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Supervisors of Behavior : Evidence for Vulnerability of the Legal System from Qumran Texts and the Psalms of Solomon

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SCRIPTURES IN THE MAKING:
TEXTS AND THEIR TRANSMISSION
IN LATE SECOND TEMPLE JUDAISM



PEETERS

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SUPERVISORS OF BEHAVIOR: EVIDENCE FOR VULNERABILITY OF THE LEGAL SYSTEM FROM QUMRAN TEXTS AND THE PSALMS OF SOLOMON

Jutta JOKIRANTA

1. Introduction

Ancient texts do not give us full access to the past behavior of people, but they give us access to their legal concerns and their occupation with various matters. In the late Second Temple period, one change among many seems to have been the growth in detailed halakhic rules, providing answers to the question of how the torah should be interpreted and practiced: written lists of rules on the Sabbath, purity, and oaths, for example.¹ Yet, the increase in intensive legal interpretation by no means provided a clearer basis for legal action and religious behavior but rather increased the need for legal experts and supervisors. When the role of writing and education associated with mastering a large corpus of traditions increased, scribes/scholars² assumed roles that in some other context only belonged to the family head, village elder, priest, or king.

¹ See Seth Schwartz, “Law in Jewish Society in the Second Temple Period,” in *The Cambridge Companion to Judaism and Law*, ed. Christine Hayes (Cambridge: Cambridge University Press, 2017), 48–75, for a tracing of the same law-oriented, halakhic culture in Second Temple Judaism that later characterizes the Rabbinic tradition.

² “Scribes” and “scholars” are not the same thing, as explained by Catherine Hezser, “Jewish Scribes in the Late Second Temple Period: Differences between the Composition, Writing, and Interpretation of Texts” in this volume. Scribes could merely have the technical skill of writing, whereas scholars were the creators, organizers, and teachers of literary texts who cooperated with scribes in textual production. However, the distinction is clear in some contexts but not in others. In the case of Dead Sea Scroll manuscripts, the term *sofer* is rare but also seems to indicate scholarly and literary activities, not just copying or writing by dictation. Also, manuscript evidence may testify to a stronger agency of scribes than allowed by a sharp distinction. For these reasons, I use here “scribes” as a shorthand term for educated persons who were also involved in textual production. See further Eibert Tigchelaar, “The Scribes of the Scrolls,” in *T&T Clark Companion to the Dead Sea Scrolls*, ed. George J. Brooke and Charlotte Hempel

Another side of the coin is the question of what motivates people to act according to the law in the first place and to be concerned with the details and nuances of the law. Belief in the divine authority behind the law is naturally a powerful tool, and this was something re-created over and over again in order to be transmitted from generation to generation (although such a belief could also take several forms, see below). However, this motivation functioned at a broad level of abstraction: to please God and to avoid punishment were ideal rationales for many groups at the turn of the era. More proximate motivations can be seen when we trace answers by different groups to these questions: If one wanted to appear as a righteous person in Late Second Temple Judaism, which practices was one expected to adopt and how should one behave? What did it mean to be a trustworthy member of one's *ethnos*? What sort of punishment was to be expected if one did not bother about righteousness?³ Different groups provided different answers to these questions and thus legal interpretation was connected with the various constructions of social identity. Ritual studies suggest that costly rituals may function as efficient signals of commitment to the group: you prove yourself by investing time and resources in this group's ideals.⁴ However, such behaviors have to be seen. Rules whose observance is not sufficiently public lose their power to enhance group cohesion; in other words, a system that relies on private observance is vulnerable, as the group runs the risk of dissolution or distrust.

This article approaches the question of vulnerability of the law and responses to it by comparing some of the Qumran texts and the Psalms of Solomon as evidence from the first century BCE. The Qumran evidence often gives the impression of an ideal internalization of rules and continuous monitoring of oneself, but in practice the system may have depended on superiors and guidance on legal and ritual questions. Both

(London: T&T Clark, 2019), 524–32; Pieter B. Hartog, *Pesher and Hypomnema: A Comparison of Two Commentary Collections from the Hellenistic-Roman Period*, STDJ 121 (Leiden: Brill, 2017), 46–50, and recently, Sidnie White Crawford, *Scribes and Scrolls at Qumran* (Grand Rapids, MI: Eerdmans, 2019).

³ The link between breaking the law and its consequence (e.g., need of repentance, risking the safety of the community if not properly purified and/or atoned) was not obvious but needed to be learned and maintained. The nature of the believed consequences is also important: to anticipate a loss of land, cult, and prosperity for the whole people is a different matter than to anticipate individual loss that could be remedied or overcome over time.

⁴ Joseph Bulbulia and Richard Sosis, "Signalling Theory and the Evolution of Religious Cooperation," *Religion* 41/3 (2011): 363–88.

the Qumran texts and the Psalms of Solomon highlight the problem of secret sins: this can be interpreted as evidence of a not sufficiently public display of religious behavior. The hypothesis is that, even in highly motivated network groups where halakhic interest was heightened, there was need for supervision and discipline. Righteousness was something achievable within a community but discipline was equally inherent in the system where one could not rely on one's own understanding only.

In the following, I will first address (section 2) the nature of the legal system in late Second Temple Judaism: How was the torah functioning during this time? Was there such a thing as legally binding written law that legal experts could appeal to? If not, or if experts appealed to different collections, how does this affect the system, and how is one supposed to know the law? After this, I take examples of one vulnerable aspect of the law as it appears in the Qumran evidence and Psalms of Solomon, the problem of secret or private sins (section 3), and the response to it in the form of discipline and supervisors (section 4). Finally, I discuss how these texts construct the agency of supervisors (section 5).

2. What Does It Mean for Torah to Become Law?

What was the legal-ritual system like during late Second Temple Judaism? When was torah regarded as an authoritative, known collection of writings? What did such a torah contain in the first place? Whereas *torah* as a term probably never lost its meaning as “instruction,” it also became a signifier of a tradition that could materialize in written form and had special importance for the identity of most Judaeans.⁵ At the same time, there was no agreement on the torah, and the interpretation of laws also became a source of division. John Collins explores how the ancestral laws became a constitutive element for Judaism but how they were also perceived in various ways and, to some extent, even ignored (“non-Mosaic Judaism”).⁶

⁵ See Hindy Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism*, JSJSup 77 (Leiden: Brill, 2003); William Schniedewind, Jason Zurawski, and Gabriele Boccaccini, eds., *Torah: Functions, Meanings, and Diverse Manifestations in Early Judaism and Christianity* (Atlanta: SBL Press, forthcoming).

⁶ John J. Collins, *The Invention of Judaism: Torah and Jewish Identity from Deuteronomy to Paul*, The Taubman Lectures in Jewish Studies (Oakland: University of California Press, 2017).

In comparison to earlier source material (in texts that later became part of the Hebrew Bible) which remains vague on many issues, the Dead Sea Scrolls provide evidence of concerns and growth of halakhah that specify at least certain views of the righteous path. This should not mislead us, however, to take the halakhah as a direct window into lived practices. One reason is the nature of such material. Even though often substantial, the lists that we find, for example, on the Sabbath or purity rules, are hardly exhaustive; in other words, they are not the complete picture of the matter even if they were prescriptive (added pressure to behavior).⁷

Furthermore, the interpreters of the law had varied attitudes towards the law. Christine Hayes makes a distinction between two ways of understanding divine law: the law is divine because it has divine characteristics (e.g., truth, universality, rationality, eternity; the law is addressed to rational moral agents), or the law is divine because it has divine origins (it is revealed in history rather than in nature, and is thus particular, arbitrary, and evolving; the law is addressed to obedient servants). These two modalities were brought into dialogue with each other in many ways in Hellenistic Judaism.⁸ What is important for us here is the role of legal interpreters. Whether the law was considered instruction (and observable in the natural order) or commandment (particular and dependent on the divine agent), it needed instructors or the instructed mind to guide interpretation and education to learn the law.

We do not know how widely the laws were known. There is little direct evidence for the dissemination of written law. The torah has symbolic significance in the reform of Ezra, for example, but that educational program remains very vague. It is clear, as Collins has remarked, that “In such a society, the general populace was heavily dependent on the word of the scribe and the priest.”⁹ *But this seems to have been the case later on as well.*

⁷ See Jonathan Vroom, *The Authority of Law in the Hebrew Bible and Early Judaism: Tracing the Origins of Legal Obligation from Ezra to Qumran*, JSJSup 187 (Leiden: Brill, 2018), 68–70, for a useful discussion on how scholars have understood the laws’ normativity differently and how the dichotomy prescriptive–descriptive is not sufficient to account for the directives that were not merely *describing* the world but were meant to apply pressure to it even though they were not functioning as legally binding law.

⁸ Christine Elizabeth Hayes, *What’s Divine about Divine Law? Early Perspectives* (Princeton: Princeton University Press, 2015).

⁹ Collins, *The Invention of Judaism*, 60. On education, see James L. Crenshaw, *Education in Ancient Israel: Across the Deadening Silence*, ABRL (New York: Doubleday, 1998); Jason Zurawski and Gabriele Boccacini, eds. *Second Temple Jewish Paideia in Context*, BZBW 228 (Berlin: de Gruyter, 2017).

Recently, Jonathan Vroom uses legal theory to address the question of when laws function as legally binding law.¹⁰ Vroom argues that a law is treated as a binding obligation when it provides reasons for action that *preempt* other reasons for action: any reasoning process and asking “why” questions about the law are unnecessary since the law itself is the reason for doing something. Subjects feel obligated to act according to the law even when they do not like the law or disagree with it. The law can still be broken, but this is another matter, separate from the legal status of the law. In contrast, non-binding directives, such as parental advice or organizational policies, provide *further* reasons for action *besides* one’s own reasoning.

Vroom lays out eight requirements that a binding law needs to have in practice, such as that it needs to be sufficiently general (not just applicable in one individual instance), public, clear, consistent, stable, and so on.¹¹ When the interpreter of the law is interested in addressing possible threats to generality, publicity, clarity, consistency, and so on, then that interpreter sees the law as legally binding (in contrast, laws could naturally be updated and changed, without any concern about the functionality of its formulation). For Vroom, such concerns about the law reveal the attitude when the law is considered as binding. He takes the Sabbath laws in the *Damascus Document* as an example:

[T]his interpreter is immensely bothered by the vagueness of the word ‘work.’ He spends a great deal of energy listing borderline cases, in which it is not clear whether or not they are prohibited by the law, to add precision to the word ‘work.’ ... Even if CD’s Sabbath discussion was purely theoretical, the fact that the scribe was still so preoccupied with these threats to the rule of law reveals his expectation of what the law should look like and the types of practical questions the law must address.¹²

This perspective is important here, since it takes away the burden of seeing halakhah itself as an effective law code. Instead, halakhah in the Dead Sea Scrolls testifies to new *legal attitudes* towards the law. Furthermore, the paradox of legal interpretation, as explained by Vroom, is that it has to be continuous with the previous law but at the same time it must

¹⁰ Vroom, *The Authority of Law*. Vroom follows Joseph Raz in this theorizing. It should be noted that Vroom’s model is very centered on *written* laws, the function of their wording, and practical authority (rather than beliefs or attitudes), and is occupied very little with the role of *oral* culture in the attestations of the law and in interpreting the law.

¹¹ Vroom, *The Authority of Law*, 28–29.

¹² Vroom, *The Authority of Law*, 40–41.

deviate from it, show it in new light, say more, or say it better than the previous law.¹³ Authority was ascribed to the established law, not to halakhah.¹⁴ For the authority transfer from the law to the interpretation to be effective, Vroom argues, the interpreter had to persuade the addressee to see the continuation or the legitimacy of the interpretation. Very little of written legal interpretation, however, includes such explicit persuasion.¹⁵ Instead, the legitimacy rests on the “epistemic authority” of the *interpreter*, that is, on the power of a person to influence because that person was believed to have higher knowledge.¹⁶ This is similar to

¹³ Vroom, *The Authority of Law*, 80–81. This tension between continuity and improvement is similar to how the Qumran rules present themselves as the most authentic version of the Sinaitic revelation, as explained by Molly M. Zahn, “Torah for ‘The Age of Wickedness’: The Authority of the Damascus and Serekh Texts in Light of Biblical and Rewritten Traditions,” *DSD* 20 (2013): 410–32. For the wider framework in cultural memory studies and social identity research of the need for new movements to present themselves as the continuation of the (best) past, see the discussion by Raimo Hakola, “Revolution Masked as Tradition: Claims for Historical Continuity and Social Identity in Early Christianity and the Ancient World,” *Common Ground and Diversity in Early Christian Thought and Study: Essays in Memory of Heikki Räisänen*, ed. Raimo Hakola, Outi Lehtipuu and Nina Nikki, WUNT (Tübingen: Mohr Siebeck, forthcoming).

¹⁴ In addition, I would say, the authority dwelled not only in the written version of the law, but in the established oral transmitters of the law. After all, the torah was perceived to be revelation received by Moses on Sinai. See further how Deuteronomy itself presented it as interpretation of Sinaitic revelation: Zahn, “Torah for ‘The Age of Wickedness,’” 413–14.

¹⁵ In a larger framework, many wisdom texts testify to directives of behavior that do not refer to or derive their legitimacy from the torah, or from the torah only; see John I. Kampen, “The Puzzle of Torah and the Qumran Wisdom Texts,” in *Hā-’īsh Mōshe: Studies in Scriptural Interpretation in the Dead Sea Scrolls and Related Literature in Honor of Moshe J. Bernstein*, ed. Binyamin Y. Goldstein, Michael Segal, and George J. Brooke, *STDJ* 122 (Leiden: Brill, 2017), 190–209. In Qumran scholarship, much attention has been given to the identification of various “authority-conferring strategies” that were used to lend authority to new texts and interpretations; see, e.g., Florentino García Martínez, “Rethinking the Bible: Sixty Years of Dead Sea Scrolls Research and Beyond,” in *Authoritative Scriptures in Ancient Judaism*, ed. Mladen Popović, *JSJSup* 141 (Leiden: Brill, 2010), 19–36.

¹⁶ Vroom, *The Authority of Law*, 90–91. Cf. Zahn, “Torah for ‘The Age of Wickedness,’” 431: “[C]oncrete decision-making power lay not in any single text but in the authority of the priests or ‘the many’ (הרבים), e.g. 1QS 6:8–13).” Vroom studies the Qumran penal codes and comes to the conclusion that their rewriting processes show no concern for treating the codes as legally binding. I agree, but it would have been interesting to see how some other material in the rule texts might respond to similar ideals in the Hebrew Bible, or how the penal codes themselves could be seen as addressing questions of eligibility in decision making and the like that are present in previous texts, even though not in legal form. See further Sarianna Metso, “Leviticus Outside the Legal Genre,” in *A Teacher for All Generations: Essays in Honor of James C. VanderKam*, ed. Eric F. Mason et al., *JSJSup* 153/2 (Leiden: Brill, 2012), 379–88; Aharon Shemesh,

the situation attested in Ezra where “practical authority of the Torah was mediated through qualified Torah interpreters, of which Ezra is the paradigmatic example.”¹⁷ Authority is mediated: not all members of the Qumran movement consulted written halakhah themselves but most probably, on most occasions, relied on the experience, judgment, and instruction of superior members, legal experts, and collective assemblies.¹⁸

One strand of inquiry in textual scholarship has explored how the texts, and practices reflected in them, transformed the individual and made one adopt and internalize a certain ideology and direct one’s behavior accordingly.¹⁹ Much less has been asked about how much the system relied on actual supervision, jurisdiction, and discipline. In the following, I will compare Qumran material (esp. rule documents and the *Hodayot*) and the Psalms of Solomon in an attempt to understand the milieu where the scholars not only transmitted the laws and their interpretations but also held expert roles in supervision and addressed concerns about the functionality of the system. The first century BCE Psalms of Solomon are significant comparative material for the scrolls,²⁰ as well as for the way in which the texts represent an elite construction of reality. Thus, whereas

“The Scriptural Background of the Penal Code in the Rule of the Community and Damascus Document,” *DSD* 15 (2008): 191–224.

¹⁷ Vroom, *The Authority of Law*, 200.

¹⁸ See Richard A. Horsley, *Scribes, Visionaries, and the Politics of Second Temple Judea* (Louisville, KY: Westminster John Knox Press, 2007), 114–19, who argues for a largely oral practice in reciting the traditions, even in the study sessions. Ritualized study of the torah was the ideal in the Qumran movement, but my point is that this did not automatically produce sufficient expertise to satisfy the needs of even this religious movement.

¹⁹ See the pioneering work by Carol A. Newsom, esp. *The Self as Symbolic Space: Constructing Identity and Community at Qumran*, STDJ 52 (Leiden: Brill, 2004), and now Judith H. Newman, *Before the Bible: The Liturgical Body and the Formation of Scriptures in Early Judaism* (Oxford: Oxford University Press, 2018). A similar approach has been applied to the Psalms of Solomon by Rodney A. Werline, “The Formation of the Pious Person in the Psalms of Solomon,” in *The Psalms of Solomon: Language, History, Theology*, ed. Eberhard Bons and Patrick Pouchelle, EIJL 40 (Atlanta: SBL Press, 2015), 133–54.

²⁰ For previous studies, see Robert B. Wright, *The Psalms of Solomon: A Critical Edition of the Greek Text*, Jewish and Christian Texts in Contexts and Related Studies 1 (New York: T&T Clark, 2007), 9, n. 32, and the many comparisons by Kenneth Atkinson, *I cried to the Lord: A Study of the Psalms of Solomon’s Historical Background and Social Setting*, JSJSup 84 (Leiden: Brill, 2004). For a new edition, see Felix Albrecht, *Psalmi Salomonis*, Septuaginta: Vetus Testamentum graecum, Auctoritate Academiae Scientiarum Gottingensis editum XII, 3 (Göttingen: Vandenhoeck & Ruprecht, 2018). For possible connections between the Psalms of Solomon and the *kaige* recension, see discussion by Anneli Aejmelaeus, “The Origins of the *Kaige* Revision,” in this collection.

the Qumran rule and hymn texts and the Psalms of Solomon probably derive from different circles during the second and/or first century BCE, the preliminary comparison below is an experiment to test the hypothesis that they address similar issues and problems concerning the legal system. Both the Qumran texts and the Psalms of Solomon show concerns about sins committed in secret or in private and provide discipline as one way to address those concerns. I will first discuss the motif of secret sins and the possibilities of how it reflects the vulnerability of the law.

3. Secret Sins and the Vulnerability of the Law

Secret sins is a common theme in the Psalms of Solomon from the very beginning where the text addresses a new challenge to the classic Deuteronomistic theology presented by the Roman attack on Jerusalem. The people of Jerusalem had appeared to be rich and rewarded but then they suddenly faced punishment in the form of the Roman conquest.²¹ The explanation had to be that “their sins were in secret” (Pss. Sol. 1:7). Rodney Werline notes that the community needed the theme of secret sins “because members saw the prosperity and social success of those whom they understood to be wicked.”²² I suggest that this motif may also have to do with the problem that sins *could* be committed in secret, in other words, the legal system allowed breaking of the law, even in a high position of society, without immediate correction. Psalms of Solomon 4 speaks about the foul person²³ or profaner who is eager to bring charges against others while he himself carries a whole hoard of sins without self-control. Consider these accusations:²⁴

²¹ For the first setting of the Psalms of Solomon around the time of Pompey’s conquest, see the literature in Wright, *The Psalms of Solomon*, 4–7. Psalms of Solomon 17 is argued by many to come (partly) from the Herodian period. See also Rodney A. Werline, “The Psalms of Solomon and the Ideology of Rule,” in *Conflicted Boundaries in Wisdom and Apocalypticism*, ed. Lawrence M. Wills and Benjamin G. Wright (Atlanta: SBL Press, 2005), 69–87.

²² Rodney A. Werline, “The Imprecatory Features of Psalms of Solomon 4 and 12,” in *Functions of Psalms and Prayers in the late Second Temple Period*, ed. Mika S. Pajunen and Jeremy Penner, BZAW 486 (Berlin: de Gruyter, 2017), 48–62 (55).

²³ The foul person has been suggested to be a historical person (see Atkinson, *I cried to the Lord*, 96–104), but Werline (“The Imprecatory Features,” 53) notes the figure may represent a prototypical wicked person.

²⁴ Translations follow, with minor changes, Wright, *The Psalms of Solomon*.

Why are you sitting in the holy *synhedrion* (Sanhedrin/council), you foul person?

When your heart is far from the Lord,
provoking the God of Israel with your rotten behavior?

Verbose and flamboyant more than anyone,
harshly condemning defendants in court.

His hand is among the first to be lifted against the defendant,
as if he were motivated by a virtuous zeal,
but he himself is guilty of a whole hoard of sins with no self-control.

His eyes are upon every woman promiscuously;
he lies when making contracts under oath.

He sins secretly and at night, as if no one saw him.

With his eyes he propositions every woman for illicit affairs.

However, he is quick to enter cheerfully into every house, as if he were innocent.

...

He speaks deceitfully, so that he may carry out his evil desires.

He does not give up until he succeeds
in scattering them as orphans.

He devastates a home with his twisted desire.

He deceives with words, for he thinks:

“There is no-one who sees or judges.” (Pss. Sol. 4:1–5, 10–11)

But their offenses were in secret hiding-places,
provoking him to anger:

son with mother and father with daughter
– they incestuously involved.

They all were committing adultery with their neighbor’s wives,
they made agreements with each other about these things, under oath.

They plundered God’s sanctuary,
as if there were no redeeming heir.

They trampled the Lord’s altar,
coming straight from every kind of impurity,
and with menstrual blood on them they defiled the burnt-offerings,
as if they were ordinary meat. (Pss. Sol. 8:9–12)

The sins that the wicked are accused of are in the category of sexual sins, false oaths and lying, wrongful acquiring of wealth, and defiling the temple. These sins are very similar to those found in some Qumran scrolls, especially the Damascus Document: “And they also defiled the temple, for they did not keep apart in accordance with the law, but instead lay with her who sees the blood of her menstrual flow. And each man takes as a wife the daughter of his brother and the daughter of his sister” (CD 5:6–8). The three traps of Belial were fornication, wealth, and defiling the sanctuary (CD 4:17–18). According to Rodney Werline, the polemical language in the Psalms of Solomon may not reveal much about

the disagreements between the righteous and their enemies but rather labels the enemy rule as illegitimate.²⁵ The accusations are stereotypical and accentuate the boundary between the sinner and the righteous.²⁶ But they may also reveal the *vulnerability of the law*: many offenses against the law could be left unseen because they took place in the private household sphere. Thus, the sinner could practice all sorts of sexual sins (incest, sex during menstruation, adultery) within the household.²⁷ The sinner could act greedily as long as he hid his motives. The sinner could defile the temple because of ignorance in purity matters. The sinner could lie knowingly while making oaths. Notably, Sabbath violations are not part of the accusations in the Damascus Document even though Sabbath halakhot are otherwise highly prominent there, nor do they seem to be referred to in the Psalms of Solomon. Sabbath observance could be a more public matter; such sins were not as easily or altogether done in secret, and central places like markets could be closed during the Sabbath. Whereas most accusations discussed above seem to be blunt offenses against clear laws—even though done in secret, the sinner must have known the law—we learn elsewhere from the Psalms of Solomon that even the *righteous* could break the laws. Thus, the problem is not only knowing the law but knowing how to keep it, and if breaking, confessing it (otherwise the offense could be unnoticed).²⁸

The Qumran texts bear further *indirect evidence* of sins committed in the private sphere or in everyday dealings that a fellow notices and must rebuke. Many rules in the Qumran rule documents aim at bringing to light everyday misgivings but also avoiding false or hasty accusations—showing that many offenses were probably such that they were easily

²⁵ Werline, “The Psalms of Solomon and the Ideology of Rule,” 73. For reading the psalms as reflecting temple priests outside the temple and cultic disputes, see Kenneth Atkinson, “Perceptions of the Temple Priests in the Psalms of Solomon,” in *The Psalms of Solomon: Language, History, Theology*, ed. Eberhard Bons and Patrick Pouchelle, EJL 40 (Atlanta: SBL Press, 2015), 79–96.

²⁶ For such typical polemics in antiquity, see already Luke T. Johnson, “The New Testament’s Anti-Jewish Slander and the Conventions of Ancient Polemic,” *JBL* 108/3 (1989): 419–41 (esp. 432, “they were all lovers of pleasure, lovers of money, and lovers of glory”); and for sexual sins more recently, Maijastina Kahlos, “Nocturnal Rituals as an Othering Device: The Long Life of Fears and Labels in Ancient Polemic and Legislation,” in *Others and the Construction of Christian Identities*, ed. Raimo Hakola, Nina Nikki, and Ulla Tervahauta, Publications of the Finnish Exegetical Society 106 (Helsinki: Finnish Exegetical Society, 2013), 313–34.

²⁷ This could be compared to the very public nature of matters in Ezra’s program: mixed marriages, Sabbath, temple tax, and festivals.

²⁸ The sins of the righteous are not explicated, but it is often emphasized that they are unintentional; see below.

committed, could only be noticed by a few people, or could also go unnoticed or without consequences. I will offer a few examples of such rules in the following, with brief introductions to how they attempt to bring secret dealings into a more public sphere and to build up a structured system of reproof in order to address the problem of offenses committed in private:²⁹

- Oaths were not to be made without judges but in public; this prevented difficulties in verifying if oaths were fulfilled or not. Furthermore, whoever knew anything about missing property was supposed to reveal that knowledge; thus, the one knowing but not revealing became guilty of the offense itself:

About oaths. The passage that says, “You may not seek a remedy by your own power,” a man who makes someone take an oath out in the countryside and not <before> judges or at their bidding: such a one has “sought a remedy by his own power.” Everything that is lost and it is not known which of the men of the camp stole it, its owner shall pronounce a malediction by the covenant oath and whoever hears it, if he knows and does not tell, is guilty. (CD 9:8–12)

- Reproof had to be controlled, immediate, in front of witnesses, and based on proof. Since secret sins were a problem for the movement, it had to facilitate their public condemnation by encouraging a kind but quick reproof by fellow members. But such reproof had to be done in a controlled manner so as to be credible; in other words, false accusations had to be minimized by demanding evidence and observance of a certain protocol:

Each man is to reprove his fellow in t[ru]th, humility and lovingkindness. *vacat* He should not speak to him in anger, with grumbling, with a [stiff] neck or with a wickedly [zealous] spirit. He must not hate him because of his own [uncircu]m[cised] heart. Most assuredly he is to rebuke him on the day [of the infraction] so that he does not continue in sin. Also, no man is to bring a charge against his fellow before the general membership unless he has previously rebuked that man before witnesses. (1QS 5:24–6:1)

The man who accuses his comrade of sin, fully aware that he cannot prove the charge, is to suffer reduced rations for one year and be separated from the pure meals (1QS 7:4–5)

The man who murmurs against the secret teaching of the *Yahad* is to be banished, never to return. But if he murmurs against a comrade and

²⁹ Translations are from Emanuel Tov and Donald W. Parry, eds. *The Dead Sea Scrolls Electronic Library: Texts and Images* (Leiden: Brill, 2006), unless otherwise noted.

cannot prove the charges, he is to be punished by reduced rations for six months. (1QS 7:17–18)

- Sexual sins were probably ones that a male member could not easily testify about against his fellow. The Damascus Document also banned sex with one’s wife if it was against their rules, for example during menstruation or pregnancy.³⁰ According to the rule in the Rule of the Congregation (1QSa), the wife could testify against her husband, raising the possibility that the wife could also report sexual offenses:

One who comes near to fornicate with his wife contrary to the law shall depart and return no more. (4Q270 [4QD^e] 7 i 12–13)

He shall not a[pproach] a woman, knowing her by sexual intercourse, until he reaches (the age of) tw[en]ty years, when he knows [good] and evil. Thereupon, she will accept (upon herself) to testify against him (with regard to) the laws of the Torah and to st[a]nd up in a legal hearing. (1QSa 1:9–11)³¹

- Lying about property matters could be an offense difficult to verify. In the Qumran movement, this became a major issue since it desired to have a communal pool of funds.

If there be found among them a man who has lied about money and done so knowingly, they shall bar him from the pure meals of the general membership for one year; further, his ration of bread is to be reduced by one-fourth. (1QS 6:24–25)

A further aspect of legal vulnerability, in addition to privacy and difficulties of verification, is the *complexity* of the laws.³² Some Qumran halakhic texts (e.g., 4QTohorot A) reveal what sort of focused attention and high accuracy the law demanded, as well as a logic different from everyday

³⁰ See further Cecilia Wassen, *Women in the Damascus Document*, *Academica Biblica* 21 (Atlanta: Society of Biblical Literature, 2005), 173–84.

³¹ Edition and translation by Yigal Bloch, Jonathan Ben-Dov, and Daniel Stökl Ben Ezra, “The Rule of the Congregation from Cave 1 of Qumran: A New Edition,” *REJ* 178 (2019): 1–46 (17).

³² In line with the prediction that when the law was considered as legally binding, it was made as precise and unequivocal as possible, is the emerging *quantification* of the law. Calendar texts from Qumran are a prime example of this but also specifying the exact beginning of Sabbath. See Yaakov Elman and Moazami Mahnaz, “The Quantification of Religious Obligation in Second Temple Judaism—and Beyond,” in *Hā-’ish Mōshe: Studies in Scriptural Interpretation in the Dead Sea Scrolls and Related Literature in Honor of Moshe J. Bernstein*, ed. Binyamin Y. Goldstein, Michael Segal, and George J. Brooke, *STDJ* 122 (Leiden: Brill, 2017), 96–135, who identify a Zoroastrian parallel to quantification but also link this phenomenon to the “habit of exact reading” (97).

logic in making decisions. When such complexity and accuracy are required for behaviors that take place within the household, the possibility increases that no one can actually supervise the observance of such rules. I will refer to two potential cases on this.

Purity rules are a prime example. According to the graded purity system testified to in the scrolls, purifying persons should keep track, not only of the days of their purification, but of the persons and artifacts they touch, as this touching may result in further need for purification. The following text, 4QTohorot A, is about enabling the impure person by means of first-day ablution to have common meals and participate in everyday life.³³ The system is probably not arduous if the person grows up with it, but for a newcomer learning it and adopting the habit, it would take some practice, unless it was already done on a regular basis, to be on the safe side. Even for an experienced person, mistakes could happen, and one faced the choice of correcting and confessing it or leaving it. In many cases, offenses could take place in the private sphere:

And a woman who has a flow of blood, during the seven days she shall not touch a *zab*, nor any vessel [w]hich the *zab* touched or laid upon or sat upon. And if she did touch, she shall wash her clothes and bathe, and afterwards she may eat. She shall with all her effort not mingle (with others) during her seven days so as not to contaminate the ca[m]ps of the sanct[it]ies of Israel; also, she is not to touch any woman with a blood [fl]ow lasting man[y] days. And one who is counting (seven days,) whether male or female, shall not tou[ch one who has an unclean] [flux] or a menstruating woman in her uncleanness, unless she was purified of her [unclean]liness; for the blood of menstruation is like the flux and the one touching it. And when [a man has] an emiss[ion] of semen his touch is defiling. A[man who tou]ches any person from among these impure ones during the seven days of [his] purifi[cation shall no]t eat, just as if he had been defiled by [a human cor]pse; [and he must b]athe and wash (his clothes) afterwar[ds] (4Q274 [4QTohorot A] 1 i 4–9)

Furthermore, in the everyday application of the laws, one could face *new questions* that needed decision making, such as if a peg in the wall was part of an implement and should be purified when there was a corpse in the house for which this rule exists:

³³ Jacob Milgrom, "First Day Ablutions in Qumran," in *Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls, Madrid, 18–21 March 1991*, ed. Julio Trebolle Barrera and Luis Vegas Montaner, STDJ 11 (Leiden: Brill, 1992), 561–70.

Every instrument, {nail} nail, or peg in the wall of house where a corpse lies shall be unclean, with the same impurity as a work-tool. (CD 12:17–18 // 4Q266 9 ii 4–5)

Such details, even if theoretical ponderings or borderline cases, reveal that the growing elaborations of the law demanded still more elaborations and that new questions probably emerged in everyday life that demanded new solutions (either by study and practice or relying on experts). Minor violations and oversight most likely would not be infrequent.

To leave it to God to punish and make a distinction between the sinner and the righteous is one part of the expectation both in the Psalms of Solomon and the Qumran texts. Nevertheless, it was too risky for the legal system to leave it at that; their solution was to offer a mechanism that could function as a public signal of commitment and a corrective to the secret sins: confession and discipline of the righteous.

4. Confession of Sins, Discipline of the Righteous, and Need for Supervision

The first distinction between the wicked sinner and the righteous sinner³⁴ in the Psalms of Solomon is that the latter knows how to *repent*:

He [i.e. God] will cleanse from sin the person
 who both confesses and publically acknowledges it,
 For all of these things we are ashamed, and we are embarrassed.
 And whose sins will he forgive, except those who have sinned?
 You will bless the righteous, and not accuse them for their sin.
 because your kindness is upon those that sin, when they repent. (Pss. Sol. 9:6–7)

Similarly, Qumran rule texts include confession of sins as a sign of belonging to the covenant (1QS 1:24–2:1; CD 20:28–30) and make it a membership requirement to voluntarily *turn* away from evil (1QS 5:1). Sinfulness of the members is repeatedly ruminated upon and lamented, as expressed, for example, in the utmost nothingness of the speaker of the Hodayot:³⁵

³⁴ Mikael Winnige, *Sinners and the Righteous: A Comparative Study of the Psalms of Solomon and Paul's Letters*, ConBNT 26 (Stockholm: Almqvist & Wiksell International, 1995), 131–34, speaks of the “sinfully righteous.”

³⁵ Following Eileen M. Schuller and Carol A. Newsom, eds., *The Hodayot (Thanksgiving Psalms): A Study Edition of 1QH^a*, EJL 36 (Atlanta: SBL Press, 2012). Compare, e.g., 1QH^a 12:30–36.

These things I know because of understanding that comes from you,
 for you have opened my ears to wondrous mysteries.
 Yet I am a vessel of clay and a thing kneaded with water,
 a foundation of shame and a well of impurity,
 a furnace of iniquity, and a structure of sin,
 a spirit of error, and a perverted being,
 without understanding, and terrified by righteous judgements.
 What can I say that is not already known,
 or what could I declare that has not already been told? (1QH^a 9:21–23)

Thus, all humans are sinners in relation to God but only the righteous sinners know how to properly speak about this. Such confession of sins and the sinful nature of humans can be seen to be a wider phenomenon of intellectual groups who sought perfection but had to bear with imperfection.³⁶

The second distinction between the righteous and the sinner is *discipline*. Whereas the wicked sinners face destruction, the righteous sinners face discipline that is not the same as destruction. The Psalms of Solomon see the discipline as replacing God's punishment for the righteous. Discipline may be understood as a way of coping with their experiences of suffering—labeling their suffering in a positive way, as receiving God's discipline, as explained by Rodney Werline³⁷—and a way of managing the elite life so that their sins are differentiated from the sins of those who accumulate sins to bring punishment. The discipline of the righteous takes various forms: teaching, scrutiny, suffering, submission to being reproved:

³⁶ For this in relation to the first-century BCE philosopher Philodemus and 1 John, see Ismo Dunderberg, "Sin, Sinlessness, and the Limits of a Therapeutic Community in 1 John," in *Erzählung und Briefe im johanneischen Kreis*, ed. Uta Poplutz and Jörg Frey, WUNT 2. Reihe 420 (Tübingen: Mohr Siebeck, 2016), 227–39.

³⁷ Rodney A. Werline, "The Experience of God's Paideia in the Psalms of Solomon," in *Experientia, Volume 2: Linking Text and Experience*, ed. Colleen Shantz and Rodney A. Werline, EJL 35 (Atlanta: SBL Press, 2012), 17–44, reads the Psalms of Solomon as providing ways to make "suffering sufferable." In this, the understanding of suffering as God's discipline plays an important role. The scribes who are themselves teachers submit to God as if they were students; the text reactivates their experience of being a scribal student, which is embodied in them so that they can have the right reactions, emotions and dispositions: "[T]heir problems—suffering in the dangerous and constantly shifting political climate—become the 'discipline' of their new adult-world educational setting" (43). See also Kenneth Atkinson, "Theodicy in the Psalms of Solomon," in *Theodicy in the World of the Bible*, ed. Antti Laato and Johannes C. de Moor (Leiden: Brill, 2003), 546–75.

The righteous will not be ashamed to be taught by the Lord,
 their desire is to be always in the Lord's presence. ...
 The righteous thoroughly examine their homes to remove their unin-
 tentional offences.
 They atone for sins of ignorance by fasting and humility
 and the Lord will cleanse every devout person and their household.
 (Pss. Sol. 3:4, 7–8)

The ungodly were terrified by their mistakes,
 lest they be swept along with the sinners:
 because the destruction of the sinner is terrible,
 but none of all these things will touch the righteous.
 Because the discipline of the righteous for things done in ignorance
 is not the same thing as the destruction of the sinners.
 The righteous are disciplined quietly,
 so that the sinner might not rejoice over the righteous.
 Because God will admonish the righteous as a beloved son,
 and his discipline is as for a first-born.
 Because the Lord will spare his devout,
 and he will wipe away their mistakes with discipline. (Pss. Sol.
 13:5–10)

In the Qumran rules and hymns, discipline is clearly institutionalized as the way of life of being a member of the covenant. Discipline takes place in assembly settings but the guidance and instruction may also have been much more mundane and common in everyday life. Qumran hymns abound with celebration of God's discipline, for example:³⁸

As for me, I understand that (for) the one whom you have chosen [you determi]ne his way
 and through insight [... you] draw him back from sinning against you.
 And in order to ... to him his humility through your disciplines (יסוריך)
 and through [your] tes[ts] you have [strengthened] his heart
 [...] your servant from sinning against you
 and from stumbling in all the matters of your will. (1QH^a 4:33–35)

The Qumran evidence shows explicitly that the discipline of God has *mediators*: one is guided to listen to others for advice and reproof:

³⁸ See also 4QBeautitudes where the lover of wisdom “is con[ti]nually satisfied with its punishments (יסוריה)” (4Q525 2–3ii+3 4), and “Those who walk in perfection turn aside injustice and do not reject its punishments (יסוריה)” (4Q525 5 11). Barkhi Nafshi hymns are even bolder: after God's judgment, testing, and delivery (4Q434 1i 7–8), they praise God for driving away the evil inclination and replacing the stone heart with the pure heart (4Q436 1i a, b+ii 10).

[But you, O my God,] you opened my ears with ins[tru]ction. Righteous reprovers with³⁹
[...] from the assembly of fraud and from the fellowship of violence. You brought me into the council of holiness (1QH^a 14:7–8)

Anyone who answers his comrade defiantly or impatiently, thereby rejecting the instruction of his fellow and rebelling against the orders of his higher-ranked comrade, [has u]surped authority; he is to be punished by reduced rations and [exclusion from the pure meals] for on[e] year. (1QS 6:25–27)

And anyone who rejects these regulations, (which are) in accordance with all the statutes found in the law of Moses, shall not be reckoned among all the sons of his truth; for his soul has despised righteous instruction (קַיִסוּרֵי הַצַּדִּיק). (4Q266 [4QD^a] 11 5–7)

Both the Psalms of Solomon and Qumran rule texts make a note on the unintentionality of the sins (see above Pss. Sol. 3:7–8, as well as 1QS 8:21–27). This tells us that violations of the law and rules happened but there were disciplinary measures to address them.

Maxine Grossman takes note of disciplinary practices that enabled the sectarians to transform themselves.⁴⁰ She identifies two special practices that cultivated the sectarians' imagination, "silent patient listening" and "tolerance for public judgement."⁴¹ Silent patient listening refers to the many requirements in the movement that governed the order and manner of speaking in collective meetings (e.g., 1QS 7): one had to ask for permission to speak, to wait one's turn after the superiors, to refrain from interrupting a fellow's speech or falling asleep in the meeting. The contents of the speech were monitored: one could not speak angrily, against superiors, tell lies or make false accusations, and so on, without punishment. A newcomer needed to practice diligent listening and learn patience and anticipation when imagining what one would say when one finally had a chance to speak.

Another side of the membership and collective meetings was the public disciplinary punishments. One was evaluated upon entering the movement and ranked annually, and excluded from communal decision

³⁹ Or: "... you opened my ears with ins[tru]ction of righteous reprovers, with"

⁴⁰ Maxine L. Grossman, "Religious Experience and the Discipline of Imagination: Tanya Luhrmann Meets Philo and the Dead Sea Scrolls," *DSD* 22 (2015): 308–24. Grossman makes heuristic use of Tanya Luhrmann's work on modern religious movements.

⁴¹ Although Grossman is interested in understanding what kind of *experiences* sectarian practices may have supported, such disciplinary practices may also be understood as ways of *internalizing* collective values and norms, as illuminated by Newsom, *The Self as Symbolic Space*.

making for breaking the assembly rules. Grossman suggests that the sectarian member developed tolerance towards such disciplinary measures:

[T]hey suggest that sectarians would develop an understanding of chastisement as normal and appropriate, and that they would expect to be judged—and found wanting—on a regular basis. ... Thus, a sectarian who stuck with the discipline would come to view as “normal” a dynamic of public monitoring, a sort of reciprocal panopticon, in which every sectarian is simultaneously prisoner and guard.⁴²

Such submission to regular discipline is our interest here. Internalizing the discipline is important and probably the ultimate aim in a sectarian movement.⁴³ But such internalization also takes considerable education, time, and resources. I argue that the system did not rely only on people developing an inner voice that told them at every turn what to do or when they had done something wrong.⁴⁴ Instead, it relied on hierarchy and superiors. The tolerance for public judgment was indeed required but this did not mean that the members necessarily grew considerably better or more knowledgeable in the laws because of it. One fragmentary text, titled 4QRebukes Reported by the Overseer, gives a glimpse of reproof practices, even preserving in writing the names of some of the persons being reproved:

Yoḥanan son of ʿr[was rebuked, because] he is short-tempered [] with him [] the offence is with him and also haughty spirit (is) with [him...] he[] vac
And Hananiah Notos was rebuked because he[... to dis]turb the spirit of the *Yah[ad]* also to share []with[](4Q477 2 ii 3–6)

The vulnerability of the law called for the disciplinary practice to be a public matter. In summary, if the details of the law were becoming more and more extensive, their mastering cognitively more demanding, and their observance requiring more resources (whether time, attention, material investment), but at the same time a large part of the observance could take place in a private or household setting, observance of the law

⁴² Grossman, “Religious Experience and the Discipline of Imagination,” 319.

⁴³ Newman, *Before the Bible*, 23–51, adds to this picture her “disciplinary prayer” that shaped the scribal self in the example of Ben Sira.

⁴⁴ Moral emotions are naturally effective means of monitoring behavior, but they too have to be targeted correctly. For investigations along these lines, see Marcus K. M. Tso, *Ethics in the Qumran Community: An Interdisciplinary Investigation*, WUNT 292 (Tübingen: Mohr Siebeck, 2010); and in connection with ritual ablutions, Ari Mermelstein, “Emotional Regimes, Ritual Practice, and the Shaping of Sectarian Identity: The Experience of Ablutions in the Dead Sea Scrolls,” *Biblical Interpretation* 24/4–5 (2016): 492–513.

and fulfilling its ritual and other requirements would not have functioned as “honest,” hard-to-fake signals for others.⁴⁵ This would be especially important if we imagine that various groups had slightly different interpretations of the law and one needed to show allegiance to one’s own group. *Seeking instruction and submitting oneself to discipline*—even if one had not confessed all one’s slippages—would have been practices that demanded the individual’s time and effort and *functioned as testimony of one’s commitment to the group norms*.⁴⁶

Furthermore, there could have been other ways in which groups sought to make the law observance a more public matter during this time. One such way is making practices visible via material means: stepped pools emerge where impurity becomes more materialized and localized as it was washed away in a special place. Another way is the public nature of assemblies: the Qumran movement relied both on small-group, synagogue-type gatherings, where the torah reading and prayer practices developed, and (special) communal meals. The (larger?) annual meeting may have been a special Qumran innovation, required to show who is a covenant member; those who did not participate were deemed outsiders. I propose that “Anyone who refuses to enter [the covenant of G]od” in 1QS 2:25–26 refers specifically to the refusal to participate in the annual covenant renewal *ceremony*, and thus this ritual marks boundaries between insiders and outsiders. All in all, this preliminary investigation suggests that disciplinary practices have to be interpreted in light of the larger legal system and changes therein.

Lastly, the sources discussed here may reflect not only concerns of the legal system but also of the *self-understanding* of legal experts who sought to defend and maintain the system and take on the supervisory role over others. In the final section, I discuss some ways in which these texts construct the supervisory role of those learned experts whose activities can only partially be seen in the preserved textual evidence, as they probably acted in a largely oral environment.

⁴⁵ For commitment (or costly) signaling theory, see, e.g., Bulbulia and Sosis, “Signalling Theory;” Richard Sosis and Bradley J. Ruffle, “Religious Ritual and Cooperation: Testing for a Relationship on Israeli Religious and Secular Kibbutzim,” *Current Anthropology* 44 (2003): 713–22.

⁴⁶ Similarly, Dunderberg, “Sin, Sinlessness.”

5. Constructing the supervisor's agency

In the Qumran Hodayot, legal experts cultivate an ethos of impartiality: everyone deserves to be treated justly and according to his or her conduct, advanced or degraded, and bribes are rejected:

And as for me, I have knowledge by means of your abundant goodness and by the oath I pledged upon my life not to sin against you [and] not do anything evil in your sight. And thus I was brought into association with all the men of my counsel.

According to his insight I will associate with him,

and according to the amount of his inheritance I will love him.

But I will not regard evil, and a b[ribe] (given) in wi[cked]ness I will not acknowledge. (1QH^a 6:28–30)

By praising the source of his knowledge (God), the speaker also reminds himself that this knowledge makes him obliged to judge fairly. In such a supervisory role, the speaker anticipates that not all will accept this supervision but that the speaker will be treated in one of two ways: either as a trap or a cure. The wicked turn instruction into contempt against the instructor, whereas the righteous receive the instruction and accept the instructor as a mediator of wisdom:

And so I become a snare to transgressors but healing to all who repent of transgression,

discernment for the simple, and a resolute purpose for the hasty.

You made me an object of reproach and derision to the treacherous, (but) a foundation of truth and understanding to those whose way is upright

...

But you have made me a banner for the elect of righteousness

and an expert interpreter of wonderful mysteries

in order to test [persons] of truth and to prove those who love moral discipline.

(1QH^a 10:10–12, 15–16)

The agency is ultimately divine; the reproach is easier to bear if one adopts the belief of being merely a channel in the divine economy. Thus, the speaker himself is dust but he can interpret and measure correctly because God has opened a fountain in him:

[Truly,] you open [a foun]tain in the mouth of your servant,

and upon my tongue you have engraved ju[dgment] according to the measuring line

[for the one who pro]claims to a (human) vessel from his understanding,

and for one who interprets these things to a being of dust like me.

You open a foun[tain] in order to reprove a vessel of clay with respect to his way
 and the guilt of the one born of woman according to his deeds,
 and (you) open the f[oun]tain of your truth to the (human) vessel whom you have sustained with your strength in order to [rai]se up the herald of good news according to your truth ... (1QH^a 23:11–15)

Although the Psalms of Solomon do not express a similar teaching and disciplinary agency towards others, they do express the correct *attitude and response* of the righteous person: one understands the need to confess God and accept discipline as coming from God and thus may sing a new song of praise. Such a person can be emulated:

For why does anyone have strength, O God
 except to honestly confess you?
 And why is a person gifted,
 except to worship your name?
 A new psalm sung from a happy heart;
 the fruit of the lips matched with a well-tuned tongue;
 the first harvest of the lips from a holy and righteous heart.
 Those doing these things will never be distressed by evil. (Pss. Sol. 15:2–4a)

Perhaps the Qumran texts may also help us understand the Psalms of Solomon for the ways in which learned scribes came to possess new agency in interpreting earlier writings, curating the law, and managing everyday behavior in their communities. Therefore, scribal agency should be widely understood here, and these texts reveal their agency, even though only implicitly.

6. Conclusion

If a religious system includes a goodly number of rules that can be violated in the private sphere and demand high focus on detail and education, who is motivated to maintain such a system and how? I proposed that by comparing the Psalms of Solomon and Qumran texts we learn from a significant phenomenon about learned experts in the late Second Temple period: halakhic rules and practices emerged during this time, demanding education, supervision, and discipline.

The developing legal system around the turn of the era had two characteristics that made it vulnerable. First, there are signs of concerns about the functionality of the law (if legally binding, is the law sufficiently clear? is it sufficiently comprehensive? and so on) that produced growing elaborations and conceptualizations as well as divisions between

groups. The practice of elaboration and systematization of laws demanded deep education and investment of time and resources or reliance on experts (of one's own community) if the laws were to be followed and applied in practice. Second, laws need to be enforced and their offenses properly addressed. Several factors risked the appreciation of the law: many of the details of the laws could be broken (intentionally or unintentionally) without immediate and obvious consequences, either because the observance took place in a non-public space, or because the laws involved matters that were outside the everyday logic of cause and consequence (such as when exactly the keeping of the Sabbath starts; how long one has to wait after washing in purification to be pure). Neglecting or bypassing rules in everyday life set new challenges for the "pious" of the society and their group maintenance and societal ambitions. Rules that are not sufficiently public lose their power to enhance group cohesion. *To demonstrate commitment to the law and to maintain its deference, the observance has to take place in the public sphere or in a special required place (such as purification in stepped pools, if in shared spaces), or commitment can be demonstrated by confessing one's imperfection and need of discipline.*

Learned agency probably played a major role during this time period when halakhic rules became more and more elaborate and ritual behaviors and legal practices were privatized. Many practices could naturally be internalized and automatized when growing up or by means of education and repetition. But when the scribes attempted to make the law legally binding and more precise, they at the same time opened the door to endless new questions in new circumstances or from new perspectives. The readiness and ability to seek knowledge was firmly the capital of the pious learned elite.

I investigated these aspects from the perspective of two shared motifs in the Psalms of Solomon and Qumran rules and hymns: secret sins and discipline. Both sources accuse the wicked of similar blunt sins (greed, sexual sins, defilement of the temple), but the Psalms of Solomon illuminate the character of these sins committed in secret and in the belief that no one can see and judge them—thus revealing the vulnerability of the law. Both sources acknowledge that the righteous may sin (unintentionally), but the Qumran texts illuminate the measures to control this and bring sins to light—by witnesses, use of public space, and rules for bringing charges—thus seeking to address the vulnerability of the law.

Discipline could be seen to be the main theme in the Psalms of Solomon as it addressed the theodicy problem and argued for taking the

misfortune as divine discipline for the pious. The Qumran texts illuminate that such discipline may also have had another side to it: discipline takes the form of submission to mediators (educated superiors, priests, scribes, peers) and indicates readiness to correct one's behavior. Further, the Qumran evidence hints at what that kind of communal discipline may have been in practice in small group assemblies and how that discipline was probably oral practice to a large extent.

Interestingly, both the Psalms of Solomon and the Qumran evidence also deny the possibility that Gentiles have an ultimate role in punishment and discipline; rather, God rules and the righteous submit under his rule (Pss. Sol. 7:6, 1QpHab 4:16–5:8). While having this confidence, the Psalms of Solomon directly address the anxiety about God allowing the Roman rule. The Qumran Hodayot and rule texts can be read in a much broader context, although some other texts (such as Peshar Habakkuk) share similar anxiety. Both the Psalms of Solomon and the Qumran evidence may reflect the circumstances of a powerless priestly and scribal elite. However, I did not claim that these sources derive from the same circles or are the same in ideology; rather, I wished to show how they might be interpreted in light of each other concerning the role of authorities and learned guardians of the law. These texts exemplify the connections between the “scholarly mindset,” concerned with the exact details of halakhic practice, meticulous aspects of ritual purity, sexual behavior, oaths and other laws, and with the function of such details in writing, and the “learned mindset,” concerned about their own agency and role in supervising others in the observance of laws and their formation and to function as just (oral) mediators for the divine instruction.

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