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Preface

This book took a long time to gestate. I got progressively drawn into the saga of the Dead Sea scrolls during the 1990s, my initial moderate interest gradually developing into keen fascination. Over the years I have read the literature, attended lectures and conferences, and talked to scholars; I also got to know some of the main protagonists in the Dead Sea Scrolls debates. By 1997, the year marking the 50th anniversary of the discovery of the first scrolls at the site of Qumran, my stance as an outside spectator was giving way to a resolve to become a participant with a contribution of my own to the field of Dead Sea Scrolls research. The central arguments of the field needed to be analyzed: I felt that such an analysis might throw light on this body of research from an angle it had not been much illuminated before. The task I set out for myself, then, was to subject to scrutiny the inner logic of the main theory of Qumran studies as well as of the rival theories, aiming to probe the relentless debates and controversies about these theories that have been raging in the past five decades among the practitioners of the field, scrolls scholars and archaeologists alike.

A number of scrolls researchers were generous toward me with their time, in the early stages of this enterprise. I am grateful to Hanan Eshel, Israel Knoll, Esther Hazon, Daniel Schwartz and David Satran, all of whom had much to teach me. Later on I benefited from, and am thankful for, conversations I had with Albert Baumgarten, Pauline Donceel-Voûte, Norman Golb, Yizhar Hirschfeld, Jodi Magness, and Yaacob Sussmann. I wish also to thank non-Qumranologists Hilary Putnam, Jerry Cohen and Michael Walzer, whose encouragement was given when it was most needed. Additional gratitude I owe to Harry Frankfurt, Menachem Fisch, Daniel Schwartz and Cass Sunstein, who read early chapter versions and gave me valuable comments, and most specially to Jonathan Malino, who much improved my final manuscript in both form and substance.

Thanks of a different kind go to my mother, Lisa Ullmann, a model classical scholar (whose new translation of Josephus' *The Jewish War*, from Greek to Hebrew, is about to be published): she has been an inexhaustible source of answers to my queries, whether linguistic or historical, none of which to her were ever too large or too small.

It gives me pleasure to gratefully acknowledge the institutional support I had received over the years from the Institute for Advanced Study at Princeton and from the Center for Rationality Research at the Hebrew University of Jerusalem. During the final stages of seeing the manuscript through the press I enjoyed the auspices of the Russell Sage Foundation in New York. I also acknowledge my gratitude to the journal *Social Research* and to its editor, Arien Mack, who published an early version of Chapter One of this book (1998, Volume 65:4).

I cannot imagine my journey into the world of the Dead Sea scrolls without the mentoring of Magen Broshi, the former curator of the Shrine of the Book at the Israel Museum in Jerusalem, where the scrolls are housed. A central protagonist in the scrolls debates and a staunch defender of the dominant theory in the field, Broshi introduced me, directly or indirectly, to everything I know about the scrolls. I am grateful to him in more ways than I can here hope to articulate. Still, perhaps my largest debt to him is that his friendship to me never wavered even when we disagreed. He nobly allowed me the latitude, under his tutelage, to develop my own views that eventually came to diverge from his views at some significant points.

My last, deepest and most special gratefulness is also my first; it belongs to Avishai Margalit, my wise counselor and true partner throughout.

Jerusalem, September 2005

Introduction

On Thursday, 31 August 2000, a headline across the front page of the Israeli daily newspaper *Ha'aretz* declared: "Scholar Wins Battle over Dead Sea Scrolls." The article went on to inform the readers:

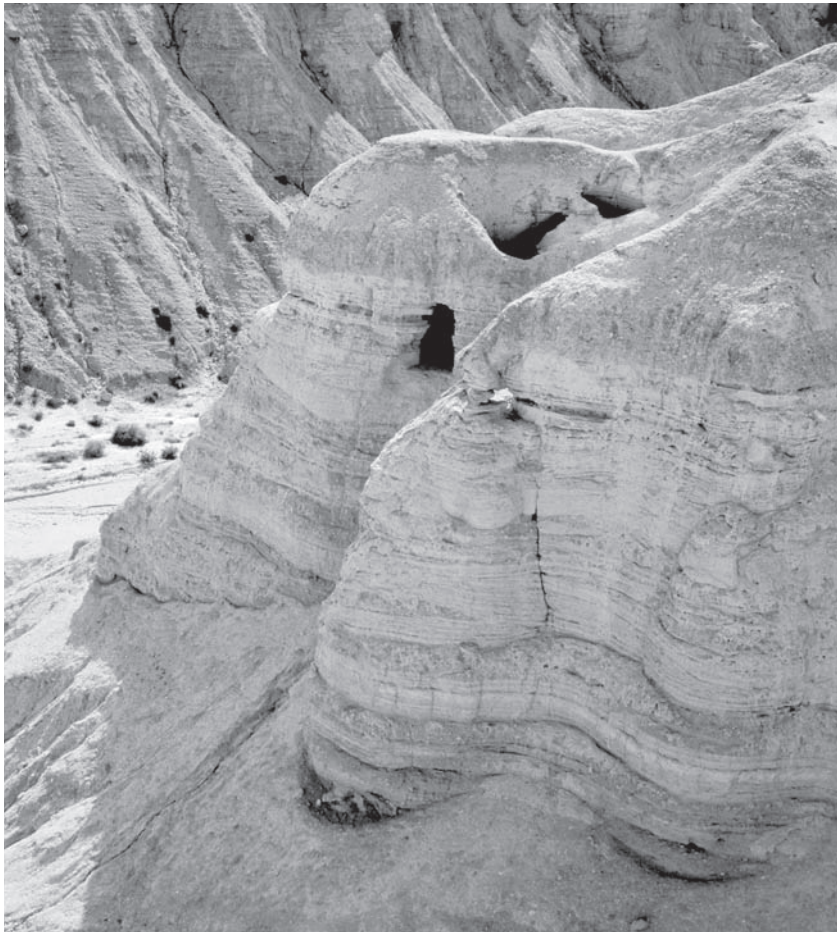
> A Ben-Gurion University professor yesterday won his eight-year long fight to receive recognition for deciphering sections of the Dead Sea Scrolls, which were published in the U.S. without him receiving any credit.
>
> In 1992 Professor Elisha Qimron petitioned the Jerusalem District Court to stop the distribution of the book *A Facsimile Edition of the Dead Sea Scrolls*, published in the U.S., which contained excerpts from the scroll called *Miqsat Ma'ase ha-Torah* that Qimron had deciphered, but for which he had not receive any credit. Judge Dalia Dorner found in Qimron's favor. The defendants, publisher Hershel Shanks and editors Dr. James Robinson and Dr. Robert Eisenman, appealed to the Supreme Court. The appeal took seven years, ending yesterday in victory for Qimron.
>
> Qimron spent 11 years deciphering 70 torn fragments of the scroll until he managed to put together 121 lines of text, and even gave the scroll its name. The scroll was discovered in the 1950s in a cave near Qumran along with 15,000 fragments of other scrolls, written in a language that pre-dates that used in the Mishnah. The scroll contains a set of regulations ordering the life of the members of the "Yahad," a group within the Judaean Desert sect, who chose to live communally and whose members accepted strict rules of conduct.
>
> Harvard University's John Strugnell was the researcher who pieced the scroll together, but he lacked the necessary background in language and *halakhah* to be able to decipher it. That responsibility

> fell to Qimron, who was deeply hurt when his work was published in full in the U.S. without even a footnote mentioning his name.
>
> The scrolls were found in what was Jordanian territory and were opened up to an international research team. When the Rockefeller Museum passed into Israeli control, the Antiquities Authority continued to allow the international research team access to the scrolls. Qimron joined the team in the 1980s. Those researchers who were denied access to the team claimed that it was a "monopoly" and demanded that it be opened up to all scientists. The objective of the 1991 book, which plagiarized Qimron's work, was protest against this monopoly.

A similar story appeared that same day in the *New York Times*, the *International Herald Tribune*, and elsewhere. It was by no means the first time that an item connected with the Dead Sea scrolls made front-page news.

This particular story tells of a courtroom battle. It relates to the vexing and rather limited issue of copyright protection of the scholarly reconstruction of ancient texts.[1] But even this brief journalistic report of a narrow legal case contains many of the elements that account for the drama that has surrounded the Dead Sea Scrolls for more than fifty years. It mentions a mysterious sect in the Judaean Desert whose members led a communal life under strict rules of conduct. It talks about the incredible jigsaw-puzzle task of piecing together numerous torn fragments of one particular scroll and of the supreme scholarly competence, both linguistic and halakhic, required for deciphering them. It alludes, ever so cryptically ("When the Rockefeller Museum passed into Israeli control") to the 1967 June war and to the effect geo-politics always had on the fate of the scrolls research. And it refers to the passions that ran high regarding the so-called monopoly held over the scrolls by the international research team entrusted with their publication.

1 As it happens, this case spurred a controversy among legal scholars: see Nimmer, 2001, and Elkin-Koren, 2001.



An artificial cave (Cave 4) in which thousands of fragments, from about 600 scrolls, were found

The discovery of the scrolls in eleven caves in the Judaean Desert launched a vast and highly professional field of study. Yet this field has always commanded unusual popular attention and interest. The contents of the scrolls succeeded in firing the imagination of the world. A picture emerged from them of a highly enigmatic religious sect, leading its strict spiritual life in the wilderness of the arid Judaean Desert. This picture proved capable

of casting a powerful spell, one of a peculiar romantic and social-utopian nature. In the earlier years it was also accompanied by intense expectations that the contents of the scrolls might reveal unmediated contemporary accounts about the birth of Christianity, possibly even about the life of Jesus himself, and in any case bear directly on the sensitive issue of the Jewish roots of Christianity. Could the cryptic epithets the "Teacher of Righteousness," the "Righteous Messiah," the "Wicked Priest," or the "Man of the Lie" possibly refer to New Testament figures such as John the Baptist, Jesus Christ, James the brother of Jesus, or Paul of Tarsus? Could it be that "the historical basis of the Lord's Supper and part at least of the Lord's Prayer and the New Testament teaching of Jesus were attributable to the Qumranites" (as suggested in a *New York Times* report in 1956)?[2]

At the same time there can be no question that public interest in the scrolls was fuelled not only by their contents but by external circumstances as well. The scrolls were from the very outset surrounded by extraordinary circumstances of seemingly endless intrigue, conspiracy, and scandal. These began with the cloak-and-dagger operations involving the acquisition of the first scrolls,[3] and continued with the impact of politics and the effects on

2 "Christian Bases Seen in Scrolls," *New York Times*, 5 February 1956, p. 2. See Fitzmyer, 1992, p. 163 for discussion of the context in which this story appeared.

3 Here are excerpts from a fairly dry account (Garcia Martinez, 1996, pp. xxxvi–xxxvii): "Everything begins with the Bedouin of the Ta'amireh tribe. They were the chance discoverers at the start and the passionate prospectors later on, of most of the manuscripts originating from the area of Qumran. In one version of the events it is a shepherd of the tribe, Mohhammed ed-Dib, who in search of a stray goat came across the first of the caves with manuscripts.… In the spring of 1947, seven manuscripts originating from Cave 1 pass into the hands of two 'dealers in antiquities' in Bethlehem.… Four of these seven manuscripts were acquired by Athanasius Yeshue Samuel, the archimandrite of the Syrian–Orthodox monastery in Jerusalem, in the hope of making some profit from their sale. The other three were offered to Professor E. L. Sukenik of the Hebrew University, Jerusalem…. Professor Sukenik understood these manuscripts to be of interest and perhaps to be ancient. He acquired them for the Hebrew University.… In view of the political uncertainty of the country and the problems caused by the setting up of the State of Israel, Mar Athanasius decided to transfer the manuscripts in his possession to the United States with the prospect of selling them."
At this point I switch to the account, by now somewhat of a classic, by Edmund Wilson (1969, pp. 117–118): "[In the summer of 1954] General Yadin – the son of Professor