

Dead Sea Discoveries

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***Legal Fictions: Studies of Law and Narrative in the Discursive Worlds of Ancient Jewish Sectarians and Sages.* By Steven D. Fraade. JSJSup 147. Leiden: Brill, 2011. Hardcover. Pp. xvii + 627. € 184.00/US\$ 251.00. ISBN 978-9-0042-0109-5.**

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This volume brings together many of the author's previously published studies that center on the Dead Sea Scrolls, early rabbinic literature, and the relationship between the two. While the collection treats a broad assortment of texts and themes from different cultural and chronological contexts, it is unified by a multi-dimensional mode of reading, which seeks to locate ancient Jewish texts within their hermeneutical, historical, and rhetorical settings. The term "fictions" in the title is not meant to evoke the notion of untruth so much as it refers to the dialectical and dialogical construction of the discursive worlds in which ancient Jewish sectarians and sages lived.

There are twenty-five chapters in the book, twenty-two of which were published in various venues between 1993 and 2010. Since these have "withstood the test of time," the author does not update them in any appreciable manner. There are three new essays, Chapters One ("Introduction: Of Legal Fictions and Narrative Worlds"), Six ("The Dead Sea Scrolls and Rabbinic Judaism after Sixty [Plus] Years: Retrospect and Prospect"), and Twenty-Five ("Afterword: Between History and its Redemption"). The volume includes three useful indices (ancient authors and sources, modern authors and subjects), which add great value to a collection of previously available studies such as this. Unfortunately, a cumulative bibliography is not included.

The body of the collection is divided into three parts: "Dead Sea Scrolls" (Chapters Three through Five), "Comparative: Dead Sea Scrolls and Rabbinic Literature" (Chapters Six through Fourteen), and "Rabbinic Literature" (Chapters Fifteen through Twenty-Four). These rubrics prove to be somewhat porous, as, for example, the "Dead Sea Scrolls" section contains numerous references to and comparisons with rabbinic texts and phenomena. This is not a shortcoming but rather a reflection of Fraade's refusal to seal off hermetically two bodies of literature that too often are studied in isolation from one another. Indeed, one of the principal values of the collection is the way in which it encourages specialists in either the Scrolls or rabbinics to read both corpora together, despite the chronological and cultural chasm that divides them, in order to gain a sharper and more profound appreciation for the complex contents and forms of the textual bodies that interest them most.

Given the large number of studies and their dense nature, it is impossible to summarize the contents of the volume adequately within the space limitations of this review. Without intending to diminish the manifold exegetical gems and lessons to be learned from each chapter, I will focus on three guiding and intersecting methodological principles that reverberate throughout the work.

(1) *The intertwining of law and narrative.* The author eschews the traditional notion of a stark division between legal and narrative modes of discourse, as well as the tendency of historians to deem the former as representative of historical realities and the latter as fanciful or fictional. In fact, Fraade avers, the two are interpenetrating and interdependent and contribute in tandem to the rhetorical construction of Jewish "nomo-narrative worlds, by which scriptural origins and redemptive ends are performatively joined via the presently-lived practices of deed and discourse" (14). This claim is well illustrated in the second chapter, which traces how Second Temple period and rabbinic authors sought to extract and re-systematize scriptural legal material. The author demonstrates how such efforts involve "a degree of renarrativization,

as the extracted and regrouped laws are both interwoven with new or reworked micro-narratives and set within a reformulated macro-narrative spanning covenantal origins and ends" (22). This approach bears fruit, especially in Chapter Twelve ("Ancient Jewish Law and Narrative in Comparative Perspective: The *Damascus Document* and the Mishnah"), a comparison of the differing ways in which the *Damascus Document* and the Mishnah combine law and narrative with performative force.

(2) *Disciplined comparison of Dead Sea Scrolls and rabbinic literature.* In his extensive comparative work, the author refrains from offering a cohesive master-account of the relationship between the Scrolls and rabbinic literature or the communities behind them. Instead, he presents a series of careful textual comparisons that seek to determine the types of conclusions that are warranted by specific observed connections between the two corpora. While there has been an understandable penchant in scholarship for the search for and identification of genetic links, Fraade argues that the sources are most often unable to bear this weight and are better suited toward "highlighting the distinctive reliefs of their respective morphologies of teaching" (123). Thus, an essential aspect of Fraade's method of comparison is to give due consideration both to the ideologically freighted forms through which the traditions of each corpus are communicated and to how each corpus operated performatively within its distinct cultural-historical setting. This approach is well-demonstrated in Chapter Ten ("Shifting from Priestly to Non-Priestly Legal Authority: A Comparison of the *Damascus Document* and the *Midrash Sifra*"), a conscientious study of the parallel shift of legal authority from priestly to non-priestly learned experts evidenced in both the *Damascus Document* and the *Sifra* that resists the temptation to draw linear historical connections.

(3) *The inseparability of history, hermeneutics, and rhetoric.* The author repeatedly affirms that ancient Jewish literature must be understood in relation to its three intertwined and inseparable facings as (a) textual responses to historical exigencies, (b) internal unfoldings of scriptural hermeneutics, and (c) performative rhetoric meant to foster the formation of communal identity. Explanatory models that consider either (a) or (b) in isolation from the other do not do justice to the dynamic complexity of the texts. Moreover, the ignoring of (c) "tends to be reductive of textual dialogism and openness, thereby excluding from consideration an apprehension and appreciation of the text itself as (in Foucaultian terms) a vital historical 'event'" (8). So, for example, in Chapter Fourteen ("'The Torah of the King' [Deut 17:14–20] in the *Temple Scroll* and Early Rabbinic Law"), he rejects the inclination in scholarship to historicize neatly the interpretations of the Deuteronomic "law of the king" in both the *Temple Scroll* and the Mishnah as polemical responses to Hasmonean rule. Instead, he favors an approach inclusive of both historical and hermeneutical explanations that identifies these interpretations "as articulation of the respective ideological and rhetorical cultures of the two interpretive polities" (319).

Fraade's methodological positions directly inform his preference for an anecdotal presentation that avoids the dialectical reductionism and historical totalizing which tend to characterize the monographic approach. The result is that this collection of micro-studies, parallel to the ancient sources themselves, offers an incomplete and fragmented, yet deeply textured window into the cultural worlds represented by the Dead Sea Scrolls and rabbinic literature. This quality may frustrate some readers accustomed to the synthetic arrangement of the ancient evidence in support of linear master-narratives, but this is a small price to pay for the nuanced, disciplined, and very rich analytical paradigm that Fraade has provided scholars and students of ancient Jewish literature.