in one copy of the Qumran Community Rule. It could be extended to several other important motifs in the text. So, for example, the fact the community considered itself a sanctuary in the wilderness may also reflect reflection on and intentional modeling after the same biblical base, though we have no reason to think that the Qumran group erected a sacred area like the tabernacle. Many of the same motifs would emerge from other copies of the Community Rule, but there is reason to believe that the our columns were lacking from some of them; hence it was more common to use the fuller form of 1QS.

Before concluding, we should note that the Qumran community was the only one in ancient Judaism that allowed its self-image to be shaped at Mount Sinai. In the New Testament the earliest Jerusalem church, erected in Acts, exhibits a number of the same traits. That community instituted in a new way at the Festival of Pentecost, the Greek term for stival of Weeks. On that day many new members were welcomed into fellowship. Those first followers of Jesus also established a unity, an ideal in which property was held in common, meals were eaten together, prayers were offered in community. It too was a community that received instruction in this state in a dramatic divine manifestation. As a matter of fact, the series of traits in the Pentecost story (such as the tongues of fire, rev in the languages of the world) also have their origin in reflection on the event, an event that was central in the Hebrew Bible and continued to have influence for many centuries.

Legal interpretation in the Dead Sea Scrolls, as a subdivision of biblical interpretation at Qumran, has been the subject of academic discourse since even before the Qumran scrolls were discovered. Louis Ginzberg, in his still significant An Unknown Jewish Sect, already attempted to characterize the biblical interpretation in the legal portion of the document we now know as CD. To this day, most discussions of biblical interpretation at Qumran focus on nonlegal texts such as the pesharim, or the portion of CD called the "Admonition," or the Genesis Apocryphon. Legal interpretation nevertheless gets its due, although usually not systematically and often peripherally, in discussions of texts which happen to contain legal material. There is no room, in an essay of this scope, for a review of the scholarship on the subject of legal interpretation, so passing references in the notes will have to suffice. From those allusions, it

Portions of this essay appear in slightly different form in Koyfman's honors thesis at Yeshiva College, "Legal Biblical Exegesis in the Dead Sea Scrolls and Its Implications for Jewish Intellectual History," written under the supervision of Bernstein. We should like to thank Professor Matthias Henze for inviting us to participate in this volume (and for patiently awaiting our contribution), Dr. Shani Berrin, Professor Yaakov Elman, Mr. Aaron Koller, and Dr. Michael Segal for their comments on earlier drafts of this essay, and Mr. Michael S. N. Bernstein for stylistic and editorial remarks.
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should be clear to the reader that without the groundbreaking work in this field of scholars like Joseph Baumgarten, Jacob Milgrom, Lawrence Schiffman, and Yigael Yadin our task would have been considerably more difficult.²

The text of the Hebrew Bible often does not furnish sufficient detail regarding the ways in which the laws contained in it were to be carried out. Often the mere principles of a law are expressed without any details at all.³ Any Jew or group of Jews observing Jewish law during the Second Temple era would have needed a way to supplement the legislation of the Hebrew Bible in order to determine how to lead their lives. Scripture did not cover adequately all the issues which arose in everyday life. Changing historical, cultural, and religious situations, furthermore, raised new legal questions which had no explicit answers to be found in the Bible. Even if we grant the existence of older oral interpretive legal traditions which may have pointed the way to clarifying some of them,⁴ numerous cases still probably emerged in the course of time which needed to be resolved. It is clear that by the time of the Second Temple period a variety of traditions and methods had developed for the expansion of scriptural foundations to support novel legislation which had not been explicitly delineated in the Bible.⁵ The most fully developed form of such a system is to be found, of course, in later rabbinic literature, but there is little doubt that in this case, as often, the rabbinic system was only one manifestation of broader religious and intellectual currents.

We cannot be certain of how or under what circumstances the Qumran group (or the authors responsible for the production of the Qumran scrolls) produced their various legal interpretations of the biblical texts, nor of the oral traditions which may underlie those readings.⁶ Our focus shall be almost exclusively on M. Fishbane, Biblical Interpretation in Ancient Israel (Oxford: Clarendon, 1985), 91–277, and his conclusions, 525–43.


4. For discussion of the history of such traditions, cf. the section on “Legal Exegesis”
such, were available at Qumran, but, in our view, does not carry weight
in our analysis of the methods or types of legal interpretation found in the scrolls, let us examine briefly some of the variety of forms in which exegesis is presented. By form we mean the in-

pears to be a letter which summarizes a series of sectarian positions regarding halakhic disputes, some, but not all, of which are based on biblical interpretation. The Temple Scroll, which is an extended and perhaps unique example of the genre legal "rewritten Bible," is so biblical in style and formulation that it is easy to forget that it contains interpretation of the Bible as well. The fact that the Temple Scroll presents its laws as "Scripture" does not mean that we cannot see pentateuchal interpretation at work in it, even if the author of the scroll did not present it that way and wrote his text employing pseudopigraphic devices. These generic differences among the documents point toward differences in the forms in which interpretation is expressed within them, even when they share an interpretive conclusion.

Forms of Interpretation

Before engaging in the more significant analysis of the methods or types of legal interpretation found in the scrolls, let us examine briefly some of the variety of forms in which exegesis is presented. By form we mean the in-

10. We employ the term "rewritten Bible" in the strict sense it had when introduced by G. Vermes, Scripture and Tradition in Judaism (Leiden: Brill, 1961), 95, over forty years ago, rather than in the broad sense which has been given to it by many contemporary scholars. Our only departure from Vermes' category is that we acknowledge the existence of a legal, as opposed to narrative, form of the genre in the case of the Temple Scroll, a document then not available to Vermes. The broader usage of the term which includes much Bible-based and para-biblical material under this rubric renders it virtually useless as a meaningful category. At the Thirteenth World Congress of Jewish Studies in Jerusalem in August 2001, we (Bernstein) addressed the issue in "Rewritten Bible: A Generic Category Which Has Outlived Its Usefulness?" a paper which will appear in Textus 22 (2004).

11. Legal interpretation in the Reworked Pentateuch texts (4QRP: 4Q158, 4Q364-367) is virtually nonexistent, and we shall not discuss those texts in our analysis. There is virtually no material included in those documents that is not found in the Pentateuch, although we do find some rearrangement of legal material (e.g., in 4Q366) which is probably interpretive on some level. What should be emphasized is that the example of the non-pentateuchal material on the Wood Festival, including an allusion to the New Oil Festival, in 4Q265 23-4-12, is very much the exception to the handling of legal material in those five texts.

12. Schiffman, Sectarian Law, 17, contrasts the Temple Scroll and other texts from Qumran, claiming that the latter "see the extrabiblical material as derived from inspired biblical exegesis," while "the author of the Temple Scroll sees it as inherent in the biblical text." But those differences have to do with the interpretive stance of the different documents and the way they formulate law, and not with the way their authors read the Pentateuch.

13. Fraade, "Legal Midrash," 66, makes the observation that "for all the midrash and halakhah found within the scrolls, textually they evidence very little midrash halakhah: the
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Collocation/Integration (11QT)16

One of the most characteristic ways in which the legal “rewritten Bible” of the Temple Scroll sets out its interpretation of the Bible is by collecting within a narrow compass laws which deal with the same or similar topics. On the most basic level, these juxtapositions need not entail any rewriting or modification of the original text; the mere linking together of passages with common themes is an act of interpretation.17 11QT 48:7-11 provides an excellent example of this phenomenon in a very brief compass. Into the context of the mourning customs of Deuteronomy 14:1, the scroll introduces a virtual citation of Leviticus 19:28, 29:66

even the way the biblical text is handled, arranged, and manipulated, even when no actual interpretive material is added. Cf. G. Vermes, “Bible Interpretation at Qumran,” Erzr 20 (1989): *185, ed. A. Ben-Tor et al., who defines the class “implicit exegesis of an editorial type” as consisting of “a rearrangement of biblical texts by means of harmonization, conflation, supplementation, etc., resulting in a clarified, improved or altered meaning, without entailing, as a rule, any added interpretation.” The Temple Scroll is, of course, the prime example of such interpretation. Vermes’ terminology differs somewhat from ours, although we are certainly observing some of the very same phenomena. It should be stressed, however, that our respective usages of the term “implicit” exegesis (see “Implicit Interpretation” below) differ considerably.

16. Since so many other texts containing law from Qumran are fragmentary, it is difficult to ascertain very much about their structure or its logic. It might very well be that if more integral portions of works like 4QD and 4QHalakhah A had survived, we might see such collocation in documents of less broad scope than the Temple Scroll. In June 2004, Aharon Shemesh presented a convincing paper at the third Annual Meeting of the Haifa Workshop for Research in the Dead Sea Scrolls on “4Q251: Midrash Mishpatim,” arguing that this text is systematically based on Exod. 21–23. It will appear in Megillot 3 (2005).

17. Yadin, 1:73-74, distinguishes between “merging commands on the same subject” and “unifying duplicate commands (harmonization).” The former is really part of the author’s broad compositional technique and not his exegetical arsenal, if we may distinguish, for the moment, between them. Milgrom, “Exegetical Principles,” 170-71, has already faulted Yadin for confusing “unification” (our “collocation”) with “harmonization.” He concedes that true harmonization is to be found in three cases, two of which (rape/seduction and division of the spoils), following Yadin, we shall discuss under the rubric “Harmonization and Reconciliation,” and the third (covering the blood) we shall discuss as an example of binyan ab under the subheading “Binyan Ab (Homogenization).” We feel that the term “harmonization” can be employed even for passages where there is no contradiction between the texts when the author has chosen to integrate the passages literally. Vermes, “Bible Interpretation,” 1:185-186, speaks of “grouping and collating parallel texts,” with the integration in 11QT 51:19-52:3 of the idolatrous practices prohibited in Deut. 16:21-22 and Lev. 26:3 serving as his example.

Organization as Interpretation: Internal Interpretation

The stance of an interpreter may be “inside” or “outside” the biblical text, depending upon the genre of interpretation. It is easier to recognize “external” interpretation because the interpreter standing outside the biblical text expresses his understanding of the text in ways that are more overt. But one of the most significant documents of legal interpretation at Qumran, 11QT (Temple Scroll), is characterized by what we would call “internal” interpretation because its genre is “rewritten Bible.” The author of the Temple Scroll is often able to grant his reader access to his understanding of how various legal units of the Bible relate to each other by mere arrangement of the pieces of legal material, without the need to impose his own “extrabiblical location” onto the original texts. In doing so, he allows the Bible to speak for itself, as it were. It is to this form of interpretation — “interpretation by organization” — that we turn first, for its shape remains closest to that of the biblical texts themselves. We shall examine two categories of this form of interpretation.15

explicit citation and interpretation of Scripture as a source of or justification for law. Instead, the vast majority of legal texts from Qumran (as elsewhere in Second Temple Judaism) adapt a form of ‘rewritten Bible,’ or paraphrase.” Although, as indicated above, we would disagree strongly with Fraade’s characterization of most legal texts from Qumran (with the exception of the Temple Scroll) as “rewritten Bible,” his remark on the stark formal differences between Qumran “interpretation of biblical law” and rabbinic midrash halakhat is fundamentally correct, provided that our focus is only on form. When it comes to the methods of reading the biblical text, as we shall see, the dichotomy between Qumran and the rabbis may be much narrower.

We acknowledge that “form” is far from a perfect term for that which we intend by it. We employ “form” for all external aspects of the presentation of the interpretation: its shape, its mode of presentation, its arrangement and the disposition of its material; in short, for everything other than the method of interpretation.

Our use of the term “interpretation” is consciously quite broad and includes...
In addition to juxtaposing the various biblical texts that deal with a particular law, the author of the Temple Scroll also had to address the problem of various contradictory, biblical laws. The Pentateuch contains two similar laws regarding virgins who have been engaged "unwillingly" in sexual activity before marriage. Exodus 22:15-16 employs the word סדועה, "seduce," to describe the action of the male involved, and Deuteronomy 22:28-29 uses קומתה, "seize (her)." The former passage requires that he pay the bride-price (ሳለ الرحمن) for her as a wife, and if her father refuses the marriage, to pay the bride-price for a virgin. The latter text demands that he pay fifty silver pieces to her father and marry the woman with no right to divorce her, without indicating any right of the father to prevent the match. In 11Q's rewriting (66:8-11) of the section of Deuteronomy where the latter law occurs, a single suble change is made which indicates that the author is treating the two laws as one; the section begins with the language of Exodus, "should " ("should a man seduce"), and omits any equivalent of קומתה ("seize"), the description of the act in Deuteronomy. Beyond that, the passage is completely modeled on the biblical text in Deuteronomy.

It appears that the author of the Temple Scroll identified these two passages with each other and therefore blended or homogenized them in his rewritten Bible. Seduction and rape are to be considered as identical offenses and carry the same penalty in the eyes of the author of the scroll. The one question we might pose is: Does the author of the scroll maintain the right of paternal refusal of the marriage? Yadin asserts that the Temple Scroll denies the father the right to refuse in either case, and notes that rabbinic halakhah harmonized the texts in the other direction, permitting refusal both in the case of seduction and in the case of rape on the basis of an a minore ad maius (qal vahomer) argument. We believe it is dangerous to argue confidently from silence, as Yadin does here, that the Temple Scroll would compel such a marriage against the father's will, although it is certainly conceivable that it might.

The treatment of the law of the division of war spoils in the Temple Scroll is an example of "harmonization" which is particularly unusual. There appears to be a contradiction between the pentateuchal description of how...
the spoils captured in the war against Midian (Num. 31:27-28) were to be equally divided and the recounting of David’s division of his captured booty in 1 Samuel 30:24-25. Numbers orders the booty to be divided equally between the warriors, who then give a 1/50th of their half of the booty to the priests, and the rest of the nation, which is obliged to give a 1/50th of their half of the spoils to the Levites. However, 1 Samuel attests to David’s initiating a policy of halving the spoils equally between the warriors and those who remain with the baggage, without the mention of any tax whatsoever.

11QT 58:13-14 records a practice which differs, on the surface, from both biblical accounts. From the total booty, 1/100th is to be given to the king, 1/100th to the priests, 1/100th to the Levites, and the remaining spoils are to be divided equally between the warriors and the people. How are we to explain the amounts awarded to the priests and Levites? Yadin suggests that this aspect of the law is composite, the result of harmonization of the passage in Numbers with that in Samuel. He explains that the author of the Temple Scroll harmonizes the biblical texts by viewing each of them as referring to a different stage in the overall process. First, the shares of the king, the priests, and the Levites were taken from the total booty, as described in Numbers, and only afterward were the remaining spoils halved equally between the warriors and the non-combatants as mandated by 1 Samuel. The law in the Temple Scroll is then a harmonization of the law in Numbers and the narrative in 1 Samuel 30.

23. This example differs from the others involving legal exegesis of prophetic texts that we shall discuss below, because it is only the implications of the narrative which stand in contrast with the pentateuchal law. Nevertheless, it should be added to the others introduced later in the section on non-pentateuchal sources for law. Rabbinic literature treats the Midianite narrative as not establishing precedent for the future (b. Menah. 77b).

24. Note that the groups are termed אַךְ הָאָדָמִים ("the warriors") and אַךְ הָאָדָמִים ("their brothers whom they left in their cities"). The former is the term employed by Numbers, and the latter is more analogous to the שְׁמוֹנִים ("the congregation") of Numbers than to מֵעָדֶשׁ ("the one who stays by the baggage") of 1 Sam. 30:24. Y. Yadin, The Temple Scroll: The Hidden Law of the Dead Sea Sect (New York: Random House, 1985), 77, writes that the author of TS "used the text of the situation in Numbers, with its provisions for the priests and Levites, but altered the stages at which those were to be allocated, so that their shares came 'off the top,' as fractions of the total booty. Thus, the scroll gave one thousandth of the total to the priests, which is the equivalent of one fifth of the half as in Numbers, and one hundredth of the total to the Levites, equalling one fiftieth of the half. Thereafter, the balance was divided evenly between the warriors and the others, as prescribed by David in the Book of Samuel." 25. There is one aspect of this law on the division of the spoils which cannot be explained on the basis of "organization as interpretation" — the assigning of one-tenth of the spoils to the king. It is the result of some analogical form of midrash (see further below). It is likely, as Yadin has suggested, 1:360, that "Although there is no clear biblical basis for prescribing that the king is to be given one tenth of the booty, a likely source seems to be the section on the ways of the king which prescribes that the king is to be given one tenth of the grain, of the vineyards and of the flocks" (1 Sam. 8:15-17). The author of the law has extended the rights of the king from a tenth of the produce to a tenth of the war booty as well. Yadin also suggests that tithing in the context of war booty might be suggested by Abram giving a tithe to Melchizedek in Gen. 14:20.

26. Cf. M. J. Bernstein, "Introductory Formulas for Citation and Re-Citation of Biblical Verses in the Qumran Pesharim: Observations on a Pesher Technique," DJD 1 (1994): 30-70, for a discussion of the use of these formulas in nonlegal material. To the best of our knowledge, no thorough survey has been done of their employment in legal passages. 4QMMT presents a unique usage of formulas in legal contexts in that it employs הָאֵשׁ ("written") even in situations where the Bible is paraphrased and not quoted. Elisha Qimron, in Qimron and John Strugnell, eds., in consultation with Y. Sussmann and with contributions by Y. Sussmann and A. Yardeni, Qumran Caves 4. V: Miqat Ma’asi Ha-Torah, DJD 10 (Oxford: Clarendon, 1994), 40-41, insists that the term never introduces a citation in 4QMMT, but cf. M. J. Bernstein, "The Employment and Interpretation of Scripture in 4QMMT: Preliminary Observations," in Reading 4QMMT: New Perspectives on Qumran Law and History, ed. John Kampen and Moshe J. Bernstein, Symposium 2 (Atlanta: Scholars Press, 1996), 38-46.
from the moment when the sun's disk is at a distance of its diameter from the gate, for this is what it says, 'Observe the Sabbath day to sanctify it'”), and

All ye shall bring a Sabbath offering to the Lord your God upon the Sabbath day.

(11:17-18; “No one should offer anything upon the altar on the Sabbath, except those offerings of the Sabbath”’). Both interpretations could be open to question; “keeping the Sabbath to sanctify it” (Deut. 5:12) need not refer to the cessation from prohibited activities some length of time before the actual onset of the Sabbath, nor need “apart from your Sabbaths” imply that only the Sabbath offerings were to be placed on the altar on that day. According to the exegesis of CD, however, those are indeed the intentions of those verses. More striking, however, is the fact that none of the intervening laws regulating behavior on the Sabbath is explicitly justified by citation. Isaiah 58:13 (“serving your own interests, or pursuing your own affairs”), seems to underlie 10:19-20 (“He is not to speak about matters of work... to do the work which he wishes”), and 11:2, “to do what he wishes on the Sabbath day”, but it could be argued that the usage is stylistic and not exegetical, since the verse is not explicitly cited in support of the law. Thus the code reflects both explicit and implicit biblical interpretation, while also containing laws which have no discernible scriptural foundation whatsoever.

Implicit Interpretation
The last-cited passage from Isaiah in CD leads us to two further issues on which we must touch, at least briefly. The first is the kind of implicit interpretation

that which points to a particular reading of a biblical text, even though the text is not cited verbatim. Some of these, like the CD formulations based on Isaiah, indicate by the closeness of their formulation to the biblical original that they are “reading” the biblical text, while others do not manifest such overt connections. One example from 4QMMT is worth noting. Leviticus 22:16 (“causing them to bear iniquity requiring a guilt payment, when they eat their sacred donations”), can be interpreted in more than one way, depending on the subject and meaning of אמת ("causing to bear") and the referent of אמת ("them"). 4QMMT B 11-13 asserts that certain offerings are to be eaten on the day they are brought, adding הולדה (MT Ḥolēdā) תמר (cf. "for [it] is proper that the [sons of] the priest[s] be careful in this matter so that they [should] not cause the people to be accountable to guilt"). Leviticus 22:16 is not cited with תמר חותים ("as it is written") or תמר אבר (“as it says”) as the basis of the law, but there is no doubt from MMT’s formulation that it is the biblical source for this sentence, warning the priests not to cause laypersons to incur guilt. MMT has applied the passage to the law regarding the proper time for the consumption of offerings because of the words “when they eat of their holy things” in Leviticus, even though those words themselves are not cited in the formulation of MMT.

Non-Pentateuchal Legal Interpretation
The other aspect of Qumran legal exegesis which the Isaiah verse highlights is significant for the way it differs from later rabbinic interpretation. It is well-known that rabbinic literature was reluctant to rely on non-pentateuchal passages for legal exegesis, with the Babylonian Talmud indicating this tendency with expressions like ובו ארבע מברכים בעלים יא מנין (b. Hag. 10b and b. B. Qam. 2b) and שנה מעברת חמידה והראית ניוד מראות כבשה (b. Nid. 23a). At Qumran, on the other hand, there appears to have been no such unwillingness to link legal practices to passages in the Prophets and Hagiographa, although there does not appear to be a substanti

27. Fraade, “Legal Midrash,” 73 and n. 50, notes that Mekhilta de-Rabbi Yishmael, Babodesh 7, cites this verse in its remarks on Exod. 20:8, “Remember the Sabbath day to sanctify it.” He stresses the ways in which CD’s formulation diverges from that of the rabbinic text.

28. On occasion, biblical verses are employed explicitly, with citation formulas, to justify regulations which we would probably describe as sectarian rules. Thus we read in iQS that non-members of the community are to be kept at a distance based on (科學ו, for thus it is written”) Exod. 23:7. "Then the priests and Levites shall make no devoted offer of the first-fruits of grain" (b. Meg. 2b). Ginberg, An Unknown Jewish Sect, 184-90, who is committed to the basic identification of the group in which CD arose as Pharisaic, struggles to show, on the one hand, that in rabbinic Judaism, too, laws are actually linked with non-pentateuchal passages, and on the other, that the passages we shall discuss belong to the rabbinic category מנהיגים, "supports" for the law, rather than its midrashic source. The latter portion of his position is probably untenable.

29. Cf. Encyclopedia Talmudit [Heb.], s.v. קבלת מקרא (Jerusalem: Talmudic Encyclopedia Publishing, 1956), 7:66-14, especially 112-14. Another formulation may be קבלת מקרא יא מנין (b. Meg. 2b). Ginberg, An Unknown Jewish Sect, 184-90, who is committed to the basic identification of the group in which CD arose as Pharisaic, struggles to show, on the one hand, that in rabbinic Judaism, too, laws are actually linked with non-pentateuchal passages, and on the other, that the passages we shall discuss belong to the rabbinic category מנהיגים, "supports" for the law, rather than its midrashic source. The latter portion of his position is probably untenable.
There are several fundamental distinctions that we can draw between and among different methods of legal exegesis through which we can better appreciate the broader framework of interpretation as well as its details. Schiffman distinguishes between perush and midrash as the two most important terms for legal interpretation at Qumran, defining perush as "an exegesis based only on the analysis of the text in question, without recourse to other passages from Scripture," and midrash as "an exegesis in which a corroborative passage in Scripture plays a part" and "an exegetical form in which a passage is interpreted in light of a second passage." In other words, while midrash deals with some intertextual hermeneutic technique, perush represents the way in which the authors of the scrolls read the biblical texts straightforwardly. Our first division, then, of the "methods" of interpretation will employ Schiffman's distinction.

Perush

Definition and Limitation

There are passages in the Pentateuch which, despite the fact that the words they employ are not unusual, are open to more than one reading. Thus Numbers 5:13 describes the woman who is to be put to the soṭah ordeal with the words דָּעַט אָנִית הָאָדָם לֹא תִּפְסֶּשׁ ("there being no witness against her and she was not הָנֵפֵשׁ""). The final word can be translated either "caught (in the act)" or "seized," i.e., raped. A fragmentary copy of 4QD (4Q270 4 3) reads אָמָה אָנוֹדֵד אָנוֹדֵד אָמָה מֵאַרְמָה, "[if] she says, 'I was forced,'" implying that the word הָנֵפֵשׁ, "seized," was given the latter interpretation, and perhaps also that a woman who defended herself with such a claim was exempt from the ordeal.

32. We have already discussed the category of "organization as interpretation," which relates to the way interpretation is expressed.
33. Schiffman, The Halakhah at Qumran, 3 and 76 respectively.
34. We did not set out our initial classification to employ Schiffman's terminology. After we had established categories and were searching for nomenclature, it became clear to us that this distinction supplied the very rubrics for which we were looking.
At times in legal passages the Bible employs terms which were no longer current in the Second Temple era, and one of the responsibilities of a biblical interpreter at that time was to make the Bible meaningful to his audience, by “translating” the term into language his audience understood. An interesting example of this feature of Qumran legal interpretation may be found in 4Q251 (4QHalakha A). Despite its fragmentary nature, it is quite clear that we have an interpretation of Exodus 22:28, which reads as follows in 4Q251:1-2:36

> [Among your people] if one goes around slandering his fellow [defamer] is one who defames another individual, in the Temple Scroll he is one who betrays his people and acts against their best interests. The law is followed by the condemnation of one who, already under sentence of death, does, but without restricting the “defamer” to the traitor described there. The rabbis referred to the multiple application of a single scriptural text as כהן ממהר (a single verse goes forth to several meanings). 38

### Specificity of Detail

The laws regarding the number of witnesses required for testimony in court are found in two places in the Pentateuch, Deuteronomy 19:6 and 19:15. 39 The former passage demands “two or three witnesses” for a capital crime and explicitly excludes a single witness for the imposition of the death penalty. 1915 does not go around as a slanderer among your people”), which, in its biblical context, prohibits talebearing or gossiping about a fellow Israelite. In 11QT 64:6-7 this law is reformulated as כהן ממהר ("a single verse goes forth to several meanings"). 39

36. Text according to E. Larson, M. R. Lehmann, and L. H. Schiffman, "4QHalakhah A," in Qumran Cave 4, XXV: Halakhic Texts, ed. J. Baumgarten et al., DJD 35 (Oxford: Clarendon, 1999), 34, with our addition of the definite article before [wine] is the choice part of the flow [and] grain is the best part.” Our suggested translation emphasizes the definition which we believe is the import of the language.

37. Admittedly in those passages the biblical word is followed by the identification, whereas here, if we are correct, the identification precedes the biblical term. Nevertheless, we see them to be functionally equivalent.

38. Lev. 19:16 is employed in a third passage as well, and we see how Qumran legal interpretation need not be completely consistent. 1QS 7:15-17 reads רוח הרעה על זה, ימין ברוך יד מדא ("And whoever goes round slandering his fellow... whoever goes round slandering the Many"). The biblical phrase ("among your people") appears to be read in two slightly differing ways: (1) "against [one within] your people," or "among your people," and (2) "against your people." The former, of course, is probably the intention of the biblical passage, while the latter reads the bet of בְּנֵי בָּשָׂר the same way 11QT does, but without restricting the "defamer" to the traitor described there. The rabbis referred to the multiple application of a single scriptural text as כהן ממהר ("a single verse goes forth to several meanings").

39. Num. 35:30 indicates that a murderer is to be executed only on the basis of two or three witnesses. 40 The exegetical problem is...
quite clear: If two witnesses suffice, why does the Pentateuch demand three? Scholars have suggested that the Qumran regulations for the acceptance of testimony are found in CD 9:16-23, and they include implicit interpretation of the verses in Deuteronomy. In a capital crime, if a man is reported to have “sinned against the law” three separate times, with only one witness testifying to each event, the testimonies are accepted and “his judgment is complete.” In monetary matters, however, two trustworthy witnesses are acceptable. Sandwiched in between these two laws is an ambiguous formulation within the capital punishment category. “And if they are two, and they testify on a different matter,” the testimony is only sufficient to exclude the suspect from the pure food, but not to incriminate him fully. The law is a result of the reading of the words “two or three witnesses” in the biblical text. Under normal circumstances two witnesses are effective even in capital cases; under unusual circumstances, namely, the repetition of an offense three times with a single witness each time, three witnesses are needed. There is thus no superfluity in the biblical text; the Qumran text does not need to go formally through the elaborate procedure of the Sanhedrin. When characterizing the forms of analogical reasoning that we believe are found in the scrolls, it is convenient to employ the terminology which is utilized later in rabbinic literature for similar techniques. We are fully aware that such usage runs the risk of anachronism as well as of giving the misleading impression that the authors of the Qumran texts themselves thought in just these terms. Even if they did, it is clear they did not formulate their interpretations in language which makes the methodology obvious, and, it must be admitted, our observations are therefore largely inferential. Nevertheless, by using “rabbinic” terminology we obviate the need to invent new terminology, and underline what in our opinion is the very significant phenomenon that Qumran and rabbinic legal interpretation are ultimately not unrelated to one another. Many of the classic rabbinic midrash are forms of analogy, based on similarities of laws in location, circumstance, language, or logic.

Qal vaḥomer (a minori ad maius)
Rabbinic tradition claims that this mode of argumentation from the less significant to the more significant appears already in Scripture. Fundamentally, it is an argument from analogy supported by logic. Although qal vaḥomer is quite common in later rabbinic law, we know of only one (or perhaps two) possible example(s) of it in the scrolls. At CD 4:20-5:2 the sin of taking more than one wife is delineated and supported by three verses: Genesis 1:27 regarding the creation of humankind in the person of one male-female couple, Genesis 7:9 regarding the animals entering the ark two by two, and Deuteronomy 17:17 regarding the king who is not permitted to multiply wives for himself. Regardless of the relative function of the three cited texts as prohibitions, it appears clear to us that the citation of Deuteronomy 17:17, יושב יشراء נשים נשים קפי (“and he must not acquire many wives for himself”), argues that even the king, who might be thought to have special privileges, is not permitted to marry more than one wife, and therefore the passage is likely to be a good example of a qal vaḥomer.

41. The question, of course, is predicated on the assumption that Scripture does not contain extraneous language, and that apparently superfluous terminology must be explained. For the mishnaic response to the question, cf. m. Mak. 1:7-9. Although Qumran does not manifest the rabbinic tendency to “omnisignificance,” the attribution of meaning to every aspect of the text, a case such as this one clearly begged for interpretation far more than the “extra” words which sometimes generate rabbinic exegesis.
42. This passage engendered a series of studies by B. A. Levine, J. Neusner, L. H. Schiffman, N. L. Rabinovitch, and B. S. Jackson in the mid-1970s in RevQ (8 and 9). They focused on its legal significance, rather than the exegetical issue in which we are interested.
43. Reading תנן, “another,” with the MS of CD, and not with the emendation to תנן (one) accepted by many scholars. According to the unemended text, two witnesses testifying to the same capital offense on two different occasions suffice to preclude the offender from the tohorah of the community. Among contemporary scholars, B. S. Jackson, “Texts Singulares in Early Jewish Law and in the New Testament,” in Essays in Jewish and Comparative Legal History, 176-77, and Yadin, 113-80, also accept the MS reading.
44. Schiffman, Sectarian Law, 74-81, does not accept the dichotomy between two and three witnesses as referring to a single or repeated act(s), and claims that this Qumran text always demands three witnesses for capital offenses and two for others. In his reading, too, the apparently superfluous terminology carries exegetical significance. He notes correctly, 74, “that from the point of view of hermeneutics, the sect maintained that in groups of numbers, each had to have its own significance.” The parallel he adduces is the assignment of significance to each of the numerical terms in the case of the dual limit of 1,000 and 2,000 anamot outside the levitical cities in CD 10:5-6 and 21.

45. Gen. Rab. 9:27, including such pentateuchal examples as Gen. 44:8; Exod. 6:12; Num. 12:14; and Deut. 3:17.
46. We owe this characterization of qal vaḥomer to Rabbi Jeremy Wieder.
47. Ginzberg, An Unknown Jewish Sect, 182-83 and n. 125, is the only other treatment we are familiar with which refers to this passage as a qal vaḥomer, but he could not see the possibility of legal reasoning from the two verses cited from Genesis since they were not quoted with citation formulas and since in his view CD followed the rabbinic principle of...
Binyn Av (Homogenization)

Milgrom has dubbed one of the exegetical techniques used in the scrolls “equalization or homogenization,” defining it as an interpretive process in which “a law which applies to specific objects, animals or persons is extended to other members of the same species.”48 He points out that the “exegetical technique of homogenization most closely resembles the later rabbinc hermeneutical rule of binyn ʿab, lit. a structure (emerging out) of the father.”49

When the Temple Scroll draws together from different portions of the Pentateuch legal material which is or appears to be contradictory, it needs to synthesize and harmonize the texts so that the laws are in agreement or, at least, noncontradictory. In such instances, the Temple Scroll responds to exegetical/interpretive difficulties which are created by the Pentateuch itself. By omitting, rephrasing, limiting, and otherwise modifying the integrated passages, it offers resolutions for the difficulties. In Leviticus 17:13 the Bible charges a person who hunts and slaughters an animal or bird דַּם הָתוֹלckett, “to spill out its blood and cover it with dust.” In Deuteronomy 12:23–24 and 15:23, however, we read regarding one who slaughters an animal: על יַכְּפֵר וְלַעֲמֹר, “spill it [the blood] out on the ground, like water.” The requirement of covering the blood is absent in the two verses in Deuteronomy.

Another sort of analogical reasoning is the basis for the consistent ruling in the scrolls which forbids marriage between uncle and niece. This prohibition is found in the Damascus Document (CD), the Temple Scroll, and 4QHaIakhah A.51 While no explanation is given in Temple Scroll, CD, due to its polemical character, provides an extremely insightful elaboration: “And each one of them takes as a wife the daughter of his brother and the daughter of his sister. But Moses said: ‘Do not approach your mother’s sister, she is a blood relation of your mother.’ The law of prohibited marriages is written for males, and like them [applies equally] to females; and if the brother’s daughter uncovers the nakedness of her father’s brother, and she is a blood relation.”52

Here, too, we see another clear illustration of extending the biblical regulation to an analogous circumstance, something like homogenization.53 While the

not deriving law from pre-Mosaic narratives! It is unsurprising that 11Q57:17 interprets הביר יד as “not take more than one,” in full agreement with the exegesis in CD. If our analysis is accepted, the general implications of Milgrom’s remarks in his appendix to Yadin, 1:161, “the Qumran sectarian did not resort to hermeneutical principles like this argumentum a fortiori, but based themselves solely on Scripture,” need to be modified. In fact, Milgrom himself, “Laws of Purity,” 94-95, furnishes another possible example of this hermeneutic technique, although he avoids use of the terminology: if minor impurities require ablutions and sunset for purification, certainly major impurities should require them as well. According to our view, this is probably a qal vaḥomer.

48. Milgrom, “Exegetical Principles,” 171, noting that Yadin does not deal with this technique. Milgrom, 175, goes so far as to suggest that “the Temple Scroll’s technique of homogenization is the forerunner of rabbinc binyn ʿab.” He furnishes one example each of homogenization of objects, animals, and persons. In “Qumran’s Biblical Hermeneutics: The Case of the Wood Offering,” RevQ 16 (1993-95): 449, Milgrom asserts “that Qumran exegesis can be broken down into four types: conflation, harmonization, homogenization and application.”50

49. Milgrom, “Exegetical Principles,” 175. He cites Sifrei on Num. 15:27, which comments on the command to bring a she-goat in her first year (הנהו תב ול) for a sin offering: “this is a binyn ʿab: any place that it says ‘a she goat’ it must be a yearling.” Cf. ובinaire יבכ in Encyclopedia Talmudica [Heb.], 411-11 (ET with slightly less documentation, s.v. ובinaire/Binyn Ab, Encyclopedia Talmudica [Jerusalem: Talmudic Encyclopedia Institute, 1992], 4410-20).

There are a number of principles based on analogical reasoning in the rabbinc exegetical arsenal, and we should note here that despite significant similarities, this exegetical tool differs from the one called heqesh. The last mentioned article (p. 418) formulates the difference as follows: “If the comparison between the source and the derivative is derived from their proximity, then it is a heqesh, not a Binyn Ab.” The narrow sense of heqesh is “the comparison of two things which are mentioned in the same verse” (וְשִׁכְד, Encyclopedia Talmudica [Heb.], 103558), equating the laws of two different legal topics based on their juxtaposition. The only example of heqesh in the narrow sense of which we know in the Qumran corpus was noted by Y. Elman, “Some Remarks on 4QMMT and the Rabbinic Tradition, Or, When Is a Parallel Not a Parallel?” in J. Kampen and M. J. Bernstein, eds., Reading 4QMMT: New Perspectives on Qumran Law and History (Symposium 2; Atlanta: Scholars Press, 1996), 101-2. The “human limbs” of Num. 19:18 is taken by 11Q59:5-6 to be a limb from a corpse, and not from a living person, because the rest of the verse deals with “one slain by the sword, or a corpse.”
bibiical text specifies only the illiciit relationship of an aunt and a nephew, CD extends this law to the case of an uncle and niece. In this case, CD provides a sort of logical justification for its position, an explanation of its legal reasoning. In accounting for the problem of the absence of uncle-niece relationships within the biblical listing of illicit relationships, the author of CD appears to argue that the text was written for males but should be applied equally to females. How does he know this? It may be the simple observation that the degrees of kinship of the two cases are identical that forces the logical conclusion that the law must be applied to the one not mentioned in Scripture as well.

It is possible that analogical reasoning of this sort operates on a much larger scale as well in the scrolls. The Qumran calendar included several festivals which were not listed in the Pentateuch (cf. 11Q1 19-21 and 43, as well as 4Q365 23 [above, n. l]). The Bible associates only one festival explicitly with new grain. A fifty-day counting period beginning with the Day of Waving the Sheaf (חמה) culminates in the Feast of the Firstfruits of Wheat (= Festival of Weeks), on which a new cereal offering (قرار הוד מנה) is to be brought (Lev. 23:9-22 and Num. 28:26-31). Yadin assumes quite reasonably that the author of the Temple Scroll, along with all other Jews in late antiquity, identified the sheaf as an offering from the new barley and the new cereal offering coming from the new wheat. Fifty days later was the Feast of the Firstfruits of Wine, and after another fifty days, the Feast of the Firstfruits of Oil. Milgrom suggests that the motivation for the calendrical innovation is homogenization, based on the common obligation to bring new oil, wine, and grain as firstfruits (Num. 18:12). To employ our formulation, analogical reasoning demands that if new grain has a festival, new oil and new wine should have one as well, since the three items are associated with each other several times in the Pentateuch. The author of the Temple Scroll posits via homogenization the existence of new wine and new oil festivals, and further "homogenizes" them by placing them at fifty-day intervals from each other.

ish Sect, 183, calls the rule involved here a "שקפ. It is also possible that this is an even stronger exegetical technique than harmonization because the biblical law and the Qumran adendum are virtually mirror images of each other.

54. Yadin, 1:102.
56. The New Wood Festival is a complicated topic that we shall not deal with here. For the present, see Yadin, 1:122-31, and Milgrom, "Qumran's Biblical Hermeneutics," pp. 449-56. It is certainly worth noting that the wood offering festival does not seem to share the same properties as the New Wine and New Oil festivals. This is best reflected in the lack of a fifty-day interval between the New Oil and New Wood festivals, a detail we would expect to see if the New Wood Festival was also derived from the same "homogenization" as the other festivals.

**Metaphorical Analogy**

Another fascinating variation of the analogical approach to exegesis can be seen in laws recently published in some of the 4QD fragments and in 4QMMT. In the former, in a passage which survives sufficiently in four copies (4Q267 7 12; 269 9 1-2; 270 5 14-15; and 271 3 7-9) to be restored virtually to completeness, we read of the responsibility of a father to inform his prospective son-in-law regarding all his daughter's physical blemishes: "why should he bring upon himself the judgment of the curse which says 'whoever leads a blind man astray from the path?" Deuteronomy 27:18 reads "אשאר מהournemouthו בד רבד" ("cursed be anyone who misleads a blind person on the road"), whose simple sense is indisputable as a prohibition against misdirecting the blind. But in the exegesis of 4QD the essence of the curse is divorced from its literal context and applied to a case in which a similar injustice is being perpetrated. On the surface, the situations are not, strictly speaking, the same; the literal commandment is being read metaphorically in 4QD. But, once again, analogical reasoning indicates that misleading a prospective son-in-law by not informing him of the potential bride's defects is of the same nature as leading a blind person astray.

The same text in 4QD (4Q267 7 13; 269 9 2-3; 270 5 15-17; 271 3 9-10) continues with a second example of this method of biblical interpretation. The father is warned not to give his daughter to one who is not fit for her, "for that is two kinds (ירל), an ox and an ass, and woolen and linen clothing together," a reference to two biblical injunctions against mingling species (Deut. 22:10-11). 4QMMT B 75ff., in a section dealing with improper marriages, alludes to all three types of forbidden mixtures: animals, fibers, and sowing. It is clear that, in the view of the Qumranists, the biblical texts dealing with mixing diverse kinds (in addition to their literal interpretations) are to be taken metaphorically as the equivalent of the union of inappropriate couples. While this interpretive technique is significantly different from "homogenization," it is still fundamentally a form of analogical reasoning.

57. Qimron and Baumgarten disagree as to whether it is a question of intermarriage between priests and laypersons or Israelites and foreigners. Cf. Qimron and Strugnell, *Qumran Cave 4: V. Miqasat Ma'ase Ha-Torah*, 55.
58. Dr. Shani Ben-Rin pointed out to us that Ben Sira 25:8 contains the antecedent of this correlation of incompatible marriages and plowing with mixed breeds. Rabbinic literature observes that the marriage of a Jew to a Gentile woman violates all the laws of mixed kinds and compares that of Hamor to Dinah (Gen. 34) to plowing with ox and donkey together (Yalkut Shmini 931 ad Deut. 22:10 and Tanhuma Vayishlah 7, respectively). For another example of metaphorical analogy employing the same biblical law, but in a wisdom, as opposed to a legal, context, cf. 4Q418 (4QInstruction) 103 ii 6-9.
Gezera Shava (Argument from Analogous Expressions)

We have seen analogical reasoning which appears similar to the rabbinic binyan av, where broad similarity in some details of the law is the only analogical feature. There are, in addition, other kinds of legal exegesis where the analogy is not to be found in the circumstances of the laws, but in some other factor such as linguistic similarities in their biblical formulation. This methodology appears most similar to the later rabbinic hermeneutic technique of gezera shava.59 There are several likely illustrations of gezera shava in the Temple Scroll. In 11Q1 51:11–18 the author collocates material from Deuteronomy that deals with honest judgments and the prohibition to accept bribes, conflating the verses from Deuteronomy 16:18–20 with those from Deuteronomy 1:16–17. The latter passage contains the phrase "you shall not fear anyone". In employing this phrase at the conclusion of the homogenized text, the author writes "...אש אנכי ומפרemente זכיתך ... (51:17–18; "the person who takes a bribe and perverts righteous judgment shall be put to death; you shall not fear him to put him to death"). Yadin notes quite correctly that the scroll imposes the death penalty because the phrase אֲנִי ... ("you shall not fear") has only one other pentateuchal occurrence, that in the law of the false prophet (Deut. 18:22; "You shall not fear him"); a case in which the death penalty is imposed. The author of the Temple Scroll apparently extrapolates, based on the common linguistic usage, that the law must be identical in the case of accepting bribes.60 Although Yadin does not employ the term gezera shava, this is a very likely example of that hermeneutic, especially since the words appear exactly twice in the Pentateuch. It should also be noted that the author of the scroll draws his language from Deuteronomy 18 and not Deuteronomy 1 when he writes אֲנִי ... rather than אֲנִי ... thus making his exegetical process clearer to us.

Another likely occurrence of gezera shava involves the age of the participant in the consumption of the paschal sacrifice. It is not completely clear from the language of this passage which pentateuchal passage about the paschal offering forms the model for its composition. The author of the Temple Scroll (11Q1 17:6–8) records an age restriction of twenty years (line 8, "...וירא ... שנים מעולם ... шаш יומית ..." for those who may participate in the offering. Although the Pentateuch does not stipulate, either in Exodus 12 or in Deuteronomy 16, the age at which an individual may participate in the paschal meal, it is likely that the Temple Scroll finds an exegetical source for the number. Numbers 13:3 specifies that the census is to include מכשיכומכש ... שַבָּה ("the whole assembly of the Israelites . . . from twenty years upward"); of the paschal sacrifice it is written שַבָּה שַבָּה ("the whole assembly of the congregation of Israel shall slaughter it"). According to Yadin, "The analogy [which is obvious]."61 But why should there be an analogy between the census and the paschal offering without any external connecting feature?62 Therefore, we are inclined to believe that, if this legal detail is dependent on exegesis and is not a free addition to the text, it is more likely to belong to some category of what rabbinic exegesis calls gezera shava, rather than analogy of a less specific sort. It is interesting that the book of Jubilees (49:17) records a similar age restriction for performing the paschal sacrifice.

As we noted earlier, one of the needs of legal exegesis is the specification of terms. The expression פִּתְרֵא הַרְּחֵשֵׁה דַרְדָּר הָעִשֵּּר ("far away (lit., 'a distant way')", is a classic example of such a case. One is permitted to avail himself of the opportunity to bring the "Second Passover" (cf. Num. 9:9–14) if he is הדַרְדָּר הָעִשֵּּר, the right to redeem second tithe crops for money and spend that money in "the place which the Lord has chosen" is permitted הָעִשֵּּר מְמַקְּמִים (Deut. 14:24; "should the place be too distant for you"); the latter phrase also furnishes the criterion for the availability of non-sacral slaughter of animals in Deuteronomy 12:21. In the two surviving parallels to these three instances, the Temple Scroll replaces this biblical פִּתְרֵא with the precise distance of three days.63 Living a distance of three or more days' journey from the temple allows the landowner to bring the monetary value of the second tithe produce to Jerusalem (11Q1 43:12) and permits the slaughtering and eating of meat without having to bring it to the temple as an offering (52:14).

The obvious question, of course, is what prompts the equation of "distance" with "a three days' journey"? Yadin has suggested that the source is פִּתְרֵאدرس (cf. "..., וירא ... שנים מעולם ..." in Exodus 31:18, "... וירא ... שַבָּה ... נוּבָה לָא ..."") which deals with the Second Passover has not survived.

59. For rabbinic gezera shava, see s.v. הַרְּחֵשֵׁה/G'zeyrah Shavah in Encyclopedia Talmudica [Eng.], 6:304–16, and M. Chernick, Gezera Shavah: Its Various Forms in Midrashic and Talmudic Sources (in Hebrew) (Lod: Haberman Institute for Literary Research, 1994). What is significant for our first example is Chernick's remark that "the basic formal rule for 'plain' gezera shavah [sic] is that its source is a word or phrase repeated only twice in the Pentateuch" (p. 1 of unpaginated English abstract; cf. "The Types of the 'Plain' Gezera Shava", 12–37).

60. Yadin, 2:229.

61. Yadin, 197.

62. Whether Yadin's description of this technique as heqesh was meant to connote the term in the narrow sense or not, his language still seems imprecise.

63. Unfortunately, that portion of the Temple Scroll which deals with the Second Passover has not survived.
“let us travel three days in the desert and sacrifice to the Lord our God”).64 This is a very loose sort of “analogical reasoning,” since there is no particular reason to compare the two passages. Schiffman, on the other hand, has suggested quite convincingly that the author of the Temple Scroll used gezera shava to identify the precise meaning of the biblical term.65 He points to Exodus 8:23-24 where Moses asserts that the people will travel דֶּרֶךְ שְׁלֹשָׁה יָמִים (“a three days’ journey”) into the desert to sacrifice, and Pharaoh replies, זה הוא דֶּרֶךְ שְׁלֹשָׁה יָמִים (“only do not go too far away”).66 The use of דֶּרֶךְ (go away) in conjunction with “three days” furnishes a gezera shava for other places where דֶּרֶךְ is employed to mean “a three days’ journey.”

“Nontypical” Midrash

While there exist in the legal material in the scrolls many examples of “technical” midrash, deriving from various types of analogical reasoning and often paralleling hermeneutical tools of the later rabbis, not all Qumran midrash fits this characterization. Some midrash satisfies our initial requirement, borrowed from Schiffman, of “an exegesis in which a corroborative passage in Scripture plays a part,” but does not exhibit any definable hermeneutic technique. A good example is CD’s treatment of the “Sabbath limits.” CD 10:21 forbids a man from walking outside his city לע אלך מבואות (“more than a thousand cubits”). Schiffman writes, “This law is clearly the result of midrash halakhah. Ex. 16:29 was understood by means of perush to apply not only in the desert period but to all time. However, the verse does not define the limits of taḥtent or meqomo. The process of midrash was used to define these terms.”67 Like their tannaitic counterparts, the sectarians used the description of the boundaries of the levitical cities recorded in Numbers 35:2-5 to clarify the ambiguous terms in Exodus. They applied both of the measurements of 1,000 and 2,000 cubits found in Numbers in defining the Sabbath limits (רְבָּעִים שָׁבָת). No man was allowed to walk 1,000 cubits outside of the camp, unless he did so while pastur-

66. Schiffman’s suggestion seems much more plausible than that of Yadin mentioned above and that of A. Shemesh, “‘Three Days’ Journey from the Temple’ The Use of This Expression in the Temple Scroll,” DSD 6 (1999): 126-38, who believes the term is meant to denote the halakhic boundaries of the Land of Israel.
68. Schiffman, The Halakhah at Qumran, 91.