37. The Hebrew text there (p. 36) lists variants from 4QS fragments, none of which appreciably affects the meaning.

<sup>11</sup> The word "Community" (*yahad*) and the phrase "in accordance with these rules" appear as superlinear additions, not found in 4QSD<sup>h</sup>. In both cases, the additions appear to be in the same scribal hand as the text itself. It is not clear to me why Charlesworth includes the former in his translation but not the latter. On these expressions, compare the preceding 1QS 8:10: "When these are established in the

principles of the Community for two years..."

<sup>12</sup> 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.

<sup>13</sup> This phrase also appears in CD 20:6. For the verb *darash* applied to Torah, see the expression *doresh ha-torah/ha-torah* in IQS 6:6-8; CD 6:7; 7:18; 4QCatena<sup>1</sup> 1:5 (4Q177); 4QFlor 1:11. The combination of the verb *darash* and the noun *torah* is already found in Ezra 7:10; Sir. 35 (32): 15. Cf. Isa. 34:16, where the object is "the book of the Lord."

<sup>14</sup> I understand the relative particle *asher* ("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.

<sup>15</sup> 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.

<sup>16</sup> For additional notes and discussion, see Fraade, "Interpretive Authority," 51-52. 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*.

<sup>17</sup> For this question with specific relation to the practice of midrash halakha (legal midrash) at Qumran, see below and 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. Chazon (Leiden, 1998), 59-79.

<sup>18</sup> For treatments of explicit scriptural citation in the DSS, see Gershon Brin, "Explicit Quotations from the Torah and Writings," *Issues in the Bible and the Dead Sea Scrolls* (Tel-Aviv, 1994) 137-45 (Hebrew); Jean Carmignac, "Les citations de l'Ancien Testament dans la 'Guerre des fils de lumière contre les fils de ténèbres,'" *Revue Biblique* 63 (1965): 234-60, 375-90; Devorah Dimant, "The Hebrew Bible in the Dead Sea Scrolls: Torah Quotations in the Damascus Document," in "Sha'arei Talmon": *Studies in the Bible, Qumran, and the Ancient Near East Presented to Shemaryahu Talmon*, ed. M. Fishbane, E. Tov and W. Fields (Winona Lake, 1992), 113-122 (Hebrew section); Joseph A. Fitzmyer, "The Use of Explicit Old Testament Quotations in Qumran Literature and in the New Testament," *Essays in the Semitic Background of the New Testament* (London, 1971) 3-58; Moshe H. Goshen-Gottstein, "Bible Quotations in the Sectarian Dead Sea Scrolls," *Vetus Testamentum* 3 (1953) 7-82; Edward L. Greenstein, "Misquotation of Scripture in the Dead Sea Scrolls," in *The Frank Talmage Memorial Volume*, ed. Barry Walfish (Haifa, 1993), 71-83; Geza Vermes, "Biblical Proof-Texts in Qumran Literature," *Journal of Semitic Studies* 34 (1989): 493-508; P. Wernberg-Møller, "Some Reflections on the Biblical Materials in the Manual of Discipline," *Sudia Theologia* 9 (1955): 40-66.

<sup>19</sup> On the term "rewritten Bible," see my book, *From Tradition to Commentary: Torah and Its Interpretation in the Midrash Sifre to Deuteronomy* (Albany, 1991), 171-72 nn. 46.

<sup>20</sup> For such pseudo-citations, see Fitzmyer, "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 Fragments of the Damascus Document," *Journal of Jewish Studies* 43 (1992): 95-98; Devorah 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 *katuy* 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 Scripture in 4QMMT," in *Legal Texts and Legal Issues. Proceedings of the Second Meeting of the International Organization for Qumran Studies*, ed. M. Bernstein et al. (Leiden, 1997), 67-88. In one instance (4QMMT B38), the reference may be to a sectarian law. Such terminology (*asher amar*) is even used (once) to introduce what appears to be a citation from a version of the non-canonical Testament of Levi (CD 4:15). For a possible reference to the Book of Jubilees, but without citation language, see CD 16:3; 4Q288H2; 4Q384 9 2.

<sup>21</sup> See also below. For a more extensive treatment of the relative absence of legal midrash form Qumran see my article, "Looking for Legal Midrash at Qumran." Similar observations, but with different explanations, can be found in Menahem Kister, "A Common Heritage: Biblical Interpretation at Qumran and its Implications," in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls*, 102-111.

<sup>22</sup> For broader discussion, especially with respect to the comparison of *pesher* and midrash, see my book, *From Tradition to Commentary*, 1-23, esp. 3-6. For other works on the *pesherim*, see Murya P. Horgan, *Pesharim: Qumran Interpretations of Biblical Books* (Washington, DC, 1979); Bilha Nitzan, *Pesher Habakkuk: A Scroll from the Wilderness of Judaea (1QpHab)* (Jerusalem, 1986) (Hebrew). For noncontinuous, or thematic, *pesher* exegesis (employing *pesher* terminology), see CD 4:12-21, 4QFlor 1:14-19. It is important not to define Qumran interpretation or use of Scripture by the *pesher* form, since, notwithstanding its significance to modern scholars, the *pesherim* exist only in single copies and most Qumran exegesis is less explicit in its employment of Scripture.

<sup>23</sup> For more detailed discussion of the similarities between the *pesherim* and dream interpretation, see Michael Fishbane, "The Qumran Pesher and Traits of Ancient Hermeneutics," in *Proceedings of the Sixth World Congress of Jewish Studies*, vol. I (Jerusalem, 1977), 97-114; Saul Lieberman, *Hellenism in Jewish Palestine* (2nd ed.; New York, 1962), 47-82; Lou H. Silberman, "Unriddling the Riddle: A Study in the Structure and Language of the Habakkuk Pesher (1QpHab)," *Revue de Qumran* 3 (1961): 323-64; K. Elliger, *Studien zum Habakuk-Kommentar vom toten Meer* (Tübingen, 1953), 154-57; M. Horgan, *Pesharim*, 252-59 (with further bibliography). For a list of the more common hermeneutical methods employed by the *pesherim*, most of which involve manipulation of details of language in the lemma (e.g., word-plays, substitution of synonyms), as is common in dream and oracle decoding, see M. Horgan, *Pesharim*, 244-47, where examples are provided. See also below, n. 25.

<sup>24</sup> Compare 1QpHab 2:8-10: "the priest, into [whose heart] God put [understanding] to interpret [lifshor] all the words of his servants the prophets by [whose] hand God enumerated all that is going to come upon his people and up [on his congregation.]"

<sup>25</sup> On the *petirah*, in relation to dream interpretation, see Maren Niehoff, "A Dream which is not Interpreted is like a Letter which is not Read," *Journal of Jewish Studies* 43 (1992): 58-84.

<sup>26</sup> For discussions of multiple interpretations in the *pesherim*, with examples, see Bilha Nitzan, *Pesher Habakkuk: A Scroll from the Wilderness of Judaea (1QpHab)* (Jerusalem, 1986), 46-51, 70, 95-97, 166-67 (Hebrew); Herbert Basser, "Pesher Hadavar: The Truth of the Matter," *Revue de Qumran* 13 (1988): 389-406. However, the examples there given are ones in which a single interpretation of a lemma may depend on multiple (usually two) meanings or readings of one of the words of that lemma for its parts. These are not multiple interpretations in the sense of explicitly alternative interpretations, such as are found commonly in the rabbinic *petirah*, as in midrash more generally. See my treatment of the exceptional three-fold interpretation in 1QpHab 1:16-2:10 in *From Tradition to Commentary*, 6.

<sup>27</sup> At most, the *pesherim* may refer back to the preceding lemma or anticipate the following lemma. For examples see Horgan, *Pesharim*, 245-46 n. 70. However, intertextual interpretation is displayed in the several non-continuous, or thematic, *pesher* or *pesher*-like interpretations in the Damascus Document (e.g., CD 6:2-11; 7:9-8:2) and 4QFlorilegium.

<sup>28</sup> See especially IQS 6:6-8, where it is said that "the Many shall keep watch together for a third of every night of the year, reading the book (of Torah), studying law (*hidros h mishpat*), and saying benedictions together." On the role of study at Qumran, see my article, "Interpretive Authority in the Studying Community at Qumran," 46-69.

<sup>29</sup> See, for example, IQS 5:7-10, where the neophyte undertakes an oath to return wholeheartedly to the Torah of Moses and the divine commandments, "according to everything which has been revealed from it (=the Torah) to the Sons of Zadok, the priests, who keep the covenant and seek his (=God's) will ..."

<sup>30</sup> For a fuller treatment, see my article, "Looking for Legal Midrash at Qumran," 59-79, from which the following examples are taken.

<sup>31</sup> In MT, the citation begins with the tetragrammaton, for which the pronoun *hu'* is here substituted, whether to avoid use of the tetragrammaton or to emphasize, as explained below, that it is God alone who takes vengeance.

<sup>32</sup> The language of being "silent from day to day" appears to derive from Num. 30:15, where it is said that if a husband does not object to his wife's vows, he is assumed to confirm them. However, 4QD<sup>b</sup> has "from month to month."

<sup>33</sup> 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 (translation of CD by Joseph M. Baumgarten and Daniel Schwartz) (Tübingen, 1995), 43. For other negative references to bearing a grudge, see CD 7:2-3; 8:5; IQS 7:8-9. On the obligation of reproof see also IQS 5:25-6:1; 9:16-17; CD 7:2-3; 9:18; 4Q477. In none of these is Scripture cited. On the last see Esther Eshel, "4Q477: The Rebukes by the Overseer," *Journal of Jewish Studies* 45 (1995): 111-122; Charlotte Hempel, "Who Rebukes in 4Q477?" *Revue de Qumran* 16:4 (64) (1995): 655-656; Stephen A. Reed, "Genre, Setting and Title of 4Q477," *JJS* 47 (1996): 147-148. On the general topic, see Lawrence H. Schiffman, "Reproof as a Requisite for Punishment in the Law of the Dead Sea Scrolls," *Jewish Law Association Studies II: The Jerusalem Conference Volume*, ed. B. S. Jackson (Atlanta, 1986), 59-74; *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code* (Chico, CA, 1983), 88-109.

<sup>34</sup> For the possibility that yet another verse is drawn upon, see above, n. 32. Schiffman (*Reclaiming the Dead Sea Scrolls*, 222, 277) stresses that Qumran legal midrash is to be differentiated from that of the rabbis by its willingness to derive laws from prophetic texts. But as we shall see below, early rabbinic legal midrash evidences similar use of prophetic verses. Compare Ginzberg, *An Unknown Jewish Sect* (translation of *Eine unbekannt jüdische Sekte* (1922)) (New York, 1976), 185. The exegetical force of the cita-

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), thereby understanding the rule to be intramurally directed.

<sup>55</sup> This is in fact what we find in every other reference in the DSS to reproof and bearing a grudge. See above, n. 33.

<sup>56</sup> CD 10:14-11:18. Ginzberg (*An Unknown Jewish Sect*, 108) estimates that this section makes up more than a third of the legal part of CD.

<sup>57</sup> Schiffman (*The Halakhah at Qumran*, 85) refers to this as a "literary framework." Cf. Dimant, "The Hebrew Bible in the Dead Sea Scrolls," 121; Abraham Goldberg, "The Early and the Late Midrash," *Tarbiz* 50 (1982): 99 n. 16 (Hebrew). Compare Jub. 50:6-13, where a similarly long list of Sabbath prohibitions begins with a biblical citation (Exod. 20:9, 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. 23:24 is cited at the beginning of a series of scriptureless rules regarding oaths and vows (including CD 16:10-12, where citation language is used to introduce an allusion to Num. 30:9), as might have been the case for CD 9:8-10 (where the citation is not of an actual scriptural verse).

<sup>58</sup> 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<sup>a</sup> 10 v 1-3. Schiffman (*The Halakhah at Qumran*, 85) refers to this as "one of the few halakhot in the *Zadokite Fragments* which is expressly derived from a scriptural quotation," and as "a *midrash halakhah*." He similarly refers to the scriptural citation at the end of the Shabbat *serekh* (CD 11:17-18): "This is a clear example of *midrash halakhah*" (128).

<sup>59</sup> L. Ginzberg, *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 stringent in requiring 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 it is usually understood. The former would presumably result in an earlier time for the cessation of work. This accords with Dimant's general understanding of CD's laws for which scriptural citations are provided as being polemical statements against the rules of other groups.

<sup>60</sup> Bahodesh (Yitro) 7, ed. and trans. J. Lauterbach, 2:252. The same basic exegesis can be found in the Mekilta of R. Simeon bar Yohai ad Exod. 20:8, ed. Epstein-Melamed, 148, in the name of Shammai the Elder, and in Midrash Tanna'im ad Deut. 5:12, ed. D. Hoffmann, 1:21. In all of these, *shamor* of Deut. 5:12 is taken to refer to the extending of the Sabbath *after* its departure.

<sup>61</sup> This appears to be how J. Fitzmyer ("The Use of Explicit Old Testament Quotations in Qumran 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 "Qumran author quotes the Old Testament in the same sense in which it was used in the original writing" (17-18).

<sup>62</sup> Translation is from *The Dead Sea Scrolls*, Volume 2, *Damascus Document*, ed. James H. Charlesworth, 47. Jubilees 50:8 condemns 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.; Louvain, 1989), 2:326.

<sup>63</sup> Mekilta of R. Ishmael Bahodesh (Yitro) 7, ed. Lauterbach, 2:253. Cf. Mekilta of R. Simeon bar Yohai ad Exod. 20:9, ed. Epstein-Melamed, 149; Midrash Tanna'im ad Deut. 5:13, ed. Hoffmann, 1:22. See also Mekilta Shabbata 1, ed. Lauterbach, 3:197, cited in a similar regard by J. Baumgarten, "The Unwritten Law in the Pre-Rabbinic Period," 17 n. 15.

<sup>64</sup> See L. Ginzberg, *An Unknown Jewish Sect*, 58-59, 108-109; L. Schiffman, *The Halakhah at Qumran*, 87-91; *Reclaiming the Dead Sea Scrolls*, 221-222. 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 on the Sabbath." Strangely, Schiffman (*Reclaiming the Dead Sea Scrolls*, 222) makes a point of contrasting CD's exegetical dependence on a prophetic verse with the rabbis' reluctance to do so. Yet, it is in the Mekilta passage that Isa. 58:13 is cited and not in CD. In his earlier work (*The Halakhah at Qumran*, 89), he stressed that Isa. 58:13 informed both the Qumran and early rabbinic midrash halakhah on this topic. See above, n. 34.

<sup>65</sup> Translation is from Charlesworth, 49. MT has *millevad shabbetot yhw*, but continues *umillevad mattenotekhem*, which may have influenced CD's citation.

<sup>66</sup> For this interpretation, and its ramifications, see Joseph M. Baumgarten, "Halakhic Polemics in New Fragments from Qumran Cave 4," *Biblical Archaeology Today: Proceedings of the International Congress on Biblical Archaeology, Jerusalem, April 1984* (Jerusalem, 1985), 395-396. Baumgarten argues, against others, that CD does not mean to exclude the daily (*tamid*) sacrifice on the Sabbath, as is emphatically allowed in Jub. 50:10-11.

<sup>67</sup> Sifra 'Emor parashah 12:10 (ed. Weiss, 102b).

<sup>68</sup> D. Dimant ("The Hebrew Bible in the Dead Sea Scrolls," 120-121) argues that since the Pharisees of second temple times can be presumed to have held the same view as the later rabbis, the CD rule, in polemical response to it, requires a proof-text for support. However, even if her polemical presumption is valid, it is not clear that the scriptural citation is included for this reason.

<sup>69</sup> It should be noted that the *persharim* represent a form of Qumran commentary specific to the actualizing interpretation of biblical prophecies. In addition to continuous *persharim* to books of the Prophets (and Psalms), more isolated commentary, with or without the specific *pesher* terminology, can be found in other works (but mainly the Damascus Document), where the main verse being commented upon is prophetic in nature or understood to be so. On the rhetorical nature and ideological underpinnings of *pesher* commentary, in comparison with that of early rabbinic midrash, see my book, *From Tradition to Commentary*, 1-23, esp. 3-6. Because the *persharim* were among the first of the DSS discovered and published, because of their allusions to events and persons in the sect's history, because of their significance for the history of biblical interpretation, and because of their interest to New Testament scholars as actualized interpretations of prophecies, they have gained a prominence that has led some to regard them as defining Qumran scriptural exegesis overall. However, given the fact that they all exist in single copies and display a specific type of actualized prophetic exegesis, it would be a mistake to exaggerate their importance or to assume that they characterize the broad range of Qumran use of Scripture. For a comparison of *pesher* interpretation to that of Paul's letters, see Timothy H. Lim, *Holy Scripture in the Qumran Commentaries and the Pauline Letters* (Oxford, 1997).

<sup>70</sup> For the former expression, see CD 4:8; 6:14; 13:6; as well as CD 6:18, 20; 14:18. For the latter expression, see CD 20:6; 1QS 8:15; as well as CD 6:7; 7:18; 1QS 6:6; 4QFlor 1:11.

<sup>71</sup> For the former pair, see especially 1QS 6:6-8, and my discussion thereof, with other examples, in "Interpretive Authority," 56-58. On the latter pair, with analogues from other varieties of ancient Judaism, see my forthcoming article, "Literary Composition and Oral Performance in Early Midrashim," *Oral Tradition* (1999).

<sup>72</sup> For examples and discussion, see my articles referred to in the preceding note, as well as "Looking for Legal Midrash at Qumran."

<sup>73</sup> For further discussion, see the articles cited above, n. 22. Of course, in amoraic midrashic collections the emphasis is reversed: legal midrash is replaced by aggadic midrash as the dominant mode.

<sup>74</sup> However, other references to these "first rules" make no mention of the Teacher of Righteousness: CD 4:8; 1QS 9:10-11 (=4QS<sup>a</sup> 3 i 9).

<sup>75</sup> See the references in "Looking for Legal Midrash at Qumran," nn. 7, 61, especially Joseph Baumgarten in *Jewish Quarterly Review* 77 (1986): 62.

<sup>76</sup> See above, n. 27. I distinguish between explicit intertextual exegesis from the simple enchainment of biblical verses as in the Qumran Catenae.

<sup>77</sup> On the dialogical nature of rabbinic midrash, see in particular my book, *From Tradition to Commentary*, chapter 1.

<sup>78</sup> On the question of multiple interpretations in the Dead Sea Scrolls, see above, n. 26. For discussion of the phenomenon of multiple interpretations in rabbinic midrash, see David Stern, "Midrash and Indeterminacy," *Critical Inquiry* 15 (1988): 132-61; and my *From Tradition to Commentary*, chap. 4, with an extensive example.

<sup>79</sup> See, in particular, Menahem Kister, "A Common Heritage," referred to above, n. 21.

<sup>80</sup> See in particular, Shaye J. D. Cohen, "The Significance of Yavneh: Pharisees, Rabbis, and the End of Jewish Sectarianism," *Hebrew Union College Annual* 55 (1984): 27-53.

<sup>81</sup> This assumes, as is reasonable, that the Pharisees were the closest antecedents to the rabbis and that there were significant numbers of sectarians identified with the Qumran community (e.g., the city-dwelling Essenes of Josephus) who survived the Roman destruction of the Qumran central camp, rather than disappeared immediately as is often presumed.

<sup>82</sup> See further my article, "Literary Composition and Oral Performance in Early Midrashim," *Oral Tradition* (forthcoming).