

BIBLIOTHECA EPHEMERIDUM THEOLOGICARUM LOVANIENSIVM

CCCXL

QUMRAN AND
THE NEW TESTAMENT

EDITED BY

JÖRG FREY

PEETERS
LEUVEN – PARIS – BRISTOL, CT
2024

TABLE OF CONTENTS

Preface	VII
Introduction (J. FREY)	XIII

MAIN PAPERS

Jörg FREY (Zürich)	
Die Texte von Qumran und die neutestamentliche Wissenschaft nach 75 Jahren: Erträge, Einsichten und Aufgaben	3
John J. COLLINS (Yale)	
Eschatology in the Scrolls and the New Testament	35
Christian GRAPPE (Strasbourg)	
Éclairage apporté par les textes qumrâniens sur les premières représentations chrétiennes (conceptions messianiques et ecclésiologiques)	53
Jutta LEONHARDT-BALZER (Zürich)	
Das Böse und Gottes Plan: Weisheitliche und liturgische Ansätze aus Qumran und dem Neuen Testament	77
Cecilia WASSÉN (Uppsala)	
Halakhah at the End of Days: A Comparison between Jesus's Teaching and the Dead Sea Scrolls	101
Yair FURSTENBERG (Jerusalem)	
Communal Justice in Qumran and in the Jesus Traditions.	129
Lutz DOERING (Münster)	
Der <i>Jachad</i> der Qumrantexte und die <i>ekklêsiai</i> des Paulus: Sozialform, Mitgliedschaft, (Selbst-)Verständnis	157
George J. BROOKE (Manchester)	
The Performance of Scripture in the Dead Sea Scrolls and the New Testament	181
Loren T. STUCKENBRUCK (München)	
Was lässt sich aus den Qumran-Befunden für das Verständnis der synoptischen Überlieferungsprozesse lernen?	199

David HAMIDOVIĆ (Lausanne)	
La boîte mémorielle du Maître de justice	225
Eibert J.C. TIGCHELAAR (Leuven)	
No More or Not Yet (4Q417 1 i 17): 4QInstruction and Paul	253
Pieter B. HARTOG (Groningen)	
Polyglots and Polyglotism in the Damascus Document and the Acts of the Apostles.	271

OFFERED PAPERS

Daniel Christian MAIER (København)	
Beatitudes in Qumran and the New Testament: Locating the Macarisms Found in the Judean Desert and the Sermon on the Mount and Plain in Their Historical Context	297
Fiodar LITVINAU (München)	
“ <i>The Seekers of Truth Will Rouse Themselves for Your Judgment</i> ”: An Interpretation of 4Q418 69 ii 7 in Light of Matt 12,41-42 (par. Luke 11,31-32) and Related Texts	315
Alida C. EULER (Heidelberg)	
Jojachin in 4Q381 und im Matthäusevangelium: Ähnliche Sichtweisen in zwei sehr unterschiedlichen Texten	329
Ruben A. BÜHNER (Bonn)	
Verkündigung und Befreiung: Jesu Exorzismen im Markusevangelium im Kontext der Auseinandersetzung messianischer Gestalten mit himmlischen Gegenübern.	341
Michael R. JOST (Zürich)	
La relation entre Dieu et l’homme dans le <i>yaḥad</i> et dans la communauté johannique	359
Birke SIGGELKOW-BERNER (Göttingen)	
Wahrheit und „Dualismus“ in der Gemeinderegel aus Qumran und im Johannesevangelium	375
Mateusz KUSIO (Warszawa)	
Coming to Terms with the Eschatological Delay in the Dead Sea Scrolls and the New Testament.	393
Gad BARNEA (Haifa)	
The Seven-sealed Scroll in Practice, Legend and Theology: From Imperial Administration and Qumran to the Book of Revelation	411

Thomas WITULSKI (Bielefeld)	
Das Bild Roms und der Römer in den Qumranschriften und in der neutestamentlichen Johannesoffenbarung	427
ABBREVIATIONS	445
INDEX OF AUTHORS	449
INDEX OF REFERENCES	457

ABBREVIATIONS

AB	The Anchor Bible
AJEC	Ancient Judaism and Early Christianity
BBR	Bulletin for Biblical Research
BDAG	B. BAUER – F.W. DANKER – W.F. ARNDT – W.F. GINGRICH (eds.), <i>A Greek-English Lexicon of the New Testament and Other Early Christian Literature</i>
BETL	Bibliotheca Ephemeridum Theologicarum Lovaniensium
BThSt	Biblich-theologische Studien
BZNW	Beihefte zur Zeitschrift für die neutestamentliche Wissenschaft
CAD	The Assyrian Dictionary of the Oriental Institute of the University of Chicago
CAI	Corpus of Ammonite Inscriptions
CBQ	The Catholic Biblical Quarterly
CEJL	Commentaries on Early Jewish Literature
CGL	The Cambridge Greek Lexicon
CPJ	Corpus Papyrorum Judaicarum
DCH	The Dictionary of Classical Hebrew
DJD	Discoveries in the Judaean Desert
DSD	Dead Sea Discoveries
EKK.NT	Evangelisch-katholischer Kommentar zum Neuen Testament
ÉtB	Études bibliques
ETL	Ephemerides Theologicae Lovanienses
FAT	Forschungen zum Alten Testament
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
GRA	<i>Greco-Roman Associations</i> , vol. 1, ed. J.S. KLOPPENBORG – R.S. ASCOUGH (BZNW, 181), Berlin, De Gruyter, 2011; vol. 2, ed. P.A. HARLAND (BZNW, 204), 2014; vol. 3, ed. J.S. KLOPPENBORG (BZNW, 246), 2020
HALOT	Hebrew and Aramaic Lexicon of the Old Testament
HNT	Handbuch zum Neuen Testament
HTK.AT	Herders theologischer Kommentar zum Alten Testament
HTK.NT	Herders theologischer Kommentar zum Neuen Testament
JAJ	Journal of Ancient Judaism
JAJ.Sup	Supplements to the Journal of Ancient Judaism

JBL	Journal of Biblical Literature
JJS	Journal of Jewish Studies
JSHRZ	Jüdische Schriften aus hellenistisch-römischer Zeit
JSJ	Journal for the Study of Judaism
JSJ.Sup	Supplements to the Journal for the Study of Judaism
JSNT	Journal for the Study of the New Testament
JSNT.Sup	Supplements to Journal for the Study of the New Testament
JSOT	Journal for the Study of the Old Testament
JSOT.Sup	Supplements to the Journal for the Study of the Old Testament
JSP	Journal for the Study of the Pseudepigrapha
JSP.Sup	Supplements to the Journal for the Study of the Pseudepigrapha
JTS	Journal of Theological Studies
KEK	Kritisch-exegetischer Kommentar über das Neue Testament
KTU	Keilalphabetische Texte aus Ugarit
LCL	Loeb Classical Library
LSJ	H.G. LIDDELL – R. SCOTT – S. JONES – R. MCKENZIE, <i>Greek-English Lexicon</i>
LSTS	The Library of Second Temple Studies
NICNT	The New International Commentary on the New Testament
NT	Novum Testamentum
NTD	Das Neue Testament Deutsch
NTOA	Novum Testamentum et Orbis Antiquus
NTS	New Testament Studies
NT.Sup	Supplements to Novum Testamentum
OLA	Orientalia Lovaniensia Analecta
RAC	Reallexikon für Antike und Christentum
RB	Revue biblique
RdQ	Revue de Qumran
REJ	Revue des Études juives
SAA	State Archives of Assyria
Sapere	Scripta Antiquitatis Posterioris ad Ethicam RELigionem-que pertinentia
SBL.EJL	SBL Early Judaism and Its Literature
SNTS.MS	Society for New Testament Studies Monograph Series
STDJ	Studies on the Texts of the Desert of Judah
SUNT	Studien zur Umwelt des Neuen Testaments
TKNT	Theologischer Kommentar zum neuen Testament
TSAJ	Texts and Studies in Ancient Judaism

UTB	Uni-Taschenbücher
VT	Vetus Testamentum
VT.Sup	Supplements to Vetus Testamentum
WBC	Word Biblical Commentary
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
YOS	Yale Oriental Series
ZNW	Zeitschrift für die Neutestamentliche Wissenschaft
ZTK	Zeitschrift für Theologie und Kirche

HALAKHAH AT THE END OF DAYS
A COMPARISON BETWEEN JESUS'S TEACHING AND
THE DEAD SEA SCROLLS

I. QUESTIONS AND INVESTIGATIVE APPROACH

Jesus took part in debates about the observance of Torah laws, in particular concerning the Sabbath laws when he was criticized for performing work on the Sabbath. Nevertheless, his teaching focused on the imminence of the kingdom of God, the repentance necessary in preparation for it, and righteous living, seemingly without much emphasis on the observance of specific, ritual laws. The key questions in this paper are: What role did the laws of the Torah play in Jesus's teaching on the kingdom? To what extent was his teaching on halakhic issues driven by the study of the Torah¹?

To address these questions, I will analyze Jesus's teaching in comparison with views on the Torah and halakhah in the Pseudepigrapha and the Dead Sea Scrolls. I will include both apocalyptic material and legal texts. For the latter, I will examine to what extent the halakhic positions are legitimized through references to the Torah. My assumption is that from a broad, comparative perspective the characteristics and possibly peculiarities in Jesus's positions will come across more clearly. Although such a comparison by necessity will be very general, it will still be possible to uncover some tendencies.

I will begin by briefly outlining Jesus's teaching on the kingdom of God. Then I will highlight the scholarly debate about the status of the Torah and ritual laws in Judaism in general and examine some texts from Qumran. Finally, I will analyze Jesus's halakhic instructions in comparison with his teaching on the kingdom and draw some conclusions².

1. By "Torah" I refer to the Pentateuch. The Hebrew term *torah* as well as the Greek noun *nomos* have a broad meaning in ancient literature, ranging from "law" in general, to the Pentateuch or the Hebrew scriptures as a whole. Modern authors also use the term broadly, and unfortunately sometimes the precise meaning is uncertain.

2. Although Jesus's ethical instruction is equally relevant for his use and attitude towards the laws of the Torah, which also include ethical commandments, I will limit the scope of my investigation to his teaching on ritual laws, or halakhah. The difference between ethical and ritual commands depends on the cultural context, and I will focus on the legal area considered halakhah by scholars today, such as laws concerning the Sabbath,

II. JESUS'S TEACHING ON THE KINGDOM OF GOD

As the title of our book, *Jesus the Apocalyptic Prophet*, explains, Tobias Hägerland and I consider Jesus as an apocalyptic³ prophet who prepared the people for the establishment of the kingdom⁴. In this, we are in line with mainstream scholarship on the historical Jesus. The message of the coming of the kingdom is central in the Synoptic Gospels, which is evident, for example, in Mark's summary of Jesus's teaching:

Now after John was arrested, Jesus came to Galilee, proclaiming the good news of God, and saying, "The time is fulfilled, and the kingdom of God has come near repent, and believe in the good news" (Mark 1,14-15)⁵.

For evidence of Jesus's apocalyptic outlook, one may consider certain sayings that clearly demonstrate his conviction that God was about to establish his kingdom in the very near future, which are likely early. We may think of the Lord's prayer in which Jesus asks God to establish his kingdom, "Your kingdom come" (Matt 6,10//Luke 11,2). Another example is Mark 9,1 where he says, "Truly I tell you, there are some standing here who will not taste death until they see that the kingdom of God has come with power" (Mark 9,1). The expression, ἐν δυνάμει in the phrase "to come with power" particularly pertains to a military force, i.e., in this context, a celestial army (cf. LXX Dan 4,35; 8,10; 11,7.13). According to the saying, the kingdom will be clearly visible and it will

divorce, and purity. Although the term "halakhah" is not used for legislative interpretation until Rabbinic times, I will follow common scholarly terminology and use it for this period. For the lack of the term in a technical sense in the Dead Sea Scrolls, see D. GREEN, *Halakhah at Qumran? The Use Of הלכה in the Dead Sea Scrolls*, in *RdQ* 22/86 (2005) 235-251.

3. I subscribe to the definition of the genre of apocalypse by John Collins (J.J. COLLINS, *Introduction: Towards the Morphology of a Genre*, in ID. [ed.], *Apocalypse: Morphology of a Genre* [Semeia Studies, 149], Missoula, MT, Scholars Press, 1979, 1-20, p. 9): "'Apocalypse' is a genre of revelatory literature with a narrative framework, in which a revelation is mediated by an otherworldly being to a human recipient, disclosing a transcendent reality which is both temporal, insofar as it envisages eschatological salvation, and spatial insofar as it involves another supernatural world". Since then, Collins has offered helpful comments on this topic in response to some critique, which has mostly been directed against the concept of genre per se. By "apocalyptic" I refer to the characteristics related to the literary genre of apocalypse which reflects a distinct worldview. I agree with Collins's explanation (J.J. COLLINS, *What Is Apocalyptic Literature?*, in ID. [ed.], *The Oxford Handbook of Apocalyptic Literature*, New York – Oxford, Oxford University Press, 2014, 1-16, p. 6): "other material may be called 'apocalyptic' insofar as it bears some resemblance to the core features of the genre apocalypse".

4. C. WASSÉN – T. HÄGERLAND, *Jesus the Apocalyptic Prophet*, London – New York, Bloomsbury T&T Clark, 2021.

5. All English citations of biblical texts are from the NRSV.

come in Jesus's lifetime. In other words, the terminology of "the kingdom of God", βασιλεία τοῦ θεοῦ, is not part of a metaphorical discourse but should be understood as an expected cataclysmic event involving God's intervention in human history and the transformation of the present era.

In his teaching, Jesus appears to have been particularly inspired by the prophecies in the Book of Daniel and the Son of Man's establishment of his "kingdom" or "dominion", מְלִכְוּת / ἡ βασιλεία αὐτοῦ that God would prepare for his "holy ones"⁶. Jesus interpreted his own actions and ministry in light of the promises about the coming Son of Man, and identified with this figure. To put it concisely, Jesus most likely looked forward to how God would exalt him when he would take on the role of the Son of Man as described in Daniel and serve as God's viceregent in his kingdom. Jesus's disciples would also be rewarded and serve as leaders in a restored Israel in the kingdom, which is expressed in a saying from Q:

Jesus said to them, "Truly I tell you, at the renewal of all things, when the Son of Man is seated on the throne of his glory, you who have followed me will also sit on twelve thrones, judging the twelve tribes of Israel" (Matt 19,28; cf. Luke 22,30).

Jesus's future exalted role as a judge comes across most clearly in Mark 13,24-27:

²⁴ "But in those days, after that suffering, the sun will be darkened, and the moon will not give its light, ²⁵ and the stars will be falling from heaven, and the powers in the heavens will be shaken. ²⁶ Then they will see "the Son of Man coming in clouds" with great power and glory. ²⁷ Then he will send out the angels, and gather his elect from the four winds, from the ends of the earth to the ends of heaven (cf. Matt 24,29-31; Luke 21,25-28; 1 Thess 4,15-17).

If we apply the criteria of authenticity, particularly the criterion of embarrassment, these sayings are likely to be early. Or, put differently, since these sayings express expectations that were never realized it is unlikely that the early church would have invented them (however we may label this line of reasoning). Given the increasing critique of the use of "criteria" in historical Jesus research, we may broaden the perspective and look at larger patterns⁷. Nevertheless, we still get the same result.

6. Dan 7,14: "His dominion is an everlasting dominion that shall not pass away, and his kingship is one that shall never be destroyed"; 7,18: "But the holy ones of the Most High shall receive the kingdom and possess the kingdom forever – forever and ever"; cf. 7,22.27.

7. For a defense of the use of criteria and a lesson in their correct use, see T. HÄGERLAND, *The Future of Criteria in Historical Jesus Research*, in *Journal for the Study of the Historical Jesus* 13 (2015) 43-65.

Dale Allison's detailed survey of all occurrences of apocalyptic topics in the Synoptic Gospels reveals that an apocalyptic worldview permeates the texts; without passages pertaining to apocalyptic thoughts, the gospels would be very thin indeed⁸.

From a chronological perspective, there is a clear and consistent trajectory marked by an apocalyptic conviction running from John the Baptist to Paul. Hence, John warned the people about the upcoming judgment, urging them to repent and undergo his baptism. His message of the pending judgment is emphasized in Q: "Even now the ax is lying at the root of the trees; every tree therefore that does not bear good fruit is cut down and thrown into the fire" (Matt 3,10; cf. Luke 3,9). After Jesus's death, the earliest extant witness of the Christ-believers, namely Paul, similarly eagerly awaited the consummation of the present age and also the return of Jesus according to the fulfillment of the prophecies in his reading of the scriptures (e.g., 1 Thess 4,14-17; 1 Cor 7,29; 15,20-28.51-52; Rom 13,11-14). Accordingly, it is reasonable to reconstruct a development whereby John passed on to Jesus his apocalyptic convictions, which Jesus in turn developed in his instructions to his disciples. After his death, the timetable for the kingdom was extended into the future and transformed in light of the belief that Jesus had been resurrected. His disciples – those who remained – were now expecting his return and concomitant end-time events, including a final judgment, victory over evil powers, a general resurrection, and a perfect world. Accordingly, Paul outlined his visions for the near future in 1 Cor 15,22-26.

²² for as all die in Adam, so all will be made alive in Christ. ²³ But each in his own order: Christ the first fruits, then at his coming those who belong to Christ. ²⁴ Then comes the end, when he hands over the kingdom to God the Father, after he has destroyed every ruler and every authority and power.

²⁵ For he must reign until he has put all his enemies under his feet.

²⁶ The last enemy to be destroyed is death.

Before discussing the role of halakhah in Jesus's teaching on the kingdom, we will consider the status of the Torah and the character of halakhic discourse in Jesus's time.

8. D.C. ALLISON, JR., *Constructing Jesus: Memory, Imagination, and History*, Grand Rapids, MI, Baker Academic, 2010, pp. 31-204. See particularly his helpful list of sayings pertaining to the kingdom on pp. 164-168.

III. THE STATUS OF THE TORAH IN EARLY JUDAISM

Few would question the centrality of the Torah in early Judaism in the latter part of the Second Temple Period. Whereas scholars disagree on the status of the Torah in the Persian period and the historical value of the Ezra-Nehemiah narratives, most would agree that it gained importance during the Maccabean revolt when the native leaders promoted the Torah as a unifying force⁹. With its law codes and a national epic in the form of legends, the Torah also became a strong symbol of Jewishness for the people¹⁰. Nevertheless, as a symbol it could have different meanings, which Philip Alexander explicates:

[...] while the centrality of the Torah of Moses to Judaism cannot in principle be questioned, the meaning of that centrality is not self-evident. It was not necessarily the centrality of a coherent body of doctrines universally believed. It was more the centrality of a national symbol, which was acknowledged by all, but which meant different things to different groups¹¹.

In addition to the centrality of the Torah, descriptions of early Judaism usually highlight the importance of the one temple and the belief in the one God. According to this scheme, the three elements, Torah, Temple, and God, made up the common ideological basis. Nevertheless, the central role of the Torah in early Judaism has been and continues to be discussed in some scholarly quarters. In his book *The Invention of Judaism* from

9. Peter Frei (P. FREI, *Zentralgewalt und Lokalautonomie im Achämenidenreich*, in Id. – K. KOCH [eds.], *Reichsidee und Reichsorganisation im Perserreich*, Fribourg/CH, Universitätsverlag, 1984) suggests that Ezra 7 reflects Persian “imperial authorization” of the Torah. This theory is criticized by many contributors in J. WATTS (ed.), *Persia and Torah: The Theory of Imperial Authorization of the Pentateuch* (SBL Symposium Series, 17), Atlanta, GA, SBL, 2001. Still, the theory remains popular; see, e.g., Seth Schwartz (S. SCHWARTZ, *Imperialism and Jewish Society: 200 B.C.E. to 640 C.E.*, Princeton, NJ, Princeton University Press, 2004, pp. 63-69), who argues that the Pentateuch was accepted as a law code during the Persian period with the active support of the kings. Based on both ancient texts and material culture, Yonatan Adler concludes that the Torah took on an authoritative status during the Hasmonean period; Y. ADLER, *The Origins of Judaism: An Archaeological-Historical Reappraisal*, New Haven, CT, Yale University Press, 2022. See also the important study by M. LEFEBVRE, *Collections, Codes, and Torah: The Re-Characterization of Israel’s Written Law*, New York, T&T Clark, 2006.

10. For the prehistory and textual versions of the writings in the Hebrew Bible, see E. ULRICH, *The Jewish Scriptures: Texts, Versions, Canons*, in J.J. COLLINS – D.C. HARLOW (eds.), *Early Judaism: A Comprehensive Overview*, Grand Rapids, MI, Eerdmans, 2012, 97-119.

11. P.S. ALEXANDER, *Jewish Law in the Time of Jesus: Towards a Clarification of the Problem*, in B. LINDARS (ed.), *Law and Religion: Essays on the Place of the Law in Israel and Early Christianity by Members of the Ehrhardt Seminar of Manchester University*, Cambridge, James Clarke, 1988, 44-58, p. 46.

2017, John Collins discusses the status of the Torah, particularly the Pentateuchal laws in early Judaism, and questions the assumption that it was central in all forms of Judaism. He highlights an old debate from the early twentieth century, referring to the work from 1903 by Wilhelm Bousset, *Die Religion des Judentums im neutestamentlichen Zeitalter*, among others¹². Bousset's reconstruction of Judaism was controversial since he primarily focused on the Pseudepigrapha and did not take Rabbinic literature into regard. This generated a debate that has continued up to today: What was normative Judaism? In 1921 George Foot Moore, a major authority in New Testament studies, as well as Jewish scholars such as Felix Perles, argued that Bousset missed the center of Judaism, namely the law¹³. In the last century, negative views on the material, unfortunately, played a large role in the debate, as Collins points out: "While this debate was ostensibly about the relevance of specific sources to a given historical period, it undeniably entailed value judgments on both sides – a distaste for the rabbinic material on the part of Bousset and his followers and a distaste for apocalyptic material on the part of his critics"¹⁴. How to characterize early Judaism is still a sensitive issue, given the long history of Christian prejudice, and awareness of the ugly history is crucial, as is the effort to do the material justice¹⁵.

With the discovery of the Dead Sea Scrolls, in which both legal interpretations and apocalyptic speculations are well-attested and often integrated, the debate has obviously changed. Still, the Scrolls demonstrate that the issue is quite complex as different documents have very different perspectives. At the same time, scholarship in general maintains the traditional perspective that an earlier form of rabbinic Judaism, or something similar, was dominant at the time. Many scholars, such as Geza Vermes, ascribe a significant role to the Pharisees in Jewish life

12. W. BOUSSET, *Die Religion des Judentums im neutestamentlichen Zeitalter*, Berlin, Reuther und Reichard, 1903; Tübingen, Mohr Siebeck – Hugo Gressmann, 1926³.

13. J.J. COLLINS, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul* (The Taubman Lectures in Jewish Studies, 7), Oakland, CA, University of California Press, 2017, pp. 114-115. For an in-depth discussion on the history of the debate up to the present day, see ID., *Setting the Stage: The Variety of Judaism and the Origin of Christianity*, in K. HEDNER ZETTERHOLM – A. RUNESSON – C. WASSÉN – M. ZETTERHOLM (eds.), *Negotiating Identities: Conflict, Conversion, and Consolidation in Early Judaism and Christianity (200 BCE–400 CE)* (Coniectanea Biblica), London, Lexington Books – Fortress Academic, 2022, 13-32.

14. COLLINS, *The Variety of Judaism* (n. 13), p. 15.

15. I subscribe to Heikki Räisänen's principles of "fair play". He warns about the tendency to reconstruct history under the influence of the scholar's own theological leaning and personal faith; see H. RÄISÄNEN, *Beyond New Testament Theology: A Story and a Programme*, London, SCM, 2000², pp. 157-188.

and characterize observance of religious laws based on detailed interpretations of the Torah as “the hallmark of mainstream Judaism”¹⁶.

Probably the most influential depiction of early Judaism has been the works of E.P. Sanders, whose concept of “covenantal nomism” has gained wide acceptance. Nevertheless, Collins criticizes this particular reconstruction. An examination of the key arguments on both sides makes for a good starting point for my investigation. Sanders begins his analysis of central elements of Judaism by asking what “the priests and the people would agree upon”, which in turn makes up what he labels “common Judaism”. Although Sanders refrains from using the term “normative”, since it was shared by the majority of the people, it was also in this sense normative¹⁷. While recognizing that Judaism in Palestine was highly diverse and included many sects, Sanders points to certain basic practices that are uniquely or typically Jewish, i.e., circumcision, Sabbath observance, avoidance of pork, and the worship of one invisible God. These characteristics are well known by ancient non-Jewish writers, who were especially fascinated by the subjects of the Sabbath and pork. In eight points Sanders outlines basic beliefs about how to enter into the covenant, and how to stay in (nomism), highlighting the belief in God’s grace and the covenant upon which Torah observance is based¹⁸. He emphasizes in particular the fundamental belief in God’s mercy and grace: “An important interpretation of the first and last points is that election and ultimately salvation are considered to be by God’s mercy rather than human achievement”¹⁹.

Sanders developed this reconstruction of Jewish theology and praxis partly in reaction against perceptions of Judaism as “legalistic works – righteousness” which were often based on Paul’s letters, especially Galatians and Romans 7. He emphasized that in order to understand Judaism we need to read the Jewish sources on their own terms and not through the lenses of Paul. Certainly, his book was a game changer and transformed

16. E. SCHÜRER, *The History of the Jewish People in the Age of Jesus Christ (175 B.C. – A.D. 135)*, 3 vols., ed. G. VERMES *et al.*, Edinburgh, T&T Clark, 1973, p. 1.

17. E.P. SANDERS, *Judaism: Practice and Belief, 63 BCE-66 CE*, London, SCM, 1992, p. 47.

18. Sanders writes that, “(1) God has chosen Israel and (2) given the law. The law implies both (3) God’s promise to maintain the election and (4) the requirement to obey. (5) God rewards obedience and punishes transgression. (6) The law provides means of atonement, and atonement results in (7) maintenance or re-establishment of the covenantal relationship. (8) All those who are maintained in the covenant by obedience, atonement and God’s mercy belong to the group which will be saved”. E.P. SANDERS, *Paul and Palestinian Judaism: A Comparison of Patterns of Religion*, London, SCM; Philadelphia, PA, Fortress, 1977, p. 422.

19. *Ibid.*

the paradigm for studies both on Paul and Early Judaism. He was hailed by James Dunn, for one, as initiating “a new perspective on Paul”²⁰. But was Sanders correct? One of his critics, Alexander, argues that Sanders downplays Pharisaic and Rabbinic legalism (“And what is wrong with ‘legalism’?” he asks) in favor of beliefs in God’s grace, and that he depicts Judaism as “a pale reflection of Protestant Christianity”²¹. On the other end of the spectrum, Collins argues that Sanders’s thesis “does not withstand examination” since the pattern of covenantal nomism is not apparent in all or even most of Jewish literature of the time²². Halakhah is simply not important in many of the books. Moses and the Sinaitic covenant are rarely central in the texts, according to Collins.

Although the Torah had a prominent position in different ways in Hellenistic times, Collins submits that there are significant exceptions. He points to wisdom tradition prior to Ben Sira, stories from the Eastern diaspora (e.g., Daniel 1–6; Esther), 1 Enoch, and apocalyptic literature in general²³. He emphasizes that apocalyptic literature presents a higher revelation, which presumes that the Torah is not sufficient. For example, the character of Ezra in 4 Ezra is inspired to dictate 70 books in addition to the 24 public books that presumably make up the collection that will become the Hebrew Bible. These 70 books are hidden, secret books that will only be given to those who are wise. In other words, the Torah needs to be “supplemented with a higher revelation”²⁴. Collins presents 1 Enoch as a form of “non-Mosaic Judaism”, stressing the obvious fact that “Enoch is the mediator of revelation, rather than Moses or any other figure from Israelite tradition”²⁵. A case in point is the *Animal Apocalypse* that alludes

20. J. DUNN, *The New Perspective on Paul*, in *Bulletin of the John Rylands Library* 65 (1983) 95-122.

21. Alexander (P. ALEXANDER, *Review of E.P. Sanders’ Jesus and Judaism*, in *JJS* 37 [1986] 103-106, p. 105) alleges that “His [Sanders’s] answer to the charge of ‘legalism’ seems, in effect, to be that Rabbinic Judaism, despite appearances, is really a religion of ‘grace’. But does that not involve a tacit acceptance of a major element in his opponents’ position – the assumption that ‘grace’ is superior to ‘law’?”. Along a similar line, in his review of Sanders’s *Paul and Palestinian Judaism*, Jacob Neusner argued that while the ideas of “covenantal nomism” are correct per se, they do not constitute the core subjects and interests in Judaism; J. NEUSNER, *Review Article: Comparing Judaisms*, in *History of Religions* 18 (1978) 177-191.

22. COLLINS, *The Variety of Judaism* (n. 13), p. 17.

23. COLLINS, *The Invention of Judaism* (n. 13), p. 65.

24. COLLINS, *The Variety of Judaism* (n. 13), p. 18. Seth Schwartz (SCHWARTZ, *Imperialism and Jewish Society* [n. 9], p. 85) comments on the social positions of the authors: “Thus some scribes/wise men supplemented the prestige and influence they enjoyed as priests, legal experts, and teachers by claiming access to divine mysteries even more obscure than those written down in the Torah”.

25. COLLINS, *The Invention of Judaism* (n. 13), p. 71.

to Moses on Mount Sinai, but does not mention the law or the covenant²⁶. George Nickelsburg similarly argues that the covenant was unimportant for the authors of 1 Enoch²⁷. The only reference to the Torah appears in the last of the books, the *Epistle of Enoch* (1 Enoch 91–105). On a basic level, as Seth Schwartz explicates, the worldview of “the apocalyptic myth”, which is his label of apocalyptic theology, is fundamentally different from that of the covenantal theology of Deuteronomy²⁸.

This story’s stark contradiction of the covenantal ideology is remarkable. The covenant imagines an orderly world governed justly by the one God. The apocalyptic myth imagines a world in disarray, filled with evil; a world in which people do not get what they deserve. God is not in control in any obvious way [...]²⁹.

In his article *Apocalypse and Torah in Ancient Judaism*, Matthias Henze investigates the role of the Torah, particularly the laws, in apocalyptic literature with a focus on 1 Enoch, 4 Ezra, and 2 Baruch. Only in the latter text from after 70 CE does he find a real concern about the Torah laws and an effort to integrate observance of them into apocalyptic thought³⁰. Similarly, the broad range of Aramaic writings that venerate figures from the Israelite tradition other than Moses, i.e., Enoch, Daniel, and Jeremiah (from Qumran), do not reflect an interest in the Torah³¹.

According to Collins, the pattern of “covenantal nomism” does not apply to most of Jewish literature of the time. A classic example is Ben Sira who presents the Torah as wisdom (Sir 24,23), but does not cite any commandments³². At the same time, Sanders raises these problems with regard to some books, e.g., 1 Enoch and 4 Ezra. He explains: “Not every single document studied contains every one of the motives just listed. First Enoch, for example, is notably defective”. Nevertheless, he addresses these problems, asserting that the “elements which are not

26. *Ibid.*, pp. 73-76.

27. G. NICKELSBURG, *Enochic Wisdom: An Alternative to Mosaic Torah*, in J. MAGNESS – S. GITIN (eds.), *Hesed ve-emet: Studies in Honor of Ernest S. Frerichs*, Atlanta, GA, Scholars Press, 1998, 123-132.

28. COLLINS, *The Invention of Judaism* (n. 13), p. 127.

29. SCHWARTZ, *Imperialism and Jewish Society* (n. 9), p. 83.

30. “This increasing prominence of the Mosaic Torah in the corpus of early Jewish apocalypses is likely the literary expression of the growing influence of the Mosaic Torah in Judaism more broadly. This is especially true for 4 Ezra and 2 Baruch, two works written after the fall of Jerusalem in 70 CE, a time when Rabbinic Judaism was beginning to take form”; M. HENZE, *Apocalypse and Torah in Ancient Judaism*, in COLLINS (ed.), *The Oxford Handbook of Apocalyptic Literature* (n. 3), 312-326, p. 324.

31. COLLINS, *The Invention of Judaism* (n. 13), p. 121.

32. *Ibid.*, p. 184.

mentioned are presupposed”³³. Both 1 Enoch and 4 Ezra emphasize *obedience*, which, according to Sanders, concerns the basic loyalty to the covenant and the “biblical commandments”³⁴. I agree with Collins, however, that this line of reasoning is a stretch. Sanders pays special attention to the Dead Sea Scrolls and Jubilees, given their combination of an emphasis on the observance of laws and an apocalyptic outlook. He concludes:

This study lends no support to those who have urged that apocalypticism and legalism constitute substantially different religious types or streams in the Judaism of the period. The existence in Qumran of a strongly nomistic group with a pronounced expectation of an imminent end should be a major caution against accepting this simple dissection³⁵.

Over forty years later, Steven Fraade expresses much of the same views in his commentary on the Damascus Document (D). D famously combines legal and narrative discourse, which is particularly influenced by Deuteronomy. Together with 4QMMT, the Temple Scroll, and Jubilees, the Damascus Document, according to Fraade, disproves earlier understandings of Judaism as entailing two opposing branches of “legal pietism” and “eschatological spiritualism”³⁶. Nevertheless, one may wonder what general implications one can draw from a few texts; are these typical for Jewish thought or, rather, exceptional? Clearly, the Dead Sea Scrolls are crucial since they both attest to apocalypticism and the centrality of Torah laws. But in what form? How did the sectarians interpret Torah laws? We move on to larger issues of halakhah.

IV. HALAKHAH

When it comes to law observance, we need to distinguish between customs and text-based laws. In an article from 1999, Martin Goodman reminds us of how religious praxis functions on a fundamental level: “For most individuals in most societies religion is caught, through imitation of parental customs, rather than taught, whether through writings or verbal instruction”³⁷. Goodman highlights that both Josephus and

33. SANDERS, *Paul and Palestinian Judaism* (n. 18), p. 423.

34. *Ibid.*, pp. 423-424.

35. *Ibid.*, p. 423.

36. S.D. FRAADE, *The Damascus Document* (The Oxford Commentary on the Dead Sea Scrolls), Oxford, Oxford University Press, 2021, pp. 17-18.

37. M. GOODMAN, *A Note on Josephus, the Pharisees and Ancestral Tradition*, in *JJS* 50 (1999) 17-20, p. 18.

Philo often describe Jewish traditions as ancestral customs without referring to the Torah. Philo clarifies the distinction in *Spec. Laws* 4.149-150, explaining that “customs are unwritten laws, the decisions approved by men of old, not inscribed on monuments nor on leaves of paper [...]” and underscores the importance of following them³⁸. Josephus famously characterizes the Pharisees as a group who keeps the “regulations handed down by former generations and not recorded in the Laws of Moses”, which in turn the Sadducees oppose (*Ant.* 13.297-298; cf. *Ant.* 13.408; 17.41)³⁹. The Pharisees also have the support of the masses, according to Josephus. Goodman argues that the Pharisees were popular partly because they upheld common customs. From this perspective, the Pharisees were the traditionalists while the Sadducees (and similarly the Qumran sectarians), who rejected some common customs, were more radical. This, of course, changes the traditional perspective quite a bit, since the Sadducees and Qumran sectarians are often considered the traditionalists. As Albert Baumgarten explains, it would be anachronistic to label these customs “oral law”, which is a concept that the rabbis later developed; they were customs⁴⁰. We may compare the Pharisaic emphasis on customs, or traditions, with the wording of the first-century Pharisee Paul, when he recounts his former way of life, referring to “traditions”: “I advanced in Judaism beyond many among my people of the same age, for I was far more zealous for the traditions of my ancestors” (περισσοτέρως ζηλωτῆς ὑπάρχων τῶν πατρικῶν μου παραδόσεων, Gal 1,14)⁴¹.

38. Philo continues: “For children ought to inherit from their parents, besides their property, ancestral customs which they were reared in and have lived with even from the cradle, and not despise them because they have been handed down without written record”. Trans. LCC, p. 101.

39. Albert Baumgarten points out that the term *paradosis*, “tradition”, is used in many sources in relation to the Pharisees, which strengthens the accuracy of Josephus’s description. He states: “The use of *paradosis* across independent sources indicates that we are dealing with a technical term that refers to the regulations observed by the Pharisees but not written in the law of Moses”; A.I. BAUMGARTEN, *The Pharisaic Paradosis*, in *Harvard Theological Review* 80 (1987) 63-77, p. 66.

40. *Ibid.*, p. 17, n. 9: “In my view, oral law is a specific term for the way in which the rabbis understood the relationship between the written Torah and the supra-biblical legislation they accepted. I believe it anachronistic and potentially misleading to use the rabbinic term for other (earlier) groups”. For arguments that the Pharisees developed a concept of two Torahs in the Second Temple Period, see C. WERMAN, *Oral Torah vs. Written Torah(s)*, in S.D. FRAADE – A. SHEMESH – R.A. CLEMENTS (eds.), *Rabbinic Perspectives: Rabbinic Literature and the Dead Sea Scrolls. Proceedings of the Eighth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 7-9 January, 2003* (STDJ, 62), Leiden – Boston, MA, Brill, 2006, 175-197.

41. Nevertheless, Paul refers to “the law” in Phil 3,4-5: “If anyone else has reason to be confident in the flesh, I have more: circumcised on the eighth day, a member of the

Along similar lines, Adiel Schremer, in an article from 2001, distinguishes between text-based and tradition-based observance. By text-based observance, he refers to “the appeal to written therefore authoritative-texts, as the primary source from which one should draw halakhic guidance”⁴². This is opposed to “tradition-based observance”, which is the customary way to live. He argues that the effort to establish the authority of halakhah in the texts, as we see among the Qumran sectarians, represented a shift from tradition to the book. It is not the case that the Torah was unknown, but “when halakhic issues were raised, it was not customary to appeal to the book of the Torah as the deciding factor”⁴³. Certainly, the examples of rewritten Torah, most famously Jubilees and the Temple Scroll, testify to a development whereby the importance of a written text was emphasized.

In his book, *Halakhah in the Making*, Aharon Shemesh traces a similar process⁴⁴. For example, he points to the expression, “to Return to the Torah of Moses” which is used several times in S and D (1QS v 7; CD xv 12; xvi 1-2; cf. 4QMMT C 21-22), arguing that it is not a “return”. Rather, its rhetorical function is to anchor new regulations as a “return to the old”⁴⁵. Mostly the laws are simply presented without arguments or scriptural references. But two exceptions appear in regard to marital laws in the discourse on the nets of Belial in the Admonition (CD iv 12–v 13), namely the prohibitions against polygyny and uncle-niece marriage⁴⁶. Concerning the former, CD ix 20-21 reads:

²⁰ (They) are caught by two (snares). By unchastity, (namely,) taking ²¹ two wives in their lives, while the foundation of creation is “male and female

people of Israel, of the tribe of Benjamin, a Hebrew born of Hebrews; as to the law, a Pharisee, κατὰ νόμον Φαρισαῖος”.

42. A. SCHREMER, “[T]He[y] Did Not Read the Sealed Book”: *Qumran Halakhic Revolution and the Emergence of Torah Study in the Second Temple Judaism*, in D.M. GOODBLATT – A. PINNICK – D.R. SCHWARTZ (eds.), *Historical Perspectives: From the Hasmoneans to Bar Kokhba in Light of the Dead Sea Scrolls. Proceedings of the Fourth International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 27-31 January 1999* (STDJ, 37), Leiden – Boston, MA – Köln, Brill, 2001, 105-126, p. 106.

43. *Ibid.*, p. 115.

44. A. SHEMESH, *Halakhah in the Making: The Development of Jewish Law from Qumran to the Rabbis*, Berkeley, CA, University of California Press, 2009. He insists on calling the Qumran sectarians “Sadducees”, which is slightly confusing.

45. *Ibid.*, p. 73. This development, in turn, forced the rabbis to develop exegetical techniques and create two distinct categories of laws, i.e., those from the Torah and those commanded by the rabbis (pp. 96-97).

46. Commenting on this passage, Steven Fraade notes that the hermeneutical logic is rarely as explicit as in this instance. See FRAADE, *The Damascus Document* (n. 36), p. 49.

he created them” (Gen 1,27). And those who entered (Noah’s) ark went two by two into the ark. And of the prince it is written, “Let him not multiply wives for himself” (Deut 17,17)⁴⁷.

In this case, it may have been crucial to providing exegetical arguments, since the legal position of the community contradicted common praxis as well as parts of the Torah, e.g., the narratives about the patriarchs and Moses, who had more than one wife⁴⁸.

CD v 7b-11 explains that uncle-niece marriage is incestuous in the following:

⁷ And they marry ⁸ each one his brother’s daughter or sister’s daughter. But Moses said ⁹ “To your mother’s sister you may not draw near, for she is your mother’s near relation” (Lev 18,13). Now the precept of incest is written ¹⁰ from the point of view of males, but the same (law) applies to women, so if a brother’s daughter uncovers the nakedness of a brother of ¹¹ her father, she is a (forbidden) close relationship.

Shemesh makes a strong case that uncle-niece marriage was condoned by the Pharisees and also made for a common marital arrangement. Hence, the ban was a novelty and originated from a literal reading of Leviticus 18, according to Shemesh⁴⁹. In addition, there are allusions and references to the Torah in 4QMMT in the pronouncements of the correct interpretation of laws, e.g., B 36-38 concerning the slaughter of pregnant animals (cf. Lev 22,28) and B 72-74 concerning the impurity of human bones (cf. Num 11,11-22)⁵⁰. The pronouncements of the laws are explicitly presented as “some works (prescribed by) the Torah” (C 27)⁵¹. Why did

47. The translations of CD are taken from J.H. CHARLESWORTH (ed.), *Damascus Document, War Scroll and Related Documents* (The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations, 2), Tübingen, Mohr Siebeck; Louisville, KY, Westminster John Knox, 1995.

48. There are different interpretations of this passage, including that it prohibits any second marriage in a man’s life. For my arguments that it prohibits polygyny only, see C. WASSÉN, *Women in the Damascus Document* (SBL Academia Biblica, 21), Atlanta, GA, Society of Biblical Literature, 2005, pp. 114-118.

49. SHEMESH, *Halakhah in the Making* (n. 44), pp. 80-90. I made a similar conclusion earlier; see WASSÉN, *Women in the Damascus Document* (n. 48), p. 121.

50. For the text and notes, see E. QIMRON *et al.*, *Some Works of the Torah: 4Q394-399 (4QMMT^{a-f}) and 4Q313* in J.H. CHARLESWORTH – H.W.M. RIETZ (eds.), *Damascus Document II, Some Works of the Torah, and Related Documents* (The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations, 3), Tübingen, Mohr Siebeck, 2006, p. 241, p. 245. It should be noted that whereas these passages explain Torah laws, the arguments are both of exegetical nature (e.g., in B 75-82 intermarriage is compared to *kila’yim* – mixing animals or materials; Lev 19,19; Deut 22,11) and based on common sense (e.g., concerning limitations imposed on the blind and deaf in relation to holy items or places in B 49-54).

51. *Ibid.*, p. 187.

the sectarian authors provide the exegetical foundation only in a few cases? Aharon Shemesh and Cana Werman convincingly argue that they reflect polemical contexts in which exegetical arguments are necessary to counter the opponents' claims⁵². In contrast, the majority of sectarian laws, which are stated without explanation, are addressed to the insiders and are based on revelation. They claim "all halakhic compositions found at Qumran embrace divine revelation of halakhah as their starting point"⁵³. Evidently, such a claim to authority would not be accepted by outsiders. We may consider how regular laws are presented in the Damascus Document. For example, CD x 14-18 states:

About the Sa[bb]ath, how to keep it properly. A man may not work on the ¹⁵ sixth day from the time that the solar orb ¹⁶ is above the horizon by its diameter, because this is what is meant by the passage, "Observe the ¹⁷ Sabbath day to keep it holy" (Deut 5,12). On the Sabbath day, one may not speak any ¹⁸ coarse or empty word [...].

No explanation of the exegetical conclusion is provided in spite of the reference to Deut 5,12. The text does not reveal any evidence that the stipulations are based on the study of the Torah in order to uncover details of the laws. Instead, the Damascus Document provides revealed laws whereby the correct understanding of Torah laws is simply pronounced. Highlighting the lack of explicit halakhic exegesis in the Scrolls in general, Lutz Doering explains, "while scriptural disposition and support thus must be taken seriously, the establishment of halakhah should not be considered a predominantly exegetical enterprise"⁵⁴.

The sectarian rules demonstrate that the sectarians reflected on their own interpretation of Torah, which they presented as divinely inspired. Hence, the correct understanding of Torah was only available within the sect. The Damascus Document refers to "hidden things" that have been revealed to the sect (CD iii 12-16):

But out of those who held fast to God's ordinances, ¹³ God instituted his covenant with Israel forever, revealing ¹⁴ to them hidden things (*nistarot*) in which all Israel had gone wrong: his holy Sabbaths, the glorious appointed times, ¹⁵ his righteous testimonies, his true ways, the desires of His will, which a person should do ¹⁶ and live by them, He opened up to them.

52. A. SHEMESH – C. WERMAN, *Halakhah at Qumran: Genre and Authority*, in *DSD* 10 (2003) 104-129, pp. 122-123.

53. *Ibid.*, p. 105.

54. L. DOERING, *Parallels without "Parallelomania": Methodological Reflections on Comparative Analysis of Halakhah in the Dead Sea Scrolls*, in FRAADE – SHEMESH – CLEMENTS (eds.), *Rabbinic Perspectives* (n. 40), 13-42, p. 17.

The “hidden things” in this case refer to the correct laws, which means that perfect observance of the laws is only possible within the covenant. The belief in the sect’s access to divine secrets that are hidden from others is evident in several passages (CD v 4-5; 1QS v 11-12; viii 11-12; xi 6). Notably, the passage sometimes called a “manifesto” in the Community Rule (1QS viii–ix) presents *midrash ha-Torah*, the study and interpretation of Torah, within an apocalyptic framework as the fulfillment of the prophecy in Isa 40,3.

When such men as these come to be in Israel, ¹³ conforming to these doctrines, they shall separate from the session of perverse men to go to the wilderness, there to prepare the way of truth, ¹⁴ as it is written, “In the wilderness prepare the way of [...] [the Lord], make straight in the desert a highway for our God” (Isa 40,3). ¹⁵ This means *midrash ha-Torah*, the expounding of studying the Law decreed by God through Moses for obedience, that being defined by what has been revealed for each age, ¹⁶ and by what the prophets have revealed by His holy spirit (1QS viii 12-16)⁵⁵.

The study of the Torah within the sect was considered part of an ongoing revelation “for each age” which continued the work of the Spirit through Moses and the prophets. Alex Jassen explains that the community believed in “progressive revelation of the law”: “The Law of Moses can only be properly observed through the explication and expansion provided by successive revelations”, i.e., the prophets and the community⁵⁶. The interpretive study of the Torah appears to have been a communal activity, as 1QS viii indicates and which is further emphasized in 1QS vi 6-8, where studying Torah – not surprisingly given its revelatory character – takes place together with prayers⁵⁷. In addition, 1QS stresses the importance of the study taking place under the supervision of a priest (1QS vi 2b-8).

They shall eat, ³ pray and deliberate communally. Wherever ten men belonging to the party of the Yahad are gathered, a priest must always ⁴ be present. The men shall sit before the priest by rank, and in that manner their opinions will be sought on any matter [...] ⁶ [...] In any place where is gathered the ten-man quorum, someone must always be engaged in study of the Law אִישׁ דּוֹרֵשׁ בַּתּוֹרָה, day and night, ⁷ continually, each one taking his turn. The general membership will be diligent together for the first third

55. Translations of 1QS are based on M.O. WISE – M.G. ABEGG, JR. – E.M. COOK (eds.), *Qumran Non-biblical Manuscripts: A New English Translation*, New York, Harper-Collins, rev. ed., 2005.

56. A.P. JASSEN, *Rule of the Community*, in L.H. FELDMAN – J.L. KUGEL – L.H. SCHIFFMAN (eds.), *Outside the Bible: Ancient Jewish Writings Related to Scripture*, Philadelphia, PA, The Jewish Publication Society, 2013, vol. 3, p. 2955.

57. For the communal form of the study, see M. POPOVIĆ, *Reading, Writing, and Memorizing Together: Reading Culture in Ancient Judaism and the Dead Sea Scrolls in a Mediterranean Context*, in *DSD* 24 (2017) 447-470.

of every night of the year, reading aloud from the Book, interpreting Scripture, and ⁸ praying together *קרוא בספר ולדרוש משפט ולברך ביהוד*.

According to this passage, the priest evidently had an important role to safeguard the interpretation of Scripture against divergent opinions. In this role, the priests continued the leadership role of the founder of the sect, the Teacher of Righteousness *מורה צדק* (CD i 10-11; xx 27-34), whose teaching they preserved. The authority of the community's interpretation also rested on the guidance of other teaching figures, e.g., the Interpreter of the Torah *דורש התורה* (CD vi 3-10; vii 9–viii 1) and the Maskil, who appears in both the Damascus Document (CD xii 20-21; xiii 22) and 1QS ix 12. Very little is known about these figures, but clearly they were held in very high regard as divinely inspired teachers and interpreters of Torah. In the Damascus Document, the Examiner also provides judgments and instructions (CD xiii 5-12; xiv 8b-12).

In conclusion, the legal material mostly stands on its own authority without any reference to Torah. Sometimes the laws allude to Torah and paraphrase a text, but not in the sense of supplying arguments. Instead, the sectarians' engagement with Scripture reflects a self-assured authority of providing the correct meaning based on revelation rather than exegetical authority in the form of legal midrash. Nevertheless, there are a few cases in the Damascus Document where arguments based on the Torah are provided which likely were added as tools in debates with outsiders. Furthermore, MMT refers to the in-group's interpretation of specific laws. From this broad overview of the status of the Torah in early Judaism and the authority of the laws in the Dead Sea Scrolls, we turn to the teaching of Jesus.

V. JESUS

Jesus's teaching on the subject of law observance comes across quite clearly in two areas, the Sabbath and divorce. My presentation will focus on these two areas, but I will also briefly touch on his views on other halakhic matters, i.e., purity and oaths, where he also most likely was involved in debates.

The conflict stories concerning the Sabbath in the gospels appear in two different contexts, i.e., healing and plucking corn. There are several conflict stories over healing on the Sabbath: the man with the withered hand (Mark 3,1-6//Matt 12,9-12//Luke 6,1-11); the woman who was bent over (Luke 13,10-17); the man with a dropsy (Luke 14,1-6); the paralyzed man at the pool of Bethesda (John 5,1-9); the man born blind

(John 9,1-7). The principles for curing or actively treating diseases on the Sabbath are not mentioned in early Jewish sources, such as in the lists of prohibited work in Jubilees and the Damascus Document. Yet, taken together, the gospel stories suggest that at least some people objected to Jesus's healing work on the Sabbath in cases that were not life-threatening⁵⁸. Furthermore, discussions on the subject in the Mishnah, which take for granted that saving life always takes precedence over the Sabbath, assume that healing was not allowed on the Sabbath, which supports the realism behind the critique⁵⁹.

Jesus's response to the critique was based on common sense and is particularly interesting in light of the different halakhic positions in the Damascus Document and 4Q265. Matt 12,9-14 reads⁶⁰:

He left that place and entered their synagogue; ¹⁰ a man was there with a withered hand, and they asked him, "Is it lawful to cure on the sabbath?" so that they might accuse him. ¹¹ He said to them, "Suppose one of you has only one sheep and it falls into a pit on the sabbath; will you not lay hold of it and lift it out? ¹² How much more valuable is a human being than a sheep! So it is lawful to do good on the sabbath". ¹³ Then he said to the man, "Stretch out your hand". He stretched it out, and it was restored, as sound as the other. ¹⁴ But the Pharisees went out and conspired against him, how to destroy him.

In the narrative it is assumed that everyone would have agreed with Jesus's principle of rescuing an animal on the Sabbath and that Jesus won the debate. Yet, D and Miscellaneous Rules (4QSD; 4Q265) express a different opinion. CD xi 13-14 states: "No one should help an animal give birth on the Sabbath; and if it falls into a well or a pit, he may not lift it out on the Sabbath".

58. According to later rabbinic tradition, saving human life always had priority over the Sabbath commandment (*t. Shabb.* 9,22).

59. T. KAZEN, *Scripture, Interpretation, or Authority? Motives and Arguments in Jesus' Halakic Conflicts* (WUNT, 320), Tübingen, Mohr Siebeck, 2013, pp. 95-96. John P. Meier questions the historicity of the critique against Jesus in light of the lack of evidence that any particular groups would have prohibited healing per se, but he finds Jesus's rhetorical sayings concerning the Sabbath plausible, since it fits the halakhic debates of the time; J.P. MEIER, *A Marginal Jew: Rethinking the Historical Jesus. Vol. 4: Law and Love* (The Anchor Yale Bible Reference Library), New Haven, CT, Yale University Press, 2009, pp. 252-267. Nevertheless, the existence of multiple versions indicates underlying early traditions. It is also difficult to see a reason for why the early church would have invented such critique. As Kazen points out, the lack of Christological interpretations indicates an early origin (*ibid.*, pp. 105-111).

60. The parallel pericopes in Mark 3,1-6; Luke 6,6-11 do not include the argument concerning helping an animal on the Sabbath. Yet, similar arguments appear in Luke 13,15 "Does not each of you on the sabbath untie his ox or his donkey from the manger, and lead it away to give it water?" and 14,5: "If one of you has a child or an ox that has fallen into a well, will you not immediately pull it out on a sabbath day?".

Similarly, 4Q265 reads:

On the day [] of the Sabbath, [] Let no ma[n] ca[rry out] any vessel or foo[d] from his tent on the day [] of the Sabbath, [] Let no man raise up an animal which falls into the water on the Sabbath day. And if it is a human being that falls into the water [on] the Sabbath [day], let him cast his garment to him to raise him up therewith, but an implement he may not carry [to raise him up on] the Sabbath [day] (4Q265 6,4-8)⁶¹.

According to the ruling in 4QSD, one should rescue a human being from water but not an animal. Restrictions apply to the rescue, however, in that one may not carry an implement to the place, but rather should use clothing, that is, the things a person already has with him or her. The laws in 4Q265 demonstrate that a comparison between the treatment of humans and animals came naturally, which further strengthens the likelihood that Jesus would have used a similar analogy, but as an argument for a different position. Possibly, the examples of pulling out animals or humans on the Sabbath were widely known topics used in discussions concerning Sabbath practices. Hence, Jesus's argument was based on well-known hypothetical cases⁶².

Whereas his healing work was criticized by some people, it is important to notice that it was Jews who were subject to Jesus's healing on the Sabbath. In other words, there were different views on this matter. A logical development would be that the traditional way was to treat sick people without hesitation on the Sabbath, but the increasing focus on the Torah was accompanied by stricter application of the Sabbath laws among certain pious groups, such as Qumran sectarians, who expanded the prohibitions to include, e.g., talk about work⁶³. Kazen favors such a development, explaining that strict views would have necessitated a defense of traditional and popular practices⁶⁴.

The other case of conflict concerning the Sabbath in the gospels is the story about plucking corn:

One sabbath he was going through the cornfields; and as they made their way his disciples began to pluck heads of grain. The Pharisees said to him, "Look, why are they doing what is not lawful on the sabbath?" And he said to them, "Have you never read what David did when he and his companions were hungry and in need of food? He entered the house of God, when Abiathar was high priest, and ate the bread of the Presence, which it is not

61. Translations are based on WISE – ABEGG, JR. – COOK (eds.), *Qumran Non-biblical Manuscripts* (n. 55).

62. KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), p. 94.

63. Schremer explains that the shift from tradition- to text-based halakhah leads to increasing stringency. SCHREMER, "[T]He[y] Did Not Read the Sealed Book" (n. 42).

64. KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), p. 99.

lawful for any but the priests to eat, and he gave some to his companions”. Then he said to them, “The sabbath was made for humankind, and not humankind for the sabbath; so the Son of Man is lord even of the sabbath” (Mark 2,23-28).

First, we should note the somewhat artificial scenario described here of the Pharisees following Jesus and his disciples through the fields. In Sanders’s words, “Pharisees did not organize themselves into groups to spend their Sabbaths in Galilean cornfields in the hope of catching someone transgressing”⁶⁵. But even if the narrative framework is fictional, the dispute itself may have been accurate. One of the Sabbath laws in the Damascus Document is reminiscent of the opinion expressed by the Pharisees, which shows that a conflict of this kind fits well in the historical context: “Let no one eat anything on the Sabbath day except that which is prepared and from what perishes in the field” (CD x 22-23)⁶⁶. Accordingly, picking fruits from trees (or heads of grain from the stalks) was not acceptable, but picking up fruits lying on the ground (perishing) was allowed.

Jesus’s opinion on the matter may well have represented more of a popular position. Even so, he supported his interpretation with reference to the fact that it was an emergency situation. Just as David and his men ate the bread of the Presence when they were hungry (1 Sam 21,1-9), so too Jesus and his disciples could pluck grain on the Sabbath because of hunger. As is widely noted, Jesus’s version of the narrative about David does not fully match the text of 1 Samuel: the high priest was not Abiathar, but Ahimelech⁶⁷. Furthermore, Jesus’s argument is built on the notion that David transgressed the laws of the temple because he was in need, as Jesus states (Mark 2,26): “the bread of the Presence, which it is not lawful for any but the priests to eat”, which is contradicted in the narrative of 1 Samuel. Jesus’s point is that it is permissible to break the Sabbath commandment in a situation of acute hunger. In Mark’s version, Jesus articulates the basic principle that “The sabbath was made for humankind, and not humankind for the sabbath”, a commonsense argument that has later Rabbinic parallels, and Jesus may have said something like that, given his rational approach to the Sabbath⁶⁸. In this case, Jesus

65. E.P. SANDERS, *Jesus and Judaism*, London, SCM, 1985, p. 265.

66. For translation and interpretation, see L. DOERING, *Sabbath Laws in the New Testament Gospels*, in R. BIERINGER – F. GARCÍA MARTÍNEZ – D. POLLEFEY – P.J. TOMSON (eds.), *The New Testament and Rabbinic Literature* (JSJ.Sup, 136), Leiden, Brill, 2010, 207-253, pp. 211-212.

67. The error may be the reason why Matthew and Luke choose not to include this comment (Matt 12,1-8; Luke 6,1-5).

68. MEIER, *Law and Love* (n. 59), p. 296 (although he thinks the whole narrative is later, p. 274), but Kazen points out that the narrative is free from Christological elaborations,

responded to the critics by referring to Scripture. Nevertheless, his answer does not give the impression that it was grounded in the study of Torah, but rather makes for an improvised answer which also reveals a limited knowledge of the HB⁶⁹. Still, his reply testifies to the general tendency to refer to the Torah in discussions on the proper conduct for Jews.

Purity practice is the topic of a conflict in Mark 7,1-23 (parallel Matt 15,1-20; cf. Luke 11,38). Literary seams and irregularities in the text indicate it consists of several layers. Meier notes, “One senses from the start that we may be dealing with various layers of tradition that have been secondarily put together”⁷⁰. It is not possible to decipher the textual layers in depth, but I will note a couple of things. First, the subject of the conflict concerns the need for hand washing, which Matthew emphasizes (Matt 15,20). The practice of washing hands is not attested to in the Pentateuchal laws with the exception of a *zav*, a man with a genital flux (Lev 15,11). Instead, the washing of the whole body is prescribed. Consequently, hand washing before meals does not stem from practices attested to in Leviticus 15, but reflects a different tradition, as Mark also claims: “Why do your disciples not live according to the tradition of the elders, but eat with defiled hands?” (Mark 7,5). Second, the legal issue concerns ordinary food, not food from sacrifices⁷¹. At times, scholars mistakenly assume that Jesus’s statement in Mark 7,15 (“there is nothing outside a person that by going in can defile, but the things that come out are what defiles”) relates to unclean animals (Leviticus 11)⁷². But the subject is clearly prepared and permitted food, which had been defiled (through being touched by an impure person or object)⁷³. Mark’s explanatory

not even a connection to David is made; KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), p. 103.

69. Meier puts it bluntly: “the recounting of the David and Ahimelech incident shows both an egregious ignorance of what the OT text actually says and a striking inability to construct a convincing argument from the story”; MEIER, *Law and Love* (n. 59), p. 277.

70. *Ibid.*, p. 352.

71. J.G. CROSSLEY, *The Date of Mark’s Gospel: Insight from the Law in Earliest Christianity*, London, A&C Black, 2004, pp. 183-185.

72. For example, Sanders states “whatever the origin of the saying that what goes into a person does not defile, this statement, if it really means what it appears to mean, nullifies the food laws and falls completely outside the limits of debate about the law in first-century Judaism”; E.P. SANDERS, *Jewish Law from Jesus to the Mishnah: Five Studies*, London, Trinity Press, 1990, p. 28. Similarly, Meier claims (MEIER, *Law and Love* [n. 59], p. 393): “We have in Mark 7:15 a saying of Jesus revoking the food laws, and yet nowhere in any Gospel is it claimed that Jesus and/or his disciples ever ate forbidden food”.

73. See CROSSLEY, *The Date of Mark’s Gospel* (n. 71), pp. 191-193; C. WASSÉN, *Moral Impurity in the Gospel of Matthew*, in A. RUNESSON – D.M. GURTNER (eds.), *Matthew within Judaism: Israel and the Nations in the First Gospel* (Early Christianity and Its Literature, 27), Atlanta, GA, SBL Press, 2020, 285-308; Y. FURSTENBERG, *Defilement Penetrating the Body: A New Understanding of Contamination in Mark 7.15*, in *NTS* 54

comment in 7,19b, “Thus he declared all foods clean”, also concerns regular food, not unclean animals, but misses the point⁷⁴. For good reasons, Matthew excludes this comment (Matt 15,17).

Hand washing before meals was aimed at preventing the spread of impurity by defiled hands. Possibly the custom arose under the influence of Greco-Roman practice as Yair Furstenberg argues⁷⁵. It is likely that Jesus came from a social background where hand washing was not obligatory and he therefore did not consider it necessary, in contrast to the Pharisees. In comparison, there is no evidence that the Qumran sectarians washed their hands either; instead, they washed their bodies in accordance with biblical laws. Given that hand washing is still a contested issue in rabbinic literature, James Crossley asserts that Mark is exaggerating when he claims that not only the Pharisees, but “all the Jews” washed their hands before meals⁷⁶. The debate is presented in Mark (and Matthew) as a principal discussion concerning traditions versus Torah laws; Jesus responds to the question “Why do your disciples not live according to the tradition of the elders, but eat with defiled hands?” by accusing them of abandoning divine commandments (ἀφέντες τὴν ἐντολὴν τοῦ θεοῦ, v. 8) by holding on to human traditions (Mark 7,6-9//Matt 15,3, 7-9), and citing Isa 29,13 as part of the retort⁷⁷. Then he exemplifies this principle by contrasting the vow of *qorban* with the commandment of honoring one’s parents (Exod 20,12) juxtaposed with a law about the death penalty for cursing them (Exod 21,16) (Mark 7,8-13//Matt 15,4-6).

(2008) 176-200, pp. 181-182. Based on the context, John van Maaren makes the convincing point that “it is hardly conceivable that the disciples were eating non-*kosher* meats and therefore, in the Marcan narrative, 7:19c must also refer to *kosher* food. The narrator does not mean to clarify that now all food is permitted, but that permitted food does not convey impurity”. See J. VAN MAAREN, *Does Mark’s Jesus Abrogate Torah? Jesus’ Purity Logion and Its Illustration in Mark 7:15-23*, in *Journal of the Jesus Movement in Its Jewish Setting* 4 (2017) 21-41, pp. 38-39.

74. βρώματα (Mark 7,19) refers to prepared food to be eaten. If Mark had referred to dietary laws of Leviticus 11, then he would likely rather have used the term κτήνη, “beasts”, from LXX Lev 11,2.

75. FURSTENBERG, *Defilement Penetrating the Body* (n. 73). Kazen also argues that the practice spread before clear rules were formulated. Possibly, hand washing evolved in reaction to the practice of immersing prior to meals; KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), pp. 175, 177.

76. CROSSLEY, *The Date of Mark’s Gospel* (n. 71), pp. 184-185. He points to *m. ‘Ed.* 5,6-7; *b. Eruv.* 21b; *b. Hul.* 106b; *b. Shabb.* 62b; *b. Sotah* 4b. Meier considers the dispute inauthentic, partly because the obligation of hand washing appears “relatively new” in the Mishnah; MEIER, *Law and Love* (n. 59), p. 401.

77. The citation of Isaiah does not stem from Jesus since the LXX reading differs from the MT and the Hebrew text does not fit the context (MT Isa 29,13 ends with the phrase, “their worship of me is a human commandment learned by rote”). Kazen argues convincingly that the quote is a Markan creation and is typical of Christian polemic against the Jewish people as a whole; KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), p. 179.

Mark 7,6-13 is widely considered to be a separate segment with no connection to the topic of food⁷⁸. Still, is it feasible that Jesus contrasted traditions and Torah laws? Furstenberg takes the described conflict at face value and points out that later the issue of hand washing became a “symbol of adherence to nonscriptural laws” (*b. Eruv*. 21b)⁷⁹. Nevertheless, in light of the general development of halakhah, Kazen convincingly argues that the contrast between human custom and scriptural laws reflects a later time when custom “became a way to circumvent the plain sense of (other) biblical texts”⁸⁰.

Jesus’s saying, “there is nothing outside a person that by going in can defile, but the things that come out are what defile” (Mark 7,15) has been subject to much debate. Whereas many scholars agree that the subsequent explanation concerning the digestive system and vices (Mark 7,18-23) is a later interpretation in a context where ritual purity was not a concern, they also hold that the saying in 7,15 may well reflect Jesus’s teaching on this matter⁸¹. Still, the meaning of Mark 7,15 has been interpreted differently. Several commentators have suggested that the second part of the saying, i.e., what goes out, refers to impurities coming from the body, i.e., genital discharges (Leviticus 15)⁸². The contrast presented by Jesus, then, is between eating defiled food versus bodily fluxes; only the latter defiles. Another, more common, view is that the saying pertains to a comparison between ritual (outer) impurity and moral (inner) impurity, without rejecting the validity of ritual impurity completely. Hence, moral purity is more important than ritual purity. This reasoning takes the gist of Mark 7,17-23 into regard, particularly the reference to the heart⁸³.

78. The core of the critique against the abuse of *qorban* may be early, as Meier suggests; MEIER, *Law and Love* (n. 59), p. 382. Kazen explains: “Jesus’ stance on this issue may thus be based on historical tradition, while the framework and reductional use of the *qorbān* reply in the Markan conflict narrative is the work of the author, who sees it as an example of human traditions overruling the divine word”; KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), p. 181.

79. FURSTENBERG, *The Shared Image of Pharisaic Law in the Gospels and Rabbinic Tradition*, in J. SIEVERS – A. LEVINE (eds.), *The Pharisees*, Grand Rapids, MI, Eerdmans, 2021, 204-210.

80. KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), pp. 181-182.

81. Mark 7,18-23 does not make sense concerning the contrast between what goes in and out in 7,15; “whatever goes into a person” is explained as food that both goes in and comes out.

82. P. ZAAS, *What Comes Out of a Person Is What Makes a Person Impure: Jesus as Sadducee*, in E.A. GOLDMAN (ed.), *Jewish Law Association Studies VIII: The Jerusalem 1994 Conference Volume*, Atlanta, GA, Scholars Press, 1996, p. 224.

83. So KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), pp. 190-191. For example, James Dunn concludes, “Jesus was recalled as speaking on the subject of purity and as insisting that purity of heart is more important than ritual purity” and “it is evident that Jesus had no interest in making ritual purity a test case of covenant loyalty”; J.D.G. DUNN,

Nevertheless, the metaphorical application makes more sense in a context where ritual purity is not an issue any longer and can therefore be disregarded in my view⁸⁴. Furthermore, the saying in 7,15 does not express relative value judgments but an antithesis, which leads me to prefer a literal reading. In a period where there would be different and conflicting views on chains of contamination, Jesus gave his view on the matter⁸⁵. In other words, he explained that what goes in – whatever one eats with unwashed hands – did not defile a person, only what goes out. That defiled food did not transmit impurity was in accordance with biblical laws as well as with tradition⁸⁶. Thereby Jesus affirmed the basic view on the impurity of genital discharges, which all the people would have agreed upon, as an argument against hand washing. Perhaps we only see a fraction of the original argument. But based on this, i.e., his saying in Mark 7,15, we may conclude that Jesus gave a rather catchy statement as to how purity in relation to food functioned. It is hard to tell if his statement indirectly refers to Levitical law or to generally accepted knowledge. Furthermore, it is unlikely that Jesus would have actively taught against the practice of hand washing. Instead, the issue probably came up in debates, as Mark claims.

We may conclude that Jesus made commonsense arguments and sometimes referred to the Torah in order to legitimize his actions when he was criticized. His reasoning does not indicate that his positions on these matters were theologically integrated into his main message to the people. Instead, they rather seem to have been ad hoc answers to critique. The situation is different when it comes to his view on divorce and oath-taking.

Jesus's stance on divorce is attested to in multiple sources and various forms (Matt 5,32//Luke 16,18 [=Q]; Mark 10,2-12//Matt 19,3-9), including Paul's reference to the teaching of "the Lord" in 1 Cor 7,10-11, which testify to the early origin of the tradition. Mark's version reads:

Some Pharisees came, and to test him they asked, "Is it lawful for a man to divorce his wife?"³ He answered them, "What did Moses command you?"⁴ They said, "Moses allowed a man to write a certificate of dismissal

Jesus Remembered: Christianity in the Making, Grand Rapids, MI, Eerdmans, 2003, pp. 576-577.

84. Although Meier considers 7,15 inauthentic, he still investigates the background of 7,17-23, arguing that the verses "clearly display Marcan traits in their vocabulary, structure, and theology". He also points out that the physiological and graphic explanation for why food does not defile the body "would hardly convince an observant Palestinian Jew". Furthermore, there is nothing similar to the vice catalogue in the gospels; MEIER, *Law and Love* (n. 59), p. 398.

85. For the range of opinions, see KAZEN, *Scripture, Interpretation, or Authority?* (n. 59), p. 187.

86. For the biblical laws, see FURSTENBERG, *Defilement Penetrating the Body* (n. 73).

and to divorce her".⁵ But Jesus said to them, "Because of your hardness of heart he wrote this commandment for you.⁶ But from the beginning of creation, 'God made them male and female'.⁷ 'For this reason a man shall leave his father and mother and be joined to his wife,⁸ and the two shall become one flesh'. So they are no longer two, but one flesh.⁹ Therefore what God has joined together, let no one separate".¹⁰ Then in the house the disciples asked him again about this matter.¹¹ He said to them, "Whoever divorces his wife and marries another commits adultery against her;¹² and if she divorces her husband and marries another, she commits adultery"⁸⁷.

The setting makes up an ideal scene, with the Pharisees "testing him" in line with the negative portrayal of the group in Mark in general (cf. Mark 3,6). Although the setting is secondary, the debate likely reflects Jesus's stance on the issue. An absolute prohibition against divorce would have been highly controversial, and Jesus would likely have been engaged in debates like this one. Thus, he would also have needed arguments for his position⁸⁸. Jesus banned men from divorcing and remarrying, arguing that remarriage in fact constituted adultery (cf. Matt 5,32// Luke 16,18; 1 Cor 7,10-12), which of course is a severe transgression of the Law (Exod 20,14; Deut 5,18). As in the previous cases, we may suspect that the halakhic conviction preceded the exegetical interpretation. But in this case, Jesus's arguments seem more reflective of seriously engaging with the Torah. Given that divorce is explicitly accepted in the Torah, here Jesus argues that there are two different views on divorce and remarriage, between Moses and the creation story. Since the more radical of the two is expressed so early on, in the creation narrative (Gen 2,24), it represents a more straightforward expression of the genuine will of God prior to the fall. In contrast, the law of Moses came later and had to take into account humanity's imperfection⁸⁹. His general view on the precedence of the creation story over later commandments or narratives parallels that of the Damascus Document in the context of polygyny, as we saw above. Arguments based on the creation story were common in

87. Mark 10,10-12 is different in content in comparison to the similar wording in Matt 5,32; 19,9 and Luke 16,18, which belongs to Q. See MEIER, *Law and Love* (n. 59), pp. 102-108. Matthew adds an exception clause, "except on the ground of unchastity (πορνεία)", which few Jews would have contested. This position agrees with that of the school of Shammai against that of Hillel (*m. Gittin* 9,10, cf. Deut 24,1-4). Still, some commentators suspect that the debate between the schools about a just cause for divorce belongs to Matthew's time period, rather than Jesus's. Jesus's absolute rejection of divorce would have been shocking in his time. See *ibid.*, pp. 119-124. That women would initiate the divorce reflects the Roman society rather than the Jewish and is secondary.

88. *Ibid.*, p. 125.

89. For arguments for the authenticity of the reference to Genesis, see *ibid.*, pp. 124-125.

matters concerning women and the relationship between the sexes, as Paul's line of argumentation demonstrates concerning the dress code in the *ekklesia* (1 Cor 11,1-16).

The same line of argument probably lies behind Jesus's prohibition on oath-taking (Matt 5,33-37):

³³ Again, you have heard that it was said to those of ancient times, "You shall not swear falsely, but carry out the vows you have made to the Lord".

³⁴ But I say to you, Do not swear at all, either by heaven, for it is the throne of God, ³⁵ or by the earth, for it is his footstool, or by Jerusalem, for it is the city of the great King. ³⁶ And do not swear by your head, for you cannot make one hair white or black. ³⁷ Let your word be "Yes, Yes" or "No, No"; anything more than this comes from the evil one.

In this case, there is no way to get around the fact that the Torah not only permits oaths, but sometimes directly prescribes them (Exod 22,10-11; Num 5,11-31)⁹⁰. According to Jesus, this too was a concession to humanity's untrustworthiness, and he desired a return to an original, paradise-like condition in which what needed to be promised could be said with merely a "yes" or a "no". An independent attestation of Jesus's view likely appears in Jas 5,12⁹¹. The Qumran sectarians also expressed a strict view on taking oaths and vows, prohibiting swearing by divine names or the Torah, with the exception of oaths at the entrance (CD xv 1-5)⁹². They also prohibited the annulment of oaths and vows of both men and women, even at the price of death (CD xvi 6-20; ix 1)⁹³. Whereas Jesus and the sectarians shared the same concern about violations of oaths and thereby profaning the holy, they had different solutions to this danger.

Jesus's stance on divorce and oath-taking is in line with his strict teaching of moral perfection, which was necessary for life in the kingdom. The perfection demanded of his disciples is apparent in sayings such as "Love your enemies and pray for those who persecute you" (Matt 5,44//Luke 6,27); "Be perfect, therefore, as your heavenly Father

90. James Dunn notes that the introductory formula, "You have heard [...] But I say" stems from the author of the collection, possibly Matthew, since the formula is unique to Matt 5,21-48. Nevertheless, in general they may reflect Jesus's strict, moral teaching. I agree with his assessment: "it is equally likely that Jesus was remembered as setting his own teaching on various subjects in some measure over against previous rulings"; DUNN, *Jesus Remembered* (n. 83), pp. 579-580.

91. MEIER, *Law and Love* (n. 59), pp. 188-206.

92. Sir 23,9-11 warns about frivolously taking many oaths: "Do not accustom your mouth to oaths, nor habitually utter the name of the Holy One".

93. Cf. Num 30,4-17; a passage in 4QInstruction^b (4Q416) 2 iv takes the opposite stance on women's oaths compared to D and advises a husband to annul all the vows and oaths a wife makes.

is perfect” (Matt 5,48; cf. Luke 6,36); “turn the other cheek” (Matt 5,39// Luke 6,29); and “sell what you own, and give the money to the poor, and you will have treasure in heaven” (Mark 10,21//Matt 19,21//Luke 18,22).

Jesus often conveyed his views on halakhic matters in debates; this pertains to the Sabbath and purity. We should not dismiss the narratives of disputes so easily since Jesus would have needed to explain his position when criticized or questioned. Nevertheless, Jesus’s teaching on divorce and oaths appears in different literary contexts as integrated parts of his teaching. At the same time, Jesus is well known for teaching in parables, but notably, these do not contain halakhic stipulations of the kinds discussed above. They often concern preparing for the kingdom with a focus on living righteously but do not emphasize Torah observance. Are these early traditions? Meier concludes that only four are certain (“the happy few”)⁹⁴. He lists the mustard seed; the evil tenants of the vineyard; the great supper (Matt 22,2-14//Luke 14,16-24); the talents (Matt 25,14-30//Luke 19,11-27). Although many of the parables in their extant versions evidently have been elaborated upon by the early church, historical Jesus scholars in general would argue that they still contain traces of early traditions. Klyne Snodgrass makes a strong case in favor of the parables as an authentic form of Jesus’s teaching. One of his arguments is that the messages of the parables are supported by non-parabolic teaching, e.g., the language of the kingdom, excessive forgiveness, the cost of discipleship, and the eschatological crisis⁹⁵. He clarifies that a number of them relate to “kingdom values”. If the parables reflect the core of Jesus’s teaching, does this mean that halakhah was not a central concern of his? Of course, Jesus did not only teach in parables. Snodgrass emphasizes that through parables we may discern *part* of what Jesus taught, noting that the Sabbath and purity issues are not treated in parables⁹⁶. Still, I submit that halakhic topics were not a focal point in his teaching; instead, he provided his views on these matters in an ad hoc kind of way when he was questioned or criticized about his behavior. Nevertheless, when it comes to divorce and oaths (which are not addressed by parables either) the narratives indicate that Jesus taught about the correct behavior on these matters. Jesus may indeed have taught on these topics since they related naturally to his general teaching on moral values in light of the

94. J.P. MEIER, *A Marginal Jew: Rethinking the Historical Jesus*. Vol. 5: *Probing the Authenticity of the Parables* (The Anchor Yale Bible Reference Library), New Haven, CT, Yale University Press, 2016.

95. K. SNODGRASS, *Are the Parables Still the Bedrock of the Jesus Tradition?*, in *Journal for the Study of the Historical Jesus* 15 (2017) 131-146, pp. 134, 140.

96. *Ibid.*, p. 132.

coming kingdom. In other words, he promoted a strict sexual code – likely celibacy on his own part – and absolute honesty. In light of the apocalyptic literature in general, it is not surprising that Jesus focused on ethical teaching in his preaching about the kingdom since this is in line with apocalyptic traditions of his time⁹⁷.

VI. CONCLUSION

There was a heightened concern regarding the Torah as religious law during the Hasmonean period that also generated the emergence of sects⁹⁸. Spurred on by Jewish rulers, the Torah was increasingly used for guidance, although certainly not everywhere. Torah in general was a central Jewish symbol and was revered, but traditionally it was not frequently used as a source for interpretation of praxis in general. Instead, Jewish customs were based on traditions passed on through the generations. Many Jewish texts lack an interest in Moses, the Sinai traditions, and the Pentateuchal laws, particularly within the apocalyptic literature. Nevertheless, there was an emerging tendency among Jews later in the Second Temple period to turn to the Torah to authorize traditions and provide arguments for correct practices. Although the Qumran movement may appear exceptional when it comes to their persistent engagement with Scripture, their movement still testifies to this general development. The central role of the Torah is apparent in the sectarian texts and the Torah laws are the obvious basis for many of the sectarian laws. Still, I note that the correct observance of laws is often simply presented without exegetical explanations. Instead, the authority of their particular teaching on the Torah laws are legitimized based on revelation, hidden to others.

In many respects, Jesus shared a common frame of reference with the Qumran sectarians. He held the Torah in high reverence and espoused a strong apocalyptic conviction. Yet, his halakhic teaching differed substantially from theirs and a comparison has been helpful in order to identify distinguishable features in his teaching. When it came to Sabbath observance and purity regulation, Jesus followed the customs, similar to common people, and was not interested in introducing stricter regulations.

97. Jesus's teaching concerning trust in and love for God and loving (in action) one's neighbor is obviously in accordance with ethical laws in the Torah and supported by scriptural references in the double commandment where Jesus refers to Deut 6,4-5 and Lev 19,18 (Matt 22,34-40//Mark 12,28-34//Luke 10,25-28). Nevertheless, this aspect of his teaching lies outside of the scope of this paper.

98. COLLINS, *The Invention of Judaism* (n. 13), pp. 109, 184-185.

When criticized, he based his arguments on common sense (e.g., an animal in need) and the Torah (e.g., concerning plucking corn and possibly indirectly concerning washing hands). I have argued here that in the debates concerning the Sabbath and purity, his arguments appear mostly incidental, driven by critique, and do not reflect conscious study of Scripture. In contrast, his stance on divorce is supported by arguments that reflect engagement with the Torah in a manner similar to the scriptural exegesis in D with regard to polygyny. At the same time, Jesus's strong convictions concerning divorce motivated his interpretation of the Torah. The strict ethical teaching on both divorce and oaths were based on moral values connected to the kingdom, which is evidently in accordance with the general virtues in the Scrolls. Jesus's reference to Torah in these cases testifies to the growing importance of linking Jewish practices to the Torah in debates and discussions. However, overall, Jesus had a different focus compared to the sectarians; it does not appear that he integrated his teaching on the end times with the interpretation of Torah laws, as was the case in the sectarian rules. His teaching reflects an apocalyptic perspective, with a focus on living righteously according to a strict moral code, but ritual laws only played a small role in preparation for the kingdom. This conclusion may appear reminiscent of a traditional perspective that presents Jesus as detached from the Judaism of his day. My reconstruction is quite the opposite since I emphasize that Jesus followed popular customs when it came to Sabbath and purity traditions and that he referred to Torah when challenged in debates. Importantly, his limited engagement with halakhic interpretation compared to the emphasis on ethics as part of his teaching on the kingdom was in line with Jewish apocalyptic traditions in general. Hence, Jesus comes across as an apocalyptic prophet and teacher of his time.

Uppsala University
Department of Theology
Box 511
SE-751 20 Uppsala
Sweden
cecilia.wassen@teol.uu.se

Cecilia WASSÉN