PREFACE

The present volume represents a continuation of the research undertaken by me in *The Halakhah at Qumran* (Leiden: E. J. Brill, 1975) and in several articles published thereafter. That volume contained two parts. In the first it was shown based on a study of the legal terminology of the Dead Sea corpus that the Qumran sect did not have a concept such as the later tannaitic oral Law and that the sect derived all its laws from what they saw as inspired biblical exegesis. In the second part of the volume the detailed Sabbath Code of the *Zadokite Fragments* was studied in order to demonstrate this thesis and to compare the sect’s Sabbath laws to those of other Second Temple sources, tannaitic and amoraic halakhah, and the practices of the medieval sect of the Karaites. It was found that the sectarian material represented a unique system of Jewish law which could not be identified with that of any previously known group of Jews.

In the present study, we turn to another area of law altogether. We seek to investigate the sectarian legal system, specifically its courts, court procedure, rules of testimony and the Penal Code. In this way, we can test the conclusions already reached in previous studies and also apply our results to more general questions regarding the nature of the sect. Specifically, this volume attempts to learn not only the legal details of the sectarian code, but also how these details relate to the structure and doctrines of the sects thereby clarifying points of sectarian life previously held in dispute by scholars.

Many are those who have contributed to the completion of this volume. Professor Baruch A. Levine of New York University, teacher and colleague, has been a constant source of encouragement in my work. He shares with me a common interest in Qumran studies, and our many discussions have been most helpful. Professor Francis E. Peters of New York University served as Chairman of the Department of Near Eastern Languages and Literatures for most of the years during which this volume was written. He was likewise of great help in facilitating my research. His wide grasp of Near Eastern history has contributed substantially to my own understanding of the cultural continuum in which the texts studied here were authored. All my colleagues and students at New York University have encouraged and stimulated my research. From the methodological point of view I have benefited immensely from the works of Professor David Halivni of the Jewish Theological Seminary as well as from the many exchanges of ideas we have had over the years. Professor Jacob Neusner of Brown University,
through his many works and in numerous conversations, has significantly contributed to the method employed in this volume. Professor Neusner was kind enough to include this volume in this series under his editorship. The inspiration of Professors Alexander Altmann and Nahum M. Sarna of Brandeis University continues to be a guiding force in my work.

The publication of this volume was made possible by a generous grant from the Hagop Kevorkian Fund. I wish to thank Professor R. Bayly Winder, Director of the Hagop Kevorkian Center for Near Eastern Studies at New York University, for his help in this regard.

The Memorial Foundation for Jewish Culture, the American Council of Learned Societies, and the Arts and Science Research Fund of New York University supported this project in its earliest and most crucial stages. The Gottesman Foundation made possible the presentation of part of this research before the World Congress of Jewish Studies in Jerusalem in 1977. Parts of several chapters, here revised and expanded, appeared in *Revue de Qumran* and the *Jewish Law Annual*, the editors of which are thanked for their helpful suggestions. The work was completed while I served as Visiting Associate Professor of Jewish History at Ben-Gurion University of the Negev in Beersheva. Dr. Menahem Schmeltzer, Librarian of the Jewish Theological Seminary of America, Mr. Philip Miller, Librarian of the Hebrew Union College-Jewish Institute of Religion in New York, and Mr. Pinchas Ziv of the library of Ben-Gurion University of the Negev were most gracious in putting the collections under their supervision at my disposal. Dr. Stefan Reif, Director of the Taylor-Schechter Genizah Research Unit at Cambridge University Library, made available to me photographs of the *Zadokite Fragments* from the Cairo genizah. My friend and colleague, Dr. Daniel J. Lasker of Ben-Gurion University of the Negev, kindly undertook to read the entire manuscript and to offer helpful suggestions.

My wife, Marlene, typed the manuscript, prepared the material for publication, and compiled the indices. Her many suggestions helped to give the work readability and clarity. Her constant encouragement and support made the completion of this study a much easier task. The volume is dedicated to my parents who first brought me to begin the study of the Torah at the age of six and who have ever since aided my studies in every way possible.

Jerusalem  
April 24, 1981  

L.H.S.