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11 April 2008

A New Wrinkle in the Qumran “Yahad” Theory

A. The Claim

Apparently under the weight of rather heavy criticism, the famous mid-1990s “Yahad” claim created and championed by traditional Dead Sea Scrolls scholars has largely receded from current discourse. That claim was to the effect that the so-called “Yahad” ostrakon discovered near the walls of Khirbet Qumran actually contained the selfsame Hebrew word *yahad* — thus ostensibly proving that the *Yahad (=unity) brotherhood*, known from a number of the Scrolls, actually lived and had its headquarters at Khirbet Qumran. A salient symptom of the ostrakon’s virtual disappearance has been that, although originally presented by its promoters as “the first archaeological evidence” (Israel Museum news release, 14.4.97, original in Hebrew) demonstrating a connection between the Scrolls and Khirbet Qumran, such an assertion, and any image of the ostrakon itself, can no longer be found either in current exhibitions of the Scrolls or in the catalogues that accompany them. Since in addition traditional Qumranologists did not, generally speaking, come forward with a defense of the “Yahad Ostrakon” claim, one might have thought that an artifact bearing the first archaeological evidence proving a connection between the Scrolls and Kh. Qumran had still not been discovered.

However, the very same ostrakon has recently taken on a new life in the pages of *Flores Florentino: Dead Sea Scrolls and Other Early Jewish Studies in Honour of Florentino Garcia Martinez* (Brill, 2007), edited by A. Hilhorst, E. Puech, and E. Tigchelaar. In this scholarly 836-page volume dedicated to a Qumran investigator of prodigious attainments, the very first article, by Fr. Puech himself (pp.1-29), reveals the author first expressing his firm agreement with those critics dismissive of the idea that the word *yahad* appears in the ostrakon (p. 10-12 of his article). He then goes on to claim that *another word in the same ostrakon* demonstrates the habitation of Kh. Qumran by none other than the same Yahad brotherhood.

That word, Puech asserts, may be found not in any line of the first section of the ostrakon (where the word *yahad* was originally claimed to be hiding) but rather in the final line of its broken-off lower half, a section previously attracting relatively little attention because of its largely illegible state. The word in question, he states, is none other than the Hebrew term *mebaqqer* (= *inspector* or *overseer*) introduced by the preposition *b-*, the whole phrase meaning, for Puech, “**by the overseer**” (although for this rendering one would usually expect the prepositional phrase *al-yad* rather than the preposition *b-*). It is well known that the brotherhood texts known respectively as the Manual of Discipline and the Damascus Covenant require that a *mebaqqer* regulate certain affairs of the societies described in those Scrolls. For Puech, this is reason enough to assert that the ostrakon, found in the vicinity of one of the surrounding walls of Kh. Qumran, is indeed an artifact proving the Yahad brotherhood inhabited that site.

B. The Problem From a Textual and Historiographic Perspective

By virtue of the possibly far-reaching significance of Puech's claim, an examination of the palaeographic underpinnings of his argument is obviously called for. If, however, we first assume for the sake of argument that the reading *bamebaqqer* is actually in the ostrakon, what must still necessarily be considered are (a) its place in the (legible) context of the ostrakon as a whole and (b) the salient historical circumstances necessarily implied thereby. While Puech has many decipherments of the ostrakon's individual words that are his alone, his readings of certain of the words are consonant or virtually consonant with those of previous scholars who have attempted to decipher this difficult text. For example, Cross/Eshel (1997), Yardeni (1997) and Cryer (1997) all read the first word of line 2 as *biricho* — i.e., **in Jericho**; and that is also the reading of Puech. For the first two words of line 1, both Cross/Eshel and Yardeni have *bishnat shtayim* — i.e., **in year two**; and although Puech questions the precise spelling of the second word, he agrees that the meaning of the phrase is indeed the same as that of the aforementioned scholars. Thus there is a considerable agreement that the legible words of the first two lines taken together would read in translation:

In year two..... in Jericho

Similarly, the first two words of line 3, according to all the aforementioned writers, are *le'elazar ben*, i.e., **to El'azar the son of**; while the following word (which should be the name of El'azar's father) is read as **Nahmani** by Cross/Eshel and Puech, whereas Cryer suggests **Nah[sh]ony** and Yardeni transcribes only the first consonant (a *nun*) of El'azar's father's name.

Thereafter, lines 4 and 5 are read differently by each of the above parties, and no good sense emerges from any of the suggested decipherments. Against Yardeni, Puech agrees with Cross/Eshel that line 6 contains the words *tehumé habayit* (**the boundaries of the house**), and the three parties all agree that line 7 includes the words *hate'enim* (**the fig trees**). In the (final) line 7 of the main fragment of the ostrakon, against Cross/Eshel's palaeographically impossible *wekimloto layahad* ("when he fulfills [his oath] to the community") — viz, to the *Yahad* community — Puech agrees with Yardeni's reading *wekhol ilan ahe(r)* (**and every other tree**).

If one takes into consideration the arguments for the views advanced, as measured against the salient characteristics of the handwriting on the ostrakon, the most reasonable reconstruction of the decipherable words of the upper section of the ostrakon would appear to be the following word-sequence:

**In year twoin Jericho..... El'azar the son of
N.....boundaries of the housethe fig trees
.....and every other tree.....**

As Yardeni has earlier pointed out (1997, pp. 233-234) — with Puech himself assenting — and as is abundantly clear from a variety of text publications by herself and

others, this sequence of phrases is closely akin to “those in similar lists of items in deeds of conveyance from the Judaeen Desert.”

The examples Yardeni cites, to be sure, are of deeds of the early 2nd Century A.D. There is little reason to doubt that the formulaic wording of Palestinian Hebrew legal deeds of the mid- and late-1st Century A.D. was similar; yet no proof in the wording or palaeography of the ostrakon under consideration mandates that the ostrakon was necessarily or even likely written, as Puech asserts, as early as the *second year of the First Revolt*. While on the one hand this would of course make it a Jewish legal deed of the greatest rarity, on the other hand the several years of the Bar Kokhba period, beginning in 132 A.D., are characterized by the presence of a very large number of preserved legal deeds having characteristic Jewish legal formulations, viz.: the date of writing of the document, the place (city, town, or village) in which it was written, and the parties to the deed. (The same basic characteristics are, of course, also preserved in thousands of extant [medieval] legal deeds of the Cairo Genizah.)

The legible wording of the ostrakon under consideration has precisely those characteristics, and cannot reasonably be construed as anything but an ordinary deed of conveyance dated in the second year (viz. 133 A.D.) of the Bar Kokhba revolt and executed in Jericho. Puech asserts (p. 6 of his article) that “*rien ne prouve que l’ostrakon a été écrit à Jéricho même*” (“nothing proves the deed was written in Jericho itself”), and he also proposes (ibid.) that the text is not really a bona fide deed but rather something less formal — claims that amount to urging on readers the proposition that the text does not really mean what it states. One may note that Puech offers no proof of these highly unusual assertions by reference to any other extant Jewish legal document, nor does he explicate the underlying reason for championing ideas of this kind. As far as can be ascertained from the perusal of Hebrew sources dealing with legal documents, a Jewish conveyance deed must always have recorded within it the date of its *drafting*, must always specify the place of habitation where the drafting is being accomplished, and is characterized by terms naming the parties involved and indicating the deed’s purpose.

The present deed obviously shows no signs of being a *court* document — a separate text-category characteristically identified at its outset as a *ma’aseh bet din*. By proposing that the text is not a *legal* document because, to use his description, it is not “*un acte juridique et légal officiel*” (ibid. p. 6), Puech only confuses readers. In effect, most extant Hebrew legal deeds are neither juridical nor vetted by any official party.

Objectively speaking, no term in the ostrakon under consideration even hints at its having been written elsewhere than at Jericho itself, or that it was something other than a bona fide deed. Both Cross/Eshel and Puech urge that the recorded toponym be construed as signifying the regional *toparchy* or *district* of Jericho, thus ostensibly legitimizing an interpretation of the ostrakon as originating as close as conceivably possible to Kh. Qumran — an effect also produced by the claim that the deed is not really a bona fide legal document. Similarly, Puech has elsewhere urged without proof that the toponym *Sekaka* found several times in the Copper Scroll, and whose identification is not indicated by any other toponymic evidence, is actually an ancient designation for Kh.

Qumran itself; he has also argued that even the Copper Scroll was written by the putative Essenes of Qumran. In an earlier case representing the same phenomenon, it was seriously argued that the geographical term *Damascus* found in the Damascus Covenant (of which important fragments were discovered in the Scroll caves) was in reality a metaphorical designation alluding to Kh. Qumran. These attempts are mere conjectures lacking any textual or toponomastic basis.

Hebrew deeds as far back as they can be traced allow for such unusual contingencies as are now urged by Puech for the ostrakon only when and if they are modified by adding appropriate words to that effect, viz.: *in place X which is near unto city Y*; or e.g., *in town X which is near city Y which is located on river Z*; etc. The designation of a district surrounding a city would be indicated by terms such as *mahoz* or *tehum*, as a rule placed in construct state with the following city name. There is no reasonable possibility, however, for such a contingency in the ostrakon, for the precise place of writing of the contract is indicated by the preposition *b-* (=in) attached, in a single-word syntactic cluster, to the toponym *Jericho* itself, viz. ***biricho*** = “in Jericho.”

At all events, in Puech’s view the crucial hint connecting the ostrakon to Kh. Qumran is present in the term *mebaqquer* that he claims to be able to decipher in the last line of the bottom portion of the ostrakon. To briefly summarize the author’s line of reasoning as detailed in his article:

- A. The Manual of Discipline and the Damascus Covenant both refer to a *mebaqquer*.
- B. Following Father de Vaux, many if not most scholars believe that these writings as well as others found in the eleven caves stretching northward from Kh. Qumran were composed by an Essenic sect inhabiting the latter site.
- C. The discovery of a bona fide historical artifact bearing the word *mebaqquer* near the eastern wall of Kh. Qumran firmly establishes the Qumran-Essene theory not merely as a theory but rather as an authentic fact (cf. Puech’s assertions on pp. 25-26 of his article).

Several factually relevant elements have, however, either consciously or unconsciously been overlooked during construction of the aforesaid inferential chain. In the Manual of Discipline (col. VI) the statement is made that an Aaronic priest as well as a “man engaged in expounding the Torah day and night” must take up residence “in any place where ten men of the council of the Yahad may be found.” Those scholars who believe that the Yahad group of the Scrolls and the Essenes are one and the same are also aware that Josephus says of the latter that they “occupy no one city, but ***settle in large numbers in every town***” (*Jewish War* II, 124, trans. Thackeray, ed. Loeb Vol. II, p. 371).

To the best of my knowledge, traditional Qumranologists do not deny the authentic tenor of these observations of Josephus, claiming only (at least until recently) that Kh. Qumran was no more than the chief center of these “Yahad-Essenes.” And yet the existence of these descriptions — when coupled with what Puech claims is the word *mebaqquer* in the ostrakon, and his agreement that the geographical term *Jericho* appears in its second line — apparently does not motivate him to suggest that this combination of evidence may indicate that there was a Yahad brotherhood group in Jericho. Strange as it

may seem, for Puech the evidence of the ostrakon can only lead to Kh. Qumran — precisely what Cross/Eshel vainly attempted to prove by adducing their decipherment of another word in the same text.

Puech, however, without addressing this highly questionable procedure or suggesting possible alternative ideas, and after deciphering what he considers to be the crucial word of the final line as *mebaqquer*, appears to have no qualms in explaining this expression as “*l’intendant de la [Communauté].*” By adding the bracketed word, he clearly means to say that someone bearing the title *mebaqquer* could only be an individual attached to that Yahad community which, traditional Qumranologists urge, was located precisely at Kh. Qumran. However (always assuming for the sake of argument that Puech’s decipherment is correct), the legible elements of the ostrakon do not require, and in fact do not allow, such a conclusion insofar as the testimony inscribed on the deed, no matter how intensely Fr. Puech or others might wish us to believe otherwise, is to the effect that it was written in Jericho itself.

This does not mean, however, that Puech’s decipherment of the term, were it correct, would have no practical value; for, making its appearance on a deed written in Jericho, it could not only imply the presence of a Yahad group there but also, and just as likely, indicate that the term initially had a wider application than its use to designate the overseer of a Yahad community. The term, after all, does appear as a plural *nomen regens* in the Babylonian Talmud (Ketubbot 106a), where not an Aramaic but a Hebrew statement, evidently based on an old Tannaitic tradition, is made to the effect that “inspectors of blemished animals (*mebaqré mumin*) in Jerusalem used to receive their salaries from the Temple treasury.” Even on the basis of this latter passage alone, a wider semantic spectrum in antiquity must be allowed for the term *mebaqquer* than that conceived of by traditional Qumranologists focusing exclusively on an imagined desert headquarters of Essenes.

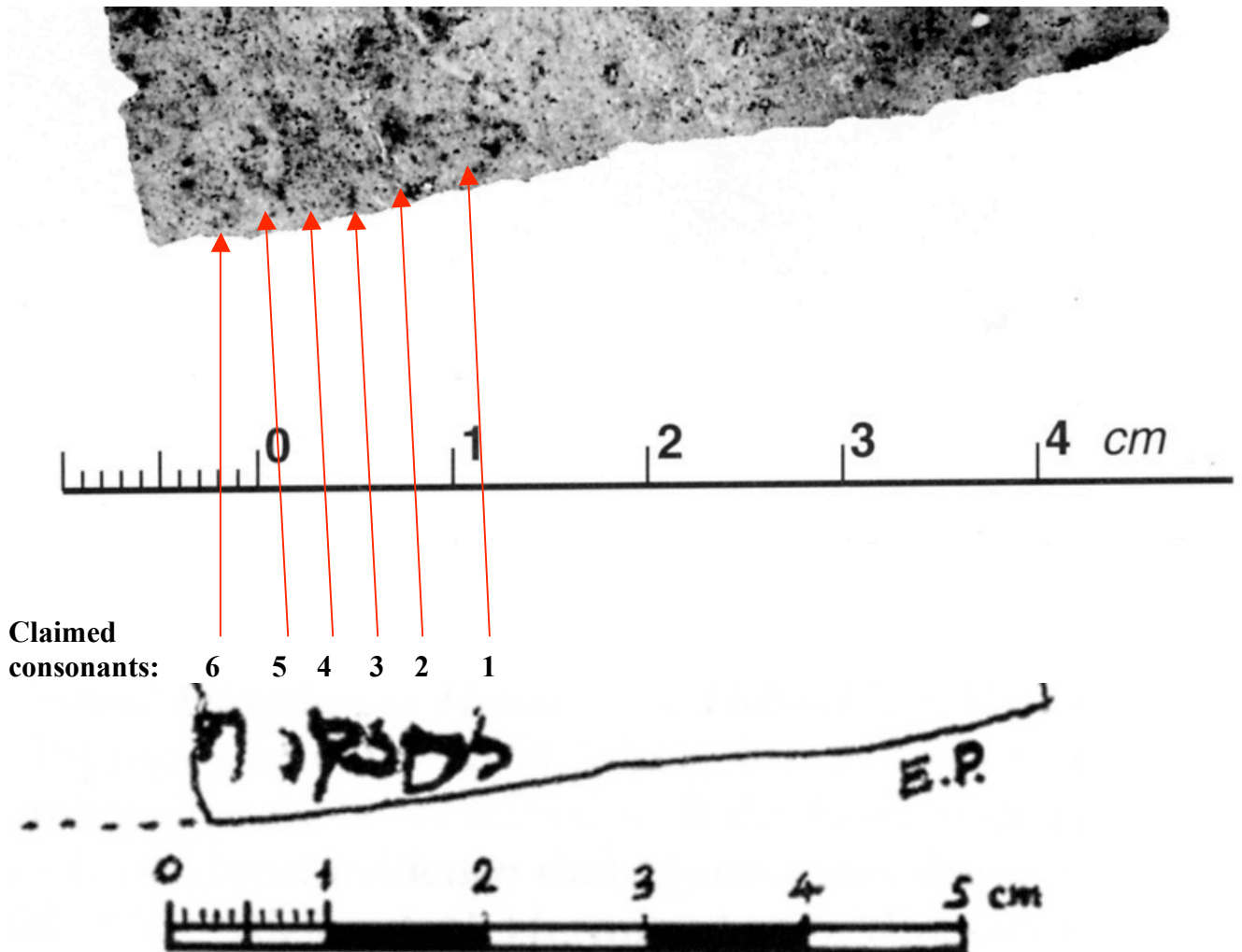
C. The Palaeographic Problem

At the heart of the matter, at all events, is whether or not the term *mebaqquer* does indeed actually appear on the ostrakon under discussion (which is designated as KhQOstrakon in *DJD*, vol.XXXVI, and as KHQ1996/2 by Puech in his article, p. 17). In assessing the validity of this claim, we must first remember that the early published photographs of the ostrakon do not clearly show traces of actual words at the bottom of its lower half. (Cf. for example Cross/Eshel, 1997, p.19.) However, a newly remade photograph with digital enhancement, by J. Henderson, has appeared as Plate xxxiii in the aforementioned *DJD* volume (Oxford, 2000), and a slight improvement in the legibility of the bottom section of the ostrakon has been gained by this procedure.

Attached below is a copy of the lowest portion of Henderson’s photograph of this section, followed by Puech’s proposed transcription (p. 28 of his article) with arrows pointing therefrom to the traces in the photograph that Puech, in his edition, interprets as the word *bamebaqquer*, translated by him as “*par l’intendant*” (“by the overseer”) with the conjectured augmentation “*de la [Communauté(?).]*”

We may observe that Puech describes his work on the text as a “*collationnement des diverses reproductions publiés*” (p. 3), naming those reproductions in a footnote. It must be noted, however, that no actual *photograph of the original text* appears in the article, but only Puech’s own palaeographic rendering that he describes as a collation of earlier efforts. What makes this procedure, as an example of palaeographic method, all the more surprising is that Puech’s text not only constitutes a collation of earlier attempts at decipherment, but actually introduces various new readings of his own into the text.

Focusing now specifically on the traces of what Puech regards as *bamebaqger*, one may initially observe that, judged as a word, its elements are considerably less legible than words written on earlier portions of the ostracon. (I show here, under magnification, first the bottom-most section of the ostracon as photographed by Henderson, and thereunder Puech’s rendering, also under magnification, of the crucial traces in question):



Claimed
consonants: 6 5 4 3 2 1

For example, *claimed consonant 1* (which Puech reads as a *beth* and construes as being equivalent in meaning to French *par*) can, when indeed construed as a consonant,

be admitted as a full-fledged *beth* only by one's focusing on lighter portions of the remnants and disregarding some of the black-ink remnants. On balance, the traces can at best be construed as remnants of a partly effaced and now unidentifiable consonant.

Moreover, Puech's drawing does not match the remnants pictured in the photograph. Instead, it *fills out* the remnants in such a way as to produce an intact *beth*, but Puech supplies no copy of the digitally enhanced photograph for a reader's efficient comparison between his rendering and the traces in the photograph. (This observation applies also to the following consonants.)

As for ***claimed consonant 2***, Puech urges that the relatively clear traces are those of a rotund *mem* — i.e., the first consonant needed for the term *mebaqquer*. This reading is indeed a possibility, but the traces may also be construed as constituting an equally rotund *samekh* (=s) — a consonant, however, which would vitiate the reading *mebaqquer*. Both Cross/Eshel and Yardeni have earlier perceived a rotund *samekh* in the second word of line 4 of the ostrakon, and Cryer likewise in line 7. Puech, however, offers an entirely different reading of line 4 which, although in itself unconvincing in the context, has the advantage, for him, of doing away with the bothersome rotund *samekh* of that line and, not surprisingly, construing in its place precisely the same *mem* that he insists occurs in his claimed *mebaqquer* reading. It may be noted also that the faintly perceptible traces that may be seen in the photograph are drawn by Puech as a solidly black-ink unit and with a shape not in keeping with the ductus of the possible consonant as presented in the digitally-enhanced photograph.

With regard to ***claimed consonant 3***, which Puech suggests is the *beth* of *mebaqquer*, we must first observe that what he has in mind would appear in effect to be a possible consonant halfway up toward the previous line of the ostrakon. When seen under magnification, however, this claimed consonant is more in the nature of a series of black dots of which three lower ones are horizontal, and which are separated by at least several millimeters from five or six more dots above them outlining a forward-bending vertical tail. Puech's drawing of these traces again surprisingly represents this cluster as a solid black line forming the sought-after consonant *beth*. The drawn depiction also leaves out the fact that more of the black remnant moves vertically downward from the three inferior dots, ending on the same horizontal level as the previous consonant. Thus the configuration in its totality does not seriously allow for the cluster's interpretation as a *beth*.

Claimed consonants 4 and 5 are according to Puech supposed to be the *qof* and *resh* of the word *mebaqquer*. To the naked eye that at first seems possible, at least with respect to what is asserted to be the *qof*. Indeed, Puech draws it, in full black lettering, as a bona fide *qof*, with a single lower vertical stem, and follows that by also drawing a slightly convex *resh*. Under magnification, however, a different picture emerges. (See figure above.) What at first might give the tentative appearance of a *qof* becomes a series of irregular dots moving in *two columns* from the top of the consonant to its bottom. At their lowermost point, these dots altogether merge into a single point and then move diagonally upward to the left, the complex of traces thus forming the

semblance of a ligature whose left diagonal portion gives no hint of being a fragment of a *resh*. The black-ink drawing of Puech — which omits the traces that argue against the presence of a *qof* and presents a *resh* whose ductus, as drawn by him, is unlike that of the bona fide samples of *resh* found on earlier parts of the ostrakon — thus expresses what seems to be his own personal wish in respect to the identity of this cluster rather than what is actually supported by the digitally enhanced photograph itself.

Claimed consonant 6 is drawn by Puech as the letter *he*, but he refrains from placing it in brackets despite the fact that no trace whatever of such a consonant appears in the digitally enhanced photograph. As if unable to resist, he then attaches this consonant to a following word in brackets (i.e., conjectured by Puech) that turns out to be none other than the famous *yahad* itself.

D. Conclusions

A close study under magnification of Puech's decipherment of the so-called "Yahad" text, in comparison with the digitally enhanced photograph by J. Henderson, does not secure a result that would encourage the reading of the words *bamebaqqer hafyahad* in the last extant portion of the text. The inference that the author draws from the discovery of the ostrakon and his examination thereof — i.e., that they "take on special importance by confirming definitively and unexpectedly the interpretation of the [Kh. Qumran] site [expressed] by its excavator R. de Vaux" ("*[ils] revêtent une importance particulière en confirmant définitivement et de manière inespérée l'interprétation du site [de Khirbet Qumran] par le fouilleur, R. de Vaux*") — is unwarranted by the claimed palaeographic evidence.

Moreover, were it the case that precise palaeographic method actually supported the claimed reading of the word as *bamebaqqer*, that would hardly signal an organic connection between the ostrakon and Khirbet Qumran. It would at the most be indicative of a contractual event occurring in Jericho that involved a person having that particular title. No more can be legitimately squeezed out of the fact that the ostrakon was in recent times discovered in the vicinity of Kh. Qumran than the conjecture that it was once in the process of being carried southward when it became separated from its possessor, possibly while visiting someone inhabiting the latter area.

In consideration of the totality of relevant facts known today, the conclusion cannot be avoided — and all the more so in view of claims made about the ostrakon since it first came to light — that no text or artifact possessed by any party until today may legitimately be claimed to prove the past habitation of a Yahad society, or Essenic groups generally speaking, at Khirbet Qumran. By sophistically entangling the ostrakon in a web of Qumranocentric reasoning, what Fr. Puech appears to have accomplished is an egregious begging of the fundamental question, a procedure not in keeping with either the method or the goal of scientific research. I state this regrettably and with full respect for Puech's generally careful work on the Dead Sea Scroll texts.

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