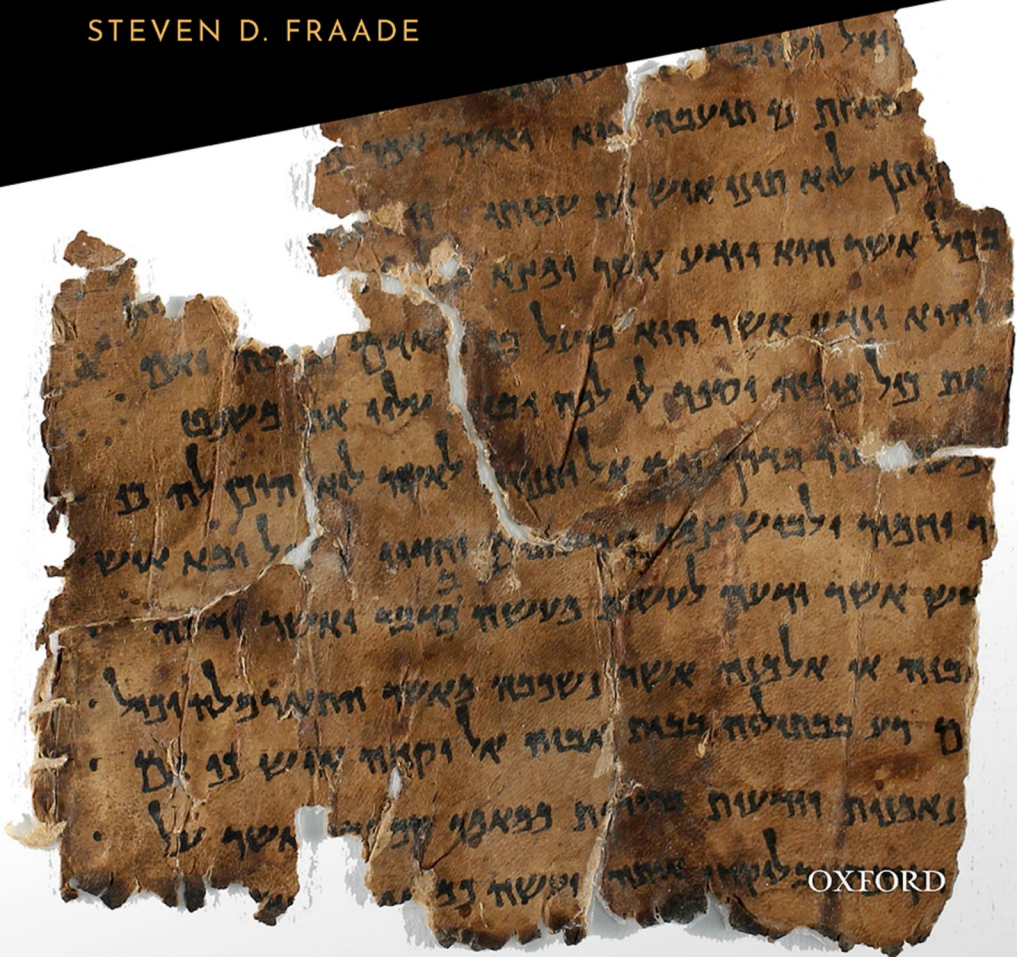


THE OXFORD COMMENTARY ON THE DEAD SEA SCROLLS

The Damascus Document

STEVEN D. FRAADE



OXFORD

THE DAMASCUS DOCUMENT

THE OXFORD COMMENTARY ON
THE DEAD SEA SCROLLS

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STEVEN D. FRAADE

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In memory of my grandparents ז"ל:

Ida Hutshing Fraade (1875–1942)

Charles Benjamin Fraade (1872–1966)

Carola Joseph Spitz (1901–1999)

Otto Spitz (1887–1980)

לֹא-יִמְוָשׁוּ מִפִּיךָ וּמִפִּי זַרְעֶךָ וּמִפִּי זַרְעֵי זַרְעֶךָ

“They shall not be absent from your mouth, nor from the mouth of your children, nor from the mouth of your children’s children” (Isaiah 59:21).

Preface

This commentary to the Damascus Document was many years in the making, but most recently with acute attention beginning in 2015 with a visiting fellowship at the Israel Institute for Advanced Studies in at the Hebrew University of Jerusalem, at the invitation of Professors Vered Noam and Rami Reiner. The theme for the research group was “Interpretation as a Generator of Religious Law: A Comparative Perspective,” as good a lens as any (of which there are many) through which to view the Damascus Document. Similarly, I had the privilege to present “Reflections on Writing a Dead Sea Commentary on the Damascus Document,” to colleagues at the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature at the Hebrew University in 2017, kindly arranged by its director, Professor Esther Chazon.

However, long before that I frequently taught the Damascus Document, either alone or in conjunction with other topics in the history of ancient Judaism, in graduate-level seminars at Yale, with students of very varied backgrounds and interests. On several such occasions I had the great pleasure of co-teaching the seminar with my Yale colleague John Collins. My notes from those seminars would become the skeleton for the present introduction, translation, notes, and commentary. Several prior publications (see bibliography, especially Fraade 1993; 1998; 1999; 2000a; 2000b; 2005; 2006a; 2006b; 2007a; 2007b; 2008b; 2011b; 2018a; 2018b; 2018c; 2018d), most of which began as talks before public audiences, allowed me to test my interpretations and raise unresolved questions before live audiences. All of this is to say that there are more colleagues and students to thank and acknowledge than space or my memory would allow. If you are reading this, you will know who you are.

Over those years, I benefited from leave time and research assistance from my dual homes at Yale, the Department of Religious Studies and the Program in Judaism Studies, and, in particular the generous attention of the Senior Administrative Assistant of the latter, Ms. Renee Reed. I similarly enjoyed the support of the MacMillan Center for International and Area Studies at Yale.

The invitation to contribute this volume to this series, the Oxford Commentary on the Dead Sea Scrolls, came from its series editor, Timothy Lim. He has been steadfast in both his support and criticisms as he copiously and astutely corrected and commented upon several earlier drafts, constantly prodding me to do better, for which I owe him a profound debt of gratitude. Similarly, Connor Boyd of the University of Edinburgh, tirelessly assisted me with proofreading and preparing the indexes, which he did expertly, insightfully, and graciously, and for which I am deeply appreciative.

The editorial staff and affiliates of Oxford University Press made the route from manuscript to book as efficient and calming as could be: Tom Perridge, Karen Raith, Howard Emmens, Cheryl Brant, Katie Bishop, and an anonymous reader.

Finally, but there from the beginning and all along the way, I owe an inestimable debt to my beautiful family. I dedicated previous books to my wife (Ellen Cohen), who was always lovingly supportive and encouraging, to my children (Shoshana, Liora, and Tani Cohen-Fraade, and now Abby Fraade), who took pride, somehow, in my bookish accomplishments, and to my beloved parents (Dorothy and Bert Fraade), of blessed memory, who would have enjoyed great *nachas* from this book, even though, however much I am deserving, I inherited it from them, by both nature and nurture.

Now it is time to honor my grandparents, of blessed memory, to whom I dedicate this book of ancient words and modern interpretations. I was lucky to have known them all, except for Ida Hutshing Fraade. The one whom I knew the longest, Carola Joseph Spitz, was always genuinely interested in and supportive of my studies. In concluding a book about exile and refuge, I am profoundly aware that they were exiles from Europe (Riga and Berlin) and refugees to New York. As they now take their places as great-great-grandparents, I hope that memory of them and their deeds will continue “in each and every generation” (4Q270 [4QD^e] 2 II, 21).

If, according to Gayatri Chakravorty Spivak (1993: 180), “Translation is the most intimate act of reading,” then commentary in addition to translation only extends and deepens the experience and the metaphor. Having spent so many years in close and careful attention to the textual practices and verbal meanings of the Damascus Document, we have gotten, as if to say, under each other’s skin, in a positive sense, sharing each other’s company rather than mastering it. The publication of this volume can be seen as a modest, preliminary attempt by me to extend such textual intimacy to a broader audience, for which I am grateful to all of the above for having given me the opportunity to do so.

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List of Abbreviations

ABD	<i>Anchor Bible Dictionary</i> . Edited by David Noel Freedman. 6 vols. New York: Doubleday, 1992.
AcBib	Academia Biblica
AJSR	<i>Association for Jewish Studies Review</i>
BA	<i>Biblical Archaeologist</i>
Bib	<i>Biblica</i>
BJS	Brown Judaic Studies
CSCO	Corpus Scriptorum Christianorum Orientalium
DJD	Discoveries in the Judaean Desert
DSD	<i>Dead Sea Discoveries</i>
EDSS	<i>Encyclopedia of the Dead Sea Scrolls</i> . Edited by Lawrence H. Schiffman and James C. VanderKam. 2 vols. New York: Oxford University Press, 2000.
ER	<i>Encyclopedia of Religion</i> . Edited by Mircea Eliade et al. 16 vols. New York: Macmillan, 1987.
ErIsr	<i>Eretz-Israel</i>
FAT	Forschungen zum Alten Testament
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
HUCA	<i>Hebrew Union College Annual</i>
IEJ	<i>Israel Exploration Journal</i>
JAJ	<i>Journal of Ancient Judaism</i>
JAJSup	Journal of Ancient Judaism Supplement Series
JANES	<i>Journal of Ancient Near Eastern Studies</i>
JBL	<i>Journal of Biblical Literature</i>
JJS	<i>Journal of Jewish Studies</i>
JSJ	<i>Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods</i>
JQR	<i>Jewish Quarterly Review</i>
JSJSup	Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods Supplements
JSOT	<i>Journal for the Study of the Old Testament</i>
JSOTSup	Journal for the Study of the Old Testament Supplement Series
JSPSup	Journal for the Study of the Pseudepigrapha Supplement Series

JSS	<i>Journal of Semitic Studies</i>
JTS	<i>Journal of Theological Studies</i>
LCL	Loeb Classical Library
LSTS	Library of Second Temple Studies
LXX	Septuagint
MT	Masoretic Text
NEA	<i>Near Eastern Archaeology</i>
NJPS	<i>Tanakh: The Holy Scriptures: The New JPS Translation according to the Traditional Jewish Text</i>
NRSV	New Revised Standard Version
NTOA	Novum Testamentum et Orbis Antiquus
RB	<i>Revue biblique</i>
RevQ	<i>Revue de Qumran</i>
SAPERE	Scripta Antiquitatis Posterioris ad Ethicam RELigionemque pertinentia
SBLMS	Society of Biblical Literature Monograph Series
SJLA	Studies in Judaism in Late Antiquity
SNTSMS	Society for New Testament Studies Monograph Series
STDJ	Studies on the Texts of the Desert of Judah
StPB	Studia Post-biblica
SUNT	Studien zur Umwelt des Neuen Testaments
TBN	Themes in Biblical Narrative
Tg.	Targum
TSAJ	Texte un Studien zum antiken Judentum
WLAW	Wisdom Literature from the Ancient World
ZAW	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

Introduction

THE SCROLLS

What is generally referred to today as the Damascus Document has a unique historical relation to the Dead Sea Scrolls. It was first discovered and published at least fifty years prior to the discovery of the other scrolls, which were deposited in eleven caves near the north-west shore of the Dead Sea in the first centuries BCE and CE and only discovered beginning in 1947. Two medieval overlapping manuscripts (commonly referred to as MS A and MS B, or CD^a and CD^b) first came to the attention of Solomon Schechter in 1896 among the texts deposited in the *geniza* of a Cairo synagogue (the Cairo Geniza). They were brought to the University of Cambridge, where Schechter was then on the faculty. He published the two manuscripts in 1910, under the title *Fragments of a Zadokite Work* (Schechter 1910). On the basis of palaeography he dated MS A to the tenth century and MS B to the eleventh or twelfth century. The siglum for this text eventually became “CD,” for “Cairo Damascus (Document).”

MS A is of sixteen columns (pages, or eight double-sided sheets) of 20–23 lines each, arranged and numbered by Schechter from 1 to 16. It contains an initial section (columns 1–8) called by modern scholars the “Exhortation” or “Admonition,” followed by a section (columns 9–16) of “Laws” or “Statutes” which concludes in column 14 with a fragmentary “Penal Code.”

MS B is of two columns (numbered 19 and 20 by Schechter; thus there is no column 17 or 18) of 35 and 34 lines respectively. It is in a less well preserved condition than is MS A, with some substantial differences between the two manuscripts where they overlap. Each contains sections absent in the other. What remains of MS B contains mainly words from the end of the Exhortation, just prior to the Laws. Column 19:1–34 mainly parallels (sometimes closely, sometimes more loosely) MS A 7:5–8:21, while the very end of column 19 (lines 34–35) and all of column 20 are unparalleled in MS A. The differences between them are sufficient enough to hypothesize that they represent the remains of two ancient versions.

In 1952 Cave Four (4Q), adjacent to and closest to Khirbet (ruins of) Qumran, was discovered, containing the largest number of scrolls of any cave. Among them were eight fragmentary manuscripts of the Damascus Document, parts of which paralleled CD and parts of which, previously unknown, contained mainly a large number of laws. These are numbered 4Q266–273 (4QD^{a-h}), all written on parchment except for 4Q273 (4QpapD^h), which is written on papyrus. Manuscript 4Q265 (4QMiscellaneous Rules) is sometimes associated with these fragments, but is usually considered to be a separate document, notwithstanding its similarities to the Damascus Document as well as to the Community Rule (*Serekh Ha-Yahad*) (see Vermes 2004: 155). The longest and oldest of the 4QD fragments is 4Q266 (4QD^a), which on paleographic grounds (Hasmonean hand) has been dated to the first half of the first century BCE. The *editio princeps* of the 4QD fragments is Baumgarten 1996.

The editorial histories of MS A and MS B in relation to one another, and to the 4QD fragments, are uncertain in the absence of other medieval or pre-medieval attestations. Based on a high level of overlap, it is usually assumed that they share an ancient ancestor which, in light of divergences, cannot be identified with any confidence. For a comparative case study, see Zuckier 2017. However, it appears to follow from the 4QD discoveries that Schechter's ordering of MS A was not quite correct: although his numbering is still conventionally used, columns 15 and 16 are now generally placed before columns 9–14 (Milik 1959: 151).

The variations between the CD and the 4QD fragments are relatively minor, as are those among the fragments, and usually inconsequential for determining significant textual meaning. This is in notable contrast to the Community Rule, where contrasting recensions can be discerned between 1QS and its 4QS fragments and among the fragments themselves (Zahn 2013; Nati 2019).

Two other fragments of the Damascus Document had been previously discovered among the Dead Sea Scrolls of Qumran. Fragment 5Q12 (5QD) parallels and is close to CD 9:7; and 6Q15 (6QD) includes four parallels to CD texts (4:19–21; 5:13–14; 5:18–6:2; 6:20–7:1) as well as one unparallelled text on forbidden sexual relations (as in 4Q270 (4QD^e) 2 II, 15–17), but is otherwise close to CD MS A. These two fragments are not treated in their own right in this commentary, but are referred to in the notes where they bear on either CD or the 4QD fragments.

With the discovery and publication of the relatively large number of 4QD fragments, it became clear that CD should be considered an integral part of the Dead Sea Scrolls, sharing as they do language, terminology, personae, laws, and ideology, notwithstanding important differences (on which more below). Comparisons between MS A and the 4QD fragments reveal differences but also an overall high level of authenticity of the former, given the wide chronological gap between the ancient fragments and their medieval descendants. Given that the 4QD fragments are largely legal in nature, the Laws, not published in full

until Baumgarten 1996, can no longer be thought to have been secondary to the document as a whole, which is now estimated to be mainly (approximately two-thirds) legal, without minimizing the crucial rhetorical contribution of the Admonition. The 4QD fragments of texts not preserved in CD provide us with a hortatory beginning and end to the document as a whole, shedding further light on its overall rhetorical framing. The two, law and narrative, as it were, need to be appreciated in dynamic tandem with one another. No longer could one study or translate the Admonition without the Laws (or vice versa). See Fraade 2007a: esp. 68*–69*; 2008b: esp. *36–*37. For a similar approach to law and narrative in 4QMMT, *mutatis mutandis*, see Kratz 2020.

With a better understanding of the Damascus Document’s important place among the Dead Sea Scrolls—based both on its contents and the large number of copies found at Qumran—the discovery of the 4QD fragments has reopened the question of how the Damascus Document got from Qumran to the Cairo Geniza over a period of some ten to twelve centuries, an impressive afterlife. Scholars (e.g. Baumgarten 2000a: 170), basing themselves on the tenth-century writings of the Karaite scholar Al-Qirqisani, have suggested that Karaites would have been particularly interested in the contents, especially legal, of the Damascus Document for its differences in matters of marriage, divorce, and calendar from rabbinic law, opposed by the Karaites. According to this supposition, Karaites would have copied and transmitted the Damascus Document, bringing manuscripts of it to Egypt, where they would have been discarded in the Cairo Geniza. (The claim that the synagogue in which the Cairo Geniza was located was a Karaite one (see Reif 2010) is without merit, even though there were Karaites in Cairo.) The theory of Karaite provenance for the CD manuscripts is further fed by eastern patristic reports of early medieval discoveries of ancient biblical and non-biblical Hebrew texts in the vicinity of Jericho (Baumgarten and Schwartz 1995: 4 n. 2; Angel 2013: 2976, 3030 n. 3; Hempel 2000b: 17). These manuscripts could have found their way into Karaite hands who further copied them. For a balanced assessment of the relation of CD to the later Karaites, see Reif 2010: esp. 658, 669, 673.

NAMING

Since the manuscripts (like virtually all manuscripts of the Dead Sea Scrolls) bear no original overarching title for the document, modern editions have borne a variety of names reflecting their contents. These names mainly derive either from the favoured Zadokite branch of the Aaronite priestly dynasty, Zadok having been the High Priest in Solomon’s temple, or the prominence of “Damascus” or the “land of Damascus” in the scroll, that is, from internal markers in the absence of an external title page. For the basis of the Zadokite

designation (e.g. Schechter 1910; Rabin 1958), see CD 3:21–4:1; 4:3–4; 5:5; 4Q266 (4QD^a) 5 I, 16. For the recurring importance of Damascus, see CD 6:5, 19; 7:15, 19; 8:21; 19:34; 20:12; 4Q266 (4QD^a) 3 III, 20, where it appears to be a place of exilic dwelling and covenant entry or renewal. Scholars have divided over whether Damascus refers literally to the Syrian city by that name, or by extension to Babylonia, or figuratively to the Qumran community or to its place of exilic sojourn. See Murphy-O'Connor 2000 (with reference to earlier publications) for the more literal understanding and Knibb 1983 for the more figurative understanding, based on Amos 5:27 (“as I [God] drive you into exile beyond Damascus” [NJPS]), with the latter understanding now being dominant.

However, both of these terms/characterizations appear in the Admonition, but not in the Laws, which are now seen as constituting the core and majority of the Damascus Document. For this reason, some have opted for titles such as either “The Exact Nature of the Laws” (*pērûš hammišpāṭîm*) or “The Final Interpretation (or Instruction) of the Torah” (*midraš hattôrâ hâ’ahārôn*), both appearing in the final lines of the Damascus Document according to the 4QD fragments. For the former, see CD 14:18b; 4Q266 (4QD^a) 1 a–b 1 (restored); 4Q266 (4QD^a) 11 18; 4Q269 (4QD^d) 16 116–17; 4Q270 (4QD^e) 7 II, 12. For the latter, see 4Q266 (4QD^a) 11 20–21; 4Q269 (4QD^d) 16 19; 4Q270 (4QD^e) 7 II, 15; 4Q266 (4QD^a) 5 I, 16–17. See Fraade 2007a: 68*–69*; 2008b: *36–*37. It might be noted that in Israeli scholarship, the Damascus Document is most commonly referred as מגילה ברית דמשק (“the scroll of the Damascus Covenant”), highlighting a twofold theme that runs throughout the document, that of a divinely renewed *covenant* with an exiled righteous remnant who “enter” it in “the land of *Damascus*” (CD 6:19; 8:21; 19:34).

DATING

Since the Damascus Document is a composite work, comprising units, whether of admonitions or of laws, whether in CD or in 4QD, which have been editorially combined to form our extant text(s), dating it is not a simple matter. To begin with, as previously noted, our oldest (and longest) extant manuscript of 4QD is 4Q266 (4Q^a), dated on paleographic grounds to the first half of the first century BCE. Since that manuscript is presumably not the autograph composition, some form of the text is likely to have been composed in the late second century/early first century BCE. Given the composite nature of the texts, parts of the text are likely to date even earlier (early to mid-second century?).

Some have sought to determine a *terminus post quem* and a *terminus ad quem* for the document based on possible historical allusions within the text.

Thus, the allusion to the death of the Teacher of Righteousness in CD 19:35; 20:14, 15–17, conjectured to have been around 110 BCE, would date the text to sometime thereafter (Baumgarten 2000a: 169). According to others (Vermes 2004: 127–8), the text cannot be much later than around 100 BCE, since it makes no mention of the Kittim (Romans), whose invasion in 63 BCE we might otherwise expect to be mentioned or alluded to, this being an *argumentum e silentio*. That would date the text, more or less in its present composite form, to 110–70 BCE. However, such a range would not necessarily apply to each of the compositions that constitute the work.

Others have sought to determine the historical development of the text by separating it into its purported editorial layers, in some cases through comparison with other compositions (e.g. the Community Rule), sometimes reliant on linear developmental models—such as that the Penal Code in the Damascus Document is earlier than that in the Community Rule (or vice versa). See e.g. Kratz 2011; Steudel 2012. However, there is no scholarly consensus regarding the chronology based on such inner-textual archaeology, which employs the logic of assuming that the unicycle was invented before the bicycle (which it was not). See Schiffman 2009: 282.

I shall argue below that even though it complicates efforts at dating, the composite nature of the text(s) need not be viewed as a misfortune, since it can be useful in determining how the text or its parts might have been communally performed. By making a virtue of necessity we are able to look not so much for what lies behind the text as we have it as for what lies before it in its performative life, to which I shall return shortly. For a broader discussion of the historiography of the Damascus Document see Fraade 2018a.

IDENTITY

Upon the first publication of CD (Schechter 1910), scholars sought to identify the author(s) and audience of what came to be called the Damascus Document with a wide range of previously known Second Temple groups, including the Essenes, the Sadducees, the Pharisees, and the Zealots, as well as the early followers of Jesus (not to mention those who briefly sought to establish a medieval/Karaite provenance for the Damascus Document and the other Dead Sea Scrolls after their discovery). The lack of a perfect fit with any of these led Louis Ginzberg to title his book on the Damascus Document *Eine Unbekannte Jüdische Sect* (1922), translated as *An Unknown Jewish Sect* (1970).

With the publication of all of the Dead Sea Scrolls now completed, a consensus has emerged that the Damascus Document, both in its ancient and medieval manuscripts, needs to be understood within the context of Qumran and the Dead Sea Scrolls more broadly. There is sufficient overlap between the

group reflected in the Damascus Document and the “community” (or “communities”) represented in the other sectarian scrolls to allow them to illuminate one another. The same can be said, but with somewhat less confidence, with regard to the group identified in ancient sources (Josephus, Philo, and Pliny the Elder) as the Essenes. With scholars currently viewing the “community” of the Dead Sea Scrolls to have been less centralized (whether in geography, ideology, practice, or textual pluriformity) and more variegated (Collins 2010), the Damascus Document can be situated under the Qumran/Essene umbrella notwithstanding significant differences between the texts and communities so encompassed.

With respect to the Damascus Document in particular, scholars have noted the fact that it presumes and/or legislates for temple worship, relations to non-Jews, marriage, and the handling of private property—all of which might otherwise have been assumed (on the basis of characterizations of the Essenes in ancient Greek and Latin sources) to have been out of bounds for community members. However, the construction of rules for correct practice need not imply actual or uniform communal practice, and in fact might be part of the polemic against those in positions of centralized authority who failed to observe such rules as articulated in the scrolls, and thereby to justify sectarian separation. By analogy, the Mishnah (c. 200 CE) generates rules for centralized sacrificial worship and a centralized high court and monarch, none of which are presumed, therefore, to have been functioning institutions at the time of the Mishnah’s “publication.” Furthermore, both Josephus for the Essenes (*J.W.* 2.160–61) and the Damascus Document for the “community” (CD 7:1–9) recognize that there were subgroups who were more and less supererogatory, at least with regard to sexual abstinence or limited sexual activity within marriage. Undoubtedly, there were those (perhaps even the majority) who dwelled not in the actual desert wilderness but in towns and villages (See Josephus, *J.W.* 2.124; Philo, *Hypoth.* 1; *Prob.* 76), where some engagement, even if limited, with non-members (e.g. according to *their* calendars) would have been economically inevitable. These might be the plural “camps” (*maḥānôt*) (or “cities”), which are centrally mentioned in the Damascus Document (but not in the Community Rule). See CD 7:6 (// 19:2); 12:19, 23; 13:20; 14:3 (// 4Q267 [4QD^b] 9 V, 6), 9 (// 4Q267 [4QD^b] 9 V, 13); 4Q266 (4QD^a) 5 II, 14–15 and parallels; 4Q266 (4QD^a) 11 17, 20 and parallels; Beall 1988: 48–49. For cities in this regard, see 4Q396 (4QMMT^c) 1–2 III, 2 (// 4Q394 [4QMMT^a] 8 IV, 12) (=B 62); 4Q394 (4QMMT^a) 3–7 II, 17–18 (=B 30–31).

This decentered variegation makes it difficult to know how best to refer to the community or movement that stands behind the Damascus Document. Unlike the Community Rule and the *pesharim*, the word *yaḥad* for “community” does not appear (except perhaps as *yāḥīd* in CD 20:1, 14, 32, especially the last). Unlike others, I am not ready to adopt “Essenes” as the name for the larger community or movement, given that we know of the Essenes from an entirely