4Q159 FRAGMENT 5 AND THE "DEsert THEOLOGY" OF THE QumRAN SECT

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INTRODUCTION

One of the texts in Discoveries in the Judaean Desert 5 which I am in the process of re-editing together with Professor George Brooke is 4Q159, named by its initial editor, J. M. Allegro, "Ordinances." The bulk of the substantial remains of this text, fragments 1 and 2–4, contains legal material which is related to laws found in the Pentateuch, hence its official designation. Virtually every scholar who has dealt with 4Q159, however, has questioned the relationship of fragment 5, which was also published by Allegro as part of this manuscript, to the other fragments, both on the grounds that it does not contain legal material as the other fragments do, and that it contains terminology, such as יִשָּׂא הָאַרְאֵי and וַיַּאֲשֵׁר, with which we are familiar from non-legal Qumran literature. As a result, frg. 5 has been ignored in almost all subsequent scholarly discussions of 4Q159.

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1 I had the pleasure of presenting a paper on my preliminary work on 4Q159, including this fragment, at a monthly symposium of the Bible department of the Hebrew University held on December 12, 2001 in the home of Professor Emanuel Tov, in whose honor this essay is being published. Most of the work on this text was carried out during my tenure as a fellow at the Institute for Advanced Studies at the Hebrew University during the fall 2001 semester. In my work there on 4Q159, I profited from productive conversations with Professors Joseph Baumgarten and Elisha Qimron. At the penultimate stage of writing, I had the benefit of the criticism of Professor James C. VanderKam.


3 Typical is the comment of J. A. Fitzmyer in his review of Allegro, CBQ 31 (1969): 237, “The fifth fragment of this text (4Q159) is so different in content from the rest that one wonders if it rightly belongs to this group of fragments.” F. D. Weinert, "4Q159: Legislation for an Essene Community outside of Qumran?" JSJ 5 (1974): 179–207 (203–204) comments, “The total absence of any such [pesher] formulae in all the rest of 4Q159 makes the conclusion unavoidable that fragment 5 is not derived from the same text as 4Q159.” L. H. Schiffman, "Ordinances and Rules," The Dead Sea Scrolls: Hebrew, Aramaic and Greek Texts with English Translations. Volume 1. Rule of the Community and Related Documents (ed. J. H. Charlesworth; Tübingen: J. C. B. Mohr, 1994), 145–57, writes (145), “Fragment 5 was misidentified and does
Joseph Baumgarten, I believe, has been the only scholar to continue to work with the assumption that frg. 5 is part of 4Q159, working from a starting point that there is an analogy between 4Q159 and 4Q265 ("Miscellaneous Rules") as texts which combine narrative and halakhic material. Although I cannot accept fully his typological comparison between 4Q159 and 4Q265, some of his brief remarks on 4Q159, in the introduction to his edition of 4Q265, anticipate certain aspects of my treatment of 4Q159, although without the fuller restoration of the fragment and its interpretation that I shall attempt.

The apparent reluctance of scholars to accept the initial identification of fragment 5 as belonging to this text derives fundamentally from two related concerns. The first, as noted above, is the insistence that there is sufficient generic dissimilarity between frg. 5 and the other fragments to preclude their belonging to the same ms. I reject this view which is predicated on what I believe to be an excessively rigid sense of genres at Qumran, in this case the alleged phenomenon that in a text which apparently is of a legal nature we cannot expect to find non-legal material. The other argument consists of the absence of any obvious connection in content between fragment 5 and the remainder of the text that would lead us to consider them related, even in the face of their apparent generic dissimilarity.

The former claim, which is an a priori assumption, is difficult to refute. But in this essay, which I happily dedicate to the editor-in-chief of the publication series in which my edition of this text will appear, I shall attempt to demonstrate, by ordering the fragments in a slightly different sequence, that there indeed exists a possible connection between fragments 1 and 2–4, on the one hand, and fragment 5, on the other. Following that demonstration, I shall venture a somewhat speculative suggestion regarding the possible signi-

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5 When I consulted Dr. Ada Yardeni for her paleographic evaluation of the fragments, she asserted, after a brief examination of photographs of the fragments of 4Q159, that she felt that they were all written by a single hand. Paleographically, then, fragment 5 qualifies to be part of 4Q159, and can only be excluded with the admittedly not unreasonable claim that this scribe wrote more than one manuscript which survived at Qumran.