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A NEW TAKE ON THE NEW COVENANT:
A RECONSIDERATION OF THE 'NEW COVENANT' AND JEREMIAH 31:31–34
IN THE MASORETIC TEXT, SEPTUAGINT, AND DEAD SEA SCROLLS

by

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ABSTRACT

The majority opinion in scholarship holds that the Essene use of the term ברית חדשה ('new covenant') in the DSS was intended as an appropriation of the 'new covenant' prophecy of Jer 31:31–34, as this is the only passage in the entire HB to contain this term. This study seeks to question the validity of this assumption, and, in light of the contribution of the (relatively) recently published 4QD Fragments, will argue that despite the presence of the term ברית חדשה in Jer 31:31 and the DSS, there are solid grounds to suggest that the Essenes did not in fact conceive of their 'new covenant (in the land of Damascus)' as an appropriation and/or fulfillment of Jer 31:31–34. Rather, the Essene use of the term ברית חדשה is more adequately explained on other grounds.

The present study is divided into four chapters. Chapter 1 serves as an introduction wherein the research questions, research context (historical review of scholarship), course of analysis, and methodology will be discussed. Chapter 2 is devoted to an exegesis of the text of Jer 31:31–34, wherein the LXX and MT versions of this passage (and their relation to one another) will be evaluated. The conclusions reached in this chapter will serve to inform our discussion in Chapter 3, which is itself devoted to four separate but related tasks: (1) an in-depth study of the Essene concept of the 'new covenant' in the two DSS texts in which this term appears: the *Damascus Document* (D) and *Pesher Habakkuk* (1QpHab); (2) a synthesis of key Essene 'new covenant' concepts based on the aforementioned study; (3) a comparison of these Essene 'new covenant' concepts with the concepts of the Jeremian 'new covenant' obtained from Chapter 2; (4) an examination of the research questions in light of our findings. Chapter 4 serves to conclude this study by summarizing key points from each chapter and exploring additional questions of interest prompted by the results of this study.

LAY SUMMARY

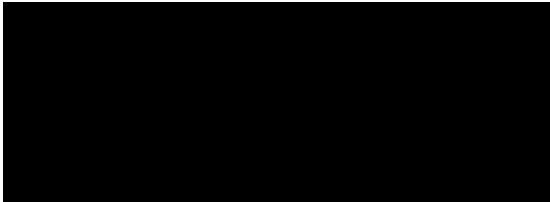
The discovery of the Dead Sea Scrolls (DSS) in the late 1940s has been touted as the most significant archaeological discovery of the 20th century. These scrolls are widely believed to contain the writings of the Essenes, a major group within Judaism (alongside the Pharisees and Sadducees) from the second century BCE until Rome's subjugation of the First Jewish Revolt around 70 CE. Among the scrolls discovered were a series of fragments from up to eight separate manuscripts of a work known as the *Damascus Document* and a commentary (*peshet*) on the biblical book of Habakkuk. Significantly, the term 'new covenant' (in Hebrew, ברית חדשה) appears in each of these works, and the *Damascus Document* in particular highlights the importance that the 'new covenant (in the land of Damascus)' had for the Essene community. This 'new covenant' was initiated by the founders of the community 'in the land of Damascus', required strict obedience to the community's interpretation of the Mosaic Law, and was to be renewed annually.

Because the term 'new covenant' appears in the entire Hebrew Bible only in Jeremiah 31:31, the majority of scholars believe that the Essenes must have had the 'new covenant' prophecy (Jeremiah 31:31–34) in mind when they used this term in the DSS. Other scholars, however, are not as convinced, and argue instead that the Essene use of the term 'new covenant' does not necessarily indicate that the Essenes were intending to present their 'new covenant' as a fulfilment of Jeremiah 31:31–34. Which group of scholars is right? This study seeks to answer this question by examining both the concept of the 'new covenant' in Jeremiah 31:31–34 itself (Chapter 2) as well as the Essene concept of the 'new covenant' in the DSS (Chapter 3).

DECLARATION

I, Connor Boyd, confirm that I have composed this thesis and that all work herein is my own. I further confirm that this work has not been submitted for any other degree or professional qualification. In Chapter 2, I have summarized key points from the following journal article: “The Septuagint of Jeremiah and Its Bearing on the New Covenant Passage (Jeremiah 31:31–34),” *Biblical Research* 68 (2023): 6–27. I confirm that this article is my own work as well.

Signed:



Date: December 17, 2023

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LIST OF ABBREVIATIONS

The following abbreviations are based on *The SBL Handbook of Style: For Biblical Studies and Related Disciplines, Second Edition* (Atlanta: SBL Press, 2014).

AB	Anchor Bible
ABD	<i>Anchor Bible Dictionary</i> . Edited by David Noel Freedman. 6 vols. New York: Doubleday, 1992
ABRL	Anchor Bible Reference Library
ArBib	The Aramaic Bible
ASOR	American Schools of Oriental Research
BA	<i>Biblical Archaeologist</i>
BASOR	<i>Bulletin of the American Schools of Oriental Research</i>
BDAG	Danker, Frederick W., Walter Bauer, William F. Arndt, and F. Wilbur Gingrich. <i>Greek-English Lexicon of the New Testament and Other Early Christian Literature</i> . 3 rd ed. Chicago: University of Chicago Press, 2000 (Danker-Bauer-Arndt-Gingrich)
BDB	Brown, Francis, S. R. Driver, and Charles A. Briggs. <i>A Hebrew and English Lexicon of the Old Testament</i>
BJRL	<i>Bulletin of the John Rylands University Library of Manchester</i>
BJS	Brown Judaic Studies
BR	<i>Biblical Research</i>
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
CBC	Cambridge Bible Commentary
CBQ	Catholic Biblical Quarterly
CEJL	Commentaries on Early Jewish Literature
CRINT	Compendia Rerum Iudaicarum ad Novum Testamentum
CurBR	<i>Currents in Biblical Research</i> (formerly <i>Currents in Research: Biblical Studies</i>)
DJD	Discoveries in the Judaean Desert
DSD	<i>Dead Sea Discoveries</i>
ETL	<i>Ephemerides Theologicae Lovanienses</i>
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
HALOT	<i>The Hebrew and Aramaic Lexicon of the Old Testament</i> . Ludwig Koehler, Walter Baumgartner, and Johann J. Stamm. Translated and edited under the supervision of Mervyn E. J. Richardson. 4 vols. Leiden: Brill, 1994–1999
HS	<i>Hebrew Studies</i>
HSM	Harvard Semitic Monographs
HThKAT	Herders Theologischer Kommentar zum Alten Testament
ICC	International Critical Commentary
JBL	<i>Journal of Biblical Literature</i>
JJS	<i>Journal of Jewish Studies</i>
JQR	<i>Jewish Quarterly Review</i>
JSNT	<i>Journal for the Study of the New Testament</i>
JSNTSup	Journal for the Study of the New Testament Supplement Series

JSOTSup	Journal for the Study of the Old Testament Supplement Series
KHC	Kurzer Hand-Commentar zum Alten Testament
LCL	Loeb Classical Library
LHBOTS	The Library of Hebrew Bible/Old Testament Studies
NAC	New American Commentary
NETS	A New English Translation of the Septuagint. Edited by Albert Pietersma and Benjamin G. Wright. New York: OUP, 2007
NICOT	New International Commentary on the Old Testament
<i>NTS</i>	<i>New Testament Studies</i>
OTL	Old Testament Library
<i>OtSt</i>	<i>Oudtestamentische Studiën</i>
<i>RB</i>	<i>Revue biblique</i>
<i>RelSoc</i>	<i>Religion and Society</i>
<i>RevQ</i>	<i>Revue de Qumran</i>
<i>RHR</i>	<i>Revue de l'histoire des religions</i>
SBLMS	Society of Biblical Literature Monograph Series
SBT	Studies in Biblical Theology
SSN	Studia Semitica Neerlandica
STDJ	Studies on the Texts of the Desert of Judah
TSAJ	Texte und Studien zum antiken Judentum
<i>TynBul</i>	<i>Tyndale Bulletin</i>
VTSup	Supplements to Vetus Testamentum
WMANT	Wissenschaftliche Monographien zum Alten und Neuen Testament
<i>ZAW</i>	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>

LIST OF ADDITIONAL ABBREVIATIONS

The following abbreviations do not appear in *The SBL Handbook of Style* but are used in this thesis.

CCWJCW	Cambridge Commentaries on Writings of the Jewish and Christian World
<i>(C)IOSCS</i>	<i>(Congress of) the International Organization for Septuagint and Cognate Studies</i>
CUP	Cambridge University Press
GHCLLOT	Gesenius' Hebrew-Chaldee Lexicon to the Old Testament Scriptures
HUP	Harvard University Press
JSJSup	Supplements to the Journal for the Study of Judaism
OCDSS	Oxford Commentary on the Dead Sea Scrolls
OHDSS	Oxford Handbook of the Dead Sea Scrolls
OHS	Oxford Handbook Series
OUP	Oxford University Press
SCS	Septuagint Commentary Series
V&R	Vandenhoeck & Ruprecht
YUP	Yale University Press

CHAPTER 1: INTRODUCTION

A. Research Questions

The Dead Sea Scrolls (DSS) present the Essene ‘new covenant (in the land of Damascus)’ (see, e.g., CD 6:19) as an eschatological renewal of the Mosaic covenant that was to function ‘throughout the (entire) period of wickedness’ (ב[כל] קץ הרש[י]ע) (see, e.g., CD 6:10–11; 12:23; 14:19) and ‘until’ (עד) the coming of the Messiah and his provision of atonement (CD 14:19). According to the present consensus in Dead Sea Scroll (DSS) scholarship, by their use of the term ‘new covenant’ the Essenes sought to appropriate the ‘new covenant’ prophecy of Jer 31:31–34. The major argument in favor of this view is the presence of a verbal link via the term ברית חדשה: outside of its four appearances in the DSS, the term ‘new covenant’ (ברית חדשה) appears in the HB and all of late Second Temple Jewish literature only in Jer 31:31.¹

Yet while this verbal link is, *prima facie*, rather convincing, at least some scholars have offered sound arguments that pose a challenge to this consensus view. Such counterevidence, together with the relatively recent publication of the 4QD Fragments—fragments which cumulatively serve to give us a more complete picture of the *Damascus Document* (D), the most significant DSS work for understanding the Essene ‘new covenant (in the land of Damascus)’—, give us occasion to ask the following questions: In light of the additional material provided by the 4QD Fragments, what is the Essene concept of the ‘new covenant (in the land of Damascus)’? And, more significantly, how did the Essenes come to their understanding of this covenant? Is their use of the term ‘new covenant’ in the DSS indeed an indication that they

¹ To my knowledge, R. H. Charles was the first scholar to suggest that the term ‘new covenant’ in CD was dependent on Jer 31:31. See: R. H. Charles, *The Apocrypha and Pseudepigrapha of the OT*, vol. 2 (Oxford: Clarendon Press, 1913), 792. Following the discovery of the DSS, E. Sutcliffe maintained this connection with Jer 31:31 and wrote that for the Qumran community, this new covenant ‘was not new but a renovation, new insistence on the Covenant and the accompanying [Mosaic] Law’. See: Edmund F. Sutcliffe, *The Monks of Qumran, as Depicted in the Dead Sea Scrolls* (London: Burns & Oates, 1960), 76. The majority (but not all) of DSS scholars since have agreed with Sutcliffe’s assessment. See, e.g.: Steven D. Fraade, *The Damascus Document*, The Oxford Commentary on the Dead Sea Scrolls (Oxford: University Press, 2021), 57; Timothy H. Lim, *The Earliest Commentary on the Prophecy of Habakkuk* (Oxford: OUP, 2020), 46; John J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids, MI: Eerdmans, 2010), 24; Géza Vermès, *The Dead Sea Scrolls in English*, 4th ed. (Sheffield: Sheffield Academic Press, 1995), 42–43.

sought to present their ‘new covenant (in the land of Damascus)’ as an appropriation and/or fulfillment of Jer 31:31–34, as the majority of scholarship suggests? Or, on the other hand, is there a better explanation that accounts for their use of this term? To answer these questions, a thorough investigation of the ‘new covenant’ in Jer 31:31–34—the posited source text for the Essene ‘new covenant’—as well as ‘the new covenant (in the land of Damascus)’ in the DSS is required.

B. Research Context (Review of Scholarship)

To my knowledge, scholars have posited three different answers to the research questions posed above. Each of these answers will be briefly discussed and evaluated below.

1. A theologically-motivated revision of Jer 31:31–34 accounts for the Essene concept of the ‘new covenant’

In a relatively recent monograph devoted to the early reception history of Jer 31:31–34 (LXX 38:31–34), Adrian Schenker has argued that the LXX and MT reflect two distinct versions of this passage, each of which had its own distinct concept of the new covenant. Although Schenker does not discuss the DSS reception of Jer 31:31–34 in this monograph, his overall argument is worthy of consideration here, since it offers an answer as to how the Essenes came to their understanding of the ‘new covenant’: namely, the Essene concept of the ‘new covenant’ was based on the (proto-)MT version of the passage, a version which was itself a later, theologically motivated revision of an earlier Hebrew *Vorlage* that is reflected in the LXX.²

According to Schenker, the LXX version of Jer 31:31–34 (LXX 38:31–34) originated in the late third- or second-century BCE among the Jewish diaspora in Egypt and reflects the more original Hebrew *Vorlage* of this passage.³ In this earlier version of the passage, the new covenant is anticipated as a distinctly ‘new’ covenant between YHWH and his people as opposed to a

² See: Adrian Schenker, *Das Neue am neuen Bund und das Alte am alten: Jer 31 in der hebräischen und griechischen Bibel, von der Textgeschichte zu Theologie, Synagoge und Kirche*, FRLANT (Göttingen: V&R, 2006). Schenker’s dating of the (proto-)MT revision to the early Hasmonean period places the earliest extant fragments of Jeremiah from Qumran contemporary with and/or later than this revision. Furthermore, as will be discussed in Ch. 2, the observation that these fragments give evidence for both the shorter version of Jeremiah reflected in the LXX and the longer version reflected in the MT makes Schenker’s argument worthy of consideration.

³ Schenker suggests it was this LXX version that had an influence on the NT authors and early church. Schenker, *Das Neue am neuen Bund und das Alte am alten*, 11–13, 45–47, 71–84.

mere renewal of the Mosaic covenant. As for the MT version of Jer 31:31–34, Schenker argues that this version was the result of a later, theologically motivated revision of the earlier Hebrew *Vorlage* that was organized by Temple authorities in Jerusalem sometime around the beginning of the Hasmonean period.⁴ This version of the new covenant passage sought to correct what were viewed as potentially scandalous readings and thereby to stress continuity between the new covenant and the Mosaic covenant. Thus, for Schenker, the MT presents the new covenant not as a distinctly ‘new’ covenant in relation to the Mosaic covenant, but rather as a renewal of the Mosaic covenant. What are we to make of Schenker’s argument?

While Schenker is to be commended for his attempt to systematically account for the differences between the LXX and MT of Jer 31:31–34 (LXX 38:31–34)—a task which, as he rightly notes, has for the most part been neglected in scholarship—,⁵ both his argument that these differences are best explained on the basis of the MT being a later, theologically motivated revision of the text as well as his conclusion that the MT and LXX present two distinct concepts of the new covenant are unconvincing.

In regard to the former, it will be argued in Chapter 2 that the two most significant differences between the LXX and MT in Jer 31:31–34—differences upon which Schenker bases the bulk of his argument—are better accounted for not as theologically motivated revisions (as Schenker suggests), but on other grounds.⁶ The first difference involves the MT *בַּעֲלָתִי בָּם* (often translated as ‘I was their husband’) versus the LXX *ἡμέλησα αὐτῶν* (‘I neglected them’) in Jer 31:32 (LXX 38:32). Schenker, following in line with many other scholars, concludes that the Hebrew *Vorlage* from which the LXX translator was working must have contained a verb other than *בעל*.⁷ Yet Schenker charts a new course when he claims that the MT *בַּעֲלָתִי בָּם* is best explained as the result of an intentional, theologically motivated scribal change, the purpose for

⁴ Schenker, 11–13, 35–37, 45–47, 94–95.

⁵ Schenker, 11.

⁶ At a more fundamental level, Schenker’s methodology is also subject to questioning. Because Schenker views the differences between the LXX and MT of Jeremiah through the lens of ‘expansion theory’, when Schenker encounters significant differences between the LXX and MT in Jer 31:31–34, his presupposition that the relationship between the MT and LXX is best explained in terms of an inferior/superior text paradigm predisposes him to conclude that the MT is best explained as a theologically motivated revision. For Schenker’s preference for ‘expansion theory’, see: Schenker, 11–13. For more on this discussion, see Chapter 4.

⁷ Schenker, *Das Neue am neuen Bund und das Alte am alten*, 22.

which was to correct what was viewed as a scandalous reading and to instead present YHWH as remaining faithful despite Israel's violation of the covenant, thereby presenting the 'new covenant' as part of an 'unbroken' covenant.⁸ While Schenker's explanation is intriguing, at least two other explanations better account for the difference between the LXX ἡμέλησα αὐτῶν and the MT במ בעלתי in Jer 31:32: (1) the discrepancy is the result of a scribal error (either confusion between בעלתי/געלתי or confusion between בעלתי/בהלתי); or (2) the phrase במ בעלתי has been misunderstood, and 'I rejected them' rather than 'I was their husband' should be the preferred translation. This latter explanation, which will be discussed in more detail in Chapter 2, has the support of at least two influential grammarian-exegetes (Joseph Kimḥi and Wilhelm Gesenius), the Syriac translation of *bsyt bhwn* ('I scorned them'), and the immediate context of Jer 31:31–34 itself.

The second discrepancy between the MT and LXX to which Schenker attaches great significance appears in v. 33 and involves the MT תֹּרָתִי ('my law', sg.) versus the LXX νόμους μου ('my laws', pl.). He suggests that this difference also indicates a theological revision of the earlier LXX text—i.e., the Hebrew *Vorlage* that stood behind the LXX—on the part of the (proto-)MT scribe. Schenker's rationale for this is that it is more likely that the rare plural form would have been changed to the more common singular form. Schenker goes on to suggest a theological motivation for this change. That is, since the original reading of 'my laws' (pl.) implies that the 'law' (sg.) of the Mosaic covenant is no longer in view, the (proto-)MT scribe sought to change this reading to the singular in order to stress that the same תורה (sg.) of the Mosaic covenant would continue in effect under the new covenant.⁹ Yet here, too, a better explanation accounts for this discrepancy. First, as Schenker himself admits, it is highly likely that the same consonantal text of תֹּרָתִי accounts for both the LXX and MT readings.¹⁰ Second, and more importantly, that the LXX translates this term in the plural whereas the MT vocalizes it as a singular does not seem to be as theologically significant as Schenker suggests, since this

⁸ Schenker, 35–37. For Schenker, the LXX reading of ἡμέλησα αὐτῶν ('I neglected them') implies the cancellation of the Mosaic covenant and the necessity of a 'new' covenant, since the Mosaic covenant was in jeopardy on both sides. In other words, because not only had the people violated the Mosaic covenant, but so too had YHWH neglected the people, there was a need for a 'new' covenant rather than a mere covenant renewal. See: 37–45, 86.

⁹ Schenker, 33–34, 85–86.

¹⁰ Schenker, *Das Neue am neuen Bund und das Alte am alten*, 33. Whereas the LXX translator would have understood the vocalization to be תֹּרָתִי ('my laws'), the (proto-)MT vocalized it as תֹּרָתִי ('my law').

same phenomenon appears numerous times elsewhere in the HB, including, significantly, in Jer 26:4 (LXX 33:4), a verse in which the Mosaic covenant (and not the ‘new covenant’) is in view.¹¹

Schenker’s conclusion that the MT and LXX present two distinct concepts of the new covenant—a conclusion which is tied to his argument that the MT represents a later, theologically motivated revision of the Hebrew text—is also unconvincing. In particular, his interpretation of the MT version of Jer 31:31–34 is questionable. Whereas Schenker suggests that the MT of this passage presents the ‘new covenant’ as a *renewal* of the Mosaic covenant, it will be argued in Chapter 2 that, along with the LXX, the MT is better understood as presenting a ‘new covenant’ that is *discontinuous* with the Mosaic covenant. This discontinuity between the ‘new covenant’ and the Mosaic covenant in the MT version of Jer 31:31–34 is indicated at numerous points in the passage, including the following: (1) the use of כרת + obj. ברית (as opposed to הקים + obj. ברית) in v. 31 and v. 33; (2) the explicit statement in v. 32 that the ‘new covenant’ (ברית חדשה) would not be like the Mosaic covenant; (3) the anticipation that religious authorities would no longer be needed to ensure covenant obedience in v. 34a; and, (4) the anticipation that the forgiveness of sins would serve as a basis (as opposed to a requirement) of the new covenant in v. 34c.¹²

To conclude, I find Schenker’s argument that the MT version represents a later, theologically motivated revision of an earlier Hebrew *Vorlage* which is reflected in the LXX and which was carried out during the early Hasmonean period to be unconvincing.¹³ Therefore, I find the corollary argument that the Essene concept of the ‘new covenant’ should be attributed to a (proto-)MT version of the text which presented an entirely different concept of the new covenant

¹¹ In Jer 26:4 (LXX 33:4), Judah is warned about the consequences of not walking בְּתוֹרָתִי (‘in my law [sg.]’) in the MT, whereas the LXX reads ἐν τοῖς νομίμοις μου (‘in my laws [pl.]’). In the context, the Mosaic covenant (and not the ‘new covenant’) is clearly in view. Here, too, it seems clear that the consonantal text בתורתִי accounts for both the LXX and MT translations. See Appendix I for more examples. The discrepancy in translation goes both ways. I.e., there are some instances in which the LXX indicates the singular, whereas the MT indicates the plural.

¹² Schenker holds that the MT presents the ‘new covenant’ as ‘a single, never canceled covenant between YHWH and his people’ (translation mine). See: Schenker, 35–37, 85.

¹³ Other aspects of Schenker’s argument will be discussed and challenged during the course of my exegesis of Jer 31:31–34 in Chapter 2, including his explanation of נתתי in Jer 31:33.

in comparison to the Hebrew *Vorlage* reflected in the LXX version of this passage to be unconvincing as well.

2. The Essene concept of the ‘new covenant’ is dependent (at least in part) on Je 31:31–34

The majority opinion in scholarship holds that the Essenes were a ‘sectarian’ community that viewed its ‘new covenant (in the land of Damascus)’ as a renewal of the Mosaic covenant and as a fulfillment (at least in part) of Jer 31:31–34.¹⁴ While it is common for scholars to adopt this view, it is rare for scholars to go one step further and consider the question of *how* the Essenes came to their understanding of the ‘new covenant’.¹⁵ Two exceptions include Timothy Lim and Y. K. Yu.

Lim, an influential DSS scholar, holds that the Essenes came to their understanding of the ‘new covenant’ by focusing only on the first half of Jeremiah’s ‘new covenant’ prophecy. He writes:

The sectarian interpreters focused exclusively on the first two verses of Jer. 31 [i.e., Jer 31:31–34]. There is no accompanying comment on the internalization of the law in vv. 33 and 34, because the promise of restoration was understood to be the renewal of the old covenant, and not the expectation of something entirely new. The sectarians are admonished to return to careful observance of the law rather than to abandon the practice of teaching the law to each other.¹⁶

¹⁴ In contrast to Schenker’s view discussed above, this view does not advocate for the presence of two distinct text versions—i.e., the LXX and (proto-)MT—, only one of which informed the Essene concept of the ‘new covenant’.

¹⁵ While there are several kinds of works that discuss the Qumran community’s interpretation of the ‘new covenant’ (e.g., general works on the DSS and/or Qumran community; commentaries on Jeremiah; commentaries and other works that deal with the Damascus Document or Peshar Habakkuk; etc.), these works are too numerous to list here (many of them will be engaged in Chapter 3, however). Furthermore, since one would perhaps expect reception history studies in particular to engage the question of whether or not the Essene use of the term ‘new covenant’ should indeed be considered a valid reception of Jer 31:31–34 (rather than simply assume it), there is good reason to single out this kind of work here. These works are as follows: Lehne, *The New Covenant in Hebrews*, 43–54 (in this work, Lehne addresses the reception of the new covenant in the DSS and NT); Jack R. Lundbom, “New Covenant,” in *ABD*, ed. David Noel Freedman et al. (London: YUP, 2008); Lundbom, *Jeremiah 21-36*, 472–79 (in these works, Lundbom covers the DSS, NT, and early patristic [pre-Nicene] reception of the new covenant); and, Joshua Moon, *Jeremiah’s New Covenant: An Augustinian Reading* (Winona Lake: Pennsylvania State University Press, 2011), 250–52 (in this work, Moon focuses on the reception of Jer 31:31–34 from Jerome and Augustine up to Bernhard Duhm, although he does include a brief discussion of the Qumran community’s reception of this passage).

¹⁶ See: Lim, “Qumran Scholarship and the Study of the Old Testament in the New Testament,” 73.

Elsewhere, Lim notes that the Qumran community's interpretation of the new covenant 'drew on the promise of restoration in Jer 31:31–34' but 'stopped at v. 32 with the new covenant in contrast to that which was established with their fathers.'¹⁷

One of the other rare scholars who seeks to address the question of *how* the Essenes came to their interpretation of the 'new covenant' is Y. K. Yu. In his doctoral thesis, Yu points to the unique 'pesher method' of interpretation employed by the Qumran community as the answer.¹⁸ Yu describes this pesher method of interpretation as follows:

...in the Dead Sea Scrolls the pesher method was applied to a text with the conviction that the OT prophecy was interpreted first of all through divine inspiration revealing the hidden mystery to the community...After quoting a sentence or part of a sentence in Scripture, the interpreter applies it to contemporary events with complete assurance. What is new in the pesher method in the DSS is the way it shows how each prophetic word had already been fulfilled, or soon would be fulfilled in the history of Israel in general or of the Qumran community in particular.¹⁹

Yu holds that the Qumran community applied the pesher method exegesis to the term 'new covenant' in Jer 31:31–34 and identified their 'new covenant (in the land of Damascus)' as the fulfilment—at least in part—of this covenant. As for the question of why the Essenes applied the pesher method of exegesis to the term 'new covenant' alone and refrained from applying it to any other phrase or verse within Jer 31:31–34, he offers the following explanations: (1) the community 'found it difficult to interpret this passage by the pesher method' since the community's emphasis on the need for teaching the law 'seems to contradict the characteristic element of Jer 31:34 where there is no need for teaching the law'; and (2) the community regarded the prophecy as only partially fulfilled, and awaited the complete fulfilment of the prophecy in the messianic era.²⁰

¹⁷ Lim, "Studying the Qumran Scrolls and Paul in Their Historical Context," 141. Lim also writes, 'in the Qumran Community ברית חדשה does not mean "new covenant" but "renewed covenant" as a concept of the community's self-designation. Jeremiah's prophecy did not lead them to a rejection of the old covenant, but its renewal.' See: Lim, 140.

¹⁸ Y. K. Yu, "The New Covenant: The Promise and Its Fulfilment; An Inquiry into the Influence of the New Covenant Concept of Jer 31.31-34 on Later Religious Thought with Reference to Dead Sea Scrolls and New Testament." (Doctoral Thesis, Durham University, 1989).

¹⁹ Yu, "The New Covenant", 102–3.

²⁰ Yu, 104–5.

While nuanced, the above views posited by Yu and Lim are similar in that they both seek to answer the question of *how* the Essenes came to their understanding of the ‘new covenant’. Both posit that the Essenes appropriated only part of the prophecy of Jer 31:31–34, whether it be the first two verses in Lim’s case, or, in Yu’s case, the term ברית חדשה alone. Furthermore, both scholars assume that by using the term ברית חדשה (‘new covenant’) in the *Damascus Document* (D) and *Pesher Habakkuk* (1QpHab), the Essenes sought to present their covenant as a fulfilment (at least in part) of Jer 31:31–34. While the majority of scholars would agree with the validity of this assumption—and not without reason, since, outside of the DSS, the only appearance of the term ברית חדשה in the HB and all of late Second Temple Jewish literature is in Jer 31:31—, not all do, however, as will be discussed below.

3. The Essene ‘new covenant’ was not intended as an appropriation of Jer 31:31–34

Raymond Collins and Alon Goshen-Gottstein have offered yet a third way to account for the Essene concept of the ‘new covenant’: namely, although the Essenes used the term ‘new covenant’ in their writings, their use of this term did not indicate that they considered this covenant to be an appropriation and/or fulfilment of Jer 31:31–34.

Relatively early on in DSS scholarship, Raymond Collins published a lengthy article in which he sought to ‘detect as closely as possible the *berith* notion of the *Cairo Damascus Covenant* [i.e., CD]’.²¹ Toward this end, Collins first focuses on the goal of ‘determining the precise notion of the ברית-covenant as it is found in the *Cairo Damascus Covenant* [i.e., CD]’.²² In the course of his study, Collins asks the following question: ‘...is the “new covenant in the land of Damascus” dependent on Jer 31:31, so that we can speak of the Damascene covenant being, for the sectarian mind, the fulfilment of the Jeremian prophecy?’²³ For Collins, the following observations from the text of CD itself suggest that the answer to this question is ‘no’:

²¹ Raymond F. Collins, “The Berith-Notion of the Cairo Damascus Covenant and Its Comparison with the New Testament,” *ETL* 39, no. 3 (1963): 555–94, here 556.

²² Raymond F. Collins, “The Berith-Notion”, 555.

²³ Collins, 571–82.

(1) Jeremiah is rarely cited in CD and is of ‘lesser importance’ in comparison to other OT prophetic books;²⁴

(2) the text of CD ‘never claims to have fulfilled the Jeremian prophecy’;²⁵

(3) the use of the article (–ה) in all occurrences in CD indicates that ‘a well-known covenant is concerned’, whereas ברית חדשה in Jer 31:31 lacks an article;²⁶

(4) there are ‘a series of aspects in which the new covenant of CD is directly opposed to the new covenant of Jer. 31:31–34’, including the following:²⁷

(a) the new covenant of Jer 31:31–34 is made with the houses of Israel and Judah, whereas the new covenant in the land of Damascus is made with the remnant;

(b) in Jer 31:31–34 the Torah will be ‘inscribed by Yahweh Himself’, whereas in CD ‘the Torah must be studied to be properly acquired’;

(c) the statement in Jer 31:34a that one would no longer teach his neighbor ‘hardly appears to concur’ with CD 20:17–18, which states that ‘each (of them) will then speak to his fellow, teaching his brother and supporting his steps in the way of God’;

(d) in Jer 31:31–34 the divine initiative of making the new covenant is emphasized, whereas in CD ‘it is men who renew the covenant’.

If the use of the term ‘new covenant’ (ברית חדשה) in CD was not dependent on Jer 31:31, how, then, did this term come to be used, especially since its only appearance in the entire HB is in Jer 31:31?²⁸ Based on Collins’s study of the root שחד in the DSS corpus, he concludes that ‘the

²⁴ He writes that ‘allusions to Jer. in CD are rather sparse, and...none among them is a literal citation.’ Collins refers to a study published by Chaim Rabin, who found six total citations from the book of Jeremiah, three of which Collins questions. See: Collins, 572.

²⁵ He notes that this observation ‘acquires considerable importance when it is realized that the Qumran manuscripts in general, and CD, in particular, do in no way hesitate to explicitly apply to their community and its doctrine texts from the Old Testament, texts especially chosen from those OT passages with a prophetic bent.’ Elsewhere, Collins notes that ‘application of OT texts to the community is one of the key elements in the *pesher* method of exegesis.’ See: Collins, 572–73.

²⁶ Collins, 572.

²⁷ Collins, 573–75.

²⁸ While Collins that acknowledges Sutcliffe’s hypothesis that CD’s use of the term ‘new covenant’ is dependent on Jer 31:31 ‘is quite attractive given the OT background of CD and the fact that ברית חדשה appears in the OT only in Jer 31:31’, he rejects it nonetheless on the basis of his study. See: Collins, 572–73.

concept of a new or renewed covenant is quite important for Qumran thought' and that 'the notion expressed by the root חדש is essentially eschatological'. It follows, therefore, that the 'newness' of the Qumran community's covenant 'lies precisely in its eschatological character' and that the community came to use the term הברית החדשה because it believed it was 'precisely that new covenant which was awaited at the end of days, and which was already realized in that community which was living in the final generations'. Somewhat perplexingly, however, Collins goes on to suggest that while the expectation of this eschatological new covenant 'was ultimately based on the prophecy of Jer 31:31, ... CD does not give any evidence of a direct allusion to the Jeremian text. Rather than any direct allusion, we are in the presence of an expectation lived in the life of the community...whose ultimate biblical foundation had long since been practically forgotten.'²⁹

The strength of Collins's overall argument that the Qumran community's 'new covenant (in the land of Damascus)' was not, in the mind of the community, a fulfilment of Jer 31:31–34, lies in his observations that highlight the conceptual differences between the Qumran community's 'new covenant (in the land of Damascus)' and the 'new covenant' of Jer 31:31–34. In particular, I find all four of the 'series of aspects in which the new covenant of CD is directly opposed to the new covenant of Jer. 31:31–34' which are listed above to be quite troublesome for the view that the Essenes considered their 'new covenant' to be a fulfilment of Jer 31:31–34. To this may be added his observation that the text of CD 'never claims to have fulfilled the Jeremian prophecy'.

Yet while Collins succeeds in problematizing the view that the Essenes considered their 'new covenant' to be a fulfilment of Jer 31:31–34, he does not, to my mind, give an adequate explanation for how the Essenes came to use the term 'new covenant' (ברית חדשה) to refer to their community's covenant in the first place. His proposal that the Qumran community's expectation of an eschatological 'new covenant' ultimately comes from Jer 31:31, but that the 'ultimate biblical foundation' of this expectation 'had long since been practically forgotten' seems misguided for at least two reasons. First, that the Qumran community would have held an expectation without the knowledge of its biblical foundation seems highly unlikely. One need only consider the vast number of fragments from biblical scrolls found in the caves of Qumran, including several fragments from the book of Jeremiah itself, to be reminded that this community

²⁹ Collins, 580.

paid much attention to the Scriptures. Second, as will be discussed in Chapter 3, a close reading of D and other DSS texts suggests that the community was aware of the promises of Jer 31:31–34, but they anticipated their fulfilment at a yet future time. A better explanation, then, is needed for why the community used the term ברית חדשה to refer to their covenant.

One such explanation has been recently offered in an article by Alon Goshen-Gottstein, who also challenges the notion that the Essene use of the term ‘new covenant’ in the DSS was intended to present their covenant as a fulfilment of Jer 31:31–34.³⁰ In contrast to Raymond Collins, Goshen-Gottstein arrives at this suggestion through a very different approach. After noting the ‘very minor role’ that Jer 31:31–34 has had in the history of Jewish interpretation, Goshen-Gottstein observes how the term ‘new covenant’ began to proliferate in rabbinic sources beginning in the Middle Ages, continuing up to the present-day.³¹ Significantly, none of these rabbinic uses of the term ‘new covenant’ alluded to the covenant specified in the vision of Jer 31, but rather referred to the phenomenon of a ‘renewed’ covenant in general.³² Reflecting on this, Goshen-Gottstein emphasizes the importance of distinguishing between ‘phenomenon and terminology’, and, furthermore, suggests the possibility that such a use of the term ‘new covenant’ may already be present at Qumran.³³

Goshen-Gottstein’s proposal that the presence of the term ‘new covenant’ in the Qumran literature may not necessarily indicate a direct allusion to the vision of Jer 31:31–34 is intriguing,

³⁰ Alon Goshen-Gottstein, “The New Covenant–Jeremiah 31:30-33 (31:31-34) in Jewish Interpretation,” *Studies in Christian-Jewish Relations* 15, no. 1 (January 2020): 1–31, see esp. 13–15.

³¹ Goshen-Gottstein, “The New Covenant”, 7, 13–15.

³² He describes a ‘new’ covenant in this later rabbinic usage as ‘a covenant that reinstates, extends, and upholds the earlier one, following failure or other problems associated with the earlier covenant.’ See: Goshen-Gottstein, 14.

³³ He elaborates:

As noted, the term ‘new covenant’ appears only once in the Hebrew Bible. Therefore, every occurrence of the term is, in fact, indebted to Jeremiah. This, however, is very misleading in terms of the meaning and usage of the phrase. The distinction between phenomenon and terminology is crucial. In terms of terminology, Jer 31 is the only occurrence of ‘new covenant.’ However, in terms of phenomenon it is one particular instance of the broader phenomenon of dealing with the failure or breakdown of an earlier covenant by the remaking of an additional, successive new covenant. Covenant is a serial phenomenon. Israel’s covenantal history is a series of successive covenants: Sinai, Fields of Moav, Shekhem, etc.

See: Goshen-Gottstein, 13–15.

especially when it is considered together with the conceptual differences between the ‘new covenant’ of Qumran and the ‘new covenant’ of Jer 31:31–34 which were highlighted by Collins above. Therefore, despite the fact that the majority of scholars have dismissed the proposal that the Essenes’ use of ‘new covenant’ was not intended as an appropriation of the ‘new covenant’ of Jer 31:31–34—a dismissal which stems, undoubtedly, from the value these scholars place on the perceived ‘iron-clad’ verbal link of ברית חדשה between Jer 31:31 on the one hand and D and 1QpHab on the other—, this proposal will be given our attention in Chapter 3.

C. Course of Analysis

In order to understand the Essene concept of the ‘new covenant’, how the Essenes came to this understanding, and whether or not the Essene use of the term ‘new covenant’ in the DSS was indeed intended to be an appropriation of Jer 31:31–34, it is essential to first seek to understand the text of Jer 31:31–34 in its own right. The first major objective of this study, therefore, is to conduct a thorough exegesis of Jer 31:31–34 in order to arrive at a robust understanding of the ‘new covenant’ passage itself. Chapter 2 is devoted to this task. Before we can begin to exegete Jer 31:31–34, however, we must first determine what text will serve as the basis of exegesis—should it be the MT, the LXX, or some combination of both? Part one of Chapter 2 is devoted to answering this question.

In part two of Chapter 2, we will move to exegete Jer 31:31–34. Prior to turning our full attention to the ‘new covenant’ passage itself, however, the passage’s wider context will be examined. In particular, the significance of the passage’s placement within the ‘Scroll of Restoration’ (Jer 30:1–31:40) and the larger ‘Book of Restoration’ (Jer 30:1–33:26) will be considered, since this wider context has an important bearing on our interpretation of the ‘new covenant’ passage. Furthermore, the relationship of the ‘new covenant’ to both the ‘everlasting covenant’ (see, e.g., Jer 31:32–36–41; 50:1–5; Isa 55:3; 61:8; Ezek 37:26) and the ‘covenant of peace’ (see, e.g., Isa 54:10; Ezek 34:25; 37:26)—both of which are anticipated as yet future covenants (i.e., following the exile) elsewhere in the prophetic corpus—will be considered. Should these covenants be equated with one another, or should we understand each of these covenants to be distinct from one another? The answer to this question will help us to form a more complete picture of the ‘new covenant’ by which we can compare and evaluate the Essene concept of the ‘new covenant’ in the DSS—a task that will be carried out in Chapter 3. Once the

wider context of the ‘new covenant’ of Jer 31:31–34 has been considered, we will turn our full attention to the task of exegeting the passage, the goal of which is to come away with a robust understanding of the ‘new covenant’ as presented in Jer 31:31–34 (LXX 38:31–34).

The second major objective of this study is to construct a comprehensive understanding of the Essene concept of the ‘new covenant (in the land of Damascus)’ as portrayed in the DSS, a task to which Chapter 3 is devoted. Two DSS texts in particular—the only two among the entire DSS corpus to contain the term ‘new covenant’ (ברית חדשה)—will receive our attention: the *Damascus Document* (D) and *Peshar Habakkuk* (1QpHab).³⁴ By means of a thorough exegesis of each of these texts, we will seek to construct the Essene concept of the ‘new covenant’ (and, in the case of D, the broader concept of covenant). Prior to this exegesis, however, a brief introduction to each of these works will be given. In the case of D, an overview of the complex manuscript history is essential in order to comprehend and reconstruct the most likely original form/structure of D. An earnest attempt to comprehend the overall structure of D is important because one’s view of the structure of D ultimately informs and impacts one’s exegesis. Similarly, in the case of 1QpHab, a brief discussion about the date and genre of this work are necessary due to their impact on exegesis, and, ultimately, our understanding of the ‘new covenant’ as presented in 1QpHab. A thorough exegesis of D and the relevant passage from 1QpHab follows each of their respective introductions.

Next, we will turn to the task of synthesizing key Essene ‘new covenant’ concepts, relying primarily on our exegetical discussion of D and 1QpHab. These key concepts will then be compared and contrasted with concepts of the ‘new covenant’ of Jer 31:31–34 from Chapter 2, a comparison which will in turn inform our understanding of the Essene ‘new covenant’ and enable us to begin to answer the major questions at the heart of this study: What was the Essene concept of the ‘new covenant’? How did the Essene community come to this understanding? And is it clear that the Qumran community’s use of the term ברית חדשה in D and 1QpHab was intended to function as an appropriation of Jer 31:31–34? Or, on the other hand, is the Essene community’s use of ברית חדשה best understood independently of Jer 31:31–34? If this was the case, how are we to account for their use of this term, since the only place it appears in the entire

³⁴ See: CD 6:19; 8:21 (// 19:33–34); 20:12; 1QpHab 2:3 (as will be discussed in ch. 3, this is a partially restored, yet likely reading).

HB and the entire corpus of late Second Temple Jewish literature (excluding the DSS, of course) is Jer 31:31?

In Chapter 4, the final chapter in this study, we will summarize the major points of each of the previous chapters, discuss further questions that arise from our findings in this study, and present a conclusion.

D. Methodology

Before we embark on the course of analysis outlined above, the heavily exegetical nature of this study warrants discussion. Douglas Stuart's entry on 'exegesis' in *The Anchor Bible Dictionary* offers a helpful explanation of the kind of exegesis employed throughout this study.³⁵ To begin with, Stuart defines 'exegesis' as follows:

The process of careful, analytical study of biblical passages undertaken in order to produce useful interpretations of those passages. Ideally, exegesis involves the analysis of the biblical text in the language of its original or earliest available form, since any translation presents at least a slight barrier to precise definition of the intent of the passage's words. The passage involved may be of virtually any length, subject to the interest of the exegete. The goal of exegesis is to know neither less nor more than the information actually contained in the passage. Exegesis, in other words, places no premium on speculation or inventiveness; novelty in interpretation is not prized.³⁶

As Stuart goes on to explain, 'the actual task of exegesis involves examining a passage as carefully as possible from as many angles as possible. In practice this means asking of the text all the questions whose answers might give insight into the text's meaning.'³⁷ He goes on to identify twelve major steps that are part of the exegetical process:³⁸ (1) establishing the text of the passage under consideration; (2) translation of the passage; (3) establishing the historical context of the passage; (4) evaluating the literary context of the passage; (5) identifying the literary form

³⁵ Douglas Stuart, "Exegesis," *ABD*, ed. David Noel Freedman et al. (New Haven, CT: YUP, 2008), 682-88.

³⁶ Douglas Stuart, "Exegesis," 682.

³⁷ Stuart, 682.

³⁸ Stuart, 683-688.

of the passage; (6) analyzing the structure of the passage; (7) analyzing the grammar of the passage; (8) lexical analysis of the passage; (9) analyzing the wider biblical context of the passage or any part therein; (10) determining the theological contribution of the passage; (11) analyzing the secondary literature that deals with the passage; (12) applying the meaning of the passage to the modern reader.

Admittedly, another biblical scholar might present a slightly different series of steps in their process of exegesis. Yet Stuart's twelve steps serve as an insightful summary of the kind of exegesis employed in this study nonetheless, with only a couple of clarifications. First, because the research question in this thesis focuses on how the Essenes came to their interpretation of the 'new covenant', Stuart's final step of 'application' will not be carried out. And second, because passages in the DSS (rather than passages in the HB) are the objects of enquiry in Chapter 3, the scope of exegesis will necessarily be expanded to include the DSS corpus of texts as well.

While the exegesis in Chapter 2 and Chapter 3 will make use of each of these first eleven steps of Stuart's exegetical process, two of these steps in particular warrant further discussion here. First, in regard to Chapter 2, it is necessary to briefly mention the manuscripts and/or text editions upon which the exegesis in this chapter is based. In regard to the LXX, I have relied on the text of Rahlfs's edition due to its relatively widespread availability.³⁹ The text from Ziegler's Göttingen edition is fundamentally the same in regard to Jer 38:31–34 (= MT 31:31–34), with the only distinctions involving minor spelling differences (e.g., φησι rather than φησιν).⁴⁰ I have relied on the apparatus of the Göttingen edition, however, to gather significant textual variants that are present in major recensions of the LXX text, and these variants will be noted where appropriate throughout the chapter. As for the MT, I have relied on BHS—a diplomatic text edition based on the Leningrad Codex (M^L)—throughout this study. It is important to remember, however, that M^L is but one representative of the MT tradition. It is also worth mentioning that the Aleppo Codex (M^A), another representative of the MT tradition,⁴¹ lacks two portions of

³⁹ Alfred Rahlfs, ed., *Septuaginta: Id Est, Vetus Testamentum Graece Iuxta LXX Interpretes*, 9th ed. (Stuttgart: Württembergische Bibelanstalt, 1981).

⁴⁰ Joseph Ziegler, *Septuaginta: Vetus Testamentum Graecum Auctoritate Societatis Litterarum Göttingensis Editum XV: Ieremias Baruch Threni Epistula Ieremiae* (Göttingen: V&R, 1957).

⁴¹ The Aleppo Codex, otherwise referred to as 'the crown' (הכתר), is the base text used for the Hebrew University Bible: Emanuel Tov et al., *Sefer Yirmeyahu*, The Hebrew University Bible (Yerushalayim: Hotsa'at sefarim 'ash Y. L. Magnes, ha-Universitah ha-'Ivrit, 1997).

Jeremiah:⁴² (1) 29:9b–31:35a is missing in full;⁴³ and (2) a portion of 32:3–25 is missing.⁴⁴ The absence of 29:9b–31:35a is particularly noteworthy for this study, as these verses contain not only the new covenant passage itself (31:31–34), but also nearly the entirety of the ‘Scroll of Restoration’ (30:1–31:40), a text unit of great significance for understanding the ‘new covenant’. While these absences in M^A are noteworthy, it is likely that these missing verses are reflected in M^L and other MT manuscripts.

Second, in Chapter 3, establishing the historical context behind the writing of the DSS has a significant impact on our understanding of each of the two texts under discussion in this chapter—namely, D and 1QpHab. Therefore, due to the ongoing debate in DSS scholarship regarding the Essenes, Qumran, the DSS corpus, and their relationship (or lack thereof) to one another, it is necessary to state from the outset the assumptions with which I will operate. First, I will assume that the Essenes constituted a major group within late Second Temple Judaism, with communities both throughout Judea and at Qumran.⁴⁵ Second, I assume that the DSS corpus

⁴² These missing pages, along with other pages missing from the Aleppo Codex, are noted by Yosef Ofer. See: יוסף עופר, ‘M.D. Cassuto’s Notes on the Aleppo Codex / לאור רשימותיו של מ’ד קאסוטו — כתר ארם צובה,’ *Sefunot: Studies and Sources on the History of the Jewish Communities in the East / מחקרים ומקורות לתולדות קהילות* / ספונות: 83–280 (1989) (יט) ישראל במזרח ד.

⁴³ That these verses were originally present is clearly seen in that 29:9, which appears as the final verse in the third and final column of the page, is incomplete. The verse begins at the end of the third to last line in the column, where כִּי is seen as the final word in the line. Based on a comparison with M^L, it becomes clear that almost the entire remaining verse is present in the last two lines of this column, except for the final word, יהוה, which is missing. The final line reads as follows: בַּשְּׁמִי/לֹא/שְׁלַחְתִּים/נֹאֵם. In M^L and the other MT type manuscripts, יהוה follows. This is clearly the expected word, as נֹאֵם יְהוָה is a common expression concluding prophetic speech. In M^A, however, the next line (which appears at the top of the right column on the following page) reads: ...שָׁמַשׁ/לְאֹרֶר/יּוֹמִם/חֻקָּת. ... which is clearly a resumption of the text in 31:35b.

⁴⁴ An examination of the codex reveals that the absence of a portion of 32:3–25 is attributed to a torn top quarter of the page.

⁴⁵ This point finds its strongest support from references to the Essenes in the works of the classical authors Philo, Josephus, and Pliny—all three of whom were contemporaries with the Essenes. These references support the link between the Essenes and Qumran, the presence of Essenes throughout Judea, and the widespread influence of the Essene movement within late Second Temple Judaism. Pliny, a Roman author living in the 1st century AD, wrote that the Essenes lived ‘on the west side of the Dead Sea, but out of range of the noxious exhalations of the coast’ and with Ein Gedi ‘lying below them (*infra hos*) [i.e., to the south]’ (see: Pliny, *Natural History*, trans. H. Rackham, LCL, Books 3-7 [Cambridge, MA: Harvard University Press, 1942]). That the geographical location of the ruins of Qumran fits precisely with Pliny’s description hardly seems a coincidence. To Pliny’s geographical reference can be added Josephus’s (*J.W.* 2.8.4) and Philo’s (*Prob.* XII–XIII §§75–91; *Hypoth.* 11.1) statements that the Essenes also lived in towns and cities throughout Judea. Regarding their influence, Josephus notes that the Essenes formed one of three major schools of Jewish philosophy in the late Second Temple Period and had a relatively large number of adherents that numbered in the thousands (*Ant.* 13.5.9; 18.1.2–5; *J.W.* 2.8.2; *Life* 2). Philo notes their prevalence throughout Judea and relatively large population of adherents as well (*Hypoth.* 11.1). For a more thorough discussion of the classical sources and the Essenes, including a thorough bibliography, see, e.g.: Joan Taylor, “The

represents the unified (albeit evolving) tradition of a single group/movement.⁴⁶ And third, I assume that the DSS discovered in the caves of Qumran belonged to the Essene community.⁴⁷ Accordingly, I will use the terms ‘Essenes’, ‘Qumran community’, and ‘DSS community’ interchangeably throughout this study.

One other matter that has a bearing on the historical context within which we seek to understand the Essenes and their writings is worth mention here as well—namely, the tendency

Classical Sources on the Essenes and the Scrolls Communities,” in OHDSS, ed. Timothy H. Lim and John J. Collins (Oxford: OUP, 2010).

⁴⁶ In this, I follow the conclusions of Frank M. Cross, Sidnie White Crawford (a student of Cross), and others who have argued that the DSS are best understood as the corpus of a single group/movement—namely, the Essenes. Frank M. Cross’s statement early on in DSS scholarship remains instructive:

The concrete contacts in theology, terminology, calendrical peculiarities, and priestly interests, between the editions of Enoch, Jubilees, and the Testaments of Levi and Naphthali found at Qumran on the one hand, and the demonstrably sectarian works of Qumran on the other, are so systematic and detailed that we must place the composition of these works within a single line of tradition.

See: Frank Moore Cross, *The Ancient Library of Qumrân and Modern Biblical Studies*, Haskell Lectures 1956 (London: Duckworth, 1958), 148. Sidnie White Crawford provides a more recent argument for this view in her work *Scribes and Scrolls at Qumran*, where her central thesis is that ‘Qumran served as the central library and scribal center for the Essene movement of Judaism, that it was established to serve that purpose in the first quarter of the first century BCE, and that it continued in that function without interruption until its destruction by a Roman legion during the First Jewish Revolt against Rome in 68 CE’. See: Sidnie White Crawford, *Scribes and Scrolls at Qumran* (Grand Rapids: William B. Eerdmans Publishing Company, 2019), 1.

⁴⁷ From the beginning of DSS scholarship to the present, a broad consensus has held that the Essenes were associated with the building complex discovered at Qumran and were responsible for the production of the DSS discovered in the nearby caves. Eleazar Sukenik was one of the first to propose this view. See: Eleazar Sukenik, *The Dead Sea Scrolls of the Hebrew University* (Jerusalem: Magnes Press, 1955), 29. He was followed by F. M. Cross, who concluded that there was ‘sufficient evidence...to identify the people of the scrolls definitively with the Essenes’ and that ‘the community at Qumrân was an Essene settlement’. See: Cross, *The Ancient Library of Qumrân*, 54. For a more recent affirmation of this view, see, e.g: James C. VanderKam and Peter W. Flint, *The Meaning of the Dead Sea Scrolls: Their Significance for Understanding the Bible, Judaism, Jesus, and Christianity* (New York: HarperCollins, 2004), 239–54.

In particular, this consensus view holds that the Essenes made use of the site at Qumran from the second half of the second century BCE (or soon thereafter) until the destruction of the site by the Romans in 68 CE. In view of imminent destruction, the Essene community at Qumran stored their scrolls in the nearby caves for safekeeping. As for the date of the initial habitation of the site, Roland de Vaux’s proposed date of ca. 130 BCE served as the consensus view for decades. See: Roland de Vaux, *Archaeology and the Dead Sea Scrolls*, The Schweich Lectures, 1959 (Oxford: OUP, 1973). Jodi Magness’s revision of this date to sometime in the first half of the first century BCE, however, has found much recent support. See: Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls*, Studies in the Dead Sea Scrolls and Related Literature (Grand Rapids, MI: William B. Eerdmans, 2002), 63–69.

While scholars have challenged this consensus view and put forth alternate theories to account for the presence of the DSS in the caves of Qumran, none of these alternate theories has been convincing, and the main tenets of the original consensus view remain on solid ground and will thus be followed here. For a concise critique of these alternate theories, see: Jodi Magness, *The Archaeology of Qumran and the Dead Sea Scrolls*, 90–100.

in scholarship to refer to this group as ‘sectarians’. I have made a conscious effort to avoid using this term in reference to the Essenes for a number of reasons.⁴⁸ First, according to Josephus, the Essenes were no more a ‘sect’ (in the modern sense of the word) than were the Pharisees or Sadducees. Indeed, when he mentions these three groups alongside one another, he refers to them as τρεῖς αἰρέσεις τῶν Ἰουδαίων (‘three sects of the Jews’) (*Ant.* 13.5.9). Second, because ‘sectarian’ often has a negative connotation to the modern mind, this term can contribute to the formation of premature, biased conclusions concerning the Essenes and/or their ideology. Third, in a very real sense the Essenes would have seen the Pharisees and Sadducees as the ‘sectarians’. The point here, then, is that the use of the term ‘sectarian’ entails a matter of perspective. Since a major goal of this study is to determine how the Essenes came to their understanding of the ‘new covenant’, beginning this endeavor with a fair treatment of their community and views is important.

⁴⁸ Notable exceptions include the use of this term in relevant quotes from other scholars and in reference to the ‘sectarian literature’ of the DSS, a term which has become somewhat standard in scholarship and is useful in identifying a certain subset of the DSS corpus (i.e., the post-‘sectarian’ non-biblical scrolls). For more complete discussions of ‘sectarianism’ in late Second Temple Judaism and at Qumran, see: David J. Chalcraft, ed., *Sectarianism in Early Judaism: Sociological Advances* (London: Equinox, 2007); Eyal Regev, *Sectarianism in Qumran: A Cross-Cultural Perspective*, vol. 45, RelSoc (Berlin: Walter de Gruyter, 2007).

CHAPTER 2: THE NEW COVENANT IN JEREMIAH 31:31–34

A. Part One: The Text of Jeremiah 31:31–34

The MT and LXX of Jeremiah differ from one another to a greater extent than any other book of the HB.⁴⁹ To begin with, certain passages appear in a different order. For example, in the LXX, the so-called ‘oracles against the nations’ (OAN) appear in 25:14–31:44, where they are immediately preceded by the announcement of God’s judgment on Babylon (25:12–13) and followed by the divine cup of wrath passage (32:1–24).⁵⁰ In the MT, on the other hand, the OAN do not appear until chs. 46–51, with the result that the announcement of God’s judgment against Babylon (25:12–14) is immediately followed by the divine cup of wrath passage (25:15–38) alone. These different arrangements are shown in the table below.

Table 1: The Different Placements of the OAN in the MT and LXX

Order of the MT	Order of the LXX
(1) announcement of God’s future judgment of Babylon as prophesied ‘in this scroll’ (25:12–14)	(1) announcement of God’s future judgment of Babylon as prophesied ‘in this scroll’ (25:12–13)
(2) cup of wrath for the nations (25:15–38)	(2) OAN (25:14–31:44)
(3) OAN (46:1–51:64)	(3) cup of wrath for the nations (32:1–24)

⁴⁹ It is important to clarify from the outset that the LXX of Jeremiah, strictly speaking, refers to the Greek translation the book of Jeremiah. This translation stands as an indirect witness to a Hebrew *Vorlage* that served as the basis for the LXX’s translation in Alexandria, Egypt. Thus, the differences between the MT and LXX in view here concern differences between the MT and the Hebrew *Vorlage* that stands behind the LXX.

⁵⁰ The OAN immediately follow the phrase ‘all that is written in this scroll’ (πάντα τὰ γεγραμμένα ἐν τῷ βιβλίῳ τούτῳ = את כל הכתוב בספר הזה) in 25:13. Both the final relative clause in the MT of 25:13—אשר נבא ירמיהו על (‘which Jeremiah prophesied against all the nations’)—and the entirety of 25:14 are absent in the LXX.

In addition to the different placement of the OAN within the LXX and MT, the order of the nations addressed within the OAN section itself differs in the LXX and MT. In the LXX, the nations are addressed in the following order: Elam (25:14–19); Egypt (26:1–28); Babylon (27:1–28:64); Philistia (29:1–7); Edom (29:8–22); Ammon (30:1–5); Kedar and Hazor (30:6–11); Damascus (30:12–16); Moab (31:1–44). The MT, on the other hand, addresses the nations as follows: Egypt (ch. 46); Philistia (ch. 47); Moab (ch. 48); Amon (49:1–6); Edom (49:7–22); Damascus (49:23–27); Kedar and Hazor (i.e., Arabia) (49:28–33); Elam (49:34–39); Babylon (chs. 50–51).

The significant differences between the LXX and MT of Jeremiah extend beyond the ordering of certain passages. Due to a relatively large number of minuses in the LXX (or, to put it another way, plusses in the MT), the two versions differ significantly in length.⁵¹ One scholar has estimated that the LXX of Jeremiah is approximately one-seventh shorter than its MT counterpart, a difference of around 3097 words!⁵²

In view of these discrepancies between the LXX and MT of Jeremiah—namely, the different ordering of certain passages and the relatively large number of minuses in the LXX—, it becomes clear that any thorough interpretation of Jer 31:31–34 (LXX 38:31–34) must address the question of which text should serve as the object of our enquiry: the LXX or the MT? While scholars have debated this question at length, in this chapter both the LXX (i.e., the LXX with a view towards its Hebrew *Vorlage*) and MT of Jer 31:31–34 will be considered alongside and in relation to one another.⁵³ Such an approach is warranted for at least two reasons.

⁵¹ While minuses are a feature of every LXX book of the HB, the relatively large number of minuses in the LXX of Jeremiah accounts for an unusually large cumulative loss of text.

⁵² Estimates vary. These numbers are according to Y. -J. Min, as cited in Sven Soderlund, *The Greek Text of Jeremiah: A Revised Hypothesis*, JSOTSup 47 (Sheffield: Bloomsbury Publishing Plc, 1987), 11. Cf. Tov, who suggests the LXX is one-sixth shorter (Emanuel Tov, *The Text-Critical Use of the Septuagint in Biblical Research*, 3rd ed. [Winona Lake, IN: Eisenbrauns, 2015], 208), and Janzen, who suggests the LXX is around 2700 words shorter (J. Gerald Janzen, *Studies in the Text of Jeremiah*, HSM 6 [Cambridge, MA: Harvard University Press, 1973], 1).

⁵³ Sven Soderlund (see: Soderlund, *The Greek Text of Jeremiah*, 11–13) notes that scholars have advanced four major theories in an attempt to account for the discrepancies between the MT and LXX of Jeremiah, each of which is summarized below:

(1) ‘abbreviation theory’: the MT represents the original text of Jeremiah, whereas the LXX is a later (inferior) text that was abbreviated and/or corrupted during translation (Jerome, Spohn, Graf, Lundbom);

First, the earliest known manuscript evidence for the book of Jeremiah—namely, the DSS fragments of Jeremiah—almost certainly supports both the (shorter) LXX and the (longer) MT versions of Jeremiah.⁵⁴ In particular, whereas 4QJer^b and 4QJer^d support the LXX,⁵⁵ three other fragments—2QJer, 4QJer^a, and 4QJer^c—support the MT.⁵⁶ On the basis of paleography, Tov dates 4QJer^a (which supports the MT) to 225–175 B.C.E. and 4QJer^b and 4QJer^d (which support the LXX) to ‘the first half of the second century B.C.E.’⁵⁷ This dual testimony of the DSS Jeremian fragments suggests not only that both the shorter and longer versions of the Hebrew text of Jeremiah were in circulation at the same time, but also that the Essenes preserved and valued both. This in turn suggests that a thorough investigation of the Essene view of the ‘new covenant’ requires a discussion of both the shorter LXX and the longer MT versions of Jeremiah.⁵⁸

Second, in spite of the discrepancies between the LXX and MT of Jeremiah, the LXX translation style of the book of Jeremiah as a whole has been characterized as relatively literal.⁵⁹

(2) ‘expansion theory’: the LXX is a translation of the original Hebrew *Vorlage*, whereas the MT is a later (inferior) text that underwent expansion (Janzen, Tov, Schenker);

(3) ‘editorial theory’: the MT is the final, latest edition of the book produced by Jeremiah, whereas the LXX was the earlier edition (Eichhorn);

(4) ‘mediating theory’: assigning priority to the LXX or MT should be avoided, and each reading should be examined on an individual basis (Duhm, Giesebrecht, Thompson).

These theories and their relationship to the present study will be discussed further in Chapter 4.

⁵⁴ Emanuel Tov, “The Jeremiah Scrolls from Qumran,” *RevQ* 14, no. 2 (54) (1989): 189–206; Richard D. Weis, “The Textual Situation in the Book of Jeremiah,” in *Sôfer Mahîr: Essays in Honour of Adrian Schenker*, ed. Yohanan Goldman, Arie van der Kooij, and Richard D. Weis, VTSup 110 (Boston: Brill, 2006), 270.

⁵⁵ According to Tov, ‘no other Qumran fragment is as close to the LXX as these two texts.’ See: Emanuel Tov, “The Jeremiah Scrolls from Qumran,” *RevQ* 14, no. 2 (54) (1989): 198. These fragments contain certain minuses that are also present in the LXX. E.g., both 4QJer^b and the LXX have minuses where the MT has 10:6–8, 10. See also: Karen H. Jobes and Moisés Silva, *Invitation to the Septuagint*, 2nd ed (Grand Rapids, MI: Baker Academic, 2015), 190.

⁵⁶ See: Tov, “The Jeremiah Scrolls from Qumran,” 198–99.

⁵⁷ See: Tov, “The Jeremiah Scrolls from Qumran,” 197.

⁵⁸ See also: Timothy H. Lim, “Authoritative Scriptures and the Dead Sea Scrolls,” in OHDSS, ed. John J. Collins and Timothy H. Lim (Oxford: OUP, 2010), 311.

⁵⁹ See, e.g.: Albert Pietersma and Mark Saunders, “Ieremias: To the Reader,” NETS, ed. Benjamin G. Wright and Albert Pietersma (New York: OUP, 2007), 876.

This literal translation style indicates a close correspondence between the Hebrew *Vorlage* from which the LXX was translated and the (proto-)MT version, at least where the two texts overlap (i.e., ignoring the minuses/plusses).⁶⁰ Therefore, it seems best to begin with the assumption that there is a close correspondence between the Hebrew *Vorlage* of the LXX and the (proto-)MT of Jer 31:31–34 (LXX 38:31–34) as well.⁶¹

B. Part Two: The Interpretation of Jeremiah 31:31–34

Before turning our attention to the text of the new covenant passage (Jer 31:31–34) itself, it is important to first consider the wider context in which the new covenant passage is situated, since this wider context helps inform our interpretation of the passage. Once this wider context has been examined, we will move to a detailed exegesis of the passage.

1. Jer 31:31–34 in view of its wider context

I will argue below that the new covenant passage stands at the climax of the ‘Scroll of Restoration’ (Jer 30:1–31:40), a text unit that itself belongs to an even larger unit of text often referred to as the ‘Book of Restoration’ (30:1–33:26).⁶² Furthermore, I will argue that the ‘new

⁶⁰ On the basis of this ‘relatively literal’ translation style, Tov concludes that ‘the frequent omissions of the LXX of Jeremiah should be ascribed not to the translator but to his shorter Hebrew *Vorlage*...’. See: Tov, *The Text-Critical Use of the Septuagint in Biblical Research*, 143–44. For a fuller treatment of this discussion, see: Emanuel Tov, ‘Exegetical Notes on the Hebrew *Vorlage* of the LXX of Jeremiah 27 (34),’ 73–93. While some scholars have made an earnest attempt to argue for a corrupt Hebrew *Vorlage* behind the LXX, this argument seems unconvincing. Lundbom, e.g., argues that the LXX was ‘translated from a seriously flawed Hebrew text of Jeremiah, one containing more than 300 arguable cases of haplography, accounting for 64% of its word loss.’ See: Jack R. Lundbom, ‘Haplography in the Hebrew *Vorlage* of LXX Jeremiah,’ 301–20.

⁶¹ In spite of general agreement that LXX Jer exhibits a relatively literal translation style, when it comes to evaluating Jer 31:31–34, scholars tend to abandon the assumption of a close correspondence between the Hebrew *Vorlage* that stood behind the LXX and the (proto-)MT, and instead revert to explaining the apparent differences between the LXX and MT in this passage in terms of a superior/corrupt text paradigm (i.e., by importing assumptions from ‘abbreviation theory’ or ‘expansion theory’). Part of the reason for this, it seems, is that scholars have been unable to account for these differences in any other way. As will be discussed below, however, these differences can be accounted for while maintaining the assumption that Jer 31:31–34 also exhibits a relatively literal translation style.

⁶² While Lundbom refers to Jer 30:1–31:40 as the ‘Book of the Covenant’, the title ‘Scroll of Restoration’ is preferable for several reasons. First, this terminology is taken from the text itself. In 30:2, Jeremiah is told to write the following words on a ‘scroll’ (ספר), and in 30:3 YHWH gives a summary of the overall message of the scroll, declaring ‘I will restore the fortunes...’ (ושבתי את שבות...). Second, the title ‘Scroll of Restoration’ more accurately recalls the compositional history of Jeremiah, which in turn helps us better understand the literary structure of not only the book, but this textual unit in particular. That is, translating the term ספר as ‘scroll’ instead of ‘book’ reminds us that this unit, along with several other textual units within Jeremiah, were originally composed on discrete scrolls, and only later arranged into a larger work. The importance of this distinction becomes apparent

covenant' (ברית חדשה) of Jer 31:31–34 is one and the same as the 'eternal covenant' (ברית עולם) of 32:36–41 and 50:1–5.

a. The Scroll of Restoration (30:1–31:40)

It is clear that Jer 30:1–3 functions as the introduction to a new text unit. Not only does Jer 30:1 open with a phrase which is used throughout the book of Jeremiah to introduce new textual units (namely, the phrase, 'The word that came to Jeremiah from YHWH'), but the message of restoration that runs from 30:1–33:26 is quite distinct from the topics addressed in the preceding chapter (namely, Jeremiah's letter to the exiles and Shemaiah's false prophecy).⁶³ As a whole, this introduction consists of the following: (1) an introductory formula (30:1); (2) instructions to write the prophecy 'in a scroll' (אל ספר) (30:2); and, (3) a summary message of the contents that follow (30:3).⁶⁴ Scholars disagree, however, when it comes to determining the end of the 'scroll' (30:2), or text unit, introduced by 30:1–3. While some scholars suggest that at least

when we turn to the task of trying to delimit the original text of the 'Scroll of Restoration,' a delimitation which has a direct effect on the interpretation of the new covenant passage of Jer 31:31–34. Third, the term 'Scroll of Restoration' most accurately summarizes the aim and overall message of Jer 30:1–31:40, which, as 30:3 makes clear from the outset, is restoration. Lundbom's title 'Book of the Covenant' can be misleading for two reasons. First, it leads one to think that the Jer 30:1–31:40 is primarily about covenant. The term 'covenant' (ברית), however, only appears in Jer 31:31–34. Second, the Davidic covenant, Levitical covenant, and new covenant (referred to as an 'eternal covenant' [ברית עולם] in 32:40) are all mentioned in chs. 32–33; thus, to refer to chs. 30–31 alone as the 'Book of the Covenant' gives the false impression that covenant is absent from chs. 32–33, which it is certainly not. For at least these three reasons, then, it is best to speak of Jeremiah 30:1–31:40 as the 'Scroll of Restoration' and the expanded textual unit that includes chs. 32–33 as the 'Book of Restoration.' See: Jack R. Lundbom, *Jeremiah 21-36*, 368.

⁶³ For other examples of the use of the phrase 'The word that came to Jeremiah from YHWH' (or slight variations thereof), see: 1:2; 7:1; 11:1; 14:1; 18:1; 21:1; 25:1; 26:1; 27:1; 30:1; 32:1; 34:1, 8; 35:1; 36:1; 39:15; 40:1; 44:1; 46:1; 47:1; 49:34. It should be noted that 20:8; 25:3; 32:6 are not included in this list, as in these instances the phrase appears in a speech rather than in an introduction (and thus does not serve as a structural device). The consistent use of this phrase (or a variant thereof) to introduce different textual units strongly supports the idea that this was a major method by which the final author or editor 'stitched' together the various scrolls or text units into a single book. Thus, albeit on a small scale, Jeremiah 30:1–33:26 seems to give a picture as to how this larger work was undertaken.

⁶⁴ See, e.g.: William McKane, *A Critical and Exegetical Commentary on Jeremiah: Commentary on Jeremiah 26–52*, ICC (Edinburgh: T&T Clark, 1996), 750.

part of ch. 32 together with the entirety of ch. 33 were included in this scroll as well,⁶⁵ the majority of scholars posit that this scroll should be limited to 30:1–31:40.⁶⁶

Evidence in favor of this majority opinion stands as follows. First, the prophecies in chs. 32 are presented as having taken place while Jeremiah was ‘shut up in the court of the guard’ (כלוא בחצר המטרה) (32:2). The prophecies in ch. 33 are likewise introduced as having taken place ‘a second time’ (שנית) while Jeremiah was ‘still retained in the court of the guard’ (עודנו עצור) (בהצר המטרה) (33:1).⁶⁷ In contradistinction to the prophecies of chs. 32 and 33, the prophecies of chs. 30–31 (and more specifically, the prophecies recorded in 30:4–31:25) contain no mention of this confinement and appear to have been revealed to Jeremiah through a dream (see 31:26). Second, the same introductory clause that opens 30:1—‘The word that came to Jeremiah from YHWH’ (הדבר אשר היה אל ירמיהו מאת יהוה)—also introduces 32:1.⁶⁸ Because this phrase (or a slight variant thereof) is used throughout the book of Jeremiah to introduce new textual units, 30:1–31:40 and 32:1–33:26 are best understood as distinct units. Third, chs. 30–31 are distinct from chs. 32–33 in regard to genre. Following the prose introduction in 30:1–3, the remainder of chs. 30–31 consist of an uninterrupted line of prophecies. Chs. 32–33, on the other hand, consist of a mixture of narrative prose, prayer, and prophecies. And fourth, it seems clear that 30:3 originally functioned to frame the smaller Scroll of Restoration (30:1–31:40). This frame is created by the verbal parallelism הנה ימים באים (‘Behold, days are coming’), which appears in 30:3 and 31:27, 31, 38. These latter three verses introduce a series of three prophecies (31:27–30; 31:31–37; and 31:38–40) that serves to conclude the Scroll of Restoration.⁶⁹ For the above

⁶⁵ See, e.g.: Herbert G. May, “Towards an Objective Approach to the Book of Jeremiah: The Biographer,” *JBL* 61, no. 3 (1942): 146; Thompson, *The Book of Jeremiah*, 551–604.

⁶⁶ See, for example: William Lee Holladay, *Jeremiah: A Commentary on the Book of the Prophet Jeremiah*, ed. Paul D. Hanson, vol. 2, Hermeneia (Philadelphia: Augsburg Fortress, 1989), 148; Lundbom, *Jeremiah 21–36*, 368; McKane, *A Critical and Exegetical Commentary on Jeremiah: Commentary on Jeremiah 26–52*, 750. For a more comprehensive list of scholars on both sides of the issue, see: Bob Becking, *Studies in Scriptural Unit Division*, ed. Marjo C. A. Korpel and Josef M. Oesch, Pericope; v. 3 (Assen: Koninklijke Van Gorcum, 2002), 2.

⁶⁷ The same term ‘a second time’ (שנית) is used to link two other prophecies in the book of Jeremiah (1:11–12 and 1:13–19).

⁶⁸ A similar phrase also introduces 33:1, which could suggest that ch. 32 was originally an independent scroll/text unit as well. It is also important to note, however, that chs. 32–33 are clearly linked to one another as well in that both are presented as being received while Jeremiah was ‘shut up in the court of the guard’ (כלוא בחצר המטרה) (32:1; 33:1).

⁶⁹ Two points of clarification are worthwhile here. First, this assumes the *Qere* reading of מ^ל for באים in 31:38, a reading that is supported by all major versions and many other MT Mss. (As the BHS apparatus points out,

reasons, then, it seems best to consider the Scroll of Restoration (30:1–31:40) to have been an independent scroll/text unit at one time.

As for the prophecies within the Scroll of Restoration, they can be organized as follows: (1) prophecies concerning the restoration of Israel—i.e., the Northern Kingdom (30:4–31:22); (2) a prophecy concerning the restoration of Judah (31:23–26); and, (3) prophecies concerning the restoration of both Israel and Judah (31:27–40). This division is indicated by at least two observations. First, the prophecies in 30:4–31:22 are addressed to Israel, in contradistinction to the prophecy in 31:23–26, which is addressed to Judah.⁷⁰ And second, the use of the phrase שׁוּב שְׁבוּת (‘restore fortunes’) seems to serve as a structural device that helps divide up these three groups of prophecies.⁷¹ In Jer 30:3—a verse which, as mentioned above, originally served to introduce the Scroll of Restoration—, YHWH states, וְשָׁבַתִּי אֶת שְׁבוּת עַמִּי יִשְׂרָאֵל וַיְהוּדָה (‘and I will restore the fortunes of my people Israel and Judah’). The prophecies that follow in 30:4–31:22 deal with the restoration of Israel’s fortunes (the phrase שׁוּב שְׁבוּת appears in 30:18), while 31:23–26 deals with the restoration of Judah’s fortunes (the phrase שׁוּב שְׁבוּת appears in 31:23). As for the concluding group of prophecies which addresses the restoration of the fortunes of Israel *and* Judah (31:27–40), we see the following: (1) People and animals will be restored to the ‘the house of Israel and the house of Judah’ on the basis of individual (rather than corporate) responsibility (31:27–30); (2) YHWH’s relationship with ‘the house of Israel and the house of Judah’ will be

there was likely a haplography that resulted from the appearance of נָאֵם in the preceding verse.) And second, it should be noted that the phrase הִנֵּה יָמִים בָּאִים is not limited to these prophecies of restoration alone. For example, the phrase appears in Jeremiah’s temple sermon to announce a prophecy of more immediate future judgment 7:32. It also occurs in 9:24, again in the context of judgment, this time for those circumcised in flesh only (and not in heart). In total, the phrase הִנֵּה יָמִים בָּאִים appears 14 times in the book of Jeremiah: 7:32; 9:24; 16:14; 19:6; 23:5, 7; 30:3; 31:27, 31, 38; 33:14; 48:12; 49:2; 51:47, 52. While Jeremiah is not the first to use the expression, he by far uses it most frequently. The phrase occurs only six other times in the HB: 1 Sam 2:31; 2 Kgs 20:17; Amos 4:2; 8:11; 9:13; Isa 39:6.

⁷⁰ Israel is also addressed as ‘Jacob’ (30:7, 10, 18; 31:7, 11) and ‘Ephraim’ (31:9, 18, 20), each of which is an alternate name for Israel. Also note the references to ‘the mountains of Samaria’ (31:5), ‘the hill country of Ephraim’ (31:6), and ‘Ramah’ (31:15), each of which is located in Israel rather than Judah.

⁷¹ It should be noted that שׁוּב שְׁבוּת is a common recurrence in the book of Jeremiah, appearing in the following verses: 29:14; 30:3, 18; 31:23; 32:44; 33:7, 11, 26; 48:47; 49:6, 39. As with הִנֵּה יָמִים בָּאִים, this phrase is not unique to Jeremiah, nor is Jeremiah the first prophet to use it. See: Hos 6:11; Joel 4:1; Amos 9:14; Zeph 2:7; 3:20; Ezek 16:53; 29:14; 39:25. Despite this widespread use, however, the phrase clearly seems to have a clear structural function in both the Scroll of Restoration (Jer 30:1–31:40) and the larger Book of Restoration (30:1–33:26).

restored by means of a new covenant (31:31–37);⁷² and (3) the city of Jerusalem will be restored (31:38–40).

The above overview demonstrates the significant placement of the new covenant passage: it stands within the second of three prophecies which function together as the climax and conclusion to the Scroll of Restoration. In such a position, the new covenant passage is anything but ‘a minor and prosaic hope for the future.’⁷³ A summary overview of the Scroll of Restoration based on the above discussion is shown in the following table.

Table 2: An Overview of the Scroll of Restoration (Jer 30:1–31:40)

30:1–3	Introduction	<ul style="list-style-type: none"> • Introduction to new textual unit: הדבר אשר היה אל ירמיהו מאת יהוה (30:1) • Summary statement: הנה ימים באים...ושבתי את שבות עמי ישראל (30:3) ויהודה (30:3) • Inclusio: הנה ימים באים (30:3 and 31:27, 31, 38) • The phrase/theme שוב שבות as a structural device for the Scroll (30:3; 30:18; 31:23)
30:4–31:26	Body	<ul style="list-style-type: none"> • Part One: Prophecies concerning the ‘restoration of fortunes’ (שוב שבות) for Israel (30:4–31:22) • Part Two: Prophecy concerning the ‘restoration of fortunes’ (שוב שבות) for Judah (31:23–26)
31:27–40	Conclusion	<ul style="list-style-type: none"> • Three concluding prophecies concerning the restoration of Israel and Judah (31:27–30; 31:31–37; 31:38–40) • Inclusio: הנה ימים באים (30:3 and 31:27, 31, 38)

b. The Book of Restoration (30:1–33:26)

Lundbom’s suggestion that chs. 32–33 were later placed together with chs. 30–31 due to their similar message of restoration, thereby enlarging the Scroll of Restoration to the Book of Restoration, seems likely.⁷⁴ As suggested by Lundbom, the verbal parallel between ושבתי את שבות

⁷² The function of vv. 35–37 in this second prophecy is to emphasize that God’s preservation and restoration of Israel would be as certain as the natural ordinances he has set over creation.

⁷³ As per Robert Carroll. See: Robert Carroll, *Jeremiah: A Commentary*, 612.

⁷⁴ Lundbom writes, ‘Sometime later the Book of Restoration [i.e. chs. 30–31] was enlarged by the addition of chaps. 32–33. The collection was then tied together with an inclusio made up from the closing words of 33:26, “For I will restore their fortunes,” and the opening words of 30:3, “when I will restore the fortunes of my people Israel and Judah.” Hence the name, “Book of Restoration.”’ See: Jack R. Lundbom, *Jeremiah 1-20: A New Translation with Introduction and Commentary*, AB 21A (New York: Doubleday, 1999), 97–98; Lundbom, *Jeremiah 21-36*, 368.

(‘and I will restore the fortunes’) in 30:3 and *כי אשוב את שבותם* (‘for I will restore their fortunes’) in 33:26 functions as an inclusio that holds the Book of Restoration together.⁷⁵ In addition to this inclusio, the generally hopeful tone and theme of restoration that run throughout the Book of Restoration serve to set this text unit apart from the preceding and following text units that deal with the judgment of the false prophet Shemaiah (29:24–32) and Zedekiah and company (ch. 34), respectively.⁷⁶

Since the first part of the Book of Restoration—i.e., the Scroll of Restoration—has already been discussed above, only the second half of this Book requires our attention here. In brief, ch. 32 consists of an introduction (32:1), two prose narratives—one which details Zedekiah’s judgment (32:2–5) and the other which details Jeremiah’s purchase of his relative’s field at Anathoth (32:6–15)—,⁷⁷ Jeremiah’s prayer for understanding (32:16–25), and YHWH’s answer to this prayer (32:26–44).⁷⁸ This answer comes in two parts: Though the nation would be judged and sent into exile (32:26–35), salvation and restoration to the land would follow in the future (32:36–44). Significantly, although the prophecy of restoration in 32:36–41 anticipates a future ‘eternal covenant’ (*ברית עולם*) rather than ‘new covenant’ (*ברית חדשה*), these covenants are to be understood as one and the same, as will be discussed below. The Book of Restoration concludes in ch. 33 with additional prophecies of restoration, among which are included YHWH’s assurances that he will remain faithful to the promises he made in the Davidic and Levitical covenants (33:14–26).

⁷⁵ Lundbom, *Jeremiah 21-36*, 369.

⁷⁶ The theme of restoration in the Book of Restoration is highlighted by the sevenfold repetition of the phrase ‘restore the fortunes’ (*שוב שבות*) throughout these chapters. See: 30:3, 18; 31:23; 32:44; 33:7, 11, 26. One could argue that this sevenfold appearance of this key phrase functions literarily to emphasize a complete restoration. While restoration is the prominent theme, this is not to say there are no messages of judgment within the Book of Restoration (see, e.g., 32:3–5).

⁷⁷ Jeremiah’s purchase of the field functions as a symbolic act demonstrating that, in spite of the present Babylonian siege, YHWH’s restoration of the people to the land in the future was certain.

⁷⁸ So also: Lundbom, *Jeremiah 21-36*, 501.

c. The ‘new covenant’ (ברית חדשה) and the ‘eternal covenant’ (ברית עולם)

Scholars generally agree that the ‘new covenant’ of Jer 31:31–34 should be equated with the ‘eternal covenant’ (ברית עולם) mentioned in 32:36–41 and 50:1–5.⁷⁹ This conclusion seems sound for several reasons. First and foremost, both Jer 31:31–34 and 32:36–41 anticipate an internal transformation that will result in a restored covenant relationship between YHWH and his people (31:33–34; 32:38–41).⁸⁰ Furthermore, both covenants will be ‘cut’ (כרת) by YHWH in the future. That the ‘eternal covenant’ of 32:36–41 is one and the same as the ‘eternal covenant’ of 50:4–5 also seems clear. Both covenants are referred to by the same term (ברית עולם), both covenants are initiated following the gathering of Israel and Judah from the foreign lands of exile (32:36–37; 50:1–4), and, lastly, both appear to be made in Jerusalem/Zion (32:36–40; 50:4–5).⁸¹

⁷⁹ See, e.g.: Lundbom, *Jeremiah 21-36*, 519–20; Lundbom, *Jeremiah 37-52*, AB 21C (New York: Doubleday, 2004), 376; Georg Fischer, *Jeremia 26-52*, HThKAT (Freiburg im Breisgau: Herder, 2005), 212–13. Steven Mason challenges this view, however, and argues that ‘it seems imprudent to understand ברית עולם and Jeremiah’s ברית חדשה as simply synonymous and therefore interchangeable.’ Based on his study of ברית עולם in the Pentateuch, Mason concludes that ‘in the Pentateuch “eternal covenants” are actually “old” covenants’ in that ‘each ברית עולם significantly overlaps with fundamental ideas of previous contexts. Eternal covenants are not something radically “new” but manifest the same ideas in a different context, with a different scope.’ For Mason, YHWH’s ברית עולם with Noah is of fundamental importance for subsequent eternal covenants. He writes:

The eternal covenant with Noah presents the gamut of eternal covenant themes...including its conditionality. In addition, the Noachic covenant is set within the Primeval era, which gives it the broadest scope possible. This is an eternal covenant which, in its context, is to restore the kingdom on earth to its intended state. It is an eternal covenant for all flesh. Thus, whether one prefers to see the eternal covenants as distinct or a string of a single idea, the eternal covenants all relate to the Noachic ברית עולם.

While Mason’s study is insightful, it is primarily concerned with the appearance of the term ברית עולם in the Pentateuch, and Mason devotes only one paragraph to the discussion of the relationship between Jeremiah’s ‘new covenant’ and the ‘eternal covenant’. Furthermore, Mason’s conclusion does not necessarily contradict my argument in this chapter that the ‘new covenant’ is better understood as a covenant that is new in kind rather than a mere covenant renewal. Mason himself allows for the possibility that different ‘eternal covenants’ can be viewed as either ‘distinct or a string of a single idea’. Thus, it is possible that the ‘new covenant’, which is also anticipated to be an ‘eternal covenant’ in the book of Jeremiah, could be both a distinct covenant as well as share the same eternal covenant themes suggested by Mason—namely, conditionality, the restoration of the kingdom on earth to its intended state, and its universal applicability (i.e., for all flesh). See: Steven D. Mason, “*Eternal Covenant*” in *the Pentateuch: The Contours of an Elusive Phrase*, LHBOTS 494 (New York: T&T Clark International, 2008), 229–32.

⁸⁰ The order of parties in the covenant formula is inverted. Cf. ‘And I will be their God, and they will be my people’ (והייתי להם לאלהים והמה יהיו לי לעם) in 31:33 with ‘And they will be my people, and I will be their God’ (והיו לי לעם ואני אהיה להם לאלהים) in 32:38.

⁸¹ Jeremiah 32:36–41 is a prophecy regarding the fate of ‘this city’ (העיר הזאת) (32:36) and is part of YHWH’s answer to Jeremiah’s question in 32:25 about the fate of Jerusalem. In 32:37, YHWH promises to bring the people back to ‘this place’ (המקום הזה), which in context, is to be understood as a reference to ‘this city’ in the preceding verse. In 50:4–5, ‘the sons of Israel...and the sons of Judah together...will ask about Zion. Their faces toward its direction, they will come and be joined to YHWH in an everlasting covenant that will not be forgotten’

This last observation—i.e., that the ‘new covenant’/‘eternal covenant’ would be made in Jerusalem/Zion—will become significant in the next chapter, since this provenance is clearly at odds with the *Damascus Document*’s ‘new covenant in the land of Damascus’ (ברית חדשה בארץ (דמשק).

The equation of the ‘new covenant’ in Jer 31:31 with the ‘eternal covenant’ (ברית עולם) of 32:40 and 50:5 is significant in that it widens our ‘new covenant’ context. While the term ‘new covenant’ appears in the HB only in Jer 31:31, a post-exilic and future ‘eternal covenant’ is referred to multiple times in the major prophets (Jer 32:36–41; 50:5; Isa 55:3; 61:8; Ezek 37:26).⁸² A thorough understanding of the new covenant, therefore, requires accounting for references to this eternal covenant as well. To go one step further, because the major prophets also equate this future ‘eternal covenant’ with a future ‘covenant of peace’ (ברית שלום) (Isa 54:10; Ezek 34:25; 37:26), our attempt to comprehend the new covenant in its fullest context requires a consideration of references to this future ‘covenant of peace’ as well.⁸³ While this wider context of the new covenant of Jer 31:31–34 will not be explored in depth here, the association/equation of the new covenant with both the ‘eternal covenant’ and the ‘covenant of peace’ are important to keep in mind, nonetheless, since, as will become evident in the next chapter, this wider new covenant context seems to have informed to the Essenes’ concept of the new covenant as presented in the DSS.

(בני ישראל...ובני יהודה יחדו...ציון ישאלו דרך הנה פניהם באו ונלוו אל יהוה ברית עולם לא תשכח). While 31:31–34 alone does not indicate Jerusalem as the place where the new covenant would be cut, if one considers 31:37–40—a prophecy grouped together with the new covenant prophecy of 31:31–34—one could argue that Jerusalem is the implied location of the new covenant as well.

⁸² The term ‘eternal covenant’ (ברית עולם) also appears in reference to *past* biblical covenants. See, e.g.: Gen 9:16; 17:7, 13, 19; Exod 31:16; Lev 24:8; 2 Sam 23:5; Psalm 105:10 (// 1 Chr 16:17). These past ‘eternal covenants’, however, should be distinguished from this future ‘eternal covenant’ that was yet to be ‘cut’ (כרת) from the perspective of the prophets.

⁸³ Schüle equates these covenants as well. See: Andreas Schüle, “The ‘Eternal Covenant’ in the Priestly Pentateuch and the Major Prophets,” in *Covenant in the Persian Period: From Genesis to Chronicles*, ed. Richard J. Bautch and Gary N. Knoppers (Winona Lake, IN: Eisenbrauns, 2015), 50–52.

2. Interpreting Jer 31:31–34

Now that the wider context of Jer 31:31–34 has been examined, we can turn our attention to the interpretation of the new covenant passage itself. As discussed above, both the LXX and MT version of the passage will be considered alongside and in relation to one another. This discussion will include the most plausible reconstruction of the Hebrew *Vorlage* underlying the LXX, and, more broadly speaking, the Greek manuscript tradition.⁸⁴ Furthermore, it should be noted that in order to facilitate comparison between the LXX and MT, I have broken up each verse into smaller syntactical units. Following this discussion of the LXX and MT in relation to one another, we will move to discuss the most likely interpretation of each verse. As will soon become clear, however, these two discussions are at times interdependent.

a. Jeremiah 31:31

LXX (= 38:31)	MT
<p>Ἴδου ἡμέραι ἔρχονται, φησὶν κύριος, καὶ διαθήσομαι⁸⁵ τῷ οἴκῳ Ἰσραηλ καὶ τῷ οἴκῳ Ἰουδα διαθήκην καινὴν,</p>	<p>הִנֵּה יָמִים בָּאִים נֹאמֵר יְהוָה וְכָרַתִּי אֶת־בְּרִית יִשְׂרָאֵל וְאֶת־בְּרִית יְהוּדָה בְּרִית חֲדָשָׁה:</p>

As suggested by the above comparison of Jer 31:31 (= LXX 38:31) in the LXX and MT, the LXX reading of this verse reflects a Hebrew *Vorlage* that was almost certainly identical to the MT reading.⁸⁶ This verse can be translated as follows:

‘Behold, days are coming,’ declares YHWH, ‘when I will cut with the house of Israel and with the house of Judah a new covenant—...’

⁸⁴ For a comparison of the entire passage of Jer 31:31–34 (LXX 38:31–34) in the LXX and MT, which includes my English translation of each, see Appendix III.

⁸⁵ Cf. α’ κοψω (‘I will cut’) and σ’ συντελεσω (‘I will bring about’). It seems clear that each of these variants stems from the same Hebrew reading of וְכָרַתִּי (‘I will cut’).

⁸⁶ Of course, whereas the MT is vocalized, the readings in both the Hebrew *Vorlage* of the LXX as well as the proto-MT would have been unvocalized.

In brief, this verse serves to introduce the main thrust of the prophecy: YHWH will make a ‘new covenant’ in the future ‘with the house of Israel and with the house of Judah.’ Several matters, however, require further discussion.

‘Behold, days are coming,’ declares YHWH, Despite the anarthrous appearance of ימים, some English translations (e.g., the NRSV and NIV) have opted to translate this term as a definite noun, ‘the days’. The LXX reading ἡμέραι, which also lacks the article, supports the MT reading and indicates that this reading is to be preferred. The difference is minor, however, and the reference in either case is to a future period of time. As noted earlier in this chapter, the introductory phrase, ‘Behold, days are coming’ (הנה ימים באים) appears a total of four times in the Scroll of Restoration (Jer 30:1–31:40) and functions to frame this text unit.⁸⁷

‘when I will cut...a new covenant’ The use of the verb כרת (‘to cut’) rather than הקים (‘to establish’) with reference to the new covenant is significant.⁸⁸ As scholars have noted, whereas כרת is generally used to refer to covenant ratification—i.e., the inauguration of a covenant that did not previously exist—, הקים is used to refer to the reestablishment/renewal, fulfillment, or ongoing maintenance of a pre-existing covenant.⁸⁹ A brief evaluation of כרת versus הקים in the book of Jeremiah supports this distinction, as demonstrated below.

Jeremiah 34:1–22 is an ideal place to begin our evaluation since both terms appear in this passage. The expression כרת + obj. ברית appears a total of four times (34:8, 13, 15, and 18). In 34:13, YHWH states, ‘I myself *cut* (כרתי) a covenant with your fathers in the day when I led

⁸⁷ See the above discussion on the ‘Scroll of Restoration’.

⁸⁸ See BDB, s.v. ‘כָּרַת’ and s.v. ‘קָוַם’, respectively.

⁸⁹ Commenting on Ezekiel’s ‘covenant of peace’ (ברית שלום), Moshe Greenberg makes a similar distinction between כרת ברית and הקים ברית. He writes:

Unlike the phrase *karat b’rit*, which refers always to the making of a new covenant (so 34:25; 37:26—with reference to “the covenant of peace,” a divine boon of the new future order), *heqim b’rit* usually means “maintain a covenant” already concluded (Gen 17:19, 21: I will bless Ishmael, but my covenant *’aqim* with Isaac; Lev 26:9: I will make you fertile and numerous, and *h’aqimoti* my covenant with you; Deut 8:18: *l’haqim* his covenant that he swore to you)...

See: Moshe Greenberg, ed., *Ezekiel 1-20: A New Translation with Introduction and Commentary*, AB 22 (New Haven: YUP, 2008), 291. Similarly, William Dumbrell concludes that ‘the form *krt brt* seems never to have been used for covenant renewal and is the unique form used for covenant initiation between two parties in the Old Testament. *Hqm brt* is the allied term to speak of covenant continuance.’ For Dumbrell’s extensive treatment of the distinction between כרת ברית and הקים ברית, see: William J. Dumbrell, *Covenant and Creation: An Old Testament Covenant Theology* (West Ryde, Australia: Paternoster, 2013), 15–23.

them out of the land of Egypt'. The reference to the Exodus makes clear that the covenant in view here is the Mosaic covenant made at Sinai. Furthermore, it is worth noting that according to Exod 24:6–8, YHWH 'cut' (כרת) this covenant with the nation of Israel by means of a ceremony that included animal sacrifice and blood. In Jer 34:8, 15, and 18, on the other hand, it is not the Mosaic covenant that YHWH 'cut' with the nation of Israel that is in view, but rather a covenant that Zedekiah 'cut...with all the people who were in Jerusalem' (כרת...את כל העם אשר בירושלם) (34:8). As stated in vv. 9–10, those who entered into this covenant committed to release their Hebrew slaves and to no longer enslave their fellow Jews in the future. Significantly, vv. 18–19 detail the means by which this covenant was ratified: the people of Judah 'cut (a calf) in two and passed between its parts' (כרתו לשנים ויעברו בין בתריו). As explained in v. 18, the symbolic meaning of this ceremony was as follows: if the people violated this covenant (which was made in the presence of YHWH), YHWH had the right to make them like this cleaved calf.⁹⁰ In regard to both YHWH's covenant with the Israelites at Sinai and Zedekiah's covenant with the people, then, the use of כרת + obj. ברית encompasses not only the ratification of a covenant that did not previously exist, but also the necessity of animal sacrifice/bloodshed (literally, the act of 'cutting' [כרת] an animal) as part of the covenant ceremony.

When we turn to consider the term הקים in this passage, an entirely different meaning is present. The term appears only once, in 34:18. Here, YHWH pronounces judgment on those 'who did not **fulfill/maintain** the words of the covenant that **they cut** before me' (אשר לא הקימו) (את דברי הברית אשר כרתו לפני). The distinction between כרת and הקים here is clear. Although, on the one hand, Zedekiah had 'cut' (כרת) or 'ratified' a covenant with the people of Jerusalem to release their Hebrew slaves and to no longer enslave their fellow Jews in the future (a covenant, it should be stressed, that did not previously exist), they later reneged and thus 'did not *fulfill/maintain* (הקימו) the words of the covenant'. From this passage, then, it is clear that whereas כרת has to do with covenant initiation, הקים has to do with covenant maintenance.

Jeremiah 11:1–13 is yet another passage where כרת and הקים appear alongside one another. Each term appears once. In 11:10, YHWH declares, 'The house of Israel and the house of Judah have broken my covenant that *I cut* (כרתי) with their fathers'. As is the case in 34:13, it

⁹⁰ For more on this covenant ceremony, including a discussion of its ANE background as well as its biblical precedent in Gen 15, see, e.g.: Lundbom, *Jeremiah 21-36*, 564–66.

is clear that the covenant in view here is the Mosaic covenant.⁹¹ Furthermore, as with 34:13, this covenant is said to have been ‘cut...with their fathers (את אבותם)’ rather than with Jeremiah and his contemporaries, an observation which supports the idea that כרת refers to covenant ratification. The term הקים, on the other hand, appears within the expression למען הקים את השבועה (‘in order to maintain/fulfill the oath’) (11:5). While the term ברית (‘covenant’) is absent here, the context suggests that the oath in view here is that of the Abrahamic covenant, and therefore השבועה can be understood as a metonym for this particular covenant.⁹² Thus, this passage also suggests a clear distinction between כרת and הקים: whereas הקים refers to covenant fulfillment/maintenance, כרת refers to covenant ratification.

If the search is expanded to include all appearances of כרת and הקים in the book of Jeremiah, this same distinction holds.⁹³ In all, כרת + obj. ברית appears a total of nine times.⁹⁴ In three of these instances, the ברית in view is the Mosaic covenant (11:10; 31:32; and 34:13). In each and every one of these cases, however, this covenant is consistently described as having been cut ‘with their fathers’ (את אבותם) / ‘with your fathers’ (את אבותיכם), and not with the Jews of Jeremiah’s time. Three other instances of כרת + obj. ברית refer to Zedekiah’s covenant (34:8, 15, 18), which, as discussed above, was a covenant that had not previously been made. The final

⁹¹ See esp. 11:3–4, which makes clear that the covenant in view here is that which was made during the time of the Exodus.

⁹² It is important to distinguish between the ברית mentioned in vv. 3–4 and 6–13 and the שבועה mentioned in v. 5. While the ברית in vv. 3–4 and 6–13 clearly refers to the Mosaic covenant (note the association of this covenant with those YHWH delivered from Egypt during the exodus in vv. 3–4 and v. 7), v. 5 is best understood as referring to the Abrahamic covenant for the following two reasons. First, because an oath was one of the most important aspects of making a covenant, the term ‘oath’ (שבועה) can function as a metonym for ‘covenant’ (ברית). This clearly seems to be the case here. Second, the language used in v. 5—‘in order to fulfill/maintain/establish the oath that I swore to your fathers’ (למען הקים את השבועה אשר נשבעתי לאבותיכם)—is nearly identical to the way the Abrahamic covenant is described in the book of Deuteronomy, a book which Jeremiah often draws from. See, e.g., the following references: ‘the oath that he [YHWH] swore to your fathers’ (השבועה אשר נשבע לאבותיכם) (Deut 7:8); ‘in order to fulfill/maintain/ establish his [YHWH’s] covenant that he swore to your fathers’ (למען הקים את בריתו אשר) (נשבע לאבותיך) (8:18); and, especially, ‘in order to fulfill/maintain/establish the word that YHWH swore to your fathers—to Abraham, to Isaac, and to Jacob’ (למען הקים הדבר אשר נשבע יהוה לאבותיך לאברהם ליצחק וליעקב) (9:5). Significantly, in the last two instances, the expression למען הקים precedes these references to the Abrahamic covenant, an expression which also appears in Jer 11:5.

⁹³ It is worth clarifying here that I am only concerned with appearances of כרת and הקים with ברית (‘covenant’) or near-ברית terms as the object. If the search is expanded beyond the book of Jeremiah to the entire HB, the same distinction holds, as indicated in Appendix II.

⁹⁴ See: 11:10; 31:31, 32, 33; 32:40; 34:8, 13, 15, 18. In 11:10, 31:32, 33, and 34:18, the verb appears in a relative clause modifying the noun ברית.

three instances of כרת + obj. ברית refer to the future ‘new covenant’ (ברית חדשה) and ‘eternal covenant’ (ברית עולם) that YHWH will make with the people (31:31, 33; 32:40). Based on the other six instances of Jeremiah’s use of כרת + obj. ברית, it seems best to understand these three references in the same way—i.e., the use of כרת with reference to the future ‘new covenant’ and ‘eternal covenant’ suggests the ratification/inauguration of covenants that did not previously exist (and possibly also that their ratification would come by means of bloodshed).⁹⁵

As for the use of הקים + obj. ברית (or a near-ברית term), while this construction appears only in 11:5 and 34:18 (references that were discussed above) if the search is expanded to include הקים + other non-ברית terms as well, the distinctive meaning of הקים as ‘to fulfill’/‘to maintain’/‘to establish’ becomes even more clear. In 33:14, YHWH declares, ‘I will fulfill/maintain (והקמתי) the good word that I spoke to the house of Israel and to the house of Judah’. In 35:16, the Recabites are portrayed as having ‘maintained (הקימו)...the command of their ancestor’. Lastly, in 44:25 הקים is used with reference of *maintaining/fulfilling* vows.

To summarize, then, the use of כרת (rather than הקים) with reference to the ‘new covenant’ (ברית חדשה) in 31:31 anticipates the ratification of a covenant that did not previously exist (as opposed to the fulfillment, renewal, and/or maintenance of a pre-existing covenant, in which case הקים would have been used). This observation is significant, since it strongly suggests from the outset of that the new covenant would be something entirely ‘new’.⁹⁶ This observation logically leads to a major interpretive issue in this passage: in what sense is this covenant ‘new’ (חדשה)? The answer to this question is provided by the following verses in this passage.

‘...with the house of Israel and the house of Judah...’ V. 31 also identifies the future participants in the new covenant—namely, ‘the house of Israel and the house of Judah’.⁹⁷ While

⁹⁵ As previously discussed, the ‘eternal covenant’ (ברית עולם) (32:40) is to be equated with the ‘new covenant’ (ברית חדשה) of 31:31–34.

⁹⁶ While some scholars have argued for the ‘newness’ (in the sense of ‘otherness’) of the new covenant on the basis of the LXX translation of חדשה as *καινός* rather than *νέος* (see, e.g., Christoph Levin, *Die Verheißung des neuen Bundes in ihrem theologiegeschichtlichen Zusammenhang ausgelegt* [Ludwig-Maximilians-Universität München, 1985], 270), such an argument seems forced. The author of the NT epistle to the Hebrews, e.g., refers to the new covenant as both *διαθήκη καινή* (8:9) and *νέα διαθήκη* (Heb 12:24), and thus makes no such distinction between these terms. So also: James Moffatt, *A Critical and Exegetical Commentary on the Epistle to the Hebrews*, ICC 40 (Edinburgh: T&T Clark, 1924), 110.

⁹⁷ Targum Jonathan adds the clarification that the covenant is to be made ‘with *those of* the house of Israel and with *those of* the house of Judah’ (עם דבית ישראל ועם דבית יהודה).

some scholars suggest that בית יהודה is a later addition, this is speculative and unsupported by any manuscript evidence. Furthermore, as discussed above, the use of בית ישראל and בית יהודה throughout the Scroll of Restoration serve a clear literary function.⁹⁸ In 30:4–31:22, בית ישראל is in view; in 31:23–26, בית יהודה is in view; and in 30:27–40, both בית ישראל and בית יהודה are in view. Furthermore, as for the book of Jeremiah in its entirety, the terms בית ישראל and בית יהודה appear together seven times. In the first four instances, both groups are accused of utterly betraying YHWH (5:11), breaking his covenant (11:10), and (therefore) are guilty of judgment for their apostasy (11:17 and 13:11). In their final three appearances alongside one another, however, there is hope of restoration: both will reinhabit the land (31:27), both will enter into a new covenant with YHWH (31:31), and YHWH will fulfill ‘the good word’ (הדבר הטוב) he has promised to them (33:14).

b. Jeremiah 31:32

LXX (= 38:32)	MT
οὐ κατὰ τὴν διαθήκην, ἣν διεθέμην τοῖς πατέραςιν αὐτῶν ἐν ἡμέρα ἐπιλαβομένου μου τῆς χειρὸς αὐτῶν ἐξαγαγεῖν αὐτοὺς ἐκ γῆς Αἰγύπτου, ὅτι αὐτοὶ οὐκ ἐνέμειναν ἐν ⁹⁹ τῇ διαθήκῃ μου, καὶ ἐγὼ ἡμέλησα αὐτῶν, ¹⁰⁰ φησὶν κύριος·	לֹא כִבְרִית אֲשֶׁר כָּרַתִּי אֶת־אֲבוֹתָם בְּיוֹם הַחֲזִיקִי בְיָדָם לְהוֹצִיאָם מֵאֶרֶץ מִצְרָיִם אֲשֶׁר־הִטָּמָה הִפְרוּ אֶת־בְּרִיתִי וְאֲנִי בְעַלְתִּי בָם נְאֻם־יְהוָה:

At first glance, a comparison of the LXX and MT of v. 32 suggests that these two versions differ in at least two significant ways: (1) whereas the LXX reads οὐκ ἐνέμειναν ἐν (‘they did not remain in’), the MT reads הִפְרוּ (‘they broke’); and (2) whereas the LXX reads ἡμέλησα αὐτῶν (‘I

⁹⁸ For a fuller discussion and arguments in favor of the inclusion of בית יהודה in the original reading, see: Lundbom, *Jeremiah 21-36*, 466.

⁹⁹ Instead of ὅτι αὐτοὶ οὐκ ἐνέμειναν ἐν (‘because they did not remain in’), σ’ reads αὐτοὶ γὰρ διελυσαν (‘for they themselves broke’) and α’ reads ὅτι <αὐτοὶ> διεσκαδασαν (‘because they <themselves> broke’).

¹⁰⁰ Cf. α’: καὶ ἐγὼ εἰμι ἐκυριεῦσα <ἐν αὐτοῖς>; and σ’: ἐγὼ δε κατειχον αὐτούς. In regard to the former, the verb κυριεύω is generally followed by a genitive (see BDAG, s.v. “κυριεύω”), Aquila’s rendering is almost certainly a literal translation of בְּעַלְתִּי בָם, complete with the ἐν preposition marking the –ב prefix, which suggests that the Hebrew *Vorlage* from which he was working was identical to the consonantal text of the MT at this point. The meaning of Aquila’s translation remains unclear, however, and it is possible that a negative connotation is inherent in this translation, as will be argued for the Hebrew בְּעַלְתִּי בָם in this section.

neglected them’), the MT reads בעלתי בם (often translated as ‘I was their husband’). While scholars have been quick to suggest that these differences indicate that the Hebrew *Vorlage* of the LXX must have contained different readings at these two points, I will argue below that there are good reasons to believe that this Hebrew *Vorlage* was identical to that of the (proto-)MT. Therefore, my translation of the verse, given below, follows the MT. My interpretation of this verse and a detailed discussion of these two apparent differences between the LXX and MT follows.

—not like the covenant that I cut with their fathers in the day I grasped their hand to lead them out from the land of Egypt, because they themselves broke my covenant, and I myself rejected them,’ declares YHWH.

Following the announcement of a future ‘new covenant’ in v. 31, v. 32 begins to explain what this covenant would be like (or rather, what the new covenant would *not* be like). The first half of v. 32 makes the point that the new covenant would not be like the Mosaic covenant. While straightforward, the significance of v. 32a for the passage should not be overlooked, as it contains perhaps the most explicit statement in the HB that the new covenant is distinct from the Mosaic covenant. The second half of v. 32, as will soon become clear, is riddled with interpretive difficulties. Once these difficulties are resolved, however, it becomes clear that v. 32b is best understood as providing the reason why the new covenant would be different from the Mosaic covenant—namely, the Mosaic covenant was prone to human violation on the one hand, and YHWH’s rejection of the people on the other.

‘—not like the covenant that I cut with their fathers in the day I grasped their hand in order to lead them out from the land of Egypt,’ The first half of v. 32 announces that the new covenant will not be like the covenant previously made with the Exodus generation, i.e. the Mosaic covenant.¹⁰¹ This contrast between the new covenant and the Mosaic covenant in v. 32a clearly indicates that the new covenant anticipated in Jer 31:31–34 should be understood as distinct from the Mosaic covenant. Yet while virtually all scholars acknowledge there is indeed some distinction between the new covenant and Mosaic covenant, scholars are divided when it comes to determining what this distinction is. Does this distinction reach to the level of covenant

¹⁰¹ That the Mosaic covenant is in view here is clear by way of the reference to ‘lead(ing) them out from the land of Egypt’ (להוציאם מארץ מצרים). Furthermore, Holladay notes that the reference to YHWH’s ‘grasp(ing) their hand’ (בהחזיקי בידם) is ‘unique in the OT with the exodus expression’. See: Holladay, *Jeremiah*, 2:197.

stipulations, as one group of scholars suggests? Or, as a second group of scholars argues, does this distinction pertain only to a change in the internal disposition of the people, while the covenant stipulations of the Mosaic covenant remain unchanged? Because this question resurfaces with the appearance of the term תורתִי in v. 33, we will postpone our decision as to which of these positions seems most likely until then. For now, it must be admitted that regardless of which position one adopts, the first half of v. 32 announces that there will be a distinction between the Mosaic covenant and the new covenant.

‘because they themselves broke my covenant, and I myself neglected them,’ declares YHWH. Three different interpretive issues require our attention in v. 32b. First, what is the function of this second אשר clause? Second, how are we to explain the difference between the MT הפרו and the LXX οὐκ ἐνέμειναν ἐν? And third, how are we to explain the apparent difference between the MT בעלתי בם and the LXX ἠμέλησα αὐτοῶν? These questions will be addressed in this order.

(1) The Second אשר Clause in Jer 31:32

The first אשר clause in v. 32 clearly functions as a relative clause that modifies the immediately preceding noun, ברית. The second אשר clause in this verse, however, is best understood as a causal clause for several reasons. First, the syntax suggests that the second אשר clause is better understood as either a temporal or causal clause as opposed to a parallel relative clause (i.e., alongside the first אשר clause), despite several English translations understanding it in this latter sense.¹⁰² Second, that the LXX translator chose to translate אשר as ὅτι—a subordinating conjunction that often indicates a causal relationship (i.e., ‘because’ or ‘since’)—rather than as ἦν (the relative pronoun), ὅτε or ὅταν (both of which are temporal conjunctions) further supports this conclusion.¹⁰³ And third, the context of Jer 31:31–34 itself supports this

¹⁰² See, e.g., the NRSV, NASB95, and Holladay’s translation and commentary on this verse. See: Holladay, *Jeremiah*, 2:197–98. Cf. the NIV, which translates it as a causal clause (‘because they broke my covenant’). For אשר functioning as a temporal or causal conjunction, see GKC §164d and §158b, respectively. For a more in-depth explanation of the preferred syntax, see: Connor Boyd, “The Septuagint of Jeremiah and Its Bearing on the New Covenant Passage (Jeremiah 31:31–34),” *BR* 68 (2023): 11–13.

¹⁰³ See BDAG, s.v. ‘ὅτι’, n. 4. This assumes, of course, that the Hebrew *Vorlage* from which the LXX translator was working had אשר as the reading. There is no indication to suggest otherwise, and furthermore, as argued above, due to the relatively literal translation style of the LXX it seems best to start with the assumption of a close correspondence between this Hebrew *Vorlage* and the MT, especially in the absence of other evidence.

conclusion. That is, following the first half of the v. 32, which makes the point that the new covenant would not be like the Mosaic covenant, it is logical to expect that the reason for this difference would follow. In light of the above three reasons, then, v. 32b is best understood as a causal clause that serves to emphasize the problem with YHWH's covenant relationship with his people under the terms of the Mosaic covenant—even from the covenant's inception at Sinai, the Israelites had been guilty of breaking it!

(2) בעלתי בם versus ἡμέλησα αὐτῶν

The phrase בעלתי בם in v. 32 is often translated in one of two ways: 'I was lord/master over them', or, more commonly, 'I was their husband'.¹⁰⁴ Whereas the former translation highlights YHWH's status as ruler/lord in a suzerain-vassal covenant relationship, the latter emphasizes YHWH's status as husband in a kinship (by marriage) covenant relationship. Between these two translations, 'I was their husband' is preferable, since it seems best to understand בעלתי בם in 31:32 in the same way as the parallel occurrence of the phrase בעלתי בכם in Jer 3:14, a verse whose wider context describes YHWH's covenant relationship with Israel and Judah in the symbolic terms of a marriage.¹⁰⁵

Yet if either of these translations is adopted for בעלתי בם in 31:32, the MT reading almost certainly stands at odds with the Hebrew *Vorlage* behind the LXX reading ἡμέλησα αὐτῶν ('I neglected them'). For example, Adrian Schenker concludes that 'Die ganz andere Wiedergabe in Jer 31:32 zeigt mit hoher Wahrscheinlichkeit, dass der Übersetzer hier nicht das Verb בעל vor

¹⁰⁴ For the former, see, e.g., Aquila's translation of ἐκυριευσσα <εν αυτοις>, Jerome's translation of *ego dominatus sum eorum* ('I had dominion over them') in the Vulgate, and BDB, s.v. 'בעל' n. 2. For the latter, see any major English version (e.g., the NASB95, NIV, ESV, NKJV, and NRSV) and BDB, s.v. 'בעל' n. 1. This translation also has the support of Targum Jonathan, which reads ואנא אתרעייתי בהון ('although I took pleasure in them'). The Targum's paraphrastic translation communicates the pleasure that a husband has for his wife and is almost certainly due to the translator's desire to remove the anthropomorphism. See: Robert Hayward, *The Targum of Jeremiah*, vol. 12, ArBib (Edinburgh: T. & T. Clark, 1987), 134–35.

¹⁰⁵ So also: Holladay, *Jeremiah*, 2:198. It should be noted, however, that the difference between these two translations is minor. As mentioned above, both translations are attested meanings of the verb בעל. Furthermore, each of these terms is appropriate in a covenant context (which is clearly the case in Jeremiah 31:32), with the primary difference being that while 'master'/'lord' stresses the suzerain-vassal aspect of the covenant relationship, 'husband' emphasizes the kinship (by marriage) aspect of the covenant relationship.

sich hatte'.¹⁰⁶ Yet is it correct to conclude, as Schenker and others have, that the Hebrew *Vorlage* of the LXX had a different reading than the MT at this point?

It should be acknowledged from the outset that it is certainly possible that the LXX ἡμέλησα αὐτῶν reflects a different Hebrew text than the MT בעלתי בם. If this was indeed the case, one of two scribal errors most likely accounts for this difference: (1) the orthographical confusion of ב/ג, resulting in the different readings בעלתי/געלתי; or, (2) the phonological confusion of ה/ע, resulting in the different readings of בעלתי/בהלתי.¹⁰⁷ Due to the absence of any direct manuscript evidence that supports either of these scribal mishaps, however, it must be admitted that the matter remains speculative. Furthermore, the appearance of the nearly identical phrase בעלתי בכם in Jer 3:14 works against attributing בעלתי בם in 31:32 to a scribal error.

Besides a scribal error, however, one other explanation can account for the apparent discrepancy between ἡμέλησα αὐτῶν and בעלתי בם—namely, that the lexical meaning of בעלתי בם has been misunderstood. While this explanation is a minority view in scholarship, it has much in its favor, nonetheless, including: (1) the lexical arguments of Wilhelm Gesenius and Joseph Kimḥi; (2) the Syriac translation of *w'p̄ 'n' bsyt bhwn* ('indeed I scorned them'); and (3) the context of Jer 31:31–34 itself. Each of these points will be discussed briefly below.¹⁰⁸

In addition to the two definitions for בעל mentioned above, the well-known Hebrew grammarian and lexicographer Wilhelm Gesenius gives 'to loathe' or 'to reject' as a third possible definition for the verb בעל. Significantly, Gesenius notes that this nuance of the verb is observed when בעל is followed by ב- (*b-*), as is the case both for Jer 31:32 (בעלתי בם) and 3:14 (בעלתי בכם). In support of this definition, he provides two observations: (1) the Arabic بجل (*b' l b-*) has a similar meaning of 'to loathe' or 'to fear'; and (2) other verbs in a similar semantic

¹⁰⁶ 'The completely different rendering in Jer 31:32 shows with high probability that the translator did not have the verb בעל before him here.' (Translation mine.) See: Schenker, *Das Neue am neuen Bund und das Alte am alten*, 12.

¹⁰⁷ For a more in-depth discussion of these two possibilities, see: Boyd, "The Septuagint of Jeremiah and Its Bearing on the New Covenant Passage (Jeremiah 31:31–34)," 14–15. Cf. Schenker, who holds that the MT reflects a theologically motivated revision and does not mention either of these possible scribal mishaps, instead suggesting that a verb such as נאס was present in the Hebrew *Vorlage* of the LXX. See: Schenker, 11–12, 23.

¹⁰⁸ For a more in-depth discussion of each of these points along with a discussion of the translation of בעלתי בכם in Jer 3:14, see: Boyd, "The Septuagint of Jeremiah and Its Bearing on the New Covenant Passage (Jeremiah 31:31–34)," 15–26.

category also have a similar change in nuance when followed by *b-*.¹⁰⁹ Several centuries prior to Gesenius, Joseph Kimḥi, a well-known medieval Jewish grammarian and exegete, suggested the same definition for this verb. As with Gesenius, Joseph’s understanding of בעל ב— which is found in his son David’s commentary on Jer 3:14 and 31:32—is based on the lexical argument that the presence of the ב following בעל changes the meaning of the verb. Furthermore, Kimḥi too points to the similar phenomenon in Arabic, a cognate Semitic language, as support.¹¹⁰

The Syriac translation *w'p̄ n' bsyt bhwn* (‘indeed I scorned them’) also supports understanding במ בעלתי as ‘I loathed them’ or ‘I rejected them’.¹¹¹ While some scholars have attributed this translation to influence from the LXX,¹¹² the observation that the Peshiṭta sides with the MT against the LXX in regard to two other significant discrepancies in Jer 31:32–33 suggests that even if the Peshiṭta translator was influenced by the LXX, this was not in an uncritical manner.¹¹³ Furthermore, it is possible that the negative nuance for *b'l b-* attested in Arabic was also present in Syriac (another cognate Semitic language) and known to the translator.

Lastly, the immediate context of the passage itself suggests that the translation of בעלתי במ in Jer 31:32 as ‘I loathed them’ or ‘I rejected them’ is to be preferred over the translation ‘I was their husband’. McKane, e.g., writes, ‘That it is YHWH’s forbearance which is indicated (cf. Targ.) is doubtful and the feel for the passage evinced by Sept. and Pesh. is more likely...’.¹¹⁴ For at least these three reasons, then, there is good reason to believe that במ בעלתי in Jer 31:32b is best translated as ‘I rejected them’.

¹⁰⁹ See GHCLLOT, s.v. ‘בעל’ n. 3.

¹¹⁰ For a translation of David Kimḥi’s commentary on Jer 3:14 and 31:32 as well as a more in-depth discussion, see: Boyd, 16–18.

¹¹¹ I follow Gillian Greenberg’s translation of the Syriac here. See: Gillian Greenberg et al., *The Syriac Peshiṭta Bible with English Translation: Jeremiah*, Ṣurath Kthobh (Piscataway, NJ: Gorgias Press, LLC, 2013).

¹¹² See, e.g.: Greenberg, *The Syriac Peshiṭta Bible with English Translation: Jeremiah*, xxxiv; McKane, *A Critical and Exegetical Commentary on Jeremiah 26–52*, 819.

¹¹³ The Syriac agrees both with the MT הפרו against the LXX οὐκ ἐνέμεταν ἐν (v. 32) as well as with the MT תורתי against the LXX νόμου μου (v. 33).

¹¹⁴ See: McKane, 819.

If one accepts this conclusion, it follows that the LXX reading ἡμέλησα αὐτῶν (‘I neglected them’) does not necessarily indicate that the Hebrew *Vorlage* behind the LXX contained a variant reading (in relation to the MT) at this point in the Hebrew text. Rather, it is likely that the LXX translator, who was aware of the negative nuance that בעל could take when followed by –ב, translated this phrase accurately (as would be the case with the Syr. translator, who translated במ בעלתי as *bsyt bhwn* [‘I scorned them’]). While this cannot be proved beyond doubt, such a conclusion seems more likely than positing a scribal error or a theologically motivated revision, as Schenker has done.¹¹⁵

In accordance with this conclusion, I have rendered the *waw* on ואנכי as indicating a conjunctive rather than as a disjunctive relationship. While it is true that the syntactical construction *verb* + ואני/אנכי...*verb* + (ה)מ often indicates a contrastive or disjunctive relationship between the two pronoun-fronted clauses—i.e., ‘They did X, *but* I did Y’, this is not always the case.¹¹⁶ At least one other function for this construction is to indicate a conjunctive or causal relationship between the two clauses—i.e., ‘They did X, *and/therefore* I did Y’. Consider, e.g., Deut 32:20–21, which reads as follows: ...ואני אקניאם בלא עם... (‘They themselves made me jealous by what was not God...*therefore* I myself will make them jealous by what is not a people...’).

(3) הפרו versus οὐκ ἐνέμειναν ἐν

The second difference between the LXX and MT in v. 32 involves the discrepancy between הפרו (‘they broke’) and οὐκ ἐνέμειναν ἐν (‘they did not remain in’). What are we to make of this difference? Does it, as Georg Walser has suggested, point to ‘different versions of the text rather than changes on behalf of the translator’?¹¹⁷ Or is this difference to be explained on other grounds?

¹¹⁵ Because the only two occurrences of בעל ב in the entire HB are in Jer 31:32 and 3:14, it is impossible to establish this conclusion beyond doubt. A study of the appearances of בעל ב in the Syriac literature could offer more support for this conclusion, however.

¹¹⁶ For examples of this syntactical construction indicating a contrast between the two pronoun-fronted clauses, see, e.g., Jer 17:15–16 (...ואני לא אצתי מרעה אחריו...); Hos 7:13 (ואנכי אפדם והמה דברו); (המה אמרים אלי איה דבר יהוה...ואני לא אצתי מרעה אחריו...); Ps 59:16–17 (...ואני אשיר עך...); Mal 1:4 (המה יבנו ואני אהרוס); (עלי כזבים); (המה ינועון לאכל...ואני אשיר עך...).

¹¹⁷ Georg Walser, “Jeremiah 38:31–34 (MT 31:31–34): The History of the Two Versions and Their Reception,” in *XIV Congress of the International Organization for Septuagint and Cognate Studies, Helsinki 2010*, ed. Melvin K H Peters (Helsinki: SBL Press, 2013), 371.

As was the case in the above discussion concerning *בם בעלתי* versus *ἡμέλησα αὐτῶν*, it should be acknowledged from the outset that it is certainly possible that the LXX translator was working with a Hebrew *Vorlage* that differed from the MT at this point. If so, it seems likely that the reading was *לא הקימו* rather than *הפרו*, based on, e.g., the LXX translation of *לא יקים* as *οὐκ ἐμμενεῖ* in Deut 27:26, a verse which is also situated in a covenant context.¹¹⁸

It seems more likely, however, that the LXX translator was working from a Hebrew *Vorlage* that contained an identical reading to the MT at this point. At least two points support this conclusion. First, rather than *ὅτι αὐτοὶ οὐκ ἐνέμειναν ἐν* (‘because they did not remain in’)—a reading which would support a Hebrew reading *לא הקימו*—, both Aquila’s (α’) and Symmachus’s (σ’) translations suggest that they were working from a Hebrew *Vorlage* that agrees with the MT reading *הפרו*: α’ reads *ὅτι <αυτοι> διασκεδασαν* (‘because they <themselves> broke’) and σ’ reads *αυτοι γαρ διελυσαν* (‘for they themselves broke’).¹¹⁹ Second, there is good reason to believe that the LXX translation *οὐκ ἐνέμειναν ἐν* is best explained as an intentionally paraphrastic translation of *הפרו*.¹²⁰ To begin with, the verb *ἐμμένω* was employed in a common legal formula that is known to have influenced religious language in the Koine period.¹²¹ By using this common formula, therefore, the LXX translator would have sought to render the covenant violation in terms that his Greek-speaking audience would have more readily understood.¹²² Furthermore, in Jer 34:18 (LXX 41:18) the very phrase *לא הקימו* appears in the statement *את דברי הברית* in the MT. The corresponding Greek translation of this verse, however, is *μὴ στήσαντας τὴν διαθήκην μου* (notice the use of a different verb, *ἵστημι*, rather than *ἐμμένω*). This observation pushes back against the idea that *לא הקימו* rather than *הפרו* stood

¹¹⁸ While there may be a small case to be made for the orthographical similarity of *הפרו* and *לא הקימו* as the cause for a scribal error that led to this difference, this also requires the addition (or minus) of *לא*, which makes this suggestion less likely.

¹¹⁹ In the case of α’, the verb *διασκεδάζω* is often used in the LXX to translate the Hebrew verb *פרר* in the immediate context of a broken covenant. See, e.g., Gen 17:14; Lev 26:15, 44, etc.

¹²⁰ Another (albeit less likely) explanation that accounts for the LXX reading of *οὐκ ἐνέμειναν ἐν* and which does not require the postulation of a variant reading (i.e., in relation to the MT reading) in the Hebrew *Vorlage* that stood behind the LXX at this point in the text is that the LXX translator was harmonizing with Deut 27:26 (whether consciously or unconsciously).

¹²¹ See BDAG, s.v. ‘ἐμμένω’, n. 2.

¹²² While twice elsewhere, the LXX translates the Hiph. of *פרר* (‘to break’) (when followed by the object *ברית*) with the verb *διασκαεδάνυσμι/διασκαεδάζω* (see 11:10 and 14:21), it is likely that the instance in 31:32 (LXX 38:32) should be attributed to a different translator.

as the reading in the Hebrew *Vorlage* behind the LXX of Jer 38:32, since one would perhaps expect the same translation in both instances.

To conclude, while the second half of v. 32 has often been understood to indicate that the LXX translator must have been working from a different Hebrew *Vorlage* than that of the MT, I have argued above that while one cannot rule out this possibility, there is convincing evidence to support the opposite conclusion: i.e., that the Hebrew *Vorlage* of the LXX was identical to that of the MT. In particular, the LXX translation of the second אֲשֶׁר as ὅτι suggests that the LXX translator was both careful and aware of certain Hebrew lexical/grammatical nuances. Furthermore, the LXX ἡμέλησα αὐτῶν and MT בעלתי בם are arguably not at odds with one another; rather, the LXX gives a legitimate and accurate (albeit paraphrastic) translation of בעלתי בם. This conclusion is supported by the Syriac reading of this verse, the lexical evidence for בעל –ב, and the contextual evidence of Jer 31:31–34 itself. Lastly, the LXX οὐκ ἐνέμειναν ἐν τῇ διαθήκῃ μου and the MT הִפְרוּ אֶת בְּרִיתִי do not necessarily indicate different readings at the level of the Hebrew *Vorlage*, but rather could indicate either a paraphrastic translation or a harmonization on the part of the LXX translator.

Whether one accepts all of the above suggestions or not, however, it is important to note that the main point of v. 32 is that the new covenant would not be like the Mosaic covenant, for this covenant had been broken even by the Exodus generation. (This point holds true whether one understands בעלתי בם as ‘I was their husband/Lord’ or as ‘I loathed them’.) While v. 32 describes the new covenant by way of a negative statement (i.e., what the new covenant *would not be*), vv. 33–34 move to describe the new covenant by way of positive statements (i.e., what the new covenant *would be*).

c. *Jeremiah 31:33*

LXX (= 38:33)	MT
<p>ὅτι αὕτη ἡ διαθήκη, ἦν διαθήσομαι τῷ οἴκῳ Ἰσραὴλ μετὰ τὰς ἡμέρας ἐκεῖνας, φησὶν κύριος Διδούς δώσω νόμους μου¹²³ εἰς τὴν διάνοιαν αὐτῶν καὶ ἐπὶ καρδίας αὐτῶν γράψω αὐτούς.¹²⁴ καὶ ἔσομαι αὐτοῖς εἰς θεόν, καὶ αὐτοὶ ἔσονται μοι εἰς λαόν·</p>	<p>כִּי נֶאֱמַת הַבְּרִית אֲשֶׁר אֶכְרַת אֶת־בֵּית יִשְׂרָאֵל אַחֲרֵי הַיָּמִים הָהֵם נֹאמֵר יְהוָה נְתַתִּי אֶת־תּוֹרָתִי בְּקֶרְבְּכֶם וְעַל־לִבְכֶם אֶכְתְּבֶנָּה וְהָיִיתִי לָהֶם לְאֱלֹהִים וְהָיָה יְהוָה לֵאלֹהֵי לְעַמּוֹ:</p>

As demonstrated by the bolded terms above, there are two discrepancies between the MT and LXX in v. 33: (1) whereas the MT has נתתי (best rendered as ‘I will give’, as will be discussed below), the LXX has Διδούς δώσω (lit. ‘Giving I will give’, i.e., ‘I will surely give’); and (2) whereas the MT has the singular ‘my law/instruction’ (תורתִי), the LXX has the plural ‘my laws/instructions’ (νόμους μου). As will be discussed below, however, each of these differences does not necessarily indicate that the consonantal text of the Hebrew *Vorlage* which stood behind the LXX contained a different reading than the consonantal text of the (proto-)MT. My translation of this verse, which follows the MT, is given below.

‘For this is the covenant that I will cut with the House of Israel after those days,’ declares YHWH: ‘I will set my instruction within them, and upon their heart I will write it; and I will be their God, and they will be my people.’

‘For this is the covenant that I will cut with the house of Israel after those days,’ declares YHWH: The opening statement in v. 33a is rather straightforward and serves as an introduction to the positive description of the new covenant in vv. 33b–34. While some have argued that the shift from בית יהודה and בית ישראל in v. 31 to בית ישראל alone in v. 33 indicates that בית יהודה was a secondary addition to v. 31, there is no manuscript evidence to support this claim (either in the LXX or MT tradition).¹²⁵ Rather, this shift, which was almost certainly intentional,

¹²³ Cf. α’ σ’ θ’ τον νομον μου (‘my law’).

¹²⁴ Cf. σ’ γραψω αυτον (‘I will write it’).

¹²⁵ The variant reading בני ישראל (‘children/sons of Israel’) appears in the place of בית ישראל appears in a few (3–10) of the MT type MSS. In theory, it is possible that this variant reading was: (1) the original reading; (2) the result of a scribal error; or (3) a secondary interpretive gloss. Because none of the ancient versions give witness

was meant to emphasize the future expectation that בית ישראל and בית יהודה would be reunited into a single people.¹²⁶ In other words, the term בית ישראל in v. 33 should be understood in its more inclusive sense (i.e., including both בית ישראל and בית יהודה).¹²⁷

‘I will set my instruction within them, and upon their heart I will write it.’ V. 33b initiates the positive description of the new covenant by way of a synonymous parallelism: וועל לבם אכתבנה // נתתי את תורתך בקרבם. While Adrian Schenker argues that the LXX Διδούσ δώσω (lit. ‘Giving I will give’) reflects a Hebrew *Vorlage* that had the impfct. form of נתן (i.e., אתן), the more likely explanation is that the LXX translator’s choice of Διδούσ δώσω indicates the translator’s understanding of נתתי as a prophetic perfect.¹²⁸ Thus, the Hebrew *Vorlage* behind the LXX almost certainly contained the same reading of נתתי at this point in the text. Together, these parallel statements—וועל לבם אכתבנה // נתתי את תורתך בקרבם—introduce a radically new concept for YHWH’s covenant relationship with His people: in contrast to the Mosaic covenant, which was written for the people on stone tablets, this covenant would be written ‘upon their heart’ (על לבם).

While this much is clear, there are three interpretive issues that require our attention. First, what are we to make of the discrepancy between the plural LXX reading of νόμους μου

to the reading בני ישראל and because only a few (3–10) of the MT type MSS exhibit this reading, it seems highly unlikely that בני ישראל was the original reading. While a scribal error is certainly possible, the presence of בית ישראל and בית יהודה and the relatively rare occurrence of בני ישראל compared to the expression בית ישראל make this unlikely. We are left, then, with the conclusion that the most likely explanation for the variant reading בני ישראל is that it was the result of a secondary interpretive gloss. Significantly, this interpretation agrees with the interpretation I have argued for above—namely, that בית ישראל in v. 33 is best understood as including both those of the בית יהודה and those of the בית ישראל. McKane also rejects the claim that בית יהודה should be understood as a secondary edition to v. 31. See: McKane, *A Critical and Exegetical Commentary on Jeremiah: Commentary on Jeremiah 26–52*, 818.

¹²⁶ This future reuniting of Judah and Israel into one house is prophesied on several occasions by Jeremiah and other prophets as well. For a more in-depth discussion, see: Dumbrell, *Covenant and Creation: An Old Testament Covenant Theology*, 260–61.

¹²⁷ Lundbom, who agrees with this more inclusive interpretation of בית ישראל, goes one step further and states that ‘there is nothing to suggest that this new covenant will be made with an expanded Israel, including Gentiles. It was so interpreted by the Christian Church, but the promise as given is not that inclusive.’ See: Lundbom, *Jeremiah 21-36*, 466–67. While it is true that there is nothing in this passage suggests that the term בית ישראל includes future Gentile believers, Lundbom perhaps overstates his case, as there is also nothing in the passage that definitively excludes this idea. The matter of defining the term ישראל (בית) in a post-exilic context is a more complex matter, as evidenced by the recent work of Jason Staples. See: Jason A. Staples, *The Idea of Israel in Second Temple Judaism: A New Theory of People, Exile, and Israelite Identity* (Cambridge: University Press, 2021).

¹²⁸ For Schenker’s argument, which I find unconvincing on several grounds, see: Schenker, 28–30. That נתתי should be read as a prophetic perfect seems clear from the use of the impfct. form אכתבנה in the second half of the synonymous parallelism (נתתי את תורתך parallels אכתבנה). For a discussion of the prophetic perfect, see, e.g., GKC §106n.

(‘my laws/instructions’) and the singular MT reading of ‘my instruction’ (תּוֹרָתִי)? Second, what תורה/תורות is/are in view here? And third, what does it mean that YHWH will write this/these law(s)/instruction(s) ‘upon their heart’ (על לבם)? Each of these issues will be addressed below in this order.

(1) תּוֹרָתִי versus νόμους μου

In Jer 31:33b (LXX 38:33b), the LXX reads νόμους μου (‘my laws’ [pl.]) whereas the MT reads תּוֹרָתִי (‘my law/instruction’ [sg.]). What are we to make of this discrepancy? And what difference does it make, if any, for our interpretation of the new covenant passage? According to some scholars, this discrepancy between νόμους μου and תּוֹרָתִי has a profound implication on the interpretation of the passage. Adrian Schenker, e.g., argues that the LXX νόμους μου preserves the earlier reading and leaves open the possibility that the new covenant will be based on a new set of ‘laws’ or ‘instructions’ that differ from the Mosaic Torah. The MT תּוֹרָתִי, on the other hand, is evidence of a planned revision of the text which sought to make the reference to the Mosaic law explicit and thereby clarify that the new covenant would be based on YHWH’s placement of the same Torah of the Mosaic covenant among the people.¹²⁹ Similarly, Georg Walser writes:

As regards the difference in meaning, the plural νόμους can hardly refer to the Torah. Consequently, according to the MT, the same Torah, which was given among the people at Mount Sinai, will be written on the hearts of the people. According to the Septuagint version, on the other hand, a number of laws (maybe including the Torah or parts of the Torah), or perhaps the oral and written Torah will be written on the hearts of the people.¹³⁰

Yet is the difference between the plural LXX reading of νόμους μου (‘laws’) and the singular MT reading תּוֹרָתִי (‘my law/instruction’) as significant as Schenker and Walser have suggested?

At the outset, it should be acknowledged that if the consonantal text of the MT alone is considered, one could render תּוֹרָתִי in the singular, תּוֹרָתִי (‘my law/instruction’), as the MT has done, or in the plural, תּוֹרָתִי (‘my laws/instructions’), as the LXX has done.¹³¹ Therefore, one

¹²⁹ See: Schenker, 11–12, 26–34, 85–86.

¹³⁰ Walser, “Jeremiah 38,” 373.

¹³¹ The plural form of תורה (i.e., תורות/תורת) appears numerous times in the HB. See Appendix I (columns 1 and 2) for examples. The same consonantal form that appears in Jer 31:33 (i.e., תורתִי) also appears in Gen 26:5, Exod 16:28 and Ezek 44:24, and in each of these cases it is vocalized as a plural. The plural form of תורה also

does not have to posit a difference in the Hebrew *Vorlage* of the LXX to account for the translation νόμους μου, since the same consonantal text תורתִי can account for both the singular MT and the plural LXX readings.

While the same consonantal text (i.e., תורתִי) can adequately account for both the plural LXX reading of νόμους μου and the singular MT reading of תּוֹרַתִי in the first half of the synonymous parallelism in v. 33b, what about the discrepancy between the second half of this parallelism —namely, the discrepancy between ועל לבם אכתבנה ('and on their heart I will write *it* [sg.]') and καὶ ἐπὶ καρδίας αὐτῶν γράψω αὐτούς ('and on their heart I will write *them* [pl.]')? In the MT, תּוֹרַתִי ('my *law/instruction* [sg.]') from the first half of the parallelism corresponds grammatically with the 3fs accusative pron. suf. in אכתבנה ('I will write *it* [sg.]') in the second half.¹³² Similarly, in the LXX νόμους μου ('my *laws* [pl.]') corresponds with γράψω αὐτούς ('I will write *them* [pl.]'). While no variants are present in the MT manuscript tradition, the LXX manuscript tradition has several: α' and θ' have τον νομον μου ('my *law* [sg.]') in the first half of the parallelism, but γραψω αυτους ('I will write *them* [pl.]') in the second half; σ', on the other hand, has a singular reading in both halves (τον νομον // αυτον).¹³³ Such discrepancies in the LXX manuscript tradition itself could suggest a number of possibilities in regard to its Hebrew *Vorlage*.

One possibility is that the plural reading γράψω αὐτούς ('I will write *them*') reflects a Hebrew *Vorlage* that contained the reading אכתבן or אכתבהן (two alternate forms of the 3fp accusative pron. suf.).¹³⁴ Of these two, אכתבן is more likely on the basis that the *suffixum verbi*, תּוֹרַתִי, is otherwise unattested in the HB.¹³⁵

appears with a 3ms suf. in Exod 18:16, Ezek 43:11, 44:5, Ps 105:45, and Dan 9:10. It is worth noting that the plural form is preferred in instances where other plural terms in a similar semantic range (e.g., מצות, חקות) appear in the immediate context.

¹³² The MT form is understood as an impfct. verb + energetic *nun* + 3fs pron. suf. See GKC 'Paradigms A'.

¹³³ In addition to α', σ', and θ', the singular reading of τον νομον μου finds support in Syh, Syr., OL, and the Targum. As for the plural reading of γραψω αυτους, in addition to α' and θ', the OL follows suit.

¹³⁴ See GKC 'Paradigms A'.

¹³⁵ The reading אכתבהן, however, does have in its favor that it requires only a metathesis of the ה and נ on the part of a scribe (and not the complete loss of the ה) to account for the difference between the singular MT and plural LXX readings.

A second and more likely possibility is that these discrepancies in the LXX tradition stem not from a variant reading in the Hebrew *Vorlage*, but rather from each individual translator's choice. I.e., in the case of the LXX, the translator chose to translate both תורתֵי and אכתבנה in the plural, thereby emphasizing the plural aspect of the collective noun תורה and providing balance (in the grammatical sense of number) to the synonymous parallelism. In the case of σ', on the other hand, the choice was to render both terms in the singular, thereby providing balance to the parallelism and emphasizing the singular aspect of the collective noun תורה. In the case of α' and θ', the decision to translate תורתֵי in the singular but אכתבנה in the plural, while disrupting the balance to the parallelism (at least in the grammatical sense of number agreement), has a logic nonetheless, as YHWH's act of *setting* (נתתי) the תורה within the heart invites a singular rendering of the term in that the instruction as a whole is viewed as being 'set' within them, whereas YHWH's act of *writing* (אכתבנה) the תורה upon the heart invites a plural rendering of תורה (or, to be more precise, the pronominal suffix, -ה) since this helps illustrate YHWH's act of 'writing' (אכתב) each regulation of the new covenant תורה. It is also possible, of course, that by translating the second term alone (i.e., אכתבנה) in the plural, α' and σ' sought to preserve an alternate plural reading of תורתֵי.

The idea that the various rendering of the terms תורתֵי and אכתבנה in the LXX tradition as plural and/or singular terms is both theologically insignificant as well as not necessarily indicative of an alternate reading in the Hebrew *Vorlage(n)* of the LXX is supported by the recognition that there are several other instances—both in the book of Jeremiah and in other biblical books as well—in which the MT has a singular reading of תורה whereas the LXX has a plural reading.¹³⁶ Moreover, the reverse phenomenon is also true. That is, the LXX contains a plural reading whereas the MT has a singular reading.¹³⁷ (Furthermore, the MT itself uses the plural of תורה to refer to the Mosaic law elsewhere in the HB—there are at least two examples in the HB where the MT has a plural form of תורה with explicit reference to the commandments

¹³⁶ The two occurrences of this phenomenon in LXX Jer itself are: (1) in Jer 26:4 (LXX 33:4) בתורתֵי, is translated as ἐν τοῖς νόμοις, and (2) in 32:23 (LXX 39:23), ובתורתֵיךָ is translated as ἐν τοῖς προστάγμασίν σου. While the *Ketiv* (ובתורתֵיךָ) supports the plural LXX reading, the *Qere*, Targum, Syr., and α' support the singular MT reading. See Appendix I (col. 3 and some terms in col. 4) for other examples outside of the book of Jeremiah.

¹³⁷ See col. 2 of Appendix I for examples.

found within the Mosaic covenant.)¹³⁸ While it is possible that each and every one of these first two instances reflect a difference at the level of the Hebrew *Vorlage* of the LXX (especially in comparison to the MT), it seems more likely that there was a degree of freedom on how to render תורה, and particularly so when a pronominal suffix is attached to this term.

The above discussion suggests that evaluating the discrepancy between the LXX νόμους μου/γράψω αὐτούς and the MT תּוֹרָתִי/אֲכַתְּבֶנָּה in Jer 31:33b is rather complex, and no matter what decision one makes, a certain degree of speculation is required. However, because it is just as likely (if not more) that an identical consonantal Hebrew text can account for the MT and LXX readings of Jer 31:33b, and, furthermore, because it is just as likely (if not more) that the difference between the LXX νόμους μου/γράψω αὐτούς and MT תּוֹרָתִי/אֲכַתְּבֶנָּה should be regarded as insignificant to the overall interpretation of the new covenant in Jer 31:31–34, Schenker’s conclusion—i.e., that this discrepancy is the result of an intentional scribal change based on a theologically motivated revision of the text—rests on shaky ground and is to be dismissed.¹³⁹

In my above translation of v. 33b, therefore, while I have followed the MT vocalization of תּוֹרָתִי as well as the MT reading אֲכַתְּבֶנָּה (mainly because of the grammatical consistency in the singular readings on both sides of the synonymous parallelism), I do not understand this translation to be at odds with the plural readings in the LXX at the level of interpretation.

(2) What תורה is in view in Jer 31:33b?

A major *crux interpretum* in v. 33b concerns the meaning of the term תּוֹרָתִי (‘my law/instruction’). Does this תורה refer to the legislation found in the Mosaic covenant? Or, on the other hand, does it anticipate other legislation altogether (i.e., unbound from the stipulations given in the Mosaic covenant, although not necessarily contrary to much of its moral teaching)? In other words, is there continuity or discontinuity between the Mosaic covenant and new covenant in regard to legal stipulations? While there are a variety of interpretations (some of

¹³⁸ Lev 26:46 states, ‘These are the decrees and the judgments *and the laws/instructions* (והתּוֹרָה) that YHWH set between himself and between the sons of Israel on Mount Sinai through Moses.’ See also Neh 9:13, which reads, ‘And you came down upon Mount Sinai, and speaking with them from the heavens, you gave to them right judgments *and true laws/instructions* (והתּוֹרָה אמת)...’.

¹³⁹ While there are a few well-known examples of theologically motivated changes to the text in the MT, these are certainly the exception rather the rule, and it seems unwise to evoke this explanation when other explanations can account for the discrepancy here. Indeed, one cannot help but wonder if Schenker and others would have made so much of the difference between the LXX νόμους μου/γράψω αὐτούς and the MT תּוֹרָתִי/אֲכַתְּבֶנָּה if this passage was not so theologically freighted to begin with.

which are rather creative), scholars generally divide into the following two camps when answering this question: (1) the תורה of the new covenant refers to the legislation of the Mosaic covenant; and (2) the תורה of the new covenant *does not* refer to the legislation of the Mosaic covenant, but rather refers to the new legislation that will be given as part of the new covenant. Each of these views and their strengths and weaknesses will be discussed below, followed by a conclusion as to which view seems to be the most likely meaning in Jer 31:31–34.

The majority view in recent scholarship understands the תורה of Jer 31:33 to refer to the law of the Mosaic covenant. Among the scholars who hold to this view, however, there is nuance. While some scholars suggest that the תורה of the new covenant refers to the entire legal code of the Mosaic covenant,¹⁴⁰ others suggest that the תורה of the new covenant refers *only* to the Decalogue, or the Decalogue plus something more.¹⁴¹ Bernhard Duhm serves as a prime example of the former. In his commentary on Jeremiah, he argues that the new covenant of Jer 31:31–34 is a renewal of the Mosaic covenant in which the content of the Torah remains fundamentally unchanged. He writes:

It is obviously not a new law that the author intends, but quite certainly the old (law) as it stands in the ‘Book of the Torah of Moses’. If the author had intended a different law, which, on the basis of its essentially different content and character, was better suited to being written on the heart than the old (law), he would have had to speak of it, and indeed he would have had to speak in quite some detail, since that would have been even more important than everything else he speaks of, (and) it would have been the actual reformatory idea that one looks for in this passage.¹⁴²

¹⁴⁰ See, e.g.: Bernhard Duhm, *Das Buch Jeremia*, KHC (Tübingen: J. C. B. Mohr P. Siebeck, 1901); Dumbrell, *Covenant and Creation: An Old Testament Covenant Theology*, 266.

¹⁴¹ See: McKane, *A Critical and Exegetical Commentary on Jeremiah: Commentary on Jeremiah 26–52*, 820; Lundbom, *Jeremiah 21–36*, 466–68.

¹⁴² Translation mine. See: Duhm, *Das Buch Jeremia*, 256. Elsewhere, he writes:

Indeed, it [Jeremiah 31:31–34] promises a new “Covenant”, but not a new Torah...When he calls it the new covenant, it is in truth only a renewed covenant...We find here nothing of what appears to us necessary for a new covenant, nothing of a new-born, pneumatic man, (and) nothing of a higher divine revelation. The heart in which the מצוות, חקיות, פקדים, the dietary laws, (and) the rules of holiness are inscribed and are ‘sweeter than honey’ (Ps 19, 119) is not a new heart in the Christian sense.

This translation also mine. See: Duhm, *Das Buch Jeremia*, 254–57.

Duhm's interpretation of the new covenant greatly influenced subsequent 20th century scholarship,¹⁴³ and Jewish scholars have for the most part tended to interpret the new covenant in like manner.¹⁴⁴

As for the scholars who hold that the תורה in Jer 31:33b is not identical to the entirety of the Mosaic law, but rather to the Decalogue alone (and sometimes something more), they tend to interpret the new covenant as something more than a mere renewal of the Mosaic covenant, yet less than a complete departure from the Mosaic law.¹⁴⁵ Jack Lundbom, e.g., writes the following:

What may certainly be said is that for Jeremiah the gulf between the new covenant and the Mosaic covenant is greater than for any who preceded him. In my view, the new covenant cannot be reduced to a renewed Sinai covenant such as took place on the plains of Moab (Deut 5:2–3; 28:69 [Eng 29:1]), at Shechem (Joshua 24), or in Jerusalem at the climax of the Josianic Reform (2 Kings 23). Although this new covenant will have admitted continuity with the Sinai covenant, it will still be a genuinely new covenant, one that marks a new beginning in the divine-human relationship because (1) it is given without conditions; (2) it will be written in the hearts of people in a way the Sinai covenant was not (v 33); and (3) it will be grounded in a wholly new act of divine grace, i.e., the forgiveness of sins (v 34)... Jeremiah does not specify what this law will consist of, but it is only reasonable to assume that it will be the law at the heart of the Sinai covenant (Kimḥi: "There will never be a new Torah"), which at minimum would be the Ten Commandments, but doubtless something more.¹⁴⁶

Such a view stresses the distinctness of the new covenant over and against the Mosaic covenant and yet, at the same time, partially agrees with the scholarly majority that interprets the תורה of Jer 31:33 as referring to the Mosaic law (even if only the Decalogue).

¹⁴³ For a discussion of the influence of Duhm's commentary on subsequent 20th century Jeremian scholarship, see: Joshua Moon, *Jeremiah's New Covenant: An Augustinian Reading* (Winona Lake: Pennsylvania State University Press, 2011), 142–48; Joseph Michael Henderson, "Jeremiah Under the Shadow of Duhm: An Argument from the History of Criticism Against the Use of Poetic Form as a Criterion of Authenticity" (Doctoral Thesis, Fuller Theological Seminary, 2010). Lundbom also provides a brief list of scholars who hold Duhm's position in his commentary. See: Lundbom, *Jeremiah 21-36*, 466.

¹⁴⁴ See, e.g.: Shemaryahu Talmon, "The Community of the Renewed Covenant: Between Judaism and Christianity," ed. Eugene Ulrich and James C. VanderKam, vol. 10, *Christianity and Judaism in Antiquity* (The Notre Dame Symposium on the Dead Sea Scrolls, Notre Dame, IN: University of Notre Dame Press, 1994), 12–13; Goshen-Gottstein, "The New Covenant - Jeremiah 31."

¹⁴⁵ See, e.g.: Lundbom, 466–68; McKane, 820.

¹⁴⁶ Lundbom, 466–68.

In contrast to Duhm's and Lundbom's interpretations of Jer 31:33, both of which emphasize at least some continuity between the תורה of the Mosaic covenant and the תורה of the new covenant, a third group of scholars holds that the 'new covenant' and the new covenant תורה are entirely distinct from the Mosaic covenant. Walther Zimmerli is one such scholar. For him, the new covenant is 'a radical innovation' and 'a new beginning, which goes behind the Sinai covenant.' Indeed, in Jer 31:31–34 'the prophet announces here the end of the Mosaic covenant, which had brought death to Israel for its disobedience'.¹⁴⁷ Similarly, the early Church Fathers wrote about the 'new dispensation' and 'new law' ushered in by the new covenant.¹⁴⁸

But which of these three interpretations (i.e., those represented by Duhm, Lundbom, and Zimmerli) seems best? While Duhm's interpretation has certainly been influential, his argument does not account for other features in the new covenant passage (and larger book of Jeremiah) that suggest that the new covenant would be a distinct covenant rather than a mere covenant renewal. As discussed above, the choice of כרת rather than הקים in Jer 31:31 and 31:33 points to the initiation of an entirely distinct, or 'new' covenant, rather than a re-establishment of the Mosaic covenant. Furthermore, v. 32 as a whole functions to draw a distinction between the new covenant and the Mosaic covenant, clearly stating the reason why the new covenant needed to be different. And lastly, Duhm's claim that 'if the author had intended a different law...he would have had to speak of it' is ultimately an argument from silence. Why must this be the case? In the end, then, Duhm's arguments that the תורה of the new covenant is identical to that of the Mosaic covenant and that the new covenant is a mere renewal of the Mosaic covenant, despite their influence, are incomplete and fail to definitively exclude the possibility that the new covenant is best interpreted as a distinct covenant with a distinct תורה.

As for Lundbom's interpretation, while it is compelling in part due to its mediating stance, it too has problems.¹⁴⁹ First, scholars who maintain this position have difficulty agreeing

¹⁴⁷ See: Walther Zimmerli, *The Law and the Prophets: A Study of the Meaning of the Old Testament*, James Sprunt Lectures (Oxford: Blackwell, 1965), 80.

¹⁴⁸ Lundbom provides a helpful (albeit brief) overview of the pre-Nicene patristic reception of Jeremiah 31:31–34 in the early Church. See: Lundbom, 479–82. Marafioti provides a more thorough discussion and carries the discussion to Augustine (see esp. chapters 2–3). See: Domenico Marafioti, *Sant'Agostino e La Nuova Alleanza. L'interpretazione Agostiniana Di Geremia 31.31-34 Nell'ambito Dell'esegesi Patristica*, Aloisiana 26 (Rome: Gregorian University Press, 1995).

¹⁴⁹ Perhaps because it is difficult to imagine that God's moral standards for humanity would change—standards that are expressed both clearly and concisely in the Decalogue—, many Christian scholars have given a

on how to define the תורה of the new covenant. Is it the Decalogue only (McKane) or the Decalogue ‘but doubtless something more’ (Lundbom)? Furthermore, on what basis should the Decalogue be retained, while other laws that are a part of the Mosaic תורה (e.g., the dietary laws) be excluded? And even if the Decalogue alone is adopted, how should the law dealing with the Sabbath be handled? Should violators of the Sabbath still be put to death, as Exod 31:15 stipulates? And how does one explain the New Testament’s silence on the Sabbath as a stipulation of the new covenant? These questions help surface perhaps the most significant problem with Lundbom’s interpretation—namely, it disrupts the organic connection between covenant and law. As Clements has convincingly argued, law presupposes and proceeds from covenant, and not vice versa. Furthermore, a major function of the legal stipulations of a covenant—stipulations which he helpfully terms ‘covenant law’—was to protect the covenant relationship. In other words, the covenant relationship was not created to protect the law; rather, the law was created to protect the covenant relationship.¹⁵⁰ Thus, that the Mosaic law (whether in part or in whole) would be plucked out of its covenant structure and placed as the foundation upon which a new covenant would be constructed would likely have been a foreign notion in Jeremiah’s day. Therefore, it seems that there are only two legitimate options for our understanding of YHWH’s תורה in Jer 31:33: either (1) it refers to the *entire* ‘instruction’ given in the Mosaic law, in which case the new covenant was anticipated as a mere covenant renewal, or (2) it refers to a new ‘covenant law’ altogether, in which case the new covenant was just that, a *new* covenant accompanied by a new law. To put it succinctly, it does not seem that one can have it both ways: either a new covenant with a new law was anticipated, or a covenant renewal with the same exact Mosaic Torah was anticipated.¹⁵¹ To advocate for a middle way in

nod to the idea that in some way there is a continuity between the legal code of the Mosaic covenant (albeit the majority of these scholars would limit it to the Decalogue) and the new covenant.

¹⁵⁰ R. E. Clements, *Prophecy and Covenant*, SBT 43 (London: SCM Press, 1965), 69–85.

¹⁵¹ The medieval Jewish exegete David Kimḥi comes to the same conclusion in his commentary on Jer 31:31–34. He expounds his view on the particular issue of what is meant by the תורה of the new covenant in his commentary on v. 31. Here, Kimḥi defends the view that the Torah of the new covenant was not new in content, but rather the same as that which was given on Mount Sinai. As a proof text, Kimḥi cites Mal 3:22. It is clear from Kimḥi’s commentary that the view against which he is arguing is the Christian view, which held that the Torah of the new covenant is distinct from the Torah of the Mosaic covenant.

which part of the Mosaic law (usually the Decalogue) is brought into the new covenant is simply untenable.

This brings us to a consideration of Zimmerli's view presented above—namely, that the new covenant is 'a new beginning, which goes behind the Sinai covenant.' Although this view has fallen out of favor in scholarship, it has several advantages, nonetheless. First, this interpretation best fits with the use of כרת + obj. ברית in reference to the new covenant (vv. 31, 33) since, as argued above, כרת + obj. ברית in the HB consistently refers to covenant ratification/initiation rather than the maintenance, fulfillment, or renewal of a covenant. Second, as also discussed above, v. 32 states that the problem in the current covenant relationship between YHWH and his people (i.e., their relationship under the terms of the Mosaic covenant) existed on both sides: Not only were the people guilty of violating the covenant, but YHWH had 'neglected them' (ἡμέλησα αὐτοῦν) or 'rejected them' (בעלתי בם) as well. Both of these points, then, when taken together with Clements's observation about the organic connection between covenant and law, suggest that the new covenant was not only anticipated as a distinctly 'new' covenant (as opposed to a covenant renewal), but that this covenant would be accompanied by its own law code as well.¹⁵² Yet a third point supports Zimmerli's conclusion as well. As discussed above, Jer 31:33a functions as the introduction for the positive description of the new covenant that follows in vv. 33b–34. Since v. 33b ultimately functions to describe the new covenant in positive terms—as opposed to the previous verse (v. 32), in which the new covenant is (negatively) described by way of a contrast with the Mosaic covenant—it logically follows that the תורה mentioned in v. 33b is associated with the new covenant rather than the Mosaic covenant. Furthermore, it is possible that the 3fs accusative pron. suf. on אכתבנה refers back to the term ברית

¹⁵² It should be noted that holding such a radical distinction between the new covenant תורה and the תורה of the Mosaic covenant is not to claim that the law of the new covenant is at every point distinct from that of the Mosaic covenant. Rather, because the same God (with the same moral outlook) who presided over the Mosaic covenant will preside over the new covenant, there is sure to be an overlap between His instruction in the new covenant and Mosaic covenant, and especially so in regard to moral instruction that governs relationships (both divine-human and inter-human). In other words, it is possible to account for the moral continuity between the Mosaic covenant and new covenant that scholars have intuitively felt, but have had difficulty in pinning down descriptively, by suggesting that this continuity stems from the fact that both covenants have the same *covenant giver* (i.e., YHWH) rather than the same *covenant law*. This is different, however, than claiming that the Mosaic law (whether in its entirety or in part) continues to function as the legislation of the new covenant.

rather than תורה. In support of this stands Ps 78:10, where we find the same two terms—i.e., ‘law/instruction’ (תורה) and ‘covenant’ (ברית)—standing in synonymous parallelism.¹⁵³

(3) The meaning of writing על לבם

What is meant, then, in v. 33b when YHWH states ‘I will write it’ (אכתבנה)—whether ‘it’ here refers to the new covenant תורה or the new covenant ברית in its entirety—‘upon their heart’ (על לבם)?¹⁵⁴ While the phrase על לב (ב) appears often in the HB, the phrase in association with YHWH’s תורה/ברית recalls Deut 6:6—‘And these words that I am commanding you today are to be upon your heart (על לבבך)’. There is one important difference between Deut 6:6 and Jer 31:33, however: in Deut 6:6, it is the Israelites who are charged with the responsibility of setting YHWH’s instruction upon their heart. In Jer 31:33, on the other hand, YHWH is the one who will write his instruction על לבם. Therefore, despite the similarity in these verses, there is a clear difference: whereas Deut 6:6 emphasizes the human initiative, Jer 31:33 emphasizes the divine. As Nicholson has pointed out, then, the promise in Jer 31:33b is better understood as finding its inspiration from Deut 30:6 rather than Deut 6:6.¹⁵⁵

The emphasis on the divine initiative of the new covenant evident in Jer 31:33 is not an anomaly; rather, it is a key development within and tenet of the book. In the earlier years of Jeremiah’s ministry, his message to the people emphasized the human initiative required to maintain the covenant relationship with YHWH. In Jer 4:4, e.g., Jeremiah calls on the people to ‘Remove the foreskins of your hearts’ (והסרו ערלות לבבכם), a charge clearly inspired by Deut 10:16. Later in his ministry, however, likely when Jeremiah has realized both that Josiah’s reform failed to bring about a sincere repentance and that exile was inevitable, his message changes. While he continued to encourage faithfulness to YHWH and to warn of judgment that would come as a result of disobedience, he also presents two additional concepts: (1) the human heart was ‘deceitful above all else, and incurable’ (עקב הלב מכל ואנש) (17:9); and (2) his people

¹⁵³ In this case, תורה stands as a metonymy for ברית, as the legal stipulations were part of the larger covenant agreement/document.

¹⁵⁴ I have kept the translation ‘heart’ throughout this discussion, although it should be clarified that it is the Hebrew concept of the heart that is intended here—i.e., that of the ‘inner man’, ‘mind’, ‘will’. See BDB, s.v. ‘לֵב’.

¹⁵⁵ See: Ernest W. Nicholson, *The Book of the Prophet Jeremiah*, CBC (Cambridge: CUP, 1975), 2:71.

were incapable of covenant obedience and in need of YHWH himself to change their hearts.¹⁵⁶ It is with this later, more developed understanding of the plight of his people, then, that the promise expressed in v. 33b is to be understood.¹⁵⁷

While the parallel expression *ועל לבם אכתבנה* suggests that *ועל לבם* generally refers to the internalization of YHWH's new covenant *תורה/ברית*, Holladay suggests that the specific reference to 'writing' on the heart here in 31:33b is intended to be contrasted with 'the sin of Judah that is *written*, engraved on the tablet of their heart (17:1)' and with 'the law of YHWH *written* on tablets of stone (Deut 5:22 and often).'¹⁵⁸ The use of the word 'tablet' (*לוח*) in Jer 17:1 strengthens Holladay's suggestion that the stone tablets of the Mosaic covenant are also an intended contrast to be drawn by the reference to 'writing' in Jer 31:33b, as do two additional points. First, Jeremiah had previously stated that the ark of the covenant (which in part functioned as the place of depository for the tablets of the Mosaic covenant) would no longer be remembered (3:16). When read alongside 31:33b, the reason that the ark would no longer be remembered becomes clear: namely, because the new covenant *תורה/ברית* would be written directly on the hearts of the people, there would no longer be a need for either the tablets on which the Mosaic law was written or the ark in which they were deposited. Second, Paul seems to make this same contrast as well. In 2 Cor 3, he contrasts the 'old covenant' (*τῆς παλαιᾶς*

¹⁵⁶ Nicholson summarizes this concept well when he writes:

Yet just at this point and alongside the promise for the future comes one of the deepest insights of the book. For it was now realized that Israel had not merely refused to love and obey God; Israel had been *unable* by her very nature to do so. Jeremiah saw the source of man's rebellion against God to spring from the natural perverseness of their hearts: 'The heart is the most deceitful of all things, desperately sick; who can fathom it?' (17:9). He came to realize that Israel's sin was so deep-seated as to be part of her very nature: 'Can the Nubian change his skin, or the leopard its spots? And you? Can you do good, you who are schooled in evil?' (13:23). Hence in the future renewal and revival of the nation to be brought about by God beyond judgment, God would change the hearts of the people.

See: Nicholson, *The Book of the Prophet Jeremiah*, 2:17–18.

¹⁵⁷ Similarly, Clements suggests that Jeremiah 'came to believe that Israel's only defence against the threatening aspect of the law was to be found in an inner change of heart wrought by God. YHWH must not only give the law, but also the power to obey it.' See: Clements, *Prophecy and Covenant*, 213. So also, Dumbrell, who notes 'the human inability to maintain the older Sinai arrangement' and concludes that 'nothing short of an inward and transforming arrangement, to which Jeremiah will now refer in vv. 33–34, will guarantee human fidelity within the new arrangement.' See: Dumbrell, *Covenant and Creation*, 262–66.

¹⁵⁸ Emphasis mine. See: Holladay, *Jeremiah*, 2:198.

διαθήκης) (3:14), i.e., Mosaic covenant, which was written ‘on tablets of stone’ (ἐν πλαξίν λιθίναις) with the new covenant which was written on ‘tablets of human hearts’ (ἐν πλαξίν καρδίας σαρκίνας) (3:3). To conclude, then, ועל לבם אכתבנה communicates not only an internalization of YHWH’s תורה in the general sense, but, more specifically, highlights two key contrasts between the new covenant and the Mosaic covenant. Whereas the latter was written on tablets of stone and resulted in a human heart engraved with sin, the former would be written on the heart and would result in obedience and a restored covenant relationship.

and I will be their God, and they will be my people. The placement of the covenant formula *after* YHWH’s promise of writing his תורה/ברית on the heart of his people is significant, as it seems to indicate that this work precedes and/or is intimately associated with the restoration of the covenant relationship. In other words, apart from the divinely initiated writing of the תורה/ברית of the new covenant on the hearts of the people, the restored covenant relationship with YHWH anticipated in v. 33 is not possible.

d. Jeremiah 31:34

LXX (= 38:34)	MT
καὶ οὐ μὴ διδάξωσιν ἕκαστος τὸν πολίτην αὐτοῦ καὶ ἕκαστος τὸν ἀδελφὸν αὐτοῦ λέγων Γνωθὶ τὸν κύριον· ὅτι πάντες ¹⁵⁹ εἰδήσουσίν με ἀπὸ μικροῦ αὐτῶν καὶ ἕως μεγάλου αὐτῶν, ... ὅτι ἴλεως ἔσομαι ταῖς ἀδικίαις αὐτῶν καὶ τῶν ἁμαρτιῶν αὐτῶν οὐ μὴ μνησθῶ ἔτι.	וְלֹא יְלַמְדוּ עוֹד אֶת־רֵעֵהוּ וְאִישׁ אֶת־אָחִיו לֵאמֹר דַּעוּ אֶת־יְהוָה כִּי־כֹלֵם יִדְעוּ אוֹתִי לְמַקְטָנָם וְעַד־גְּדוּלָּם נְאֻם־יְהוָה כִּי אֶסְלַח לְעֹנְוֵם וְלִחַטְאֹתָם לֹא אֶזְכֹּר־עוֹד:

As demonstrated by the above comparison of the LXX and MT of Jer 31:34, it seems clear that the only difference between the MT and the Hebrew *Vorlage* that stood behind the LXX involves the plus יהוה נאם in the MT (or, alternatively, this minus in the LXX). This plus is best explained as one of the many plusses present throughout the longer MT version of Jeremiah. This discrepancy has no significant bearing on the interpretation of the new covenant passage. My translation below follows the MT, with the exception that I have placed the likely plus נאם יהוה in parentheses.

¹⁵⁹ α’ and σ’ have αυτοι following παντες, reflecting the presence of the pronominal suffix on כולם.

‘And a man will no longer teach his neighbor, or a man his brother, saying, “Know YHWH!” For all of them will know me, from the least of them to the great,’ (declares YHWH). ‘For I will forgive their iniquity, and their sins I will remember no more.’

‘And a person will no longer teach his neighbor, or a man his brother, saying, “Know YHWH!”’ To the several other aspects of this passage that suggest discontinuity between the new covenant and Mosaic covenant, we may add v. 34a, ‘And a person will no longer teach his neighbor, or a man his brother, saying “*Know YHWH!*” (דעו את יהוה)’. In order to understand why this is so, we must first seek to understand the imperative ‘Know YHWH!’ (דעו את יהוה). Holladay suggests that the use of the imperative of ידע here is a unique occurrence in the HB, with Prov. 3:6 serving as the closest parallel: ‘in all your ways know him’ (בכל דרכיך דעהו).¹⁶⁰ Yet while this particular command may be unique in the HB, the related nominal phrase ‘knowledge of YHWH/God’ (דעת יהוה/אלהים) is a relatively common expression. As Clements has suggested, the ‘knowledge of YHWH/God’ refers to ‘the covenant tradition, with its twofold theme of the divine grace revealed in Israel’s election, and of the law, by which Israel was to attest its obedience to YHWH.’¹⁶¹ Similarly, Huffmon, based on a study of the term ידע in the context of ANE treaties/covenants, concludes that ‘the evidence does justify a claim that “know” may be used as a technical term for (legal) recognition in international treaties and related texts.’¹⁶² Thus, Holladay’s conclusion that the imperative use of ‘know YHWH’ here serves ‘as a summary of covenant obligation’ most concisely captures the likely meaning of this expression.¹⁶³

With this in mind, how should we interpret the statement that a person will no longer ‘teach’ (ילמדו) his neighbor/brother according to the command, ‘Know YHWH!’? While scholars have proposed a variety of answers, the most likely interpretation is that there would no longer be a need for religious authorities—whether prophets, priests, or kings—to continually ‘teach’ others in matters pertaining to covenant obedience. This is supported not only by the statement that immediately follows in v. 34 (and which will be discussed below), but also by a brief (and by no means exhaustive) survey of למד (‘teach’, Piel) in the HB in the context of teaching

¹⁶⁰ Holladay, 2:198.

¹⁶¹ Clements, *Prophecy and Covenant*, 55.

¹⁶² Herbert B. Huffmon, “The Treaty Background of Hebrew Yāda’,” *BASOR*, no. 181 (1966): 37.

¹⁶³ Holladay, *Jeremiah*, 2:198.

covenant obedience.¹⁶⁴ Dumbrell extends this interpretation to include the entire cultic system that was given impetus and authority by the Mosaic law. He writes: ‘No longer will there be the need to preserve the instructional framework in which intermediaries such as priests and particularly prophets had operated under the old covenant. In the new situation all will know God, for knowledge will be direct and totally personal.’¹⁶⁵

‘For all of them will know me, from the least of them to the greatest,’ (declares YHWH).

As with the imperative ‘Know YHWH!’ earlier in the verse, the statement, ‘For all of them will know me’ is best understood as covenant language that describes a situation in which the people would be obedient to YHWH and his new covenant תורה/ברית. A more difficult interpretive issue involves how to understand the phrase למקטנם ועד גדולם. In short, there are three possible interpretations: (1) ‘from the youngest of them to the oldest’; (2) ‘from the smallest of them to the largest’ (with reference to size/stature); and, (3) ‘from the least of them to the greatest’ (with reference to a standard of social significance). To begin with, the interpretation ‘from the smallest of them to the largest’ (with reference to size/stature) can almost certainly be ruled out, as this would be a unique occurrence among the entire HB.¹⁶⁶ Determining between the other two interpretations, however, is a more difficult task.

A word study of קטן in the HB shows that this adjective occurs some 47 times in 47 different verses.¹⁶⁷ While the meaning of קטן in some of these verses is admittedly unclear, in the majority of cases the meaning is clear.¹⁶⁸ Significantly, in instances when the meaning of

¹⁶⁴ In Deuteronomy, Moses, the prophet par excellence of the HB, is portrayed as the one who ‘teaches’ (למד) the Israelites the commandments and judgments of God required for covenant obedience (see, e.g., Deut 4:1, 5, 10, 14; 5:1, 31; 6:1, etc.). Furthermore, the king’s officials (who represented the king), Levites, and priests were sent throughout the land of Judah to ‘teach’ (למד) the people from ‘the book of the Law of YHWH’ (ספר תורת יהוה) (2 Chr 17:7–9).

¹⁶⁵ Dumbrell, *Covenant and Creation*, 267.

¹⁶⁶ The majority of commentators do not give this option, but only entertain the other two options. The adjective with this meaning does modify the following nouns, however: ‘lamb’ (2 Sam 12:3); ‘request’ (1 Kgs 2:20); ‘cake’ (1 Kgs 17:13); ‘cloud’ (1 Kgs 18:24); ‘roof chamber’ (2 Kgs 4:10); implied ‘thing’ (קטנה—Num 22:18; Zech 4:10); ‘weights (for measuring)’ (Deut 25:13); ‘measures’ (Deut 25:14); ‘vessel(s)’ (Isa 22:24; 2 Chr 36:18); ‘ledge’ (Ezek 43:14); ‘living things’ (Ps 104:25); implied ‘animals’ (Prov 30:24); ‘foxes’ (Song 2:15); ‘city’ (Eccl 9:14).

¹⁶⁷ This is according to a word study search using Logos Bible Software. This search was last performed on October 31, 2023. Because קטן and גדול stand in a clear relationship here, the interpretation of one necessarily effects the interpretation of the other.

¹⁶⁸ Difficult cases include: 1 Sam. 9:21 (usually translated as ‘least of the tribes of Israel’, but could be ‘smallest’ or ‘youngest’, as Benjamin was both Jacob’s youngest son and also, as a tribe, had been decimated by

‘young(er)’ is to be preferred (around one-third of the total occurrences), the immediate context makes this very clear, as קָטָן almost always modifies either a term denoting a family relationship—specifically the terms אָה (‘brother’), אָחוֹת/אָחוֹת (‘sister’), בַּת (‘daughter’), or בֶּן (‘son’)—or the term נֶעֱר/נֶעֱרָה (‘boy’/‘girl’).¹⁶⁹ Since these terms are absent in Jer 31:31–34, the translation ‘from their least to their greatest’ (with reference to some standard of social significance) seems preferable.

A narrower investigation of the expression וְעַד גְּדוֹלָם לְמִקְטָנָם itself in the HB supports this conclusion as well. Out of a total of eight occurrences,¹⁷⁰ six instances seem to have this meaning.¹⁷¹ The other two are less clear and appear in Jeremiah as well (Jer 6:13 and 16:6). Significantly, Holladay argues that the meaning of וְעַד גְּדוֹלָם in 6:13 is best understood as indicating age (i.e., ‘from the young[est] of them to the old[est] of them’), since 6:11 contains a reference to the ‘child’ (עוֹלָל), ‘young men’ (בַּחֲרוּרִים), ‘husband’ (אִישׁ), ‘wife’ (אִשָּׁה), and ‘elder’ (זָקֵן). On this basis, he suggests that this meaning of וְעַד גְּדוֹלָם is also appropriate in 31:34. Yet Holladay’s argument is unconvincing, since the intervening verse (6:12) not only disrupts this connection, but also pronounces a judgment—namely, that ‘their houses will be turned over to others—fields and wives together’ (6:12)—which is best understood as applying to grown men, and not children, who would have neither wives nor fields. Indeed, such a reference to the loss of fields and wives is better understood as a judgment that would come on the ‘greatest’ (i.e., wealthy) and ‘least’ (i.e., poor) alike.¹⁷²

civil war (Judg 19–20)); 2 Kgs 18:24 = Isa 36:9 (usually translates as ‘least’, but could also be translated as ‘youngest’).

¹⁶⁹ For instances where קָטָן modifies a term denoting a family relationship, see: Gen 9:24; 27:15, 42; 29:16, 18; 44:20; Judg 15:2; 1 Sam 14:49; 16:11; 17:14; 2 Sam 9:12; Ezek 16:46, 61; Song 8:8; 1 Chr 24:31. For instances where it modifies נֶעֱר/נֶעֱרָה, see: 1 Kgs 11:17; 2 Kgs 2:23; 5:2.

¹⁷⁰ See: Jonah 3:5; Jer 6:13; 16:6; Ps 115:13; Esth 1:5; 1:20; 1 Chr 12:15; 2 Chr 34:30.

¹⁷¹ The clearest references are Esth 1:20 and 1 Chr 12:15, each of which refers to groups of men. In Jonah 3:5, the same expression (albeit in inverse order—מִגְּדוֹלָם וְעַד קְטָנָם) appears and seems to clearly serve as a merism to refer to the entire people of Nineveh, ‘from their greatest to their least’. The reference to the king and nobles in the subsequent verses suggest that social class is the emphasis here rather than age.

¹⁷² Holladay’s other argument to support the interpretation that וְעַד גְּדוֹלָם in Jer 31:34 refers to age is unconvincing as well. He argues that ‘the implication of “teaching” in Deuteronomy is that of teaching one’s children’, but this connection is called into question by the observation that the teaching referred to in Jer 31:34 is that of a man teaching ‘his neighbor’ (רֵעֵהוּ) or ‘his brother’ (אָחִיו) rather than of a parent teaching their children, as is the case in Deuteronomy 6:7. In view of this, Holladay’s translation, ‘from the lowest class to the aristocracy’ is to be preferred. See: Holladay, *Jeremiah*, 2:198.

The case of *מקטנם ועד גדולם* in Jer 16:6 presents a similar situation. While the reference to ‘the sons...and...the daughters’ and ‘their mothers...and their fathers...’ in 16:3 might suggest that age is in view, 16:5 begins a new section as indicated by both the *setumah* following 16:4 as well as the introductory formula *כי כה אמר יהוה* in 16:5. Furthermore, because the discussion deals with attending funeral houses—affairs which often clearly demonstrated the gap between the wealthy and poor—it is more likely that social status is the focus here rather than age.¹⁷³ To conclude, then, it seems that all three instances of *מקטנם ועד גדולם* in Jeremiah, along with the other six occurrences of this expression in the HB, should be understood as ‘from the least of them to the greatest’ (with reference to a standard of social significance).

From the above discussion, then, we can conclude that Jer 31:34b makes the following point: under the new covenant, all those of ‘the house of Israel’ (v. 33)—from the least socially significant to the most socially significant—would be obedient to YHWH and his new covenant *תורה/ברית*.

‘For I will forgive their iniquity, and their sins I will remember no more.’ As with v. 33b, v. 34c is structured as a synonymous parallelism. The first statement in this parallelism is YHWH’s promise, ‘I will forgive their iniquity’ (*אסלה לעונם*). For Lundbom, this forgiveness of sins/iniquity undergirds the new covenant and constitutes a ‘wholly new act of divine grace’ that distinguishes it from the Mosaic covenant.¹⁷⁴ He writes:

The forgiveness of sins did not undergird the Mosaic covenant, and in fact it played no part at all in that covenant’s understanding—either in the earliest formulation or in the formulation appearing in Deuteronomy. The act of divine grace undergirding the Mosaic covenant was the deliverance from Egypt (Exod 20:2; Deut 5:6). In Deuteronomy, the nation is promised life if it obeys the covenant; if it does not obey, YHWH will rain down a multitude of curses, the most serious of which will be the loss of the land...Deuteronomic theology is best summed up in Joshua’s words to the people at Shechem: If you disobey the covenant YHWH will *not* forgive your sins; instead, he will punish you (Josh 24:19–20).¹⁷⁵

¹⁷³ So also: Lundbom, *Jeremiah 1-20*, 430.

¹⁷⁴ See: Lundbom, *Jeremiah 21-36*, 466. In support of Lundbom’s interpretation that the forgiveness of sins in Jer 31:34c represents a ‘wholly new act of divine grace’ is the anticipation of a new Exodus presented in Jer 16:14–15 and 23:7, which also points to a distinction between the new covenant and Mosaic covenant. In Jer 16:14–15, YHWH declares: ‘...days are coming...when it will no longer be said, “As YHWH lives, who brought the sons of Israel up from the land of Egypt,” but rather, “As YHWH lives, who brought the sons of Israel up from the land of the north...’ (16:14–15). Cf. 23:7: ‘...from the land of the north and from all the lands wherein he scattered them there.’

¹⁷⁵ Jack R. Lundbom, “New Covenant,” in *ABD*, ed. Gary A. Herion et al. (London: YUP, 2008), 1089.

Lundbom's understanding that YHWH's forgiveness of sins undergirds the new covenant rests on the understanding that the כִּי clause of Jer 31:34c should be understood in a causal sense. While this understanding indeed seems best and finds general support in scholarship, what is less clear, however, is whether this כִּי clause gives the cause for all that goes before (i.e., vv. 33b–34b), or whether it serves as a parallel causal clause that, along with v. 34b, provides one of the causes for the result described in v. 34a alone.¹⁷⁶ While Duhm and others have argued for the former, the syntax supports the latter.¹⁷⁷ Therefore, it seems better to consider the forgiveness of sins in v. 34c as *one* of the fundamental components of the new covenant, but perhaps not *the* fundamental component from which all other components flow. This interpretation is also supported by the logical flow of v. 34 itself. After beginning with a statement which implies that under the new covenant, religious authorities will no longer be necessary to ensure covenant obedience (v. 34a), the verse then moves to supply two reasons for this: (1) everyone would exercise covenant obedience (v. 34b); and (2) YHWH himself would forgive their sins (v. 34c). Significantly, each of the reasons supplied in v. 34b and v. 34c renders a major responsibility of religious authorities under the Mosaic law superfluous.

The parallel statement, 'and their sins I will remember no more' (וְלֹחֲטָאתָם לֹא אֶזְכֵּר עוֹד) (31:34c) invites yet another contrast between the new covenant and the Mosaic covenant. Whereas under the Mosaic covenant, YHWH 'will remember their iniquity and punish their sins' (יִזְכֵּר עֲוֹנֵם וַיִּפְקֵד חַטָּאתֵם) (14:10), under the new covenant the opposite is true—YHWH will remember their sins no more. As Holladay has pointed out, given that the biblical idea of 'remembering' (זָכַר) implies an appropriate response, 'YHWH's promise to remember their sin no more is one more way to express the reassurance that there will never be an impediment again to the free relationship between YHWH and his people.'¹⁷⁸

¹⁷⁶ McKane notes: 'It is common practice to say that forgiveness of sin is the presupposition or ground of the installation of the new covenant (Giesebrecht, Cornill, Peake, Volz, Rudolph, Weiser; Thiel, 1981, p. 26). See: McKane, 822.

¹⁷⁷ See: McKane, 822. In regard to the syntax, there is no indication that the כִּי clause of v. 34c should be understood in a different sense than the כִּי clause of v. 34b—i.e., as a causal clause that helps give the reason for the situation described in v. 34a. Furthermore, as far as syntax is concerned, there is no indication that the כִּי clause of v. 34c provides the reason for the situation described in v. 33b–c as well. Rather, it seems better to regard v. 33b–c as an independent promise associated with the new covenant.

¹⁷⁸ See: Holladay, 2:199. Similarly, Dumbrell concludes that this parallel statement 'is not simply the language of prophetic hyperbole or merely a reference to the psychological attitude of God in the new age, namely

What is perplexing in Jer 31:34c, however, is that neither statement supplies the reason why YHWH will forgive their iniquity and/or no longer remember their sins. Contrasting this aspect of the new covenant with the Mosaic covenant, Dumbrell writes:

The forgiveness of sins in the Old Testament was...bound up, other than in exceptional instances, with the system of institutionalized approach through sacrifice. God forgave on the condition of repentance, and this was the very basis of forgiveness. There is no mention, however, in v. 34 of any such preconditions in the new age. In fact a situation seems to be envisaged in which sin has been once and for all dealt with.¹⁷⁹

Indeed, it seems clear that Jer 31:31–34 supplies no ‘why’ for the forgiveness of sins that will undergird the new covenant relationship between YHWH and his people. As will be demonstrated in the next chapter, however, the Essenes of the late Second Temple Period seem to have developed an idea as to what this ‘why’ would be, nonetheless.

C. Conclusion

In part one of this chapter, it was determined that a thorough exegesis of Jer 31:31–34 (LXX 38:31–34) should consider the LXX (with a view towards its Hebrew *Vorlage*) and MT versions of this passage alongside and in relation to one another for at least two reasons. First, the shorter and longer versions of the book—the former of which stands behind the LXX, and the latter of which supports the MT—were both present among the DSS, which suggests both versions were known and valued by the Essene community. Therefore, if we are to understand the Essene view of the ‘new covenant’, both versions of the ‘new covenant’ passage in Jeremiah deserve our consideration. Second, the translation style of LXX Jer as a whole has been characterized as relatively literal, which suggests a close correspondence between the Hebrew *Vorlage* underlying the LXX and the Hebrew MT. There is no reason that our consideration of Jer 31:31–34 (LXX 38:31–34) should begin with any other assumption.

that he will "forgive by forgetting" sin. It refers rather to the new age as one in which no action (in this biblical sense of remembering) needs to be taken against sin and there is now no human inclination to sin.' See: Dumbrell, 268.

¹⁷⁹ Dumbrell, 268.

In part two of this chapter, we set forth to exegete Jer 31:31–34 (LXX 38:31–34) and argued the following: (1) the LXX and MT versions of this particular passage reflect the same consonantal Hebrew text, with the lone exception of the plus נאם יהוה in the MT, an inconsequential change insofar as the overall interpretation of the passage is concerned; and (2) the LXX and MT versions of this particular passage present fundamentally the same concept of the ‘new covenant’ (contra Schenker).¹⁸⁰ The following table serves to summarize our findings:

Table 3: Summary of the New Covenant Passage (Jer 31:31–34)

V.	Interpretation	Translation	Text ¹⁸¹
31	<i>A new covenant will be ‘cut’ (i.e., ratified/initiated) in the future.</i>	‘Behold, days are coming,’ declares YHWH, ‘when I will cut with the house of Israel and with the house of Judah a new covenant	הנה ימים באים נאם יהוה וכרתי את בית ישראל ואת בית יהודה ברית חדשה
32a	<i>The covenant will differ from the Mosaic covenant</i>	—not like the covenant that I cut with their fathers in the day I grasped their hand to lead them out from the land of Egypt,	לא כברית אשר כרתי את אבותם ביום החזיקי בידם להוציאם מארץ מצרים
32b	<i>because this covenant has always been in jeopardy with regard to both parties.</i>	because they themselves broke my covenant, and I myself rejected them,’ declares YHWH.	אשר המה הפרו את בריתי ואנכי בעלתי במ נאם יהוה
33a	<i>Therefore, the new covenant will instead look like this:</i>	‘For this is the covenant that I will cut with the house of Israel after those days,’ declares YHWH:	כי זאת הברית אשר אכרת את בית ישראל אחרי הימים ההם נאם יהוה
33b	<i>YHWH will create in his people an internal disposition to obey his new covenant Torah</i>	‘I will set my Torah within them, and upon their heart I will write it;	נתתי את תורתי בקרבם ועל לבם אכתבנה
33c	<i>and will restore their covenant relationship.</i>	and I will be their God, and they will be my people.	והייתי להם לאלהים והמה יהיו לי לעם

¹⁸⁰ I have included a side-by-side comparison of the LXX and MT of Jer 31:31–34 (LXX 38:31–34) with accompanying English translations in Appendix III.

¹⁸¹ The text presented in this column corresponds with the consonantal text of the MT of Jer 31:31–34. It was argued throughout this chapter that this text was likely identical to the Hebrew *Vorlage* that stood behind the LXX, with the lone exception that in v. 34b נאם יהוה is likely a plus in the MT. (I have included נאם יהוה and its translation in parentheses to reflect this.) Furthermore, I have intentionally left the text unvocalized, since this most accurately reflects the earliest known forms of the text of Jeremiah (i.e., the shorter and longer forms of Jeremiah represented by the 4QD Fragments of Jeremiah). Significantly, it is these forms of the text that would have been used and interpreted by the Essenes at Qumran.

34a	<i>Religious authorities will no longer be needed to ensure covenant obedience</i>	And a man will no longer teach his neighbor, or a man his brother, saying, "Know YHWH!"	ולא ילמדו עוד איש את רעהו ואיש את אחיו לאמר דעו את יהוה
34b	<i>because all (insignificant and great alike) will exercise covenant obedience</i>	For all of them will know me, from the least of them to the great,' (declares YHWH).	כי כולם ידעו אותי למקטנם ועד גדולם (נאם יהוה)
34c	<i>(and) because YHWH himself will forgive their sins.</i>	For I will forgive their iniquity, and their sins I will remember no more.'	כי אסלח לעונם ולחטאתם לא אזכר עוד

With this interpretation of the 'new covenant' in mind, then, we are ready to turn our attention to the concept of the 'new covenant' as it appears in the DSS.

CHAPTER 3: THE NEW COVENANT IN THE DEAD SEA SCROLLS

A. Introduction

The term ‘new covenant’ (ברית חדשה) appears a total of four times in the Dead Sea Scrolls (DSS). Three of these references appear in the *Damascus Document* (D),¹⁸² while the fourth—a partially restored, yet likely reading—appears in *Peshar Habakkuk* (1QpHab).¹⁸³ As discussed in Chapter 1, the majority of scholars assume that in using this term the DSS community understood their group’s foundational covenant to be the fulfillment of Jer 31:31–34. For these scholars, the primary reason for such a conclusion is the perceived ‘iron-clad’ verbal link wrought by the term ‘new covenant’. *Prima facie*, this verbal link is quite strong—the term appears in the HB only in Jer 31:31, and outside of D and 1QpHab the term appears nowhere else in late Second Temple Jewish literature. Yet, as at least two scholars have pointed out, this verbal link might not be as certain as the majority has suggested. If these scholars are right, the appearance of the term ‘new covenant’ in D and 1QpHab need not necessitate that these references were intended as a reception of Jer 31:31–34. The implications of this minority view are profound, and thus a thorough investigation of this issue is in order.

The first major aim of this chapter, then, is to determine whether or not the appearance of the term ‘new covenant’ in D and 1QpHab should indeed be understood as a reception of Jer 31:31–34. Toward this end, I will construct a comprehensive understanding of the concept of the ‘new covenant’ (and, more broadly, ‘covenant’) as it appears in D and 1QpHab. For example, what are the historical circumstances associated with the founding of this covenant? What are the expectations—both present and future—associated with this covenant? What is the DSS community’s understanding of the relationship between this covenant and other biblical

¹⁸² See CD 6:19; 8:21 (// 19:33–34); and 20:12. I have counted the parallel occurrences of the term in 8:21 and 19:33–34 as a single reference.

¹⁸³ See 1QpHab 2:3.

covenants? And how did the DSS community arrive at its concept of the ‘new covenant’ in the first place? These questions and others will be asked in order to arrive at a robust understanding of the concept of the ‘new covenant’ as it appears in the DSS. Only then will we be in a position to compare the DSS community’s concept of the ‘new covenant’ as it appears in D and 1QpHab with the concept of the ‘new covenant’ as it appears in Jer 31:31–34 and determine whether or not the use of ‘new covenant’ in D and 1QpHab was indeed a reception of Jer 31:31–34.

The second major aim of this chapter builds on the first and seeks to answer the following questions: If the use of the term ‘new covenant’ in the DSS is indeed best understood as a reception of Jer 31:31–34, what can we conclude about how the DSS community came to their interpretation of this passage? If, on the other hand, the use of the term ‘new covenant’ is not best understood as a reception of Jer 31:31–34, how are we to account for the use of this term, given its *hapax* appearance in the HB?

B. The ‘New Covenant’ in the *Damascus Document* (D)

The concept of the ‘new covenant’ as it appears in D will be examined first. Since a thorough understanding of D’s concept of the ‘new covenant’ requires an understanding of the text of D in its entirety, a brief orientation to D is first necessary. Following this orientation, our investigation into the concept of the ‘new covenant’ as it appears in D will begin.

1. The manuscript history of D

The text of D has a complex manuscript history that warrants a brief discussion here.¹⁸⁴ Because there is no extant manuscript that preserves the text of D in its entirety, one must resort to piecing together the text of D (or at least one of its recensions) from various manuscripts. These manuscripts include the two manuscripts of the Cairo Damascus Document (CD) and the relatively recently published 4QD Fragments.

¹⁸⁴ For a fuller discussion of the manuscript history, see, e.g.: J. M. Baumgarten, “Qumran Cave 4 XIII: The Damascus Document (4Q266–273),” in *DJD*, vol. 18 (Oxford: Clarendon Press, 1996), 1–7; Steven D. Fraade, *The Damascus Document*, *OCDSS* (Oxford: OUP, 2021), 1–5.

a. The contribution of the Cairo Damascus Document (CD) to D

In 1896, two incomplete medieval copies of what is now known as D were discovered in the genizah of a Karaite synagogue in Cairo, Egypt.¹⁸⁵ The first scholar to have access to these manuscripts was Solomon Schechter, who published them in 1910 under the title *Fragments of a Zadokite Work*.¹⁸⁶ Schechter designated the more complete manuscript as MS A and the second, shorter manuscript as MS B. On the basis of palaeography, he dated MS A to the tenth century CE and MS B to the eleventh or twelfth century CE.

As for the text itself, scholarly convention has been to divide MS A, a 16-column text, into two major sections based on subject matter. Because cols. 1–8 contain a mixture of exhortations for the community to continue in covenant faithfulness interspersed with warnings of impending judgment against the unfaithful,¹⁸⁷ this section of MS A is commonly referred to as the ‘Admonition(s)’. Cols. 9–16, on the other hand, which contain a collection of various legal rulings pertaining to the community, are commonly referred to as the ‘Laws’.

MS B, a much shorter manuscript relative to MS A, consists of only 2 columns of text, originally numbered 19 and 20 by Schechter. While most of the text of column 19 is parallel with the text of cols. 7–8 of MS A (notwithstanding some significant textual variation),¹⁸⁸ col. 20 contains additional text not found in MS A, and thus expands the Admonition(s) section. Due to both the discovery of MSS A and B in Cairo and the significance of ‘the land of Damascus’ in these texts (‘the land of Damascus’ was the provenance for the group’s ‘new covenant’),¹⁸⁹ MSS A and B became known in Western scholarship as the *Cairo Damascus (Document)*, or CD for short, and CD^A and CD^B respectively.¹⁹⁰ In Israeli scholarship, CD is more commonly referred to

¹⁸⁵ James C. VanderKam and Peter W. Flint, *The Meaning of the Dead Sea Scrolls: Their Significance for Understanding the Bible, Judaism, Jesus, and Christianity* (New York: HarperCollins, 2004), 215.

¹⁸⁶ See: Solomon Schechter, *Documents of Jewish Sectaries*, ed. Anan ben David, vol. 1 (Cambridge: CUP, 1910).

¹⁸⁷ E.g., warnings of judgment are given ‘against the congregation of traitors (עדת בוגדים)’ who are ‘the ones turning aside from the way (סרי דרך)’ (CD 1:12–13).

¹⁸⁸ Specifically, 19:1–34 of MS B runs parallel with 7:5–8:21 of MS A. As mentioned, the textual overlap is not perfect, however, and the textual differences between MS A and MS B have received much scholarly attention.

¹⁸⁹ See, e.g., CD 6:19; 8:21 (// 19:33–34); and 20:12.

¹⁹⁰ It should be noted that CD in the strict sense should only be used to refer to these MSS (MSS A and B). The term *Damascus Document* (D) should be the preferred term when one is referring to the DSS literary

as ‘The Scroll of the Damascus Covenant’ (מגילת ברית דמשק).¹⁹¹ Because of their well-preserved state (especially relative to the 4QD Fragments), CD^A and CD^B serve as the basis for reconstructing much of the text of D—in particular the Admonition(s) and a significant portion of the Laws.

b. The contribution of the 4QD Fragments to D

As early as 1911, Moses Segal suggested that the language of CD reflected that of other late Second Temple period works written in Hebrew.¹⁹² With the 1952 discovery of eight fragmentary scrolls among the horde of DSS material in Cave 4, Segal’s claim was substantiated. These DSS fragments, now known collectively as the 4QD Fragments, and individually as 4QD^{a-h} (4Q266–273), proved that CD was indeed a partial copy of a work that dated to the late Second Temple period and that was composed by the DSS community. This literary composition to which the 4QD fragments bore witness was the *Damascus Document* (D). Scholars immediately recognized the importance of the discovery of the 4QD Fragments and began to put forth theories about the text of D and what it had to say about the DSS community.¹⁹³

In addition to confirming that CD^A and CD^B were indeed accurate copies of a text that dated all the way back to the late Second Temple period,¹⁹⁴ the 4QD fragments also helped to

composition which is represented by the 4QD fragments and of which CD^A and CD^B are later, incomplete medieval copies.

¹⁹¹ Fraade, *The Damascus Document*, 4.

¹⁹² Segal wrote: ‘The language of the present work affords us...an excellent illustration of the character and style of the Hebrew original of such works as the Book of Jubilees, the Testaments of the Twelve Patriarchs, and even of the Apocalypses of Baruch and Ezra.’ See: M. H. Segal, “Notes on ‘Fragments of a Zadokite Work,’” *JQR* 2, no. 1 (1911): 140–41.

¹⁹³ Influential works on D (which include discussions on the implications of this document for understanding the Essenes) that were published prior to Baumgarten’s *editio princeps* of the 4QD fragments in DJD (1996) include: J. Murphy-O’Connor, “An Essene Missionary Document? CD 2:14-6:1,” *RB*, no. 77 (1970): 201–29; Jerome Murphy-O’Connor, “The ‘Damascus Document’ Revisited,” *RB* 92, no. 2 (1985): 223–46; Philip R. Davies, *The Damascus Covenant: An Interpretation of the “Damascus Document,”* JSOTSup (London: Bloomsbury Publishing Plc, 1983); Michael A. Knibb, *The Qumran Community*, CCWJCW 2 (Cambridge: CUP, 1987), 13–76.

¹⁹⁴ Baumgarten writes:

...the 4Q manuscript readings turn out to be, by and large, quite compatible with those of Text [i.e., MS] A. In the approximately 326 lines, complete or partial, which parallel the Genizah text there are less than thirty significant variants...Of the two major components of CD, the Admonition and the Laws, the latter especially has been treated with hesitancy by contemporary scholars, some even suggesting that it was not an integral part of CD. The 4Q manuscripts should decisively dispel any

solidify the order of the text of CD^A as follows: cols. 1–8; cols. 15–16; cols. 9–14.¹⁹⁵

Furthermore, the 4QD fragments also provided entirely new text not present in CD^A and CD^B, including: (1) an introduction and conclusion which served to frame the document and reveal at least one function of D to be its use in the annual covenant renewal ceremony which took place in the third month of the year;¹⁹⁶ (2) what is possibly the introduction to the Laws section of D; (3) a significant amount of legal material absent in CD; and, (4) an expanded form of the penal code.

In addition to aiding the reconstruction of the text of D, the discovery of the 4QD Fragments along with two other fragmentary copies of D in caves 5 and 6 (5QD = 5Q12 and 6QD = 6Q15, respectively) attested to the importance of this document for the DSS community.¹⁹⁷ Yet despite the obvious significance that D had for the DSS community, the historical circumstances surrounding its composition remain elusive. In an attempt to better understand this historical situation, many scholars have adopted a source-critical approach and focused on attempting to identify the various compositional layers of D.¹⁹⁸ Because scholars

such notion. In fact the essential character of the *Damascus Document* which is now emerging is that of an elaboration of laws (פרוש המשפטים) 4Q266 11 and 4Q270 7 ii), with a hortatory preface and conclusion.

See: Baumgarten, “Qumran Cave 4 XIII: The Damascus Document (4Q266–273),” 6–7.

¹⁹⁵ This reordering of the columns of CD^A had been suggested early on by Milik. See: J. T. Milik, “Milkî-sedeq et Milkî-reša’ dans les anciens écrits juifs et chrétiens,” *JJS*, no. 23 (1972): 151.

¹⁹⁶ This annual covenant renewal ceremony is also mentioned in Jubilees 6:17–19 and 1QS 1:16–2:25. For more on the connection between D and this covenant renewal ceremony, see, e.g.: Geza Vermès, *The Dead Sea Scrolls in English*, 4th ed. (Sheffield: Sheffield Academic Press, 1995), 96–97; Fraade, *The Damascus Document*, 10; Daniel Vainstub, “The Covenant Renewal Ceremony as the Main Function of Qumran,” *Religions* 12, no. 8 (2021).

¹⁹⁷ 5Q12 (= 5QD) provides a parallel with CD 9:7, while 6Q15 (=6QD) is parallel to CD 4:19–21; 5:13–14; 5:18–6:2; and 6:20–7:1. Since 5QD and 6QD do not contribute any new information to the establishment of the text of D, however, these two fragments will not be discussed further. Furthermore, it is worth noting that while 4Q265 (= 4Q Miscellaneous Rules) is sometimes included and/or associated with the 4QD Fragments, it is best to consider it as a separate document.

¹⁹⁸ See, e.g., the following publications which address this topic. It should be noted that this list is by no means exhaustive: Philip R. Davies, “The Textual Growth of the Damascus Document Revisited,” in *Is There a Text in This Cave?*, ed. Ariel Feldman, Charlotte Hempel, and Maria Cioatã, vol. 119, STDJ (Boston: Brill, 2017), 319–33; Davies, *The Damascus Covenant*; Stephen John Hultgren, *From the Damascus Covenant to the Covenant of the Community: Literary, Historical, and Theological Studies in the Dead Sea Scrolls*, vol. 66, STDJ (Leiden: Brill, 2007); Robert Warren Davis, “The History of the Composition of the ‘Damascus Document’ Statutes (CD 9–16 + 4QD)” (Doctoral Thesis, Harvard University, 1992); Knibb, *The Qumran Community*, 13–76.

adopting this approach have yet to put forth a convincing study to definitively resolve the matter, such an approach, while commendable, is of limited value for our present study—especially since no such attempt at isolating these various layers in an attempt to reconstruct the history of the DSS community will be made in this study. Rather, the study presented in this chapter is synchronic in nature and is focused on understanding D in its ‘final’ form—i.e., that form of D which can be pieced together from the extant manuscripts of CD and the 4QD Fragments.¹⁹⁹ As for the date of the composition of D, it seems best to place it in the late second century BCE or first quarter of the first century BCE.²⁰⁰

2. The literary structure of D

As noted above, the discovery and publication of the 4QD Fragments has enhanced our understanding of the structure of the text of D. While scholars disagree as to the precise point in the text where the division between the Admonitions and Laws is to be placed, the text can be structured according to the following table:

Table 1

I. Introduction	4QD ^a 1 a–b 1–5a
II. Admonitions	4QD ^a 1 a–b 5b–25 + CD 1:1–6:11a
III. Laws	CD 6:11b–8:21 (// CD 19:1–32) ²⁰¹ + CD 19:33–20:34

¹⁹⁹ While this ‘final’ form of D is admittedly a hypothetical one due to the necessity of reconstructing this form from the fragmentary 4QD texts, there is sufficient overlap and agreement between the text of CD and the text of the 4QD fragments themselves (fragments of an original recension of D!) to posit an original ‘final’ form of the text. By using the language of ‘final’ form, however, I do not intend to deny the presence of multiple recensions of this text, the existence of which is clear on the basis of the differences observed between CD^A and CD^B, e.g.

²⁰⁰ Baumgarten has dated 4QD^a (the earliest dated of the 4QD Fragments) on palaeographical grounds to ‘the first half or to the middle of the first century BCE’. Fraade suggests that since this was likely not the original composition, however, ‘some form of the text is likely to have been composed in the late second century/early first century BCE.’ Furthermore, it seems best to agree with Vermès, who suggests that the chronological data in D along with the lack of mention of the Kittim (= Romans) establishes a *terminus ante quem* of around 70 BCE. For these comments and a more in-depth discussion on dating, see: Baumgarten, “Qumran Cave 4 XIII: The Damascus Document (4Q266–273),” 26–30; Fraade, *The Damascus Document*, 4–5; Vermès, *The Dead Sea Scrolls in English*, 95.

²⁰¹ I have departed from the traditional division of CD, which considers CD 1:1–8:21 + 19:33–20:34 to all be part of the Admonition(s). Justification for my division of D in this way will be provided in my discussion of 6:11b ff.

	+ various 4QD fragments ²⁰² + CD 15:1–16:20 + CD 9:1–14:18a
IV. Penal Code	CD 14:18b–22 (// 4QD ^a 10 I, 11–14) + 4QD ^a 10 II, 1–15 (// 4QD ^c 7 I, 1–6) + 4QD ^c 7 I, 6–15 + 4QD ^a 11 1–20 (// 4QD ^c 7 I 16–II 14)

Significantly, this structure bears a remarkable correspondence to that of the biblical book of Deuteronomy, as scholars have long noted. Writing in 1951, Segal noted the following similarity between the overall structure of CD and Deuteronomy:

In evident imitation of the Book of Deuteronomy, the work consisted of two parts, a hortatory and a legal section. The first part contained a mixture of historical reminiscences with violent polemics and invective against opponents, admonitions to the faithful and threats of punishment for the deserters. The second part contained a fairly comprehensive legislation for the civil and religious life of the community and its organization as a self-contained autonomous corporate body.²⁰³

It is important to note that Segal’s observation was in regard to the text of CD alone, and therefore lacked the Preamble/Introduction and the Penal Code/Sanctions to D, since the 4QD Fragments were unknown at the time of Segal’s publication.

More recently, scholars have noted similarities between D and Deuteronomy on a more particular level. Fraade, e.g., has noted the following similarities: (1) D’s frequent use of the call to ‘listen’ (שמעו) is ‘possibly modeled after Deuteronomy’; (2) D’s ‘topical groupings of laws, in particular with respect to matters of jurisprudence and governance’ follows the model in Deuteronomy; and, (3) D’s ‘combining of legal and narrative (including historical and eschatological) modes of discourse’ follows ‘closely’ after the pattern of Deuteronomy.²⁰⁴

While scholars have noted such correspondences between D and Deuteronomy, they have generally stopped short of claiming that D was intentionally modeled after Deuteronomy in another way—namely, in its organization and conscious presentation as a covenant (renewal)

²⁰² For a more detailed arrangement of what I have labeled here ‘various 4QD fragments,’ see the table provided by Baumgarten, which presents as likely of an arrangement of the additional legal material provided by these fragments as any. See: Baumgarten, 4–5.

²⁰³ See: M. H. Segal, “The Habakkuk ‘Commentary’ and the Damascus Fragments (A Historical Study),” *JBL* 70, no. 2 (1951): 140.

²⁰⁴ See: Fraade, *The Damascus Document*, 10, 17, 91.

document.²⁰⁵ Yet a comparison of the overall structure of Deuteronomy and D points in this direction, as indicated by following table.

Table 2

	Deuteronomy	Damascus Document (D)
I. Preamble (= Introduction) ²⁰⁶	1:1–5	4QD ^a 1 a–b 1–5a
II. Historical Prologue (= Admonitions)	1:6–3:29 ²⁰⁷	4QD ^a 1 a–b 5b–25 + CD 1:1–6:11a
III. Stipulations (= Laws)	4:1–26:19	CD 6:11b–8:21 (// CD 19:1–32) + CD 19:33–20:34 + various 4QD fragments + CD 15:1–16:20 + CD 9:1–14:18a
IV. Sanctions (= Penal Code)	27:1–30:20	CD 14:18b–22 (// 4QD ^a 10 I, 11–14) + 4QD ^a 10 II, 1–15 (// 4QD ^e 7 I, 1–6) + 4QD ^e 7 I, 6–15 + 4QD ^a 11 1–20 (// 4QD ^e 7 I 16–II 14)
V. Succession Arrangements/ Covenant Continuity	31:1–34:12	N/A ²⁰⁸

²⁰⁵ Davies, who himself follows Baltzer, perhaps comes closest to this suggestion in his recognition of ‘the covenant-formulary model for the structure of the *Admonition*.’ Yet my argument here pertains to the entire document of D, and not to the Admonition(s) section alone. Fraade suggests that D was ‘an anthology that was drawn upon so as to provide performative “scripts”...for the annual covenant-renewal ceremony.’ To my knowledge, however, nowhere does he explicitly refer to the *literary* form of D or Deuteronomy as a covenant (renewal) document. See: Davies, *The Damascus Covenant*, 48–55; Steven D. Fraade, “Ancient Jewish Law and Narrative in Comparative Perspective: The Damascus Document And The Mishnah,” in *Legal Fictions*, vol. 147, Supplements to the Journal for the Study of Judaism (2011): 238.

²⁰⁶ The terms in this table in the left column as well as the verse divisions in Deuteronomy follow Meredith Kline’s rendering. (The terms in parentheses in the left column refer to the commonly used terms in scholarship to describe the different sections of D.) Where I have deviated from Kline, an explanation is given in a footnote. See: Meredith G. Kline, *Treaty of the Great King: The Covenant Structure of Deuteronomy: Studies and Commentary* (Grand Rapids, MI: Eerdmans, 1963), 28, 121.

²⁰⁷ Whereas Kline extends the historical prologue of Deuteronomy to 4:49, it seems better to accept Kitchen’s delineation of this unit, which is 1:6–3:29, since Deut 4:1 seems to clearly introduce the stipulations section of Deuteronomy with the call to listen ‘to the decrees and to the judgments’ (אל הקים ואל המשפטים). See: Kline, *Treaty of the Great King*, 58–61; Kenneth A. Kitchen, “The Fall and Rise of Covenant, Law and Treaty,” *TynBul* 40, no. 1 (1989): 124.

²⁰⁸ This final section has no formal correspondence in D. One possible explanation for this is that D is presented as ‘the final interpretation of the law’ (המדרש התורה האחרון) (4QD^e 7 II, 15) and therefore was understood to be the final covenant (renewal) before the coming of ‘the Messiah of Aaron and of Israel’.

As suggested by the table above, if one accepts that Deuteronomy itself is structured as a covenant (renewal) document,²⁰⁹ it seems highly likely that not only did the author(s) of D consciously choose to follow the structure of Deuteronomy, but also that in doing so was the express desire to present D as a covenant (renewal) document in this same vein.²¹⁰ As will be discussed in more detail later, this observation is corroborated by D's consistent description of the 'new covenant' as 'the new covenant *in the land of Damascus* (בארץ דמשק)', which neatly reflects Deuteronomy's presentation of its covenant as one that was made 'in the land of Moab' (בארץ מואב) and which was distinct from yet related to the covenant that was made at Horeb/Sinai (Deut 28:69 [Eng 29:1]).

3. The concept of covenant in D

Each of these four sections of D listed in the tables above will be discussed in greater detail here. A summary overview of each section will be given in order to establish the context, after which a detailed discussion of covenant will be presented.

²⁰⁹ It should be acknowledged that scholarship is divided on this issue. While I find the arguments of Mendenhall, Kline, and Kitchen convincing, other scholars remain doubtful. A brief history of the two streams of scholarship on this issue is given here. George Mendenhall's articles "Ancient Oriental and Biblical Law" and "Covenant Forms in Israelite Tradition"—both published in 1954 and combined into a single book and reprinted the following year as *Law and Covenant in Israel and the Ancient Near East*—are generally regarded as the spring from which a stream of scholarship emerged that countered Wellhausen's view of biblical covenant as a late and artificial construct. See: George E. Mendenhall, "Ancient Oriental and Biblical Law," *BA* 17, no. 2 (1954): 26–46; George E. Mendenhall, "Covenant Forms in Israelite Tradition," *BA* 17, no. 3 (1954): 50–76. The latter and more influential of these articles was a form-critical study highlighting the many similarities between Hittite treaties from 1450–1200 BCE and biblical covenant. Building on Mendenhall's work, Kline argued that Deuteronomy is 'a covenant renewal document which in its total structure exhibits the classic legal form of the suzerainty treaties of the Mosaic age.' See: Kline, *Treaty of the Great King*. While some German and British scholars were quick to mount a defense of Wellhausen's view—see: Lothar Perlitt, *Bundestheologie im Alten Testament*, WMANT 36 (Neukirchen Vluyn: Neukirchener Verl, 1969); Ernst Kutsch, *Verheissung Und Gesetz*, BZAW 131 (Berlin: Walter de Gruyter, 1973); and Ernest W. Nicholson, *God and His People: Covenant and Theology in the Old Testament* (Oxford: Clarendon Press, 1986)—, the matter has not been decided in a decisive manner, and scholarly literature is filled with arguments on both sides of the issue, as demonstrated by recent historical reviews of scholarship. For two such reviews, see: Scott W. Hahn, "Covenant in the Old and New Testaments: Some Current Research (1994-2004)," *CurBR* 3, no. 2 (April 1, 2005): 263–92; Kitchen, "The Fall and Rise of Covenant, Law and Treaty," 118–35.

²¹⁰ Whether or not one ultimately accepts that the structure of Deuteronomy and D reflects that of a covenant renewal document, it seems clear that the function of D was its use in the covenant renewal ceremony of the DSS community. As mentioned above, Fraade, who does not go as far to claim that the structure of D itself reflects that of a covenant renewal document, does suggest that one of the main functions of D was its recitation at the annual covenant renewal ceremony. See: Fraade, *The Damascus Document*, 10. See also: Vainstub, "The Covenant Renewal Ceremony as the Main Function of Qumran."

a. Introduction/Preamble to D: 4QD^a 1 a–b 1–5

The Introduction/Preamble to D is absent in CD^A and must be supplied by 4QD^a 1 a–b 1–5a. While much of the text in this section of 4QD^a is missing, enough text is discernible to reveal that the purpose of D was to instruct the ‘[so]ns of light to separate from the way[s of wickedness] until the completion of the appointed time’ (4QD^a 1 a–b 1–2), a point at which God’s judgment will occur.²¹¹

While the word ‘covenant’ does not appear in these opening lines of D, two observations are important to note, nonetheless. First, the third-person point of view appears throughout 4QD^a 1 a–b 1–5a. Beginning in 4QD^a 1 a–b 5b, however, there is a shift to the first-person. This same shift from third-person to first-person is also observed between Deut 1:1–5 and 1:6. Because the third-person is typically used in the Preamble of a covenant document, the designation of 4QD^a 1 a–b 1–5a as the Preamble of D (and Deut 1:1–5 as the Preamble of Deuteronomy, for that matter) seems well justified.²¹²

²¹¹ Due to the fragmentary nature of 4QD^a, the opening line of D requires restoration. Scholars have offered a number of different restorations, including the following:

(1) ‘[And these are the words for the Maskil to the So]ns of Light... (...ואלה הדברים למשכיל לכול ב[ני אור... (Qimron). This restoration reflects the opening words of Deuteronomy (אלה הדברים) and thus comports well with my suggestion that D is modeled after Deuteronomy. I follow Qimron’s restoration as cited in: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 31–32.

(2) ‘[The elaboration/exact nature of the laws by the Sage for the s]ons of light...’ (...פרוש המשפטים [ני אור... (למשכיל לב)) (Baumgarten and Fraade). This restoration is based on both a comparison with the introduction of 4QS^d—an introduction in which the nature of the work is listed (מדרש) along with the title of the teacher (למשכיל) and audience (על אנשי התורה המתנדבים)—and the practice of referring to titles of a work in both the introduction and conclusion (see 4QD^a 11 18 // 4QD^e 7 II, 12; cf. also 4QMMT and Jubilees). See: Fraade, *The Damascus Document*, 24; Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 31–32.

(3) ‘[The final interpretation of the Torah for the s]ons of light...’ (...[מדרש התורה האחרון ל]ני אור...) (Stegemann). Similar to Baumgarten’s reasoning, Stegemann bases this restoration on the practice of repeating a work’s title at the very end of the work. Stegemann’s restoration accurately reflects the very end of D as it appears in 4QD^a 11 20–21 (// 4QD^e 7 II, 15). See: Hartmut Stegemann, “Some Remarks to ‘1QSa’, to ‘1Qsb’, and to Qumran Messianism,” *RevQ* 17, no. 1/4 (65/68) (1996): 495.

(4) ‘[For the Maskil. To instruct and to teach all the So]ns of Light... (...למשכיל להבין וללמד את כול בני אור... (למשכיל להבין)). This restoration is yet another possibility and reflects the introduction to the so-called ‘Treatise on the Two Spirits’ in 1QS 3:13–4:26.

As each of the above restorations has some justification, it seems best to leave the opening words of D as a matter of speculation.

²¹² See also: Baumgarten, 31–33; Kline, *Treaty of the Great King*, 50–51.

Second, the phrase ‘until the completion of ^{the} appointed time’ (עד תום הַמוֹעֵד פְּקוּדָה) is a clear example of eschatological and dispensational language.²¹³ In his commentary on this lemma, Steven Fraade writes: ‘The present, final, evil period of history is rapidly coming to its imminent, pre-ordained conclusion.’²¹⁴ Indeed, such a ‘dispensational’ view is presented throughout D, as we will see, and is important to keep in mind as it helps inform our understanding of both the function and duration of D’s ‘new covenant’.

b. Admonition(s)/Historical Prologue of D: 4QD^a f1a–b:5–25 + 4QD^a 2 I, 1–6 + CD 1:1–6:11a

Following the Introduction/Preamble of D is a section that scholars commonly refer to as the ‘Admonition(s)’. In this section, exhortations to the faithful are interspersed with warnings of impending judgment on the unfaithful. Significantly, these exhortations and warnings draw on examples both from Israel’s more ancient history as well as the more recently transpired history that pertains to the origins of the DSS community itself. This recitation of past history as a means to both exhort and warn the present community bears clear similarities with the historical prologue of Deuteronomy and other ANE covenant documents, an observation that supports the idea that this section was consciously written as the Historical Prologue of D.²¹⁵ The major structural device in this section is the address, ‘And now listen to me’ (ועתה שמעו (א) לי), which introduces each of the four admonitions as shown in the table below:²¹⁶

²¹³ I use the term ‘dispensation’ in its theological sense, i.e., referring to a divinely appointed period in history. It is worth noting here that such dispensational language is not unique to D, but found throughout the DSS. Furthermore, it seems clear that this understanding in D stands in line with Jubilees, a work valued by the DSS community as evidenced by the large number of copies of this work found among the DSS fragments.

²¹⁴ Fraade, *The Damascus Document*, 24.

²¹⁵ Similarly, Fraade groups 2:14–6:11 as one unit of text under the title ‘Reflections on History’. See: Fraade, *The Damascus Document*, 36–54. Yet it is clear that the previous admonitions also contain historical ‘reflections’ as well. Davies, e.g., refers to CD 1:1–4:12a as ‘History’. See: Davies, *The Damascus Covenant*, 56. Yet because Davies was writing before Baumgarten’s publication of the 4QD Fragments, he has left the first admonition (4QD^a 1 a–b, 5–25 [// 4QD^b I 1–8] + 4QD^a 2 I, 1–6 [// 4QD^c 1 5–8]) out of the discussion. Furthermore, for reasons that will be discussed below, it seems best to extend Davies’s ‘history’ section beyond 4:12a and to include the text up to 6:11a.

²¹⁶ See: 4QD^a 1 a–b 5; CD 1:1; 2:2; 2:14.

Table 3

First Admonition	4QD ^a 1 a–b, 5–25 (// 4QD ^b 1 1–8) + 4QD ^a 2 I, 1–6 (// 4QD ^c 1 5–8)	ועתה שמעו לי ²¹⁷
Second Admonition	CD 1:1–2:1	ועתה שמעו לי ²¹⁸
Third Admonition	CD 2:2–13	ועתה שמעו אלי
Fourth Admonition	CD 2:14–6:11	ועתה...שמעו לי

In addition to beginning with this standard introductory phrase, each admonition ends with a pronouncement of judgment on the wicked as contrasted with a promise of God’s favor toward and/or preservation of the righteous. Each of these four admonitions will be discussed in greater detail below. A summary of each admonition will be given first, followed by a more detailed discussion of points pertinent to our understanding of covenant in D.

(1) First Admonition (4QD^a 1 a–b 5–25 [// 4QD^b 1 I, 1–8] + 4QD^a 2 I, 1–6 [// 4QD^c 1 1–8])

Summary of First Admonition

The first admonition of D, which is absent in CD^A, is provided by 4QD^a f1a–b:5–25 (// 4QD^b 1 I, 1–8) + 4QD^a 2 I, 1–6 (// 4QD^c 1 5–8).²¹⁹ While fragmentary, the basic message of this opening admonition can be grasped: Whereas God ‘has established [appointed times] of favor’ (4QD^c 1 6 [// 4QD^a 2 I, 4]) for the faithful—described here as ‘those who seek His commands’

²¹⁷ The inclusion of 4QD^a 1 a–b 5 in this list is based on Baumgarten’s reconstruction of the text, which seems likely despite the presence of only the final two letters of this address. It is worth noting that Deuteronomy also contains a fourfold call for Israel to ‘listen’ (שמע; see Deuteronomy 4:1; 5:1; 6:4; and 9:1). (In the case of Deuteronomy, however, this fourfold call is found in the Stipulations section rather than the Historical Prologue section of the covenant document.) See: Baumgarten, 31–33.

²¹⁸ While the reading in CD 1:1 lacks the prepositional phrase לי, it is present in the earlier manuscript of 4QD^c 1 9, and thus I have included it here.

²¹⁹ While Fraade presents 4QD^a 1 a–b 5–25 (// 4QD^b 1 I, 1–8) and 4QD^a 2 I, 1–6 (// 4QD^b 1 I, 1–8) as two separate admonitions, it seems better to include them as part of the same admonition for the following reason. 4QD^b 1 1–8, a text that runs parallel to 4QD^a 1 a–b 19–25, shows that the final lines of 4QD^a 1 a–b 5–25 almost certainly would have continued with the phrase כול בשר ובר[יאה] (‘all flesh and creation’). Since the latter two words from this phrase, בשר ובריא, likely appear at the beginning of 4QD^a 2 I, 1–6 (see, e.g., Abegg’s restoration of this text), and there is no indication of either a conclusion to the first admonition or the beginning of a second admonition in this line or subsequent lines (i.e., 4QD^a 2 I, 1–6)—e.g., the phrase שמעו (...) ועתה, which serves to introduce other admonitions in D, is absent in the extant text that of 4QD^a 2 I, 1–6 (// 4QD^b 1 I, 1–8)—it seems best to consider 4QD^a 1 a–b 5–25 (// 4QD^b 1 I, 1–8) and 4QD^a 2 I, 1–6 (// 4QD^b 1 I, 1–8) as one continuous section. Furthermore, the content in 4QD^a 2 I, 1–6 (// 4QD^b 1 I, 1–8) deals with judgment on the wicked juxtaposed with favor shown to the righteous. This theme serves to conclude each of the other admonitions in D as well. Thus, it seems appropriate to regard 4QD^a 2 I, 1–6 (// 4QD^b 1 I, 1–8) as a continuation of and the conclusion to the admonition that began in 4QD^a 1 a–b 5–25 (// 4QD^b 1 I, 1–8) rather than a separate admonition. Cf. Fraade, *The Damascus Document*, 25–28.

(דורשי מצוותיו) and '[those who walk in perfection] (on the) path' (הולכים בתמים [דרך]) (4QD^c 1 5–6)—, He has decreed certain judgment for all others.

Covenant in First Admonition

While the term 'covenant' (ברית) does not appear in this section (at least not in the extant text), the Mosaic covenant looms in the background of the entire admonition. There are references to 'the voice of Moses' (4QD^a 1 a–b 16), the 'the commandments of God' (מצות אל) (4QD^a 1 a–b 17), and 'His [i.e., God's] commandments' (מצוותיו) [4QD^a II i 4]), all of which point to the Mosaic covenant.²²⁰ Furthermore, the statement '...He (i.e., God) commanded by the hand of Moses' (צוה ביד מושה) (4QD^a 1 a–b 9; 1 c 2) appears twice. While the fragmentary nature of the text at these points leads to an uncertainty regarding the surrounding text, these two statements almost certainly allude to the Mosaic covenant as well.²²¹

In addition to the Mosaic covenant, it is also worth pointing out the use of language of divine revelation (see, e.g., 4QD^a 1 a–b 6–7; 2 I, 5–6). A consistent theme that runs throughout D is that the DSS community envisioned itself as the only true enlightened recipients of and adherents to the Mosaic Torah. The use of this same kind of language here in the first admonition suggests that this theme was presented from the very outset of D.

(2) Second Admonition (CD 1:1–2:1)

Summary of Second Admonition

In light of the 4QD Fragments, CD 1:1–2:1 stands as the second admonition of D rather than the first.²²² As with the first admonition discussed above, this admonition opens with the phrase, 'And now listen to me...' (ועתה שמעו לי...).²²³ In this second admonition, 'all those who know justice and understand the actions of God,' are addressed. The reason for this call to attention is supplied in statement that immediately follows: 'for He [God] has a dispute with all

²²⁰ Fraade notes, 'For a relatively short passage Moses's name is invoked twice, once as the intermediary and once as the very voice through which God's commandments are delivered.' See: Fraade, 27.

²²¹ Fraade notes that this expression is 'a common biblical idiom, denoting Moses' intermediary agency in revelation.' See: Fraade, 26.

²²² For the parallel readings in the 4QD Fragments, see: 4QD^a 2 I, 6 – II and 4QD^c 1 I, 9–17.

²²³ The phrase 'to me' (לי), absent in CD 1:1, is supplied by the parallel reading in 4QD^c 1, 9.

flesh and will carry out judgment on all who spurn him' (CD 1:1–2). As in the first admonition, this introduction to the second admonition clearly presents the theme of God's distinction between the righteous and the wicked, with impending judgment awaiting the latter.

Following this introduction in CD 1:1–2, the righteous and wicked are discussed in 1:3–2:1. After beginning with a brief mention of God's destruction of the unfaithful along with the First Temple in 1:3—a destruction which is to serve as a clear warning for the unfaithful of the present day—, the discussion moves to consider the more recent history of the faithful in 1:4b–11.²²⁴ God, on the basis of 'his remembering the covenant of the former ones' (בזכרו ברית), spared a righteous remnant from 'complete destruction' (כלה) at the hands of Nebuchadnezzar (1:4b–6). While not explicit here, it is clear from later, parallel historical reviews presented in D that the remnant in view here is to be equated with those who were exiled in Babylon and who subsequently returned to the land of Judah.²²⁵ Some three hundred and ninety years following Nebuchadnezzar's destruction of the First Temple, a 'root of planting' (שורש מטעה) 'sprouted from Israel and from Aaron to possess His [i.e., God's] land' (1:7–8).²²⁶ While this 'root of planting' was initially without direction, God raised up for them a 'teacher of righteousness' (מורה צדק) twenty years later because the community 'sought Him (i.e., God) with their whole heart' (1:10–11). It was this teacher who made known to the community God's plans for future generations, including God's plan for the 'congregation of traitors' (עדת בוגדים) (CD 1:11b–12), whose identity and fate is the subject of the remainder of this admonition (1:13–2:1).

Covenant in Second Admonition

This second admonition contains several significant references to covenant. In 1:4, God's remembering of the 'covenant of the first ones' (ברית ראשונים) is mentioned as the basis for the

²²⁴ God's destruction of the unfaithful and First Temple was by means of Nebuchadnezzar, as 1:6 makes clear.

²²⁵ See Table 3 below for a comparison of the parallel accounts of the historical origins of the community. It is perhaps worth noting here that three waves of return from the Babylonian Exile are mentioned in the HB: (1) the return under Zerubbabel around 538 BCE (see, e.g., 2 Chr 36:22–23; Ezra 1–2); (2) the return under Ezra the priest around 458 BCE (Ezra 7–8); and (3) the return around 445 BCE under Nehemiah (Neh 1–5; esp. 5:17).

²²⁶ While many scholars have suggested that the reference to '390 years' (1:5–6) should not be understood literally, the additional reference to 'twenty years' of waiting (1:10) seems to clearly argue against a symbolic interpretation. On another note, it is worth mentioning here that the phrase 'from Aaron' likely indicates the priestly makeup of the community, while 'from Israel' denotes the non-priestly members of the community.

sparing of a remnant in the wake of Nebuchadnezzar's destruction of the First Temple.²²⁷ Several observations suggest that the term ברית ראשנים refers to the Abrahamic covenant.²²⁸ First, it seems clear that the term ברית ראשנים is an allusion to Lev 26:45,²²⁹ a verse in which ברית ראשנים almost certainly refers to the Abrahamic covenant.²³⁰ Second, God's remembrance of the

²²⁷ I follow Fraade's more literal translation here. The meaning of 'former ones' (i.e., ancestors) seems likely (see BDB, s.v. רָשָׁאון n. 1a). See: Fraade, 29–30.

²²⁸ Raymond Collins offers an extensive discussion of the different terms used to refer to covenants in CD, a discussion which is worth summarizing here. Collins identifies three distinct covenants that appear in CD: 'the covenant of the Patriarchs', 'the covenant of Sinai', and 'the covenant of Damascus'. Collins thoroughly discusses the various names by which each of these three covenants is called as well as the themes that are associated with each covenant. E.g., Collins suggests that the covenant of the Patriarchs is also referred to as: 'the covenant of the forefathers' (ברית ראשנים) (CD 1:4; 6:2); 'the covenant of the fathers' (ברית (ה)אבות) (CD 8:18; 19:31); and 'the covenant of Abraham' (ברית אברהם) (CD 12:11). Themes/vocabulary associated with this covenant are, e.g., 'friend' (אֹהֶב) (CD 3:2–4), 'possessors of the covenant' (בעלי ברית) and the eternity of the covenant—see, e.g., 'a covenant forever' (ברית לעולם) in CD 3:4.

The covenant of Sinai, on the other hand, a covenant between YHWH and Israel and that was mediated by Moses, is described in the following terms: 'the covenant which Moses made with Israel' (כרת משה עם ישראל ברית) (CD 15:9); 'his covenant with Israel' (בריתו לישראל) (CD 3:13); 'the covenant with all Israel' (ברית / בברית לכל ישראל) (ועם כל ישראל) (CD 15:5; 16:1). Furthermore, Collins notes that all CD texts which include the term תורה ('Torah') should be considered allusions to the Sinaitic covenant, thus: CD 4:8; 5:2, 7; 6:4, 7, 14; 7:7, 8, 15, 18; 9:17; 13:5, 6; 14:8; 15:2, 9, 12, 13; 16:2, 5, 8, 9; 19:3,4; 20:6, 10, 13, 25, 28.

The covenant of Damascus is usually referred to as 'the new covenant in the land of Damascus' (הברית (החדשה בארץ דמשק) (CD 6:19; 8:21; 19:33). Significantly, in 20:12, it is referred to as 'the covenant and the faith-pact which they established in the land of Damascus' (בברית נאמנה אשר קימו בארץ דמשק). This covenant is also referred to as 'the covenant of God' (ברית אל) (CD 3:11; 5:12; 7:5; 13:14; 14:2; 20:12, 17; 6Q 5:5); '(the) covenant' ((ה)ברית) (1:18, 20; 2:2; 4:9; 6:11; 9:3; 10:6; 15:2, 3, 5, 6, 8; 16:12; 19:1, 13; 20:25, 29); 'his [i.e., God's] covenant' (בריתו) (1:17; 3:13; 8:1; 19:14); and, 'a covenant of repentance' (ברית תשובה) (19:16). See: Raymond F. Collins, "The Berith-Notion of the Cairo Damascus Covenant and Its Comparison with the New Testament," *ETL* 39, no. 3 (1963): 556–62. For the alternate view that this covenant refers to the Mosaic covenant, see, e.g., Fraade, 30.

²²⁹ The only other occurrence of the term ברית ראשנים in the HB appears in Lev 26:45, an observation which suggests the same covenant is in view here. Furthermore, later in this second admonition the phrase ברית נקם נקמת נקם appears—an almost certain citation of/allusion to Lev 26:25. Taken together with the term ברית ראשנים, it seems that Lev 26 was of much importance in D. See: Fraade, *The Damascus Document*, 32.

²³⁰ See, e.g.: Gordon J. Wenham, *The Book of Leviticus*, NICOT (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1979), 332. That Lev 26:45 refers to the Abrahamic covenant seems clear for at least two reasons. First, Lev 26:42–45 exhibits a chiasmic structure in which ברית ראשנים in v. 45 is parallel with the covenant mentioned in v. 42. This covenant in 26:42 is described as the covenant that God 'will remember' while the Israelites are in exile and is clearly spelled out as 'my [i.e., God's] covenant with Jacob, and also my covenant with Isaac, and also my covenant with Abraham' (את בריתי יעקב ואף את בריתי יצחק ואף את בריתי אברהם). (Interestingly, while Jacob Milgrom points out this chiasm, he argues that the ברית ראשנים refers to the Mosaic covenant nonetheless. See: Jacob Milgrom, *Leviticus 23-27: A New Translation, with Introduction and Commentary*, AB 3 (London: YUP, 2001), 2334–41. The center of the chiasm, vv. 43–44, makes the point that although Israel is guilty of sin and rejecting God's statutes, God would not reject them or break his covenant with them. To suddenly introduce a new covenant (the Mosaic covenant) into the discussion here seems unlikely. Second, the inimical tone and actions of God in response to the people's disobedience to the Mosaic covenant that runs throughout Lev 26 makes it unlikely the Mosaic covenant serves as the basis for God's remembrance that would bring about the positive action of deliverance restated in Lev 26:45. Third, it is God's remembrance of the Abrahamic covenant that led to his

Abrahamic covenant as the basis of his future mercy upon Israel is a prominent theme in the HB, the primary source from which the author(s) of D drew. Perhaps of most relevance for our discussion here is Deut 4:30–31,²³¹ verses that describe God’s response to Israel’s repentance ‘in the last days’ (באהרית הימים), a time in which the DSS community considered it was living (CD 4:4):

In your distress, and when all these things find you out *in the last days* (באהרית הימים), you will return to YHWH your God, and you will listen to his voice. For YHWH your God is a God of compassion; He will not abandon you, and He will not ruin you, and He will not forget *the covenant of your fathers that He swore to them* (ברית אבתיך אשר נשבע להם).²³²

Third, as will be demonstrated in our discussion of the subsequent admonitions in D, the Abrahamic covenant is mentioned several other times in D, often in association with the faithful of the DSS community.

Three additional occurrences of the term ברית appear in 1:11b–2:1, the concluding section of the second admonition that discusses the most recent historical example of God’s wrath being poured out upon the wicked—namely, the ‘congregation of traitors’ (עדת בוגדים). It seems clear that while this group had initially belonged to the remnant mentioned in 1:4–6, it was subsequently led astray by the ‘man of scorning’ (איש הלצון) (1:12–15). In being led astray, ‘they transgressed (the) covenant’ (ויעבירו ברית), which resulted in ‘the curses of His [i.e., God’s] covenant’ (אלות בריתו) clinging to them and their being delivered over ‘to the sword which avenges with the vengeance of the covenant’ (להרב נקמת נקם ברית) (1:17–2:1). In each of these three occurrences of the term ברית, it seems clear that the ‘covenant’ in view is the Mosaic covenant. The phrase ‘curses of His covenant’ (אלות בריתו) is likely derived from Deut 29:20 and recalls the curses for violation of the Mosaic covenant outlined in Deut 28:15–69, while the

deliverance of the Israelites from their slavery in Egypt (Exod 2:24). It seems likely that Lev 26:45 is recalling this very deliverance.

²³¹ Also worth mentioning are Psalms 105 and 106, each of which gives God’s remembrance of the Abrahamic covenant as the basis for God’s mercy and deliverance (see 105:8–11, 42–45; 106:44–46). In the case of Psalm 106, God’s remembrance of the Abrahamic covenant forms the basis of his mercy and deliverance not only from Egypt (106:4–12, 45), the main subject of Psalm 105, but also throughout Israel’s subsequent history of rebellion which led to exile. The call for God to ‘save us...and gather us from the nations’ (הושיענו...וקבצנו מן הגוים) (106:47) suggests this psalm was composed in an exilic or post-exilic context, which gets us closer to the time of D’s composition.

²³² Translation and italics mine.

phrase ‘the sword which avenges with the vengeance of the covenant’ is a citation of Lev 26:25, a verse that occurs in the midst of Leviticus’s version of these curses in Lev 26:14–39.²³³

It is significant to note that the rebellion and subsequent punishment received by this ‘congregation of traitors’ is presented as having already occurred from the perspective of the author(s) of D.²³⁴ Because this judgment had already transpired, the ‘congregation of traitors’ should be distinguished from a second group of unfaithful Israelites that is discussed later in D—namely, those who had entered ‘the new covenant in the land of Damascus’ (6:19) but had not remained faithful to this covenant (8:1–2).²³⁵ Whereas the ‘congregation of traitors’ were contemporaries with the Teacher of Righteousness (a figure who had passed away in a previous generation [19:35]), those who had rejected ‘the new covenant in the land of Damascus’ were of a later generation and contemporaries with the author(s) of D.²³⁶ For this latter group of unfaithful Israelites, though God’s judgment had yet to arrive, the fate of the ‘congregation of traitors’ served as a clear example of the judgment that awaited them.²³⁷

Just as it is important to distinguish between the ‘congregation of traitors’ of a previous generation and those who rebelled against ‘the new covenant in the land of Damascus’ of the present generation, it is important to distinguish between the covenant presented in 1:11b–2:1 and ‘the new covenant in the land of Damascus’ which is presented later in D. While both covenants are referred to as ברית (‘[the] covenant’), it seems clear that in the wider context of D,

²³³ Fraade, *The Damascus Document*, 32, 74.

²³⁴ Note the use of the Qal perfect (דרשו) followed by *wayyiqtol* verb forms (...ויצפּוּ, ויבּהּרוּ) in 1:18ff, concluding with the final *wayyiqtol* verb ויחר in 1:21, which concludes the section with the statement that God’s anger ‘was kindled’, resulting in the destruction (להשמ) of the congregation of traitors. Furthermore, עשה in 1:12 can be read as a perfect or as a ptc. If the former, this too suggests that God has already acted against this congregation of traitors.

²³⁵ The term עדה בוגדים occurs in D only in 1:12 (// 4QD^a II 1, 16). The term ‘traitors’ (בוגדים) occurs only once more in D, where it is found in the expression ‘the way of the traitors’ (דרך בוגדים) (CD 8:5//19:17). Yet here, it seems clear that a (chronologically) later group of unfaithful Israelites is in view. The term ‘traitors’ (בוגדים) appears relatively few times in the wider DSS corpus. See: 1QpHab 2:1; 5:8; 1QH^a 10:12; 4Q439 frag. I 1 + 2:8.

²³⁶ See, e.g.: Fraade, *The Damascus Document*, 32.

²³⁷ Note the use of the imperfect forms in CD 8:1–4 in reference to this group (...יהלוּ...תשפּוּך...יפקד...יחזיקו). The statement that 8:4–5 that ‘they have not departed from the way of traitors’ (לא טרו מדרך בוגדים) is best understood as making the point that this present-day group of unfaithful who had recently departed from ‘new covenant in the land of Damascus’ were following down the same road of rebellion as the ‘congregation of traitors’ had in a previous generation and could therefore expect the same judgment.

the violation of the Mosaic covenant presented in 1:11b–2:1 provides the *raison d'être* for ‘the new covenant in the land of Damascus’.

One final observation pertaining to covenant that is important to note in this second admonition is the use of dispensational language. In CD 1:5–8, the origins of the DSS community are traced to the ‘period of wrath’ (קץ חרון).²³⁸ This term appears only once more in D near the very end of the document, where it is stated that the teaching set forth in D is to function ‘throughout the entire period of wrath’ (בכל קצי החרון) (4QD^a 11 18–21 [//4QD^e 7 II, 12–15]). Based on D’s frequent exhortation to the community to remain faithful to the covenant ‘throughout the (entire) period of wickedness’ (ב[כל] קץ הרש[י]ע) (see, e.g., CD 6:10–11; 12:23; 14:19), it seems clear that the ‘period(s) of wrath’ is to be equated with the ‘period of wickedness’. While the significance of such dispensational language for ‘the new covenant of the land of Damascus’ will be discussed later on, for now it will suffice to note that this ‘period of wrath’ and/or ‘period of wickedness’ is consistently anticipated as coming to an end throughout D (see, e.g., CD 6:10–11; 12:23; 14:19).

(3) Third Admonition (2:2–13)

Summary of Third Admonition

The third admonition in D runs from CD 2:2–13 and is addressed to ‘all who have entered into the covenant’ (i.e., ‘all covenant members’) (כל באי ברית) (2:2).²³⁹ As with the previous two admonitions, a major theme of the third admonition is the distinction that God makes between the righteous and the wicked. In comparison to the second admonition, however, this third admonition is more general in its discussion of the righteous and wicked. While God is

²³⁸ The reading קץ חרון is also attested in the parallel reading of 4QD^a 2 I, 3. Cf. 4QD^e 1, 5, which reads קצי ה[רון]. As the plural can sometimes be used interchangeably with the singular in the DSS (see, e.g., Brin’s discussion on עולם and עולמים on p. 273 of the work cited below), this difference is perhaps not significant here. The preferred translation of ‘period’ rather than ‘end’ can be clearly demonstrated in CD 4:8–9, where the phrase, עד שלים הקץ השנים האלה is best understood as ‘until the completion of the period of these years’ rather than ‘until the completion of the end of these years’, as in the latter case קץ would be redundant. For a more in-depth discussion of this meaning of קץ in the DSS, see: Gershon Brin, *The Concept of Time in the Bible and the Dead Sea Scrolls* (Leiden: Brill, 2001), 264–76.

²³⁹ The term באי ברית in CD 3:10 almost certainly means ‘the ones who *have entered* the covenant’ (i.e., ‘covenant members’) as opposed to ‘the ones who *are entering* the covenant’, since 3:10–11 describes the באי ברית as ‘the former ones’ (הראשנים) who were guilty of forsaking the covenant and therefore delivered over to the sword. See also: Davies, *The Damascus Covenant*, 72 (footnote 39).

referred to as one ‘atoning for those who turn away from sinful rebellion’ (לכפר בעד שבי פשע) (2:5), fiery judgment awaits ‘those who turn aside from the path’ (2:6). The admonition strikes what one scholar has referred to as a ‘strongly predestinarian’ tone in its stress on God’s providence and foreknowledge throughout all generations.²⁴⁰ Amid every wicked generation, God, who foreknew the fates of the righteous and the wicked, has raised up for Himself a faithful remnant ‘to fill the face of the world with their seed’ and has given them knowledge ‘through the ones anointed by his holy spirit’ (2:11–13)—i.e., through the biblical prophets.²⁴¹ In short, the third admonition serves to assure the community of God’s dealing with the righteous and wicked throughout all generations.

Covenant in Third Admonition

The address to ‘all the members of the covenant’ (כל באי ברית) in 2:2 is the lone mention of covenant in this third admonition. The reference to this covenant as simply ‘(the) covenant’ (ברית) makes it difficult to determine what covenant is in view. The nearest mention of another covenant in D is in the previous admonition (1:17–2:1), where, as discussed above, the reference seems to be to the Mosaic covenant which the congregation of traitors had violated. Yet because the reference here in 2:2 is contained in an address to ‘all the members of the covenant’, it seems more likely that the covenant in view here is specifically ‘the renewed covenant of the land of Damascus’ (הברית החדשה בארץ דמשק), although this phrase will not appear until 6:19.

The mention of atonement in 2:4–5 is also important to mention here due to its relevance for a thorough understanding of covenant in D. In these verses, we are told: ‘Length of anger [i.e., forbearance] is with Him [i.e., God], and an abundance of forgiveness, *atoning for those who turn away from sinful rebellion* (לכפר בעד שבי פשע)’. While the precise nature of this atonement is not discussed here, it seems clear that the DSS community understood repentance as a necessary means for God’s provision of atonement for those of the covenant community.²⁴²

²⁴⁰ Davies, 72.

²⁴¹ See CD 6:1.

²⁴² In regard to the nature of this atonement, Fraade writes: ‘Here, divine atonement for sins does not seem to require priestly or sacrificial intermediacy. It implies a nascent form of the later central rabbinic idea of *teshuvā* (repentance).’ See: Fraade, *The Damascus Document*, 34.

One final point is important to note regarding covenant in this third admonition: namely, the statement about God's preservation of a righteous remnant in all generations (2:11–12). This theme finds its expression elsewhere in the DSS corpus and served as an important component of the DSS community's self-conception, as the community identified itself as this remnant.²⁴³ The theme of God's preservation of the righteous remnant will be repeated yet again in the fourth admonition, to which we now turn.

(4) Fourth Admonition (2:14–6:11)

The fourth admonition, by far the longest of the admonitions, runs from 2:14–6:11.²⁴⁴ Due to its length, I have divided it into the following sections to help facilitate our discussion: (1) Historical Review: Part One (2:14–3:12); (2) Historical Review: Part Two (3:12–4:12); (3) Belial's Three Traps for Israel During the Last Days (4:12–6:11).²⁴⁵

Summary of Fourth Admonition: Historical Review (Part One) (2:14–3:12)

Like the previous three admonitions, the fourth admonition opens with, 'And now...listen to me...' (ועתה...שמעו לי...) (2:14). The admonition is directed towards the 'sons' or 'children' (בנים) (2:14), who are exhorted 'to walk in perfection in all His [God's] ways and not to turn away with the thoughts of a guilty conscience or lustful eyes' (2:15–16).²⁴⁶ Following this

²⁴³ See, e.g., 1QH 6:8; 1QM 13:7–9. For a brief discussion of this theme in the DSS, including its treatment by the exilic and pre-exilic prophets, see, e.g.: Knibb, *The Qumran Community*, 19.

²⁴⁴ Scholars delimit this section of D in a variety of ways. Davies, e.g., gives 4:12 as the end of the 'History' section of CD and suggests 4:12–7:10 gives the Laws of CD. Fraade, on the other hand, understands 2:14–6:11 as one section which he titles 'Reflections on History'. Due to the largely legal discussion of 'the three nets of Belial' (שלושת מצודות בליעל) in 4:14ff, Davies has some justification in considering 4:12ff as the opening of the Laws/Stipulations section. However, two observations suggest that 2:14–6:11 should be regarded as one section, as Fraade has suggested. First, there is a lack of address to a new audience in 4:12 (cf. 6:11). Second, the opening statement of 4:12–6:11—'Now in all these years' (ובכל השנים האלה)—suggests that this section is a continuation of the previous section. See: Davies, *The Damascus Covenant*, 56–142; Fraade, *The Damascus Document*, 36–54.

²⁴⁵ This division is a modification of Fraade's. Fraade divides 2:14–6:11 (which he titles 'Reflections on History') into the following four sub-sections: (1) Moral Lessons from the Past (2:14–3:12); (2) Establishment of the Covenant (3:12–4:12); (3) Israel Under the Dominion of Belial (4:12–5:15); (4) God's Remembrance of the Covenant (5:15–6:11). See: Fraade, 36–54.

²⁴⁶ It is entirely possible that the fourth admonition is addressed to those who were not yet full-standing members (cf. 'members of the covenant' [באי ברית] in 2:2) due to their not having reached the age for entry. If this is the case, then the audience shifts from the 'members of the covenant' (באי ברית) (2:2), addressed in the preceding admonition (2:2–13), to the 'children' in the fourth admonition. The emphasis on the 'sons' throughout this section could have served to stress the point that faithfulness on the part of one's parents—those who are already of age and

opening exhortation to walk in holiness is a historical review of those who walked ‘in the stubbornness of their heart’ (בשרירות לבם) (2:17–18).²⁴⁷ The historical review runs from 2:17–3:12a and is ordered chronologically, beginning with the ‘watchers of the heavens’ (עירי השמים) during the time of the Flood (2:17–18). The historical review ends with the Israelites whose unfaithfulness led to the Babylonian Exile (3:9–10a). A summary statement is given in 3:10b–12a to conclude the historical review.²⁴⁸

Significantly, the sequence of negative examples is interrupted in 3:2–4 by a discussion of the patriarchs, who are presented as the lone examples of faith. Because Abraham ‘did not walk in it [i.e., the stubbornness of his heart]’ (לא הלך בה) and because he kept ‘the commands of God’ (מצות אל), he was reckoned as a ‘friend’ (אֹהֶב) (of God).²⁴⁹ Abraham passed these commands on to Isaac and Jacob, who also kept them and were reckoned as ‘friends of God’ (אֹהֲבִים לֵאל) and ‘ones who own the covenant forever’ (בעלי ברית לעולם).

Covenant in Fourth Admonition: Historical Review (Part One) (2:14–3:12)

Several matters in this first half of the historical review are pertinent to our discussion of the concept of covenant in D. First is the appearance of the term ‘covenant’ (ברית) in the phrase that describes the patriarchs as ‘ones who own the covenant forever’ (בעלי ברית לעולם) in 3:2–4. What covenant is in view here? What is the relationship of this covenant to ‘the new covenant in the land of Damascus’? And, lastly, what does it mean for the patriarchs to be ‘ones who own the covenant forever’ (לעולם)?

thus formally considered ‘members of the covenant’ (באי ברית) (2:2)—was no guarantee of their future faithfulness. On the other hand, it is also possible that the reference to sons here is simply another way to refer to covenant members. The terms ‘sons of your covenant’ (בני בריתכה) in 4Q284 IV 2; 4Q501 I 2; 4Q503 VII 9, 3 and ‘sons of light’ in the opening line of D supports this interpretation, as in these occurrences the phrase likely refers to full-standing members of the covenant.

²⁴⁷ The phrase ‘stubbornness of heart’ (שרירות לב) becomes the referent for the remainder of the discussion, as seen by the use of the 3rd person feminine suffix ה-. See, e.g., ‘But Abraham did not walk *in it* (בה) (i.e., ‘in the stubbornness of the heart’ (3:2) and the summary conclusion in 3:10–12a.

²⁴⁸ Fraade also suggests that 3:10–12a serves as ‘a summary “historical” statement...emphasizing pre-exilic Israel’s turning from the covenant to the violation of the commandments in pursuit of their own wills and desires, with disastrous consequences.’ See: Fraade, *The Damascus Document*, 40.

²⁴⁹ For the translation of אֹהֶב as ‘friend’ and other occurrences of this term in the HB, see: Fraade, 39.

Which covenant is in view in 3:2–4? It seems clear that the answer is the Abrahamic covenant. This was, after all, the covenant that God made with Abraham (Gen 12, 15, 17) and that was passed down to/renewed with Isaac (Gen 26:23–25) and Jacob (Gen 35:9–15).²⁵⁰ Thus, while the term ‘covenant’ (ברית) in the phrase ‘owners of the covenant’ (בעלי ברית) in CD 3:4 is best understood as referring to the Abrahamic covenant, it is likely that the DSS community considered this covenant to be continuous with the Mosaic covenant. Whereas the Abrahamic covenant was made with Abraham and passed down to the other patriarchs—namely, Isaac and Jacob—, the Mosaic covenant was made between God and the nation and given through Moses on Sinai.

What is the relationship between the Abrahamic covenant and the ‘new covenant in the land of Damascus’? Based on the context of the entire passage (2:14–4:12), it seems clear that the juxtaposition of the Abrahamic covenant in 3:2–4 with the covenant which God established with the DSS community serves to show that the DSS community considered their ‘new covenant in the land of Damascus’ (as it will later be called) to be a continuation of the Abrahamic covenant. Indeed, the entire point of the comparison between the faithfulness of the patriarchs in 3:2–4 and the faithfulness of the DSS community given in 3:12–13—the latter of which give the opening lines of the second part of the historical review, which deals primarily with the faithful of the DSS community—serves to emphasize not only the faithfulness of both

²⁵⁰ If D follows the view presented in the book of Jubilees that the patriarchs knew and observed the stipulations of the Mosaic covenant even before it was revealed at Sinai, it is likely that the ‘commands’ (מצוות) kept and passed on by the patriarchs were one and the same as those of the Mosaic covenant. Fraade, e.g., notes the following: ‘That the commandments were known and observed by the patriarchs long before their formal revelation at Sinai is a common assumption of many Second Temple (e.g., Philo, Jubilees) and early rabbinic writings.’ See: Fraade, 39. See also VanderKam, who writes:

As virtually all the scholars surveyed above have noticed, another highly striking trait of the Book of Jubilees is the fact that the ancestors of Israel practice a number of stipulations that are now found in the Mosaic sections of the Torah. According to Jubilees, these laws were revealed to the ancestors centuries before the time of Moses and the covenant on Mt. Sinai. In a sense Jubilees shares the notion attested in rabbinic sources that the Torah existed before creation; in Jubilees the laws that are revealed in the book are inscribed on the heavenly tablets whose origins are not noted.

While VanderKam draws a comparison with rabbinic sources here, the same seems to hold true in D and the larger DSS corpus as well. See: James C. VanderKam, “The Origins and Purposes of the Book of Jubilees,” in *Studies in the Book of Jubilees*, ed. Matthias Albani, Jörg Frey, and Armin Lange, TSAJ 65 (Tübingen: Mohr Siebeck, 1997), 18.

groups, but also the continuity of their covenant relationship with God, one which was maintained by obedience to the ‘commandments of God’ (מצות אל) (3:12).²⁵¹

To turn to the third and final question posed above, what does it mean for the patriarchs to be ‘owners of the covenant forever’ (בעלי ברית לעולם) (3:4)? While this phrase could be a reference to the duration of the patriarchs’ faithfulness—i.e., throughout the duration of their lives on earth they were faithful to the covenant—, the context suggests that the emphasis lies rather on the fact that ‘*they were written* [i.e., recorded]’ (ויכתבו) as ‘owners of the covenant forever’. While Fraade is right to note that the immediate context does not tell us where this recording took place,²⁵² it seems clear from Jubilees 30:20–22 that the reference is to their being recorded in the ‘book of life/the living’.²⁵³ That being recorded in the ‘book of life/the living’ is a reference to eternal life is evident when CD 3:2–4 is read in juxtaposition to 3:20, the latter of which states that the faithful members of the DSS community were destined for ‘eternal life’ (חיי נצח) (3:20).²⁵⁴

²⁵¹ Davies makes this point as well in his commentary on these verses, writing:

The covenant of the community is not presented as without precedent. This appeal to continuity in some sense with the previous covenant, and also with the patriarchs, is evidence...that the document addresses those who retain some allegiance to the old “Israel,” represented by Judaism outside the community. Nevertheless, the second covenant which God “established” (הקים) is on a different footing than the first.

While the final sentence in Davies’s comment highlights the tension between continuity and discontinuity that lies at the heart of the new covenant debate, it seems clear that one purpose of this historical review in the fourth admonition is to clearly to establish the *continuity* between the covenant of the patriarchs, who were regarded as בעלי ברית, and the covenant of the DSS community. See: Davies, *The Damascus Covenant*, 80.

²⁵² Fraade, *The Damascus Document*, 39.

²⁵³ The correspondence between Jubilees 30:20–22 and CD 3:2–4 is striking, as both passages mention the righteous being ‘recorded as friends (of God)’. Because the passage in Jubilees goes on to mention ‘the book of life’, it seems clear that ‘the book of life’ is the book in view in CD 3:2–4 as well. For a discussion of the ‘the book of life/the living’ in Jubilees 30:20–22, see: James C. VanderKam, *Jubilees: A Commentary on the Book of Jubilees*, ed. Sidnie White Crawford, vol. 2, Hermeneia (Minneapolis: Fortress Press, 2018), 839–40. The ‘book of life’ (ספר החיים) is also mentioned several times in the HB. While only Psalm 69:29 [Eng 69:28] refers explicitly to a ‘book of life’ (ספר חיים), this book and an additional book of judgment are likely referenced throughout: see, e.g., Exod 32:33; Dan 7:10; 12:1; Isa 4:3.

²⁵⁴ The juxtaposition of the patriarchs’ example of faith in 3:2–4 with the community’s example of faith in 3:12–4:12 seems intentional and invites a comparison between the two. Furthermore, it seems clear from 4QMessianic Apocalypse (4Q521) and other ‘sectarian’ DSS texts that resurrection was a teaching within the DSS community. See, e.g.: VanderKam and Flint, *The Meaning of the Dead Sea Scrolls*, 244–46. For the idea that resurrection was already present in the thought of the HB, see, e.g.: Mitchell J. Dahood, *Psalms*, AB 17A (New York: Doubleday, 1970) 3:xli–lii.

Two other references to ‘covenant’ appear in the conclusion to Part One of the historical review. This concluding statement, given in 3:10–12a, appears as follows:

On account of it [i.e., stubbornness of heart] *the first ones who entered the covenant* (באי הברית הראשנים) were guilty and were delivered to the sword when they forsook *the covenant of God* (ברית אל) and when they chose their own desires and turned back after the stubbornness of their heart, each one doing as he desired (3:10–12a).²⁵⁵

As shown above, two phrases containing the term ‘covenant’ appear in this summary conclusion: ‘the first ones who entered the covenant’ (באי הברית הראשנים) and ‘the covenant of God’ (ברית אל). Fraade understands ‘the first ones who entered into the covenant’ to refer to ‘pre-exilic Israel’s turning from the covenant to the violation of the commandments’.²⁵⁶ While this interpretation seems most likely, it is also possible that 3:10–12a refers to an additional group of unfaithful, namely, those whose unfaithfulness upon return to the land of Israel during the Exile resulted in the need for the formation of the community, an act described in the second admonition in 1:4–10. Regardless, it seems clear that both ‘the covenant’ (3:10) and ‘the covenant of God’ (3:11) refer to the Mosaic covenant, a covenant which the Israelites had violated to their own destruction.²⁵⁷

Summary of Fourth Admonition: Historical Review (Part Two) (3:12–4:12)

Part Two of the fourth admonition’s historical review appears in 3:12b–4:12a, continuing in chronological sequence from where Part One of the review, 2:14–3:12a, left off. Whereas Part One dealt primarily with those who walked ‘in the stubbornness of their hearts’ (בשרירות לבם), Part Two shifts to deal with ‘the ones remaining steadfast in the commandments of God’ (מחזיקים במצות אל) (3:12–13). It is with these faithful ones that ‘God established his covenant with/for Israel forever’ (הקים אל את בריתו לישראל עד עולם) and to whom he has revealed ‘hidden things in which all Israel had gone astray’ (נסתרות אשר תעו בהם כל ישראל), a list which includes the rightful observance of Sabbaths and ‘his [God’s] glorious appointed festivals’ (מועדי כבודו) (3:13–

²⁵⁵ The phrase באי הברית הראשנים can also be translated as ‘the former covenant members’.

²⁵⁶ Fraade, *The Damascus Document*, 40.

²⁵⁷ Contra Raymond Collins, who suggests that ‘the covenant of God’ (ברית אל) consistently refers to ‘the new covenant in the land of Damascus’. See: Collins, “The Berith-Notion of the Cairo Damascus Covenant”, 562.

15). Furthermore, these are the faithful ones for whom God has ‘atoned for their iniquity’ (כפר) (כפר) as well as ‘built for them a trustworthy house in Israel’ (ויבן להם בית נאמן בישראל) (3:18–19). If the present covenant community follows the example of these founders and remains steadfast,²⁵⁸ they (too) will have ‘eternal life’ (חיי נצח) (3:20) and ‘all the glory of Adam’ (3:20).²⁵⁹ To support this latter claim, Ezek 44:15 is cited in CD 3:21–4:2, which is followed in 4:2–10/12 by a *peshet* that begins by identifying the three groups mentioned in Ezek 44:15: (1) priests; (2) Levites; and, (3) the Sons of Zadok.²⁶⁰ The interpretation of the identity of these groups is given as follows: (1) the priests are described as ‘שבי ישראל who went out from the land of Judah’ (4:2–3); (2) the Levites are ‘the ones who accompanied them’ (4:3); and, (3) the Sons of Zadok are ‘the chosen ones of Israel, those called by the Name, who are standing at the end of days’ (4:3–4).²⁶¹

Following this *peshet* on Ezek 44:15 is the conclusion of the historical review (4:4b–12), which picks up where the review left off in 3:20 and which is connected to the immediately preceding *peshet* by means of the three groups which have just been mentioned. The discussion in 4:4b–4:10a centers on a list that contains the names of members of the community who were/are a part of the three groups of priests (i.e., the priests, Levites, and Sons of Zadok) described in the immediately preceding *peshet*. These members have genealogical credentials

²⁵⁸ The Hebrew in 3:20 is *המחזיקים בו לחיי נצח*, literally translated as ‘The ones who remain steadfast *in it* (בו) are for eternal life.’ On the basis of gender agreement, ‘it’ here is most likely a reference to the ‘trustworthy house’ (בית נאמן) (3:19), although it is possible that ‘it’ could refer to the ‘covenant’ (ברית) mentioned in 3:13.

²⁵⁹ Fraade provides convincing support that the phrase ‘all the glory of Adam’ is best understood as ‘the primordial (pre-fall) glory of the first human (created in the image of God, according to Gen 1:26, 27; 5:1, 3)’ by his list of numerous references to this phrase in the DSS. See: Fraade, *The Damascus Document*, 43.

²⁶⁰ By the term *peshet*, I am referring to the common understanding of a *peshet* as ‘that form of exegesis, practised by the Qumran community that identifies events and people in the biblical texts with contemporary historical figures’. This definition does not necessarily limit the *peshet* interpretation to the genre of *Pesharim* (e.g., the *Habakkuk Peshet*, *Nahum Peshet*, etc.), but rather extends to any text among the DSS that contains a Scriptural quotation followed by this particular kind of an interpretation. See: Timothy H. Lim, *Pesharim*, Companion to the Qumran Scrolls 3 (London: Sheffield Academic Press, 2002), 13.

²⁶¹ This latter phrase is best interpreted as referring to priestly members of the present DSS community who are currently ‘standing’ and carrying out their priestly ministry. The verb *עמד* is often used in this sense in the HB (see esp. Ezek 44:11). The interpretation that the ‘Sons of Zadok’ refers to those who will ‘stand’ in the eschatological resurrection seems less likely but is possible. Of particular importance for this interpretation are Dan 12:2, 13. In Dan 12:13, Daniel is told that after his death ‘you will rise to receive your lot at the end of days’ (ותעמד לגרלך לקץ הימים). Significantly, the verb *עמד* and the phrase ‘at the end of days’ (לקץ הימים) appear in both Dan 12:13 and CD 4:4.

(4:5) and an approved record of their actions (4:6). The list also includes both members who have recently passed away (i.e., ‘the first of the holy for whom God atoned’) (4:6) as well as current members (i.e., ‘all the ones who entered (the covenant) after them’) (4:7). If the present members of the covenant ‘act according to the exact nature of the Torah in which the former ones were instructed’, God will provide atonement for them just as He did for ‘the first of the Holy’ (4:6–10a).²⁶²

The historical review concludes in 4:10b–12 with an allusion to Hab 2:1 and a citation of Mic 7:11, the latter of which, as Fraade has noted, seems to make the point that ‘the stage for the final act is fully set, with each person ready to play his (or her) preassigned role.’²⁶³ Similarly, Davies has noted that the conclusion serves as a ‘warning that the time for decision is short’.²⁶⁴ During this time, ‘one is no longer to join the House of Judah, but rather each person is to stand on his (own) watchtower’ (אין עוד להשתתף לבית יהודה כי אם לעמוד איש על מצודו) (4:11–12).

Just as the positive example of the faithful patriarchs in 3:2–4 interrupts the negative sequence of the unfaithful in the first half of the historical review (2:14–3:12a), the negative example of the unfaithful Israelites in 3:17–18 interrupts the positive examples of the faithful in the second half of the historical review (3:12b–4:12a). While the identity of this unfaithful group is disputed—did this group consist of unfaithful Israelites who remained in the land of Israel throughout the Babylonian exile, or, rather, did it consist of unfaithful Israelites who were exiled and whose descendants subsequently returned to the land, but yet later rejected the mysteries revealed to the DSS community?—, what is more clear is that this group was pronounced guilty for their rejection of certain teachings of the DSS community, among which were certain calendrical rulings.²⁶⁵

²⁶² In this context, ‘the former ones’ (הראשונים) is best understood as the groups of faithful priests just mentioned in 4:2–3 (i.e., the ‘priests’ and ‘Levites’) who had recently passed away. This group is one and the same as ‘the first of the holy for whom God atoned’ (הקודש שונים אשר כפר אל בעדם) (4:6–7). There appears to be a corruption of the text in line 6. For Davies’s discussion and restoration of הראשונים הקדושים, see: Davies, *The Damascus Covenant*, 99–100.

²⁶³ Fraade, *The Damascus Document*, 44.

²⁶⁴ Davies, *The Damascus Covenant*, 100.

²⁶⁵ The allusion to Ezekiel 11:15 (‘and they said, “For this is ours”’) complicates the issue. In the book of Ezekiel, this is clearly a reference to those who remained behind in the land initially and who were not exiled. Here in D, however, it is possible that the reference is to a group that had returned from exile and yet had rejected the DSS community’s teaching. For a brief summary of the different positions scholars have adopted, see: Davies, 87–90.

While the above overview of Part Two of the historical review is easy to discern, several interpretive issues scattered throughout this section are important to address. First, what is the identity of the ‘priests’, ‘Levites’, and ‘Sons of Zadok’? As noted by Davies, scholars have typically understood these three terms in one of two ways: (1) as ‘three different terms for the same entity, namely the entire community’; or, (2) as terms that ‘refer to different sections of the community’, most typically as ‘priests, Levites and laymen’. Davies opts for neither of these views, however, and adopts Dupont-Sommer’s view which posits that ‘priests’ refers to ‘the founders of the community’, ‘Levites’ to ‘those who joined later,’ and the ‘Sons of Zadok’ to ‘the eschatological members’. To justify this interpretation, Davies suggests the use of the participle of עמד denotes that ‘those who “stand”...are of the present generation.’²⁶⁶ While I agree with Davies’s and Dupont-Sommer’s overall assessment, I would also argue that there is no indication that each of these terms should not also be understood more literally. I.e., in addition to distinguishing between the members of the covenant community chronologically, these terms also denote the priestly status of each of these three groups. With this slight correction, the term ‘priests’ is best understood as *priests* who joined the Teacher of Righteousness in the land of Damascus, and not simply any covenant member, priestly or non-priestly; the term ‘Levites’ is best understood as actual Levites who joined these priests in this self-imposed exile (and not as a group that joined later in time, as Davies and Dupont-Sommers suggest); and, lastly, the term ‘Sons of Zadok’ is best understood as *priestly* members of the community who were ministering at present ‘in the last days’ (and not as any covenant member, priestly or non-priestly).

A second interpretive issue concerns the meaning of the term שבי ישראל. The term has been translated in a variety of ways, the three most common of which are as follows: (1) ‘the captivity of Israel’ (Davies); (2) ‘the penitent of Israel’ (Baumgarten); (3) and, ‘the returnees of Israel’ (Murphy-O’Connor; Fraade). Of these, Davies’s translation of ‘the captivity of Israel’ is most convincing. Not only is this the consistent meaning of the phrase in the post-exilic biblical books (namely, in Chronicles, Ezra, and Nehemiah),²⁶⁷ but also understanding שבי ישראל as ‘the

²⁶⁶ Davies, 91–92.

²⁶⁷ For a discussion of the three possible translations of the phrase שבי ישראל, see Davies, *The Damascus Covenant*, 92–95. Davies, who prefers the translation of ‘captivity’ notes the frequent occurrence of the term שבי in post-exilic biblical books (namely, in Chronicles, Ezra, and Nehemiah) in reference to the exiled community. See also: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 43; Fraade, *The Damascus Document*, 51–2.

captivity of Israel' coheres with the DSS community's overall eschatology.²⁶⁸ Davies's assessment that the community held 'that it has not, at least theologically, "returned," but is still in the exilic "period of wrath"' seems correct.²⁶⁹

A third interpretive issue concerns the description of the 'captivity of Israel' (שבי ישראל) as 'the ones who went out from the land of Judah'. While it seems clear that this is a reference to the community's exile, scholars have debated what exile is in view here. Is it: (1) the community's exile to Qumran sometime in the 2nd century BCE?; (2) the Babylonian exile of the 6th century BCE?; or, (3) the community's exile to Damascus in the 2nd century BCE? Many scholars have assumed that the reference is to community's self-imposed exile to Qumran. For example, Fraade suggests that the group in 4:2–3 refers to 'the founding members of the separatist community, who left "Judah" (perhaps Jerusalem), presumably for their place of "exile" in the Judaeian wilderness.'²⁷⁰ Yet this interpretation is not without difficulties. First of all, this interpretation must render the term 'Judah' figuratively (hence, Fraade's use of quotation marks around the term), since Qumran, while in the desert, was still within the bounds of Judah in the time period in which D would have been composed. Furthermore, D repeatedly associates 'the land of Damascus' (and not Qumran of the Judaeian desert) with the foundation of the community (or at least with the community's entering into the new covenant). There is no indication in the text, however, that suggests that 'the land of Damascus' should be understood figuratively to refer to Qumran.

Davies, who also challenges this assumption, proposes yet another interpretation. In his discussion of CD 4:2–3 and the term שבי ישראל, he writes:

Once we set aside the assumption that the community of CD is the Qumran community, once we recognize that the community is claiming to have been founded in the [Babylonian] Exile, and once we appreciate the influence of biblical language on the *Admonition*, it becomes virtually impossible *not* to take the phrase שבי ישראל as possessing an exilic association.²⁷¹

²⁶⁸ This eschatology will be discussed in greater detail later in this chapter.

²⁶⁹ Davies, 94.

²⁷⁰ Fraade, *The Damascus Document*, 43.

²⁷¹ Davies, *The Damascus Covenant*, 93.

Thus, Davies understands the ‘שבי ישראל’ who went out from the land of Judah’ (4:2–3) as a reference to the captives of Israel who departed Judah during the Babylonian Exile. Yet this interpretation runs into one of the same problems as the interpretation discussed above: namely, because D elsewhere indicates the place of this exile as ‘the land of Damascus’, Davies must understand ‘the land of Damascus’ as figurative language for Babylon, albeit there is no textual indication for such a figurative interpretation. Rather, as will be discussed in more detail later, it seems best to interpret 4:2–3 as a reference to the community’s exile to the literal land of Damascus in the 2nd century BCE. This interpretation has the principal advantage of not forcing a figurative interpretation on the ‘the land of Damascus’ despite no textual indication that a figurative meaning was intended here.

The final interpretive issue that requires our attention here concerns the identity of the ‘the house of Judah’ (בית יהודה). Commentators have commonly understood ‘the house of Judah’ to refer to the DSS community, and thus have understood the statement in 4:11–12 along the lines of ‘no new members are to be admitted to the community’.²⁷² Such an interpretation rests on the assumption that the community appropriated the term ‘Judah’ to describe itself. Yet this identification is highly unlikely for at least two reasons. First, many (if not all) references to Judah throughout D are negative, making this term an unlikely one for the DSS community to appropriate for itself. In CD 4:3 and 6:5, members of the DSS community are described as ‘the ones who go out from the land of Judah’ (היוצאים מארץ יהודה), language which clearly suggests a desire to *disassociate* with Judah. In CD 20:26–27, a warning is issued that apostates of the community will be cut off along with ‘all the wicked ones of Judah’ (כל מרשיעי יהודה). In 4Q266 5 I, 10, the statement is made that ‘[a consp]iracy is fo[und] in Judah’ (בִּיהוּדָה נִמְצָא קִשְׁרָה). And in CD 8:3, judgment is pronounced on ‘the princes of Judah’ (שרי יהודה). These references, especially when taken cumulatively, strongly suggest that the community rejected the Jerusalem/Judean establishment, a point upon which scholars generally agree. Furthermore, when one broadens the scope beyond D to include the wider sectarian DSS corpus, it seems clear that the community never identifies itself with Judah, as Bergsma and Staples have recently argued. Rather, the community ‘shows a marked preference for identifying themselves either as

²⁷² See, e.g., Fraade, *The Damascus Document*, 44.

“Israel” or “Israelites” (בני ישראל) rather than as “Judah” or “Judahites” (יהודים).²⁷³ Second, as Davies has noted, the verses immediately preceding 4:11–12 imply the following offer: ‘you too can join this covenant; your name can be added to the list of those whom God has “chosen” from of old; your sins will be pardoned, if you will accept proper observance of the law’.²⁷⁴ To immediately follow this invitation with the statement that no one is allowed to join the community during this period would seem both counterintuitive and abrupt.²⁷⁵ In view of the above two points, then, it seems clear that ‘the house of Judah’ in CD 4:11 does not refer to the DSS community, but rather to the Hasmonean-led state of Judah. Thus, rather than understand 4:11–12 as a statement of excluding others from joining the community, this statement is better understood as a call for others not to join the Hasmonean/Judean establishment during this final time period.²⁷⁶

Covenant in Fourth Admonition: Historical Review (Part Two) (3:12–4:12)

While the term ‘covenant’ appears only once in this section in 3:13, several matters concerning covenant in Part Two of the historical review (3:12–4:12) are important to address, nonetheless. First, it is important to emphasize the intended connection between the patriarchs in 3:2–4 and the faithful of the DSS community in 3:12b–4:12a. As discussed above, in Part One of the historical review given in 2:14–3:12a, D attributes special status to Abraham, Isaac, and Jacob in 3:2–4 as the lone examples of faithfulness in an otherwise bleak historical review of Israel. Whereas the historical review presents all others in the entirety of Israel’s history up to the exile as guilty of walking in the ‘stubbornness of their heart’, Abraham was reckoned as a friend of God ‘by his keeping the commands of God’ (בשמרו מצות אל) (3:2). He passed these commandments on to Isaac and Jacob, and they too were considered as ‘friends of God’ (אוהבים) (לא) and ‘owners of the covenant forever’ (בעלי ברית לעולם) (3:3–4). Following the conclusion of

²⁷³ John Bergsma, “Qumran Self-Identity: ‘Israel’ or ‘Judah’?,” *DSD* 15, no. 1 (2008): 172–89; Staples, *The Idea of Israel in Second Temple Judaism*, 259–89.

²⁷⁴ Davies, *The Damascus Covenant*, 100.

²⁷⁵ It should be noted that while Davies is keen to note the overall rhetoric of the preceding verses, he also adopts the identification of the community with ‘the house of Judah’. See Davies, 103.

²⁷⁶ A similar statement is made in 6:11–14, which, as we will see, is best understood as a prohibition to serve at the Temple (and thus an explicit rejection of the Jerusalem establishment).

Part One of the historical review, Part Two of the historical review opens in 3:12b ff with a description of the faithful of the DSS community as ‘ones who remain steadfast in the commands of God’ (מחזיקים במצות אל) (3:12) and as ones with whom ‘God established his covenant’ (הקים) (אל את בריתו). By juxtaposing the faithful patriarchs in 3:2–4 with the faithful community in 3:12–4:12 and presenting both groups as those who kept ‘the commands of God’ (מצות אל) and who had a covenant relationship with God, the DSS community sought to present itself and its covenant as continuing in line with the patriarchs.

Second, the statement in 3:13 that ‘God *established* (הקים) his covenant with Israel’ is significant in that the verb הקים is used rather than כרת. As was discussed in the previous chapter, there is a general distinction between the initiation of a new covenant and the maintenance and/or renewal of a previous covenant. Whereas the former is indicated by using the verb כרת, the latter instance prefers הקים.

Third, it is important to discuss what is meant when it is stated that ‘God established his covenant with Israel *forever* (עד עולם)’ (3:13). At first glance, the term ‘forever’ (עד עולם) seems to convey the idea that D presents its covenant as eternal. If this is indeed the case, it is possible that by using the term עד עולם, the author sought to identify the covenant with the ברית עולם of Jer 32:40 (see also 50:5; Isa 61:8), a covenant which, as was discussed in the previous chapter, should be equated with the ‘new covenant’ of Jeremiah 31:31–34. While it is possible that the DSS community believed that its ‘new covenant’ would last ‘forever’, two other interpretations seem more likely in the present context: (1) עד עולם does not mean ‘forever’, but ‘for a period of time’; or (2) עד עולם refers to eternal life rather than to the eternality of D’s covenant *per se*. Each of these interpretations will be discussed more fully here.

It is possible that עד עולם in CD 3:13 refers to a period of time rather than ‘forever’ (i.e., ‘for eternity’). The term עולם in the HB often refers to a period of time rather than ‘eternity’ in the strict sense.²⁷⁷ In particular, the period of time in view in CD 3:13 could refer either to the individual lifespan of a covenant member or to the final ‘period of wickedness’ and ‘last days’ that the community saw itself living in. Another observation that supports this interpretation is

²⁷⁷ See BDB, s.v. ‘עולם’ n. 2a. For one example in the HB, see Isa 32:14–15.

the appearance of several statements throughout D that suggest a definitive period for the community's 'new covenant in the land of Damascus'.²⁷⁸

It is also possible that עד עולם in CD 3:13 refers to eternal life rather than to the eternal nature of 'the new covenant in the land of Damascus'. This seems to be the most natural reading of CD 3:12b–13a for several reasons.²⁷⁹ As both the immediate and wider context makes clear, the focus in these vv. is on 'those who held fast to the commands of God' (מחזיקים במצות אל) (3:12b) rather than on the covenant *per se*. Indeed, the entire historical review from 2:14–4:12 focuses on the contrast between the faithful and the unfaithful. Because the group of faithful adherents in 3:12b–13a likely refers to the founders of the DSS covenant community who lived in the previous generation and who had already passed away,²⁸⁰ the statement that God established his covenant with them 'forever' (עד עולם) in effect assures the present covenant community that although the previous generation had passed away, on account of their

²⁷⁸ The view that 'the new covenant in the land of Damascus' was only to be operative for the present 'period of wickedness' is suggested throughout D:

(1) In the Introduction, the instruction of the Sons of Light according to the teachings set forth in D is to last 'until the completion of the appointed time of visitation' (עד תום המועד פקודה) (4Q266 I a–b 2).

(2) In the Admonitions, faithfulness to the decrees of the 'Scepter' (המחוקק) (6:7) are effective 'throughout all the period of wickedness' (בכל קץ הרשיע) and 'until the one who teaches righteousness stands in the end of days' (עד עמד יורה הצדק באחרית הימים) (6:10–11); traitors of the new covenant will not be reckoned among the assembly 'from the day of the gathering of the Teacher of the Community until the standing of the Messiah from Aaron and Israel' (עד עמוד משיח מאהרן) (ומישראל) (19:35–20:1); the community is to remain faithful 'until His (i.e., God's) salvation and justice is revealed' (עד יגלה ישע וצדקה) (20:20).

(3) In the Laws, the rule of the assembly of the camps is described as being effective 'throughout the period of wickedness until the standing of the Messiah of Aaron and Israel' (בקץ הרשעה עד עמוד) (משיח אהרן וישראל) (12:22–13:1).

(4) In the Penal Code, we see the statement: 'And this is the exact interpretation of the judgments by which they [shall r]ule until the standing of the Messiah of Aaron and of Israel, and he will atone for their iniquities...' (עד ממוד משיח אהרון וישראל וכפר עוונם) (4Q266 X 1, 11–13 // 4Q269 XI 1, 1–3 // CD 14:18–19).

To conclude, nowhere does D explicitly state that the community held that its legal interpretation as lasting beyond this period of wickedness. Rather, it seems that their particular interpretation of the law was specifically suited for 'the period of wickedness' until the Messiah came at the end of this period.

²⁷⁹ CD 3:12b–13a reads as follows: 'But with those who held fast to the commands of God (and) who remained among them, God established his covenant with Israel forever (עד עולם)...'.

²⁸⁰ See the discussion below for the argument that this group should be identified as such.

faithfulness they remained heirs of the covenant. In other words, the emphasis is on the eternal nature of God's *covenant relationship* with the faithful (i.e., the promise of eternal life) rather than on the eternal nature of the *covenant* itself.²⁸¹ This reading is supported by the larger context of the passage as well. In 3:20, the promise of the inheritance of 'eternal life' (להייר נצח) is presented to the present community as the reward for faithfulness. In contrast, those who reject these commandments 'will not live' (לא יהיה) (3:17)—a statement that makes more sense in the context if eternal life is in view in 3:12b–13a. Third, if we expand the context even further to include the entire document of D, it seems clear that the covenant of D in its present form was not considered to be eternal since, as mentioned above, several statements throughout D suggest that the community's 'new covenant in the land of Damascus' was to be operative only for a certain period of time. Of the three possible interpretations for עד עולם—i.e., (1) that it modifies the term 'covenant', (2) that it refers to a period of time rather than 'forever' in the eternal sense, and (3) that it refers to the eternal nature of the covenant relationship established between God and the faithful (in other words, it is a reference to eternal life)—this latter one seems most likely in my opinion.

A fourth issue relevant to covenant in this passage is the concept of atonement. Because an eschatological atonement is implicit in Jeremiah's new covenant (see Jer 31:34), it is important to understand how atonement is presented throughout D. In CD 3:12b–4:12a, the verb כפר ('to atone') appears several times. The verb first appears in 3:18, where the statement is made that God 'atoned for their iniquity' (כפר בעד עונם). As the preceding context makes clear, this atonement was effective only for those who belonged to the righteous of the community described in 3:12–16. More specifically, this atonement was for those who 'dug a well' (ויהפרו) (באר)—i.e., the founders of the community, as suggested also by the parallel historical review in 6:2–11.

The second reference to atonement occurs in 4:6, a verse located within the *peshet* of Ezek 44:15 that runs from 4:2–10. As discussed in the above summary overview of Part Two of the historical review in the fourth admonition, this *peshet* identifies the three groups mentioned in Ezekiel 44:15—the priests, the Levites, and the Sons of Zadok—with priestly members of the

²⁸¹ A similar point appears to be made in 3:3–4 in reference to the faithful patriarchs, who 'were recorded as...owners of the covenant forever' in 3:3–4. As argued in the section above on 2:14–3:12, this statement also suggests eternal life is the emphasis.

DSS community. The ‘priests’ and ‘Levites’ are identified as the founders of the community who partook in the self-imposed exile to the land of Damascus (4:2–3, 5–6). This group is to be identified with those who ‘dug the well’ (3:12–16) and ‘the first ones’ (ראשונים) (4:9). These priests and Levites, who had recently passed away, are described as ‘the first of the holy for whom God atoned’ (4:6).²⁸² Thus, as is the case in 3:18, God’s atonement is spoken of as a past action on behalf of the founding members of the community in 4:6 as well.

A third reference to atonement occurs in 4:9–10. Unlike the previous two references to atonement, this reference speaks of a present and/or future atonement (from the author(s) of D’s perspective) for the faithful covenant members. In 4:7–9 ‘all who entered (the covenant) after them to do according to the exact interpretation of the Torah in which they were instructed by the first ones until the completion of the period of these years’ are given assurance of atonement as well: ‘According to the covenant that God established with the first ones to atone for their iniquities, *thus God will atone for them* (כִּן יִכְפֹּר אֱלֹהִים בְּעֵדָם)’ (4:9–10). Based on the present context and a consideration of the parallel historical accounts in 3:12–4:12 and 6:2–11, ‘the covenant that God established with the first ones’ (בְּרִית אֲשֶׁר הָקִים אֱלֹהִים לְרֵאשֹׁנִים) (4:9) mentioned here is clearly one and the same as the ‘the new covenant in the land of Damascus’. For now, it will suffice to note that while the term ‘new covenant’ is not present in this passage, the phrases ‘according to the exact interpretation of the Torah (כְּפֶרוֹשׁ הַתּוֹרָה)’, ‘until the completion of the period of these years’ (עַל שְׁלֵיִם הַקֶּץ הַשָּׁנִים הָאֵלֶּה), and ‘in the last days’ (בְּאַחֲרֵית הַיָּמִים)—all of which occur in the present passage and all of which are associated with ‘the new covenant in the land of Damascus’ elsewhere in D—suggest that this is a safe assumption.

Thus, when these three references to atonement are considered together, it becomes clear that in 3:12–4:12 atonement is presented as assured only to those who have entered into the community’s ‘new covenant in the land of Damascus’. Just as God had atoned for the previous generation of covenant members who had founded the community by means of their faithfulness to this new covenant, so too would he atone for the present generation of covenant members

²⁸² The use of the perfect form of כִּפֵּר (cf. the impfct. form יִכְפֹּר in 4:10) together with the description of this group as ‘the first of the holy’ suggests that those mentioned here refer to the faithful within the community who have already passed away. The observation that they ‘declared the righteous, righteous, and the wicked, wicked’ in 4:7 further points to a group of priests and Levites.

‘who entered (the covenant) after them’, provided that they continue in obedience to the community’s interpretation of the Torah (4:7–9).

A fifth issue relevant for covenant in this section is the statement that God ‘built for them a steadfast house in Israel’ (ויבן להם בית נאמן בישראל) (3:19). That the ‘steadfast house’ (בית נאמן) mentioned here is a reference to the righteous remnant under Zadokite priestly leadership is almost certain, especially given the citation and *peshet* of Ezek 44:15, which contains a reference to ‘the sons of Zadok’ (בני צדוק) (3:21–4:4).²⁸³ The allusion is to 1 Sam 2:35, a prophecy of Zadok’s reception of the ‘covenant of eternal priesthood’ promised in Num 25:13.²⁸⁴

Summary of Fourth Admonition: Belial’s Three Traps for Israel During the Last Days (4:12–6:11)

The third major section of the fourth admonition can be divided into three sub-sections: (1) Belial’s influence over Israel during the period of wickedness (4:12–5:15); (2) warnings from the past (5:15–6:2); (3) God’s preservation of a righteous remnant (6:2–11).

Immediately following the fourth admonition’s historical review given in 2:14–4:12a, D turns to address Belial’s influence over Israel ‘during all these years’ (בכל השנים האלה) (4:12). This time period—a period which is also referred to in the preceding section of the admonition as ‘the period (of the number) of these years’ (הקץ (למספר) השנים האלה) (4:8, 10)—is the same period as ‘the period of wickedness’ (קץ הרשיעה) (6:10), a term which occurs at the end of this section. During this period, Belial will lay ‘three traps’ (שלושת מצודות) (4:15) by which he will catch the unfaithful: (1) ‘fornication’ (הזנות); (2) ‘wealth’ (הון); and (3) ‘defilement of the sanctuary’ (טמא) (המקדש) (4:17–18). A largely legal discussion ensues from 4:19–5:15 in which correct legal

²⁸³ In 1 Sam 2:33–35, judgment is pronounced on Eli and his house (i.e., his family line). In their place, God promises to raise up a future priest and his descendants as a replacement: ‘I will build for him a trustworthy house, and he will walk before my anointed one all (his) days’ (ובניתי לו בית נאמן והתהלך לפני משיחי כל הימים) (1 Sam 2:35). This promise was fulfilled in the establishment of the Zadokite priestly line under David (see 1 Kgs 2:35; 1 Chr 29:22). While there are also references to ‘a trustworthy house’ (בית נאמן) in 1 Sam 25:28 and 1 Kgs 11:38, both of these are in relation to the Davidic covenant. Due to the citation of Ezek 44:15 (which relates to priests) and the priestly character of D in general, however, it seems clear that the ‘trustworthy house’ in view here refers to the Zadokite’s priestly house rather than David’s house. Davies mentions the ‘widespread scholarly agreement’ of the position adopted here. See also: Davies, *The Damascus Covenant*, 90.

²⁸⁴ In Exod 29:44–46 and Num 18:19 (‘eternal covenant of salt’ [ברית מלה עולם]) God makes a covenant with Aaron and his descendants. God’s covenant with Phineas in Num 25:13 (‘covenant of eternal priesthood’ [ברית [כהנת עולם]) seems to be a promise of the fulfillment of this covenant through Phinehas’s line. Of Aaron’s four sons, Nadab and Abihu had already disqualified themselves and their descendants as heirs to this covenant (Lev 10).

rulings are explained and the lawbreakers are identified. Covenant members are warned not to draw near these lawbreakers, otherwise they too will be guilty unless they were compelled to do so by force.

To emphasize the severity of this warning, 5:15–6:2 likens the present rebellion of these lawbreakers deceived by Belial to two previous rebellions of unfaithful Israelites in the past: the rebellion of Jannes and his brother against Moses and Aaron following the Exodus (5:17–19) and the rebellion of ‘the movers of the boundary’ (מסיגי הגבול) (5:20) who ‘caused Israel to stray’. Each of these past rebellions ended with God’s judgment, with the latter ultimately leading to the destruction of the land (and, implicitly, the Babylonian Exile) (5:20–6:1).

Following these warnings from Israel’s past history, the historical origins of the faithful community are recounted yet a third time in 6:2–11 (cf. 1:1–2:1 and 3:12–4:12). As was the case in the first historical review, God’s remembrance of the ברית ראשנים—best understood as the Abrahamic covenant—is given as the basis for his preservation of a righteous remnant during the Babylonian Exile (6:2; cf. 1:4). It was from this group that God caused ‘intelligent ones from Aaron and wise men from Israel’ to rise up and to dig ‘the well’ (הבאר), an event which is given as the prophetic fulfillment of Num 21:18 (CD 6:2–3). Following the citation of Num 21:18, a *peshet* on this verse is given in 6:4–11. In the *peshet*, ‘the well’ (הבאר) is equated with the Torah (6:4), the ‘Sceptre’ (מחוקק) with ‘the interpreter of the law’ (דורש התורה) (6:7), and the ‘nobles of the people’ (נדיבי העם) with those who hollowed out the well and who followed ‘the decrees that the Scepter has decreed’ (מחוקקות אשר חקק המחוקק) ‘throughout the entire period of wickedness’ (בכל קץ הרשיע)—a period which will end with the ‘standing of the one who teaches righteousness in the end of days’ (עמד יורה הצדק באחרית הימים) (6:8–11). This third historical review shares much in common with the previous two historical accounts of the origins of the covenant community as shown in the following table:

Table 4

	First Historical Review (1:1–2:1)	Second Historical Review: 3:12–4:12)	Third Historical Review (5:20–6:11)
(1) Disobedience leading to destruction and the (Babylonian) Exile	1:3–4	3:9–12	5:20–6:2
(2) God preserves a remnant	1:4–10	3:12–13	6:2–3

(2a) The ברית ראשונים as the basis for God's preservation of a remnant	1:4	— ²⁸⁵	6:2
(2b) The makeup of the remnant as the righteous 'from Aaron and Israel'	1:7	— ²⁸⁶	6:2–3
(2c) Time reference pertaining to rise of the remnant	1:5–10; 1:9–10	—	—
(2d) Repentance as the basis for God's action	1:8–10	—	—
(3) God's establishment of a covenant with the remnant	—	3:13	—
(4) God's revelation of the correct interpretation of the Torah to the leadership of the community	1:11–12	3:13–15	6:3–11
(4a) The digging of the well	—	3:16	6:3
(4b) The divine provision of leadership to interpret the Torah ²⁸⁷	1:11	3:19	6:2–3, 7–9
(5) God's provision of atonement	—	3:18; 4:6, 9	—
(6) Promise of eternal life	—	3:20	—
(7) God's judgment on outsiders ²⁸⁸	1:12–13	3:17; 4:10–12a	—
(8) Scriptural support for previous statement followed by <i>peshet</i> ²⁸⁹	1:13–2:1	3:20–4:12	6:3–11

²⁸⁵ While the term ברית ראשונים does not appear in the second historical review, the patriarchs and their covenant is mentioned in Part One of the historical review (see 3:2–4).

²⁸⁶ The priestly character of the group is emphasized in this section.

²⁸⁷ In 1:11, the 'Teacher of Righteousness' (מורה צדק) is mentioned as providing leadership. In 3:19, 'a trustworthy house in Israel' (בית נאמן בישראל) provides the leadership—a group which, as was argued above, is best understood as Zadokite priestly leadership. This group is the focus in 3:16, and it seems clear that the digging of the well is the same event described in 6:3ff, where the Teacher of Righteousness is in view. In 6:2–3, 7 it is 'intelligent ones from Aaron and wise men from Israel' and 'the Scepter...who interprets the Torah' who provide the leadership. (Because 'the Sceptre' (המחוקק) is identified as 'the interpreter of the Law' (דורש התורה) in 6:7, it seems clear that this figure should also be equated with the Teacher of Righteousness, who is mentioned at the end of the historical review in 6:11 and also in the parallel account in 1:11.) As with 3:16, the collective group who followed the Teacher also receives attention in this historical review in 6:2–3, 8–9. Significantly, in 6:2–3 the leadership clearly includes 'wise men from Israel' (מישראל חכמים), thus expanding the leadership to include non-priestly members as well.

²⁸⁸ In 1:12–13, it is 'the congregation of traitors' who are judged. In 3:17, those who reject the teachings of the community and who have defiled themselves are mentioned. In 4:10–12a, the opponents are 'the House of Judah'.

²⁸⁹ In 1:13–2:1, Hos 4:16 is cited followed by a *peshet* which indicates the following: (1) period of straying prophesied by Hosea (= period of straying in present generation); and, (2) the identity of the congregation of traitors (whose disobedience led to the period of straying). In 3:20–4:12, Ezek 44:15 is cited followed by a *peshet* which indicates the following: (1) 'the trustworthy house' = Zadokite priests; and (2) the promise of eternal life. In 6:3–11, Num 21:8 is cited followed by a *peshet* which indicates the following: (1) the identity of the well (= Torah); (2) the identity of the Scepter (= the interpreter of the Torah); (3) the identity of the princes who dug the well (= 'the שבי ישראל who went out from the land of Judah and sojourned in the land of Damascus').

The similarities between these three historical reviews suggests that the same historical period, events and groups are in view in each account.²⁹⁰ While no single account contains all of the historical details, a synthesis of the details supplied by each account leads to the following historical account of the community's origins: Israel's disobedience led to the destruction of the First Temple and the (Babylonian) Exile (1:3–4; 3:10–12; 5:21–6:1). Yet God, both on account of his remembrance of the ברית ראשונים—i.e., the Abrahamic covenant—and on account of the people's penitence, raised up a righteous remnant 'from Aaron and from Israel' 390 years following Nebuchadnezzar's destruction of the Temple (1:4–10; 3:12–13; 6:2–3).²⁹¹ Twenty years following the beginnings of this penitent community, God raised up a leader, referred to as a 'Teacher of Righteousness' (מורה צדק), to help guide the community (1:9–10). God revealed the correct interpretation of the Torah to this teacher and the leaders of this penitent community. This Teacher and the community subsequently left the land of Judah and went into exile in the land of Damascus (1:11–12; 3:13–15; 6:3–11). While in the land of Damascus, God established his covenant with this community.²⁹² It was through this covenant that God provided a means of atonement, both for the recently deceased generation (referred to both as 'the first ones' and 'the first of the holy') and for the present generation (3:13; 4:6–9). The faithful of the present generation are called to hold fast to the Teacher's interpretation of the Torah throughout 'the period of wickedness...until the one who teaches righteousness stands at the end of days' (6:9–11). If they continued to hold fast to the covenant that was established in the land of Damascus, remaining in 'the trustworthy house' that God has built under the leadership of the faithful Zadokite priests, and if they did not join the 'house of Judah' (i.e., the religious system associated with the Hasmonean-led Judean state), they would inherit eternal life and all the glory

²⁹⁰ Davies, who also provides a table for comparison (albeit different than the one I have provided here), comes to the same conclusion, writing that, 'Even a superficial comparison of 5:20–6:11, 1:1ff and 2:14ff will show that the historical schema is, in all major respects, identical in each of them; moreover, they all display substantial verbal agreement.' See: Davies, *The Damascus Covenant*, 121–22.

²⁹¹ While CD 1:6 is more ambiguous and does not strictly indicate the destruction of the Temple, based on CD 1:3, which mentions that God 'hid his face from Israel and from His sanctuary', it seems clear that the destruction of the Temple is indeed intended here.

²⁹² That the new covenant was made 'in the land of Damascus' (בארץ דמשק) is clear from 6:19 and 19:34, verses which are outside of these historical reviews, but which help fill in the picture, nonetheless.

of Adam (1:11; 3:19–20; 4:10–12; 6:2–3, 7). Those who reject the Teacher’s interpretation of the Torah, on the other hand, are outsiders who are deceived by Belial and destined for God’s judgment—a judgment which the ‘congregation of traitors’ who were led astray by ‘the man of scorning’ (אִישׁ הַלְצוֹן) and who ‘sought smooth things’ (דָּרְשׁוּ בַחֲלָקוֹת) had recently received, and which served as a warning (1:12–2:1; 3:17; 4:12ff).

Covenant in Fourth Admonition: Belial’s Three Traps for Israel During the Last Days (4:12–6:11)

Little is said about covenant in 4:12–5:15, as this section contains a largely legal discussion centered around the three traps of Belial and those caught in them. The same is true for the second section, 5:15–6:2, which gives warnings from Israel’s past about the fate that awaits the lawbreakers who are deceived by Belial. In the final section which runs from 6:2–11, however, which discusses God’s preservation of a righteous remnant, there are several references to covenant that require our attention.

First, it is significant to note that in 6:2, the Abrahamic covenant serves as the basis for God’s establishment of the DSS community following the Babylonian Exile. As in 1:4, this covenant is referred to as the ‘covenant of the first ones’ (בְּרִית רֵאשִׁוֹנִים).²⁹³

Second, the mention of ‘the land of Damascus’ (אֶרֶץ דַּמָּשֶׁק) as the place where the ‘captives of Israel who went out from the land of Judah’ (שְׁבִי יִשְׂרָאֵל הַיּוֹצֵאִים מֵאֶרֶץ יְהוּדָה) went to sojourn is significant. This is the first mention of ‘the land of Damascus’ in D, and one of only three occurrences of the phrase without reference to the new covenant (see also 7:15, 19).²⁹⁴ Although there is no mention of the new covenant in this passage, the reference to ‘the new covenant in the land of Damascus’ later in 6:19 suggests that this is the place where this covenant was made. While scholars debate whether ‘the land of Damascus’ should be understood literally or symbolically (either as a general reference to the Babylonian Exile or as a reference to

²⁹³ See the parallel reference in 1:4 (see also the above table showing the parallels between the three historical reviews in D) and the discussion associated with this verse for the interpretation of this covenant as the Abrahamic covenant rather than the Mosaic covenant.

²⁹⁴ All other occurrences of the phrase mention ‘the land of Damascus’ as the place where the new covenant was made. See: 6:19, 8:21 (// 19:34), and 20:12.

the group's self-exile to Qumran), there is no reason to suggest that this reference (or any of the other occurrences of the term) should be understood symbolically.²⁹⁵

Third, the dispensational nature of the 'decrees that the Scepter decreed' is important to note. Not only is it stated that the covenant members are to follow these decrees 'throughout the entire period of wickedness' (6:9–10), but it is also stated that without these decrees, 'they will attain nothing...until the one who teaches righteousness stands at the end of days' (6:10–11).²⁹⁶ Both of these statements suggest that the DSS community understood its laws to be authoritative for this final period of time 'until' (עד) the advent of 'the one who teaches righteousness' (יורה הצדק) (6:11).²⁹⁷ Significantly, D is silent on the issue of whether or not these decrees were to be in effect *after* the arrival of this eschatological figure. As for the identity of this figure, some scholars have argued that the 'the one who teaches righteousness' in 6:11 is identical to the 'Teacher of Righteousness' (1:11), 'the Sceptre' (המחוקק), and 'the Interpreter of the Law' (דורש התורה) (6:7). Because the 'Teacher of Righteousness' is portrayed as having passed away in 20:1, these scholars have concluded that his mention in 6:11 must refer to his future resurrection. It is better to side with Davies and Fraade, however, who suggest that 'the one who teaches righteousness' that would come 'in the end of days' in the future (6:11) refers to another priestly figure that is distinct from the Teacher of Righteousness who helped found the community.²⁹⁸

The conclusion of the fourth admonition brings us to the conclusion of the Admonition(s) of D. As the above discussion has shown, it seems clear that as a whole, the Admonition(s) (CD 1:1–6:11a) serve as the hortatory historical prologue to D. Following the common introduction

²⁹⁵ For a more in-depth defense of the literal interpretation of 'the land of Damascus', see Appendix IV.

²⁹⁶ I follow Fraade's translation here for לא ישיגו. See: Fraade, *The Damascus Document*, 51.

²⁹⁷ In the HB, ירה צדק appears only in Hos 10:12, where YHWH is the subject. For other references to 'teaching' (root ירה) as an activity of God, see: Exod 4:12; Isa 2:3; 28:26; Mic 4:2; Ps 25:8; 27:11; 86:11; 119:102. In 2 Chr 15:3, there is mention of a 'teaching priest' (כהן מורה). Both priests and prophets are also presented as teaching, however. For 'teaching' as a priestly activity, see: Lev 10:11; 14:57; Deut 17:10, 11; 24:8; 33:10; 1 Sam 12:23; 2 Kgs 12:3; 17:27, 28; Ezek 44:23; Mic 3:11. For 'teaching' as a prophetic activity, see Isa 9:14.

²⁹⁸ See: Davies, *The Damascus Covenant*, 123; Fraade, *The Damascus Document*, 53. This future figure should also be distinguished from 'the Messiah of Aaron and Israel', yet another figure whose future coming is anticipated in D (12:23; 14:19; 20:1). For the idea of two eschatological figures who would come prior to YHWH's judgment—one priestly and the other who is the Davidic Messiah—see 4QFlorilegium (4Q274) 1_2 I, 11–13. For this idea in the HB, see Mal 3:1–4, 23–24 [Eng 4:5–6]. Furthermore, it is worth mentioning 4Q470, which anticipates the future Davidic Messiah and describes him as one who 'will do and cause to be done all of the Torah' (לעשות ולהעשות את כל התורה), a role that is distinct from that of a priest, whose primary role was to interpret and teach the Torah.

of, ‘And now, listen to me...’ (ועתה שמעו לי) (א), each admonition seeks to connect its audience to both the distant and more recent past, setting forth a choice. Which example would they follow? That of the faithful—namely, Moses (4QD^a 1 a–b 5b–25), the patriarchs (3:2–4) and the recently deceased generation who followed the Teacher of Righteousness and with whom God had re-established his covenant (1:11–12; 3:12–16; 6:3–11)? Or, on the other hand, that of the unfaithful? While certain judgment awaits the latter group, eternal life awaits the faithful who adhere to the interpretation of the Torah held by the community.

c. Stipulations/Laws of D: CD 6:11–8:21 + 19:33–20:34 + various 4QD Fragments + CD 15–16 + CD 9–14:18a

While it is commonplace for scholars to include CD 6:11b–8:21 + 19:33–20:34 as part of the *Admonition(s)/Historical Prologue* of D, this seems to be more based on a desire to stick to the conventional division of the text rather than a desire to divide the text based on the content and structural devices within the text itself.²⁹⁹ If one is not deterred by this conventional division of the text, however, setting the beginning of the *Laws/Stipulations* of D at CD 6:11b seems preferable in that while the preceding discussion (4QD^a 1 a–b 5–25 + CD 1:1–6:11a) consists primarily of narrative discourse interwoven with both exhortations to the community to continue in faithfulness and warnings of judgment on the wicked, from 6:11b onward, the discussion shifts to primarily legal discourse which pertains to the various stipulations that the present community is to obey.³⁰⁰ Furthermore, whereas the preceding sections of the Admonition(s) are

²⁹⁹ E.g., while Fraade includes 6:11b–8:21 in the Admonitions section of CD, he distinguishes the content in this section from the preceding sections of the Admonitions by his use of subtitles for each textual unit. Whereas he titles CD 2:14–6:11a, ‘Reflections on History’, he gives CD 6:11b–8:21 + 19:33–20:34 the title, ‘Duties and Warnings’. In my opinion, the latter title clearly reflects the language of stipulations rather than a historical prologue. See: Fraade, *The Damascus Document*, ix–x.

³⁰⁰ This is not to say that the *historical prologue* of D is absent of any legal discussion. Indeed, the section discussing the three traps of Belial (4:12–5:15) contains a rather lengthy legal discussion. Yet this legal discussion is distinct from 6:11b ff in at least two ways. First, when read in its wider context, it becomes clear that this legal discussion is part of a narrative that is best classified as a hortatory historical prologue. Second, the legal discussion in 4:12–5:15 is primarily concerned with violations of the law committed by the opponents of the community, whereas the 6:11b ff is addressed to the community itself.

structured by the introductory imperative command ‘And now, listen to me’ (ועתה שמעו לי),³⁰¹ beginning with 6:11b this phrase no longer serves as a major structural device in the text.³⁰²

The ‘Stipulations’ or ‘Laws’ of D can be sub-divided into the following sections: (1) compendium of stipulations for covenant members during the period of wickedness (6:11b–7:9a); (2) warnings of judgment and promises to the faithful (7:9–8:21 + 19:33–20:34); (3) series of woe judgments (= ‘catalogue of transgressors’) (4QD^c 2 I–II); (4) additional laws (various 4QD fragments + CD 15:1–16:20 + 19:1–14:18a). Each of these sections will be discussed in more detail below.

(1) Compendium of Stipulations for Covenant Members During the Period of Wickedness

(6:11b–7:9a)

Summary of Compendium of Stipulations for Covenant Members During the Period of Wickedness (6:11b–7:9a)

The introduction to this section, given in 6:11b–14a, poses an interpretive challenge that is pertinent both to the understanding of the wider text unit (6:11b–7:9a) and to the understanding of ‘the new covenant in the land of Damascus’ mentioned later in the section in

³⁰¹ See Table 3 above.

³⁰² Apart from introducing each of the four admonitions, the phrase ‘And now, listen to me’ (ועתה שמעו לי) appears only once more in D in 4QD^c 2 II, 19, which Baumgarten has restored as follows:

...ועתה שמעו לי כל יודעי צדק ו[שימו]תור[ת] אל בלבכם ואגלה[ה]
‘And now, listen to me, all who know righteousness, and [set] the Tora[h of God on your hearts, and I will reveal]...’

Based on his restoration, Baumgarten suggests that 4QD^c 2 II, 19 served to introduce the Laws of D. Yet it is also possible that this forms a ‘second’ introduction to the Laws/Stipulations of D. A similar phenomenon is found in Deuteronomy, where the call to ‘listen (...) to the decrees and judgments’ (שמעו (...) אל/את החקים ואל/את המשפטים) appears in 4:1 and is repeated in 5:1. Yet the appearance of this phrase outside of the admonitions does not frustrate the point made above, which is that the phrase ועתה שמעו לי serves as the *major* structural device in the Admonitions/Historical Prologue of D, whereas it no longer serves this function in the Laws/Stipulations. The determination of the boundary between the Admonition(s) and Laws of D is admittedly difficult. A similar difficulty is observed for the biblical book of Deuteronomy, where scholars have differed in their views of where the historical prologue of Deuteronomy ends and where the stipulations begin. E.g., whereas Kline delimits the historical prologue of Deuteronomy as 1:6–4:49 (see: Kline, *Treaty of the Great King*, 58–61), Kitchen delimits this unit as 1:6–3:29 (see: Kitchen, “The Fall and Rise of Covenant, Law and Treaty,” 124). Despite these difficulties, an earnest effort to determine the boundary between the historical prologue and stipulations in both D and Deuteronomy is worthwhile in view of the possibility that both were consciously presented as covenant renewal documents which followed a particular literary structure.

6:19. The difficult Hebrew syntax of 6:11b–13a has led scholars to propose two very different translations,³⁰³ as shown below:

וכל אשר הובאו בברית לבלתי בוא אל המקדש להאיר מזבחו חנם ויהיו מסגירי הדלת...

(a) ‘And anyone who was brought into the covenant not to enter the Temple to light his altar is a “locker of the door”...’ (Baumgarten)³⁰⁴

(b) ‘And all who were brought into the covenant are not to enter the sanctuary to light his altar in vain. (But rather) they are to be “closers of the door”...’ (Fraade)³⁰⁵

As noted by Baumgarten, these two translations differ significantly from one another at the crucial point of ‘whether the covenant here is to be understood as specifically mandating the avoidance of the Temple’ or whether ‘this is merely one of the duties incumbent upon those who adhere to the sect’s covenant.’³⁰⁶

The *crux interpretum* is how to understand the syntactical function of the phrase **בלתי בוא אל המקדש**. Does the phrase function to modify the noun **ברית**, as is understood by Baumgarten’s translation above? Or, on the other hand, does the phrase function as the predicate of the subject clause **וכל אשר הובאו בברית**, as is understood by Fraade’s translation? Since the construction **בלתי + infinitive** simply indicates the negation of an infinitive, it seems that the syntax could support either translation.³⁰⁷ The construction **בלתי + infinitive** occurs frequently in the DSS: CD 13:10 (בלתי היות); 15:16 (בלתי ראות)³⁰⁸; 1QS 3:6 (בלתי הטיסר); 10:11 (בלתי שוב); 1QH^a 6:28 (בלתי

³⁰³ For a detailed discussion of the syntactical issues and the various interpretations of this passage, see: Davies, *The Damascus Covenant*, 134–40.

³⁰⁴ See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 42.

³⁰⁵ See: Fraade, *The Damascus Document*, 54.

³⁰⁶ See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 43.

³⁰⁷ See GKC §114s; BDB, s.v. **בִּלְתִּי** n. 4a. In this particular construction, however, the **ל־** prefix is attached to **בלתי** rather than the infinitive. While Baumgarten suggests that his translation is syntactically preferable, he does not explain why. See: Baumgarten, 43.

³⁰⁸ The parallel text of 4QD^a 8 I, 7 helps supply this reading.

חטוא)³⁰⁹; 6:29 (לבלתי עשות); 13:31 (לבלתי החזק)³¹⁰; 1QSa 2:4b–5a (לבלתי החזיק) and 2:5b–7 (לבלתי (התחזק בתוך העדה).

Of these occurrences, 1QSa 2:4b–5a and 2:5b–7 are most instructive, as they exhibit a similar syntactical construction to CD 6:11b–13a. The former, 1QSa 2:4b–5a, reads as follows: וכול איש מנוגע באלה לבלתי החזיק מעמד בתוך העדה. Based on the immediately preceding statement (2:3b–4a), it seems best to translate 1QSa 2:4b–5a as follows: *And anyone who has been stricken with these [i.e., impurities] is not to hold office among the congregation.*³¹¹ Thus, if CD 6:11b–13a corresponds with this use of לבלתי + inf. in 1QSa 2:4–5, it seems best to agree with Fraade and follow his translation for CD 6:11b–13a: *‘And all who were brought into the covenant are not to enter the sanctuary to light his altar in vain. (But rather) they are to be “closers of the door”...’* If this is indeed the correct interpretation of this passage, it follows that the *raison d’être* for ‘the new covenant in the land of Damascus’, at least in its original formulation, was not *only* or *primarily* to abstain from worship at the Temple, as Baumgarten’s translation would suggest. Regardless of the interpretation one adopts, however, the prohibition of participating in worship of the Temple is significant, and is clearly presented as a stipulation of the covenant in view here, whether it was *raison d’être* for the covenant (at least initially) or merely one among many other requirements for adherents to the community’s covenant.

Following this injunctive to abstain from serving at the Temple, ‘all those who were brought into the covenant’ are also exhorted on oath (אם לא) ‘to be careful to act according to the exact interpretation of the Torah for the age of evil’ (6:14b).³¹² A summary list of stipulations is given in 6:14c–7:4a, stipulations which help parse what this ‘exact interpretation of the Torah’ is.³¹³ Following this summary list of stipulations, a promise of reward for faithfulness is given:

³⁰⁹ Following Abegg’s versification (= 6:17 Dead Sea Scrolls Study Edition; 14:17 Sukenik).

³¹⁰ Following Abegg’s versification (= 13:29 Dead Sea Scrolls Study Edition).

³¹¹ Significantly, 2:3b–4a also begins with a noun clause. However, rather than being followed by לבלתי + inf., this noun clause is followed by אל + impfct. verb (יבוא), which clearly indicates a negative command. It seems best, therefore, to understand 2:4b–5a and 2:5b–7 in a similar manner, albeit they use the construction לבלתי + inf. rather than אל + impfct. verb.

³¹² The phrase אם לא can imply the presence an oath. The context here, an address to ‘all those who were brought into the covenant’ (6:11), certainly fits this. See BDB, s.v. “אם” n. 1b(2). For instances in the HB, see, e.g., Isa. 5:9; 14:24.

³¹³ That this section serves as a summary of the legal obligations, and not an exhaustive list, is clear from the abundant discussion on legal matters that appears later in D. Denis’s title of ‘le petit code’ for 6:11–7:4 captures

the one who is faithful will have assurance of God’s covenant into eternal life (7:5–6).³¹⁴ In 7:6b–9a, an additional group is addressed: those dwelling in camps ‘according to the rule of the land’ (כסרך הארץ). Ostensibly, as the ensuing context goes on to suggest, this is a reference to the non-celibate members of the community.³¹⁵ This group is instructed ‘to walk according to the Torah and according to the judgment of the principles according to the rule of the Torah’ (7:7–8).

Covenant in Compendium of Stipulations for Covenant Members During the Period of Wickedness (6:11b–7:9a)

The term ‘new covenant’ (ברית חדשה) first appears in D in CD 6:19. Because of the importance of this section for understanding the reception of Jer 31:31–34 in D, I have translated a significant portion of the passage below, leaving out the stipulations listed in 6:12–7:3 for the sake of brevity.³¹⁶ I have also taken the liberty to arrange the text in a more readable format.

CD 6:11b–7:9a (omitting 6:12–7:3)

6:11b Now all who were brought into the covenant
6:12 are not to not enter the Temple and light its altar³¹⁷ in vain.
They are the ones who close 6:13 the door, of whom God said,
‘Who among you will close my door,
so that you will not light my altar 6:14 in vain’ (Mal. 1:10)?
Verily, they should be careful to act according to the exact
interpretation of the Torah during the period of wickedness
(by):

6:11b וכל אשר הובאו בברית 6:12 לבלתי
בוא אל המקדש להאיר מזבחו חנם
ויהיו מסגירי 6:13 הדלת אשר אמר אל
מי בכם יסגור דלתי ולא תאירו מזבחי
6:14 חנם. אם לא ישמרו לעשות כפרוש
התורה לקץ הרשע

this ‘summary’ aspect of this section well. See: Albert-Marie Denis, *Les Thèmes de Connaissance Dans Le Document de Damas* (Louvain: Publications Universitaires de Louvain, 1967), 124.

³¹⁴ This seems to be the meaning of the phrase ‘God’s covenant is assured to them to grant them life for a thousand generations’ (7:5–6) (I follow Fraade’s translation here). For a similar promise, cf. 3:20 and the earlier discussion there. See: Fraade, *The Damascus Document*, 56.

³¹⁵ For a reference to celibate and non-celibate Essenes, see Josephus’s comment in *J.W.* 2.160–61.

³¹⁶ The Hebrew text here follows Abegg’s rendering. See: Martin G. Abegg, “Qumran Sectarian Manuscripts,” Logos Bible Software (Bellingham, WA, 2003). It should be noted that while the text of CD-B is remarkably similar to CD-A in this section, it does contain some plusses and other minor differences. Because the 4QD Fragments overall support the version in CD-A (rather than CD-B), I have followed CD-A’s rendering here.

³¹⁷ I follow Fraade here rather than Qimron, the latter of whom reads ‘my [i.e., God’s] altar’ (מזבחי). It is difficult to tell whether a *yod* or *waw* was intended, and regardless of which reading one adopts, the meaning is the same. See: Fraade, *The Damascus Document*, 54.

separating ^{6:15} from the sons of the pit;

ולהבדל ^{6:15} מבני השחת.

abstaining from the wealth of wickedness—
which is impure on account of (its) being a vow, a dedication
^{6:16} or wealth of the Temple—and from robbing the poor
among his people, (with) widows as their plunder, and
murdering orphans;

ולהנזר מהון הרשעה הטמא בנדר
ובחרם ^{6:16} ובהון המקדש ולגזול את
עניי עמו להיות אלמנ[ו]ת שללם ^{6:17}
ואת יתומים ירצחו

^{6:17} dividing between the impure and pure;

ולהבדיל בין הטמא לטהור

distinguishing between ^{6:18} the holy and profane;

ולהודיע בין ^{6:18} הקודש לחול

keeping the day of the Sabbath according to its exact
interpretation, and (keeping) the appointed festivals ^{6:19} and
the day of fasting according to what was found by those who
entered into the new covenant in the land of Damascus; ...

ולשמור את יום השבת כפרושה
ואת המועדות ^{6:19} ואת יום התענית
כמצאת באי הברית החדשה בארץ
דמשק...
...

^{7:4}...All who walk ^{7:5} in these (statutes) in holy perfection
(and) who are disciplined according to all (these statutes), the
covenant of God is assured to them ^{7:6} to grant them life for a
thousand generations.³¹⁸

^{7:4}...כל המתהלכים ^{7:5} באלה בתמים
קדש על פי כל יסורו ברית אל נאמנות
להם ^{7:6} לחיותם אלף דור.

And if they reside in camps according to the rule of the land,
and they take ^{7:7} wives and beget children, then they should
walk according to the Torah and according to the judgment of
^{7:8} the principles of the rule of the Torah, just as it is said:
'Between a man and his wife, and between a father ^{7:9} and his
son' (Num 30:17).

ואם מחנות ישבו כסרך הארץ ולקחו
^{7:7} נשים והולידו בנים והתהלכו על פי
התורה וכמשפט ^{7:8} היסורים כסרך
התורה כאשר אמר בין איש לאשתו
ובין אב ^{7:9} לבנו.

Several significant observations pertaining to covenant in this passage are important to discuss. First is the 'covenant' and apparent prohibition of participating in Temple worship in Jerusalem that are mentioned in 6:11b–14a. While this negative view of the Jerusalem temple corresponds with other similar statements in the DSS,³¹⁹ scholars debate how this prohibition is

³¹⁸ I follow Fraade's translation here. Alternatively, if יסורו is read as יסודי, the preferred translation of 7:4–6 is: 'All who walk in these (statutes) in holy perfection according to all *the principles of* (יסודי) the covenant of God, a thousand generations will be assured for their living.' Regardless of which interpretation one adopts, however, the overall meaning is similar. See: Fraade, *The Damascus Document*, 56.

³¹⁹ Fraade lists the following references from the DSS that 'disparage the Jerusalem temple or suggest alternative forms of worship': IQS 3:11–12; 8:5–7, 8–10; 9:3–6; 1QpHab 12:6–8; 4Q174 (4QFlorilegium) 2 I, 6–7. See: Fraade, 54.

to be reconciled with other statements that seem to suggest the community's participation in worship at the Jerusalem temple.³²⁰ Michael Knibb provides one possible solution, suggesting that, 'This contradiction is perhaps to be explained by the assumption that the present passage and the collection of laws reflect different stages in the evolution of the beliefs and attitudes of the movement.'³²¹ Fraade provides a second solution for this discrepancy:

...the community could have legislated for proper sacrificial practices within a duly constituted temple, while forbidding participation in the temple and its worship as *presently* constituted, similarly to the way the Mishnah often presumes the existence of and participation in sacrificial worship in the temple long after it had been destroyed and alternative forms of worship had developed.³²²

Yet a third solution provided by Rowley is that 'the legitimacy of the Temple is recognized, but only the legitimacy of priests who conformed to the standards of the sect'.³²³ While it must be admitted that the question of the DSS community's participation (or lack thereof) in Temple worship is a vexing one, it seems clear that the 'covenant' in CD 6:11–14a—a covenant which is identical to 'the new covenant in the land of Damascus' (6:19)—*does* prohibit serving in the Jerusalem temple. Other passages in D make clear that the community and its leader had left the land of Judah entirely in the recent past, which argues against continual service in the temple during this exile. Furthermore, Philo mentions that the Essenes 'have shown themselves especially devout in the service of God, not by offering sacrifices of animals, but by resolving to sanctify their minds', a statement that also suggests the group's prohibition of serving at the Jerusalem temple.³²⁴ Before moving on from the 'covenant' discussed in 6:11–14a, one final

³²⁰ Fraade lists the following references from D that 'seem to suggest or presume participation in the temple sacrificial worship': CD 6:20; 9:13–14; 11:17–21; 16:13–17; 4Q266 (4QD^a) 5 II, 1–16; 6 II, 1–13; 4Q271 (4QD^f) 2 1–13. See: Fraade, 54–55.

³²¹ Knibb, *The Qumran Community*, 52–53.

³²² Fraade, 54–55.

³²³ Rowley's opinion is based in large part on the mention of sacrifices on the altar CD 11:17ff. Rowley writes that 'it is inconceivable that such rigid observers of the Law as the sectaries would offer them anywhere but in the Temple.' See: H. H. Rowley, "The History of the Qumran Sect," *BJRL* 49, no. 1 (1966): 213.

³²⁴ See: *Prob. 75*. I follow Colson's translation in LCL here. See: Philo, *Every Good Man Is Free. On the Contemplative Life. On the Eternity of the World. Against Flaccus. Apology for the Jews. On Providence*, trans. F. H. Colson, LCL (Cambridge, MA: HUP, 1941).

point is significant to note. If both the mandate to abstain from lighting the Temple altar and the identification of the covenant members as ‘the ones who close the door’ (מסגירי הדלת) are taken at face value, these references suggest a priestly audience (at least partially), as these are priestly prerogatives.³²⁵

The second reference to ‘covenant’ in this passage is the reference to ‘the new covenant in the land of Damascus’ in 6:19. That this ‘new covenant’ was made prior to the admission of covenant members discussed in 6:11b–14a seems clear. It also seems clear that the ‘covenant’ in view in 6:11b–14a is continuous with and/or identical to ‘the new covenant in the land of Damascus’. In its immediate context, the mention of ‘the new covenant of the land of Damascus’ appears within a stipulation related to proper observance of the Sabbath, appointed festivals, and ‘the day of fasting’ (יום התענית), i.e., the Day of Atonement, or Yom Kippur.³²⁶ The passage makes a distinction between the first term, ‘the day of the Sabbath’ (יום השבת), and the latter two terms, ‘the appointed festivals’ (המועדות) and ‘the day of fasting’ (6:18–19).³²⁷ Whereas the Sabbath is to be observed ‘according to its exact interpretation’ (כפרושה),³²⁸ ‘the appointed festivals’ and ‘the day of fasting’ are to be observed ‘according to what was found by those who entered into the new covenant in the land of Damascus’ (6:18–19). From this, we can gather that the new covenant of the DSS community contained at least the following two distinctives that set the community apart from other Israelites: (1) a different calendrical interpretation regarding ‘the appointed festivals’ (in which the Day of Atonement was included); and (2) a different interpretation of the regulations associated with the Sabbath.³²⁹ Furthermore, it is worth noting that the mention the Day of Atonement in 6:19 shows that the community still observed this

³²⁵ It seems clear that term מסגירי הדלת is used here to identify the members of the new covenant as the prophetic fulfillment of Mal 1:10.

³²⁶ The Day of Atonement (Yom Kippur) was the only annual festival in the HB for which a fast was mandated. See Lev 16:29, 31; 23:27, 32.

³²⁷ Elsewhere in D, God’s ‘holy sabbaths’ and ‘appointed festivals of his holiness’ are mentioned together (i.e., with no distinction between them) as part of the special revelation received by the community (CD 3:13–14).

³²⁸ The term כפרושה (‘according to its exact interpretation’) (כפרושה) is used elsewhere in D to refer to the unique teaching of the community, a teaching which stems from what was revealed to the Teacher and community during their sojourn in the land of Damascus. It almost certainly has the same meaning here.

³²⁹ CD 10:14–11:18 contains regulations for observing the Sabbath, which suggests that the community already distinguished itself in part due to its different regulations for Sabbath observance.

annual festival and considered it to be an important means for atonement, even if this festival was no longer associated with the Temple cult in Jerusalem.

Another observation pertaining to the new covenant in this passage is the dispensational language used to describe the covenant. The covenant members are to observe the stipulations listed in 6:14–7:3 ‘throughout the period of wickedness’ (לקץ הרשע) (6:14). While the question of whether these stipulations were to be in effect beyond this period or not is not commented on in this passage, it seems doubtful that this was the case, at least in regard to *all* the covenant stipulations presented here (and elsewhere in D). It is hard to imagine, for example, that the stipulation prohibiting Temple worship or service was intended to be in effect for an indefinite period. As other DSS works like the *Temple Scroll* (11Q19) show, however, the DSS community clearly anticipated a time when proper worship at the Temple would be restored. Thus, it seems clear that the ‘new covenant’ (or at least the legal stipulations of the new covenant) was temporary and was to operate specifically for ‘the period of wickedness’, a period that would conclude with the coming of ‘the Messiah of Aaron and Israel’ (see, e.g., 14:18–19, to be discussed further below).

Lastly, it is significant to note that the new covenant seems to have included members from two distinct groups of people: those who lived ‘in perfect holiness’ (בתמים קדש) (7:5)—a phrase that, in context, seems to suggest celibacy—and those who lived in camps ‘according to the rule of the land’ (i.e., those who married and begat children) (7:6b).³³⁰ The latter group is separately addressed in 7:6b–9, although it seems that they are to obey the same stipulations listed in 6:11b–7:4 as well. While celibacy is nowhere recorded as a legal obligation for the DSS community, it is possible that celibacy was introduced specifically for ‘the period of wickedness’ (לקץ הרשע). Despite these differing views on marriage, it seems clear that both groups were considered to be members of the same covenant.

(2) Warnings of Judgment and Promises to the Faithful (7:9–8:21 + 19:33–20:34)

Summary of Warnings of Judgment and Promises to the Faithful (7:9–8:21 + 19:33–20:34)

³³⁰ Josephus also mentions two groups of Essenes—celibate and non-celibate. According to Josephus, other than their view on marriage, the non-celibate group of Essenes was ‘at one with the rest in its mode of life, customs, and regulations’ (see *J.W.* 2.8.2, 13). I follow Thackeray’s translation here. See: Josephus, *The Jewish War, Volume I Books 1-2.*, trans. H. Thackeray, LCL (Cambridge, MA: HUP, 1927).

The compendium of stipulations for covenant members (6:11b–7:9a) is followed by warnings of judgment in 7:9–8:21 + 19:33–20:34. Three promises to the faithful are interspersed among these warnings of judgment in 8:16–18; 20:17–22; and 20:27b–34. Each warning of judgment or promise to the faithful is introduced by one of the following phrases:

– וכל המואסים (7:9; 20:25; 20:27); וכן (ה)משפט (הזה) (8:1, 16; 20:1); or וכמשפט (הזה) (19:32; 20:8, 10). In contrast to the phrase ועתה שמעו (א)לי, which served to structure the Admonition(s)/Historical Prologue, these phrases serve to structure this section of the Stipulations/Laws. This section of D can be summarized according to the table below, which includes the introductory phrase to each sub-unit, the group addressed, and the judgment or promise given to this group.

Table 5

Passage in CD	Address of Group and Its Illicit or Righteous Actions		Judgment or Promise
7:9–8:1	‘But all who reject (these commands)...’ (7:9)	וכל המואסים	First Judgment: God will repay them for their wickedness when He visits the land, just as Isaiah prophesied (7:9–11)
8:1–15 (/ 19:13–28)	‘Thus is the judgment (for) all who enter into his covenant who do not remain steadfast in these (commands): ...’ (8:1b–2a)	וכן משפט כל באי בריתו אשר לא יחזיקו באלה	Second Judgment: Belial will visit them for destruction (8:2)
8:16–18 (/ 19:28–31)	‘Thus is the judgment for the captivity of Israel (who have) turned away from the way of the people: ...’ (8:16)	וכן משפט לשבי ישראל סרו מדרך העם	First Promise: God loves them on account of His love for their forefathers, and the covenant is theirs (8:16–18)
19:32–20:1 (/ 8:18–21)	‘And according to this judgment (it will be) for all who reject the commands of God and forsake them and turn away in the stubbornness of their heart—thus, for all the people who entered into the new covenant in the land of Damascus but turn back and act faithlessly and turn away from the Well of Living Water: ...’ (19:32–34)	וכמשפט הזה לכל המואס במצות אל ויעזבם ויפנו בשריתות לבם כן כל האנשים אשר באו בברית החדשה בארץ דמשק ושבו ויבגדו ויסורו מבאר מים החיים	Third Judgment: They will not be reckoned among the assembly of the people (or recorded in their writings) (19:35)

20:1–8	‘Thus is the judgment for all who enter into the congregation of the men of perfect holiness and loathe the acts of the appointed upright ones (i.e., leaders): ...’ (20:1–2)	וכן המשפט לכל באי עדת אנשי תמים הקדש ויקוץ מעשות פקודי ישרים	Fourth Judgment: They will be sent out of the congregation (20:3)
20:8–10	‘And according to this judgment (it will be) for all who reject the first (commands) or the last (commands), ³³¹ who have placed idols in their hearts and walk in the stubbornness of their hearts: ...’ (20:8–10)	וכמשפט הזה לכל המאס בראשונים ובאחרונים אשר שמו גלולים על לבם וילכו בשרירות לבם	Fifth Judgment: They will have no part in ‘the house of the Torah’ (20:10)
20:10–17	‘According to (this) judgment (it will be) (for) their neighbours who turned back with the men of scorning: ...’ (20:10–11)	כמשפט רעיהם אשר שבו עם אנשי הלצון	Sixth Judgment: Neither they nor their families will have a part in the house of the Torah (20:13)
20:17–22	‘But the ones who turn away from the sin of Jacob keep the covenant of God...’	ושבי פשע יעקב שמרו ברית אל	Second Promise: God will hear their words, they will be recorded in the book of remembrance, and they will see God (20:18–20)
20:22–25	‘[And according to this judgment (it will be for) all] the house of Peleg who went out from the holy city and leaned upon God during the period of the unfaithfulness of Israel and declared the Sanctuary unclean, but they return again to the way of the people in a fe[w] matters: ...’	[וכמשפט כל] בית פלג אשר יצאו מעיר הקדש וישענו על אל בקץ מעל ישראל ויטמאו את המקדש ושבו עוד אל דרך העם בדברים מעט[ים]	Seventh Judgment: All of them will be judged in the holy council (20:24)
20:25–27	‘As for all among those entering into the covenant who have breached the boundary of the Torah: ... And with them all the wicked ones of Judah during the days of his [i.e., Judah’s] refining.’	וכל אשר פרצו את גבול התורה מבאי הברית...ועמהם כל מרשיעי יהודה בימי מצרפותיו	Eighth Judgment: They will be cut off from among the camp when the Glory of God appears (20:25–26)
20:27–34	‘But all those who remain steadfast in these judgments...: ...’	וכל המחזיקים במשפטים האלה...	Third Promise: They will rejoice and be glad and will overcome the sons of the world. God will atone for them and they will see His salvation (20:33–34)

³³¹ The legal rulings of the DSS community are to be understood here. See: Fraade, *The Damascus Document*, 70.

Covenant in Warnings of Judgment and Promises to the Faithful (7:9–8:21 + 19:33–20:34)

In accordance with the above table, I have divided this section into smaller subunits of text to help facilitate the discussion of covenant in this section. As for the term ‘covenant’ (ברית), itself, it occurs in the following verses: 8:1 (//19:14) (בריתו); 19:16 (ברית תשובה); 8:18 (ברית) (//19:31); 8:21 (בברית החדשה) (//19:33–34); 20:12 (ברית החדשה and אשר קימו) (האבות); 20:17 (ברית אל); 20:25 (הברית) and 20:29 (הברית).

Covenant in the First Judgment (7:9–8:1a)

While the term ‘covenant’ does not appear in this passage, this passage provides significant historical background information for the covenant community, particularly in regard to the land of Damascus as the provenance of the new covenant.³³²

Covenant in the Second Judgment (8:1–15 [//19:14–28])

The term first appears in 8:1 (//19:14) in a statement that addresses a second group of unfaithful who will face judgment (8:1b–15): ‘Thus is the judgment (for) all who enter into *his covenant* (בריתו) who do not remain steadfast in these (judgments): ...’ (8:1b–2a). The judgment that awaits these apostates is given in 8:2: they will be destroyed during Belial’s impending visitation.³³³ Two explanations are given in 8:2–3 concerning this judgment. First, a brief explanation is given about the day of Belial’s visitation: ‘this is the day when God will visit’

³³² For a more in-depth discussion and the argument that ‘the land of Damascus’ is best understood in a literal sense as opposed to a symbolic reference to Qumran or Babylon, see Appendix IV.

³³³ The translation of וכן המשפט in 8:1 is more difficult than it appears at first glance. Should it be translated as ‘thus (as has just been told) is the judgment’, in which case the following statement would refer back to the preceding judgment mentioned in 7:9–11? Or, on the other hand, should it be understood as ‘thus (as will now be told) is the judgment’, in which case the phrase points forward to the judgment that will follow and makes no connection with the preceding judgment? (For these two translation options for כן, see: HALOT, s.v. “כִּן” n. 1 and n. 2, respectively.) The use of the preposition –כ in the phrase (הזה) וכמשפט, another phrase which serves to introduce judgments in this section as discussed above (see, e.g., וכמשפט הזה in 8:18 and 20:8) does not help clarify the issue, since it can be understood in a similar manner—i.e., one can understand –כ as either ‘in the same way as this (preceding) judgment’ or ‘according to this (following) judgment’. See: HALOT, s.v. “כִּ” n. 1. Based on the observation that a judgment is spelled out *following* each instance of these introductory phrases—i.e., ה/–וכל (כל) (כל) ה/–וכל, and (ה)משפט; אשר וכמשפט (הזה); however, the latter option for both כן and –כ is to be preferred. That is, both expressions function to introduce a new judgment rather than to refer back to a judgment that was previously given. Thus, it is preferable to take 8:1b–2 as introducing a new section rather than concluding the previous section. Cf. Fraade, who delimits the sections as 7:9–8:2a and 8:2b–13 rather than 7:9–8:1a and 8:1b–13. See: Fraade, *The Damascus Document*, 59–67.

(הוא היום אשר יפקד אל). This statement, in addition to clarifying that the day of God's visitation and Belial's visitation would be one and the same, seems to be an intentional attempt to connect the judgment recorded in 8:1–15 with the previous judgment recorded in 7:9–8:1, where there is an explicit reference to 'God visiting the land' (בפקד אל את הארץ) to repay wickedness (7:9). A second explanation is given concerning the identity of the apostates mentioned in 8:1b–2a. These apostates are said to be 'the princes of Judah' (שרי יהודה) (8:3), and more details about this group are given in 8:4–15. Significantly, these 'princes of Judah' *had once been* a part of the new covenant, but had subsequently departed from it (8:1b–2a).

The second appearance of the term 'covenant' in this sub-unit appears in CD 19:16 in text that is present in MS B but absent in MS A.³³⁴ The description of the covenant as 'the covenant of repentance' (ברית תשובה)—a term which appears only here in the DSS—is significant in its presentation of 'the new covenant in the land of Damascus' as a covenant that was associated with penitence. While this aspect of the new covenant is implied elsewhere in D (see, e.g., CD 1:8–10), it is nowhere in D so explicitly stated as here.

Covenant in the First Promise to the Faithful (8:16–18)

The term 'covenant' also appears in 8:16–18 (//19:28–31), a passage that gives the first promise to the faithful amidst the more numerous warnings of judgment. The faithful, identified as 'the captivity of Israel' (שבי ישראל), are described as ones who have 'turned from the way of the people' (סרו מדרך העם) and are promised the following: 'On account of the love of God for the forefathers who testified about Him, He has loved the ones coming after them. Indeed, theirs is the covenant of the forefathers' (8:16–18). It seems clear that this reference to the 'covenant of the forefathers' (ברית האבות) is a reference to the Abrahamic covenant, a covenant that is referred to elsewhere in D as the ברית ראשונים ('covenant of the former ones') (1:4; 6:2). Two observations

³³⁴ While scholars have proposed a variety of solutions to account for the discrepancies between MS A and MS B, this issue need not detain us here. What is of importance here is that at least one of the recensions of D—i.e., the one represented by MS B—attests to this reading. Furthermore, it is significant to note that while the 4QD Fragments in general support MS A, some readings support MS B, including the reading 'according to (the) word' (כאשר דבר) in 4QD^a 3 III, 25, which supports CD^B 19:15. For a brief history of scholarship that attempts to account for the 'still puzzling' relationship between MS A and MS B—a debate in which 'scholars have raised almost all of the possibilities regarding the relationship of A and B, with a variety of reasons given for the differences between them', see: Menahem Kister, "The Development of the Early Recensions of the Damascus Document," *DSD* 14, no. 1 (2007): 61–63.

from this present passage are significant to note. First is the statement, ‘theirs is the covenant of the forefathers’, a statement which suggests that the DSS community considered their ‘new covenant in the land of Damascus’ to be one and the same as the Abrahamic covenant. In other words, the DSS community’s ‘new covenant’ was in clear continuity with ‘the covenant of the forefathers’, i.e., the patriarchs. Second, it is worth noting that in this passage it is God’s love for the ‘forefathers’ (i.e., Abraham, Isaac, and Jacob) that serves as the basis for his love for those of the DSS community. This point is emphasized in 8:14–15—verses that immediately precede this passage and that likely prompted the author to add this quick promise to the faithful before continuing on with judgments on the unfaithful—, and a similar point is made in 1:4–5 and 6:2.

Covenant in the Third Judgment (19:32–20:1 [//8:18–21])

The term ‘covenant’ also appears in 19:32–20:1 (//8:18–21), a passage that contains the third judgment directed toward the unfaithful. Significantly, this passage contains the second mention of the term ‘new covenant’ (ברית חדשה) in D, and thus will be translated in full here. The text in MS A is likely truncated, but the missing lines can be supplied from MS B, which overlaps with this portion of column 8 yet exhibits some noticeable differences.³³⁵ A comparison of the two versions is shown in the table below, with differences indicated in bold.

Table 6

MS A (8:18–21)	MS B (19:32–20:1)
<p>18 וכמשפט 19 הזה לכל המואס במצות אל ויעזבם ויפנו בשרירות לבם. 20 הוא הדבר אשר אמר ירמיהו לברוך בן נרייה ואלישע 21 לגחזי נערו. כל האנשים אשר באו בברית החדשה בארץ דמשק.</p>	<p>19:32 וכמשפט הזה לכל המאס במצות אל 33 ויעזבם ויפנו בשרירות לבם כן כל האנשים אשר באו בברית 34 החדשה בארץ דמשק וישבו ויבגדו ויסורו מבאר מים החיים: 35 לא יחשבו בסוד עם ובכתבם לא יכתבו מיום 20:1 האסף מורה היחיד עד עמוד משיח מאהרן ומישראל.</p>
<p>18 And according to 19 this judgment (it will be) for all who reject the commands of God and forsake them and turn away in the stubbornness of their heart:</p>	<p>19:32 And according to this judgment (it will be) for all who reject the commands of God 33 and forsake them and turn away in the stubbornness of their heart— thus, (for) all the people who entered into the new 34 covenant in the land of Damascus but</p>

³³⁵ The text of MS A on its own is difficult to make sense of, as it lacks the pronouncement of a judgment that one expects to follow the opening phrase הזה וכמשפט הזה (‘And according to this judgment...’). Thus, it seems best to understand that the text of MS A has been broken off at 8:21, and that MS B gives additional text that was present in D.

<p>²⁰This is the word that Jeremiah spoke to Baruch, son of Neriah, and Elisha ²¹to Gehazi his servant. (...?) All the people who entered into the new covenant in the land of Damascus (...?)</p>	<p>turned back,³³⁶ became traitors and turned away from the well of living water: ³⁵They will not be counted among the assembly of the people, and they will not be recorded in their writings from the day of the gathering of ^{20:1}the one and only Teacher³³⁷ until the standing of the Messiah of Aaron and of Israel.³³⁸</p>
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Several observations about the new covenant in this passage are significant to note. First, there is a clear reference to former covenant members who subsequently have committed apostasy. Although these individuals had ‘entered into the new covenant in the land of Damascus’, they had since turned away from ‘the well of living water’ (באר מים חיים)—a phrase used previously in D that refers to the authoritative teaching that God revealed to the community (3:12–16; 6:3). Based on the mention of ‘the gathering (i.e., the death) of the one and only Teacher’, it seems clear that this apostasy took place after the death of the Teacher. Furthermore, the description of these apostates as those who had ‘entered the new covenant in

³³⁶ For a discussion of rendering שבו as ‘turned back’ (i.e., apostatized), see Davies, who notes that the frequent use of שוב in this section of CD suggests that the term is a ‘motif’ and that it could be a technical term for the community, meaning ‘apostasize’. See: Davies, *The Damascus Covenant*, 176.

³³⁷ I have translated the term יחיד as ‘one and only’ here. While the expression מורה היחיד is often rendered as ‘the Teacher of the Community (*Yahad*)’, this would require מורה היחד. The text as it stands in MS B, however, clearly reads מורה היחיד. The adjective יחיד can be translated as ‘only (one)’—i.e., ‘unique’, hence my translation, ‘one and only’—or as ‘solitary’ and appears twice more in MS B: in 20:14 יורה היחיד (‘the only one who teaches’) and in 20:32 אנשי היחיד (‘men of the only one’). In the latter case, יחיד seems to function as a substantive and to refer to the מורה צדק (‘the Teacher of Righteousness’), a term that occurs in the same verse. Whether this term emphasized the unique inspired status of the Teacher or the solitary, exiled status of the Teacher (see, e.g., Psalm 25:16) is unclear, although the context seems to suggest the former. As noted by Fraade, it seems likely that מורה היחיד was another title for the Teacher. See: Fraade, *The Damascus Document*, 69.

³³⁸ While some scholars have argued that the phrase משיח אהרון וישראל in D refers to two separate messiahs (i.e., a messiah of Aaron and also a messiah of Israel), it seems better to understand this phrase as referring to one figure (i.e., the messiah of Aaron and Israel) primarily on the basis of the use of the singular verb ויכפר (‘and he will atone’) in 14:19. Furthermore, as Brooke and others have pointed out, for the construction משיח אהרון וישראל to be understood as a singular nomen regens with two nomina recta, while grammatically possible, would be ‘the exception rather than the rule’. This is not to deny that D does indeed hold an expectation of a future priestly figure that is distinct from ‘the messiah of Aaron and Israel’ (see, e.g., 6:11). For the argument that משיח אהרון וישראל refers to two separate messiahs, see: John J. Collins, *The Scepter and the Star: The Messiahs of the Dead Sea Scrolls and Other Ancient Literature*, ABRL (New York: Doubleday, 1995), 75–101; R. Deichgräber, “Zur Messiaserwartung Der Damaskusschrift,” *ZAW* 78 (1966): 333–43. For the argument that משיח אהרון וישראל in D refers to one figure, see: George J. Brooke, “The Messiah of Aaron in the ‘Damascus Document,’” *RevQ* 15, no. 1/2 (57/58) (1991): 215–30; George J. Brooke, “The Amos-Numbers Midrash (CD 7,13b-8,1a) and Messianic Expectation,” *ZAW* 92, no. 3 (1980): 397–404; Martin G. Abegg, “The Messiah At Qumran: Are We Still Seeing Double?,” *DSD* 2, no. 2 (1995): 129–31.

the land of Damascus' (באו בברית החדשה בארץ דמשק) could suggest a time when the community had already migrated back to Judah or its environs.

A second observation about the new covenant in this passage pertains to the use of dispensational language. In 19:35–20:1, the judgment for apostates is to be in effect ‘from the day of the gathering of the one and only Teacher until the standing of the Messiah of Aaron and of Israel’. As is the case with the first appearance of the term ‘new covenant’ in 6:11b–7:9 (see specifically 6:14), it seems clear that this particular judgment on apostates of the ‘new covenant’—i.e., exclusion from the community—was to be operative only ‘until the standing of the Messiah of Aaron and Israel’. Because this coming was associated with the destruction of all the unfaithful, one can presume that there would be no further need for this particular judgment after this event.

A third observation about the new covenant concerns the judgment for apostates: ‘They will not be counted among the assembly of the people, and they will not be recorded in their writings...’ (19:35). As noted by Davies, it seems clear that whatever else these statements entail, ‘membership of the community is emphatically denied to those addressed here; their names are to be struck from the record. “Excommunication” may be an appropriate description of the procedure.’³³⁹

Covenant in the Sixth Judgment (20:10–17)

The term ‘covenant’ appears twice more in 20:10–17, a passage that gives a sixth judgment against the unfaithful. Significantly, the third and final reference to the ‘new covenant’ in D appears in this passage, a passage which consists of two major parts. In 20:10b–13a, those ‘who turned back (i.e., apostatized) with the men of scorning’ (אשר שבו עם אנשי הלצון) (20:10–11) are given the following judgment: ‘Neither they nor their families will have a part in the house of the Torah’ (20:13a). In the second part of the passage, 20:13b–17a, it is stated that God’s wrath will be kindled against Israel during the time period from the death of the Teacher until the death of these men of scorning—a period of ‘about forty years’ (כשנים ארבעים) in duration (20:13–16a). A loose citation of Hosea 3:4 is given as Scriptural proof (20:16b–17).³⁴⁰ Due to the significance

³³⁹ Davies, *The Damascus Covenant*, 178.

³⁴⁰ The text here differs from the MT of Hosea 3:4, which reads as follows: ‘For many days the children of Israel will dwell with no king, with no prince, with no sacrifice, with no pillar, with no ephod, and with no

of this passage for our discussion of covenant, I have included my translation of CD 20:10b–17a in full (divided into the two parts mentioned above) below.

Part One: The Judgment (20:10b–13a)

^{20:10b} According to (this) judgment,³⁴¹ their neighbours who turned away [i.e., apostatized]¹¹ with the men of scorning will be judged, because they spoke in error concerning the decrees of righteousness and they rejected¹² the covenant and faith-pact that they established in the land of Damascus (that is, the new covenant):^{13a} Neither they nor their families will have a share in the house of the Torah.

^{20:10b} כמשפט רעיהם אשר שבו
¹¹ עם אנשי הלצון ישפטו כי דברו
תועה על חקי הצדק ומאסו¹² בברית
ואמנה אשר קימו בארץ דמשק והוא
ברית החדשה^{13a} ולא יהיה להם
ולמשפחותיהם חלק בבית התורה.

Part Two: The Duration of the Period (20:13b–17a)

^{13b} Now from the day of¹⁴ the gathering of the one and only who instructs [i.e., the Teacher] until the end of all the men of war who turned away [i.e., apostatized]¹⁵ with the man of the lie (there will be) about 40 years. And during this period¹⁶ the anger of God will be kindled against Israel just as it is said: ‘There is no king, no prince, no judge, and [no on]e¹⁷ who rebukes in righteousness’ (Hos 3:4).

^{13b} ומיום¹⁴ האסף יורה היחיד עד
תם כל אנשי המלחמה אשר שבו
¹⁵ עם איש הכזב כשנים ארבעים.
ובקץ ההוא יחרה¹⁶ אף אל בישראל
כאשר אמר: אין מלך ואין שר ואין
שופט ו[אין]¹⁷ מוכיח בצדק.

Several observations pertaining to ‘the new covenant’ in this passage are in order. First, the phrase והוא ברית החדשה (‘now this is the new covenant’) seems to clearly be an explanatory gloss.³⁴² What prompted the scribe to add this gloss and thereby clarify that the ‘covenant and

household gods’ (כי ימים רבים ישבו בני ישראל אין מלך ואין שר ואין זבח ואין מצבה ואין אפוד ותרפים). It seems that ‘judge’ (שופט) and ‘one who reproves in righteousness’ (מוכיח בצדק) are interpretations of ‘ephod’, as all terms likely refer to priests.

³⁴¹ Cf. Fraade, who considers 20:10–17 to be a part of the same judgment recorded in 20:8–10 and translates 20:10–13 as follows:

... They have no portion in the house of the Torah. Like the judgment of their neighbors who turned away with the scoffers, they shall be judged, for they spoke erroneously concerning the statutes of righteousness and despised the covenant and the contract which they agreed to in the land of Damascus, it being the new (renewed) covenant. They and their families will not have a portion in the house of the Torah.

See: Fraade, 68.

³⁴² This is supported by the absence of the article (–ה) on ברית, since, if ברית החדשה is inserted where the phrase בברית ואמנה stands at present, no article is required due to the presence of the prefixed ב–.

faith pact that they established in the land of Damascus' (ברית ואמנה אשר קימו בארץ דמשק) (20:12) was one and the same as 'the new covenant'? At least two possibilities exist. One possibility is that the 'covenant and faith pact' (ברית ואמנה) that was made 'in the land of Damascus' (בארץ דמשק) only came to be referred to as 'the new covenant' at a later stage in the life of the community.³⁴³ In other words, the DSS community retroactively applied the term 'new covenant' to a covenant which, at its inception, was not called by the name 'new covenant', but simply regarded as 'the covenant' and/or 'faith-pact' that was distinguished by its provenance in the land of Damascus. Yet it is also possible that the explanatory gloss indicates a scribal attempt to clarify that the 'covenant' and 'faith-pact' in view here was one and the same as 'the new covenant in the land of Damascus' mentioned previously (6:19, and 8:21 [//19:33–34]). If this was the case, it is entirely possible that the insertion of the term 'new covenant' in 20:12 should be regarded as a harmonization instead.

A second observation is that the new covenant was said to have been made 'in the land of Damascus' (20:12). Since the only other two occurrences of the term 'new covenant' in D (6:19 and 8:21 [//19:33–34]) refer to the covenant's provenance as 'the land of Damascus', it is clear that the covenant was initially made here. None of these references give a convincing reason to suggest that 'the land of Damascus' is anything other than the literal land of Damascus, i.e., biblical Aram and modern-day Syria.³⁴⁴

A third observation is the reference to the new covenant as a 'faith-pact' (אמנה). The use of this term recalls the covenant renewal presented in the biblical books of Ezra and Nehemiah and suggests that the DSS community sought to appropriate this language in order to place their

³⁴³ Davies is one such scholar who adopts this view. He writes:

Now, the fact that 'new covenant' is a gloss on 'covenant in the land of Damascus' at XX,12 shows that at one point the older terminology persisted. This implies that at an early stage the new community continued to regard itself as the *true* community of the (original) Damascus covenant. Only at a secondary stage, and probably as a result of conflict within the parent community, did the new community define itself as the community of the *new* covenant, in order to distinguish itself from the continuing community which clung to the original 'Damascus covenant' and did not accept the Teacher.

Since the previous two occurrences of the term 'new covenant' in D in 6:19 and 8:21 (// 19:33–34) give no indication that the term 'new covenant' was only retroactively applied to the covenant entered into in the land of Damascus, Davies is forced to include these previous occurrences of the term as part of the later recension of the text as well. See: Davies, *The Damascus Covenant*, 177.

³⁴⁴ See also Appendix IV.

covenant firmly in line with this and the other covenant renewals of biblical history.³⁴⁵ Whereas the impetus for the covenant renewal presented in Neh 9–10 is the apparent violation of the covenant by intermarrying with Gentiles, however, the impetus for covenant renewal in D is at least in part the desecration of the Temple (CD 6:11–14).³⁴⁶

A fourth observation concerns the inclusion of ‘their families’ (משפחותיהם) in the judgment of exclusion from the ‘house of the Torah’ (20:13). The inclusion of families suggests that this particular judgment in 20:10b–13a was directed towards non-celibate members of the community who apostatized in contradistinction to the celibate members of the community (i.e., ‘the men of holy perfection’) who apostatized. Such a distinction is supported by the recognition that 20:1b–20:10a—and likely 19:32b–20:1a as well—address the celibate members of the community.³⁴⁷ That this particular judgment in 20:10b–13a pertains to non-celibate members of the community who had apostatized rather than celibate members not only helps inform our understanding of the makeup of the covenant community, but could also help explain the reason for the insertion of the explanatory gloss pertaining to the ‘new covenant’ in 20:12. In 19:32b–20:10a, a judgment is given on ‘all the men who entered into the new covenant in the land of Damascus’ (19:32b) but later apostatized. In 20:10b–13a, the same violation of apostasy seems to be in view, but this time the audience is ‘their neighbours who turned away with the men of

³⁴⁵ The only occurrence of the term אִמְנָה (‘faith-pact’) in the HB in reference to a covenant renewal is in Neh 10:1, which strengthens the likelihood that D seeks to present ‘the new covenant in the land of Damascus’ as a covenant renewal in the same vein as the covenant renewal that took place under the leadership of Ezra and Nehemiah. It is also worth noting that as with D, Neh 9:7–8 points to the Abrahamic covenant as the basis for God’s future covenant relationship with his people. Hultgren comes to a similar conclusion, noting that ‘the Damascus covenant was the group that continued to uphold the ideal vision of the Chronicler and his party when the Jerusalem priesthood followed a different path’. See: Hultgren, *From the Damascus Covenant to the Covenant of the Community*, 234.

³⁴⁶ See also Ezra 9:1–2, 10–12; 10:1–17.

³⁴⁷ In 20:1b–10a, two separate judgments are given. The first judgment appears in 20:1b–8a and is specifically directed toward ‘all who enter into the assembly of the men of holy perfection, but recoiled from doing the ordinances of the upright’ (20:2). The further appearances of the phrase ‘the men of holy perfection’ (אֲנָשֵׁי תְּמִים) (הַקִּדְּשׁ) in 20:5 and 20:7 make clear that the judgment of exclusion from the assembly is specifically for the celibate member of the community. It is likely that the second judgment in 20:8b–10a is directed towards these celibate members as well for the following reasons. First, there is no clear indication of a change in audience from 20:1b–8a to 20:8b–10a (cf. 20:10b–13, where there is a clear shift in the subject of address to ‘their neighbours’ (רְעֵיָהֶם)). Second, there is no mention of families in the judgment (cf. the mention of ‘their families’ in the following judgment given in 20:10b–13). Third, a similar shift from discussing the celibate to the non-celibate was also observed in 7:4b–9. That 20:1b–10a likely addresses the celibate members of the community in contradistinction to the non-celibate members, who are addressed in 20:10b–13a, increases the likelihood that 19:32b–20:1a is also addressed to the celibate members in particular as well. Note: I follow Fraade’s translation of וַיִּקְוֶץ מֵעֲשׂוֹת פְּקוּדֵי יִשְׂרָאֵל as ‘...but recoiled from doing the ordinances of the upright’ (20:2) above. See: Fraade, *The Damascus Document*, 68.

scorning...and rejected the covenant and faith-pact that they established in the land of Damascus. (Now this is the new covenant.)' (20:10b–12). Yet just as was the case in 19:32b–20:10a, it is clear that this audience in 20:10b–13a contains members who themselves had entered into this covenant in the land of Damascus, as they are described as having 'established' (קימו) it. Because this covenant is referred to as 'the new covenant' in 19:32b, it is possible that the scribe here simply wanted to clarify that this same covenant was in view in 20:12. While both passages address those who had entered into 'the new covenant in the land of Damascus' but had since apostatized, the major difference between these two passages concerns the audience, with 19:32b–20:10a addressing the celibate of the community, whereas 20:10b–13a addresses the non-celibate.

A fifth observation is the mention of 'the house of the Torah' (בית התורה). As noted by Fraade, this term occurs only in CD 20:10 and 20:13 in the entire DSS corpus.³⁴⁸ This term most likely is a reference to the synagogue, and suggests that at the time of D's composition, the synagogue had an important social-religious role for the DSS community's life and structure.

Covenant in the Second Promise to the Faithful (20:17–20:22)

The term 'covenant' also appears within the second promise given to the faithful (20:17b–20:22). In this passage, the faithful are described as 'those who turn away from the rebellion of Jacob' (שבּי פשע יעקב)—an appropriation of Isa 59:20—and as ones who have kept 'the covenant of God' (ברית אל) (20:17). The faithful are exhorted and/or further characterized as follows: 'each man will speak to his neighbour to justify his brother (and) to support his steps in the way of God' (20:17–18).³⁴⁹ The faithful are then reassured with several promises from Scripture in 20:18–22: (1) God will hear their prayers; (2) their name will be written in 'the book of remembrance' (ספר זכרון) before God; (3) they will see God; (4) they will see a distinction between the righteous and the wicked; and (5) God's covenant faithfulness is assured (20:18–22).³⁵⁰

³⁴⁸ Fraade, 70.

³⁴⁹ 'Then each man will speak to his neighbour' (אז ידברו איש את רעהו) is a partial and loose citation of Malachi 3:16 (as it stands in the MT) to which the comment 'to justify his brother (and) to support his steps in the way of God' has been added.

³⁵⁰ These promises are from Malachi 3:16, 18 and 'an amalgam of Exod 20:6; Deut 5:10; and Deut 7:9'. See: Fraade, *The Damascus Document*, 71.

At least two observations concerning covenant in this passage are in order. First, it seems clear that ‘the covenant of God’ (ברית אל) in 20:17b is one and the same as the new covenant that was made in the land of Damascus and which was discussed in the immediately preceding passage (20:10–17a). There is no indication that the covenant in view has changed, despite the shift from a discussion of the apostates, addressed in 20:10–17a, to the faithful, addressed in 20:17b–22. Yet while the term ‘the covenant of God’ in this case is equivalent to the new covenant made in the land of Damascus, this is not always the case in D, as we have seen. In CD 3:11, for example, the term ‘the covenant of God’ refers to the covenant that was violated by Israel and which led to the Babylonian Exile, a covenant which is surely to be understood as the Mosaic covenant, since the new covenant was not yet made. Thus, it seems clear that ‘the covenant of God’ is the more general term for God’s covenant with Israel, and can refer to either the Mosaic covenant or the new covenant, the latter of which the DSS community perceived to be the only proper continuation of and interpretation of the Mosaic covenant.³⁵¹ Furthermore, since ‘the covenant of God’ in view in this passage is the same as the new covenant, the promises given in this passage should be understood as promises associated with the new covenant as well.

Second, the dispensational language that appears in 20:19–20 is worth mention. The faithful are to remain so ‘until God reveals (his) salvation and righteousness’ (20:19–20). Because elsewhere in D the present ‘period of wickedness’ will conclude with ‘the standing of the Messiah of Aaron and Israel, who will atone for their iniquities’ (14:19), it seems that the DSS anticipated the revealing of God’s salvation to be linked with the coming and atonement of the Messiah.

Covenant in the Eighth Judgment (20:25–27)

The term ‘covenant’ also appears in the eighth and final judgment (20:25–27). In this passage, the following judgment is rendered upon ‘all among those who entered into the covenant who have breached the boundary of the Torah’ (20:25): ‘when the glory of God appears to Israel, they will be cut off from among the camp together with all who have acted

³⁵¹ The term ‘the covenant of God’ (ברית אל) also appears in: CD 5:12; 7:5; 13:14; 14:2; 1QS 5:8; 10:10; 1QpHab 2:4; and 4Q491 11 II, 18, (וברית אל שלום לישראל בכל מועדי עולמים). In 4Q385a 18 1a_b, 9, ‘the covenant of the God of their fathers’ (ברית אלהי אבותיהם) is mentioned.

wickedly in Judah during the days of his (i.e., Judah's) refining (20:25–28). Fraade's suggestion that the phrase 'breached the boundary of the Torah' (פרצו את גבול התורה) refers to disobedience to the sectarian laws—i.e., violation of the stipulations of 'the new covenant of the land of Damascus' as set forth in D—is well taken.³⁵²

Several observations pertaining to covenant are important to note here. First, there is a clear presentation of the covenant community as a 'camp', a feature which is present elsewhere in D as well. It seems clear here that while 'camp' serves as a designation for the faithful community, it is not to be equated with 'Judah', as the unfaithful in the camp are to be cut off 'together with (עמהם) all those who act wickedly in Judah' (20:26–27). Furthermore, that only 'those who act wickedly in Judah' (מרשיעי יהודה) would suffer judgment implies that there were others in Judah who did not act wickedly. Thus, while there were faithful who lived in Judah who were a part of the covenant community's 'camp', this 'camp' was not the same entity as Judah.

Second, there are only two groups of people. Those who keep the community's covenant stipulations, and those who don't. As for the latter group, while some of them may reside in the 'camp' of the faithful at present, they will be 'cut off' from this community once 'the glory of God' appears in the imminent future, thus sharing in the same fate as the wicked in Judah who have already rejected the community and its covenant.

Third, the phrase 'during the days of his (i.e., Judah's) refining' (בימי מצרפותיו) (20:27) is yet another example of dispensational language and is to be equated with the 'period of wickedness' mentioned throughout D.

Covenant in the Third Promise to the Faithful (20:27–34)

The final occurrence of the term 'covenant' in the section of D that I have titled 'warnings of judgment and promises to the Faithful' (7:9–8:21 + 19:33–20:34) appears in 20:27–34, a passage that gives the third and final promise to the faithful. This passage opens with a description of the faithful as 'all who remain steadfast in these judgments, going out and coming in according to the Torah' (כל המהזיקים במשפטים האלה לצאת ולבוא על פי התורה) (20:27). Following this, six other actions that characterize the faithful are listed in 20:27–33a. The second of these

³⁵² Fraade provides ample evidence for this suggestion. See: Fraade, *The Damascus Document*, 72.

actions contains the final reference to ‘covenant’ and reads as follows: ‘They have confessed before God, “We have sinned. We have acted wickedly, both us and our fathers, when we walked in opposition to the decrees of the covenant. Righteous and true are your judgments against us”’ (20:28–30). The passage concludes with the following promise: ‘They will rejoice and be glad and their heart will be strengthened; they will overcome all the sons of the world; God will atone for them, and they will see His salvation, for they have taken refuge in his holy name’ (20:33–34).

Several observations about covenant are important to note here. First, although the covenant is not explicitly referred to as ‘the new covenant’, it is clear that ‘the covenant’ (הברית) mentioned here, as was the case with the term ‘the covenant of God’ (ברית אל) in the previous passage, is one and the same as the new covenant. Indeed, several statements show that it is the community’s interpretation of the Torah as set forth in the new covenant that is in view here: (1) ‘they listened to the voice of (the) Teacher’ (20:28); (2) ‘they are disciplined by the judgments of the former ones which were judged by the men of the one and only (Teacher)’ (20:31–32); (3) ‘they give ear to the Teacher of Righteousness’ (20:32).

Second, the penitent nature of the covenant community should be noted. There is an explicit confession of sin and of covenant disobedience, both on behalf of the present members and on behalf of their forefathers. That confession formed a key part of the DSS community’s ‘new covenant’ shows that while the community did require strict obedience to the Torah as understood and interpreted by the Teacher and his followers, at the same time there was a recognition of the inability of even the faithful to walk in perfect obedience to this Torah.

Third, God’s atonement is presented as a yet future event, one which will occur alongside God’s salvation and the faithful overcoming ‘all the sons of the world’ (כל בני תבל) (20:33–34).³⁵³ Whereas previous instances of the root כפר in D have referred to God’s provision of past or present atonement, the reference here is significant in that atonement is clearly presented as a yet future event. The anticipation of a yet future atonement is also presented in 14:18–19 (// 4QD^d 11 I, 1–3; 4QD^a 10 I, 11–13), where it is associated with ‘the Messiah of Aaron and Israel’.

³⁵³ Fraade’s suggestion that ‘the sons of the world’ refers to ‘the other nations, but probably the rest of Israel as well, as in above, CD 20:26–27’ seems likely. See: Fraade, *The Damascus Document*, 73.

(3) Series of Woe Judgments (= Catalogue of Transgressors) (4QD^c 2 I–II)

While the text is fragmentary, 4QD^c 2 I–II shows that D contained a series of ‘woe’ (או) statements/judgments. Baumgarten and Milik have placed this series of woe judgments immediately following the warnings and judgment section which was just discussed above, and this placement should be accepted in the absence of any further evidence to suggest otherwise.³⁵⁴ The series of woe judgments ends with a statement concerning all ‘transgressors of (...)’ (עוברי), hence Baumgarten’s title for this section: ‘catalogue of transgressors’.³⁵⁵ It seems likely that the word ‘covenant’ or a term denoting the stipulations of the covenant—e.g., ‘commands’ (מצות)—appeared following the term עוברי.³⁵⁶ If this was indeed the case, it seems clear that the covenant in view here is ‘the new covenant in the land of Damascus’, which, as discussed above, is the covenant in view throughout the preceding section as well. One final observation to note before moving on from this series of woe judgments is the similarity that this passage bears to the series of ‘cursed’ (ארור) statements in Deuteronomy 27.³⁵⁷ This further supports the idea that Deuteronomy served as the ‘model’ text for the authors of D.

(4) Additional Laws (Various 4QD Frags. + CD 15:1–16:20 + CD 9:1–14:18)

A rather lengthy section of stipulations/laws follows the series of ‘woe’ judgments. Evidence from the 4QD Fragments suggests that these laws originally had their own introduction, which will be discussed briefly below. As is the case with this introduction, many

³⁵⁴ While Baumgarten notes that Milik’s identification of the letters in 4QD^c 2 I, 1–3 with CD 20:32–33 is conjectural, he suggests that ‘...the hypothetical placement of the following catalogue of transgressions as introductory to the laws is supported by the call for attention found after the conclusion to the catalogue, “And now listen to me, all ye who know righteousness” (4QD^c 2 II, 19–20), which echoes the call found at the beginning of CD.’ See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 143.

³⁵⁵ The fragmentary nature of the text makes it unclear what follows עוברי, which is clearly in the status constructus.

³⁵⁶ For the former, see, e.g., Deut 17:2; Josh 7:11, 15; Hos 6:7; 8:1; Jer 34:18. For the latter, see, e.g., 2 Chr 24:20; Dan 9:11 (תורתך).

³⁵⁷ Baumgarten notes the following:

The literary pattern of this catalogue of sins, consisting of (אשר) או and a 3rd person sing. imperfect verb, appears to be unique to our text. As indicated at the end (frg. 2 ii 17–18), the transgressors of these sins were collectively denounced as provoking divine wrath. The genre of the catalogue is broadly comparable to the list of curses (ארור) of particular sinners found in Deuteronomy 27, although the sins listed here reflect the special concerns of Qumran legists. However, the curse formula, used also in 1QS 2:11, is not found in this text.

See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 143.

of the laws themselves appear only in the 4QD Fragments and are not present in CD^A.³⁵⁸ If one follows Baumgarten's suggestion, the vast majority of these laws present in the 4QD Fragments but absent in CD^A should be placed before the laws that are recorded in CD 15:1 ff, giving the following order to this section of D: various 4QD Fragments + CD 15:1–16:20 + 9:1–14:18a.³⁵⁹

As for the organization of this section, the laws/stipulations are loosely arranged according to topic,³⁶⁰ with each topic introduced by one of several different headings.³⁶¹ A broad range of topics are addressed, including laws pertaining to various matters relating to purity, agriculture, the Sabbath, relations with Gentiles, and regulations for the structuring of the DSS community itself.³⁶²

³⁵⁸ For a complete account of the additional legal material provided by the 4QD Fragments, see: Baumgarten, 4–5.

³⁵⁹ Even prior to the publication of the 4QD Fragments, most scholars followed Milik's rearrangement of the text and placed cols. 15–16 before cols. 9–14. (The column number designations originally given by Schechter were retained.) See: J. T. Milik, *Ten Years of Discovery in the Wilderness of Judaea*, trans. J. Strugnell, SBT (London: SCM Press, 1959), 151–52; Vermès, *The Dead Sea Scrolls in English*, 95. This re-arrangement of the Laws was due in large part to the presence of the truncated and fragmented penal code in the concluding lines of col. 14 (14:18b–22), lines which did not form a natural transition to the subject matter of the next column. The discovery and publication of the 4QD fragments—namely, 4QD^a and 4QD^c—showed that the text of the penal code went well beyond these fragmentary lines of CD^A 14:18b–22, thus confirming that this rearrangement of the text is to be preferred.

³⁶⁰ For a brief discussion on the topical grouping of laws in D and the laws of D in relation to other ancient Jewish legal texts, see, e.g.: Fraade, *The Damascus Document*, 7–9.

³⁶¹ These headings include the following: (1) 'Concerning X' (...על). See, e.g., the section of laws pertaining to the Sabbath in 10:14–11:18, which is introduced by 'Concerning the Sabbath' (על השבת). Other examples include the following: 9:8b–10 (על השבועה); 10:10b–13 (על הטהרה במים); 16:13 (על משפט הנדביות). (2) 'And this is the rule for X' (...וזה סרך). One such example is found in 10:4, 'And this is the rule for the judges of the congregation...' (וזה סרך לשפטי העדה), which introduces 10:4–13. Other examples of legal sections introduced by סרך וזה include: 12:22 (וזה סרך מושב המהנות); 13:7 (וזה סרך המבקר); 14:3 (וזה סרך מושב כל המהנות) (Note: 14:3 is unique in that it lacks the demonstrative pronoun וזה); 14:12 (וזה סרך הרבים). (3) 'And about what was said Y, X...' (...ואשר אמר). In this formula, Y = a scriptural citation and X represents the legal explanation of this. See: 16:6b–20 + 9:1 (Deut. 23:24); 9:2–8 (Lev. 19:18). (4) 'And these are the decrees for X...' (...ואלה החקים ל...). Only one example is found in 12:20, which introduces 12:20–22.

It should be noted that some legal discussions in this section, however, do not contain one of these headings but rather arise spontaneously—usually by an associative link, whether this be a related topic or a verbal association—from the preceding legal discussion. Baumgarten gives the example of the discussion of purity laws (CD 10:10 ff.) introduced by the phrase, 'Concerning the purification by water...' (על הטהרה במים) being interrupted 'abruptly' by a discussion of laws 'concerning the Sabbath' (על השבת), after which the discussion of purity laws is again resumed as one example of an associative link that 'may perhaps lie in the practice of purifying oneself before the Sabbath'. He also notes that at times the associative link is 'purely verbal', noting the link between יעלה and יעל in CD 11:17. See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 14–15.

³⁶² For a helpful overview of the Laws by category, see the table provided by Baumgarten. See: Baumgarten, 4–5.

The laws/stipulations presented in D had a central role in the document.³⁶³ Since the purpose of the entire document was to call all Israel to faithful obedience of ‘the Torah of Moses’ (תורת מֹשֶׁה) in view of God’s impending judgment and the advent of the Messiah, obedience to these laws—laws which were considered to be the authoritative interpretation of the ‘Torah of Moses’—was of utmost importance.³⁶⁴ Thus, all who entered the covenant were to take an oath ‘to return to the Torah of Moses with all (their) heart and with all (their) soul’ (15:9–10).³⁶⁵ Only by returning to the Mosaic Law as interpreted by the DSS community could one be protected from the ‘the persecuting (angel)’ (משטמה) (16:5) in the present period of wickedness, avoid God’s judgment, and be assured of the promised blessings.³⁶⁶ All others—i.e., anyone who does not walk according to the ‘Torah of Moses’ as interpreted by the DSS community—were destined for judgment.

It is important to note that while the DSS community considered ‘the Torah of Moses’ to be both authoritative and comprehensive,³⁶⁷ the community did not consider this Torah to be a static phenomenon; rather, the correct interpretation of the Torah was seen as a dynamic process

³⁶³ Baumgarten writes: ‘Although the laws are for the most part not formulated in polemical fashion they must be regarded both quantitatively and qualitatively as the core of the *Damascus Document*.’ See: Baumgarten, 7.

³⁶⁴ Fraade, citing Robert Cover (1988), summarizes the purpose of D as ‘Bringing the Messiah Through Law.’ Fraade continues:

Here is a community whose study and observance of the law, as it unfolded from Moses to the founders of their movement to their own present-day inspired teachers and leaders,, is deeply rooted in and associated with messianic expectation of an imminent eschaton, often refigured and *authorized* by the invoking, through citation and commentary (*peshet*) as much as through allusion, of prophetic scriptures. In covenantal (especially Deuteronomic) terms, the careful study and observance of the laws, both by individuals and by the community as a whole, justifies them as the true Israel, the inheritors of the awaited fulfillment of the covenantal promises (“blessings”), as they so prepare for the consummation of the already-begun “end of days.”

See: Fraade, *The Damascus Document*, 18.

³⁶⁵ This injunction appears within a passage that addresses the process by which new members were to be admitted to the community (15:5b–16:6). The requirement to return to the תורת מֹשֶׁה with all their heart and with all their soul also appears in IQS 5:8.

³⁶⁶ ‘*Mastēmā*’ (משטמה), or ‘the persecuting (angel)’, served as an alternate name for Belial (CD 16:5) and also appears in the book of Jubilees (see, e.g., 10:8; 11:10; 17:15–16). For the meaning of *Mastēmā* as ‘persecutor’, see HALOT, s.v. “מִשְׁטָמָה”.

³⁶⁷ Within the ‘Torah of Moses’ (תורת מֹשֶׁה) is ‘every explication of the Name’ (כל פְּרוּשׁ הַשֵּׁם) (15:2) and ‘everything is specified’ (הַכֹּל מְדוּקָדָק) (16:2). I follow Fraade’s translation and interpretation in each case here. See: Fraade, 74–76.

that took place throughout history.³⁶⁸ Not only were the biblical prophets considered to be inspired interpreters of the Torah, but so too were the leaders of the DSS community.³⁶⁹ Whereas the biblical prophets had interpreted and communicated the Torah to Israel in the past, the Teacher of Righteousness and other leaders of the community who followed his teaching were doing so in more recent times. The laws of D were thus considered to be the exclusive correct interpretation of the Torah—in the words of D, ‘the exact interpretation of the Torah’ (פרוש התורה) (CD 4:8; 6:14; 13:6) and ‘the final interpretation of the Torah’ (מדרש התורה האחרון) (4QD^a 5 I, 17; 4QD^c 7 II, 15)—to which the faithful of Israel were to adhere ‘throughout the entire period of wickedness’ (בכל קץ הרשיע) (6:14).³⁷⁰

Because there are no references to ‘the new covenant in the land of Damascus’ in these additional laws/stipulations of D, a detailed discussion and outline of the laws within this section

³⁶⁸ See, e.g., CD 2:11–13; 3:12–16.

³⁶⁹ For the biblical prophets as inspired interpreters, see CD 5:21–6:1 and 7:16–18. See also 1QS 1:2–3, where the commands of the biblical prophets are given authoritative status alongside the Mosaic Torah. For the leaders of the DSS community as inspired interpreters, see CD 1:11–12; 6:2–11; and 4QD^a 11, 6 (// 4QD^f 7 I, 19–20), where the ‘judgments’ (משפטים) of D are described as being ‘in accordance with all the decrees found in the law of Moses’ (על פי כול החוקים הנמצאים בתורת משה). See also 1QS 8:15–16. The metaphor of the Torah as ‘a well’ (באר) that was dug by the Teacher and his followers (CD 3:16; 6:2–11) aptly summarizes the community’s view of the Torah: while the תורת משה was considered to be the source from which all the legal decrees of the community were derived, there was still ‘digging’ required on the human side of things if God was to reveal these decrees.

In regard to the divinely inspired interpretations of the DSS community, Baumgarten writes:

These progressive revelations may take the form of inspired exegesis of Scripture, but they may also be supplements to canonical texts, as illustrated, for example, by the non-scriptural harvest festivals and the supererogatory rules of purity. Such revelations, when ‘found’ (נמצא) by an expounder of the community, were kept as secrets (‘hidden things’) to be shared only within the confines of the sect (1QS 8:11; 9:17).

See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 16. Similarly, Fishbane notes, ‘The cumulative impression of the Qumran scrolls...is that its primary text, Mikra, is the product of divine revelation; and its own texts, which extend and develop the teachings of God, in various legal-sectarian collections and in various pesherite commentaries, are *also* the product of divine revelation.’ See: Michael Fishbane, ‘Use, Authority and Interpretation of Mikra at Qumran,’ in *The Literature of the Jewish People in the Period of the Second Temple and the Talmud*, ed. Martin-Jan Mulder, vol. 1, CRINT, 1988, 362.

³⁷⁰ I follow Fraade’s translation here for מדרש התורה האחרון. See: Fraade, *The Damascus Document*, 44. See also Stegemann, who translates the phrase as *Die letzte Ausforschung der Tora*, a phrase which he considers to be the opening words and title of D. See: Hartmut Stegemann, *Die Essener, Qumran, Johannes Der Täufer Und Jesus* (Freiburg: Herder, 1993), 165. Cf. Baumgarten, who understands מדרש התורה האחרון to be a source from which the laws in D are derived—i.e., an additional source alongside the תורת מ(ו)שה—and suggests that this comports with the DSS community’s understanding of the ‘progressive unfolding of the Law as interpreted by the ראשונים and the אחרונים (CD 4:8; 20:8–9, 31)’. See: Baumgarten, 78.

is not necessary.³⁷¹ There are several passages that contain the term ‘covenant’ (ברית) and/or which are significant for our understanding of the new covenant, however, and these will be discussed in order of their appearance in D (i.e., following the preferred ordering of the text as discussed above).

Introduction to Additional Laws (4QD^e 2 II, 19–21 + 4QD^a 5 I, 8–19)

Summary of Introduction to Additional Laws (4QD^e 2 II, 19–21 + 4QD^a 5 I, 8–19)

Immediately following the ‘woe’ judgments is the call, ‘Now listen to me all who know righteousness’ (ועתה שמעו לי כל יודעי צדק) (4QD^e 2 II, 19). Following this call, the audience is instructed ‘[to set] the Tora[h of God on your hearts]’ ((4QD^e 2 II, 19). Baumgarten suggests that this and the following lines—i.e., 4QD^e 2 II, 19–21 + 4QD^a 5 I, 8–19—could have served as an introduction of sorts to the laws of D. If his placement of 4QD^e 2 I–II is correct, this suggestion is well taken. While this particular introductory call to attention is unique in that it serves to introduce the laws/stipulations of the community rather than one of the admonitions in the historical prologue of D, the book of Deuteronomy also contains similar introductory calls to attention in the stipulations/laws section (see Deut 5:1; 9:1).

While the text in 4QD^e 2 II, 19–21 is fragmentary, the general idea of this introduction is clear, nonetheless. Only by adherence to these laws will one be able to avoid being caught ‘in the nets of destruction’ (במוקשי שחת).³⁷² To the text of 4QD^e 2 II, 19–21 should be added 4QD^a 5 I, 8–19.³⁷³ While this text is also fragmentary, it seems to be replete with historical allusions, a characteristic that stands in contrast to the remaining legal discussions in the Laws of D.³⁷⁴

³⁷¹ For a more in-depth discussion on the Laws of D, including those provided by the 4QD Fragments, see, e.g., Fraade, 7–9, 73–119, 129–155.

³⁷² So restored by Baumgarten. See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*. If Baumgarten’s restoration is correct, it is worth noting that the language of being caught in nets of destruction likely alludes to the previous discourse on the three nets of Belial.

³⁷³ While Baumgarten accepts Milik’s general arrangement of the fragments informing the text here, he rightly questions Milik’s placement of fragment a in 4QD^a 5 I, 1–7 and suggests instead that these lines should instead be placed at the conclusion of another legal section. See: Baumgarten, 48.

³⁷⁴ If 4QD^e 2 II, 19–21 + 4QD^a 5 I, 8–19 did indeed serve as the introduction to the stipulations/laws of D, the observation that it is replete with historical allusions reflects a major characteristic of the Admonition(s)/Historical Prologue of D discussed above. It is possible, therefore, that this introduction provided a bridge/transition from the Admonitions to the Laws. Significantly, just as scholars disagree on where to divide the historical prologue from the beginning of the stipulations in Deuteronomy (cf., e.g., Kline with Kitchen in Table 2

Covenant in Introduction to Additional Laws (4QD^c 2 II, 19–21 + 4QD^a 5 I, 8–19)

While the term ‘covenant’ does not appear in this section (i.e., 4QD^c 2 II, 19–21 + 4QD^a 5 I, 8–19), two observations are important to note. First, the mention of the ‘conspiracy’ (קשר) that was found in Judah ‘to return to the iniquities of their fathers’ (לשוב על עונת אבותם) (4QD^a 5 I, 10–11) stands as a loose citation of/allusion to Jer 11:9–10. Significantly, although it is not cited in D, this passage in Jeremiah concludes with the statement: ‘The house of Israel and the house of Judah have broken my covenant which I cut with their fathers’ (הפרו בית ישראל ובית יהודה את (בריתי אשר כרתי את אבותם (Jer 11:10). If in citing the first part of this passage, the latter part was implied as well, it follows that the ‘conspiracy that was found in Judah to return to the iniquities of their fathers’ (4QD^a 5 I, 10–11) served as an implicit reference to covenant violation. The particular covenant violation in view here would likely be the same violation in view in CD 6:11–14 and which led to the community’s departure from Jerusalem and subsequent renewal of the Mosaic covenant in the land of Damascus.

Second, the appearance of the phrase ‘the final interpretation of the Torah’ (מדרש התורה) (האחרון) is worth noting as well. This term appears again in D at the very end of the document (4QD^c 7 II 14–15 [// 4QD^a 11 20]), where it will be discussed more fully. For now, it will suffice to note that the appearance of this term in the introduction to the laws of D suggests that the entire body of laws that follow were regarded as authoritative interpretation that was to operate for the final ‘period of wickedness’.

Covenant in the Laws Pertaining to Produce in the Fourth Year (4QD^a 6 IV)

While the term ‘covenant’ does not appear in this section, it is worth noting the mention of ‘the land of sojourning’ (ארץ מגורים) alongside mention of ‘the holy [land]’ (אדמת הקודש) in the context of the legal discussion pertaining to the produce of the fourth year. Commenting on the inclusion of ‘the land of sojourning’ in this legal discussion, Baumgarten writes: ‘The text, as restored, would imply that the law about fourth year fruit applied not only to trees growing in the Holy Land, but also to neighboring lands.’³⁷⁵ In part because the similar phrase (ארץ מגוריהם) (‘the

above), so too is it difficult to determine this boundary in D. As discussed above, I have chosen to place this boundary ‘earlier’ in D, with a major criterion for this choice being the content of the text itself.

³⁷⁵ Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 60.

land of their sojourning’) refers to Jews in exile in Ezek 20:38 (cf. 1QS 6:2), Baumgarten suggests that the neighbouring lands in view here could have been ‘the land of Damascus’, which is mentioned several times in D as the place of the community’s exile and/or migration.³⁷⁶

Covenant in the Laws Pertaining to Measures and Tithes (4QD^f 2)

Interjected among detailed explanations of various laws pertaining to measurements and tithes is a charge of obedience to the law ‘during the period of wickedness’ (בקץ הרשע) (4QD^f 2 12). As mentioned above, such dispensational language appears throughout D.

Covenant in Laws Pertaining to Impurities (4QD^d 8 II)

Dispensational language also appears in 4QD^d 8 II, 4–5 (// 4QD^f 2, 12), where it is stated that a certain law—likely regarding [‘the purification with the water for impurity’] ([הטהרה במי])—is to function ‘[throughout] the period of wicked[ness]’ ([ב]קץ הרשע[ע]).³⁷⁷

Covenant in Laws Pertaining to Taking Oaths (CD 15:1–5a)

The term ‘covenant’ first appears in this section of laws of D in a passage that gives instructions for swearing oaths (15:1–5a). While the beginning of this passage is missing, it is clear from the remaining text that oath taking was a serious matter for the DSS community: if one took an oath and transgressed it, one was guilty of profaning the Name (of God) (וחלל את השם) (15:3), a matter that was punishable by death (15:5). It seems that due to the severe consequence of violating an oath, the only oath that members of the community were instructed to take was ‘the oath of the ones entering into the curses of the covenant’ (שבועת הבאים באלות) (הברית).³⁷⁸ The phrase ‘the curses of the covenant’ (אלות הברית) is likely an allusion to Deut 29:20, where the consequences of covenant disobedience are God’s judgment ‘according to all the

³⁷⁶ Baumgarten, 9–10.

³⁷⁷ Based on the parallel reading of 4QD^f 2 12, which contains most of the word הנדה (‘the impurity’), this restoration seems likely.

³⁷⁸ Following the restoration provided by Baumgarten and Fraade. Cf. Qimron, who, rather than הבאים, restores the text as הבנים. For a brief discussion of the matter, see: Fraade, *The Damascus Document*, 72. In regard to the matter of oath taking as limited to the oath of admission to the community, see Josephus’s comment in *J.W.* 2.139–42, which describes the Essenes as refraining from oaths except for the oath taken when members join the community.

curses of the covenant that are written in the book of this scroll of the Torah' (ככל אלות הברית) (הכתובה בספר התורה הזה).³⁷⁹ In the context of Deuteronomy, these curses are given in Deut 28:15–68. Thus, to return to D, by entering into ‘the curses of the covenant’ (CD 15:3), it seems clear that one was calling upon oneself these same curses (i.e., those listed in Deut 28:15–68), an observation which in turn shows that the DSS community considered their ‘new covenant’ to be in clear continuity with the Mosaic covenant. That this oath was taken ‘before the judges’ (לפני השפטים) (15:3–4) highlights the public nature of this oath, which was likely taken at the annual covenant renewal ceremony.

Covenant in Laws Pertaining to Admission to the Community (15:5b–16:6)

As discussed above, the only occasion for which taking an oath was permissible was entering into the covenant. There is a logical transition, then, from legal discussion pertaining to oath-taking to the legal discussion pertaining to admission to the community, the subject of CD 15:5b–16:6. As would be expected, the term ‘covenant’ appears many times here. The significant portions of this passage pertaining to our discussion of covenant are provided here:

CD 15:5b–10 + 16:1–2

^{15:5b}Now those who enter the covenant (which) for all Israel is an everlasting decree are to cause their sons—(those) who have reached (the age) ⁶to join the enrolled members (of the covenant community)—to swear by the oath of the covenant.

^{15:5b}והבא בברית לכל ישראל לחוק עולם את בניהם אשר יגיעו ⁶לעבור על הפקודים בשבועת הברית יקימו עליהם.

And thus is ⁷the judgment throughout the entire period of wickedness for anyone who turns from his corrupt way: On the day of his speaking ⁸with the Overseer who is for the Many, they are to enroll him in the oath of the covenant that Moses ⁹cut with Israel, (that is,) his word to [return] to the Torah of Moses with all (one’s) heart and [with] al[1] (one’s) ¹⁰soul, to what was found to do throughout the enti[re] period of [].

וכן ⁷המשפט בכל קץ הרשע לכל השב מדרכו הנשחתה ביום דברו ⁸עם המבקר אשר לרבים יפקדוהו בשבועת הברית אשר כרת ⁹משה עם ישראל את דברו ל[שוב] אל תורת משה בכל לב ו[ב]כ[ל] ¹⁰נפש אל הנמצא לעשות בכ[ל] קץ [].³⁸⁰

³⁷⁹ The expression ‘curses of (the) covenant’ (אלות (ה)ברית) also appears in IQS 2:16 and 5:12.

³⁸⁰ Fraade, among others, accepts the restoration קץ ק[ר]בו in 15:10 and translates the phrase קרבו as ‘age of evil’. See: Fraade, *The Damascus Document*, 75–76. As indicated by Abegg, none of the letters of קרבו are certain, and the phrase קץ קרבו never occurs elsewhere in the DSS. See: Martin G. Abegg, “Qumran Sectarian Manuscripts,” Logos Bible Software (Bellingham, WA, 2003). Furthermore, to my eye the angle of ק attested elsewhere in CD 15 does not match that which remains of the first letter in the word here. Perhaps a better proposal for restoration here is רשע. The phrase קץ (ה)רשע(י)ע appears in 6:10, 14; and, most significantly, in 15:7, a verse that is found within the same passage as the reading under consideration. See also 4Q301 3a-b, 8 for the appearance of

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...

...^{16:1}a covenant with you all and with all Israel. Therefore, one is to take upon themselves (an oath) to return to ²the Torah of Moses, for in it everything is specified.

...^{16:1}עמכם ברית ועם כל ישראל. על כן יקום [יקים] האיש על נפשו לשוב אל ²תורת משה כי בה הכל מדוקדק.

The term ‘covenant’ appears several times in this section. The first appearance is in 15:5b–6a, a passage which instructs current covenant members to enroll their children in the covenant community when they reach the appropriate age. These current covenant members are addressed as ‘those who have entered into the covenant (which) for all Israel is an everlasting decree’. The phrases לכל ישראל (‘for all Israel’) and לחוק עולם (‘an everlasting decree’) function adjectivally to modify the noun ברית. Significantly, this language seems to draw on Ps 105:8–10, verses in which God is praised as the one who remembers his covenant with Abraham, a covenant which He established ‘for Jacob as a decree, for Israel as an everlasting covenant’ (ליעקב לחק לישראל ברית עולם).³⁸¹ By using the term חוק עולם in CD 15:5b, then, it seems clear that D is emphasizing that the covenant which current members were joined to and which they were to enroll their children in was none other than the Abrahamic covenant itself. The presentation of ‘the new covenant in the land of Damascus’ as continuous with the Abrahamic covenant is a theme that appears several times in D, as we have seen. Yet while D presents ‘the new covenant in the land of Damascus’ as in continuity with the ‘everlasting decree’ (חוק עולם) of the Abrahamic covenant, it is important to point out that it is highly unlikely that the DSS community considered the *stipulations* of ‘the new covenant in the land of Damascus’ as presented in D to be ‘everlasting’ in the sense of ‘eternal for all of time’. Indeed, in the immediate context, the ‘judgment’ (משפט) given in the immediately following verse, 15:6b–7, is stated to be effective only ‘throughout the period of wickedness’ (בכל קץ הרשע) (15:7), as are many other statutes in D. Furthermore, as discussed above, 6:11–14 seems to clearly prohibit participation in the temple cult as presently constituted. Such a prohibition would not have been

קץ רשעה (without the article –ה). In the end, I have chosen to leave this restoration blank, as there is difficulty lining these letters up with what remains of the letters as well.

³⁸¹ Psalm 105:1–15 is repeated in 1 Chr 16:8–22, an observation which suggests the importance of this psalm in post-exilic times.

an *eternal for all of time* decree, however, as elsewhere in the DSS it is clear that the DSS community anticipated a restored Temple as prophesied by the prophets.

The term ‘covenant’ also appears twice in this section in the phrase ‘the oath of the covenant’ (שבועת הברית) (15:6, 8). Whether one was admitted to the covenant community as a child of a current covenant member (15:5b–6a) or, on the other hand, as one who chose to turn from his corrupt way (15:6b–10), admission to the covenant community required each person to swear by ‘the oath of the covenant’. Significantly, in 15:8–9 this oath is described further as ‘the oath of the covenant which Moses cut with Israel’ (שבועת הברית אשר כרת משה עם ישראל), and in 15:12 the one being admitted is instructed to ‘swear to return to *the Torah of Moses* (תורת משה) with all (their) heart and with all (their) soul’. It seems clear, then, that the ‘the oath of the covenant’ by which one was to swear in order to enter into the DSS community was understood to be the same oath by which the Israelites had entered into the covenant in Moses’ time. It follows that the same curses of the Mosaic covenant were the curses in view here.³⁸² Thus, while 15:5b presents D’s covenant as continuous with the Abrahamic covenant, only a few verses later, in 15:8–9, D’s covenant is also presented as continuous with the Mosaic covenant.

One final matter that is important to discuss before moving on from this section is Baumgarten’s restoration of 4QD^f 4 II, 2–3, lines that supply the missing text of CD 15:18–20.³⁸³ Baumgarten restores these lines as follows:

² He will make a covenant [with the house of Israel and the house of Judah,] and concerning [this(?)] coven[ant He spoke through Moses,]

³ Saying: “[In] accordance with these wo[rd]s I have made a covenant with you and with [Israel.]” Therefore a man shall take] ...

² יכרות [את בית ישראל ואת בית יהודה] ברית ועל הבר[ית]ת ה[זו]ת(?) דבר ביד מושה

³ לאמור [על] פי הד[ברי]ם האלה כרתי עמכה ברית ועם [ישראל על כן יקים האיש]

Baumgarten’s restoration supposes that 4QD^f 4 II, 2 is a clear allusion to Jer 31:31. If this is correct, then the probability that the term ברית חדשה in D refers to Jeremiah 31:31–34 increases exponentially, even to the point of certainty. This restoration, however, is highly speculative

³⁸² These curses are presented in Deut 28:15–68.

³⁸³ Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 178–79.

apart from the introductory יכרות (a word which is itself even uncertain).³⁸⁴ Thus, in the end, we are on safer ground to render this text uncertain in the absence of any further textual evidence.³⁸⁵

Covenant in Laws Pertaining to Oaths and Vows (16:6b–20 + 9:1)

As discussed above, oath-taking was a serious matter for the DSS community. In 16:6b–20 + 9:1, additional laws are given concerning both oaths and vows. Within this set of laws is the command for a man to annul his wife’s oath in the event that it is ‘transgressing a covenant’ (לעבור ברית) (16:12 // 4QD^f 4 II, 12). While the lack of the definite article (–ה) or any other qualifier makes it difficult to determine what covenant is in view here—is it the marriage covenant, the ‘new covenant’ of the DSS community, or another covenant?—the most likely reference is the community’s ‘new covenant.’ As demonstrated in 15:5b–16:6, both admission into and violation of this covenant were regarded as very serious affairs, and it seems that such concern for violation of this covenant is manifest here. It is also worth pointing out, of course, that this particular legal ruling gives yet further evidence of the presence of both non-celibate men alongside women members among the community.

Covenant in Laws Pertaining to Reproof (9:2–8)

In 9:2–8, instruction pertaining to reproof is given. Rather than bear a grudge or take vengeance for a brother’s wrongdoing, one is to reprove them. It is stated that ‘any person among those who have entered the covenant’ (וכל איש מבאי הברית) that brings a charge against his brother in an inappropriate manner is guilty of taking vengeance and bearing a grudge (9:2–4). The covenant in view in this passage is clearly the covenant of the community. Furthermore, the observation that the very law being expounded upon in this passage is a command taken straight from the Torah (Lev 19:17–18) nicely illustrates the connection between the stipulations of ‘the new covenant in the land of Damascus’ and those of the Mosaic covenant: there was no difference, except that the stipulations presented in ‘the new covenant in the land of Damascus’

³⁸⁴ The middle three letters of יכרות are uncertain. Fraade, who also had 4QD^f at his disposal, has recently restored only ‘He said to them’ (אמר להם) at the end of 15:18, rightly noting that 15:18–20 is ‘virtually non-existent except for a few letters at the end of each line.’ See: Fraade, *The Damascus Document*, 75–78.

³⁸⁵ Baumgarten himself notes that 4QD^f 4 II, 3 is a citation of Exod. 34:27, and writes: ‘The passage serves here as the basis for the mandatory oath ‘to return to the Law of Moses’. It seems better, therefore, to assume that the previous line in this passage (i.e., line 2) was referring to the Mosaic covenant as well. Baumgarten, 179.

were simply fuller interpretations of those that appeared in the Mosaic law—or, in the words of D, the new covenant stipulations were regarded as ‘the exact interpretation of the Torah’ (פרוש התורה) (6:14).

Covenant in Laws Pertaining to the Judges of the Congregation (10:4–10)

The ‘rule for the judges of the congregation’ (סרך לשפטי העדה) runs from 10:4–10. Within this ‘rule’, it is specified that ‘up to’ (?) (עד) ten men are to be chosen as judges from the congregation. Of these chosen, four are to be of priestly background (‘from the tribe of Levi and Aaron’), whereas the other six who are chosen are to be of non-priestly background (‘from Israel’) yet ‘learned in the scroll of Hagi and in the foundational principles of the covenant’ (מבוננים בספר ההגי וביסודי הברית) (10:6 // 4QD^c 6 IV, 17 // 4QD^a 8 III, 5–6). While the precise meaning of ‘the foundational principles of the covenant’ (יסודי הברית) is unknown, both the juxtaposition of this phrase with ‘the scroll of Hagi’ and with the observation that one was to ‘be learned’ in this prior to his selection as a ‘judge of the congregation’ suggest that ‘the foundational principles of the covenant’ is best regarded as a body of knowledge (whether written or oral) that was important for the community’s covenant.³⁸⁶

Covenant in Laws Pertaining to the Purity of the Altar

While the term ‘covenant’ does not appear in 11:18b–21a, this section has a bearing on our understanding of covenant in D nonetheless. In this passage, covenant members are prohibited from sending several kinds of offerings to the altar ‘by means of one who is defiled’ (ביד איש טמא), as this would defile the altar. While the ‘one who is defiled’ here could be understood in a more general sense, it is better understood to refer to the current priests who serve at the Temple. Thus, as in 6:11–14, it seems that D prohibits participation in worship at the Temple during the present period.³⁸⁷ As justification for this prohibition, Prov 15:8 is cited, which states that the ‘the sacrifice of the wicked is an abomination’.³⁸⁸ The second half of the

³⁸⁶ Fraade comes to a similar conclusion regarding the יסודי הברית: ‘This would seem to refer to sectarian laws or principles upon which the community understands itself to be established.’ For more on this and ‘the scroll of Hagi’, see: Fraade, *The Damascus Document*, 93.

³⁸⁷ See also, Fraade, 103.

³⁸⁸ The MT reads ‘an abomination to YHWH’ (תועבת יהוה), whereas CD 11:21 simply reads ‘an abomination’ (תועבה).

verse in Prov 15:8 does not line up with the text presented in CD 15:21. Rather than read ‘but the prayer of the upright is his delight’ (ותפלת ישרים רצונו), as is the case in the MT, CD 15:21 reads, ‘but the prayer of the righteous is like a grain offering of acceptance’ (ותפלת צדקם כמנחת רצון). As noted by Fraade, ‘CD’s version makes explicit that prayer can take the place of sacrifice.’³⁸⁹ Alternative means of atonement appear elsewhere not only in D, but also, as noted by Fraade, in 1QS 9:3–6; 4Q174 (1QFlor) 1–2 I, 6–7.

Covenant in Laws Pertaining to Relations with Gentiles (12:6b–11)

A brief list of laws is given in 12:6b–11a regarding proper relations with gentiles. The final regulation given in this section prohibits a member of the community from selling ‘his male servant or his female servant...who has entered with him into the covenant of Abraham’ (ואת עבדו ואת אמתו...אשר באו עמו בברית אברהם) to the gentiles (12:10–11). Despite frequent allusions to the Abrahamic covenant in D, the term ‘the covenant of Abraham’ (ברית אברהם) itself appears only here in D (and indeed in the entire DSS corpus!). In his commentary on these verses, Fraade writes the following:

In rabbinic sources entering into the covenant of Abraham can refer to circumcision as part of conversion. If so, the slave or maidservant referred to here has either converted or is in the process of so doing and selling him/her to a gentile would prevent him/her from fulfilling the commitments undertaken in the Jewish household.³⁹⁰

The observation that CD 12:10–11 seems to imply that a female servant can also ‘enter...into the covenant of Abraham’ suggests that something more than circumcision is in view here. Rather, as suggested by Fraade, to ‘enter...into the covenant of Abraham’ is better understood more broadly as a phrase denoting the conversion of a gentile to Judaism—in this particular case, of course, that form of Judaism observed by the DSS covenant community. As also noted by Fraade, 4Q159 (4QOrdinances^a) 2–4 2 states that ‘a Jew is prohibited from serving as a slave to a gentile’.³⁹¹ When this passage is taken together with CD 12:6b–11a, it becomes clear that not

³⁸⁹ Outside of the ‘sectarian’ DSS, Fraade also notes Sir 35:1–9. See: Fraade, 103.

³⁹⁰ See: Fraade, *The Damascus Document*, 108.

³⁹¹ Fraade, 108.

only were proselytes allowed to become members of the covenant community, but that, at least in the case of this legal declaration, proselytes were given the same treatment as natural born Jews.

Covenant in the Rule Pertaining to the Settlement of the Camps (12:23–13:1)

In CD 12:23–13:1, the law pertaining to ‘the rule of the settlement of the camps’ (סרך מושב המחנות) is presented as being operative ‘throughout the period of wickedness until the standing of the Messiah of Aaron and Israel’ (בקץ הרשעה עד עמוד משיח אהרן וישראל). As noted previously, such dispensational language is significant for our understanding of D’s new covenant.

Covenant in Laws Pertaining to the Duties of the Overseer of the Camp (13:7–14:2)

‘The Rule for the Overseer of the Camp’ (סרך המבקר למחנה) runs from 13:7–14:2. Within this section of laws which ‘reads like a job description for the Overseer’—two references to ‘the covenant of God’ (ברית אל) appear.³⁹² In 13:14–15 (4QD^b 9 IV, 11), members of ‘the covenant of God’ are instructed to refrain from buying or selling to ‘the Sons of Dawn’ (בני השחר) unless it is ‘hand to hand’ (כף לכף).³⁹³ Noting that the expression ‘the Sons of Dawn’ refers elsewhere in the DSS to ‘community members or neophytes’, Fraade understands this expression to be ‘synonymous with the more frequently employed designation...“Sons of Light”’.³⁹⁴ If it is correct to understand ‘the Sons of Dawn’ (בני השחר) as another term to describe the ‘members of the covenant of God’ (באי ברית אל), it is clear that the command here concerns intra-communal commercial dealings.

The phrase ‘the covenant of God’ appears a second time at the very end of this passage, where ‘all those who walk in these (righteous judgments)’ (כל המתהלכים באלה) are promised that ‘the covenant of God will be sure for them, delivering them from all the snares of the pit’ (ברית

³⁹² For this quote and more on the role and function of the Overseer (מבקר), see, e.g.: Fraade, *The Damascus Document*, 116.

³⁹³ For a defense of the translation ‘the Sons of Dawn’ (בני השחר) rather than ‘the Sons of the Pit’ (בני השחת) as well as an explanation of the phrase ‘hand to hand’ (כף לכף), see Fraade, 114–15.

³⁹⁴ For the other reference to ‘the Sons of Dawn’ (בני השחר), see: 4Q298 (4QcryptA Words of the Maskil to All Sons of Dawn) 1–2 I, 1. See: Fraade, 114–15.

תחת (אל נאמנות להם להנצילם מכל מוקשי שחת (14:2 [// 4QD^b 9 V, 4–5]). Similar assurances are seen throughout the Admonition(s) of D, as discussed above. It seems clear that in both cases above (i.e., in 13:14–15 and 14:2) the term ‘the covenant of God’ is simply another way to refer to the community’s covenant, elsewhere described as ‘the new covenant in the land of Damascus’ (הברית החדשה בארץ דמשק).

d. Sanctions/Penal Code of D: 4Q266 (4QD^a) 10 I, 11–II, 15 (// 4QD^d 11 I, 1–8; 4QD^e 7 I, 1–6; CD 14:18–22) + 4QD^e 7 I, 6–15

The penal code of D immediately follows the laws of D, the latter of which conclude with a discussion of ‘the rule of the settlement of the camps’ in CD 14:3–18a.³⁹⁵ Prior to the discovery and publication of the 4QD Fragments, only a fragmented and truncated version of the penal code remained in CD 14:18b–22. Thanks to the 4QD Fragments, we are able to reconstruct a much more complete version. The order of the text of the penal code can be reconstructed as follows: 4QD^a 10 I, 11–II, 15 (// CD 14:18b–22) + 4QD^e 7 I, 6–21 (// 4QD^a 11, 1–8) + 4QD^a 11, 8–20. The structure of the penal code, or sanctions, can be divided into four parts: (1) an introduction; (2) a list of punishments; (3) instructions for both disciplining and excommunicating an unrepentant member; and, (4) a conclusion.³⁹⁶ Each of these sections will be discussed below.

³⁹⁵ Rather than consider the penal code as a subset of the Laws of D, I have chosen to list it as its own section. One major reason for this is the penal code’s correspondence with the Sanctions section of the covenant (renewal) document of Deuteronomy (see Table 1 above), after which D seems to have been modeled. Furthermore, it seems clear that CD 14:18–19 serves to introduce and demarcate the penal code of D from the preceding section of laws/stipulations. Cf. Fraade, who includes the penal code of D as a subsection of the laws. See: Fraade, *The Damascus Document*, 119–25.

³⁹⁶ For more on the penal code of D, including a discussion of its relationship to the penal code of S, see, e.g.: Joseph M. Baumgarten, “The Cave 4 Versions of the Qumran Penal Code,” *JJS* 43, no. 2 (1992): 268–76; Charlotte Hempel, “The Penal Code Reconsidered,” in *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995*, ed. Joseph M. Baumgarten et al., vol. 23, STDJ (Leiden: Brill, 1997), 337–48; Charlotte Hempel, “Shared Traditions: Points of Contact Between S and D,” in *The Dead Sea Scrolls: Transmission of Traditions and Production of Texts*, vol. 92, STDJ (Leiden: Brill, 2010), 115–31.

(1) Introduction to the penal code/sanctions: CD 14:18–19 // 4QD^a 10 I, 11–13 // 4QD^d 11 I, 1–3

While only the middle portion of the column containing the introduction to the penal code is present in CD 14:18–19, the missing text can be restored from the 4QD Fragments as follows:³⁹⁷

CD 14:18–19 // 4QD^a 10 I, 11–13 // 4QD^d 11 I, 1–3

And this is the exact interpretation of the judgments by which they shall judge [throughout the period of wickedness until the standing of the Mess]iah(s) of Aaron and of Israel, when he will atone for their iniquity better than a gr[ain offering or sin offering]:

וזה פרוש המשפטים אשר ישפטו בהם [בקץ הרשעה עד עמוד משי]ח אהרן וישראל ויכפר עונם מ[מנחה וחטאת]: ...

...

This introduction is noteworthy in several regards. First, it is important to note the dispensational language used to describe the period for which the penal code is to be in effect: ‘throughout the period of wickedness until the standing of the Messiah of Aaron and of Israel’ (14:18–19).³⁹⁸ As we have seen, such dispensational language appears throughout D. Second, there is a clear anticipation of a *future* atonement brought about by the Messiah of Aaron and of Israel. While a future atonement by the Messiah is not unique among the DSS,³⁹⁹ the anticipation that this atonement would be ‘better’ than other means of atonement (here, the grain offering and sin offering) is unique.⁴⁰⁰ What is meant by this statement? From the context, it seems that the atonement provided by the Messiah will render the atonement provided by the following

³⁹⁷ The text I have presented here is a reconstruction based on the inclusion of the parallel fragments 4QD^a 10 I, 11–13 and 4QD^d 11 I, 1–3 as well. One minor difference between the text in these fragments and CD is that CD contains the additional phrase ‘during the period of wickedness’ (בקץ הרשעה), which I have included here. Furthermore, I have chosen to include a prefixed –מ on מנחה based on the spacing suggested by 4QD^a and 4QD^d, hence my translation of ‘better’. See also: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 73.

³⁹⁸ So also, Fraade, who writes: ‘Presumably, the following list of sins and punishments will be in force until the arrival of the Messiah, who will atone for sins.’ See: Fraade, *The Damascus Document*, 120.

³⁹⁹ Fraade, e.g., notes at least two other references in the DSS that anticipate a future atonement by a priestly Messiah: 4Q541 (4QapocrLevi^b? ar) and 1Q33 (1QM) 2:6–8. See: Fraade, 120.

⁴⁰⁰ It is also worth noting that both the statement that these ‘judgments’ (משפטים) are to apply ‘throughout the period of wickedness’ as well as the statement anticipating the Messiah’s future atonement are not present in the penal code of S.

punishments given in the penal code no longer necessary.⁴⁰¹ In other words, while the list of punishments that follow would serve as a ‘grain and sin offering’ and provide a means of atonement during the ‘period of wickedness’, there would come a day when such punishment was no longer necessary as a means of atonement, for there would be a ‘better’ atonement provided by the Messiah.

(2) List of punishments: 4QD^d 11 I, 4–8 (// CD 14:20–22) + 4QD^a 10 II, 1–15 (//4QD^e 7 I, 1–6) + 4QD^e 7 I, 6–15

Following the introduction to the penal code is a list of punishments. In particular, the penal code of D administers three distinct judgments for members of the community who are guilty of certain offenses that threaten the holiness of the community.⁴⁰² These forms of judgment are as follows: (1) ‘one will be punished’ (וּנְעַנֵּשׁ) (see, e.g., 4QD^e 7 I, 6);⁴⁰³ (2) ‘they shall exclude him (from the purity)’ (וְהַבְדִּילֵהוּ מִן הַטְהָרָה), also stated as ‘one will be excluded’ (וְהוֹבִדֵל);⁴⁰⁴ and, (3) ‘one shall depart and not return again’ (וַיֵּצֵא וְלֹא יָשׁוּב עוֹד) (4QD^e 7 I, 11, 13). The first two judgments—i.e., punishment and exclusion from ‘the purity’—are ‘graded’ in the sense that they are administered on a scale that corresponds to the severity of the infraction. For more serious infractions, judgments were administered for longer time periods. The third type of judgment given in the penal code, excommunication from the community, was the most serious form of judgment and was likely intentionally placed at the end of the penal code for this reason.⁴⁰⁵

⁴⁰¹ For the idea that acceptance of the punishments rendered in the penal code provide a means of atonement, see 4QD^a 11 I, 1–2, 4QD^d 7 I, 16–17 and the discussion below.

⁴⁰² See: Aharon Shemesh, “The Scriptural Background of the Penal Code in the Rule of the Community and Damascus Document,” *DSD* 15, no. 2 (2008): 191–224.

⁴⁰³ Baumgarten rightly notes that the nature of this punishment in the penal code of D ‘remains enigmatic’. However, if the punishment was the same as that rendered in the penal code of S, this would involve a one-quarter reduction in one’s food ration (see 1QS 6:25). See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 272–73.

⁴⁰⁴ For the former, see, e.g., 4QD^a 10 I, 14; 4QD^e 7 I, 6. For the latter, see, e.g., 4QD^e 7 I, 4. Exclusion from ‘the purity’ (הַטְהָרָה) likely meant that one was not allowed to partake in the communal meal. See, e.g.: Fraade, *The Damascus Document*, 122.

⁴⁰⁵ Shemesh, “The Scriptural Background of the Penal Code in the Rule of the Community and Damascus Document,” 196; Lawrence H. Schiffman, *Sectarian Law in the Dead Sea Scrolls: Courts, Testimony and the Penal Code*, BJS 33 (Chico, CA: Scholars Press, 1983), 157.

Apart from the introduction to the penal code in CD 14:18–19, two other references in the ‘List of Punishments’ section have a bearing on our understanding of covenant in D. First, in 4QD^e 7 I, 14, punishment is to be administered for murmuring against ‘the mothers’ (האמות) of the community. Not only does this clearly show that women were included in the covenant community, but it also shows that they held leadership positions within the community and were to be regarded with reverence.⁴⁰⁶ Second, 4QD^e 7 I 12–13, gives a punishment for inappropriate sexual activity with one’s wife. This ruling shows that the penal code of D clearly included non-celibate members within the covenant community.⁴⁰⁷

(3) Instructions for disciplining and excommunicating an unrepentant member: 4QD^e 7 I, 15–II, 12 (// 4QD^a 11, 1–18)

Immediately following the penal code’s list of punishments is a description of the process whereby members of the community are to be disciplined or excommunicated. The introduction to these instructions is only preserved by 4QD^e: ‘[These are the ju]dgments by wh[ich they shall judge] all who are undergoing discipline’ (4QD^e 7 I, 15). The passage goes on to specify that each member who sins ‘inadvertently’ (בשיגגה) should make it known to ‘the priest who is over the Many’ (לכוהן המופקד על הרבים) and ‘willingly’ (מרצונו) receive his punishment (4QD^e 7 I, 15–16 // 4QD^a 11, 1).⁴⁰⁸ Several citations from Scripture are given to justify this process in 4QD^e 7 I, 17–19, including Lev 26:31, Deut 30:4, and Joel 2:12, 13. Directions are then given for dealing with the guilty individual does not receive his judgment willingly: He is to be excommunicated, or permanently sent out ‘from the presence of the Many’ (מלפני הרבים) (4QD^a 11, 5–8 // 4QD^e 7 I, 19–21). This excommunication is to be accompanied by a formal and public declaration from ‘the priest who is over the Many’, after which the person is to be sent out (4QD^a 11, 8–14). From this

⁴⁰⁶ Fraade understands the reference to ‘fathers’ and ‘mothers’ here to refer to ‘the communal elders, male and female, rather than to individual members’ biological parents...The inclusion here of “mothers” suggests that they were held in some degree of respect (if only ideally) within the authoritarian structure of the community.’ See: Fraade, *The Damascus Document*, 124–25.

⁴⁰⁷ Cf. the penal code of S, which lacks any mention of women. Shemesh suggests that certain regulations (including 4QD^e 7 I 12–14) were added to D ‘to update and apply the *Rule of the Community*’s penal code to the Berit Damascus community’. See: Shemesh, “The Scriptural Background of the Penal Code in the Rule of the Community and Damascus Document,” 194.

⁴⁰⁸ Following the reading in 4QD^a 11 2. Cf. 4QD^d 7 I, 17, where the text is restored as בשיגגה to follow the more common biblical reading.

point on, other members of the community are not to associate with this excommunicated individual (4QD^a 11, 14–16). The passage concludes with the following statement in 4QD^a 11, 16–18 (// 4QD^e 7 II, 11–12): ‘And all [those who dwell] in camps are to gather together in the third month and curse the one who turns to the right [or left from the] Torah’ (המחנות [ושמאול מן ה]תורה) (וכול [יושבי]יקהלו בחודש השלישי ואררו את הנזטה ימין).

While the term ‘covenant’ does not appear in this final section of the penal code/sanctions of D, there are several important points to note, nonetheless. First, and perhaps most important, is the mention of the ceremony for cursing the deviant that was to take place every year in the third month. This ceremony undoubtedly took place as part of the larger, annual covenant renewal ceremony which occurred in the third month and corresponded with the biblical ‘feast of weeks’ (חג שבועת).⁴⁰⁹

Second, it is important to note that the judgments of the penal code are described as being ‘in accordance with all the decrees that are found in the Torah of Moses’ (על פי כול החוקים) (הנמצאים בתורת משה) (4QD^a 11, 6 // 4QD^e 7 I, 20). Together with other statements in D that refer to Moses and/or the Torah of Moses, it is clear that throughout D the authority of Moses and the Mosaic Torah is consistently upheld.

Third, the practice of excommunication emphasized the importance that the DSS community placed on continual obedience to the terms of D.⁴¹⁰ Only those who accepted the teachings of the community and were willing to undergo discipline according to the regulations of the community were allowed to remain in the community.⁴¹¹ I.e., to be identified with the righteous of the community and partake in the blessings of the covenant required an ongoing obedience. If one departed from the regulations of the community as stipulated in D and refused to undertake corrective discipline, they were to be excommunicated and would no longer be

⁴⁰⁹ For the covenant renewal ceremony, see 1QS 1:16–3:12 (esp. 2:19). Fraade writes that ‘one of the main performative contexts in which it [i.e., D] would have been read and studied is the communal gathering during the festival of the “third month,” that is, Shavu‘ot.’ See: Fraade, *The Damascus Document*, 19, 129. For more on the covenant renewal ceremony, see, e.g.: Daniel Vainstub, “The Covenant Renewal Ceremony as the Main Function of Qumran.”

⁴¹⁰ In 1QS 10:10, entering the covenant of God is described as a daily affair.

⁴¹¹ Commenting on this aspect of the passage, Fraade writes: ‘Particularly important here is the finality of the deterministic and dualistic division between those who follow the community’s laws, as they have derived them through inspired exegesis from the Torah, and those who are ritually cursed and expelled for having turned, even the slightest, from the correct “path.”’ See: Fraade, 129.

reckoned with the community, but rather subject to the curses associated with violation of the oath of the covenant.

Fourth, the instructions for the communal cursing in 4QD^a 11, 16–18 (// 4QD^c 7 II, 11–12) recalls Deut 27:12–26, highlighting yet another similarity between D and Deuteronomy.⁴¹²

Lastly, it is important to note that a community member's acceptance of the prescribed punishment/discipline is said to be in accordance with the Mosaic command to bring a sin and guilt offering (4QD^a 11 1–2; 4QD^d 7 I 16–17). While the root כפר ('atone') does not appear in these verses, Baumgarten concludes that these verses imply the following: 'The disciplinary penalty is to be accepted as atonement comparable to a sin-offering.'⁴¹³ I.e., voluntary acceptance of the punishment is a means of atonement for the wrongdoing. This theme of suffering as providing an alternate means of atonement is significant to note as a feature of D's new covenant.⁴¹⁴

(4) Conclusion to the Penal Code: 4QD^c 7 II, 12–14 (// 4QD^a 11 18–20)

Following the section detailing sanctions for disobedient community members, the penal code concludes with the following statement:

4QD^c 7 II, 12–14 (// 4QD^a 11 18–20)

This is the exact interpretation of the judgments tha[t] [they should make throughout the entirety] of the appointed period,⁴¹⁵ (and) what [they should ap]point

זה פרוש המשפטים אש[ר] [יעשו בכל] קץ
הפקודה א[ת] אשר [יפ]קידו בכל קצי

⁴¹² While it is the priest who was to expel the disobedient and unrepentant member from the community (4QD^a 11, 14), 'all [the ones dwelling] in the camps' (כול [יושבי] המחנות) were to 'curse' (יקהלו) the deviant as well (4QD^a 11, 16–18). In the passage from Deuteronomy the Levites were to be the ones who recite the curses, and the curses to be recited are specified. While particular curses are missing in D, they appear in 1QS 2:4b–18, where the Levites are instructed to recite a series of curses upon the deviant, after which the entire community was to confirm with an 'Amen, Amen'. It is possible that D provides a summary version of this procedure.

⁴¹³ Similarly, in his comment to the parallel in 4Q270 (4QD^c) 7 I, 15, Baumgarten states: 'The premise is that the sinners will voluntarily accept such punishment as an atonement.' See: Baumgarten, *Qumran Cave 4. XIII: The Damascus Document (4Q266–273)*, 77, 166.

⁴¹⁴ The concept of suffering as providing a means of atonement for one's sin is not unique to D or to the DSS community, as it appears elsewhere in late Second Temple Jewish literature. In 2 Macc 7, e.g., the martyrdom of seven brothers and their mother is presented as bringing an end to God's punishment on the entire community of Jews in Judea for their sin. For a more in-depth discussion of this theme, see, e.g.: Daniel R. Schwartz, 2 *Maccabees*, CEJL (Berlin: De Gruyter, 2008), 298–300.

⁴¹⁵ Cf. Fraade, who translates כץ הפקודה as 'during the entire period of visitation'. Fraade, *The Damascus Document*, 127.

throughout the entirety of the period of wrath and (on) החרון ומס[עיהם] לכל ישב [מ]חניהם וכל
 [their] jour[nies] to all who dwell in their camps and all י[שב ערי]הם.
 who dwell in their cities.

That this statement serves as the conclusion to the penal code/sanctions rather than as the conclusion to the entire document of D seems clear based on the inclusio formed by ‘This is the exact interpretation of the judgments...’ (זה פרוש המשפטים), a phrase which occurs elsewhere in D only at the beginning of the penal code (14:18).

At least two matters pertaining to covenant are important to address here. First, it is important to note that the above sanctions were to be applied ‘throughout the entirety of the appointed period’. When read in conjunction with 14:18—a verse which, as discussed above, frames the penal code together with 4QD^e 7 II, 12 (// 4QD^a 11 18) via the phrase זה פרוש המשפטים—, it becomes clear that ‘the appointed period’ is to be equated with ‘the period of wickedness’ that would come to an end with the coming of the Messiah (14:19–20). Thus, as was the case with the laws of D—which were to be applied ‘throughout the period of wickedness’ (15:7)—so too were the sanctions of D presented as applicable for the present period only.

Second, the mention of journeying to ‘camps’ and ‘cities’ is significant to note. The picture being portrayed in this passage is one of itinerant priests journeying to various ‘camps’ (= villages?) and towns/cities throughout the land in their administration of the ‘judgments’ (משפטים) of the penal code to the faithful community. Along with Josephus and Philo, in this passage D seems to clearly portray the faithful as living throughout the land. Elsewhere in D, however, it is clear that this community assembled together for the annual covenant renewal ceremony.⁴¹⁶

⁴¹⁶ See ‘the meeting of all the camps’ in 14:3–12; see also 4QD^a 11 17 // 4QD^d 7 II, 11–12.

e. Conclusion to D (4QD^a 11 20–21 // 4QD^e 7 II, 14–15)

Immediately following the conclusion to the penal code stands a brief conclusion to the entire document of D:

Behold, everything is wr[itten] according to the final interpretation of [the] Torah.

הנה הכול כ[תוב] על מדרש [ה]תורה
האחרון.⁴¹⁷

In the context, it seems clear that the phrase ‘Behold, everything is wr[itten]...’ (הנה הכול כ[תוב]) refers back to the entire preceding text of D—i.e., the preceding admonitions, laws, and penal code.⁴¹⁸ Thus, D itself is being presented as ‘the final interpretation of the Torah’ (מדרש התורה), a phrase which needs unpacking. Based on its previous appearance in CD 20:6, it seems clear that מדרש התורה is best translated as ‘the interpretation of the Torah’ and is best understood as a reference to the unique and inspired interpretation of the Torah of Moses that was held by the covenant community. The reference to this inspired interpretation as ‘the *final* interpretation of the Torah’ (המדרש התורה האחרון) seems to stress not only the authoritative nature of this interpretation, but also, and perhaps more importantly, the ultimate and dispensational nature of this interpretation as being specifically applicable for the final ‘period of wickedness’ or ‘last days’.⁴¹⁹ Perhaps no other statement in D captures the essence and function of the document in such a succinct manner.⁴²⁰

⁴¹⁷ I follow Baumgarten’s restoration of 4QD^e 7 II, 14b–15 here. The parallel text of 4QD^a 11, 20 is more fragmentary and lacks כתוב (‘is written’). To support his restoration of כתוב, Baumgarten notes similar statements in CD 4:4 and 16:2–4.

⁴¹⁸ While some scholars understand ‘the final interpretation of the torah’ (מדרש התורה האחרון) to be the title of a separate collection of laws (i.e., a collection distinct from those recorded in D), it seems best to consider this as a reference to the preceding admonitions, laws, and penal code of D. Not only does the statement, ‘Behold, everything is wr[itten]...’ (הנה הכול כ[תוב]) suggest a reference to the preceding text of the document rather than some alternate source, but Fraade also rightly notes ‘the absence of any direct evidence for such a collection of laws’. See: Fraade, *The Damascus Document*, 129.

⁴¹⁹ Fraade summarizes the meaning of this phrase as follows: ‘The sense of our text is that the above-listed laws (and admonitions) will remain in effect, in a final holding pattern, as it were, until the imminent consummation of the “end of days.”’ See: Fraade, 129.

⁴²⁰ If Stegemann is correct, the phrase מדרש התורה האחרון also occurs in the opening line of D, where it would aptly serve to summarize the contents and purpose of D. Stegemann restores the opening line of D in 4QD^a 1a–b 1 as follows: ‘[The final interpretation of the Torah for the s]ons of light...’ (...לני אור). He bases this restoration on the scribal practice of repeating a work’s title at the very end of the work, which, in the case of D, appears in 4QD^a 11 20–21 (// 4QD^e 7 II, 15). See: Hartmut Stegemann, “Some Remarks to ‘1QSa’, to ‘1QSB’, and to Qumran Messianism,” 495.

C. The ‘New Covenant’ in *Pesher Habakkuk* (1QpHab)

Apart from D, the only other occurrence of the term ‘new covenant’ in the entirety of the extant DSS texts appears in *Pesher Habakkuk* (1QpHab). As in D, the words ‘new covenant’ in 1QpHab are the only two words that provide a direct link to Jer 31:31–34.⁴²¹ Yet despite the lack of other words and/or themes from Jer 31:31–34 in 1QpHab, the majority of scholars have assumed that 1QpHab’s mention of the ‘new covenant’ should be linked to Jer 31:31–34 nonetheless.⁴²² This link between the ‘new covenant’ in 1QpHab with the ‘new covenant’ in Jer 31:31–34 appears to be influenced at least in part by the prevailing understanding that the ‘new covenant’ in D should also be linked with Jer 31:31–34. Yet is the assumption that 1QpHab’s mention of the ‘new covenant’ should ultimately be understood as a reception of Jer 31:31–34 correct? And what new information (if any) does 1QpHab add to our understanding of D’s presentation of the ‘new covenant’? This section is devoted to answering these questions. Before these issues are discussed, however, a brief orientation to 1QpHab is in order.

1. Date and composition of 1QpHab

Unlike D, 1QpHab has a straightforward manuscript history. The work exists in a single, relatively well-preserved manuscript which was among the first of the DSS scrolls to be discovered in Cave 1 and which was subsequently published in 1950.⁴²³ The work gives evidence of two different scribal hands, and on the basis of palaeography and carbon-14 testing, it seems clear that 1QpHab was copied sometime in first century BCE.⁴²⁴ The matter of dating

⁴²¹ In his study of the reception of Jeremiah in the ‘exegetical literature’ at Qumran—a category which he defines as ‘those texts from the Qumran library that interpret Jewish scripture explicitly and not by retelling or expanding them’—, Armin Lange finds 8–13 references to the book of Jeremiah. The term ‘new [covenant]’ in 1QpHab 2:3 is the only reference to Jer 31:31–34. See: Armin Lange, “Texts within Texts: The Text of Jeremiah in the Exegetical Literature from Qumran,” in *Is There a Text in This Cave? Studies in the Textuality of the Dead Sea Scrolls in Honour of George J. Brooke*, ed. Armin Lange et al., vol. 119, STDJ (Boston: Brill, 2017), 187–208.

⁴²² See, e.g.: Timothy H. Lim, *The Earliest Commentary on the Prophecy of Habakkuk*, OCDSS (Oxford: OUP, 2020), 46; Lange, “Texts within Texts,” 198–99.

⁴²³ William H. Brownlee, “The Habakkuk Commentary,” in *The Dead Sea Scrolls of St. Mark’s Monastery*, vol. 1 (New Haven, CT: American Schools of Oriental Research, 1950), Plates LV-LXVI.

⁴²⁴ It seems clear that scribe A copied 1:1–12:13, while scribe B copied 12:14ff. See: Lim, *The Earliest Commentary on the Prophecy of Habakkuk*, 5–6.

the original composition of 1QpHab, however, is more difficult, and must be determined largely on internal grounds.⁴²⁵

As noted by Lim, the interpretations within 1QpHab deal primarily with two historical periods: ‘the putative sectarian origins in the second century BCE and the Roman conquest of Judaea in the first century BCE.’⁴²⁶ Scholars have attempted to account for the mention of these two periods in 1QpHab in different ways. While some have opted for a source-critical approach and suggest that the mention of these two different historical periods in the same text should be attributed to two different compositional layers, others have adopted a linguistic approach and have argued that the *pesherist* uses the perfect verb form refer to events and/or figures associated with the origins of the community, while he uses the imperfect to refer to later, contemporary events and/or figures (from the *pesherist*’s perspective) that are related to the Roman conquest of Judaea.⁴²⁷ While one may concede that the *pesherist* is not entirely consistent in his use of tenses, the linguistic approach is to be preferred in my opinion, as it accounts for the two distinct periods mentioned in 1QpHab more satisfactorily than the source-critical approach.⁴²⁸

Regardless of whether one adopts a source-critical or linguistic approach to account for the two different periods in 1QpHab, the identification of the Kittim with the Romans helps to establish parameters for dating the scroll on internal grounds.⁴²⁹ Because of the long period of Roman influence in Judean affairs, however, these parameters are broader than one might first imagine. Segal, e.g., has proposed 1QpHab was composed as early as 90 BCE,⁴³⁰ while Driver

⁴²⁵ See: Lim, 6.

⁴²⁶ Lim also notes the strand of recent scholarship that places the community’s origins later than the Maccabean period. See: Lim, 9–10.

⁴²⁷ Lim provides a helpful summary of the situation, including influential scholars for each position. See: Lim, 9–10.

⁴²⁸ Lim rightly points out challenges to both the source-critical and the linguistic approach. See: Lim, 10.

⁴²⁹ Two observations point to the identification of the Kittim with the Romans rather than the Greeks: (1) the mention of the Kittim sacrificing to their military standards, which was a known Roman practice, but not an attested Greek practice (1QpHab 6:3–5); (2) a likely allusion to the Roman senate (1QpHab 4:10–13). For more on these arguments and for others that support the identification of the Kittim with the Romans in 1QpHab, see: Lim, 19–23; Segal, “The Habakkuk ‘Commentary’ and the Damascus Fragments,” 133–34; André Dupont-Sommer, “Le ‘Commentaire d’Habacuc’: Découvert Près de La Mer Morte. Traduction et Notes,” *RHR* 137, no. 2 (1950): 10.

⁴³⁰ Segal argues that 1QpHab does not show an awareness of Pompey’s conquest of Jerusalem in 63 BCE. See: Segal, “The Habakkuk ‘Commentary’ and the Damascus Fragments,” 135–40.

has suggested a *terminus post quem* of 70 CE.⁴³¹ The majority of scholars, however, prefer to date 1QpHab somewhere in the mid- to late first century BCE.⁴³² For our purposes here, determining the precise date of the composition of 1QpHab is not a priority. Rather, it will suffice to conclude that 1QpHab is almost certainly a later composition than D, a point upon which the majority of scholars who date D and 1QpHab would agree.⁴³³

2. The ‘pesher’ genre

1QpHab belongs to the genre of DSS writings known as *pesharim* (פְּשָׁרִים), or continuous commentaries.⁴³⁴ In short, these works are characterized by their running interpretation of a particular prophetic book.⁴³⁵ Following the citation of a biblical verse or lemma, the word *pesher* (פֶּשֶׁר) (‘interpretation’) typically appears, after which the interpretation of the verse/lemma is given.⁴³⁶ In this sense, the DSS *pesharim* are not too dissimilar from medieval and modern commentaries that follow this layout. Yet while the *pesharim* share this similarity in structure, they differ at another major point: the mode of interpretation. Indeed, the manner of exegesis in DSS *pesharim* is quite distinct, as each *pesher* (and, collectively, the *pesharim* on a given prophetic book) gives an interpretation that ‘identifies events and people in the biblical texts with

⁴³¹ Driver argues that the sacrifice to the Roman military standards which the *pesherist* had in mind was specifically that which took place in 70 CE when the Temple and Jerusalem were destroyed. See: G. R. Driver, *The Judaean Scrolls: The Problem and a Solution* (Oxford: Blackwell, 1965), 211–14.

⁴³² See, e.g.: Lim, *The Earliest Commentary on the Prophecy of Habakkuk*, 21–30; Steudel, “אחרית הימים” in the Texts from Qumran,” *RevQ* 16, no. 2 (62) (1993) 235–36.

⁴³³ That 1QpHab is a later composition than D is also supported by the mention of the impending threat of ‘the kings of Greece’ (מלכי יון) in D (see CD 8:11) as contrasted with that of the ‘Kittim’ (כְּתִימִים), best understood as a reference to the Romans, in 1QpHab (see, e.g., 2:12).

⁴³⁴ For a brief treatment of the genre of *Pesharim*, see, e.g.: VanderKam and Flint, *The Meaning of the Dead Sea Scrolls*, 221–23; Devorah Dimant, “Qumran Sectarian Literature,” in *Jewish Writings of the Second Temple Period: Apocrypha, Pseudepigrapha, Qumran Sectarian Writings, Philo, Josephus*, ed. Michael E. Stone, vol. 2 (Leiden: Brill, 1984), 504–8. For a more thorough discussion of the *Pesharim* and the various definitions and nuances of the *pesher* method of exegesis at Qumran, see, e.g.: Timothy H. Lim, *Pesharim*, Companion to the Qumran Scrolls 3 (London: Sheffield Academic Press, 2002).

⁴³⁵ Dimant and others have noted possible exceptions to this norm of commenting on a single prophetic book. 4QpIs^c, e.g., exists as a *pesher* that includes quotes from various prophets throughout the work. See: Dimant, “Qumran Sectarian Literature,” 504.

⁴³⁶ For the use of this term and other formulas that served to introduce a *pesher* in 1QpHab, see: Lim, *The Earliest Commentary on the Prophecy of Habakkuk*, 4.

contemporary historical figures.⁴³⁷ This exegetical method contrasts sharply with modern scholarship, which in general attempts to recover the original historical referents intended in prophetic texts rather than apply these texts to the present historical situation.

3. Overview of 1QpHab

1QpHab follows the order of the first two chapters of the book of Habakkuk itself.⁴³⁸ While Lim rightly notes that ‘lemmatic commentary does not lend itself easily to the articulation of a single, overall purpose’, he also suggests that ‘the centre of the prophecy’ and ‘the pivotal point of the pesharist’s interpretation’ is the commentary on Hab 2:1–4 that appears in 1QpHab 6:12b–8:3a.⁴³⁹ In this section, the *pesharist’s* interpretation of the purpose of the book is given, a purpose which Lim summarizes as ‘to encourage the faithful to stay the course, and not be discouraged by any apparent delay in the coming of the end-time.’⁴⁴⁰ This encouragement to ‘stay the course’ was needed because it seems that the DSS community’s predicted date for the culmination of ‘the last days’ (אחרית הימים) had already passed.⁴⁴¹ With this general overview in mind, we can move to discuss the concept of the ‘new covenant’ in 1QpHab.

4. The concept of the ‘new covenant’ in 1QpHab

1QpHab 2:3 records the lone appearance of the term ‘new covenant’ in 1QpHab. This verse appears within a larger passage—1:16b–2:10a—that cites and gives commentary on Hab 1:5. The text and my translation of this passage is shown below:⁴⁴²

⁴³⁷ See: Lim, *Pesharim*, 13. Similarly, Lawrence Schiffman describes *pesharim* as ‘contemporizing interpretations of specific biblical material’ in which ‘the sectarian writers interpreted the visions of the prophets of the Hebrew Bible as referring to events in their own time. They searched for—and found, albeit sometimes in a very veiled manner—allusions to events and personages relevant to their current circumstances.’ See: Lawrence H. Schiffman, *Reclaiming the Dead Sea Scrolls: The History of Judaism, the Background of Christianity, the Lost Library of Qumran* (Philadelphia: Jewish Publication Society, 1994), 114.

⁴³⁸ The third chapter of Habakkuk is not included in 1QpHab.

⁴³⁹ Lim, *The Earliest Commentary on the Prophecy of Habakkuk*, 1–3.

⁴⁴⁰ Lim, 2.

⁴⁴¹ Lim, 13.

⁴⁴² The Hebrew text here follows Abegg’s rendering, except where otherwise noted. I have bolded the biblical citation of Hab 1:5 to distinguish this from the commentary portion. See: Abegg, “Qumran Sectarian Manuscripts.”

1QpHab 1:16b–2:10a

1:16b[-- See, traitors!⁴⁴³ Look,]¹⁷[and be utterly amazed! For I am doing a work in your days (that) you would not believe (even) if]^{2:1}it was told (Hab. 1:5). *vacat* [The interpretation of the matter concerns] the traitors with the Man² of the Lie, for they did not [believe in the words] of the Teacher of Righteousness (that were) from the mouth of³ God. And (it also) concerns the trait[ors] of the new [covenant], for they did [no]t⁴ remain faithful in the covenant of God [and they defiled] His holy na[me].⁵ And so also *vacat* the interpretation of the matter [concerns the tra]itors in the last א⁴⁴⁴ 6 days. They are the ruthless [ones toward the coven]ant who do not believe⁷ when they hear all that is com[ing up] on the final generation from the mouth of⁸ the priest whom God set in [his heart understand]ing to interpret all⁹ the words of his servants the prophets, [whom] by their hands God declared¹⁰ all that is going to come upon his people and his con[gregation].

[-- ראו בוגדים והביטו] 1:16b
 [והתמהו תמהו כיא פעל פועל]¹⁷
 בימיכם לוא תאמינו כיא]^{2:1}
 [פשר הדבר על]^{2:1}
 הבוגדים עם איש² הכזב כי לוא
 [האמינו בדברי] מורה² הצדקה
 מפיא³ אל. ועל הבוג[דים בברית]
 החדשה כ[יא] א[ל] א⁴ האמינו בברית
 אל [ויחללו] את ש[ם] קודשו.
 וכן⁵ פשר הדבר [על הבו]גדים
 לאחריה א⁶ הימים. המה עריצ[י]
 הבר[ית] אשר לוא יאמינו⁷ בשומעם
 את כול הבא[ות] על[ל] [הדור האחרון
 מפי⁸ הכוהן אשר נתן אל ב[לב]ו בינ[ה]
 לפשור את כול⁹ דברי עבדיו הנביאים
 [אשר] בידם ספר אל את¹⁰ כול
 הבאות על עמו וע[דתו].

Several matters pertaining to this passage are important to discuss. First, it is significant to note the mention of several of the same figures that appear in D: (1) ‘the Teacher of Righteousness’ (המורה הצדקה) (2:2; CD 1:11; 20:32); (2) ‘the man of the lie’ (איש הכזב) (2:1–2; CD 20:15); and, (3) the ‘traitors’ (בוגדים) (2:1–4; CD 1:12; 19:33–34). While these references to historical figures are presented in different literary genres—D, as argued above, is best understood as a covenant renewal document, whereas 1QpHab is a continuous *peshet*—, it seems clear that 1QpHab and D are referring to the same historical figures and are consistent in their portrayal of the community’s history.⁴⁴⁵ It is likely no coincidence that the only other time the term ‘new covenant’ appears in the DSS outside of D is in this section of 1QpHab, a section which recounts the same period of history (and beyond) as D.

⁴⁴³ In view of the LXX variant of οἱ καταρρονηταί (‘traitors’) and the ensuing commentary on this verse in 2:1ff which deals with הבוגדים (‘the traitors’) rather than הגוים (‘the nations’), it seems best to restore בוגדים rather than גוים here. For a helpful summary discussion of this matter, see: Lim, 43.

⁴⁴⁴ The lone *aleph* (א) here is present in this copy of 1QpHab. Two possibilities are as follows: (1) it originally indicated the end of the column; (2) it served to mark this triple *peshet* as a unique interpretation. See: Lim, 7, 49.

⁴⁴⁵ See also: Segal, “The Habakkuk ‘Commentary’ and the Damascus Fragments,” 131–32.

Second, the same eschatological-dispensational outlook present in D appears in 1QpHab. The covenant community is portrayed as living in ‘the last days’ (אהרית הימים) (2:5–6; CD 4:4) and ‘the final generation’ (הדור האחרון) (2:7; CD 1:12), with an expectation of imminent judgment on those who reject the community’s covenant (2:10; CD 7:9–12).

Third, both 1QpHab and D distinguish between different groups of ‘traitors’ (בוגדים) and give brief mention of events associated with their respective betrayals.⁴⁴⁶ The first group of ‘traitors’ were there those who had turned back with ‘the man of the lie’ (איש הכזב) in the generation in which the community was led by ‘the Teacher of Righteousness’ (2:1b–3a; CD 1:12). The second group of traitors are identified as those of who had initially entered into ‘the new covenant’ and were a part of the community, but who later rejected this covenant (2:3b–4; CD 19:33–34).⁴⁴⁷ To these two groups of traitors 1QpHab adds yet a third group—‘the ruthless [ones toward the coven]ant’ who do/will not believe ‘in the end of days’ and who do/will not believe the interpretation of the prophets as set forth by ‘the priest’ (2:5–10a).⁴⁴⁸ While the identity of this third group is the most difficult to pin down, it seems best to understand these ‘traitors’ as belonging to the generation that was contemporary with and/or future to the time of the *pesherist*.⁴⁴⁹ Unlike the second group of traitors, this third group had never entered into the covenant; rather, they maintained a hostile attitude toward ‘the covenant’ (and implicitly, toward

⁴⁴⁶ While some scholars have pointed to these distinct interpretations as evidence of different literary stages or *Vorlagen* for 1QpHab, Lim rightly questions this view, stating that ‘the form of 1QpHab that was transmitted is a comprehensible text in its own right.’ See: Lim, *The Earliest Commentary on the Prophecy of Habakkuk*, 8–9.

⁴⁴⁷ Brownlee similarly concludes that 2:1b–3a and 2:3b–4 refer to two different groups of traitors, with the former referring to those who rejected the Teacher during the community’s foundation, and the latter referring to those who initially joined the community, but later apostatized. Rather than identify this second group of traitors as Samaritans, as Brownlee suggests, a better option is to identify them as supporters of the Hasmoneans and/or the Pharisees. See: William H. Brownlee, “The Wicked Priest, the Man of Lies, and the Righteous Teacher: The Problem of Identity,” *JQR* 73, no. 1 (1982): 20. Cf. Lim, who is doubtful that a historical distinction between these three groups of traitors was intended, and instead sees ‘one class of traitors whose membership changes over time’. See: Lim, 45–46.

⁴⁴⁸ The *nomen rectum* in the construct עריצ[י הבר]ית in 2:6 is best understood as the object of the action inherent in the *nomen regens*, hence my translation of ‘the ruthless [ones toward the coven]ant’. See Isa 2:19 for a similar example.

⁴⁴⁹ So also, Brownlee. While Brownlee places this third group of traitors in the generation after the Teacher of Righteousness, it is possible that this group was more than one generation removed from the Teacher of Righteousness as well. Brownlee notes the use of the imperfect (אימינו) in 2:6 in contrast to the use of the perfect in reference to the previous two groups of traitors (see האמינו in 2:2, 4, although the former is a restoration) to support the chronological distinction between this third group of traitors and the previous two. See: William H. Brownlee, *The Midrash Peshet of Habakkuk*, SBLMS 24 (Missoula, MT: Scholars Press, 1979), 55–56.

the covenant community) and refused to accept the inspired teaching of the community which had been delivered by ‘the priest’—i.e., ‘the Teacher of Righteousness’ mentioned in 2:1.

Lastly, 1QpHab shares the same covenant terminology as D. As with D, 1QpHab also refers to the ‘new covenant’ as ‘the covenant of God’ (ברית אל) (2:4; CD 20:17) and simply as ‘the covenant’ (הברית) (2:6; CD 9:3). While D refers twice to ‘the new covenant *in the land of Damascus* (בארץ דמשק)’ (6:19; 19:33–34), the term ‘the new covenant’ does appear once without the prepositional phrase ‘in the land of Damascus’, although earlier in the same verse it is clear that this ‘new covenant’ was made ‘in the land of Damascus’ (20:12). In 1QpHab, there is a single reference to ‘the new covenant’, and although the modifier ‘in the land of Damascus’ is absent, it seems clear that this ‘new covenant’ is one and the same as D’s ‘new covenant in the land of Damascus’ based on the mention of identical historical figures and circumstances associated with this covenant. It follows, then, that the term ‘new covenant’ itself in 1QpHab 2:3 is dependent primarily on D rather than on Jer 31:31.⁴⁵⁰

D. Constructing the Essene Concept of the ‘New Covenant’

Based on the findings from the above discussion on the new covenant in D and 1QpHab, we can construct at least four major concepts pertaining to this covenant: (1) the covenant stands in clear continuity with the Abrahamic and Mosaic covenants; (2) there is a clear dispensational-eschatological element to the covenant; (3) the covenant offers a prescribed means of atonement for the present period; and (4) ‘the land of Damascus’ is the provenance of the covenant. Significantly, despite the scholarly consensus that the ‘new covenant’ of D and 1QpHab should be linked to the ‘new covenant’ of Jer 31:31–34, each one of the four concepts listed above stands at odds with the portrayal of the ‘new covenant’ of Jer 31:31–34, as will be discussed below.

⁴⁵⁰ Armin Lange has come to a similar conclusion in his recent study on the reception of Jeremiah in the exegetical literature at Qumran. Lange suggests that the references to ‘the new covenant’ in D ‘show that “The New Covenant” became a designation of the Essenes’ predecessor movement.’ He concludes, therefore, that in the case of 1QpHab 2:3, ‘it is thus possible that the phrase “The New Covenant” is entirely dissociated from its Jeremianic origin.’ In other words, for Lange, the appearance of the term ‘the new covenant’ in 1QpHab 2:3 is only secondarily associated with Jer 31:31, while its primary association is with D. Because Lange sees the use of the term ‘new covenant’ in D to clearly refer to Jer 31:31, he concludes that the reference to ‘the new covenant’ in 1QpHab 2:3 ‘is clearly related to the new covenant in the book of Jeremiah’ and that it ‘evolved most certainly out of Jer 31(38):31.’ See: Lange, “Texts within Texts,” 198–99. If D’s use of the term ‘new covenant’ is not to be understood in association with Jer 31:31, however, it follows that the same is true for 1QpHab.

1. The continuous aspect of the Essene ‘new covenant’

D clearly portrays the Essene ‘new covenant’ as standing in continuity with not only the Abrahamic covenant, but also the Mosaic covenant.⁴⁵¹ This continuity will be discussed below, followed by a consideration of this continuity in light of the discontinuity inherent in Jeremiah’s ‘new covenant’.

a. The continuity of the Essene ‘new covenant’ with the Abrahamic covenant

While the term ‘the covenant of Abraham’ (ברית אברהם) appears only once in D (12:10–11), the Abrahamic covenant is alluded to at least five other times (1:4; 3:2–4; 6:2; 8:16–18; 15:5–6), a frequency which points to the significance of this covenant for the DSS community. The Abrahamic covenant is referred to twice as the ‘covenant of the former ones’ (ברית ראשונים) (1:4; 6:2) and once as ‘the covenant of the (fore-)fathers’ (ברית האבות) (8:18).⁴⁵² Three major themes regarding the Abrahamic covenant are presented in D: (1) the Abrahamic covenant serves as the basis for God’s benevolent attitude and actions toward the righteous remnant, including his establishment of ‘the new covenant in the land of Damascus’ with the DSS community; (2) the DSS community’s ‘new covenant in the land of Damascus’ stands in continuity with the Abrahamic covenant; and, (3) the Abrahamic covenant is regarded as eternal in nature. It is important to note that none of these three themes is unique to D; rather, they first appear in the HB, which almost certainly stands as the source from which the DSS community obtained these ideas.⁴⁵³ The presentation of these three themes in D will be briefly discussed below.

In D, the Abrahamic covenant serves as the basis for God’s benevolence toward the righteous remnant of Israel, a remnant which the DSS community identified as itself. In CD 1:4, the covenant serves as the basis for God’s mercy in sparing a remnant during the Babylonian exile. In 6:2–3, the covenant serves as the basis for God’s establishment of the ‘new covenant’

⁴⁵¹ While this continuity is not explicit in 1QpHab, as argued above 1QpHab seems to clearly adopt the same view of ‘the new covenant’ as that which is presented in D.

⁴⁵² Both of these terms are taken from the HB. The former is taken from Lev 26:45, while the latter is taken from Deut 4:31 and/or Mal 2:10.

⁴⁵³ See, e.g., Exod 2:24; Lev 26:42, 45; Ps 105:8–10; and Neh 9:7–8. Of particular importance are Lev 26:45 and Ps 105:8–10, the former of which is alluded to in CD 1:4 and 6:2, and the latter of which is alluded to in CD 15:5–6.

community. And, furthermore, in 8:16–18 the Abrahamic covenant serves as the basis for God’s love for the ‘new covenant’ community of D.

D also presents ‘the new covenant in the land of Damascus’ as continuous with the Abrahamic covenant. This continuity is implied in the juxtaposition of the faithful patriarchs with the faithful of the DSS community in the second historical review of the origins of the community (see 3:2–4 and 3:12b ff). In 8:16–18, this continuity is stated even more explicitly: the faithful of the DSS community are assured that ‘theirs is the covenant of the (fore-)fathers [i.e., the Abrahamic covenant]’ (להם ברית האבות). I.e., as faithful members of ‘the new covenant in the land of Damascus’, they were the true heirs of the Abrahamic covenant. Participation in the Abrahamic covenant by means of ‘the new covenant in the land of Damascus’ was open not only to native-born Israelites, but also to foreign proselytes, as 12:11 makes clear.

Lastly, D presents the Abrahamic covenant as eternal in nature. CD 15:5b–6a refers to the DSS community’s ‘new covenant in the land of Damascus’ as ‘the covenant (which) for all Israel is an everlasting decree’ (ברית לכל ישראל לחוק עולם). This language likely draws on Ps 105:8–10, verses in which God is praised as the one who remembers his covenant with Abraham which He established ‘for Jacob as a decree, for Israel as an everlasting covenant’ (ליעקב לחק לישראל ברית) (עולם).⁴⁵⁴ By using the term חוק עולם in CD 15:5b, then, it seems clear that D is emphasizing that the covenant which current members were joined to and which they were to enroll their children in was one and the same as the Abrahamic covenant itself. In other words, by describing the ‘new covenant’ as ‘the covenant which for all Israel is an everlasting decree’, D does not seek to present the ‘new covenant’ itself as the everlasting covenant whose stipulations will never be altered for all of eternity, but rather to present the new covenant as continuous with the Abrahamic covenant, which was itself the everlasting decree and covenant that ensured Israel’s right to dwell in the land with their covenant God.

b. The continuity of the Essene ‘new covenant’ with the Mosaic covenant

As discussed throughout the above overview of covenant in D, the Mosaic covenant appears throughout D and is referred to by a variety of names, including: ‘(the) covenant’

⁴⁵⁴ Psalm 105:1–15 is repeated in 1 Chr 16:8–22, an observation which suggests the importance of this psalm in post-exilic times.

([ה]ברית) (1:18, 20; 3:10); ‘His [i.e., God’s] covenant’ (בריתו) (1:17); ‘the covenant of God’ (ברית א) (3:11). Three themes in particular are presented in regard to this covenant: (1) the Mosaic covenant remained authoritative and the means by which God maintained his relationship with ‘all Israel’; (2) the Mosaic covenant had been violated; (3) the DSS community’s ‘new covenant in the land of Damascus’ was understood to be the ultimate renewal of the Mosaic covenant. Each of these themes will be discussed in more detail below.

The authoritative nature of the Mosaic covenant is evident throughout D. While fragmentary, it is clear nonetheless that the first admonition (4QD^a 1 a–b 5–25 [// 4QD^b 1 I, 1–8] + 4QD^a 2 I, 1–6 [// 4QD^c 1 1–8]) contains a reference to ‘the voice of Moses’ (4QD^a 1 a–b 16) as well as the statement ‘...He (i.e., God) commanded by the hand of Moses’ (צוה ביד מושה) (4QD^a 1 a–b 9; 1 c 2), both of which point to the authoritative nature of the Mosaic covenant. Furthermore, the terms ‘the commands of God’ (מצות אל) (4QD^a 1 a–b 17) and ‘His [i.e., God’s] commands’ (מצוותיו) [4QD^a II i 4]) are best understood as references to the commands given in the Mosaic covenant, i.e., the Torah.

The violation of the Mosaic covenant is yet another theme presented throughout D. Israel had been guilty of violating the Mosaic covenant throughout her history, and such a violation consistently led to God’s anger and the execution of the curses of the Mosaic covenant. In the fourth admonition, Israel’s violation of the Mosaic covenant in pre-exilic times is presented as the cause for ‘the sword’ and the Babylonian Exile (3:10–12). In the second admonition, the more recent violation of the covenant by the ‘congregation of traitors’ (עדת בוגדים) resulted in the kindling of God’s anger and the ‘curses of His (i.e., God’s) covenant’ (1:12–2:1). Later in D, it becomes clear that this latest covenant violation serves as the *raison d’être* of ‘the new covenant in the land of Damascus’, a theme to which we now turn.

The DSS community’s ‘new covenant in the land of Damascus’ is presented as the ultimate (i.e., final and authoritative) renewal of the Mosaic covenant. In the laws which detail the admission process into the covenant community (15:5b–16:6), new members were to take ‘the oath of the covenant which Moses cut with Israel’ (שבועת הברית אשר כרת משה עם ישראל) (15:8–9), an oath which included the commitment ‘to return to the Torah of Moses with all (their) heart and with all (their) soul’ (15:9–10).⁴⁵⁵ As the laws of D were considered to be the

⁴⁵⁵ It seems likely that this language draws from Deut 30:1–10 (see also 4:30–31).

only correct interpretation of the Torah—in the words of D, ‘the exact interpretation of the Torah’ (פרוש התורה) (CD 4:8; 6:14; 13:6) and ‘the final interpretation of the Torah’ (מדרש התורה) (האחרון) (4QD^a 5 I, 17; 4QD^e 7 II, 15)—this oath to return to ‘the Torah of Moses’ was thus understood as an oath to adhere to the Torah of Moses as presented according to the terms of ‘the new covenant in the land of Damascus’. Thus, the ‘new covenant’ was clearly understood to be in continuity with and/or a renewal of the Mosaic covenant. D’s ‘new covenant’ was not just any renewal of the Mosaic covenant, however; it was understood to be the *ultimate* renewal of the Mosaic covenant. I.e., D states that the ‘new covenant’ will function ‘throughout the entire period of wickedness’ (בכל קץ הרשיע) (6:14) and until the arrival of the Messiah of Aaron and Israel (14:18–20).

The continuity of the ‘new covenant’ with the Mosaic covenant is also implied by one other observation: the consistent use of הקים/קום + obj. ברית rather than כרת + obj. ברית in reference to D’s ‘new covenant in the land of Damascus’.⁴⁵⁶ In CD 3:13 and 4:9, God is said to have ‘established’ (הקים) this covenant with the founders of the community. Furthermore, in 20:11–12, it is stated that those among the first generation who entered this covenant yet who had later apostatized are in effect rejecting ‘the covenant and faith-pact that *they established* (קימו) in the land of Damascus—that is, the new covenant’. When the Mosaic covenant is in view, however, the verb כרת is consistently used.⁴⁵⁷ In 15:8–9—verses that occur within a wider passage that describes the admission process into the community (15:5–16:6)—new members of the community are to be enrolled ‘with the oath of the covenant that Moses *cut* with Israel’ (בשבועת הברית אשר כרת משה עם ישראל). In 4QD^f (4Q271) 4 II, 2–4, the construction כרת + obj. ברית appears yet again. While the fragmentary nature of this text makes it difficult to be certain, the covenant in view here is most likely the Mosaic covenant.⁴⁵⁸

⁴⁵⁶ In Chapter 2, it was argued that the use of כרת + obj. ברית in Jer 31:31–34 suggests that the new covenant was anticipated not as a covenant renewal (in which case הקים/קום + obj. ברית would have been used), but rather as a covenant that was new in kind.

⁴⁵⁷ It is worth noting that the root כרת is also employed multiple times to describe those who were ‘cut off’ due to covenant disobedience. See, e.g., CD 3:1, 6, 9; 20:26. These instances should, of course, be ignored for the present discussion.

⁴⁵⁸ In 4QD^f (4Q271) 4 II, 2–3, כרת + obj. ברית appears in line 3, and perhaps also in line 2, although this is uncertain. Because the following line makes clear that the oath is ‘to return t[o] the Torah of Moses’ (תורת לשוב א[ל] משה) (4QD^f 4 II, 4), it seems clear that the Mosaic covenant is also in view in lines 2–3 as well.

c. The continuity of the Essene ‘new covenant’ in light of the discontinuity of Jeremiah’s ‘new covenant’

The above two sections sought to demonstrate how D’s ‘new covenant in the land of Damascus’ is clearly presented as in continuity with both the Abrahamic and Mosaic covenants. While the majority of scholars have no qualms advocating for this ‘continuous’ aspect of D’s new covenant alongside the understanding that the DSS community understood their new covenant to be a fulfillment of Jer 31:31–34,⁴⁵⁹ there is one major problem in holding these two positions together: the ‘new covenant’ of Jer 31:31–34, as discussed in the previous chapter, has a ‘discontinuous’ aspect to it. For example, whereas the verb הקים/קום is consistently used with reference to ‘the new covenant in the land of Damascus’ in D, the verb כרת is used in reference to the ‘new covenant’ in Jer 31:31–34. How are we to account for this discrepancy?

One possible explanation for the use of הקים/קום rather than כרת in association with D’s ‘new covenant in the land of Damascus’ is that the distinction between ברית + obj. הקים/קום and כרת + obj. ברית, while apparent in the HB, was not maintained in the DSS. Yet does an evaluation of ברית + obj. הקים/קום and ברית + obj. כרת in D and the wider DSS corpus support this explanation? In short, no. As in D, the wider DSS corpus exhibits a clear distinction between the use of כרת and הקים/קום.⁴⁶⁰ This distinction is perhaps most clearly demonstrated in 1Q33 (1QM) 13:7:

Y[o]u, O God of our fathers, we bless your name forever. For we are (your) people [for]ev[er], and *you [c]ut a covenant with our fathers and maintained/established it for their offspring* for the appointed times of the ages.⁴⁶¹

וא[ת]ה אל אבותינו שמכה נברכה לעולמים.
ואנו עם [עו]ל[ם] [כ]ברית [כ]רתה לאבותינו
ותקימה לזרעם למוע[ד]י עולמים.

⁴⁵⁹ See, e.g.: Jack R. Lundbom, “New Covenant,” 1090.

⁴⁶⁰ For a complete table of all occurrences of the constructions ברית + obj. הקים/קום and ברית + obj. כרת in the DSS, see Appendix V.

⁴⁶¹ Translation and italics are mine. Hebrew text taken from: Martin G. Abegg Jr., “Qumran Sectarian Manuscripts”.

Not only do both verbs appear alongside one another in this verse, but the distinct meaning of each verb as discussed above appears as well. That is, while כרת (*you cut* [כרתה] a covenant with our fathers') indicates the initiation of a covenant that was, at its inception, new in kind, הקים ('and *you maintained/established it* [ותקימה] for their offspring') indicates the continuity of this covenant with subsequent generations.

Another possible explanation for D's use of הקים/קום rather than כרת to describe its 'new covenant in the land of Damascus' is that the DSS community did not understand this covenant to be a fulfillment of Jer 31:31–34. While few scholars have given this explanation any serious consideration, it is worth careful deliberation here, and all the more so in view of decades of scholarship that have neither mentioned nor attempted to resolve significant discrepancies like this one that exist between Jeremiah's new covenant and D's 'new covenant in the land of Damascus'. Indeed, if this explanation is given due consideration, one finds supporting evidence from two additional observations: (1) the use of כרת + obj. ברית in the DSS to refer to a future covenant that is clearly distinct from D's 'new covenant'; (2) the use of חדש (Piel) + obj. ברית in the DSS to refer to other covenant renewals that are clearly distinct from D's 'new covenant'.

(1) The Use of כרת + obj. ברית in the DSS with Reference to a Future Covenant that is Clearly Distinct from D's 'New Covenant'

The construction כרת + obj. ברית is used with reference to several different covenants in the DSS.⁴⁶² As we saw in D, one of these covenants is the Mosaic covenant that was initiated on Sinai/Horeb. The construction כרת + obj. ברית with reference to the Mosaic covenant also appears elsewhere in the DSS: 4Q216 (4QJub^a) 1:14; 4Q381 (4QApocryphal Psalms) 69 5, 8; and 4Q504 (4QWords of the Heavenly Lights^a / 4QDivHam^a) 3 II, 13 ([בחור]רב).⁴⁶³

A second covenant designated by the construction כרת + obj. ברית in the DSS is the patriarchal covenant (i.e., the Abrahamic covenant). In 4Q378 (4QPsalms of Joshua^a) 22 I, 4, there is mention of the covenant that God 'cut' with Abraham. In 4Q388a (Pseudo-Moses^c) 7 II, 2 and 4Q389 (4QPseudo-Moses^d) 8 II, 8–9, there is a reference to the covenant that God 'cut'

⁴⁶² For a table showing all the occurrences of כרת + obj. ברית in the DSS, grouped according to the following four covenants, see Appendix V.

⁴⁶³ It is possible that 4Q378 (= 4QPsalms of Joshua^a) frag. 14:4 should be included as well.

(כרת) with all the patriarchs (i.e., Abraham, Isaac, and Jacob).⁴⁶⁴ It also seems likely that 1Q33 (1QM) 13:7 (// 4Q491 [4QM^a] 7 1) refers to the Abrahamic covenant as well.⁴⁶⁵

A third covenant designated by the construction כרת + obj. ברית is the covenant which God ‘cut’ with Jacob at Bethel. This covenant appears in 11Q19 (11QTemple^a) 29:10 and in 4Q372 (4QJoseph Apocryphon^a) 3 9.⁴⁶⁶

A fourth instance in which כרת + obj. ברית appears involves prohibition of making a covenant with the inhabitants of the land. In both 4Q368 (= 4QPentateuch Apocryphon) 2 3, 7 and 11Q19 (= 11QTemple^a) 2:4, 12, the warning given in the Mosaic Torah not to cut a covenant with ‘the inhabitants of the land’ (יושבי הארץ) (see Exod 23:32; 34:12, 15; Deut 7:2) appears.

Significantly, כרת + obj. ברית refers to yet a fifth covenant in the DSS that is not a *past* covenant, but rather a *future* covenant. This is significant because, as mentioned above, the new covenant in Jer 31:31–34 also appears with the verb כרת and is anticipated as a future covenant. Two DSS texts in particular contain כרת + obj. ברית with reference to a future covenant—4Q470 and 4QBarki Nafshi^a (4Q434). Due to their significance, the relevant passage in each of these texts will be discussed in detail below.

(a) The Future Covenant of 4Q470

The construction כרת + obj. ברית with reference to a future covenant appears in 4Q470, a work also referred to as ‘4QFragment Mentioning Zedekiah’.⁴⁶⁷ While fragmentary, it is clear nonetheless that 4Q470 anticipates a future covenant that will be ‘cut’ (כרת) between the archangel Michael and an eschatological figure named Zedekiah. Bilhah Nitzan summarizes the message of 4Q470 as follows:

The extant text deals with an eschatological message of the angel Michael to King Zedekiah upon making the eschatological covenant for performing and causing the performance of the Law (frg. 1). This will happen after Israel will call upon God

⁴⁶⁴ Significantly, it was possible to break this covenant as well. While unclear what party it is, they are guilty of breaking this covenant (see 4Q388a Frag. 7ii:1).

⁴⁶⁵ While the context makes it difficult to determine what covenant is in view here, it seems that the Abrahamic covenant is the best fit. It is possible, however, that the Mosaic covenant is in view here.

⁴⁶⁶ The word ברית must be restored in this latter reference.

⁴⁶⁷ For the *editio princeps* of 4Q470, see: John Strugnell, Erik Larson, and Lawrence Schiffman, *Qumran Cave 4 XIV: Parabiblical Texts, Part 2*, vol. XIX, DJD (Oxford: Clarendon, 1995), 235–44.

for help from their troubles; then God, who delivered Israel during the Exodus, will save them and make the covenant with them (frg. 3).⁴⁶⁸

The relevant passage concerning the making of this future covenant between Michael and Zedekiah appears in 4Q470 1 3–6 and is given here:

On [th]at day Zedekiah wi[ll en]ter into a co[venan]t	[-- יב]וא צדקיה ביום [הה]וא בב[רי]ת
[...] to do and do cause to be done all the Torah	[--] לעשות ולהעשות את כל התורה
[... at] that time M[ich]ael will say to Zedekiah	[-- ב]עת ההיא יאמר מ[יכ]אל אל צדקיה
[...] <i>I will cut a [cov]en[ant] with you</i> before the	[--]אכרתה עמך [בר]י[ת] לעיני הקהל...
eyes of the assembly... ⁴⁶⁹	

Significantly, several similarities can be observed between the covenant described in 4Q470 1 3–6 and the new covenant in Jer 31:31–34.⁴⁷⁰ First, as mentioned above, both covenants employ the verb כרת + obj. ברית in reference to a *future* covenant.⁴⁷¹ The use of כרת + obj. ברית in referene to a future covenant is rare in the DSS, and to my knowledge is only attested in one other DSS text—4QBarki Nafshi—which will also be discussed below.

Second, both 4Q470 and the book of Jeremiah associate the Davidic Messiah with this future covenant. Even more significantly, both texts refer to this Davidic Messiah using the root צדק. In 4Q470, the Messianic figure who will enter into the future covenant with the archangel

⁴⁶⁸ Bilhah Nitzan, “4Q470 in Light of the Tradition of the Renewal of the Covenant between God and Israel,” in *The Scrolls and Biblical Traditions*, ed. Molly M. Zahn et al., vol. 103, STDJ (Boston: Brill, 2012), 163.

⁴⁶⁹ Translation mine. Hebrew text taken from: Martin G. Abegg Jr., “Qumran Sectarian Manuscripts”.

⁴⁷⁰ Several scholars have commented on the similarities between 4Q470 and Jeremiah in general. Larson, e.g., suggests 4Q470 could be ‘some kind of Pseudo-Jeremiah text’ due to the presence of material in frg. 1 that seems to be based on the book of Jeremiah. A possible link with Jeremiah on entirely different grounds was also recognized by John Strugnell, who thought to associate 4Q470 with 4Q387 (= 4QApocryphon of Jeremiah^c) on the basis of similarities in script. See: Erik Larson, “4Q470 and the Angelic Rehabilitation of King Zedekiah,” *DSD* 1, no. 2 (1994): 214–15. Brooke suggests that ‘perhaps 4Q470 is a straightforward authoritative development of traditions, particularly Jeremiah traditions in the middle to late Second Temple period.’ See: George J. Brooke, “Zedekiah, Covenant, and the Scrolls from Qumran,” in *On Prophets, Warriors, and Kings*, 2016, 97. Other scholars, including Nitzan and Dimant, have noted the significant influence that the book of Jeremiah had in the late Second Temple period and among the DSS community. See: Nitzan, “4Q470 in Light of the Tradition of the Renewal of the Covenant between God and Israel,” 165; Devorah Dimant, “Jeremiah at Qumran,” in *The Oxford Handbook of Jeremiah*, ed. Edward Silver and Louis Stulman, OHS (Oxford: OUP, 2021), 504–19.

⁴⁷¹ Larson points to the presence of יאמר (‘he shall say’) in 4Q470 1 5 and the phrases ‘on that day’ (line 3) and ‘[...at] that time’ (line 5), the latter two of which ‘often refer to future events and sometimes even carry eschatological overtones.’ See: Larson, “4Q470 and the Angelic Rehabilitation of King Zedekiah,” 212.

Michael is referred to by the name ‘Zedekiah’ (צדקיה), or ‘YH(WH) is righteousness’.⁴⁷²

Similarly, in Jer 33:15–16 the ‘righteous branch’ (צמח צדקה) that YHWH will cause to sprout for David at the time when the new covenant promise will be fulfilled is given the name ‘YHWH is Our Righteousness’ (יהוה צדקנו).⁴⁷³

Third, the purpose of the covenant that Michael makes with Zedekiah (i.e., the Davidic Messiah) is ‘to do and cause to be done all the Torah’ (לעשות ולהעשות את כל התורה) (4Q470 1 3). This task bears a striking resemblance to Jer 31:33, which anticipates the obedience to YHWH’s Torah that will be brought about by the new covenant. Indeed, Nitzan goes as far to suggest that ‘the implementation of the obligation “to perform and to cause the performance of all the Law,” made throughout the eschatological covenant, will ensure Jeremiah’s prophecy (31:31–32) that this covenant will not be breached, unlike the covenant with their ancestors.’⁴⁷⁴

Yet while there are clear similarities between this future covenant presented in 4Q470 and the new covenant of Jer 31:31–34, there are also several differences that are important to acknowledge. First, while the new covenant will be made between YHWH and the houses of Judah and Israel (Jer 31:31), the covenant in 4Q470 will be made between Michael and Zedekiah. As noted by Larson, however, this apparent discrepancy can be resolved if Michael is understood as the chief agent of YHWH’s divine revelation and Zedekiah is understood as ‘the representative head of the people of Israel’—i.e., as the representative head of the houses of Judah and Israel.⁴⁷⁵

⁴⁷² While scholars have offered various interpretations as to the figure of Zedekiah in 4Q470, the most likely interpretation is that Zedekiah serves as a title or name for a yet future Davidic Messiah. The observation that the author of 4Q470 drew heavily from or intended to present his work in line with Jeremian thought strengthens the idea that Zedekiah in 4Q470 is best understood as a messianic name or title that draws upon the messianic titles given in Jer 23:5–6 and 33:15–16: צמח צדקה (‘righteous branch’) and יהוה צדקנו (‘YHWH [is] our righteousness’). For a summary of the various interpretations of Zedekiah in 4Q470, see: Larson, 220–23.

⁴⁷³ At the end of the ‘Book of Restoration’ (Jer 30:1–33:26), the promise of a restoration of David’s line (33:14–26) appears alongside the promise of the new covenant (31:31–34; 32:36–41).

⁴⁷⁴ See: Nitzan, “4Q470 in Light of the Tradition of the Renewal of the Covenant between God and Israel,” 175. See also: Larson, “4Q470 and the Angelic Rehabilitation of King Zedekiah,” 222–23.

⁴⁷⁵ Larson provides an insightful discussion of the figure and role of Michael in the DSS. He notes that in other DSS texts that mention Michael, he functions in one of two roles: either as ‘an agent of divine judgment or as a bearer of divine revelation.’ Furthermore, Larson notes that this latter role of an angelic mediator of divine revelation is also found in the NT, where there are references to the mediatorial role of angels in the giving of the Mosaic covenant on Sinai (Acts 7:53; Gal. 3:19; Heb. 2:2). For Larson, these NT works ‘are roughly contemporaneous with the date of copying of 4Q470 and probably represented a common belief among Jews of that time.’ See: Larson, 223–27.

A second difference between the future covenant of 4Q470 and the new covenant of Jer 31:31–34 concerns the people’s knowledge of YHWH’s Torah. In the new covenant of Jer 31:31–34, a time is anticipated in which the people won’t need to be instructed in the law (Jer 31:34); in 4Q470, on the other hand, Zedekiah is clearly portrayed as ‘causing all the Torah to be done’ (ולהעשות את כל התורה). Yet Larson also provides a resolution to this apparent discrepancy by suggesting that ‘even though there is a willingness on the part of the people to observe the law, they will still be led in their public worship by their king and in this sense Zedekiah is said to “cause the performance of the law.”’⁴⁷⁶ Indeed, such a ‘ceremonial’ role for the future Messiah is described in Ezekiel 40–48, where the ‘prince’ (נשיא) leads the congregation in worship at the eschatological Temple.

In summary, then, on the basis of a comparison of 4Q470 1 3–6 and the new covenant of Jer 31:31–34, the identification of the future covenant described in 4Q470 with the new covenant of Jer 31:31–34 cannot be ruled out.⁴⁷⁷ Both anticipate future covenants that would be ‘cut’ (כרת), both were concerned with the bringing about of perfect obedience to YHWH’s Torah, and both had clear associations with the Davidic Messiah. The mention of this future covenant in 4Q470—one that bears striking similarities with Jeremiah’s new covenant—should, in the least, cause us to carefully reevaluate the majority opinion in scholarship that D’s ‘new covenant in the land of Damascus’ was understood to be a fulfillment of Jer 31:31–34.

(b) The future covenant of 4QBarkī Nafshī^a (4Q434)

In addition to 4Q470, one other passage contains the construction כרת + obj. ברית with reference to a future covenant: 4QBarkī Nafshī^a (4Q434).⁴⁷⁸ The relevant passage appears in 4Q434 7b 2–3, which reads as follows:

⁴⁷⁶ Larson, “4Q470 and the Angelic Rehabilitation of King Zedekiah,” 223.

⁴⁷⁷ Larson has suggested the possibility of an identification with the new covenant as well. See: Larson, 222–23.

⁴⁷⁸ For more on the 4QBarkī Nafshī hymns (4Q434–38), see: Moshe Weinfeld and D. R. Seely, *4Q434–438: 4QBarkī Nafshī(a–e)*, vol. 29, DJD (Oxford: Clarendon Press, 1999); Robert H. Eisenman, *The Dead Sea Scrolls Uncovered* (Shaftesbury: Element, 1992), 233–41.

[He will give (?)] their portions from there, from the des[ert a] door of hope, and **He will cut for them a covenant of peace** with the birds [of the hea]vens and the animals of the land. And He will set their enemies like dung, and He will pulverize Edom and Moab like dust.⁴⁷⁹

[?] מנותם משם ממד[בר ל]פתח תקוה
ויכרות להם ברית לשלום עם עוף
[הש]מם והחית הארץ וישם אואביהם
כדמן וכאפר ישחקם אדום ומואב

While the poetic nature of this hymn urges caution in making too much of the verb tenses—e.g., both the impfct. form ישחקם ('He will crush them') and the wayyiqtol form וישם ('He has/will set') appear in a parallelism describing the future fate of the enemies of the community—it seems best to regard the 'covenant of/for peace' (ברית לשלום) as a yet future covenant. Elsewhere in the DSS it is clear that the gentile enemies (among whom Edom and Moab were included) are yet to be defeated. Furthermore, the *War Scroll* also mentions a 'covenant of/for peace' (ברית אל) (4QM^a [4Q491] 11 II, 18), and it is clear from the surrounding context that this covenant is anticipated as a future covenant as well.⁴⁸⁰

Yet what exactly is this future 'covenant of peace' anticipated in 4Q434? The references to the 'door of hope' ([ל]פתח תקוה) and provision in the desert are almost certainly allusions to Hos 2:15 [Eng. 2:17]. Furthermore, that the covenant will be made with 'the birds [of the hea]vens and the animals of the land' is likely an allusion to Hos 2:20 [Eng. 2:18].⁴⁸¹ Thus, it seems clear that the author of 4QBarkhi Nafshi^a had this eschatological covenant from Hosea 2:18–22 [Eng. 2:16–20] in mind. Significantly, however, the covenant in Hos 2:20 is not referred to as a 'covenant of peace' (ברית לשלום). Rather, this term seems to be imported from Ezek 34:25 and/or 37:26, suggesting that the author(s) of 4QBarkhi Nafshi^a understood the covenant of Hos 2:18–22 to refer to the same future 'covenant of peace' anticipated by Ezekiel.⁴⁸²

⁴⁷⁹ Translation and emphasis mine. Based on what the clear allusion to Hos 2:17 [Eng. 2:15], it seems clear that a form of the verb נתן, or a verb with a similar sense, should be restored (see ונתתי in Hosea 2:17) at the beginning of line 2. Otherwise, the Hebrew text follows the DJD edition: Weinfeld and Seely, 4Q434–438: 4QBarkhi Nafshi(a–e).

⁴⁸⁰ See esp. the preceding lines, 4QM^a 11 II, 16–17, which refer to yet future events.

⁴⁸¹ So also: Weinfeld and Seely, 4Q434–438: 4QBarkhi Nafshi(a–e), 184.

⁴⁸² The 'covenant of peace' (ברית שלום) described in Ezek 34:25–30 and 37:26–38 bears remarkable similarities to that described in Hosea 2:16–25. Because of the similarity between these passages, it is almost certain that the author of 4Q434 understood Hos 2:20 and Ezek 34:25/37:26 to refer to the same future covenant. So also: Bernard F. Batto, "The Covenant of Peace: A Neglected Ancient Near Eastern Motif," *CBQ* 49, no. 2 (1987): 189.

Further support for the idea that the DSS community anticipated Ezekiel's (and Hosea's) 'covenant of peace' as a yet future event appears in the Treatise of Two Spirits (1QS 4:17b–23) a well-known passage from 1QSerekh ha-Yahad, or 1QCommunity Rule (1QS). In brief, this passage presents the struggle between righteousness and wickedness in apocalyptic terms. Within this discussion, it is stated that God 'has set a period for injustice, but at the appointed time of visitation He will destroy it forever' (נתן קץ להיות עולה ובמועד פקודה ישמידנה לעד). 'Then' (וא), the passage continues, in a *yet future* time:⁴⁸³

...truth shall rise up forever (in) the world, for it has been defiled in the paths of wickedness during the dominion of injustice until the time appointed for the judgment decided. Then God will refine, with his truth, all man's deeds, and will purify for himself the structure of man, ripping out all spirit of injustice from the innermost part of his flesh, and cleansing him with the spirit of holiness from every wicked deeds [sic]. He will sprinkle over him the spirit of truth like lustral water (in order to cleanse him) from all the abhorrences of deceit and (from) the defilement of the unclean spirit, in order to instruct the upright ones with the knowledge of the Most High, and to make understand the wisdom of the sons of heaven to those of perfect behaviour (1QS 4:19b–22a).⁴⁸⁴

Significantly, the purification and cleansing anticipated in this passage bears a clear resemblance to the expectations associated with Ezekiel's 'covenant of peace' (Ezek 36:25–27). And, as argued in the previous chapter, there are solid grounds to equate Ezekiel's 'covenant of peace' with Jeremiah's 'new covenant'. It follows, then, that if the future covenant anticipated in 4Q434 was one and the same as Ezekiel's 'covenant of peace', this covenant was also one and the same as the new covenant of Jer 31:31–34.

In support of this conclusion is the recognition that all three covenants—i.e., Ezekiel's 'covenant of peace', Jeremiah's 'new covenant', and the future covenant in the 4QBarki Nafshi Hymns—associate this future covenant with Jerusalem rather than with Damascus (as is the case

⁴⁸³ The conclusion of the passage makes it even more clear that this cleansing is a yet future event, as it states, 'Until now the spirits of truth and injustice contend in the heart of man' (עד הנה יריבו רוחי אמת ועול בלבב גבר) (4:23).

⁴⁸⁴ I follow García Martínez's translation here. See: Florentino García Martínez and Eibert J. C. Tigchelaar, *The Dead Sea Scrolls Study Edition* (Leiden: Brill, 1997), 79.

with D's new covenant).⁴⁸⁵ Furthermore, since the 4QBarkhi Nafshi Hymns share many similar themes and terminology with D,⁴⁸⁶ the likelihood that *both* works maintained a similar expectation in regard to Jeremiah's new covenant is increased as well. Consider, e.g., the following themes and terms which are present in both 4QBarkhi Nafshi Hymns and D: (1) the community's sojourn in a foreign land;⁴⁸⁷ (2) mention of the same opponents;⁴⁸⁸ and, (3) the expectation of an imminent and eschatological deliverance.⁴⁸⁹ Such a conclusion again challenges the notion that D's 'new covenant in the land of Damascus', which had already been 'established' (and which was never 'cut' [כרת] to begin with), was understood as a fulfillment of the new covenant of Jer 31:31–34.

(2) The use of *הדש* (Piel) + obj. *ברית* in the DSS in reference to other covenant renewals that are clearly distinct from D's 'new covenant'

Significantly, *הקים/קום* was not the only verb used to describe the renewal and/or maintenance of a covenant in the DSS. The verb *הדש* in the Piel form is frequently used as well. Consider, e.g., the two occurrences of the construction *הדש* + obj. *ברית* in 1Q28b (1QSb / 1QRule of Benedictions), a work that will be briefly discussed here.⁴⁹⁰

⁴⁸⁵ See Ezek 34:25–27; Jer 31:31–38 (esp. vv. 38–40); 32:37–44; and 4Q434 2 6–9, which records the future expectation that God will comfort them 'in Jerusal[em]'.

⁴⁸⁶ See also: Weinfeld and Seely, *4Q434–438: 4QBarkhi Nafshi(a–e)*, 260–61.

⁴⁸⁷ See: 4Q434 1 I, 8; 4Q437 2 I, 10; CD 6:5, 19; 19:34; 20:12; 4QD^a 6 IV, 3.

⁴⁸⁸ In D, among the opponents listed are the 'congregation of traitors' (1:12) who are described as ones who 'sought after smooth things and chose deception' (*דרשו בחלות ויבחרו במהתלות*) (1:18). It seems that this same group is in view in 4Q437 2 I, 1, where there is a reference to deliverance 'from the congregation of the seekers (after *m-*[] ([מעדת דורשי מ])). While we cannot be certain of the text, as it breaks off at this point, two restorations seem most likely based on the presence of the initial *mem* (–מ): (1) it is possible that the text read *מהלקות* ('smoothness') (rather than *חלקות* ('smooth things')), as appears in CD 1:18); (2) it is also possible that the text should be restored as *מהתלות* ('deception') (cf. CD 1:18 as well). Either way, however, it seems clear that the same group was in view here in both D and 4QBarkhi Nafshi.

⁴⁸⁹ See: 4Q434 7b 3; CD 3:19–20; 6:2–11. For an explanation of 4Q434 7b 3, see: Weinfeld and Seely, *4Q434–438: 4QBarkhi Nafshi(a–e)*, 276, 284.

⁴⁹⁰ For significant works on 1QSb, including J. T. Milik's *editio princeps*, see: Stegemann, "Some Remarks to '1QSa', to '1QSb', and to Qumran Messianism," 479–505; S. Talmon, "The 'Manual of Benedictions' of the Sect of the Judaean Desert," *RevQ* 2, no. 4 (8) (1960): 475–500; D. Barthélemy and J. T. Milik, *Qumran Cave I*, DJD 1 (Oxford: Clarendon Press, 1955).

this use of *חדש*, then, it is likely that the adjectival form *חדשה* as a modifier for the noun *ברית* was also in use among the DSS community. In other words, to bring D and Jer 31:31–34 back into the discussion, it is possible that D’s use of *ברית חדשה* does not reflect a terminological dependence on *ברית חדשה* in Jer 31:31–34, but rather reflects the phenomenological development of the concept of a ‘renewed covenant’ in a more general sense.⁴⁹⁴

Perhaps even more significant to the point at hand is the occurrence of *חדש* + obj. *ברית* in 1Q34 + 1Q34bis (1QFestival Prayers) 3 II, 5–7,⁴⁹⁵ shown here:

And You chose for yourself a people in the period of your favor, for you remembered your covenant. And You [granted] them to be set apart for Yourself to be holy among all the peoples. *And you renewed your covenant for them* with a vision of gl[ory] and the words of [the Spirit] of your holiness, by the works of your hand.⁴⁹⁶

ותבחר לך עם בקץ רצונך כי זכרת
בריתך. ות[תנ]ם להבדל לך לקודש
מכול העמים. ותחדש בריתך להם
במראת כב[ו]ד ודברי [רוח] קודשך
במעשי ידך.

As with the threefold appearance of *חדש* (Piel) + obj. *ברית* in 1QSb, the use of the *חדש* (Piel) + obj. *ברית* in 1QFestival Prayers clearly shows that the concept ‘renewing’ (*חדש*) a covenant was present among the DSS community. Furthermore, it is possible that the renewed covenant in 1QFestival Prayers is perhaps the very same covenant in view in D: the renewed Mosaic covenant sometimes referred to as ‘the new covenant in the land of Damascus’.⁴⁹⁷ As with 4QBarki Nafshi, 1QFestival Prayers shares several themes in common with D, increasing the likelihood that the same covenant was in view: (1) the lack of understanding of the wicked (i.e., those outside the community) as opposed to the divinely revealed insight of the righteous (i.e.,

⁴⁹⁴ Goshen-Gottstein has recently noted the possibility that the use of the term ‘new covenant’ in D and 1QpHab reflects a phenomenological development as opposed to a terminological one. See: Goshen-Gottstein, “The New Covenant - Jeremiah 31:30-33 (31:31-34) in Jewish Interpretation,” 13–14 (see esp. footnote 52 on p. 14).

⁴⁹⁵ For more on 1QFestival/Liturgical Prayers (1QLit Pr; 1Q34 + 1Q34bis), see: D. Barthélemy and J. T. Milik, *Qumran Cave I*, DJD 1 (Oxford: Clarendon Press, 1955), 136, 152–55; John C. Trever, “Completion of the Publication of Some Fragments from Qumran Cave I,” *RevQ* 5, no. 3 (19) (1965): 328–29, 333.

⁴⁹⁶ Translation mine. See also the parallel text in 4Q509 (= 4QPrayers for Festivals^c) 97–98 I, 8. The Hebrew text here follows Abegg’s rendering. See: Martin G. Abegg, “Qumran Sectarian Manuscripts”.

⁴⁹⁷ In 1Q34bis 2 I, 6, the heading *תפלה ליום כפורים* (‘Prayer for the Day of Atonement’) appears. It is possible that 1Q34 + 1Q34bis (1QFestival Prayers) 3 II, 5–7 was part of the liturgy for the Feast of Weeks (Shavuot), the feast during which the covenant renewal ceremony was held.

those within the community) (1Q34 + 1Q34bis 3 II, 3–5, 7; CD 2:2–13); (2) God’s reestablishment/renewal of the covenant with the community based on his remembrance of the (Abrahamic) covenant (1Q34 + 1Q34bis 3 II, 5–6; CD 6:2–3); and, (3) God’s provision of a leader for the community (1Q34 + 1Q34bis 3 II, 8; CD 1:11).

2. The dispensational-eschatological aspect of the Essene ‘new covenant’

As discussed in the above overview of covenant in D, dispensational language runs throughout the text and constitutes a significant theme. Throughout the Admonition(s), Laws, and Penal Code, the community is exhorted to remain faithful to the covenant community’s inspired interpretation Torah as set forth in D ‘throughout the period of wickedness’ (בְּקֶץ הַיָּמִים) (הַרְשָׁיָה) (see, e.g., CD 6:10, 14; 12:23; 14:18–19; 15:6–7). D presents the ‘Sons of Zadok’—who, as discussed above, are best understood as priests who held leadership within the community at the time D (or its latest recension) was written—as ministering ‘in the end of days’ (בְּאַחֲרֵית הַיָּמִים) (4:4), a period that would conclude with the coming of ‘the one who teaches righteousness’ (6:11).⁴⁹⁸ Even the final statement of D, which serves in a way to summarize the scroll’s entire message, refers to D as ‘the final interpretation of the Torah’ (מִדְרַשׁ הַתּוֹרָה הָאַחֲרוֹן), a phrase which communicates not only its authoritative nature, but also, and perhaps more importantly, the dispensational nature of D. That is, the interpretation of the Torah as set forth in D was to be followed specifically for the ‘final’ period of time before the coming of the Messiah, i.e., the final ‘period of wickedness’.

D also clearly anticipates that this final ‘period of wickedness’ would come to an end. In the Introduction/Preamble—lines that serve to give the very purpose of D—the ‘[so]ns of light’ are called ‘to separate from the way[s of wickedness] *until the completion of the appointed time*’ (עַד תּוֹם הַמוֹעֵד פְּקוּדָה) (4QD^a 1a-b 1–2). Several other ‘until’ (עַד) statements appear throughout D. Significantly, these statements often exhort the DSS community to faithfulness throughout the present ‘time(s) of wrath’ and/or ‘period of wickedness’ *until* a certain event would transpire. E.g., in 12:22–23, the ‘rule of the assembly of the camps’ (סֵרֶךְ מוֹשֵׁב הַמַּחֲנֹת) is to be in effect

⁴⁹⁸ For a helpful in-depth study on the meaning of the phrase ‘in the last days’ (בְּאַחֲרֵית הַיָּמִים) in the HB and DSS, see Annette Steudel’s influential study in which she concludes that the term refers to ‘a limited period of time, that is the last of a series of divinely pre-planned periods into which history is divided’. Steudel also shows how this term encompasses (1) ‘a presently continuing period of time’; (2) ‘a period of time [that] reaches back into the past’; and (3) ‘events which are expected within the *אחריית הימים* as lying in the future’. See: Steudel, “*אחריית הימים* in the Texts from Qumran,” 225–46.

‘throughout the period of wickedness *until the standing of the Messiah of Aaron and Israel*’ (עד (עמוד משיח אהרן וישראל). The following is a list of anticipated eschatological events in D that follow an ‘until’ statement:

- (1) the Messiah of Aaron and Israel would appear (12:23; 14:19);
- (2) the Messiah would provide a means of atonement (14:19–21);
- (3) ‘the one who teaches righteousness at the end of days’ would also appear (6:10–11);⁴⁹⁹
- (4) the ‘[appointed time(s)] of favor’ (מועדי [רצון]) would come (4QD^c 1 6);
- (5) God would judge and bring about the total destruction of the wicked (see, e.g., 4QD^a 1a–b 3–5).

This above list has an important bearing on our understanding of the new covenant in D. While the stipulations presented in D are clearly to be authoritative ‘throughout the period of wickedness’ (see, e.g., CD 6:10–11, 14; 12:23; 14:19) and/or ‘period/times of wrath’ (4QD^a 11 18–21 // 4QD^c 7 II, 12–15), these ‘until’ statements give reason to ask the following question: Did the DSS community anticipate that D’s stipulations—stipulations that were part of ‘the new covenant of the land of Damascus’—would be authoritative *beyond* the present period? In other words, were the covenant stipulations as presented in D to be eternal, or only to function for the prescribed ‘period of wickedness’ *until* (עד) these other events transpired?

Several observations point to the latter understanding. First, as discussed above in the ‘Summary of Stipulations for Covenant Members During the Period of Wickedness’ (6:11b–7:9a), it is hard to imagine that an interpretation of the Torah which prohibited worship at the Temple such as that outlined in CD 6:11–14 would remain in effect indefinitely, especially since elsewhere in the DSS the rebuilding of an everlasting Temple is anticipated.⁵⁰⁰ Second, the very nature of these ‘until’ (עד) statements throughout D suggests the DSS community did not

⁴⁹⁹ As discussed above, this likely refers to a (high) priestly figure as opposed to the Davidic Messiah. For another anticipation of and distinction between a future (high) priest and Davidic Messiah, see 4QFlorilegium (4Q274) 1_2 I, 11–12, which interprets 2 Sam 7:12–14 as follows: ‘This is the Branch of David who will stand with the Interpreter of the Torah who...in Zi[on in the e]nd of days...’.

⁵⁰⁰ The building of the everlasting Temple is anticipated as a future event in the DSS in 4QMidrEschat III 2–6. See: Steudel, “אחרית הימים in the Texts from Qumran,” 230.

anticipate the interpretation of the Torah as presented in D to last beyond the present period. Indeed, the entire purpose of D seems to be the bringing about and/or preservation of a holy community *until* the Messiah came.⁵⁰¹ D does not seem to concern itself with the period *beyond* this event; rather, its focus is on the present period *up until* this event.⁵⁰² Third, as we saw in the previous chapter, since the stipulations of a covenant were an intrinsic part of the covenant itself, it follows that the DSS community did not consider ‘the new covenant in the land of Damascus’ *in its present form* to function beyond the present period either.

That ‘the new covenant in the land of Damascus’ was to function only for the present ‘period of wickedness’ (and not beyond) is supported by at least one other DSS text as well, albeit indirectly. Just as D portrays the covenant community living within the ‘period of wickedness’ and awaiting several events that would bring an end to this period, 4Q215a anticipates the ‘completion of the period of wickedness’ (שלם קץ הרשע) at which point the following expectations would be fulfilled:⁵⁰³

- (1) ‘all injustice will [pass aw]ay’ (כול עולה ת[עבור]ר) (4Q215a 1 II, 4);
- (2) ‘the time of righteousness’ (עת הצדק) will come, characterized by the entire earth being filled with ‘knowledge and praise of God’ (דעה ותהלת אל) (4Q215a 1 II, 5);
- (3) ‘the period of peace’ (קץ השלום) will come, characterized by the instruction of ‘the decrees of truth and [the] testimony of righteousness’ (חוקי האמת ותעודת [ה]צדק) ‘[f]or ages to come and beyond’ (ע[ד] עולמי עד) (4Q215a 1 II, 6–7).

Together, these three expectations clearly suggest that the DSS community anticipated an end to the ‘period of wickedness’. Following this period would be a ‘period of peace’ (קץ שלום). As

⁵⁰¹ Malachi 3:22–24 stresses a similar point. It is not improbable that the DSS community was familiar with these verses, as Malachi is cited/alluded to in D at least twice. (See CD 6:13–14, which cites Mal 1:10, and CD 20:18–21, which cites Mal 3:16–18.)

⁵⁰² One could also include the *Community Rule* (סרך היחד) in this discussion, as similar statements are found in this work as well. E.g., 1QS 9:9b–11 reads: ‘And they should not depart from any counsel of the Torah in order to walk in any stubbornness of their heart, but his soul shall be with the judgments of the former ones which the men of the community began to be disciplined by *until the coming of the Prophet and the Messiah of Aaron and Israel* (עד (בוא נביא ומשיחי אהרון וישראל)’.

⁵⁰³ Commenting on 4Q215a 1 II, 3–7, Brin writes: ‘It is clear here that the “age of wickedness” took place previously, and that now there has come the age of peace (קץ השלום). The phrase שלם קץ הרשע is to be interpreted as indicating that the allotted period of time for the end of wickedness has been completed.’ See: Brin, *The Concept of Time in the Bible and the Dead Sea Scrolls*, 267.

noted by Brin, whereas 4Q215a 1 II, 3–7 anticipates a definitive end to the ‘period of wickedness’, the description of the ‘period of peace’ as lasting ‘[f]orever and ever’ (עד עולמי עד) indicates that this period ‘will be unending and unchanging, and that in practice it is the eschatological End.’⁵⁰⁴

The anticipation of ‘the period of peace’ as a yet future period in 4Q215a 1 II, 6–7 calls to mind Ezekiel’s anticipation of a future ‘covenant of peace’ (ברית שלום) (Ezek 34:25; 37:26), which, as discussed in the previous chapter, likely refers to the same covenant as the ‘new covenant’ of Jer 31:31–34.⁵⁰⁵ If the DSS community understood this ‘covenant of peace’ to be the means by which this future ‘period of peace’ would come, and if the DSS community also understood Ezekiel’s ‘covenant of peace’ to be equivalent to Jeremiah’s ‘new covenant’, it follows that the DSS community did not consider its ‘new covenant in the land of Damascus’ to be one and the same as the ‘new covenant’ of Jer 31:31–34; rather, Jeremiah’s ‘new covenant’—which was one and the same as Ezekiel’s ‘covenant of peace’—was still to be ‘cut’ in the future, an event that was associated with the conclusion of the present ‘period of wickedness’. In support of this are the two references in 4Q470 and 4Q434 to future covenants that were yet to be ‘cut’, the former of which bears clear similarities with Jeremiah’s ‘new covenant’, and the latter of which bears clear similarities with Ezekiel’s ‘covenant of peace’, as discussed above.

⁵⁰⁴ Cf. Brin’s translation of עד עולמי עד as ‘[f]or eternal centuries’. See: Brin, 267–68.

⁵⁰⁵ There are several good reasons to equate Ezekiel’s expectation of ‘a covenant of peace’ (ברית שלום) with Jeremiah’s new covenant: (1) Both employ the verb כרת (‘to cut’) (Jer 31:31; 32:40; Ezek 34:25; 37:26), which, as argued elsewhere, is to be clearly distinguished from הקים; (2) Both would be ‘an eternal covenant’ (ברית עולם) (Jer 32:40; Ezek 37:26); (3) Both were associated with an internal change that would bring about obedience to God’s instruction, ushering in a newness to the covenant relationship (Jer 31:33; Ezek 37:24); and, (4) Both use the covenant formula to indicate God’s restored covenant relationship with his people (Jer 31:33; 32:38; Ezek 37:27). Ezekiel’s ‘covenant of peace’ also bears striking resemblances to some of the future expectations of the DSS community: (1) Both anticipated the advent and reign of the Messiah (Ezek 34:23–24; 37:25; CD 12:23; 14:19); and (2) Both anticipated the establishment of the Temple to be among them forever (Ezek 37:26; 11QT 29:8–9). It is also worth noting that Isaiah 54:10 refers to ‘my [i.e., God’s] covenant of peace’ (ברית שלומי).

3. Atonement under the Essene ‘new covenant’

The above overview and discussion of covenant in D also clearly demonstrates that atonement was a significant concern for the DSS community.⁵⁰⁶ Atonement, which was reserved for those within the covenant community,⁵⁰⁷ was obtainable through a variety of means, including the following: (1) faithful adherence to the community’s covenant (CD 4:6–9; 20:27–34);⁵⁰⁸ (2) confession and repentance (2:4–5; 20:27–34);⁵⁰⁹ (3) acceptance of punishment for one’s wrongdoings according to the judgments of the community (4QD^a 11, 1–3 [// 4QD^e 7 I, 15–17]); (4) ‘the mysteries of his [i.e., God’s] wonder’ (ברזי פלאו) (3:18); and, (5) by a yet future action associated with ‘the Messiah of Aaron and Israel’ (14:19 [// 4QD^d 11 I, 2–2; 4QD^a 10 I, 12–13]).

Atonement in D is also presented as a past, present, and future phenomenon. In the recent past, God provided atonement for the founders of the community (3:18; 4:4–6). At present, covenant members are assured of God’s provision of atonement if they remain faithful to the covenant and accept the appropriate punishment for their wrongdoings (2:4–5; 4:9; 4QD^a 11 1–3 [// 4QD^d 7 I 15–17]).⁵¹⁰ Lastly, and most significant for our discussion here, D also anticipates a future atonement. This future atonement is mentioned twice. First, in CD 20:33–34 it is stated that this future atonement would be accompanied by God’s salvation and the faithful’s overcoming of ‘the sons of the world’. Second, it is stated that this future atonement would be in some way brought about by ‘the Messiah of Aaron and Israel’ and would be ‘better’ than current means of atonement (14:18–19 // 4QD^d 11 I, 1–3 // 4QD^a 10 I, 11–13).

⁵⁰⁶ Eyal Regev goes as far as to say that atonement is ‘a major aim and the *raison d’être*’ for the DSS community. For Regev’s treatment of atonement in D, 1QS, and Hodayot, see: Eyal Regev, *Sectarianism in Qumran: A Cross-Cultural Perspective*, 73–78.

⁵⁰⁷ CD 19:13–17 [// 8:1–5], e.g., makes clear that those outside of the covenant community were destined for destruction.

⁵⁰⁸ See also 1QS 2:25b–3:12.

⁵⁰⁹ See also 15:4–5, which, though lacking the root כפר, expresses a similar notion.

⁵¹⁰ Commenting on the ongoing need for atonement at present, Fraade writes, ‘While this remnant is not without sin, even while being in possession of the “exact nature of the Torah,” God himself atones on their behalf.’ See: Fraade, *The Damascus Document*, 45.

The clear expectation of a yet future atonement in D poses a serious question to the widely held assumption that the DSS community considered its ‘new covenant in the land of Damascus’ to be a fulfillment of Jer 31:31–34. As discussed in the previous chapter, the new covenant passage of Jer 31:31–34 contains YHWH’s promise to forgive Israel and Judah of their sins, an act which is associated with and/or responsible for the procurement of an eternal covenant relationship between YHWH and his people. The question arises, then, if the DSS community indeed considered its ‘new covenant’ to be a fulfillment of Jer 31:33–34, why does D still anticipate a future atonement that shares features of the atonement presented in Jer 31:33–34? This question becomes even more pronounced when one recognizes that D is not the only DSS text that records the DSS community’s expectation of a future atonement. Indeed, at least two other DSS texts anticipate an eschatological atonement event similar to that which is suggested by Jer 31:33–34: 11QMelchizedek (11Q13) and 4QCatena A (4Q177).

Outside of D, the clearest expectation of a future atonement in the DSS appears in 11QMelchizedek (11Q13).⁵¹¹ While the fragmentary nature of this text leaves some of its details obscure, the text makes clear nonetheless that the DSS community anticipated a significant atonement event in the near future.⁵¹² This atonement was anticipated to occur on the Day of Atonement during the tenth jubilee period (reckoned, of course, according to the DSS community’s calendar) (2:7).⁵¹³ As with D, this atonement was reserved for the faithful members of the covenant community—in the words of 11Q13, ‘for all the children of light and for the men of the lot of Melchizedek’ (2:8).

A future atonement event is also anticipated in 4QCatena A. While the fragmentary nature of this text also makes it difficult to work out the details, the following statement is

⁵¹¹ Significant scholarly works on 11QMelch, beginning with van der Woude’s *editio princeps* (1965), include: A. S. van der Woude, “Melchisedek Als Himmlische Erlösergestalt in Den Neugefundenen Eschatologischen Midraschim Aus Qumran Höhle XI,” in *OtSt*, vol. XIV (Leiden: Brill, 1965), 354–73; M. de Jonge and A. S. van der Woude, “11Q Melchizedek and the New Testament,” *NTS* 12, no. 4 (1966): 301–26; Joseph A. Fitzmyer, “Further Light on Melchizedek from Qumran Cave 11,” *JBL* 86, no. 1 (1967): 25–41; Jean Carmignac, “Le document de Qumran sur Melkisédeq,” *Revue de Qumrân* 7, no. 3 (27) (1970): 343–78; Milik, “Milkî-šedeq et Milkî-reša’ dans les anciens écrits juifs et chrétiens”; E. Puech, “Notes sur le manuscrit de 11QMelkîsédeq,” *RevQ* 12, no. 48 (1987): 483–513.

⁵¹² E.g., both the precise nature of Melchizedek’s role in the atonement and the identity of ‘the messenger of good news’ (המבשר) are difficult to discern.

⁵¹³ See also: Fitzmyer, “Further Light on Melchizedek from Qumran Cave 11,” 35–36; de Jonge and van der Woude, “11Q Melchizedek and the New Testament,” 304.

discernible: ‘and they will be forgiven forever’ (וּנְסָלוּ [וּנְסָלוּ] לְהֵם לְעוֹלָם) (3:10).⁵¹⁴ As noted by Gershon Brin, because the statement ‘the[ir] periods [shall be ful]filled’ ([ימ] לאו קציה[ם]) immediately follows, it seems clear that this future atonement event should be understood as an eschatological event, as it is in some way responsible for bringing to fulfillment divinely ordained periods of time.⁵¹⁵

In addition to the DSS—in particular, D, 11Q13, and 4QCatena A—bearing witness to the DSS community’s expectation of a future atonement which is similar to the atonement anticipated in Jer 31:33–34, at least one other observation challenges the widely held assumption that the DSS community considered its ‘new covenant in the land of Damascus’ in D to be the fulfillment of Jer 31:31–34: the association of the Messiah with this future atonement. The association of the Messiah with an eschatological atonement is clearly presented in CD 14:18–19 (// 4QD^d 11 I, 1–3; 4QD^a 10 I, 11–13). D does not, however, associate the Messiah with the establishment of ‘the new covenant in the land of Damascus’; rather, ‘the Messiah of Aaron and Israel’ is consistently anticipated as coming in the future. That the Messiah is associated with this *future* eschatological atonement event in D rather than with the past establishment of ‘the new covenant in the land of Damascus’ is significant in that the book of Jeremiah also associates the Davidic Messiah with the future new covenant of Jer 31:31–34 (see Jer 23:5–8; 33:14–18).

4. The provenance of the Essene ‘new covenant’ in ‘the land of Damascus’

One other key theme pertaining to the new covenant in D is that this covenant was made ‘in the land of Damascus’.⁵¹⁶ In CD 6:19 and 19:33–34, the new covenant is explicitly referred to as ‘the new covenant in the land of Damascus’ (ה)ברית החדשה בארץ דמשק), while in CD 20:12 an apparent explanatory gloss clarifies that ‘the covenant and faith-pact that they established in the

⁵¹⁴ Following Brin’s restoration of the text. For the occurrence of the Niphal of סלה followed by –ל + pronominal suffix in the HB, see, e.g., Lev 4:20, 26, 31, 35; 5:10, 13, etc.; Num 15:28. See: Brin, *The Concept of Time in the Bible and the Dead Sea Scrolls*, 271.

⁵¹⁵ See: Brin, 271. This anticipation of a future atonement/forgiveness of sins in 4QCatena A should be distinguished from references to the purification and circumcision of heart that is taking place at present (2:9–11; 16), just as in D the mention of a present means of atonement for the community should be distinguished from the expectation of a future atonement.

⁵¹⁶ While there is no reference to the ‘new covenant’ having been made ‘in the land of Damascus’ in 1QpHab, it is clear nonetheless that the same covenant and provenance as those which are presented in D are in view.

land of Damascus' (ברית ואמנו אשר קימו בארץ דמשק) was one and the same as 'the new covenant' (ברית החדשה). Furthermore, from CD 6:5 we can conclude that this 'new covenant' was made during DSS community's founding members' sojourn to 'the land of Damascus'.

Significantly, the provenance of D's 'new covenant' 'in the land of Damascus' stands at odds with the expected provenance of the 'new covenant' of Jer 31:31–34. Not only is there no mention of 'the land of Damascus' in Jer 31:31–34, but from the larger context of the Book of Restoration (i.e., Jer 30:1–33:26), it seems clear that Jeremiah's 'new covenant' is associated with Jerusalem.⁵¹⁷ While it is possible that the author(s) of D failed to account for this association (whether intentionally or unintentionally), this seems unlikely, since elsewhere in D the eschatological atonement anticipated by Jer 31:33–34 is presented as a yet future occurrence (CD 14:18–19). Furthermore, although CD 14:18–19 does not mention Jerusalem as the place where this eschatological atonement would occur, other DSS texts do. One clear example appears in 4QFlor, where the Davidic Messiah is expected to appear in Zion (i.e., Jerusalem) 'to save Israel' (להושיע את ישראל) (4QFlor 1_2 I, 11–13). While the author of 4QFlor does not explicitly state that the Davidic Messiah's salvation of Israel will come by means of his provision of an eschatological atonement, CD 14:18–19 and CD 20:34 link these two events.⁵¹⁸ It follows, then, that the author of D would have also anticipated that the atonement event anticipated in CD 14:18–19 would take place in Jerusalem as well.⁵¹⁹

⁵¹⁷ See Jer 31:31–40 (esp. vv. 38–40) and 32:36–44. The same is true for Ezekiel's 'covenant of peace' (Ezek 34:25–27), which, as discussed above, is best understood as one and the same as Jeremiah's 'new covenant'.

⁵¹⁸ The term 'salvation' (ישוע/ישועה) also appears in CD 20:20.

⁵¹⁹ The books of Ezekiel and Jubilees—both of which were held in high regard by the DSS community—also support the conclusion that the DSS community held Jerusalem (rather than the 'land of Damascus') to be the place where this eschatological atonement would occur. Ezekiel's 'covenant of peace' has clear associations with Jerusalem (see, e.g., Ezek 34:26). Therefore, if one accepts the connection between Jeremiah's new covenant and Ezekiel's eschatological covenant of peace (a connection that was discussed in Chapter 2), it follows that Jer 31:31–34 also anticipated this atonement to take place in Jerusalem. As for Jubilees, Jubilees 4:26 reads as follows: '...through it [Mount Zion] will the earth be sanctified from all (its) guilt and its uncleanness throughout the generations of the world.' I follow Charles's translation here. See: R. H. Charles, *The Book of Jubilees, or, The Little Genesis Translated from the Ethiopic Text*, vol. 4, Translations of Early Documents. Series I, Palestinian Jewish Texts (Pre-Rabbinic), No. 41 (London: Society for Promoting Christian Knowledge, 1917).

5. Other observations concerning the Essene ‘new covenant’

Not only do certain aspects of each of the above four major concepts of D’s ‘new covenant in the land of Damascus’ differ from the ‘new covenant’ of Jer 31:31–34, but at least two other observations regarding D’s ‘new covenant’ pose problems for the conclusion that this covenant is indeed best understood as a reception of Jer 31:31–34. First, and perhaps most striking, D itself makes no explicit link between ‘the new covenant in the land of Damascus’ and the ‘new covenant’ of Jer 31:31–34. This is especially striking because elsewhere in D, Scripture is often cited or alluded to in order to support the legitimacy of a particular historical interpretation (concerning an event or figure) or promise. See, e.g., the following instances:

(1) CD 3:20–4:2

The ones who remain steadfast in it (are destined) for eternal life, and all the glory of Adam is theirs. *This is just as God assured them through the hand of Ezekiel the prophet, saying: ‘The priests and the Levites and the Sons of Zadok who kept the service of my Sanctuary when the sons of Israel strayed away from me, they are the ones who will approach me with fat and blood’ (Ezek 44:15).*

(2) CD 7:12–15

When the two houses of Israel separated, Ephraim separated from Judah and all the backsliders were delivered over to the sword. But as for the faithful ones, they escaped to the land of the north, *just as he said: ‘And I will carry away into exile the tabernacle of your king, and the *kiyyun* of your images from my tent to Damascus’ (Amos 5:26–27).*

(3) 8:18–20

And thus is the judgment for all who reject the commandments of God and forsake them and turn in the stubbornness of their heart. *This is the word that Jeremiah spoke to Baruch son of Neriah and Elisha to Gehazi his servant.*

The above references (and many others that were not presented here) show how frequently interpretive claims and/or promises in D were supported by Scripture and/or an appeal to a prophet’s authority.⁵²⁰ Especially important are the second and third examples listed above, since the second example (CD 7:12–15) cites Scripture to support the legitimacy of the DSS

⁵²⁰ For other references, see: CD 1:13–14; 4:12–14, 19–20; 6:2–4, 7–8, 11–14; 7:8–9a, 9b–12, 15b–16, 18–20; 20:15–17a, 17b–22.

community's sojourn in the land of Damascus, and the third example (8:18–20) mentions Jeremiah the prophet—the only HB prophet to use the term 'new covenant'.

In view of the above examples and the general tendency in D to support the legitimacy of historical events associated with the DSS community by referencing Scripture, it is appropriate (and even necessary!) to ask the following question: Why do none of the three passages that contain the term 'new covenant' cite Jer 31:31–34 or mention the prophet Jeremiah? While admittedly an argument from silence, based on the observed pattern in D that significant historical claims pertaining to the DSS community are supported by Scripture and/or an appeal to the authority of a prophet, it is certainly odd that a statement like 'This is the covenant of which Jeremiah said: "Behold, days are coming, says YHWH, 'when I will cut a covenant with the house of Israel..."' (Jer 31:31)' (or even a shortened form of this statement!) does not appear in association with any of the three 'new covenant' passages in D.

A second observation that poses a challenge to the understanding that D's 'new covenant' was intended to be a reception and/or fulfillment of Jer 31:31–34 is that D clearly presents the need for both instruction and discipline in regard to the 'new covenant in the land of Damascus'.⁵²¹ Such a view contrasts with the 'new covenant' of Jer 31:31–34, which, as argued in the previous chapter, anticipates an entirely different scenario in which there will no longer be a need for religious intermediaries (primarily priests and prophets) to instruct and rebuke/discipline the people of Israel to ensure covenant obedience.⁵²²

⁵²¹ See, e.g., CD 1:11–12; 2:14–17; 6:11–7:9; 15:12–14; 14:18–22; etc. As discussed above, this instruction and discipline was initially provided by the Teacher of Righteousness and his priestly followers who helped found the community (CD 3:21–4:3; 6:2–11) and was administered at the time of D's writing by the priestly 'sons of Zadok' (CD 4:3–4).

⁵²² Lim notes this distinction as well, writing:

Jer. 31 (LXX 38):31–4 is a remarkable passage, unique in the Hebrew Bible, for it declares that in establishing the new covenant Yhwh will put the law within the members of the house of Israel and write it on their hearts, so that they will no longer teach one another. The covenanters, however, do not interpret the oracle in this way. Instead, they admonish each other to renew the covenant by returning to the observance of the law.

See: Timothy H. Lim, *The Earliest Commentary on the Prophecy of Habakkuk*, 46.

E. Conclusions

The first major aim of this chapter as set forth in the introduction was to determine whether or not the use of the term ‘new covenant’ in D and 1QpHab was intended as a reception of Jer 31:31–34. While the admittedly strong verbal link via the term ‘new covenant’ (ברית חדשה) suggests, *prima facie*, that the DSS community’s use of the term was indeed intended to be connected with Jer 31:31–34, a closer study of the concept of the new covenant (and also covenant in general) in D, 1QpHab, and other DSS texts suggests at least two reasons why this verbal link is not as ‘iron-clad’ as the majority of scholars have suggested. First, as discussed in the section above, there are more than a few major conceptual differences between D’s ‘new covenant in the land of Damascus’ and Jeremiah’s ‘new covenant’. These conceptual differences are significant and must be accounted for, especially since many of the concepts associated with Jeremiah’s ‘new covenant’ are presented in the DSS as yet future expectations, which, arguably, are associated with the ‘cutting’ (כרת) of a yet future covenant. Second, the use of the verb *חדש* (Piel) + obj. ברית in the DSS with reference to a covenant *other than* the ‘new covenant’ shows that the phenomenon of ‘covenant renewal’ was already present among the DSS community. The possibility follows, then, that the term ברית חדשה (‘renewed covenant’) is simply a reflection of this phenomenological development rather than a terminological appropriation of Jeremiah’s ‘new covenant’.

In view of both the conceptual differences between the ‘new covenant’ of the DSS and the ‘new covenant’ of Jer 31:31–34 as well as the argument that the use of the term ברית חדשה in the DSS can be explained on phenomenological grounds (and thus need no longer be fettered to Jer 31:31 on the basis of an ‘iron-clad’ verbal link), let us return to the question at hand: Did the DSS community indeed regard its ‘new covenant’ to be the fulfillment and/or reception of Jer 31:31–34? Against the majority of scholars, I suggest that this is unlikely, primarily because the conceptual differences between the ‘new covenant’ of the DSS and the ‘new covenant’ of Jer 31:31–34 are simply too numerous and too significant to overlook. Rather, two other explanations provide a more satisfactory answer to this question, each of which takes the differences between the ‘new covenant’ of the DSS and the ‘new covenant’ of Jer 31:31–34 into account. These two explanations are as follows: (1) While the DSS community may have regarded their ‘new covenant’ to be a fulfillment/reception of Jeremiah’s ‘new covenant’, they understood it to be only a partial fulfillment and awaited the fulfillment of other aspects of the

covenant (particularly the promises of Jer 31:33–34); or (2) The DSS community did not regard their ‘new covenant’ to be a fulfillment of Jer 31:31–34 at all, but rather still awaited the ‘cutting’ of this covenant in the future. Each of these possibilities will be discussed below.

1. The Essene ‘new covenant’ as a partial fulfillment of Jeremiah 31:31–34

One solution that accounts for both the use of the term ‘new covenant’ in the DSS and also the many differences between the concepts associated with the ‘new covenant’ of the DSS and Jeremiah’s ‘new covenant’ is that the DSS community understood its ‘new covenant’ to be a *partial* fulfillment of Jer 31:31–34. I.e., while the authors of D and 1QpHab used the term ברית חדשה (‘new covenant’) as a conscious link to and/or reception of Jer 31:31, in doing so they did not seek to convey that the DSS community’s ‘new covenant’ was a *complete* fulfillment of Jer 31:31–34; rather, it was only an *initial* and/or *partial* fulfillment. Other key promises associated with the ‘new covenant’ of Jer 31:31–34 remained to be fulfilled, the most significant of which included the eschatological atonement that would eternally secure God’s covenant relationship with his people (Jer 31:33–34; CD 14:18–19).

There are several advantages to this explanation that the DSS community regarded their ‘new covenant’ as a *partial* fulfillment of Jer 31:31–34. First and foremost, the verbal link ‘new covenant’ (ברית חדשה) between the D and 1QpHab on the one hand and Jer 31:31–34 on the other is maintained, a conclusion upon which the majority of scholarship has agreed. Second, this also helps account for some (though not all) of the differences between the concepts of the ‘new covenant’ in the DSS and the concept of the ‘new covenant’ in Jer 31:31–34. For example, Jer 31:33–34 anticipates a future atonement that would secure YHWH’s relationship with his people, and CD 14:18–19 presents just such an atonement event. One could argue that since there is no explicit mention of an alternate covenant in D, the DSS community anticipated that their ‘new covenant in the land of Damascus’ would still be in effect when this atonement event took place. To consider another example, while in D priestly intermediaries are required to instruct and administer discipline among the members of the ‘new covenant’ at present, it is possible that the DSS community held that in the future, there would no longer be any need for such an intermediary system in accordance with the expectation of Jer 31:33–34 (see, e.g., IQS 4:17b–23), and that this future condition would come into being gradually and/or would be ushered in without the means of another covenant that differed from their ‘new covenant’.

Lastly, while ‘the land of Damascus’ is clearly given as the provenance for D’s ‘new covenant’, this need not necessarily be considered to be at odds with the ‘new covenant’ of Jer 31:31–34, since this passage never explicitly states that this covenant would be made in Jerusalem, but only that the end result of the covenant would be the restoration of Jerusalem and Israel (see Jer 31:38–40; 32:37–44). In other words, it is possible that the DSS community viewed their ‘new covenant’ as the *initial* fulfillment of Jer 31:31–32 that would ultimately lead to the *complete* fulfillment of promises made in Jer 31:33–34.

Yet there are also disadvantages to the explanation that the DSS community saw their ‘new covenant’ as a *partial* fulfillment of Jer 31:31–34. As mentioned above, while this does help account for some of the differences between the concepts of the ‘new covenant’ in the DSS and the concept of the ‘new covenant’ in Jer 31:31–34, it cannot account for all of these differences. First, the use of כרת + obj. ברית in Jer 31:31–34 suggests that the ‘new covenant’ would be discontinuous with the Mosaic covenant, whereas the use of הקים/קום + obj. ברית in D and 1QpHab shows that the DSS community clearly regarded their ‘new covenant in the land of Damascus’ as continuous with the Mosaic covenant. This difference becomes even more pronounced when one considers that two other DSS texts—namely, 4Q470 and 4Q434—use כרת + obj. ברית with reference to a yet future covenant. Second, as discussed above, statements appear throughout D that suggest that ‘the new covenant in the land of Damascus’ would only function for the present, eschatological ‘period of wickedness’ and ‘until’ other events transpired. In contrast, Jeremiah’s ‘new covenant’ was regarded as an ‘eternal covenant’ (ברית עולם) (Jer 32:40). Thus, in the end, even if the DSS community regarded their ‘new covenant’ as only a *partial* fulfillment of the ‘new covenant’ of Jer 31:31–34, there remain significant conceptual differences between these covenants that are difficult to reconcile.

2. The Essene ‘new covenant’ as an entirely distinct covenant from Jeremiah’s ‘new covenant’

A better explanation that accounts for both the use of the term ‘new covenant’ in the DSS as well as the many differences between the concepts associated with the ‘new covenant’ of the DSS and Jeremiah’s ‘new covenant’ is that the DSS community did not understand its new covenant to be a fulfillment of Jer 31:31–34 at all; rather, their use of the term ‘new covenant’ is to be attributed to a phenomenological development rather than a verbal link to Jer 31:31. The major advantage of this explanation is that the conceptual differences between the ‘new

covenant’ of D and 1QpHab on the one hand and Jer 31:31–34 on the other are easily accounted for. The reason there are major conceptual differences between these covenants is simple: they are in fact two distinct covenants! Thus, there is no difficulty in explaining the differences between D’s ‘new covenant in the land of Damascus’ and Jeremiah’s ‘new covenant’ shown in the table below:

Table 7

	‘The New Covenant (of the land of Damascus)’ in the DSS	The ‘New Covenant’ of Jer 31:31–34
Provenance/Association:	‘the land of Damascus’	Jerusalem
Relationship to Mosaic covenant:	Continuous	Discontinuous
Instruction and rebuke from religious authorities necessary for covenant obedience:	Yes	No
Expected duration of covenant:	Temporary (for the ‘period of wickedness’)	Eternal

The reason that these two covenants were so different, conceptually speaking, is that they were. Furthermore, the reason D anticipates a yet future atonement (CD 14:18–19)—significantly, one that was not associated with the making of ‘the new covenant in the land of Damascus’—is that the DSS community still anticipated the covenant of Jer 31:31–34 (and in particular the promise of an atonement that would eternally secure the relationship between YHWH and his people) in the future, a conclusion that is strengthened by the mention of future covenants that would be ‘cut’ (כרת) in 4Q470 and 4Q434. And lastly, the reason D does not more explicitly link its ‘new covenant’ to Jeremiah or to any other part of Jer 31:31–34 is that its authors never intended to make this link in the first place. Rather, the term ‘new covenant’ was simply used in a more general sense (i.e., as the result of a phenomenological development), and not as a reception and/or link to Jer 31:31.

Despite scholarly confidence that the term ‘new covenant’ (ברית חדשה) provides an ‘iron-clad’ verbal link between the DSS—namely, D and 1QpHab—and Jer 31:31–34, this verbal link is not as secure as it first appears. As Goshen-Gottstein has suggested, it is entirely possible that the use of ‘new covenant’ in D and 1QpHab is better explained on phenomenological grounds

rather than as a citation or allusion to Jer 31:31. Strong support for this can be seen in the frequent use of *הדש* (Piel) + obj. *ברית* in other DSS texts, as these occurrences clearly demonstrate that the phenomenon of ‘renewing’ (*הדש*) a covenant was present among the DSS community. Furthermore, it is important to recognize that in at least two instances where *הדש* (Piel) + obj. *ברית* appears, the covenant in view is clearly distinct from Jeremiah’s ‘new covenant’ (*ברית חדשה*).⁵²³ While the adjectival form *חדשה* (‘renewed’ or ‘new’) does not appear as a modifier of *ברית* (‘covenant’) elsewhere in the DSS—i.e., other than in the references to the ‘new covenant’ (*ברית חדשה*) in D and 1QpHab—, the more significant point is that the concept of a ‘renewed covenant’ existed.

As covenant renewal was clearly a phenomenon present among the DSS community, then, it is entirely possible to envision a scenario in which the DSS community would have referred to their community’s ‘renewed’ Mosaic covenant—a covenant which they often referred to as simply ‘the covenant’, and a covenant which in their mind had been violated by the unfaithful Judean establishment (and therefore was in need of renewal)—as the ‘new (i.e., renewed) covenant’ (*ברית חדשה*). Furthermore, since the Essenes understood this covenant to be *the* ultimate, eschatological renewal of the Mosaic covenant that would last ‘until’ (*עד*) the coming of the Messiah, the provision of his atonement (CD 14:19), and his ‘cutting’ of a future covenant (see 4Q470), there is good reason for them to refer to this covenant as ‘*the* new (i.e., renewed) covenant’ in the definite sense (note the presence of the article *–ה* in CD and 1QpHab),⁵²⁴ a name to which the descriptor ‘in the land of Damascus’ was added in order to recall the historical location where this covenant renewal took place.

⁵²³ See 1QSb 3:26, where the ‘the covenant of the eternal priesthood’ is in view, and 1QSb 5:20–23, where the Davidic covenant is in view.

⁵²⁴ A similar point is made by Raymond Collins. See: Collins, “The Berith-Notion of the Cairo Damascus Covenant, 580.

CHAPTER 4: CONCLUSION

A. Chapter Summaries

1. Summary of Chapter 1

In Chapter 1, we introduced the major research questions around which this study centers—namely: What is the Essene concept of the ‘new covenant’? And, more significantly, how did the Essenes come to this understanding? Was their use of the term ‘new covenant’ in the DSS an indication that the Essenes sought to present their ‘new covenant (in the land of Damascus)’ as an appropriation and/or fulfillment of Jer 31:31–34? Or is there a better explanation that accounts for their use of this term? Three potential answers that scholars have posed to these questions were then presented: (1) the Essene concept of the ‘new covenant’ was based on the (proto-) MT version of Jer 31:31–34, a version that presents an entirely different concept of the ‘new covenant’ than the Hebrew *Vorlage* reflected in the LXX version of this passage; (2) the Essene concept of the ‘new covenant’ was based on the ‘new covenant’ prophecy of Jer 31:31–34, but only in part (according to Lim, only vv. 31–32 were applied to the Essene ‘new covenant’, while according to Yu, only the term ברית חדשה was appropriated, while the remainder of the prophecy awaited fulfillment); and, (3) despite their use of the term ברית חדשה, the Essenes did not intend for their ‘new covenant (in the land of Damascus)’ to be an appropriation and/or fulfillment of Jer 31:31–34 at all. The remainder of Chapter 1 was devoted to the presentation of the course of analysis and methodology whereby the proposed research questions would be examined and whereby each of these three potential answers would be evaluated.

2. Summary of Chapter 2

Chapter 2 was divided into three parts. Part one was dedicated to a discussion of the text of Jer 31:31–34 (LXX 38:31–34), wherein it was argued that a thorough understanding of the concept of the ‘new covenant’ in this passage requires a consideration of both the LXX and MT

versions for two major reasons: (1) the earliest manuscript evidence we have, the DSS fragments of Jeremiah, indicates that both the longer MT and the shorter LXX versions of Jeremiah were present and in use at Qumran; (2) the translation style of LXX Jer is characterized as relatively literal, an observation which suggests that we should start with the assumption of a close correspondence between the LXX and MT versions of the text, especially in the absence of any large-scale textual differences (i.e., a different order of the text or minuses/plusses), as is the case in Jer 31:31–34.⁵²⁵

In part two of Chapter 2 we began to turn our attention to the exegesis of Jer 31:31–34. Before examining Jer 31:31–34 itself, however, we sought to understand this passage in its wider literary context. It was argued that Jer 31:31–34 stands at the climax of the ‘Scroll of Restoration’ (Jer 30:1–31:40), a position which suggests the significance of the ‘new covenant’ prophecy in the book of Jeremiah. It was also argued that the ‘new covenant’ of Jer 31:31–34 should be equated with the ‘everlasting covenant’ (ברית עולם) of Jer 32:36–41 and 50:1–5, and, to expand the horizons to the wider prophetic corpus, the future ‘everlasting covenant’ of Isa 55:3, 61:8, and Ezek 37:26. Furthermore, it was argued that this ‘everlasting covenant’ should in turn be equated with the future ‘covenant of peace’ (ברית שלום) anticipated in the Prophets (see, e.g., Isa 54:10; Ezek 34:25; 37:26). Understanding the ‘new covenant’ in this wider context is significant in at least two ways. First, understanding the ‘new covenant’ in its wider context in the book of Jeremiah is important in that it helps us recover the most likely interpretation of the ‘new covenant’ in Jer 31:31–34. And second, understanding the ‘new covenant’ in the context of the wider prophetic corpus (i.e., in relation to the ‘covenant of peace’ and the ‘everlasting covenant’) helps us to form a more complete picture of the ‘new covenant’ by which we can compare and evaluate the Essene concept of the ‘new covenant’ in the DSS, a task carried out in Chapter 3.

Once this wider context of the ‘new covenant’ passage was established, we turned our full attention back toward exegeting Jer 31:31–34 (LXX 38:31–34). In the course of this exegesis, several apparent discrepancies between the MT and LXX versions of this passage were discussed, the two most significant of which were *בם בעלתי* / *ἡμέτερον αὐτῶν* in v. 32 and *תורתִי* / *νόμους μου* in v. 33. In each of these cases, it was argued that both the LXX and MT readings

⁵²⁵ The lone exception is the plus *נאם יהוה* in the MT in v. 34. This discrepancy, however, has no bearing on the overall concept of the ‘new covenant’.

are best explained as having arisen from the same consonantal Hebrew text, a conclusion which challenges Adrian Schenker's argument that the MT reflects a later, theologically motivated revision of the text. Furthermore, it was argued that this consonantal text anticipates a clear distinction between the new covenant and Mosaic covenant in several ways, including the following: (1) the use of the verb כרת rather than הקים to describe the making of the new covenant in v. 31 and v. 33; (2) the explicit contrast between the new covenant and the Mosaic covenant made in v. 32; and, (3) the anticipation in v. 34 that under the new covenant, religious authorities would no longer be necessary to ensure covenant obedience.

3. Summary of Chapter 3

Chapter 3 was devoted to answering the following questions: Did the Essenes understand their 'new covenant (in the land of Damascus)'—a covenant mentioned in the DSS only in D and 1QpHab—to be a fulfillment of the 'new covenant' of Jer 31:31–34? If so, how did the Essenes arrive at their interpretation of this passage? And if not, how are we to account for their use of this term, given that its *hapax* appearance in the HB occurs in Jer 31:31? In order to answer this first question, a comprehensive understanding of the concept of the 'new covenant' as presented in D and 1QpHab was constructed. We began this construction by a consideration of D. Before examining individual passages within D, however, a brief overview of D's complex manuscript history was given, wherein the significance of the discoveries of both CD and the 4QD Fragments were discussed. This was followed by a discussion of the overall structure of D—a structure which can only be constructed thanks to the additional input provided by the relatively recently published 4QD Fragments—, where it was argued that the structure of D is modeled after the biblical book of Deuteronomy, and that both Deuteronomy and D were written in the form of covenant (renewal) documents.

That the form of D reflects a covenant (renewal) document has a significant bearing on our understanding of the intended function of D, since this suggests from the outset that D was consciously presented as a covenant renewal document in line with other covenant renewals recorded in the Hebrew Scriptures, including both the covenant renewal which took place 'in the land of Moab' (בארץ מואב) under Moses (Deut 28:69) and the post-exilic covenant renewal, or 'faith-pact' (אמנה), which took place under Ezra and Nehemiah (Neh 8–10). In support of this argument, it was shown that D almost certainly appropriated language from each of these biblical

books. Following this high-level overview of D, we turned to the task of examining the concept of the ‘new covenant’ (and, more broadly, the concept of covenant) as presented in D by way of a thorough exegesis of all relevant passages in this text, including the significant input from the relatively recently published 4QD Fragments. This exegesis served as the basis for the synthesis of several key ‘new covenant’ concepts later in the chapter.

Prior to the synthesis of these ‘new covenant’ concepts, we turned our attention to 1QpHab—the only other DSS text where the term ‘new covenant’ appears (albeit in a partially reconstructed text)—in order to acquire any additional information concerning the Essene concept of their ‘new covenant’ as presented in the DSS. As with D, before launching into our exegesis of the relevant passage in 1QpHab, a brief orientation to and overview of 1QpHab were given. In this brief discussion, it was determined that while the date of the composition of 1QpHab is difficult to pin down, the identification of the ‘Kittim’ with the Romans suggests with some degree of certainty that this text was penned sometime after D, likely around the mid- to late first century BCE. It was also noted that 1QpHab belongs to the *peshet* (i.e., continuous commentary) genre, an observation which helps inform our exegesis of the text. An overview of the structure of 1QpHab was then given in which it was suggested that while the literary structure of 1QpHab is, for the most part, predetermined by the structure of the first two chapters of the biblical book of Habakkuk—chapters on which 1QpHab gives a lemmatic commentary—, the central point in the pesherist’s message lies in his commentary on Hab 2:1–4 (which appears in 1QpHab 6:12b–8:3a), where the pesherist encourages those in the community to remain faithful despite the fact that the community’s predicted date for the end-time has come and gone without fulfillment. The final, and most important, task in our evaluation of 1QpHab involved an exegesis of 1QpHab 1:16b–2:10a, the only passage in this work in which the term ‘new covenant’ appears. In the course of this exegesis, it was shown that 1QpHab presents nothing new (and, perhaps more significantly, nothing different) in regard to the Essene concept of the ‘new covenant’.

Based on our detailed exegesis of both D and 1QpHab, then, we attempted to set forth the Essene concept of the ‘new covenant’ as presented in the DSS. Four key concepts concerning this covenant were identified: (1) a clear continuity exists not only between the Abrahamic covenant and the ‘new covenant’, but also between the Mosaic covenant and the ‘new covenant’; (2) there is a clear dispensational-eschatological aspect to the ‘new covenant’—i.e., this covenant

is described as having had a clear beginning ‘in the land of Damascus’ (CD 6:19) and was to function throughout the present (and final) ‘period of wickedness’ (CD 6:10) ‘until’ the coming of ‘the Messiah of Aaron and Israel’ and his atonement (CD 14:19), among other things; (3) under the ‘new covenant’, various means of atonement were available and practiced; and (4) the ‘new covenant’ has a clear provenance in ‘the land of Damascus’.

It was then demonstrated that each of these four concepts stands in contrast to the portrayal of the ‘new covenant’ in Jer 31:31–34. In regard to the first concept listed above, whereas the Essene ‘new covenant’ was continuous with the Mosaic covenant, Jeremiah’s ‘new covenant’ is best understood as discontinuous with the Mosaic covenant (an argument made in Chapter 2). While it is possible that the Essenes simply came to a different understanding in regard to the continuity/discontinuity of Jeremiah’s ‘new covenant’ (specifically in relation to the Mosaic covenant), or that they perceived this discontinuity, but appropriated the term ‘new covenant’ from Jer 31:31–34 nonetheless, both of these scenarios seem unlikely. Rather, several observations suggest that the Essenes not only understood that Jeremiah’s ‘new covenant’ was anticipated as a distinct covenant, but that their ‘new covenant (in the land of Damascus)’ was never intended to be understood as a fulfillment of Jer 31:31–34.

First, whereas the verb כרת is used to describe the making of the ‘new covenant’ of Jer 31:31–34, the verb הקים is consistently used to describe the making of the Essenes’ ‘new covenant (in the land of Damascus)’ in the DSS. That the Essenes maintained a careful distinction between these two verbs (since, after all, they seem to clearly indicate different covenant-making concepts) is supported by a careful review of הקים + obj. ברית and כרת + obj. ברית in the entire DSS corpus (see Appendix V). Second, the Essenes do use the verb כרת with reference to a yet future covenant in 4Q470 and 4Q434. In each of these cases, this future covenant bears striking resemblances to the ‘new covenant’ anticipated in Jer 31:31–34. This is especially so if one incorporates the wider biblical concept of the ‘new covenant’—i.e., the ideas associated with the future ‘covenant of peace’ and ‘everlasting covenant’ discussed in the Prophets (as discussed in Chapter 2). And third, the verb חדש (Pi.) is used in the DSS in reference to covenants *other than* the ‘new covenant (in the land of Damascus)’. This observation suggests that the Essenes were conscious of the phenomenon of covenant renewal in general, and therefore that their use of the term ברית חדשה in D and 1QpHab could be the result of a

phenomenological development rather than a terminological dependence on the *hapax* occurrence of ברית חדשה in Jer 31:31.

In regard to the second concept of the Essene ‘new covenant (in the land of Damascus)’ mentioned above—i.e., the clear dispensational-eschatological aspect of this covenant—, it was argued that this too stands in stark contrast to the ‘everlasting’ nature of Jeremiah’s ‘new covenant’. Throughout D, the Essene community’s ‘new covenant’ is presented as operative ‘throughout the period of wickedness’ (CD 6:10, 14, etc.), but several ‘until’ (עד) statements suggest that they did not understand that this covenant would be everlasting. Furthermore, when the search is expanded to include the entire DSS corpus, it becomes clear that the Essenes anticipated that this ‘period of wickedness’ would come to an end, and that, along with several other events, ‘the period of peace’ (קץ השלום) (4Q215a 1 II, 6–7) would be ushered in. Significantly, this future ‘period of peace’ recalls the prophetic expectation of a future ‘covenant of peace’, a covenant which, as was argued in Chapter 2, is a part of the wider context of Jeremiah’s ‘new covenant’. These observations, when taken cumulatively, suggest the possibility that the Essenes did not understand their ‘new covenant (in the land of Damascus)’ to be a fulfilment of Jer 31:31–34, but rather looked to the fulfilment of Jeremiah’s ‘new covenant’ in a yet future time.

The third concept of the Essenes’ ‘new covenant’ mentioned above—i.e., that under the ‘new covenant’, various means of atonement were available and practiced—also stands in contrast to Jeremiah’s concept of the ‘new covenant’, since Jer 31:31–34 anticipates an atonement that will be initiated by God and that will serve as a fundamental provision for the future divine-human relationship (rather than as a requirement to maintain it). It was argued that while it is possible that the Essenes came to a different understanding of Jer 31:34, or, on the other hand, that they disregarded this part of the prophecy entirely, their clear expectation of a future and significant atonement event initiated by God and/or the Messiah (or the Messianic figure, Melchizedek) in three different DSS texts—D, 11QMelchizedek (11Q13), and 4QCatena A—suggests otherwise. The possibility follows, then, that the Essenes did not regard their ‘new covenant (in the land of Damascus)’ as a fulfilment of Jer 31:31–34, but rather as a different covenant that had an altogether different means of atonement.

The fourth and final concept mentioned above—i.e., that the Essenes’ ‘new covenant’ had a clear provenance in ‘the land of Damascus’—also contrasts with the ‘new covenant’ of Jer

31:31–34, which bears clear associations with Jerusalem. Again, while it is possible that the Essenes would have disagreed with this particular interpretation of the ‘new covenant’ of Jer 31:31–34, or that they disregarded this aspect of Jeremiah’s ‘new covenant’ prophecy altogether, the evidence from the DSS suggests otherwise. As evidenced in 4QFlor 1_2 I, 11–13, the Essenes had a clear expectation that Zion (i.e., Jerusalem) would be the place where the Messiah would appear in the future ‘to save Israel’. Significantly, CD 14:18–19 and CD 20:34 seem to link this salvation of Israel with a future atonement provided by the Messiah. Furthermore, if these three passages are read together with 4Q470 (a text mentioned above), we can conclude the following: the Essenes expected a future atonement/salvation event that would be carried out by the Messiah, involve the ‘cutting’ of a covenant, and take place in Zion.

Two additional observations that pose problems for the idea that the Essenes regarded their ‘new covenant (in the land of Damascus)’ as a fulfillment of Jer 31:31–34 were also presented: (1) D makes no explicit link between ‘the new covenant in the land of Damascus’ and the ‘new covenant’ of Jer 31:31–34, a striking observation in view that elsewhere in D, Scripture is often cited and/or alluded to in order to support the legitimacy of a particular historical interpretation (concerning an event or figure) or promise; and (2) D clearly presents the need for both instruction and discipline in regard to the ‘new covenant (in the land of Damascus)’ (see, e.g., CD 1:11–12, 6:11–7:9, etc.), whereas the ‘new covenant’ of Jer 31:31–34 anticipates an entirely different scenario in which there will no longer be a need for religious authorities (primarily priests and prophets) to instruct and rebuke/discipline the people of Israel to ensure covenant obedience.

These conceptual differences between the Essenes’ ‘new covenant (in the land of Damascus)’ and Jeremiah’s ‘new covenant’ together with the observation that the DSS clearly demonstrate that the Essenes anticipated the fulfillment of certain aspects associated with Jeremiah’s ‘new covenant’ at a yet future time (from the perspective of the DSS) suggest that the Essenes did not understand the ברית חדשה mentioned in D and 1QpHab to be a fulfillment of Jeremiah’s ‘new covenant’, at least conceptually speaking.

The second and final aim of Chapter 3 was to explain how, in light of the *hapax* occurrence of the term ברית חדשה in the HB in Jer 31:31, the Essenes came to use the same term in reference to their community’s covenant if they indeed did not understand this covenant to be a fulfillment of Jer 31:31–34. Two possible explanations were considered: (1) the Essenes

understood their ‘new covenant’ to be a *partial* fulfillment of Jer 31:31–34, and thus appropriated only the term ברית חדשה from this prophecy, but awaited the complete fulfillment of this covenant in the future; and (2) the Essene use of the term ברית חדשה was the result of a phenomenological development rather than an intended link to Jer 31:31. Between these two options, we argued in favor of the latter, since, whereas the former solution still runs into the problem of a conceptual clash between Jeremiah’s ‘new covenant’ and the Essene ‘new covenant’, the latter solution does not have this problem and is supported by at least two observations.

First, the general concept of a ‘renewed covenant’ was clearly present among the Essenes, as attested by the threefold appearance of חדש (Pi.) + obj. ברית in 1QSb. The observation that at least two of these instances refer not to the ‘new covenant’, but rather to ‘the covenant of the eternal priesthood’ (1QSb 3:26) and the Davidic covenant (5:20–23), suggests that it is possible, if not likely, that the Essene use of ברית חדשה (‘renewed covenant’) in D and 1QpHab is to be explained not in relation to the ‘new covenant’ of Jer 31:31, but rather as an independent, phenomenological development—a possibility suggested by Goshen-Gottstein. And second, because the Essenes understood their community’s covenant to be the ultimate eschatological renewal of the Mosaic covenant that would operate until the coming of the Messiah, the provision of his atonement (CD 14:19), and his ‘cutting’ of a future covenant (see 4Q470), there is good reason for them to refer to this covenant as ‘*the* new (i.e., renewed) covenant’ in the definite sense, a name to which the descriptor ‘in the land of Damascus’ was added in order to recall the historical location where this covenant renewal took place.

B. Further Questions

1. The nature of the relationship between the LXX and MT of Jeremiah

As discussed in Chapter 2, Adrian Schenker has argued that the MT version of Jer 31:31–34 reflects a later, theologically-motivated revision of an earlier Hebrew *Vorlage* that is reflected in the LXX. While Schenker’s argument was ultimately rejected on the grounds that other explanations better account for the apparent discrepancies between the MT and LXX of Jer 31:31–34 (LXX 38:31–34), his suggestion gives rise to a number of questions that are worthy of further consideration, nonetheless.

First, what would a comparison of the LXX and MT throughout the entire book of Jeremiah (and not just Jer 31:31–34[LXX 38:31–34]) suggest about Schenker’s argument? Are there other passages that Schenker (or others) could point to in order to support the claim that the MT is best explained as the result of theologically motivated scribal changes to an earlier text? If so, Schenker’s argument would be strengthened. If not, his argument would be weakened further still. As it stands, one wonders if Schenker would have advanced his argument at all had this particular passage not been so theologically freighted to begin with.

Such a comparison of the LXX and MT throughout the entire book of Jeremiah would also serve to inform a second question that continues to divide scholarship: namely, how are we to explain the relationship between the LXX and MT versions of Jeremiah as a whole? Sven Soderlund offers a helpful summary of the four major theories that seek to account for the discrepancies between the MT and LXX of Jeremiah, each of which is summarized below:⁵²⁶

- (1) ‘abbreviation theory’: the MT represents the original text of Jeremiah, whereas the LXX is a later (inferior) text that was abbreviated and/or corrupted during translation (Jerome, Spohn, Graf, Lundbom);
- (2) ‘expansion theory’: the LXX is a translation of the original Hebrew *Vorlage*, whereas the MT is a later (inferior) text that underwent expansion (Janzen, Tov, Schenker);
- (3) ‘editorial theory’: the MT is the final, latest edition of the book produced by Jeremiah, whereas the LXX was the earlier edition (Eichhorn);
- (4) ‘mediating theory’: assigning priority to the LXX or MT should be avoided, and each reading should be examined on an individual basis (Duhm, Giesebrecht, Thompson).

With these theories in mind, it becomes clear that in Chapter 2, our approach to evaluating Jer 31:31–34 (LXX 38:31–34) fell in line with ‘mediating theory’. Such an approach seemed warranted for our study on the Essene concept of the ‘new covenant’ for at least two reasons.

First, the earliest known manuscript evidence for the book of Jeremiah—namely, the DSS fragments of Jeremiah—almost certainly supports both the (shorter) LXX and the (longer) MT versions of Jeremiah. This dual testimony of the DSS Jeremian fragments suggests that the

⁵²⁶ See: Soderlund, *The Greek Text of Jeremiah*, 11–13.

Essenes knew of and valued both the shorter and longer text versions of Jeremiah, which in turn suggests that a thorough investigation of the Essene view of the ‘new covenant’ required a discussion of both text versions.⁵²⁷ Second, in spite of large-scale discrepancies between the LXX and MT of Jeremiah—namely, the large number of plusses in the MT and the different placement of certain passages—, the LXX translation style of the book of Jeremiah has been characterized as relatively literal.⁵²⁸ This literal translation style indicates a close correspondence between the Hebrew *Vorlage* from which the LXX was translated and the (proto-)MT version, at least where the two texts overlap (i.e., ignoring the minuses/plusses). Therefore, it seemed best to begin with the assumption that there is a close correspondence between the Hebrew *Vorlage* of the LXX and the (proto-)MT of Jer 31:31–34 (LXX 38:31–34) as well.

While these two reasons justified a ‘mediating theory’ approach to Jer 31:31–34 (LXX 38:31–34) in our study, as a result of the exegetical work carried out in Chapter 2, it is worth discussing yet a third advantage to ‘mediating theory’ that informs the exegesis of the book of Jeremiah on a broader scale (i.e., outside of the parameters of this particular study). As demonstrated by our discussion of the discrepancies between the MT and LXX of Jer 31:31–34 (LXX 38:31–34) in Chapter 2, the employment of ‘mediating theory’ can lead to more satisfying resolutions of textual differences in the LXX and MT than can either ‘expansion theory’ or ‘abbreviation theory’. One major reason for this is that both ‘expansion theory’ and ‘abbreviation theory’ approach such textual discrepancies with the *a priori* assumption of an inferior/superior text paradigm.⁵²⁹ Thus, although scholarship has undergone a shift in recent decades to favor

⁵²⁷ See also: Timothy H. Lim, “Authoritative Scriptures and the Dead Sea Scrolls,” in OHDSS, ed. John J. Collins and Timothy H. Lim (Oxford: OUP, 2010), 311.

⁵²⁸ See, e.g.: Albert Pietersma and Mark Saunders, “Jeremias: To the Reader,” NETS, ed. Benjamin G. Wright and Albert Pietersma (New York: OUP, 2007), 876.

⁵²⁹ Scholars who advocate for ‘abbreviation theory’, e.g., tend to consider the MT version alone for their interpretation of Jer 31:31–34, often giving only brief mention of variant LXX readings before dismissing them as inferior variant readings. For example, Jack Lundbom, a proponent of the ‘abbreviation theory’, gives preference to the MT over the LXX throughout his discussion of Jer 31:31–34. His reason for doing so is part of his larger conclusion that ‘the longer MT of Jeremiah is far and away the better text’ and that ‘what we have...in Jeremiah is not so much proto-MT expansion by busy scribes in Babylon, but proto LXX loss by careless and inattentive scribes in Egypt.’ For Lundbom, these ‘careless and inattentive scribes’ were guilty of frequent haplography. See: Lundbom, “Haplography in the Hebrew *Vorlage* of LXX Jeremiah,” 301. For Lundbom’s exegetical discussion of Jer 31:31–34, see: Jack R. Lundbom, *Jeremiah 21-36*, 464–82.

Scholars who advocate for ‘expansion theory’, on the other hand, consider the LXX to give the superior (or at least more original) reading, and thus tend to interpret Jer 31:31–34 (LXX 38:31–34) based on the LXX reading. For example, in a relatively recent monograph dealing with Jer 31:31–34, Adrian Schenker, a proponent of the ‘expansion theory’, argues that whereas the LXX represents the original Hebrew *Vorlage*, the MT represents a later,

‘expansion theory’,⁵³⁰ the results of this study (albeit admittedly limited) suggest that ‘mediating theory’ is best suited for purposes of exegesis, at least in passages where the LXX (i.e., the LXX with a view toward its Hebrew *Vorlage*) and MT overlap.

Before leaving this discussion, it is perhaps worth presenting a new and nuanced understanding of the relationship between the LXX and MT of Jeremiah. First, it seems most likely that the shorter Jeremian text (which is reflected in the LXX) was later expanded and that certain passages were rearranged. This does not necessitate, however, that this expanded and rearranged text was either inferior to or superior to the shorter text. Rather, unless there is a compelling reason to suggest otherwise, this shorter text should be assumed to contain an identical reading (at the level of the Hebrew consonantal text) to the longer text where the text overlaps. Second, since the earliest of the 4Q Jeremiah fragments provide support for both the shorter and longer forms of Jeremiah, and since these fragments date to sometime around 200 BCE, one should not rule out Eichhorn’s view that the longer version of the text was written early on, dating back to the prophet Jeremiah himself or his scribe Baruch. Regardless of when this expansion and revision was carried out, however, if our analysis of the discrepancies between the LXX and MT of Jer 31:31–34 (LXX 38:31–34) is correct—i.e., that these discrepancies do not indicate differences at the level of the consonantal Hebrew text underlying the LXX and MT, but are rather to be explained on other grounds—, and if this analysis holds true by and large for the wider book of Jeremiah, it becomes clear that such editorial work was carried out in a way that carefully preserved the consonantal Hebrew text of the shorter version. In other words, we should perhaps dispense of the paradigm of an inferior/superior text that is

‘deliberate reworking’ (*planmässiger Umarbeitung*) of the original Hebrew *Vorlage* that stood behind the LXX version. The goal of this reworking, in Schenker’s view, was to give an entirely different interpretation of the new covenant. Thus, in the end, Schenker argues for two distinct versions of the new covenant passage with two distinct interpretations. See: Schenker, 11–12.

⁵³⁰ Adrian Schenker, e.g., has recently referred to ‘die neue Einsicht der Forschung, dass die Septuaginta an mehreren Stellen tatsächlich einen ursprünglicheren Text der Bibel widerspiegelt als unser hebräischer (masoretischer) Text’. See: Schenker, 11. The early influence of Emmanuel Tov and J. Gerald Janzen in advancing this view should be noted. See, e.g.: Emanuel Tov, “Exegetical Notes on the Hebrew Vorlage of the LXX of Jeremiah 27 (34),” *ZAW* 91, no. 1 (1979): 73–93; Janzen, *Studies in the Text of Jeremiah*. Not all scholars agree that ‘expansion theory’ best accounts for the different lengths of the MT and LXX, however. Lundbom, e.g., continues to advocate for the ‘abbreviation theory’. See: Jack R. Lundbom, “Haplography in the Hebrew Vorlage of LXX Jeremiah,” *HS* 46 (2005): 301–20. It is worth clarifying here that if establishing and interpreting the original Hebrew *Vorlage* of the entire book of Jeremiah (rather than Jer 31:31–34 alone) was the objective at hand, a reevaluation of the theory best suited for this task would be in order.

inherent in the ‘expansion theory’ and ‘abbreviation theory’ debate, and think instead of a shorter/longer text, the former of which has been carefully preserved in the latter.

A third and final question which stems from Schenker’s overall argument—i.e., that the MT of Jer 31:31–34 is a later, theologically-motivated revision of an earlier version of the text which is reflected in the LXX—and which deserves further consideration concerns Targum Jonathan’s translation of the phrase **וְאֲנִי בְעֵלְתָּ בָּם** in Jer 31:32. The Targum’s rendering of this phrase, **וְאֲנָא אֲתַרְעִיתִי בְהוֹן** (‘although I took pleasure in them’), has been explained as a paraphrastic translation that communicates the pleasure that a husband has for his wife, and which almost certainly arose due to the translator’s desire to remove the anthropomorphism.⁵³¹ This reading is clearly at odds with the LXX reading of **καὶ ἐγὼ ἠμέλησα αὐτῶν** (‘and I myself neglected them’), and there is no reconciling these two disparate interpretive translations. What is intriguing, then, is that if Schenker’s argument is tweaked, it could help us account for the Targum’s rendering of Jer 31:31–34. That is, whereas Schenker argues that the MT evidences theologically-motivated scribal changes at the level of the consonantal text which were made sometime in the beginning of the Hasmonean period, it is possible (and even more likely, to my mind) that the MT preserved the consonantal text of **וְאֲנִי בְעֵלְתִּי בָּם**, but that an alternate, theologically-motivated *interpretive* tradition (rather than *textual* tradition) arose which is reflected in the Targum’s rendering of Jer 31:32.⁵³² If this was indeed the case, the LXX almost certainly reflects the earlier interpretive tradition, whereas the Targum reflects the later one. But when did this tradition arise? And under what circumstances? Could it have been in the early Hasmonean period, as Schenker suggests? And is it possible to isolate other examples in Jeremiah that support the idea that the LXX and Targum represent two alternate interpretive traditions? If so, what is the MT reading in each of these cases? As these questions indicate, further research would be welcome that not only addresses the relationship between the LXX and MT of Jeremiah, but which also addresses the Targum.

⁵³¹ Hayward, *The Targum of Jeremiah*, 12:134–35.

⁵³² As argued in Chapter 2, the phrase **וְאֲנִי בְעֵלְתִּי בָּם** in Jer 31:32 is best interpreted as ‘and I myself rejected them’ rather than ‘but I was their husband’. This ‘correct’ (albeit paraphrastic) translation is reflected in the LXX and Syr. versions.

2. The nature of the relationship between the Essene and early Christian communities

According to one major view in biblical scholarship, the significance of the ‘new covenant’ passage (Jer 31:31–34 [LXX 38:31–34]) for the early Christian community can hardly be overstated. The NT author of the book of Hebrews cites this passage twice—once in full (Heb 8:8b–12) and once in an abridged format (10:16–17)—as a ‘proof-text’ to support his argument that the ‘new covenant’ (διαθήκην καινήν) mediated by Christ had rendered the cultic order prescribed under the Mosaic covenant obsolete.⁵³³ In 2 Corinthians 3, the Apostle Paul contrasts his role as one among the ‘ministers of a new covenant’ (διακόνους καινῆς διαθήκης; 3:6) with previous ministry under ‘the old covenant’ (τῆς παλαιᾶς διαθήκης; 3:14)—i.e., the Mosaic covenant.⁵³⁴ Furthermore, Luke 22:20 and 1 Cor 11:25 bear witness to an early tradition of Jesus’ Last Supper teaching that associated the Lord’s Cup (i.e., the Eucharist) with the ratification of ‘the new covenant’ (ἡ καινὴ διαθήκη) through the shedding of his blood on the cross.⁵³⁵ Given the historical significance of the new covenant passage—both for the early Christian community (as attested in the NT) as well as for the Christian community thereafter (principally by way of the Eucharist), it is no surprise that many biblical scholars have come to regard Jer 31:31–34 as one of the most significant prophecies in the entire HB.⁵³⁶

⁵³³ The term ‘new covenant’ also appears in Heb 9:15 (διαθήκης καινῆς) and 12:24 (διαθήκης νέας). For a more complete discussion of the ‘new covenant’ as presented in the book of Hebrews, see, e.g.: Susanne Lehne, *The New Covenant in Hebrews*, vol. 44, JSNTSup (Sheffield: Sheffield Academic Press, 1997). See esp. 50, 117; Jack R. Lundbom, *Jeremiah 21-36: A New Translation with Introduction and Commentary*, AB 21B (New York: Doubleday, 2004), 478; James Moffatt, *A Critical and Exegetical Commentary on the Epistle to the Hebrews*, ICC 40 (Edinburgh: T&T Clark, 1924), 107–11. It is worth noting here that the author of Hebrews presents the clearest NT interpretation of the ‘new covenant’ as distinct from the Mosaic covenant.

⁵³⁴ See, e.g.: Victor Paul Furnish, *II Corinthians: Translated, with Introduction, Notes, and Commentary*, AB 32A (Garden City, NY: Doubleday, 1984), 197–229.

⁵³⁵ See, e.g.: Joseph A. Fitzmyer, *First Corinthians: A New Translation with Introduction and Commentary*, AB 32 (London: YUP, 2008), 429–32 and 442–44.

⁵³⁶ Gerhard von Rad, e.g., has stated that Jer 31:31–34 ‘towers right above any previous prophetic tradition.’ See: Gerhard von Rad, *Old Testament Theology*, vol. 2 (London: SCM Press, 1975), 212. Note: This work is an English translation of the earlier German version: Gerhard von Rad, *Theologie des Alten Testaments*, vol. 2, Einführung in die evangelische Theologie (München: C. Kaiser, 1960). Similarly, J. A. Thompson notes that this passage ‘represents one of the deepest insights in the whole OT.’ See: J. A. Thompson, *The Book of Jeremiah*, NICOT (Grand Rapids: Eerdmans, 1980), 580. It should be noted, however, that not all scholars agree. Carroll, e.g., refers to Jer 31:31–34 as ‘a minor and prosaic hope for the future’ and states that although this passage is ‘often identified with the new covenant of the New Testament’, such an identification is ‘irrelevant for the meaning of the text.’ See: Robert Carroll, *Jeremiah: A Commentary*, OTL (Philadelphia: Westminster Press, 1986), 612. Carroll’s view will be refuted in Chapter 2.

As discussed in this study, one other major view in scholarship is that Jesus and his early followers were not the first to appropriate the new covenant passage of Jer 31:31–34 in order to define and legitimize their movement. Rather, more than a century prior, the Essene community appropriated this passage to sanction its separation from the Judean establishment centered at the Temple in Jerusalem. Significantly, however, in contrast to the early Christian community’s interpretation of this passage, the Essenes understood the ‘new covenant’ (ברית חדשה) of Jer 31:31–34 as a prophecy that referred to their community’s eschatological renewal of the Mosaic covenant—a covenant that they referred to as ‘the new covenant in the land of Damascus’ (הברית החדשה בארץ דמשק) (see, e.g., CD 6:19).⁵³⁷

The majority opinion that the Essenes came to a fundamentally different interpretation of the ‘new covenant’ passage of Jer 31:31–34 has led many scholars to conclude that the Essenes and early Christians were two distinct communities. Timothy Lim, e.g., while acknowledging that the Essene and early Christian communities share many similarities—e.g., both were sectarian groups that were a part of the ‘same intellectual milieu’ and ‘shared a similar hermeneutic approach that is distinguishable from common Judaism’—, suggests that they were ultimately two distinct communities that disagreed on how Jer 31:31–34 was to be interpreted.⁵³⁸ He writes:

⁵³⁷ To my knowledge, R. H. Charles was the first scholar to suggest that the term ‘new covenant’ in CD was dependent on Jer 31:31. See: R. H. Charles, *The Apocrypha and Pseudepigrapha of the OT*, vol. 2 (Oxford: Clarendon Press, 1913), 792. Following the discovery of the DSS, E. Sutcliffe maintained this connection with Jer 31:31 and wrote that for the Qumran community, this new covenant ‘was not new but a renovation, new insistence on the Covenant and the accompanying [Mosaic] Law’. See: Edmund F. Sutcliffe, *The Monks of Qumran, as Depicted in the Dead Sea Scrolls* (London: Burns & Oates, 1960), 76. The majority (but not all) of DSS scholars since have agreed with Sutcliffe’s assessment. See, e.g.: Steven D. Fraade, *The Damascus Document*, The Oxford Commentary on the Dead Sea Scrolls (Oxford: University Press, 2021), 57; Timothy H. Lim, *The Earliest Commentary on the Prophecy of Habakkuk* (Oxford: OUP, 2020), 46; John J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids, MI: Eerdmans, 2010), 24; Géza Vermès, *The Dead Sea Scrolls in English*, 4th ed. (Sheffield: Sheffield Academic Press, 1995), 42–43.

⁵³⁸ See: Timothy H. Lim, “Qumran Scholarship and the Study of the Old Testament in the New Testament,” *JSNT* 38, no. 1 (2015): 72–74. It is important to note that Lim treats ‘the Essenes, the *yahad*, and the urban community as overlapping, yet different’ and refrains from considering these groups as ‘an undifferentiated “Qumran Essenism”’. Similarly, in regard to the early Christian community, he distinguishes between ‘the Jerusalem church and the Pauline congregations dispersed in various corners of the Mediterranean world’ and suggests that ‘early Christianity was no more monolithic than its Qumran-Essene counterparts’. While Lim is right to emphasize the nuances within the Essene and early Christian communities, the interest here is on understanding how these communities as a whole came to interpret Jer 31:31–34 as evidenced in the literary corpora (i.e., the DSS and NT, respectively) that bound these various sub-communities together. See: Timothy H. Lim, “Towards A Description of The Sectarian Matrix,” in *Echoes from the Caves: Qumran and the New Testament*, ed. F. García Martínez, vol. 85, *STDJ* (2009): 10–11.

The sectarian interpreters focused exclusively on the first two verses of Jer. 31 [i.e., Jer 31:31–34]. There is no accompanying comment on the internalization of the law in vv. 33 and 34, because the promise of restoration was understood to be the renewal of the old covenant, and not the expectation of something entirely new. The sectarians are admonished to return to careful observance of the law rather than to abandon the practice of teaching the law to each other. By stark contrast, the New Testament understood Jer. 31.31–34 to be prophesying a new dispensation as inaugurated in the life and death of Jesus.⁵³⁹

Elsewhere, Lim suggests that although ‘both [communities] drew on the promise of restoration in Jer 31:31–34...it seems that while the Qumran Community stopped at v. 32 with the new covenant in contrast to that which was established with their fathers, Paul emphasized vv. 33–34 and the internalization of the torah.’⁵⁴⁰

As mentioned above, Lim’s view that the Essenes and early Christian community were two distinct communities that came to two different interpretations of Jeremiah’s ‘new covenant’ falls in line with the majority opinion in biblical and DSS scholarship.⁵⁴¹ Significantly, however, one of the main contentions in Chapter 3 of this study is that the Essenes never intended their ‘new covenant (in the land of Damascus)’—a covenant referred to only in D and 1QpHab—to be understood as an appropriation of the ‘new covenant’ of Jer 31:31–34; rather, despite their use of the same term ברית חדשה, the Essenes viewed their ‘new covenant (in the land of Damascus)’ as the ultimate and eschatological renewal of the Mosaic covenant that was to precede a *yet future* covenant that would be ‘cut’ (כרת). Furthermore, it is this *yet future* covenant anticipated in the

⁵³⁹ See: Lim, “Qumran Scholarship and the Study of the Old Testament in the New Testament,” 73.

⁵⁴⁰ Lim, “Studying the Qumran Scrolls and Paul in Their Historical Context,” 141. Lim also writes, ‘in the Qumran Community ברית חדשה does not mean “new covenant” but “renewed covenant” as a concept of the community’s self-designation. Jeremiah’s prophecy did not lead them to a rejection of the old covenant, but its renewal...By stark contrast, for Paul ἡ καινὴ διαθήκη, properly understood, means the gospel as passed on to him about the theological significance of Jesus’s death and resurrection (1 Cor 11:25, “This cup is the new covenant in my blood”).’ See: Lim, 140.

⁵⁴¹ See, e.g.: John J. Collins, *Beyond the Qumran Community: The Sectarian Movement of the Dead Sea Scrolls* (Grand Rapids, Mich: Eerdmans, 2010), 12–51 (see esp. 24); Géza Vermès, *The Dead Sea Scrolls: Qumran in Perspective*, Revised (third) edition. (London: SCM, 1994), 191–95. It should be noted, however, that Lim’s proposal that the Essenes and early Christian community were two distinct communities that came to distinct interpretations of the new covenant passage due to their emphasis on different halves of the prophecy is relatively unique among scholarship in that it begins to address the question of ‘how’ or ‘why’ the Essenes came to their particular interpretation of the new covenant (and why this interpretation differed from that of the early Christian community). More commonly, scholars pass over this ‘how’ or ‘why’ question altogether.

DSS—and not the ‘new covenant (in the land of Damascus)’ of D and 1QpHab—that bears a close resemblance, conceptually speaking, to the ‘new covenant’ of Jer 31:31–34. In other words, it seems that the initiation (and fulfilment) of the ‘new covenant’ prophesied in Jer 31:31–34 was a yet future hope for the Essenes, as evidenced in part by their anticipation of a yet future atonement—a significant aspect of the new covenant prophecy of Jer 31:31–34—and by their use of כרת + obj. ברית with reference to a yet future covenant in other DSS texts (see 4Q470 and 4Q434) which bears clear similarities with the new covenant of Jer 31:31–34.

If the Essene ‘new covenant (in the land of Damascus)’ was indeed never intended to be presented as a fulfilment of Jer 31:31–34, it follows that the Essenes did not, after all, come to a drastically different interpretation of the new covenant passage than the early Christian community. Furthermore, if the views of these two communities regarding the ‘new covenant’ of Jer 31:31–34 are no longer ‘mutually incompatible’, it follows that their relationship should be seriously reconsidered, especially since the supposed disparate interpretations of the ‘new covenant’ in Jer 31:31–34 held by the Essenes and the early Christian community accounts for one of the biggest arguments in favor of the majority view that the two communities were not related in a linear sense.

Indeed, perhaps one of the most valuable contributions of this study lies in its implicit call for a reconsideration of the current consensus view of the relationship between the Essenes and the early Christian community. From the voluminous scholarship that seeks to characterize this relationship, Geza Vermès has distilled three major theories: (1) the Essene and early Christian communities are one and the same (e.g., Jesus is the Teacher of Righteousness); (2) the early Christian community is an offshoot of the Essene community; and, (3) the Essene and early Christian communities are both offshoots ‘from the same common stock, the Judaism of that period’.⁵⁴² Vermès rightly rejects the first theory as ‘so implausible as to need no further rebuttal’. While he is less forceful in his dismissal of the second theory, he ultimately opts for the third theory as that which best explains the relationship between the Essenes and early Christian community.⁵⁴³

⁵⁴² See: Vermès, *The Dead Sea Scrolls*, 191. For a general overview of scholarship discussing the relationship between the DSS and early Christianity (e.g., the early Christian figures John the Baptist and Jesus as well as the NT gospels), see: VanderKam and Flint, *The Meaning of the Dead Sea Scrolls*, 330–45.

⁵⁴³ See: Vermès, 191–93.

As Vermès acknowledges, this third theory ‘presupposes that the Qumran sectarian writings and the New Testament represent two independent movements in pursuit of similar ideals.’⁵⁴⁴ Thus, the idea that the Essenes came to a drastically different understanding of the new covenant prophecy in Jer 31:31–34 than the early Christian community poses no problem for him, and in fact is to be expected, since according to this theory the two communities existed and operated independently of one another. (As we have seen, Vermès is hardly alone in this line of thought.) Yet while Vermès himself dismisses this theory, he recognizes some of its advantages and is not entirely unsympathetic toward it. He writes, e.g., that ‘Essenism as the mother of Christianity is of course not an impossible notion.’ Furthermore, although he considers the Essene and early Christian communities to have been ‘two independent movements’, he remains open nonetheless to the possibility of ‘a direct Essene influence on the early church’ in certain instances. For Vermès, André Dupont-Sommer has advanced the most convincing arguments for this theory. In Dupont-Sommer’s work *The Essene Writings from Qumran*, he concludes:

The documents from Qumran make it plain that the primitive Christian Church was rooted in the Jewish sect of the New Covenant, the Essene sect, to a degree none would have suspected, and that it borrowed from it a large part of its organization, rites, doctrines, ‘patterns of thought’ and its mystical and ethical ideals. Many of these borrowings must, I think, have been apparent...to all with some knowledge of the Christian New Testament and more or less acquainted with the problems of the history of Christian origins.⁵⁴⁵

Dupont-Sommer is but one of several scholars who have suggested that the similarities between the Essenes and early Christian community are too significant to rule out the possibility of a linear relationship between these communities.⁵⁴⁶

⁵⁴⁴ See: Vermès, 193.

⁵⁴⁵ André Dupont-Sommer, *The Essene Writings from Qumran*, trans. Géza Vermès (Oxford: Blackwell, 1961), 373.

⁵⁴⁶ For a brief discussion of these similarities (as well as some differences), see, e.g.: James C. VanderKam and Peter W. Flint, *The Meaning of the Dead Sea Scrolls: Their Significance for Understanding the Bible, Judaism, Jesus, and Christianity* (New York: HarperCollins, 2004), 330–78; Géza Vermès, *The Dead Sea Scrolls: Qumran in Perspective*, Revised (third) edition. (London: SCM, 1994), 191–201.

If the early Christian community was indeed an offshoot of Essenism, this would help resolve many questions pertaining to early Christian origins, only one of which will be considered here—namely, the enigmatic upbringing and ministry of John the Baptist. According to the NT gospel of Luke, John the Baptist was ‘in the desert’ (ἐν ταῖς ἐρήμοις) from the time he was a young child until the start of his public ministry (Luke 1:80). As scholars have pointed out, when the observations that John was of priestly background and that his parents were elderly at the time of his birth (Luke 1:7, 18) are combined with Josephus’s comment that the Essenes adopted and raised children, conforming them to their teaching (see *J.W.* 2.8.2), that John’s time ‘in the desert’ was spent with the Essenes (and in particular, the Essene community at Qumran) seems as likely a conclusion as any. Indeed, this gives a simple explanation not only for how John received his training in the Scriptures, but also for why his teaching bears such a resemblance to Essene teaching as found in the DSS.⁵⁴⁷

An Essene upbringing and ministry helps explain one other aspect of John’s ministry—namely, the large number of people receptive to his teaching (see Matt 3; Mark 1; Luke 1–3; 7:18–35; John 1; 3:22–36). According to Josephus, the Essenes formed one of three major groups of Jews in the late Second Temple Period (the other two being the Pharisees and Sadducees), with adherents in the thousands (*Ant.* 13.5.9; 18.1.2–5; *J.W.* 2.8.2; *Life* 2). Philo notes their prevalence throughout Judea and relatively large population of adherents as well (*Hypoth.* 11.1). These statements correspond well with both Mark’s mention of the large number of Judeans and Jerusalemites that went out to receive John’s teaching and baptism (Mark 1:5) as well as Matthew’s comment on John’s antagonism toward the Pharisees and Sadducees (Matt 3:7–10).

One final aspect of John the Baptist’s ministry is worth mention. Although relatively little of John’s actual teaching is recorded in the gospels, its similarity with Essene teaching together with the application of certain HB Scriptures to John in the NT gospels suggest that his teaching emphasized obedience to the Mosaic Torah.⁵⁴⁸ Significantly, one of the major reasons Vermès

⁵⁴⁷ See, e.g.: VanderKam and Flint, *The Meaning of the Dead Sea Scrolls*, 330–32.

⁵⁴⁸ One such example of the former is John’s application of Isa 40:3 to his ministry (Matt 3:3; Mark 1:3; Luke 3:4; John 1:23), the same verse which the Essenes apply to their ‘interpretation of the Torah’ (מדרש התורה) which was to prepare the way for the Messiah (see IQS 8:12–16). See: VanderKam and Flint, 231–32. One such example of the latter involves the application of Mal 3:23–24 [Eng 4:5–6] to John in Luke 1:17. In its context, the role of the figure in Malachi is intimately associated with obedience to the Mosaic Torah (see Mal 3:22).

rejects the idea that the early Christian community was an offshoot of the Essene community is that ‘the heavy emphasis on the punctilious observance of the Mosaic Law at Qumran is so greatly in contrast to the place given to it in the Gospels that a linear descent from one to the other seems extremely improbable.’⁵⁴⁹ Yet just as the ministries of John the Baptist and Jesus are understood in a complementary (rather than contrasting) and linear fashion in the NT gospel accounts, it is possible to understand the relationship between the Essene community and the early Christian community in this same way.

C. Conclusion

To conclude, let us return to the questions which prompted this study: In light of the additional material provided by the 4QD Fragments, what is the Essene concept of the ‘new covenant (in the land of Damascus)’? And, more significantly, how did the Essenes come to their understanding of this covenant? Is their use of the term ‘new covenant’ in the DSS indeed an indication that they sought to present their ‘new covenant (in the land of Damascus)’ as an appropriation and/or fulfillment of Jer 31:31–34, as the majority of scholarship suggests? Or, on the other hand, is there a better explanation that accounts for their use of this term? After a careful consideration of the relevant evidence, it was argued that these questions are best answered as follows: The Essenes viewed their ‘new covenant (in the land of Damascus)’ as the eschatological renewal of the Mosaic covenant which YHWH had made with the faithful remnant of Israel during their sojourn ‘in the land of Damascus’ (quite literally) and which was to be in effect ‘until’ (עד) the coming of the Messiah and his provision of atonement (CD 14:19) and his ‘cutting’ (כרת) of a yet future covenant (4Q470). Strikingly, it is this yet future covenant—and *not* ‘the new covenant (in the land of Damascus)’ of D and 1QpHab—which, at least conceptually speaking, bears a close resemblance to the ‘new covenant’ of Jer 31:31–34. This, coupled with the observation that the DSS attest to a number of instances where the Essenes refer to the concept of ‘renewing’ (חדש; Pi.) covenants that had nothing to do with the ‘new covenant’ of Jer 31:31–34—see, e.g., ‘the covenant of the eternal priesthood’ (1QSb 3:26) and the Davidic covenant (1QSb 5:20–23)—could suggest that despite using the Essene use of term ברית חדשה (‘new covenant’) to describe the covenant that was so foundational to their

⁵⁴⁹ See: Vermès, *The Dead Sea Scrolls*, 192–93.

community, this was not an attempt to appropriate and/or present their community's covenant as a fulfillment of the new covenant prophecy of Jer 31:31–34.

APPENDIX I: THE TRANSLATION OF תורה and תורות/תורת in the LXX

Cases where MT and LXX have plural	Cases where MT has plural and LXX has singular	Cases where MT has singular and LXX has plural	Cases where MT has singular and LXX has a translation other than νόμος/νόμους or a minus
Gen 26:5* Ezek 43:11* Ezek 44:5* Ezek 44:24* Neh 9:13**	Exod 16:28* Exod 18:16** Exod 18:20** Lev 26:46** Isa 24:5 Ps 105:45** Dan 9:10	2 Kgs 14:6 (LXX 4 Kgdms 14:6) Jer 26:4 (LXX 33:4) Jer 31:33 (LXX 38:33) Prov 3:1	2 Kgs 21:8 (minus) Isa 42:4 (τῷ ὀνόματι αὐτοῦ) Isa 42:21 (minus) Jer 44:10 (LXX 51:10) (minus or τῶν προσταγμάτων μου) Ezek 43:12 (τὴν διαγραφὴν) Job 22:22 (ἐξηγορίαν) Prov 1:8 (θεσμούς μητρός) (pl.) Prov 6:20 (θεσμούς μητρός σου) (pl.) Prov 7:2 (τοὺς δὲ ἐμούς λόγους) (pl.) Dan 9:13 (διαθήκη Μωσῆ) 2 Chr 12:1 (τὰς ἐντολάς κυρίου) (pl.) 2 Chr 19:10 (προστάγματος) 2 Chr 30:16 (τὴν ἐντολὴν Μωυσῆ) 2 Chr 31:4 (ἐν τῇ λειτουργίᾳ οἴκου κυρίου) Neh 12:44 (minus)

* indicates an unclear consonantal form (i.e., ignoring the MT vocalization, the term could be vocalized as sg. or pl.) in addition to the presence of other plural terms in the same semantic category (e.g., מצות, משפטים, חקות, etc.) in the immediate context

** indicates both a clear plural form and the presence of other plural terms in the same semantic category in the immediate context

APPENDIX II: כרת + obj. ברית VERSUS הקים + obj. ברית IN THE HB

A. כרת + obj. ברית

1. With reference to past or present covenants

a. Abrahamic Covenant	
Gen 15:18	On that day YHWH <i>cut</i> (כרת) a covenant with Abraham, saying, ‘To your offspring I give this land...’
Neh 9:8	‘and you found his [i.e., Abraham’s] heart faithful before you, <i>cutting</i> (וכרות) with him the covenant to give the land...’
Ps 105:8–9	He has remembered his covenant forever, a word he commanded for a thousand generations, which <i>he cut</i> (כרת) with Abraham...

b. Mosaic covenant (at Horeb/Sinai)	
Exod 24:8	And Moses took the blood and threw it upon the people, and he said, ‘Behold, the blood of the covenant that YHWH <i>has cut</i> (כרת) with you all according to all these words.’
Exod 34:10	And he [i.e., YHWH] said, ‘Behold, I myself am <i>cutting</i> (פִּרַת) a covenant. Before all your people I will perform wonders...’
Exod 34:27	And YHWH said to Moses: ‘Write for yourself these words, for according to these words <i>I have cut</i> (כרתִי) a covenant with you and with Israel.’
Deut 4:23	‘You should be careful, lest you forget the covenant of YHWH your God that <i>he cut</i> (כרת) with you all...’
Deut 5:2	‘YHWH our God <i>cut</i> (כרת) a covenant with us at Horeb.’
Deut 5:3	‘Not with our fathers did YHWH <i>cut</i> (כרת) this covenant, but with us, we ourselves, these here today, all of us who are living.’
Deut 9:9	‘When I went up the mountain to receive the stone tablets, the tablets of the covenant that YHWH <i>cut</i> (כרת) with you all...’
Deut 28:69 [Eng 29:1]	These are the words of the covenant that YHWH commanded Moses to cut with the children of Israel in the land of Moab, in addition to the covenant that <i>he [i.e., YHWH] cut</i> (כרת) with them at Horeb.
2 Kgs 17:15	And they rejected his decrees and his covenant that he [i.e., YHWH] <i>cut</i> (כרת) with their fathers...
2 Kgs 17:35	...and YHWH <i>cut</i> (ויכרת) a covenant with them and commanded them, ‘Do not fear other gods...’
2 Kgs 17:38	...and the covenant that <i>I [i.e., YHWH] cut</i> (כרתִי) with you all, you shall not forget...
Jer 34:13	Thus says YHWH, the God of Israel, ‘ <i>I myself cut</i> (כרתִי) a covenant with your fathers in the day I led them out of the land of Egypt, out of the house of slavery...’
2 Chr 6:11	‘And I [i.e., King Solomon] set the ark there, in which is the covenant of YHWH which <i>he cut</i> (כרת) with the sons of Israel.’

<i>c. Renewals of the Mosaic covenant</i> ⁵⁵⁰		
(1) Moses (on Plains of Moab)	Deut 28:69 [Eng 29:1]	These are the words of the covenant that YHWH commanded Moses <i>to cut</i> (לכרת) with the children of Israel in the land of Moab, in addition to the covenant that he cut with them at Horeb.
	Deut 29:9–11 [Eng 29:10–12]	‘You yourselves are stationed here today, all of you, before YHWH your God...to enter into the covenant of YHWH and into his oath that YHWH your God <i>is cutting</i> (פָּרַת) with you today...
	Deut 29:13–14 [Eng 29:14–15]	‘...and it is not with you all alone that I [i.e., Moses] <i>am cutting</i> (פָּרַת) this covenant and this oath, but with him who is standing here with us today before YHWH our God as well as those who are not here with us today.’
(2) Joshua	Josh 24:25	<i>And Joshua cut</i> (ויכרת) a covenant for the people on that day, and he set for them a decree and judgment at Shechem.
(3) Jehoiada	2 Kgs 11:17	<i>And Jehoiada cut</i> (ויכרת) a covenant between YHWH and between the king and between the people in order to be the people of YHWH...
	2 Chr 23:3	<i>And the whole congregation cut</i> (ויכרת) a covenant with the king in the house of God...
	2 Chr 23:16	<i>And Jehoiada cut</i> (ויכרת) a covenant between him [i.e., YHWH] and between all the people and between the king, in order to be the people of YHWH...
(4) Hezekiah	2 Chr 29:10	‘Now it is in my heart <i>to cut</i> (לכרות) a covenant with YHWH, the God of Israel, so that the burning of his anger might turn away from us.’
(5) Josiah	2 Kgs 23:3	And the king stood beside the pillar <i>and he cut</i> (ויכרת) a covenant before YHWH to walk after YHWH and to keep his commands and his testimonies and his decrees with all his heart and with all his soul...and all the people stood in the covenant.
	2 Chr 34:31	And the king stood beside the pillar <i>and he cut</i> (ויכרת) a covenant before YHWH to walk after YHWH and to keep his commands and his testimonies and his decrees with all his heart and with all his soul...
(6) Zedekiah	Jer 34:8	The word that came to Jeremiah from YHWH after King Zedekiah <i>cut</i> (פָּרַת) a covenant with all the people that were in Jerusalem to proclaim liberty...

⁵⁵⁰ Renewals of the Mosaic covenant can be distinguished from the original ratification of the Mosaic covenant on Sinai/Horeb in that whereas the original ratification on Sinai/Horeb is carried out by YHWH (note how YHWH is the subject of the verb כרת in these examples), the subsequent renewals of this covenant are carried out by human individuals. While Deut 29:9–11 *prima facie* appears to be a lone exception to this (note how YHWH is the subject of the verb כרת and the ברית in view is the covenant renewal which took place in Moab rather than the original covenant ratification at Sinai/Horeb), this can be explained by the following two observations: (1) later in the same passage it is clarified that Moses is in fact the one who ‘cuts’ the covenant with the people (see 29:13 [Eng 29:14]); and (2) it is clarified in Deut 5:2–3 that YHWH’s original ‘cutting’ of the covenant on Sinai remained in effect for the second generation. (It is worth adding that Deut 29:13–14 [Eng 29:14–15] implies the same concept, but refers to the future generations beyond the second generation of Israelites following the Exodus.)

	Jer 34:15	‘You yourselves repented today and did what was right in my eyes, proclaiming liberty, a man to his neighbor, <i>and you all cut</i> (ותכרתו) a covenant before me in the house that is called by my name.’
	Jer 34:18	‘And I will place the people who transgressed my covenant—those who did not maintain the words of the covenant that <i>they cut</i> (כרתו) before me—like the calf that they cut into two and passed between its parts.
(7) Ezra	Ezra 10:3	‘And now, <i>let us cut</i> (נכרת) a covenant with our God to lead out all the woman and those born from them according to the counsel of my Lord and the ones who tremble at the command of our God...’

d. Davidic covenant		
2 Chr 21:7		But YHWH was not willing to destroy the house of David on account of the covenant that <i>he had cut</i> (כרת) with David...
Ps 89:4–5 [Eng. 89:3–4)		‘I [i.e., YHWH] <i>have cut</i> (כרתי) a covenant with my chosen one, I have sworn to David my servant: “I will establish your offspring forever, and I will build your throne for all generations.”’

e. Miscellaneous covenants:

Abraham with Abimelech (Gen 21:27, 32); Isaac with Abimelech (Gen 26:28); Laban with Jacob (Gen 31:44); command not to make covenant with foreigners/inhabitants of the land or their gods (Exod 23:32; 34:12, 15; Deut 7:2; Judg 2:2); the Gibeonites and Israelites (Josh 9:6, 7, 11, 15, 16); Jonathan with David (1 Sam 18:3; 23:18); Abner with David (2 Sam 3:12, 13); elders of Israel with David (2 Sam 3:21; 5:3 // 1 Chr 11:3); Hiram with Solomon (1 Kgs 5:26); Ben-hadad with Ahab (1 Kgs 20:34); Jehoiada with the Carites (2 Kgs 11:4); Nahash the Ammonite with the men of Jabesh (1 Sam 11:1); Ephraim (Israel) with Assyria (Hos 12:2); King of Babylon (i.e., Nebuchadnezzar) with royal offspring of Judah (Ezek 17:13); Job with his eyes (Job 31:1); Leviathan with Job (by implication, with God) (Job 41:4); covenant the nations make together against God (Ps 83:6–8); covenant with death (Isa 28:15); either a reference to the Mosaic covenant, a renewal of the Mosaic covenant, or a reference to the making of a covenant in general (Hos 10:4; Ps 50:5); Yahweh’s covenant with the nations (Zech 11:10)

2. With reference to future covenants

a. Covenant of peace	
Hos 2:20	‘ <i>And I [i.e., YHWH] will cut (וכרתי) a covenant with them on that day, with the animals of the field and with the birds of the heavens and the creatures that creep on the ground, and the bow and the sword and war I will break from the land, and I will cause them to lie down in safety.</i> ’
Ezek 34:25	‘ <i>And I [i.e., YHWH] will cut (וכרתי) a covenant of peace with them, and I will cause the harmful animals to cease from the earth, and they will dwell in the wilderness in security, and sleep in the woods.</i> ’
Ezek 37:26	‘ <i>And I [i.e., YHWH] will cut (וכרתי) a covenant of peace with them. It will be an everlasting covenant with them, and I will establish them and multiply them and set my sanctuary among them forever.</i> ’

b. Everlasting covenant	
Isa 55:3	Incline your ear, and come to me; listen, that your soul may live. <i>Indeed, let me cut (ואכרתה) an everlasting covenant with you, the sure mercies to David.</i>
Isa 61:8	For I, YHWH, am one who loves justice and hates robbery and wrongdoing. And I will give them their recompense in truth, and an everlasting covenant <i>I will cut (אכרות) with them.</i>
Jer 32:40	‘ <i>And I will cut (וכרתי) an everlasting covenant with them, so that I will not turn away from doing good for them, and I will set the fear of me in their hearts, so that they will not turn away from me.</i> ’
Ezek 37:26	‘ <i>And I [i.e., YHWH] will cut (וכרתי) a covenant of peace with them. It will be an everlasting covenant with them, and I will establish them and multiply them and set my sanctuary among them forever.</i> ’

c. New covenant	
Jer 31:31	‘Behold, days are coming,’ declares YHWH, ‘ <i>when I will cut (וכרתי) a new covenant with the house of Israel and the house of Judah.</i> ’
Jer 31:33	‘Rather, this is the covenant that <i>I will cut (אכרת) with the house of Israel after those days,</i> ’ declares YHWH. ‘I will set my law within them, and upon their hearts I will write it...’
Jer 32:40	‘ <i>And I will cut (וכרתי) an everlasting covenant with them, so that I will not turn away from doing good for them, and I will set the fear of me in their hearts, so that they will not turn away from me.</i> ’

B. ברית + הקים + obj.

1. With reference to past or present covenants

a. Noahic covenant	
Gen 6:18	‘ <i>But I will establish</i> (והקמת) my covenant with you, and you shall enter into the ark—you, and your sons and your wife and the wives of your sons with you.’
Gen 9:9	‘As for me, behold, <i>I am establishing</i> (מקים) my covenant with you and with your offspring after you...’
Gen 9:11	‘ <i>I hereby establish</i> (והקמת) my covenant with you all, that all flesh will not be cut off again by the waters of the great flood, and there will not be again a great flood to destroy the earth.’
Gen 9:17	And God said to Noah, ‘This is the sign of the covenant that <i>I have established</i> (הקמת) between me and between all flesh that is upon the earth.’

b. Abrahamic covenant	
Gen 17:7	‘ <i>And I will maintain</i> (והקמת) my covenant between me and you and your offspring after you throughout their generations as an everlasting covenant, to be God to you and to your offspring after you.
Gen 17:19	And God said, ‘Rather, Sarah, your wife, will bear you a son, and you are to call his name Isaac. <i>And I will maintain</i> (והקמת) my covenant with him as an everlasting covenant, as well as his offspring after him.’
Gen 17:21	‘...but my covenant <i>I will maintain</i> (אקים) with Isaac, whom Sarah will bear at this time next year.’
Exod 6:4	‘ <i>And I also maintained</i> (והקמת) my covenant with them to give them the land of Canaan, the land of their sojourning in which they sojourned.’
Deut 8:18	‘But remember YHWH your God, for he is the one who gives to you strength to acquire wealth, in order to <i>maintain</i> (הקים) his covenant that he swore to your fathers as it is this day.’

c. Mosaic covenant	
Lev 26:9	‘...and I will turn to you and make you fruitful, and I will cause you to multiply, <i>and I will maintain</i> (והקימת) my covenant with you.’

d. Renewals of the Mosaic covenant		
Josiah	2 Kgs 23:3	And the king stood beside the pillar and he cut a covenant before YHWH to walk after YHWH and to keep his commands and his testimonies and his decrees with all his heart and with all his soul, <i>to maintain</i> (להקים) all the words of this covenant that are written according to this scroll, and all the people stood in the covenant.
Zedekiah	Jer 34:18	‘And I will place the people who transgressed my covenant—those who <i>did not maintain</i> (לא הקימו) the words of the covenant that they cut before me—like the calf that they cut into two and passed between its parts.

2. With reference to a future covenant⁵⁵¹

Ezek 16:60	‘Yet I myself will remember my covenant with you in the days of your youth, <i>and I will establish</i> (והקמותי) with you an eternal covenant.
Ezek 16:62	‘ <i>And I myself will establish</i> (והקמותי) my covenant with you, and you will know that I am YHWH.’

⁵⁵¹ As Block has rightly pointed out, the covenant in view in Ezek 16:60 and 16:62 is best understood as the Abrahamic covenant. See: Daniel I. Block, *The Book of Ezekiel: Chapters 1–24*, vol. 1, NICOT (Cambridge: William B. Eerdmans Publishing Company, 2007), 517–18. Because of the similarities between Ezek 16:60–63 and Jer 31:31–34, Block has suggested that the new covenant, like the ‘eternal covenant’/Abrahamic covenant of Ezek 16:60–63, represents a covenant renewal. Yet this overlooks the clear distinction between כרת + obj. ברית and הקים + obj. ברית argued for in this thesis and demonstrated both in this appendix and in Appendix V. It is better, therefore, to maintain a distinction between the new covenant of Jer 31:31–34 and the ‘eternal covenant’/Abrahamic covenant of Ezek 16:60–63. While the new covenant may be the means by which the ‘eternal covenant’/Abrahamic covenant of Ezek 16:60–63 is (re-)established, the new covenant is best understood as a distinct covenant that required its own ratification, nonetheless. For a similar example, consider the Mosaic covenant, which was ‘cut’ (כרת) by YHWH at Sinai (Exod 24:8) and was regarded as a distinct covenant from the Abrahamic covenant, and yet was also regarded as the means by which the Abrahamic covenant was maintained prior to the Exile.

APPENDIX III: A COMPARISON OF JER 31:31–34 (LXX 38:31–34) IN THE LXX AND MT

Verse	LXX	Translation	MT	Translation
31	Ἴδου ἡμέραι ἔρχονται, φησὶν κύριος, καὶ διαθήσομαι ⁵⁵² τῷ οἴκῳ Ἰσραὴλ καὶ τῷ οἴκῳ Ἰουδα διαθήκη καινὴν,	‘Look, days are coming,’ says the LORD, ‘when I will make with the house of Israel and with the house of Judah a new covenant,	הִנֵּה יָמִים בָּאִים נְאֻם־יְהוָה וְכָרַתִּי אֶת־בְּרִית יִשְׂרָאֵל וְאֶת־בְּרִית יְהוּדָה בְּרִית חֲדָשָׁה:	‘Behold, days are coming,’ declares YHWH, ‘when I will cut with the house of Israel and with the house of Judah a new covenant—
32a	οὐ κατὰ τὴν διαθήκην, ἣν διεθέμην τοῖς πατράσιν αὐτῶν ἐν ἡμέρᾳ ἐπιλαβομένου μου τῆς χειρὸς αὐτῶν ἐξαγαγεῖν αὐτοὺς ἐκ γῆς Αἰγύπτου,	not like ⁵⁵³ the covenant that I made with their fathers in the day when I took their hand to lead them out from the land of Egypt,	לֹא כַבְרִית אֲשֶׁר כָּרַתִּי אֶת־אֲבוֹתָם בְּיוֹם הַחֲזִיקִי בְיָדָם לְהוֹצִיאֵם מֵאֶרֶץ מִצְרָיִם	not like the covenant that I cut with their fathers in the day I grasped their hand to lead them out from the land of Egypt,
32b	ὅτι αὐτοὶ οὐκ ἐνέμειναν ἐν ⁵⁵⁴ τῇ διαθήκῃ μου, καὶ ἐγὼ ἠμέλησα αὐτῶν, ⁵⁵⁵ φησὶν κύριος·	because they themselves did not remain in my covenant, and I myself neglected them,’ says the LORD.	אֲשֶׁר־הִמָּה הִפְרוּ אֶת־בְּרִיתִי וְאֲנִי בָעַלְתִּי בָם נְאֻם־יְהוָה:	because they themselves broke my covenant, and I myself rejected them,’ declares YHWH.
33a	ὅτι αὕτη ἡ διαθήκη, ἣν διαθήσομαι τῷ οἴκῳ Ἰσραὴλ μετὰ τὰς ἡμέρας ἐκείνας, φησὶν κύριος·	‘Therefore, this is the covenant that I will make with the house of Israel after those days,’ says the LORD:	כִּי זֹאת הַבְּרִית אֲשֶׁר אֶכְרֹת אֶת־ בֵּית יִשְׂרָאֵל אַחֲרַי הַיָּמִים הָהֵם נְאֻם־ יְהוָה	‘For this is the covenant that I will cut with the house of Israel after those days,’ declares YHWH:

⁵⁵² Cf. α΄ κοψω (‘I will cut’) and σ΄ συντελεσω (‘I will bring about’).

⁵⁵³ See BDAG, s.v. “κατά” n. 5b.

⁵⁵⁴ Instead of ὅτι αὐτοὶ οὐκ ἐνέμειναν ἐν, σ΄ reads αυτοι γαρ διελυσαν (‘for they themselves broke’) and α΄ reads ὅτι <αυτοι> διεσκεδασαν (‘because <they themselves> broke’).

⁵⁵⁵ Cf. α΄ και εγω εμι εκυριεωσα <εν αυτοις>. The verb κυριεύω is generally followed by a genitive, and thus Aquila’s translation here is unique. (See BDAG, s.v. “κυριεύω”.) While Aquila’s rendering is almost certainly a literal translation of בַּעַלְתִּי בָּם, complete with the ἐν preposition marking the –ב prefix, the meaning of this translation is unclear. It is possible (to my mind, at least), that a negative connotation is inherent in this translation as well (as was argued for the expression בַּעַלְתִּי בָּם in Chapter 2).

33b	Διδούς δώσω νόμους μου ⁵⁵⁶ εἰς τὴν διάνοιαν αὐτῶν καὶ ἐπὶ καρδίας αὐτῶν γράψω αὐτούς. ⁵⁵⁷	‘I will surely bestow ⁵⁵⁸ my laws in their mind, and in their hearts I will write them;	נְתַתִּי אֶת־תּוֹרָתִי בְּקַרְבְּכֶם וְעַל־לְבָבְכֶם אֶכְתְּבֶנָּה	‘I will set my Torah within them, and upon their heart I will write it;
33c	Καὶ ἔσομαι αὐτοῖς εἰς θεόν, καὶ αὐτοὶ ἔσονται μοι εἰς λαόν·	and I will be God to them, and they will be a people to me.	וְהָיִיתִי לָהֶם לְאֱלֹהִים וְהָמָּה יְהִיוּ־לִי לְעָם:	and I will be their God, and they will be my people.
34a	καὶ οὐ μὴ διδάξωσιν ἕκαστος τὸν πολίτην αὐτοῦ καὶ ἕκαστος τὸν ἀδελφὸν αὐτοῦ λέγων Γνωθὶ τὸν κύριον·	And each one will certainly not teach his fellow-citizen, or each one his brother, saying, “Know the LORD!”,	וְלֹא יְלַמְדוּ עוֹד אִישׁ אֶת־רֵעֵהוּ וְאִישׁ אֶת־אָחִיו לֵאמֹר דַּעוּ אֶת־יְהוָה	And a man will no longer teach his neighbor, or a man his brother, saying, “Know YHWH!”
34b	ὅτι πάντες ⁵⁵⁹ εἰδήσουσίν με ἀπὸ μικροῦ αὐτῶν καὶ ἕως μεγάλου αὐτῶν,	because all will know me, from their insignificant up to their great;	כִּי־כֹלֶם יִדְעוּ אֹתִי לְמִקְטַנָּם וְעַד־גְּדֹלָם נְאֻם־יְהוָה	For all of them will know me, from the least of them to the great,’
34c	ὅτι ἴλεως ἔσομαι ταῖς ἀδικίαις αὐτῶν καὶ τῶν ἁμαρτιῶν αὐτῶν οὐ μὴ μνησθῶ ἔτι.	because I will be merciful toward their wrongdoings, and their sins I will never remember again.’	כִּי אֶסְלַח לְעֹנְוֵם וְלִחַטָּאתָם לֹא אֶזְכֹּר־עוֹד:	For I will forgive their iniquity, and their sins I will remember no more.’

⁵⁵⁶ Cf. α’ σ’ θ’ τον νομον μου (‘my law’).

⁵⁵⁷ Cf. σ’ γραψω αυτον (‘I will write it’).

⁵⁵⁸ Lit. ‘Bestowing I will bestow’.

⁵⁵⁹ α’ and σ’ have αυτοι following παντες, reflecting the presence of the pronominal suffix (ם-) on כולם.

APPENDIX IV: THE MEANING OF ‘THE LAND OF DAMASCUS’ (ארץ דמשק)
IN THE *DAMASCUS DOCUMENT*

A. Introduction

It is with good reason that the term ‘Damascus’ (דמשק) appears in the title of the work now commonly referred to as the *Damascus Document* (D).⁵⁶⁰ Not only is D the only work in the DSS literature where the term ‘Damascus’ appears, but all three appearances of the term ‘new covenant’ in D are associated with ‘the land of Damascus’ (ארץ דמשק).⁵⁶¹ Yet despite the significance of ‘the land of Damascus’ in D, scholars continue to debate the meaning of the term.⁵⁶² To date, three major interpretations of the term have been put forth: (1) ‘the land of Damascus’ is a symbolic reference to Qumran; (2) ‘the land of Damascus’ is a symbolic reference to Babylon (the land of exile); (3) ‘the land of Damascus’ is a literal reference to the land of Damascus. While it is not the goal of the ensuing discussion to solve this problem definitively, I will argue here that the third option is most likely for two major reasons.

B. Brief Historical Review of Scholarship on ‘(the Land of) Damascus’

Prior to the discovery of the DSS, a literal interpretation of ‘(the land of) Damascus’ was the consensus view. Indeed, based on the text of CD alone, there seemed to be no convincing

⁵⁶⁰ It is worth noting that the term ‘Damascus’ also appeared in the previous title for the work, *Cairo Damascus (Document)* (CD). The name also appears in the title for the work in Israeli scholarship: ‘The Scroll of the Damascus Covenant’ (מגילת ברית דמשק).

⁵⁶¹ The phrase ‘the new covenant in the land of Damascus’ (הברית החדשה בארץ דמשק) appears in CD 6:19 (// 4Q269 4 II, 1) and 8:21 (//19:33–34). (The parallel reference in 4Q269 is partially reconstructed.) In CD 20:12, there is mention of ‘the covenant and faith-pact that they established in the land of Damascus (that is, the new covenant)’ (ברית ואמנה אשר קימו בארץ דמשק והוא ברית החדשה). These three references, which constitute all three appearances of the term ‘new covenant’ (ברית חדשה) in D, highlight the importance of the new covenant’s provenance ‘in the land of Damascus’ (בארץ דמשק) in D. The phrase ‘the land of Damascus’ also appears in 6:5 (// 4Q266 3 II, 12 [reconstruction]), where it refers to ‘the captivity of Israel who went out from the land of Judah to sojourn in the land of Damascus’ (שבי ישראל היוצאים מארץ יהודה ויגורו בארץ דמשק). Finally, the term ‘Damascus’ also appears on its own in 7:15, 19 (// 4Q266 3 III, 20 and 4Q269 V, 2) in the section known as the (Isaiah-)Amos-Numbers midrash, references which will be discussed in more detail below.

⁵⁶² Frank M. Cross has referred to the interpretation of ‘the land of Damascus’ as ‘a vexed problem’. See: Frank Moore Cross, *The Ancient Library of Qumran*, 3rd edition, The Biblical Seminar 30 (Sheffield: Academic Press, 1995), 72. Similarly, Baumgarten writes, ‘One of the long-standing questions about the development of the community concerns the historicity of its migration to Damascus.’ See: Baumgarten, *Qumran Cave 4 XIII: The Damascus Document (4Q266–273)*, 9.

reason that these references *should not* be taken literally. Not only did the text seem to clearly prohibit worship at the Temple in Jerusalem,⁵⁶³ but the leadership in Jerusalem was rejected as well.⁵⁶⁴ In such a context, a departure from this apostate ‘land of Judah’ to ‘the land of Damascus’ seemed rather straightforward and best understood in a literal sense. In addition to this internal textual support for a literal interpretation, scholars pointed to references from other sources outside of the DSS that appeared to provide supporting evidence for the departure and sojourn of a group of Jews in the land of Damascus that corresponded with that which was described in CD.⁵⁶⁵

The discovery and subsequent publication of the DSS catalysed a change in the scholarly consensus from a literal interpretation of Damascus to a symbolic one.⁵⁶⁶ While some scholars continued to hold to a literal interpretation of Damascus,⁵⁶⁷ the symbolic view eventually came to dominate the discussion. In particular, scholars posited two different symbolic views: (1) Damascus = Qumran (this view stands as the current ‘majority’ view);⁵⁶⁸ and, (2) Damascus =

⁵⁶³ See, e.g., CD 6:11–14

⁵⁶⁴ See, e.g., the pronouncement of judgment on the שרי יהודה (‘the princes of Judah’) in CD 8:1–14.

⁵⁶⁵ Samuel Iwry mentions two such references. First, there was Josephus’s reference to the 8,000 soldiers who fought with Demetrius against Alexander Jannaeus and who subsequently became fugitives throughout the remainder of his reign (*Ant.* 13.14.2). While there is no explicit mention of where the fugitives fled, the implication is that since these soldiers were fighting with Demetrius, the Seleucid monarch, they fled to Syria. Second, in *Megillat Ta’anit* (מגילת תענית) there is mention of the Gentiles rising up against פליטת ספריא (‘the refugee scribes’) on the 17th of Adar in settlements northwest of Damascus. These scribes, it was argued, were none other than those mentioned in CD who had departed Judah and sojourned in the land of Damascus. See: Samuel Iwry, “Was There a Migration to Damascus?: The Problem of ‘Shavei Israel,’” *ארץ ישראל*, no. 9 (1969): 80.

⁵⁶⁶ Milikowsky, e.g., writes that while there was ‘no hesitation in accepting the “literal” interpretation’ of Damascus in CD, following the discovery and publication of DSS material the ‘allegorical’ or ‘metaphorical’ interpretations of the term Damascus (namely, Damascus = Qumran or Damascus = Babylon) in CD began to appear. See: Chaim Joseph Milikowsky, “Again: ‘Damascus’ in Damascus Document and in Rabbinic Literature,” *RevQ* 11, no. 1 (41) (1982): 97.

⁵⁶⁷ See, e.g.: A. Dupont-Sommer, *The Jewish Sect of Qumran and the Essenes: New Studies on the Dead Sea Scrolls*, trans. Richard D. Barnett, 2nd ed. (New York: The Macmillan Company, 1956), 176–77; Milik, *Ten Years of Discovery in the Wilderness of Judaea*, 90; Driver, *The Judaean Scrolls: The Problem and a Solution*, 303–5; Rowley, “The History of the Qumran Sect,” 226–28; Dimant, “Qumran Sectarian Literature,” 492; Ben Zion Wacholder, “Historiography of Qumran: The Sons of Zadok and Their Enemies,” in *Qumran between the Old and New Testaments*, ed. Thomas L. Thompson and Frederick H. Cryer, LHBOTS (Bloomsbury, 1998), 349.

⁵⁶⁸ See, e.g.: D. Barthélemy, “The Covenanters of Damascus and the Dead Sea Scrolls,” *Revue Biblique* 60, no. 3 (1953): 422; A. S. van der Woude, *Die messianischen Vorstellungen der Gemeinde von Qumran*, *Studia Semitica Neerlandica* 3 (Assen: Van Gorcum, 1957), 50; Knibb, *The Qumran Community*, 48–49; Schiffman, *Reclaiming the Dead Sea Scrolls*, 94; Cross, *The Ancient Library of Qumran*, 72; Lundbom, “New Covenant,” 1090; Fraade, *The Damascus Document*, 52–53.

Babylon.⁵⁶⁹ Yet is this seismic shift in scholarly opinion from a literal to a symbolic interpretation of ‘the land of Damascus’ warranted?

C. Argument for a Literal Interpretation of ‘(the Land of) Damascus’

Against this current scholarly consensus stand two major points that support a literal interpretation of ‘(the land of) Damascus’ in D. First, the internal witness of the text of D itself gives no indication that the term ‘(the land of) Damascus’ should be interpreted symbolically; to the contrary, it strongly supports a literal interpretation. And second, there are a significant number of external references that support a historical sojourn in the land of Damascus. While these two arguments were the basis for the original interpretation of ‘the land of Damascus’ as a literal reference, the arguments I present here rely on more thorough and/or different evidence than what was previously presented.

1. The internal witness of D supports a literal interpretation of ‘the land of Damascus’

There is no indication in the text of D itself that ‘the land of Damascus’ should be interpreted in a symbolic sense. This is true both for the several occurrences of the term that appear *outside of a peshar unit* within D as well as for the few instances where the term appears *within a peshar unit*.⁵⁷⁰ This observation becomes all the more striking with the recognition that although the term appears in two separate *pesharim* within D—*pesharim* in which many terms are interpreted symbolically—‘Damascus’ is *not* interpreted symbolically. Before looking at these two *pesharim*, however, it is important to first understand the primary function of the *peshar* as employed in D, and more broadly in the DSS.

⁵⁶⁹ See, e.g.: Isaac Rabinowitz, “A Reconsideration of ‘Damascus’ and ‘390 Years’ in the ‘Damascus’ (‘Zadokite’) Fragments,” *JBL* 73, no. 1 (1954): 11–35; A. Jaubert, “« Le Pays De Damas »,” *RB* 65, no. 2 (1958): 214–48; J. Murphy-O’Connor, “The Essenes and Their History,” *RB*, no. 81 (1974): 221; Davies, *The Damascus Covenant*, 122–23.

⁵⁷⁰ By the term *peshar* (פֶּשֶׁר)—a term that can be translated as ‘interpretation’—, I am referring to the unique style of Scriptural interpretation common in the DSS writings in which contemporary events and figures (from the perspective of the DSS community) are interpreted as the fulfilment of prophecies from Scripture. For similar definitions of *peshar*, see, e.g., Timothy Lim’s definition of *peshar* as ‘that form of exegesis, practiced by the Qumran community that identifies events and people in the biblical texts with contemporary historical figures.’ See: Lim, *Pesharim*, 13. It is important to note that this definition of *peshar* should not be limited to the *continuous pesharim* (e.g., the *Habakkuk Peshar*, *Nahum Peshar*, etc.), but rather extend to any text among the DSS that contains this form of exegesis, including D. Dimant stresses a similar point and notes three types of *pesharim*: ‘a) *Continuous Pesharim*...b) *Thematic Pesharim*...c) *Isolated Pesharim*...’ In discussing the latter, she notes ‘several examples of this type occur in the [*Damascus*] *Covenant*.’ See: Dimant, “Qumran Sectarian Literature,” 503–4.

At its foundation, the DSS community used *peshet* exegesis as a way to both comprehend and support the legitimacy of its role in history. Because the DSS community saw God's plan for history as having been foretold in the prophecies of Scripture, the community sought to interpret current events and/or figures in light of these prophecies. This *peshet* mode of exegesis is consistent: the Scripture, which had its own historical context, is reinterpreted in an 'allegorical' way so that it is said to speak of contemporary historical event(s)/person(s). Thus, because the DSS community considered itself to be the righteous remnant, it held that these prophecies referred in a positive way to the DSS community, but in a negative way in regard to their opponents and other outsiders.

What is important to recognize for our present discussion is the order in which the process of *peshet* exegesis seems to have occurred: first, the historical event transpired; afterwards, the DSS community sought to comprehend and/or legitimize their role/place in this event by 'finding' a prophesy of this event in the Scriptures. This mode of *peshet* exegesis can be summed up by a simple formula: $X \rightarrow Y$, where X = the Scripture citation, and Y = the DSS community's contemporary historical interpretation. This equation highlights the point that in *peshet* exegesis it is the X term (and this term alone!), or the Scripture itself, that has a latent symbolic meaning. On the contrary, the Y term, or the *peshet* itself, invariably refers to historical events and/or entities. It follows, then, that the terms in the *peshet* unit should be understood literally, especially in the absence of other textual clues that suggest a symbolic meaning is at play. With this discussion of the function of the *peshet* in the DSS in mind, we can now turn to the first appearance of the term 'Damascus' in D, which appears in the *peshet* on Num 21:18.

a. Peshet on Num 21:18 (CD 6:3–11)

In its larger context, the *peshet* on Num 21:18 (CD 6:3–11) appears within 5:20–6:11, a passage which contains the third of three historical reviews, each of which recounts the origins of the DSS community, albeit emphasizing different aspects.⁵⁷¹ As with the other two historical reviews, this third review begins with an allusion to the destruction of Judah and the subsequent Babylonian Exile.⁵⁷² At some point during the Exile, 'God remembered the covenant of the first

⁵⁷¹ The first historical review recounting the origins of the DSS community runs from 1:1–2:1; the second runs from 3:12–4:12.

⁵⁷² Cf. 1:3–4 and 3:10–12.

ones and raised up intelligent ones from Aaron and wise men from Israel' (6:2–3). This group went on to dig a well, and no ordinary well at that: The well that this community had dug was 'the well of which Moses had spoken' (4Q266 3 II 10)⁵⁷³ and which was recorded in Num 21:18. This Scripture citation and its accompanying *peshet* exegesis in CD 6:4b–11 are given here:

Scripture Citation (CD 6:3–4a)

<p>...and they dug the well [of which Moses had said]⁵⁷⁴: 'A well (the) princes dug; the nobles of the people hollowed it out with the Scepter' (Num. 21:18).</p>	<p>ויחפורו את הבאר [אשר אמר מושה] באר חפרוה שרים. כרוה נדיבי העם במחוקק.</p>
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Peshet (CD 6:4b–11)

<p>The well, it is the Torah.</p> <p>And those who dug it (i.e., the well), they are the captives of Israel who went out from the land of Judah and sojourned in the land of Damascus, all of whom God called princes, because they sought Him. And their glory has not been rejected by the mouth of anyone.</p> <p>And the Scepter, he is the interpreter of the Torah, of whom Isaiah said: 'He produces an instrument for his works' (Isa 54:16).</p> <p>And the nobles of the people, they are the ones who came to hollow out the well with the decrees that the Scepter decreed to walk in during the period of wickedness, and only them (i.e., the decrees).⁵⁷⁵ They will not backslide until the standing of the Teacher of Righteousness at the end of days.</p>	<p>הבאר היא התורה.</p> <p>וחופריה הם שבי ישראל היוצאים מארץ יהודה ויגורו בארץ דמשק אשר קרא אל את כולם שרים כי דרשוהו ולא הושבה פארם בפי אחד.</p> <p>והמחוקק הוא דורש התורה אשר אמר ישעיה מוציא כלי למעשיהו.</p> <p>ונדיבי העם הם הבאים לכרות את הבאר במחוקקות אשר חקק המחוקק להתהלך במה בכל קץ הרשיע וזולתם לא ישיגו עד עמד יורה הצדק באחרית הימים.</p>
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⁵⁷³ 4Q266 3 II 10 has the additional relative clause [אשר אמר מושה] ('of which Moses said/had spoken'), which is lacking in CD 6:3.

⁵⁷⁴ The bracketed words here, which are lacking in CD 6:3, are based on the parallel reading of 4Q266 3 II 10.

⁵⁷⁵ For an alternate translation of לא ישיגו עד עמד, see, e.g., Fraade, who translates it as: '...and without which they will attain nothing...?'

As seen in the above *peshet*, several terms in Num 21:18 are interpreted symbolically. To begin with, ‘the well’ (הבאר) is understood to be a reference to ‘the Torah’ (התורה) (CD 6:4); ‘the scepter’ (המחוקק) is interpreted as ‘the interpreter of the Torah’ (דורש התורה) (6:7); and ‘the nobles of the people’ (נדיבי העם) are interpreted as ‘those who came to hollow out the well with the decrees that the Scepter decreed’ (הבאים לכרות את הבאר במחוקקות אשר חקק המחוקק) (6:8–9). In each of these cases, a term from Scripture is reinterpreted as corresponding to contemporary historical events or entities pertaining to the DSS community. Recalling our formula for *peshet* exegesis, $X \rightarrow Y$, all of the Y terms (i.e., all of the terms in the *peshet*) consistently refer to contemporary, literal historical events or entities pertaining to the DSS community.

In view of these other *pesharim*, or Y terms, in Num 21:18, it seems clear that when we turn to the *peshet* on the phrase ‘those who dug it [i.e., the well]’ (חופריה) (CD 6:4–7)—the first *peshet* in this series which was skipped over until now—the same kind of *peshet* exegesis should be assumed. Thus, ‘those who dug it [i.e., the well]’ (חופריה) (the X term) should be understood to be ‘the captives of Israel who went out from the land of Judah and sojourned in the land of Damascus’ (שבי ישראל היוצאים מארץ יהודה ויגורו בארץ דמשק) (the Y term).⁵⁷⁶ The Y term is best understood as referring to contemporary, historical events and/or entities, and nothing in this interpretation can be said to be definitively symbolic.⁵⁷⁷ For scholars to interpret the *peshet* on ‘those who dug it [i.e., the well]’ (חופריה) (6:4) in a symbolic way is both inconsistent and to misunderstand the function of *peshet* in D (and more broadly, the DSS).

Indeed, if one *does* interpret ‘the land of Damascus’ symbolically here, one only adds to the interpretive problems associated with this passage. Namely, if ‘the land of Damascus’ is interpreted symbolically, what are we to make of the reference to the group’s departure ‘from the land of Judah’ (מארץ יהודה) (CD 6:5)?⁵⁷⁸ To be consistent with this line of reasoning, ‘the land of

⁵⁷⁶ Both the term שבי ישראל—which has also been translated as ‘the penitent of Israel’ and ‘the returnees of Israel’—and the final *אשר* clause need not detain us here, as these issues are beside the main point and are dealt with elsewhere in my thesis.

⁵⁷⁷ While scholars have debated the translation of the term שבי ישראל, it should be acknowledged that whether this term is translated as ‘the captives of Israel’, ‘the penitent of Israel’, or ‘the returnees of Israel’, the emphasis in the *peshet* here is not on the שבי ישראל, but rather on their description as those ‘who went out from the land of Judah and sojourned in the land of Damascus’. Both of these place names—‘the land of Judah’ and ‘the land of Damascus’—have no reason to be understood symbolically here.

⁵⁷⁸ See also CD 4:3, which refers to the שבי ישראל who departed from ‘the land of Judah’.

Judah' would need to be interpreted symbolically as well (or at least be open to symbolic interpretation). Knibb acknowledges the problem with such an interpretation: 'Because Qumran lies in the territory of Judah, it seems contradictory to speak of going out from the land of Judah to sojourn in the land of Damascus if the latter is a symbolic name for Qumran.' Yet while Knibb acknowledges the problem with this interpretation, he retains the view that Damascus = Qumran nonetheless, providing two possible solutions: either that the term 'the land of Judah' is used in these references 'in an imprecise way to refer to Jerusalem and its immediate environs' or that the term was used as 'a symbolic designation of the prince-priest class of Jerusalem and its adherents'.⁵⁷⁹ Both of these solutions, however, are unconvincing.

b. Isaiah-Amos-Numbers continuous pesher (CD 7:10–8:1)

A literal interpretation of 'the land of Damascus' also seems clear if this same understanding of *pesher* exegesis is applied to the other *pesher* in which the term 'Damascus' appears—the continuous *pesher* on Isaiah-Amos-Numbers (CD 7:10–8:1).⁵⁸⁰ In context, this continuous *pesher* serves to support and elaborate upon the statement made in CD 7:9 that 'all those who reject' (כל המואסים) the stipulations of the new covenant mentioned in the preceding section of D (6:11–7:9a) will face certain judgment 'when God visits the land to return the recompense of the wicked.' Indeed, the overall function of the Scripture citations and their accompanying *pesharim* in 7:10–8:1 seems to be to support this message of judgment. Inherent in this judgment is the need to clearly distinguish the righteous community from the wicked outsiders. Thus, the Scripture citations and *pesharim* in this unit have a twofold task: First, to show that this pronouncement of judgment on the wicked outsiders is indeed foretold in the Scriptures; and, second, to show that the separation of the DSS community from these opponents was both justified and also foretold in the Scriptures. A more detailed look at each *pesher* within the Isaiah-Amos-Numbers continuous *pesher* illustrates these points.

The first Scripture to be cited in the continuous *pesher* is Isa 7:17, which is cited in CD 7:11–12. This prophecy is cited as proof for the certain judgment that awaits Judah, from whom

⁵⁷⁹ Knibb, *The Qumran Community*, 48–49.

⁵⁸⁰ While many scholars refer to this as the '(Isaiah-)Amos-Numbers midrash', I prefer to use the term 'continuous *pesher*', as it more accurately describes the passage and exegetical technique employed here.

the DSS community has separated.⁵⁸¹ Yet this prophecy also provides a precedent for separation from Judah.⁵⁸² Just as Ephraim's separation from Judah in the biblical period resulted in judgment, so too would judgment come following the DSS community's separation from Judah.⁵⁸³

One important observation should be pointed out here. First, the entire *peshet* on Isaiah 7:17 given in CD 7:12–14 does not contain the typical marks of *peshet* exegesis that have been discussed up to this point. I.e., none of the terms in the Scripture citation are interpreted using the $X \rightarrow Y$ formula. This suggests that the occasion of Ephraim's departure from Judah was being cited here as a *precedent* rather than as a historical reinterpretation of the event.⁵⁸⁴ I.e., the DSS community did not seek to identify itself with Ephraim, but rather to make the point that just as Ephraim's separation from Judah resulted in troublesome days and judgment, so too would the DSS community's separation from Judah. Indeed, the historical details of the DSS community's separation from Judah—i.e., the Y term in the $X \rightarrow Y$ *peshet* equation—are not given in the *peshet* on Isaiah 7:17, but rather in the following *peshet* on Amos 5:26–27, the next Scripture to be cited and interpreted in the continuous *peshet*.

⁵⁸¹ Several points deserve clarification here. First, while Isaiah 7:18–20 is not included in the citation, these verses almost certainly are to be called to mind as supporting the pronouncement of judgment against the 'backsliders' in CD 7:13. Second, many scholars suggest that the DSS community equates itself with 'Judah' here and elsewhere in D (and in other sectarian DSS literature, for that matter). See, e.g.: Fraade, *The Damascus Document*, 61. Such an identification, however, goes against the observation that '(the House of) Judah' is consistently portrayed in a negative sense in D. Lastly, while some scholars suggest $\text{שׂר אפרים מעל יהודה}$ should be translated as 'Ephraim ruled over Judah', for the preposition מעל to have this meaning, one would expect it to be followed by a ל prefix on the following noun. (See: GHCLLOT, 630.) The use of the *šim* (שׂ) rather than *samech* (ס) in שׂר can be explained by the observation that the latter is an example of Classical Biblical Hebrew found in the Scripture, while the former is an example of the later Hebrew of the DSS period.

⁵⁸² It is important to note that the DSS community is not necessarily equating itself with Ephraim by citing this verse. (If this was the case, we would expect this to be made clear in the *peshet* by the use of the formula $X \rightarrow Y$, where X = Ephraim and Y = the contemporary historical group. We have already examined this kind of *peshet* exegesis above in the discussion on Num 21:18.) Rather, it is simply citing the separation of Ephraim from Judah as a historical precedent. What seems clear, however, is that the DSS community is *not* associating itself with Judah. Rather, the contrary is true! It is disassociating from Judah.

⁵⁸³ Whether this judgment refers to the troubling days of the monarchies of Israel and Judah, which were filled with civil wars and wars with the surrounding nations, or to the ultimate judgment that led to the Babylonian Exile, or some other circumstance is unclear.

⁵⁸⁴ As a precedent, Isa 7:17 serves both to justify their departure (rather than that the DSS community sought to identify itself with Ephraim) and also to foreshadow the coming judgment on Judah.

In its original context in Scripture, Amos 5:26–27 serves as a warning of impending exile for disobedient Israel. In the *peshet* on Amos 5:26–27 in D, however, these verses are reinterpreted to refer to a drastically different situation: the self-imposed exile of the righteous community to Damascus.⁵⁸⁵ The citation of Amos 5:26–27 in CD 7:14–15a and its accompanying *peshet* (7:15b–20) are given here:

Scripture Citation (CD 7:14–15a)

<p>...as it says: ‘And I will exile the tabernacle of your king and the kiyyun of your images from my tent (to) Damascus’ (Amos 5:26–27).⁵⁸⁶</p>	<p>כאשר אמר והגלית את סכות מלככם ואת כיון צלמיכם מאהלי דמשק.</p>
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Peshet (CD 7:15b–20)

<p>The scrolls of the Torah, they are the tabernacle of the king, just as He said: ‘And I will raise up the fallen booth of David’ (Amos 9:11).</p> <p>The king, it is the congregation.</p> <p>And the kiyyun of the images, they are the scrolls of the Prophets, whose words Israel despised.</p> <p>And the star, he is the interpreter of the Torah who comes to Damascus, just as it is written: ‘A star treads from Jacob, and a Scepter arises from Israel’ (Num 24:17).</p>	<p>ספרי התורה הם סוכת המלך כאשר אמר והקימותי את סוכת דוד הופלת.</p> <p>המלך הוא הקהל.</p> <p>וכיון הצלמים הם ספרי הנביאים אשר בזה ישראל את דבריהם.</p> <p>והכוכב הוא דורש התורה הבא דמשק כאשר כתוב דרך כוכב מיעקב וקם שבט מישראל.</p>
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The unusual aspect of this reinterpretation of Amos 5:26–27 notwithstanding, the *peshet* method of exegesis observed here is consistent with that observed above in the *peshet* on Num 21:18. Several terms are interpreted allegorically in the X → Y formula: ‘the tabernacle of the king’

⁵⁸⁵ It is widely recognized that D’s interpretation of Amos 5:26–27 is very odd and runs counter to the original meaning of the prophecy in a number of ways, the most obvious of which is that Amos 5:26–27 originally stood as a prophecy of judgment on the wicked (and not, as it is presented in D, a prophecy of the self-imposed exile of the righteous). Yet such a forced interpretation argues in favor of the point I am trying to make here: that the historical event transpired first, and then Scripture was ‘found’ that legitimized this event.

⁵⁸⁶ As noted by Fraade, the Hebrew of Amos 5:26–27 in the MT differs from the cited text here. For a more complete discussion, see: Fraade, *The Damascus Document*, 59–61.

(סוכת המלך) is equated with ‘the scrolls of the Torah’ (ספרי התורה);⁵⁸⁷ ‘the *kiyyun* of the images’ (כיון הצלמים) is equated with ‘the scrolls of the prophets’ (ספרי הנבאים); ‘the king’ is interpreted as ‘the congregation’;⁵⁸⁸ and, lastly, ‘the star’ (הכוכב) is interpreted as ‘the interpreter of the Torah who comes to Damascus’ (דורש התורה הבא דמשק). While many of the X terms are interpreted as referring to literal and historical entities, the term ‘Damascus’ is left uninterpreted. I.e., the term ‘Damascus’ appears both as an X term and as a Y term. The natural conclusion, then, is that ‘Damascus’ was understood in a literal sense and the place to which the biblical scrolls, ‘the congregation’, and ‘the interpreter of the Torah’ went into exile.⁵⁸⁹ If ‘Damascus’ indeed had a symbolic meaning (whether it be Qumran, Babylon, or any other symbolic meaning), why would the author(s)/redactor(s) of D not make this clear, as is the case for the other X terms in this *peshet*?

⁵⁸⁷ Fraade’s interpretation of ‘tabernacle’ (סוכת) seems most likely. He writes:

Rabbinic exegetes (see the Aramaic targumim) connect the ‘tents’ and ‘tabernacles’ of Num 24:5 with Israel’s synagogues and houses of study. The ‘community’ (*qāhāl*, of CD 7:17) is exiled together with its ‘books of Torah’ and ‘books of the Prophets’ (CD 7:17)—that is, the sources of its collective learning—presumably accompanied by their inspired interpretations.

See: Fraade, 61.

⁵⁸⁸ Although some scholars have sought to insert נשיא into the text before הקהל—and thus read נשיא הקהל (‘the prince of the congregation’)—this textual addition should be avoided for at least three reasons. First and foremost, there is no manuscript evidence to support the insertion of נשיא into the text at this point. Second, reading נשיא הקהל (‘the prince of the congregation’) would introduce into the continuous *peshet* an unnecessary double reference to the figure of the נשיא, who is mentioned in 7:19–20 as well. As the text of CD-A stands, none of the other entities who are recorded going into exile—‘the scrolls of the Torah’ (7:15–16); ‘the scrolls of the prophets’ (7:17); ‘the congregation’ (7:17); and ‘the interpreter of the Torah’ (7:18)—are recorded twice. Furthermore, while the נשיא is associated with Damascus via the appearance of the term ‘sceptre’ (שבט) in Num 24:17, his coming seems to be yet future, as indicated by בעמדו ‘when he stands’. Third, Fraade notes a similar association of the king with the ‘congregation’ (קהל) in the reconfiguration of Deuteronomy 31:10–13 in *m. Soṭah* 7:8. See: Fraade, *The Damascus Document*, 62.

⁵⁸⁹ It should be noted that while ‘the star’ does not appear in CD 7:14–15’s citation of Amos 5:26–27, the term does appear in the final phrase in Amos 5:26, which, although left out of the citation here, was clearly understood to be implicit nonetheless. (The final clause of Amos 5:26 in the MT reads: ‘the star of your god that you made for yourselves’ [כוכב אלהיכם אשר עשיתם לכם].) Regarding this reference to ‘the star’, Brooke notes: ‘Just as the *peshet* on Psalms 1 and 2 in 4QFlor presupposes more than the text of the psalms that is quoted, so here the interpretation can be concerned with elements close to the scriptural section that are not themselves actually cited.’ See: Brooke, ‘The Amos-Numbers Midrash (CD 7,13b-8,1a) and Messianic Expectation,’ 401. Furthermore, it is worth noting that this interpretation of ‘the star’ is immediately followed by yet another Scriptural citation, Num 24:17, a verse which is linked to Amos 5:26–27 by its reference to a ‘star’ (כוכב) and which is cited as yet further scriptural support for the departure of this star ‘from Jacob’ (מיעקב; i.e., the land of Israel).

Furthermore, as was the case with the *peshet* on Num 21:18, if ‘Damascus’ in the *peshet* on Amos 5:26–27 is interpreted symbolically, it introduces new problems (rather than solve them). Bergsma points out some of these problems, noting that if this interpretation is adopted, then ‘escaped’ (נמלטו) (7:14) in CD 7:10–8:1 has to be understood as ‘taken captive.’ Bergsma identifies yet another problem:

The “sectarian” Qumran Scrolls speak freely and literally about Babylon in at least a dozen other passages, including the first column of the Damascus Document itself. There is no reason why the authors of CD should feel compelled to use a cipher here, especially one as arbitrary as ‘Damascus.’

Indeed, because ‘there is no biblical passage that would serve to link Damascus with Babylon,’ Bergsma’s conclusion that the interpretation of Damascus = Babylon is difficult to maintain on several grounds seems more convincing than the alternative.⁵⁹⁰

The overall function of the Isaiah-Amos-Numbers *peshet* thus seems clear: in order to legitimize the historical sojourn/self-imposed exile of the DSS community—i.e., ‘the congregation’ (הקהל) (CD 7:17) and ‘the interpreter of the Torah’ (דורש התורה) (7:18)—to Damascus, certain verses from Scripture were chosen that, in the minds of the author(s) of D, ‘foretold’ of this event.

c. Reference to the ‘land of sojourning’ (ארץ מגורים) in 4QD^a (4Q266) 6 IV, 1–3

One other reference in D that is relevant for our discussion occurs within the Laws section of D rather than in the Admonition(s)/Historical Prologue section. As noted by Baumgarten, 4QD^a (4Q266) 6 IV, 1–3 contains a reference to ארץ מגורים (‘land of sojourning’), a designation that elsewhere in D is equated with ‘the land of Damascus’ (ארץ דמשק).⁵⁹¹ While the text is fragmentary, it is clear that this reference to the ‘land of sojourning’ appears within a legal ruling pertaining to the fourth year of fruit trees. Commenting on this text, Albert Baumgarten writes:

⁵⁹⁰ Bergsma, “Qumran Self-Identity,” 183–84.

⁵⁹¹ That ‘the land of Damascus’ was indeed the place of sojourning is made clear in CD 6:5, which describes the שבי ישראל as ‘those who went out of the land of Judah and sojourned in the land of Damascus’ (היוצאים מארץ יהודה ויגורו בארץ דמשק).

The text as restored implies that the law applied not only to trees growing in the Holy Land, but also to ארץ מגורים, the Diaspora. This concurs with the Mishnaic ruling found in *m. 'Or.* 3.9 and *Qidd.* 1.9, which extends to Syria the provision about entrance into the land found in the introduction of the law of ערלה in Lev 19:23.⁵⁹²

Baumgarten's conclusion that the 'land of sojourning'—which, again, is identified in D as 'the land of Damascus'—enjoyed a special status in regard to certain legal rulings in turn suggests the historical presence of a priestly community here. Thus, a historical sojourn to '(the land of) Damascus' is supported not only by the Admonition(s)/Historical Prologue of D, but also by the Laws of D.

These references when taken together point toward a literal understanding of '(the land of) Damascus'. In the case of the Admonition(s)/Historical Prologue, '(the land of) Damascus' is mentioned because of its historical importance to the community's origins.⁵⁹³ In the case of the Laws, this 'land of sojourning' (= 'the land of Damascus') is mentioned because of its exempt legal status, a case which certainly does not point toward a symbolic understanding. Furthermore, as will be discussed in the next section, references to a historical sojourn in the land of Damascus are not limited to D. Rather, several external references (i.e., outside of D) mention the special legal status of Syria (= 'the land of Damascus'), an observation which only strengthens the likelihood of a literal, historical sojourn here by a priestly community.

2. External references support a historical sojourn in 'the land of Damascus'

Some scholars point to the apparent lack of external evidence for a historical sojourn in '(the land of) Damascus' as an argument against a literal interpretation of this term in D. Michael Knibb, e.g., suggests that 'apart from these passages [i.e., passages that mention 'the land of Damascus' (CD 6:5, 19; 8:21=19:34; 20:12)] we have no evidence to connect the Essenes with the Damascus region.'⁵⁹⁴ While it may be true that outside of D there are no *explicit* statements

⁵⁹² See: Baumgarten, *Qumran Cave 4 XIII: The Damascus Document (4Q266–273)*, 9.

⁵⁹³ The concern that the Admonition(s)/Historical Prologue of D has for the historical origins of the community is unique to D among the DSS sectarian literature. Such historical references are not found, e.g., in S, a document that in other ways is similar to D. This emphasis on the *historical* origins of the community in D furthermore suggests that the term '(the land of) Damascus' should be understood in a literal sense. This would also explain why *all* occurrences of the term '(the land of) Damascus' in the DSS sectarian literature are limited to D.

⁵⁹⁴ See: Knibb, *The Qumran Community*, 48.

that connect the Essenes with the Damascus region, there are several *implicit* statements that could suggest a historical sojourn there. Significantly, these references are found both within and outside of the DSS corpus. These references will be discussed below.

a. 4QBarkhi Nafshi (4Q434–438)

In addition to D, another DSS text that mentions a historical sojourn of the DSS community outside of the land of Judah is 4QBarkhi Nafshi (4Q434–438).⁵⁹⁵ Albeit fragmentary, this text clearly alludes to the preservation of a righteous community in the midst of gentile lands. In 4Q434 1 I, 5, God is praised because he ‘did not give them over into the hand of the violent ones. And he did not judge them with the wicked.’ Shortly following this, 4Q434 1 I, 7–9 tells that:

...in the greatness of his mercy he hid them among the gentiles and [] man he delivered them. He did not judge them (amidst) the mass of the gentiles, and he did not [] them among the peoples. And he hid them in [] and he made darkness light before them, and (made) the crooked places straight, and he revealed to them the laws of peace and truth.⁵⁹⁶

Later in the text, there is praise for God’s deliverance ‘from the congregation of the seekers of []’ ([] מעדת דורשי []) (4Q437 2 I, 1). This reference is immediately followed by praise for God’s deliverance of the community from ‘the snare of the gentil[e pe]oples’ (4Q437 2 I, 4–5), and later by praise for their deliverance ‘from the river of the gentiles’ (4Q437 2 I, 10). As noted by Weinfeld and Seely, these references cumulatively serve to provide strong evidence for a historical sojourn in gentile lands. Their conclusion on this matter is instructive:

There is insufficient evidence in *Barkhi Nafshi* to determine the exact chronology or historical situation alluded to by these phrases, but the language strongly suggests a real historical event when the community was ‘hidden among the gentiles’, protected and preserved there, and finally delivered.⁵⁹⁷

⁵⁹⁵ For an introduction to this text, see esp. Weinfeld and Seely’s DJD publication of 4QBarkhi Nafshi. Prior to this publication Eisenman published a preliminary study. See: Eisenman, *The Dead Sea Scrolls Uncovered*; Weinfeld and Seely, *4Q434–438: 4QBarkhi Nafshi(a–e)*.

⁵⁹⁶ Following Weinfeld and Seely’s translation. See: 261–62.

⁵⁹⁷ See: Weinfeld and Seely, *4Q434–438: 4QBarkhi Nafshi(a–e)*, 259.

While these apparent references to a historical sojourn in gentile lands do not specify that these lands were ‘the land of Damascus’, the similarity in language between D and 4QBarkī Nafshī suggests that the same historical circumstances were in view in both of these compositions.⁵⁹⁸ Furthermore, while the missing text of 4Q437 2 I, 1 rules out any definitive conclusion, one intriguing possibility is that the group from which the community is delivered—i.e., ‘the congregation of the seekers of []’—is one and the same as those who ‘sought after smooth things’ (דרשו בחלקות) and who ‘chose deception’ (ויבחרו במהתלות) in CD 1:18.

b. Hodayot (1QH^a)

Cols. 10–17 of 1QHodayot^a (1QH^a), also known as the ‘Teacher Hymns’, are commonly thought to have been originally composed by the Teacher of Righteousness.⁵⁹⁹ Within this group of hymns or psalms are at least two references to a departure (likely from Jerusalem) to a foreign land. The first reference appears within a hymn/psalm that runs from 12:6–13:6. The psalmist opens with an address of thanksgiving for the Lord’s revelation to the psalmist. Despite this revelation, however, the psalmist has been rejected by the Lord’s people. In the first person, the psalmist laments that, ‘They have driven me from my land like a bird from (its) nest’ (דיחני מן ארצי כצפור מקנה) (12:9–10). That this land to which the psalmist has been driven is indeed a foreign land is made clear in the next psalm (13:7–21). Following the customary opening of thanksgiving to the Lord—‘I give you thanks, O Lord...’ (אודכה אדוני...)—the psalmist records the reason for this thanksgiving: ‘...because you did not desert me in my sojourning among a foreign people’ (כי לא עזבתני בגורי בעם נכר) (13:8). Toward the end of the psalm, he mentions ‘the wicked of the nations that act hastily against me with their oppression and all day crush my soul’ (13:19)

While these references do not give further details on the place of this exile, they do suggest a literal sojourn in a gentile land rather than a sojourn in the Qumran wilderness, which was still a part of Judah and which was almost certainly not inhabited by a foreign people.⁶⁰⁰ Furthermore, the circumstances of this sojourn are clearly distinct from those which brought

⁵⁹⁸ See: Weinfeld and Seely, 259.

⁵⁹⁹ See, e.g.: VanderKam and Flint, *The Meaning of the Dead Sea Scrolls*, 235.

⁶⁰⁰ G. R. Driver, who also holds to a literal interpretation of Damascus, argues that the psalmist’s description of his place of exile in 16:4–6 excludes Qumran and ‘can only be Damascus’. See: Driver, *The Judaean Scrolls: The Problem and a Solution*, 304–05.

about the Babylonian exile. In the case of the latter, there was destruction of the land and Temple as well as a forced captivity brought about by Nebuchadnezzar. Here, however, in the Teacher Hymns, it is opponents from the psalmist's own people—described as ‘mediators of deceit’ (מליצי רמיה) (12:8) who have ‘driven me from my land like a bird’, and ‘driven away from me all my friends and those who know me’ (12:10). With Babylon and Qumran as unlikely candidates for the place of sojourn mentioned in the Teacher Hymns, then, it seems all the more likely that the sojourn in view here was one and the same as that which was presented in D—i.e., the sojourn to ‘the land of Damascus’. To add further support for this conclusion, not only do both compositions use the root גור (‘to sojourn’) in reference to this event, but both sojourns are associated with the Teacher of Righteousness and his followers.⁶⁰¹

c. The special legal status of Syria in the Mishnah

In addition to *m. Orlah* 3.9 and *m. Qiddush* 1.9, references that were mentioned above as offering external support for understanding the ‘land of sojourning’ (ארץ מגורים) in 4QD^a (4Q266) 6 IV, 1–3 as referring to Syria (i.e., ‘the land of Damascus’), two other references in the Mishnah suggest the presence of a priestly community of Jews in Syria in the late Second Temple Period as well: *m. Demai* 6:11 and *m. Ševiit* 6.6. Baumgarten, who discusses these references in his larger discussion of ‘the land of Damascus’, suggests that these references from the Mishnah show that ‘Syria was like the land of Israel, not only with respect to ערלה, but also with regard to other agricultural restrictions of the halakha.’⁶⁰² From these references and the several appearances of ‘(the land of) Damascus’ in D, Baumgarten Baumgarten concludes that ‘the historicity of the sect’s sojourn in Syria cannot be excluded on...“halakhic” grounds.’⁶⁰³

⁶⁰¹ See CD 6:3–11.

⁶⁰² Baumgarten, *Qumran Cave 4 XIII: The Damascus Document (4Q266–273)*, 9.

⁶⁰³ For Baumgarten’s full discussion on the issue of ‘the land of Damascus’, including his response to 4Q266 5 II as a potential refutation of his argument, see: Baumgarten, 9–10.

APPENDIX V: ברית + חדש AND ברית, הקים + obj. ברית + obj. כרת + obj.
 IN THE DAMASCUS DOCUMENT AND THE WIDER DSS CORPUS⁶⁰⁴

A. ברית + obj. כרת

1. With reference to the Mosaic covenant		
CD 15:8–9 (// 4QD ^f [4Q271] 4 I, 11)	...they shall enroll him by means of the oath of <i>the covenant which Moses cut with Israel</i>	יפקדוהו בשבועת הברית אשר כרת משה עם ישראל
4Q216 (= 4QJub ^a) 1, 14	[... <i>the covenant that I myself am cutting</i> between me and between you today [for their generations <i>on Mount Sinai</i> .] ⁶⁰⁵	[...הברית אשר א]נכי כורת ביני ובינך היום [לדורותם בהר סיני].
4Q381 (4QApocryphal Psalms) 69, 5 and 8	[He (i.e., God) gave de]crees, instructions, and commandments in the covenant he set up through [Moses]... <i>the covenant he cut with you all...</i>	[נתן ת]קים תורות ומצות בברית העמיד ביד [משה]...ברית כרת לכם...
4Q504 (4QWords of the Heavenly Lights ^a / 4QDivHam ^a) 3 II, 13	<i>And you cut a covenant with us on Ho[reb].</i> ⁶⁰⁶	ותכרות אתנו ברית בחו[רב]

2. With reference to the Abrahamic/Patriarchal covenant		
4Q378 (4QPsalms of Joshua ^a) 22 I, 4	[...covenant (?)] <i>which y[ou] cu[t] with Abraham</i>	[] אשר כ[רת]ה עם אברהם
4Q388a (Pseudo-Moses ^c) 7 II, 2 (//4Q389 [4QPseudo-Moses ^d] 8 II, 8–9)	<i>...the covenant that [I] c[ut] with Abraham and with Isaac [and with Jacob. ...]</i>	הברית אשר כ[רת]תי עם אברהם ועם יצחק [ועם יעקוב. ...]
1Q33 (1QM) 13:7 (// 4Q491 [4QM ^a] 7, 1)	Y[o]u, O God of our fathers, we bless your name forever. For we are (your) people [for]ev[er], and <i>you c[ut] a covenant with our fathers</i> and established it for their offspring for eternal appointed times.	וא[ת]ה אל אבותינו שמכה נברכה לעולמים. ואנו עם [עו]ל[ם] וברית [כ]רתה לאבותינו ותקימה לזרעם למוע[ד]י עולמים.

⁶⁰⁴ As some references appear in restored text, I have included only the more certain restorations.

⁶⁰⁵ This text mentions the Mosaic covenant being cut 'on Mount Sinai' (בהר סיני). Note: Both ברית and בהר are restored text. God is speaking with Moses here, and thus God is the one 'cutting' (כורת) the covenant.

⁶⁰⁶ While, on the one hand, the text clearly understands the Mosaic covenant as a past covenant that had God 'cut' (תכרות) on Horeb, on the other hand the text suggests that this *past* covenant had an ongoing significance for the *present* generation of the DSS community (i.e., to the generation of the author of this scroll). In other words, while כרת was used to describe the *initiation* of the covenant in Moses' time, the covenant had an ongoing significance for each generation, and thus it was as though the DSS community was present at Horeb when this covenant was cut in the past. This phenomenon is also captured in Deut 29:13–14 [Eng 29:14–15].

3. With reference to the covenant with Jacob at Bethel		
4Q372 (4QJoseph Apocryphon ^a) 3 8–9	For [a covenant (?)]...their [so]ns which he cut with Jacob to be with him forever and ever.	כי [] [ב]ניהם אשר כרת עם יעקב להיות עמו עד עלמי עד
11Q19 (11QTemple ^a) 29:8–10	And I will sanctify my sanctuary with my glory, for I will cause my glory to dwell in it until the day of creation, when I myself will create my sanctuary, establishing it for myself for all days, according to the covenant that I cut with Jacob at Bethel.	ואקדשה [את מ]קדשי בכבודי אשר אשכין עליו את כבודי עד יום הבריה אשר אברא אני את מקדשי להכינו לי כול הימים כברית אשר כרתי עם יעקוב בבית אל.

4. With reference to a covenant with the inhabitants of the land:		
4Q368 (4Q Pentateuch Apocryphon) II 3–4 ⁶⁰⁷	Be on guard, lest you cut [a covenant with the one who dwells in the land]	השמר לך פן תכרות [ברית ליושב הארץ]
11Q19 (= 11QTemple ^a) 2:4	[Be on gu]ard, lest you cut a cov[en]ant with those who dwell in the land]	[הש]מר לכה פן תכרות בר[ית ליושבי הארץ]
11Q19 (= 11Qtemple ^a) 2:12–13	Be on guard, lest you cut [a covenant with those who dwell in the land]	השמר פן תכרות [ברית ליושבי הארץ]

5. With reference to a future covenant:		
4Q470 1 5–6	[... at] that time M[ich]ael will say to Zedekiah [...] I will cut a [cov]en[ant] with you before the eyes of the assembly...	[--]עת ההיא יאמר מ[יכ]אל אל אל צדקיה [--]אכרתה עמך [בר]ת [לעני הקהל
4QBarki Nafshi ^a (4Q434) 7b 2–3	[He will give (?)] their portions from there, from the des[ert a] door of hope, and He will cut for them a covenant for peace with the birds [of the hea]vens and the animals of the land. And He will make their enemies like dung, and He will pulverize Edom and Moab like dust.	[] מנותם משם ממד[ד]בר ל[פ]תח תקוה ויכרות להם ברית לשלום עם עוף [הש]מם והית הארץ וישם אואביהם כדמן וכאפר ישחקם אדום ומואב

⁶⁰⁷ The statement is repeated in line 7, albeit the text here requires a complete restoration.

B. ברית + obj. הקים

CD 3:12–13	But with those who held fast to the commands of God—(those) who remained among them— <i>God established his covenant for Israel forever...</i>	ובמחזיקים במצות אל אשר נותרו מהם הקים אל את בריתו לישראל עד עולם
CD 4:9–10	<i>According to the covenant which God established with the first ones to atone for their iniquities</i> , thus will God atone for them.	כברית אשר הקים אל לראשנים לכפר על עונותיהם כן יכפר אל בעדם
CD 20:11–12	...and they rejected <i>the covenant and faith-pact that they established in the land of Damascus</i> —that is, the new covenant	...ומאסו כברית ואמנה אשר קימו בארץ דמשק והוא ברית החדשה
CD 15:6	...They are to cause their sons—(those) who have reached (the age) to cross over to the ones enrolled (in the covenant)— <i>to take upon themselves (i.e., swear) the oath of the covenant.</i> ⁶⁰⁸	...את בניהם אשר יגיעו לעבור על הפקודים בשבועת הברית יקימו עליהם
1QS 5:10	<i>...and who takes the covenant upon his soul (i.e., swears by the covenant)</i> to separate from all the men of injustice...	ואשר יקים כברית על נפשו להבדל מכול אנשי העול...
1QS 5:20–22 (// 4Q258 [1QS ^d] 2 1–2)	And if one enters into the covenant to act according to all these decrees in order to be united to the congregation of holiness, they are to examine their spirit ⁶⁰⁹ among the <i>yahad</i> , between a man and his neighbour, according to his understanding and his works in the Torah, according to the authority of <i>the sons of Aaron who freely volunteer in the yahad to establish his covenant...</i>	וכיא יבוא כברית לעשות ככול החוקים האלה להיחד לעדת קודש ודרשו את רוחום ביחד בין איש לרעהו לפי שכלו ומעשיו בתורה על פי בני אהרון המתנדבים ביחד להקים את בריתו
1QS 8:9–10 (// 4Q258 [1QS ^d] 6 3)	...and (it will be) a house of perfection and truth in Israel <i>in order to establish a covenant with everlasting decrees.</i>	ובית תמים ואמת בישראל להקים ברית לחקות עולם.
1Q28b 3:24	<i>And they have established [his covenant] in truth</i> , and in righteousness have appointed all his decrees...	ויקימו באמת [את בריתו] ובצדק פקדו כול חוקיו
1Q28b 5:23	<i>...to establish his covenant as holy</i> [during] the distress of their seeking [him].	ולהקים בריתו קודש [ב]צר לדורשי[ו]
1Q33 (1QM) 13:7 (// 4Q491 [4QM ^a] 7, 1)	Y[o]u, O God of our fathers, we bless your name forever. For we are (your) people [for]ev[er], and you [c]ut a covenant with our	וא[ת]ה אל אבותינו שמכה נברכה לעולמים.

⁶⁰⁸ This example is perhaps better understood as the taking of a vow rather than the establishment of a covenant, but has been included here for the sake of thoroughness (see also 1QS 5:10, 20–22).

⁶⁰⁹ Cf. Vermès, who translates רוּחֹם as 'his spirit'. See: Vermès, *The Dead Sea Scrolls in English*, 76.

	fathers <i>and established it for their offspring</i> for eternal appointed times.	ואנו עם [עו]ל[ם] וברית [כ]רתה לאבותינו ותקימה לזרעם למוע[ד]י עולמים.
4Q504 1–2 IV, 5–6	And you chose the tribe of Judah and <i>you established your covenant with/for David</i> .	ותבחר בשבט יאודה ובריתכה הקימותה לדוד
11Q13 (11QMelch) 2:23–24	...as it is written about: [<i>who says to Zi]on, 'Your God is King' (Isa. 52:7). [Zi]on: I[t] [is the congregation of all the sons of Zadok/Righteousness, those] who establ[ish] the covenant, who turn away from walking [in the w]ay of the people.</i>	כאשר כתוב עליון] אומר לצי[ון] מלך אלוהיך. [צי]ון ה[י]אה [] [עדת כול בני הצדק המה [מקימ[י] הברית הסרים מלכת [בד]ר[ך] העם.

C. ברית (Pi.) + obj. חדש

1Q28b 3:26	And <i>the covenant of the [eternal] priesthood [may He re]new for you</i>	וברית כהונת [עולם יח]דש לכה
1Q28b 5:5	<i>May He renew for you [the covenant (?)]</i>	יחדש לכה [ברית (?)]
1Q28b 5:20–21	For the <i>Maskîl</i> . In order to bless the Prince of the congregation who... ...and <i>He will renew the covenant of [David]⁶¹⁰ for him, to establish the kingdom of his people forev[er]</i> ...	למשכיל לברך את נשיא העדה אשר [...] [...]תו וברית ד[ו]יך יחדש לו להקים מלכות עמו לעול[ם]...
1Q34 + 1Q34bis 3 II, 5–7	And You chose for yourself a people in the period of your favor, for you remembered your covenant. And You [granted] them to be set apart for yourself, to be holy among all the peoples. <i>And you renewed your covenant for them</i> (<i>ותחדש</i> (<i>בריתך להם</i> with a vision of gl[or]y and the words of [the Spirit] of your holiness.	ותבחר לך עם בקץ רצונך כי זכרת בריתך. ות[תנ]ם להבדל לך לקודש מכול העמים. ותחדש בריתך להם במראת כב[ו]ד ודברי [רוח] קודשך

⁶¹⁰ Following Stegemann's restoration (p. 499). Cf. Milik's restoration of היחד in the *editio princeps*. See: Stegemann, "Some Remarks to '1QSa', to '1Qsb', and to Qumran Messianism," 499.

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