1. The Tetragrammaton in Qumran Law

Oaths served a definite legal purpose at Qumran in the adjudication of disputed cases and in the recovery of lost or stolen property. It is now appropriate to turn to the question of the nature of these oaths. In both the Manual of Discipline and the Zadokite Fragments, material can be found which expresses the attitude of the sect towards the use of divine names in the swearing of oaths, a practice common in Palestinian Judaism of this period. At the same time, the place of divine names in curses, the liturgy, and the reading of Scripture can also be determined.

Among the provisions of the sectarian Penal Code, DSD 6:27–7:2 rules:

Whoever shall swear anything by the Honored Name for any reason which he has . . . or if he is reading from Scripture or pronouncing a benediction, it (the sect) shall separate him, and he shall never return to the council/counsel of the community.

The text under discussion prohibits the use of the shem ha-nikhbad for certain purposes and prescribes permanent expulsion from the sect for violators of this prohibition. To understand this passage it is first necessary to clarify the meaning of the phrase, ha-shem ha-nikhbad.

This phrase appears in Deut. 28:58 in which it is identified with "the Lord your God." The same identification has been made by the Greek translator of Ben Sira 47:18./13/ Ha-shem ha-nikhbad appears in the Ashkenazic liturgy for the 'avodah service on Yom Kippur in which ha-shem ha-nikhbad we-ha-nora meforash is used instead of the Mishnah's ha-shem ha-meforash./14/ The Ashkenazic liturgy represents a tradition that ha-shem ha-nikhbad is identified with the Tetragrammaton. (Ha-)shem ha-meforash remains, however, in the version of Sa'adyah Gaon/15/ and the Yemenite Tikhal./16/ In view of these parallels, ha-shem ha-nikhbad in the Manual of Discipline must be interpreted as the Tetragrammaton.

No hesitation regarding the pronunciation of the Tetragrammaton is known from First Temple times. From its appearance in everyday matters in
the Lakhish Letters./17/ it can be assumed that it was a normal part of common speech, much as "God" is in modern English usage. L. Blau has shown that the avoidance of the use of the divine name is already in evidence in the later books of the Bible in which the Tetragrammamaton is extremely rare./18/ Already by this time, 'adonai was serving as a substitute for the Tetragrammamaton. He concludes that the name was already not pronounced as written by 300 B.C. This tendency to avoid pronunciation of the Tetragrammamaton is noticeable in Qumran biblical manuscripts and in the Masoretic text. In both corpora when the Tetragrammamaton occurs, 'adonai often appears before it. It was probably added at some point by a scribe to instruct the reader to substitute the surrogate name for the Tetragrammamaton. Later, when this scribal phenomenon was no longer understood, the Tetragrammamaton began to be read as 'elohim in such cases, resulting in the ubiquitous 'adonai 'elohim found so often in the Masoretic text of the prophets./19/

Philo understands Lev. 24:16 as prohibiting the pronunciation of the Tetragrammamaton and stating that violators of this prohibition incur the death penalty./20/ This view may be based/21/ on the Septuagint's rendition of this verse which likewise takes it as a prohibition of the pronunciation of the Tetragrammamaton./22/ Such an interpretation is also found in Targum Onkelos. Targum Pseudo-Jonathan, however, understands the verse to refer to one who pronounces the divine name in the course of blasphemy./23/

The avoidance of the pronunciation of the divine name is found as well in tannaitic halakhah which specifies that the Tetragrammamaton be pronounced only in the priestly blessing in the Temple in Jerusalem. Otherwise, the substitute name, 'adonai, was to be used./24/ T. Sofah 13:8 indicates that at the death of Simeon the Just, the use of the Tetragrammamaton in the priestly blessing was itself discontinued even in the Temple./25/ There is no way of confirming the accuracy of this tradition. What can be assumed, though, is that the tannaim at some point attributed the use of a surrogate, familiar to them from the last days of the Second Temple, to the period immediately following the death of this sage. He lived only shortly before the beginnings of the Qumran sect./26/ so that tannaitic tradition considered the replacement of the Tetragrammamaton with a surrogate as a priestly practice contemporary with the sect's early years.

M. Sanhedrin 10:1 attributes to the tanna Abba Saul (mid second century A.D.)/27/ the statement that one who pronounces the Tetragrammamaton as written (be-otiyyotaw) has no share in the world to come. Already by the time of this statement, the tannaim had prohibited the pronunciation of the Tetragrammamaton. Abba Saul, however, went further than his colleagues when he added this offense to those resulting in forfeiture of one's portion in the world to come.

Babylonian amoraim texts indicate a hesitancy to teach the pronunciation of the divine name in study sessions./28/ A Babylonian amor suggests
that in the world to come the Tetragrammaton will be pronounced as written./29/

An opposite tendency can be observed in M. Berakhot 9:5 in the view of some scholars. The Mishnah states that it was decreed that the divine name would be used in greeting one’s fellow. It has been suggested by S. Lieberman that this was an emergency measure undertaken by the tannaim because of the excessive avoidance of the use of God’s name by groups such as the Qumran sect./30/ The difficulty with this point of view is that this mishnah does not refer specifically to the use of the Tetragrammaton. It is probable that the name alluded to here is the surrogate, ’adonai, which in early tannaitic times would have been pronounced without hesitation./31/ Even this name might have been introduced to dispel the view of “heretics” such as the Qumran sect./32/

The Greek church father, Theodoret (fifth century A.D.), reports that the Samaritans pronounced the Tetragrammaton as ’Iaβē./33/ It is possible that the use of the Tetragrammaton by them was limited to oaths. Indeed, the Palestinian Talmud notes that the Samaritans pronounced the Tetragrammaton when taking oaths./34/

The Arabic account of the fourteenth century Samaritan chronicler, Abu’l-Faṭḥ ben Abī’l Ḥassan ‘as-Sāmīrī, regarding the Dosithean sect of the Samaritans relates that they refused to pronounce the Tetragrammaton as customary among the Samaritans and instead substituted ’elohim./35/ Elsewhere he attributes the reverse position to the Dositheans and claims that they pronounced the Tetragrammaton while the “normative” Samaritans did not./36/ Further on, he says that the Samaritan “heretic” Shaliḥ ibn Ṭirūn ibn Nim “changed (= abolished) the reading of the Great Name by saying, ‘one should recite only “Blessed be He.”’” /37/ S. Isser argues that the Dositheans were a first century group of “Pharisaizing” Samaritans./38/ If so, it would follow that they abstained from pronouncing the Tetragrammaton and that the other Samaritans pronounced it as written. The contrary account, therefore, is mistaken.

The prohibition of the use of the Tetragrammaton found in the passage under discussion from the Manual of Discipline accords with the reverence it receives in regard to written documents at Qumran. In some non-biblical texts from Qumran the Tetragrammaton is written in palaeo-Hebrew script. Other divine names are written in palaeo-Hebrew script but with much less frequency./39/ Two basic theories have been offered for use of the palaeo-Hebrew script. M. H. Segal followed by S. Birnbaum/40/ suggested that this was a device to avoid the book’s rendering the hands impure./41/ J. P. Siegal disputes this, and argues that the technique was used to highlight the special sanctity of this four-lettered divine name and to guarantee that it would not be erased accidentally./42/ Whichever explanation is accepted, this phenomenon demonstrates that a significant number of scribes whose work is represented at Qumran, or the traditions they inherited,
regarded the Tetragrammato n as unique among the names and epithets of God.

Once this practice was established for the Tetragrammato n, it was extended by some scribes to other names of God as well. Indeed, there was a general tendency in Second Temple and tannaitic times to raise the level of sanctity of the divine names. Ultimately, substitute names were provided for those terms themselves originally surrogates./43/

Further evidence for the special sanctity of the Tetragrammato n at Qumran comes from the adaptation of biblical texts in sectarian literature. Sometimes direct Scriptural quotations are found with the Tetragrammato n in palaeo-Hebrew script. When biblical passages are being adapted or reworked, the Manual of Discipline on one occasion uses four dots to replace the Tetragrammato n (a practice found in other texts as well),/44/ and at another point uses the pronoun hu’ah./45/ The Zadokite Fragments often substitute ’el for the Tetragrammato n, and all Qumran scrolls tend to use circumlocution to avoid the use of this divine name./46/

2. Swearing of Oaths

The hif’il of zkr followed by be-shem has been translated above as “to swear.”/47/ This usage was adapted from the phraseology of the Bible by the author of DSD 6:27-7-2.

T. Nedarim 1:1 states that if one says ba-shem, this is considered a valid oath (shevu’ah)./48/ The subject of oaths and vows in Talmudic literature reflects the concerns of the common man rather than those of the houses of study./49/ It can be assumed that this phrase was in use as an oath formula, a fact which would strengthen the interpretation of swearing for the hif’il of zkr followed by be-shem in our text. S. Lieberman has noted that the hif’il of zkr itself can mean to swear in Rabbinic usage./50/

CDC 15:1-5 contains a regulation regarding oaths which goes much further than the law under discussion. The text picks up in medias res after a lacuna of one and one-third lines:/51/

[he will] swear and also by ’alef and lamed and also by ’alef and dalet;/52/ except by an oath of agreement;/53/ by the curses of the covenant;/54/ And he may not mention;/55/ the Law of Moses for . . . For if he were to swear and violate his oath, he would have profaned the Name. But if he [swore] by the curses of the covenant [before] the judges;/56/ if he transgressed, he becomes guilty and confesses and makes restitution;/57/ but will not bear [sin;/58/ and will not] die.

Despite the difficulty of this fragmentary text, it can be deduced that the passage forbids swearing even by the names ’adonai and ’elohim (or
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and even by the Law of Moses. The only kind of oath permitted is
by “the curses of the covenant.”

The ‘alot ha-berit are the curses of Deut. 28:15–69 which are termed
divere ha-berit in v. 69 and ‘alot ha-berit in Deut. 29:20. M. Shevu’ot
4:13 and T. Shevu’ot 2:15 indicate that, indeed, the words of this passage
were adapted in oath formulae, and that the Mishnah considered this pas-

tage to constitute the ‘alot ha-berit./61/

According to the Zadokite Fragments, one who swore by any divine
name or the Torah and did not fulfill his oath would desecrate the name
of God (since the Torah contains names of God). However, one who swore
by “the curses of the covenant” would be a violator of an oath and guilty
only of that crime. While violation of an oath was a serious offense, it in no
way compared to profanation of God’s name which was tantamount to
blasphemy.

Indeed, a similar oath and the attendant imprecation is found in
Jub. 9:14–15. Here Noah’s sons apportioned the earth among their children
in his presence, “and he bound them all by an oath, imprecating a curse on
every one that sought to seize the portion which had not fallen (to him) by
his lot.” In order to indicate their acceptance of the oath, “they all said “So
be it; so be it.””/62/

The prohibition of swearing by the Torah of Moses can be understood in
two ways. It may be seen as resulting from a fear of accidentally blasphem-
ing the name of Moses which was held in high respect. On the other hand, it
can be simply an extension of the prohibition of oaths in the name of God.
Since the Torah contains the name of God, an oath by it would be as bind-
ing as an oath by the divine name. Parallels can be cited for both
approaches.

Regarding reverence for the name of Moses, Josephus records that the
Essenes honored the name of the Lawgiver (Moses) second only to the honor
they accorded to the name of God Himself. They condemned to death
anyone who blasphemed the name of Moses./63/ The meaning of this text
may be that, besides refraining from oaths in the name of God (on which
see below), the Essenes even refused to use the name of Moses in oaths, since
they believed it a capital offense to blaspheme his name. A false oath, even
taken inadvertently, constituted such blasphemy.

M. Nedarim 1:2 and T. Nedarim 1:2, according to many manu-
scripts./64/ mention an oath by mohi. This word mohi is understood by
both Lieberman/65/ and Ginzberg/66/ as a form of the name Moses used
in oaths. This word was recognized as a substitute form (kinnui) which
rendered the oath valid. If so, there must have been at some point a com-
mon practice of taking oaths in the name of Moses.

On the other hand, it is also possible to cite parallels to the concept of
an oath on the Torah and to assume that at issue here is the presence of
divine names in the Torah. T. Shevu’ot 2:16 mentions an oath taken on the
Torah. There are variant readings of this passage, some declaring such oaths valid, and others asserting that they are not valid. Lieberman, following several quotations, accepts the reading declaring these oaths valid./67/ In any case, we have proof here that such oaths were in popular use in tannaitic times. The reading which declares an oath on the Torah valid agrees with the Zadokite Fragments in which divine punishment is meted out to the violator of this oath. Only if the oath were considered valid, could the swearer be liable to punishment. Indeed, comparison with the discussion of vows in B. Nedairim 14b makes it clear that the amoraim understood this issue as revolving about the divine names present in the scroll. An oath on the contents of the text (as opposed to the blank parchment) would constitute an oath on the divine names in it./68/

The Talmudic practice of holding the Torah while taking an oath/69/ is seen by Ginzberg/70/ as an oath by the Torah and parallel to CDC 15:1-5. In Talmudic times, however, oaths were still taken by divine names or substitutes./71/ If so, it must be assumed that the purpose of holding the Torah was to instill the gravity of the oath in the mind of the swearer. The oath, however, was not on the Torah.

Only in medieval times did holding the Torah become equivalent to swearing on it./72/ Ginzberg cites a responsum from the Cairo genizah, attributed to Sa'adyah or Hai Gaon, to the effect that an oath by the Torah cannot be absolved. Indeed, the responsum specifically says that an oath on any book with the divine name in it cannot be absolved. Ginzberg suggests that the purpose of this restriction was to discourage such oaths./73/

Even the use of substitutes for the divine name in oaths fell into disuse by the Geonic period. Instead, oaths were administered exactly as in this Qumran text—by the use of curses which the adjured was told would come upon him if he violated the oath. This development is no more than a continuation of the tendencies already observed in the Talmudic period to eliminate oaths by the divine name or even by substitute names. This tendency was much more pronounced in the sectarian groups during Second Temple times than among the Pharisaic predecessors of the tannaim.

Numerous sources indicate that sectarian groups in the Second Commonwealth were opposed to swearing or had hesitations about the use of the divine name for this purpose. As time passed, the Rabbinic leadership eventually took the same view, so that by the Geonic period, oaths by God, using any name, were no longer taken./74/

Josephus relates that the Essenes would not swear by God. They considered taking an oath to be worse than perjury./75/ That they had no general prohibition on swearing is seen from their use of solemn oaths in the induction of new members into their sect./76/

Josephus tells us that the Pharisees and Essenes both refused to take an oath of allegiance to Herod, an ordeal from which he spared them./77/ Ginzberg assumes that this was because of the aversion of these groups to
swearing in the name of God. In his opinion, this is the only possible explanation for Herod's having excused them. If so, why did they not swear some other form of oath? It is most logical that they simply chanced a confrontation with Herod for religious and political reasons and were successful in refusing to swear allegiance. That the Pharisees were essentially opposed to his rule has been demonstrated conclusively by G. Alon.

Ginzberg suggests that the Essene aversion to swearing was only to oaths involving the name of God. Indeed, this is confirmed by Josephus's description of the use of oaths in the Essene initiation requirements. These were oaths without divine names. Perhaps they contained curses such as are mentioned in our text from the Zadokite Fragments. Ginzberg rightly observes the difference between the Pharisees and the Essenes in this matter. The Pharisees would not take oaths in daily life but retained them for practical reasons in court procedure. The Essenes, being less practically inclined, completely rejected oaths by the name of God.

Philo states that the avoidance of oaths is the best of all courses, as taking oaths invariably raises questions about the credibility of the swearer. Philo's discussion then turns to perjury. Here again he suggests avoidance of oaths lest they accidentally turn out to be false and the divine name be profaned as a consequence. Elsewhere, Philo indicates his disapproval of oaths taken in the name of God. He suggests instead that, if necessary, the oath simply be either "by ______," with no reference after it, or in the name of "earth, sun, stars, heaven, the whole universe."

Philo's disapproval of oaths by the name of God certainly goes hand in hand with his recognition of a view that perjury is punishable by death. He mentions a difference of opinion in this regard. Philo describes the stricter view which required the death penalty as that of "the better kind whose piety is extra-fervent." The lesser penalty of stripes is accepted by "those whose feelings of indignation are not so stern."

This Philonic tradition has been the subject of a special study by B. Revel. He sees Philo's view as resulting from the fact that false oaths are described as a profanation of God's name in Lev. 19:12, which may be paraphrased as follows: You may not swear falsely by My name, for if you do, you will be profaning it. Philo, therefore, requires the death penalty for false oaths. Rabbinic law likewise prescribed death for blasphemy (cursing God). The very same connection between false oaths and the profanation of God's name is made in our text from CDC 15:1-5. The sect, as did Philo, saw false oaths by the name of God as violating not only the Torah's prohibition of false oaths, but also that of profanation of the divine name. The very same connection is made in a midrashic passage in M. Sanhedrin 6:4.

Ben Sira 23:7-11 contains a poem against swearing oaths. This text clearly states that oaths are to be avoided lest one, through error or intention, swear falsely and incur liability for this transgression.
The New Testament contains an admonition against all swearing (Matt. 5:33-37; Ja. 5:12). In these passages it is clear that the primary concern is avoidance of the sin of perjury. Abstinence from all oaths would certainly prevent this transgression. Very similar in phraseology to the New Testament material is 2 En. 49:1-2 which forbids swearing by anything. On the other hand, it permits asseverative statements such as “I swear such and such.”

It was noted above that while the Pharisees may have avoided non-judicial oaths, there is no evidence that they avoided legally required oaths. Tannaitic tradition knows of the use of the Tetragrammaton as well as the other names of God and various substitutes in oaths. There can be no question that early tannaitic practice required that judicial oaths be taken by the Tetragrammaton. On the other hand, the use of the Tetragrammaton in oath formulae was probably already discouraged by the end of the tannaitic period.

M. Gittin 4:3 shows evidence of hesitation regarding the taking of oaths. Apparently, the tannaim feared the imposition of oaths in case they might lead to accidental violation. The description of the oath process in T. Sotah 7:2-4 includes stern warnings to the swearer about the serious consequences of a false oath. Even after he acknowledges the first warning, he is again told that he may not include in his mind any unstated conditions in an effort to deceive the court. This procedure again reflects a fear of false oaths. For this reason the tannaim hesitated to impose judicial oaths. Ginzberg’s suggestion that this hesitation was the result of Essene influence cannot be substantiated.

By amoraic times there were reservations about the use of the other divine names and even about oaths employing substitutes. The hesitation was clearly for fear of perjury which would be tantamount to blaspheming the name of God. For this reason, the Geonim abolished the oaths in the name of God and substituted the use of curse formulae. The late midrashic sources cited by L. Ginzberg which oppose all swearing, even in court, reflect the same view as the Geonic traditions which have already been mentioned.

It is now time to place the two sectarian passages in their context in the history of Jewish law. In regard to oaths, the sectarians traveled the same path as did the Rabbinic tradition but so much more quickly. Initially, as reflected in the text from the Manual of Discipline, the sectarians limited the use of the Tetragrammaton as part of a general prohibition of its pronunciation which was motivated by its special sanctity. With time, for fear of the consequences of perjury, they prohibited as well the use of the other divine names and used only an oath based on imprecation. This is the view found in the Zadokite Fragments which, in the development of this particular law, reflects a later stage. The sectarians, then, arrived at the very same conclusion as the Rabbinic tradition, but they did so a millenium earlier.
Since we have already found elsewhere that the Dead Sea practice relating to the use of oaths of adjuration for the recovery of stolen property was the same as that of the later Geonim, /101/ the parallel that has been found here ought not surprise us.

3. Pronouncing a Curse by the Divine Name

Biblical Israel, like the ancient Near Eastern world in general, recognized the efficacy of curses. /102/ Therefore, the Bible prohibited cursing of God, parents, judges, kings (Heb. nasi'), and the deaf. /103/ The Rabbis extended these limitations only minimally. /104/

That a strong magical tradition existed in the Hellenistic world is well known. The use of curses and spells for all kinds of reasons, including bringing harm to one’s enemy or protecting oneself from danger, is well attested in the Greek magical papyri. The Sefer Ha-Razim, while a somewhat later text than the Dead Sea Scrolls, /105/ shows that such traditions penetrated Palestinian Judaism. /106/ From DSD 6:27-7:2, it is apparent that such patterns were already emerging among the Judean populace when the sect was compiling its Penal Code. The absence of Greek vocabulary at Qumran or of any overt Hellenistic influence must be noted. /107/ It is possible that this law is to some extent directed against practices identified with Hellenistic paganism by the sect, which, to their chagrin, were finding their way into Palestinian Jewish life. /108/

A baraita found in both the Babylonian and Palestinian Talmuds /109/ refers to the prohibition of cursing one’s fellow by the divine name (ba-shem) as a negative commandment which occasions the punishment of flogging (malqut). In the amoraiic discussion in the Palestinian Talmud it is proposed that this prohibition is derived from Deut. 28:58 in which Israel is commanded “to fear (yr’) this honored (nikhbad) and awe-inspiring name, (that of) the Lord your God.”

The Palestinian Talmud /110/ contains a curious report to the effect that the third century Babylonian amora, Samuel, overheard a Persian curse his son by the Tetragrammaton. This imprecation resulted in the boy’s death. Another version of this account appears in Qohelet Rabbah. /111/ Here the story is told about a Persian woman who cursed her son with “one word” (hada’ millah) of the Ineffable Name (shem ha-meforash). When Samuel heard, he said to prepare the burial shrouds. This “word” (millah) may be the name yah so well attested in the Babylonian Jewish Aramaic magic bowls. /112/ In Qohelet Rabbah this story is preceded by a statement by the amora Rabbi Ze’era /113/ showing that even surrogate names (kin-nuyim) were used for “killing one another.” All these traditions show that in tannaitic and amoraic times such curses were known and forbidden by the Rabbinic tradition. Apparently, the sect reacted in the same way to such imprecations.
The curses of which our text from the *Manual of Discipline* speaks here are no doubt of the conditional kind. One person utters a curse against a second saying that if he (the second) does not do such and such, this curse will come upon him. Curses of this type were often used to force people to fulfill legal obligations or comply with one's will. In fact, the 'alot ha-berit, "curses of the covenant," of Deut. 28:15–69 were of this conditional kind. This was also the case with the oath of adjuration intended to lead to the recovery of stolen property in CDC 9:11–12./114/

Often, curses which appear unconditional are in reality conditional. This is the case with the curse pronounced by the Levites in the blessing and curse ceremony of DSD 2:2–18. It is only the evil deeds of the accursed which have sealed his fate. True repentance and attachment to the sect would ensure that the conditions of the curse would not be fulfilled.

This Qumran text prohibited the use of the Tetragrammaton in curses. Since the efficacy of curses was dependent in the popular view on the invocation of a deity, anyone wishing to utter a curse would have wanted to use the divine name, hence the prohibition on its use in this context.

4. Escape from Danger

The Tetragrammaton might also be used to escape from danger or misfortune. Hai Gaon (969–1038 A.D.) makes reference to such a practice in his famous responsum on magic./115/ His descriptions are paralleled in some late midrashic sources./116/ Our text (DSD 6:27–7:2) shows that this practice was truly much older. The fear of death and the feeling of urgency would have pressed the endangered individual to utter the Tetragrammaton hoping that God would save him.

Many examples of this kind of magic are present in the *Sefer Ha-Razim*/117/ and in the Hellenistic magical literature. These spells, in the name of the god or gods, were intended to provide salvation from some specific danger. The Aramaic Jewish magic bowls from late Talmudic and early Geonic Babylonia were similar in their intent except that they served primarily an apotropaic role, much as talismans did for many medieval Jews.

5. Scriptural Readings and Benedictions

The next category of use of the Tetragrammaton discussed in DSD 6:27–7:2 is that of reading from a canonical book (*sefer*). *Sefer* is a term for a biblical book, a meaning which appears already in Dan. 9:2./118/ The verb *qr* (in our text with substitution of *he* for 'alef/119/) is a technical term for reading a canonical book, probably in public as part of the liturgy. This definition of *qr* helps to explain that while the Rabbis prohibit the reading of *Ben Sira*, they quote it so often themselves./120/ It was its public, liturgical reading which was prohibited. In the same way, our text
refers to the public reading of Scripture in which the reader, either through a mistaken sense of reverence or through error, might pronounce the Tetragrammaton as written.

The public reading of Scripture was a regular part of the sectarian study sessions which all members were required to attend for one-third of each night of the year. The phrase tiqro' ba-sefer appears in connection with these sessions in DSD 6:6-8./121/ It is no doubt to the recitation of the text at these sessions that the Manual of Discipline here refers. Unfortunately, nothing is known about the place of Scriptural readings in the liturgical life of the Qumran sect.

While there is a lack of sufficient information pertaining to the liturgical rites at Qumran, it is known that there was regular public recitation of benedictions, and evidence also points to recital of thrice daily prayers./122/ It is most probable that the Psalms Scroll (11QPsA) was a liturgical text, and that the Psalms played a prominent part in Qumran liturgy./123/ This is exactly what one would expect of a group whose origins were in the Temple priesthood./124/

It is certainly because of the priestly origin of the sect's leadership that the fear of accidental pronunciation of the Tetragrammaton in public reading of the Bible or recitation of liturgical texts was a matter of such great concern. After all, the Tetragrammaton had been pronounced on certain occasions in the Temple worship, and many of the members of the sect must have been familiar with its exact vocalization.

S. Lieberman points to T. Berakhot 7:6 which brands the use of 'el or 'elohim at the beginning and end of benedictions (in place of 'adonai) as derekh 'aheret, literally, "another way," which Lieberman translates as "heterodoxy." In this connection, he calls attention to the avoidance of the divine name in the Manual of Discipline and the benediction formula barukh 'atah 'eli in DSD 11:15/125/ and so identifies the heterodoxy with our sect.

The Thanksgiving Scroll (Hodayot) calls into question this conclusion. Most of the hymns preserved in it begin with the formula 'odekhah 'adonai. Several hymns begin 'odekhah 'eli. However, there are also found barukh 'atah 'adonai, barukh 'atah 'el, and barukh 'atah 'el ha-rahamim./126/ The sect used the surrogate 'adonai in benediction formulae, even if they may have used 'el occasionally.

It seems most likely that the lacuna in CDC 14:22-23 contained a regulation similar or parallel to that of DSD 6:27-7:2. This regulation would have prohibited the use of the Tetragrammaton for all the purposes mentioned in the Manual of Discipline. In regard to the attitude of the writer of the Zadokite Fragments to the use of surrogate names for curses and magic, it may be assumed that he would have prohibited them. Most likely, however, both the Manual of Discipline and the Zadokite Fragments would have agreed that surrogates might be used for prayer or the reading of Scripture. Indeed, 'adonai and 'el appear in the Thanksgiving Hymns (Hodayot).
Only in regard to the Tetragrammaton did pronunciation result in the expulsion of the member from the sect. This permanent expulsion is eloquent testimony to the gravity of this offense according to the *Manual of Discipline*.

Comparison of the punishments mentioned in the *Zadokite Fragments* and the *Manual of Discipline* points to the essential difference between the texts. The *Manual of Discipline* is concerned with sectarian regulations and the relationship of the transgressor to the sect. Hence, the *Manual of Discipline* imposes a sectarian sanction upon the offender. The *Zadokite Fragments* are concerned with the violations of the commandments of God and the effect of the transgression on the relationship between man and God. For this reason, the *Zadokite Fragments* speak of a biblical sanction. Certainly, hard and fast rules cannot be derived from these passages, but these laws reflect the general thrust of the two documents.

### 6. Summary

The study of these two texts has shown that the sect, like the Essenes, the New Testament, Philo, and the tannaim, was very hesitant about oaths. The Qumranites prohibited all oaths by the Tetragrammaton as well as those by other divine names or the Torah. Other uses of the Tetragrammaton for curses, magic, public reading of Scriptures, and recitation of benedictions were likewise prohibited. While the initial limitations on the use of the Tetragrammaton stemmed from the special sanctity of this name, the same status was eventually accorded to the other names in regard to oaths. Probably the use of these names in the liturgy led to a rise in their sanctity. It cannot be determined if further limitations were placed on the use of the other divine names, but it is relatively certain that their use was permitted in prayer and study. All oaths at Qumran, therefore, were taken on the "curses of the covenant." Divine names were not used in judicial oaths taken before the courts of Qumran or in the oaths of adjuration sworn to secure the return of lost or stolen property.

### NOTES

/1/ Restored with Licht.

/2/ The *hif'il* of *zkr* with *shem* appears in Ex. 23:13, referring to the "name of other gods." This verse has been interpreted as a prohibition on swearing in their name by the Vulgate, Ibn Ezra, Cassuto, and *Mekhilta* De-Rabbi Ishmael Misha'ṭim 20 (ed. Horovitz-Rabin, p. 332) where it is the first interpretation. A parallel appears in Hoffmann's edition of *Mekhilta* De-Rabbi Shim'on ben Yohai, but it must be discounted as it does not appear in the *genizah* version published by Epstein. It was the *Midrash Ha-Gadol* (from which Hoffmann excerpted his *Mekhilta* text) that took this interpretation from B. Sanhedrin 63b, where it refers to the
words lo’ yishama’ ‘al pikha, the latter part of the verse, and transferred it to this clause, citing it as an alternative interpretation. The hif’il of zkr appears with be-shem referring to a god in parallelism with the hif’il of šb’, “to swear,” in Josh. 23:7. In Is. 48:1 a similar parallelism appears except that be-shem need not be repeated in the second clause and so appears only with ha-nishba’im despite the fact that it refers as well to yazkiri. It would seem from these parallelisms that the hif’il of zkr with (be-)shem may be interpreted as meaning “to swear.” Indeed, this is the interpretation which served as the basis of the Vulgate to Josh. 23:7 (which either omitted the next verb or took this and the following verb as a hendiadys) and of Kimhi to Isaiah. (Hif’il of zkr and be-shem also occurs in Am. 6:10 and Ps. 20:8). Cf. M. Greenberg, “The Hebrew Oath Particle HAY/HE,” JBL 76 (1957), 35. For the use of Akkadian zakāru in the sense of “to declare under oath” see A. L. Oppenheim, ed., The Assyrian Dictionary (1961), vol. 21 (Z), s.v. zakāru. The G stem followed by ina is used in the sense of “to take an oath by” (16f.), and the Š stem (causative) is used for making others take an oath (21). Zkr meaning “remember” is a loan usage in Akkadian (22). The sect interpreted this expression to mean “swear.” Note that Ben-Yehudah II, 1342a defines our expression as a synonym of the hif’il of šb’. Cf. also the use of yazkīr (emending with Sehechter and Rabin) in CDC 15:2 (see p. 136) and Lieberman, Greek, 34f. who likewise explains mazkīr in T. ‘Avodah Zarah 3:11 (so Zuckermandel and “Nush’a’ot Ketav Yad” in ed. Vilna, as well as Tur Yoreh De’ah 124 [beg.], and J. Caro’s Bet Yosef, ad loc. Note that Tosefta, ed. princ. reads u-makkīr. Cf. Lieberman, Tosefet Rishonim II, p. 191).

/3/ So new JPS to Deut. 28:58, ha-shem ha-nikkhād, which indicates that our phrase must be vocalized ba-shem ha-nikkhād.

/4/ Licht suggests several conjectural restorations. The first is to restore ha-[nora]’ based on Deut. 28:58. This, unfortunately, makes little sense in context. Better, according to Licht, is the restoration ha-[hawayah (or howeh) we-ha-nishba], literally, “that [which is and is becoming].” See Licht’s note to DSD 3:15. This is certainly a possible restoration here, as it makes sense in context, as Licht has stated. Licht’s third possibility, ha-[hawayah we-nishba’], does not seem to make sense at all. While Licht’s second suggestion seems best, the space in the MS seems to be slightly too small for it. We therefore suggest restoring h[wyh wnhyh] (vocalized hawayah we-nisheyah). Indeed, the trace to the left of the he’ in the MS appears to be the top of a waw, confirming this reading. Due to the conjectural nature of the restoration, in order that our explanation of the passage should not appear to depend on it, we have relegated this reading to the notes and not included it in the text and translation.

/5/ We-’im frequently is used to introduce a subsidiary or alternate condition in Qumran literature. Cf. we-’im bi-shegagah in DSD 7:3 and above, 11.

/6/ Nifal infinitive of the root b’t.

/7/ The mem is causal (Williams, Hebrew Syntax, sec. 319). Wernberg-Møller points out that the passage “appears to be dependent” on Job 15:24. (This verse is not preserved in the Qumran Job Targum.)

/8/ Between mi-sarah and hu’ah there is a large erasure over which a second scribe has written ‘o le-khol davar ‘asher lo. Space for approximately eight letters remains after lo. From the continuation, it is clear that something has been omitted before hu’ah.
Licht suggests that *we-im* may have stood before *hu'ah* in the original but was erased in error.

Licht notes that *qoreh* is phonetic spelling for *qore*'. Similar confusion is found in 2 Sam. 1:6. See the many examples of confusion of final *'alef* and *he*’ verbs in Ges. sec. 75nn-rr. In Mishnaic Hebrew most forms of final *'alef* verbs tended to assimilate to final *he*’ forms but by no means was the process complete as it was in Aramaic (Segal, *Diqduq*, sec. 273). Cf. Qimron, p. 212.

For numerous examples of *qr*’ in the qal with *sefer* as its direct object referring to the reading of a canonical text, see Ben-Yehudah VIII, 6129a–6130b. On *sefer* as a term for canonical books, see Dan. 9:2; N. M. Sarna, “Bible, the Canon, Text,” *EJ* 4, 816; and for Rabbinic sources, Bacher, *Erkhe Midrash*, I, 92; II, 247. See also DSD 6:6–8 (discussed in *HAQ*, 32f.).

*Cf.* DSD 6:3, 5 (a strange *hit'il*), 8; IQSa 2:19f. (restored). Apparently the verb *brk* in the *p'el* referred to benedictions before food as well as to the daily liturgy.

The Hebrew (MS B) *ba-shem ha-nikhbad* is translated *ἐν ὄνοματι κυρίων τοῦ θεοῦ*. (This passage is not preserved in the Ben Sira Scroll from Masada.)

*Mahazor La-Yamin Ha-Nora'im*, ed. D. Goldschmidt (1970) II, 440, 441, 444. It is impossible to date this version of the Seder *Avodah* precisely. This phrase is not found in the Mishnah version (M. Yoma’ 6:2). It should be noted that it is generally accepted that this clause in the Mishnah is a later addition based on the liturgy (Elijah Gaon to B. Yoma’ 66a, and to *Orah Hayyim* 621; DS to B. Yoma’ 66a, note *qof*; Epstein, *Mavo' Le-Nusah Ha-Mishnah* II, 971f.). This conclusion is based on manuscripts which either omit this clause entirely or differ as to its location. For the identification of *shem ha-meforash* with the Tetragrammaton, see Maimonides, H. Yesode Ha-Torah 6:2; H. Tefillah 14:10; and *Guide* 1, 62.


*Tikhal Shivat Sion*, ed. J. Kafah (1951/2), 153, 154, 157 (all three have ’*et shem ha-meforash*).

N. H. Torczyner, *Te'udot Lakhish* (1940). No. 2 (p. 26); No. 3 (p. 53); No. 4 (p. 106); No. 5 (p. 127); No. 6 (p. 138); No. 8 (p. 174); No. 9 (p. 176); No. 12 (p. 184); No. 21 (p. 217—restored).

“Tetragrammaton,” *JE* 12, 118–120.

*Cf.* S. T. Byington, ‘*ywh* and ’*dny,*’ *JBL* 76 (1957), 58f.


*ōnāμάξων ἕτ τὸ ὄνομα κυρίων θανάτῳ θανατοῦνθα*. Cf. the statement of Dio Cassius, *Roman History* XXXVII, 17 that the Jewish God is nameable (ἀπρητων). Josephus, *Ant.* 2, 12, 4 (276) is likewise hesitant to discuss the divine name.

All these views are based on a definition of the root *nqb* in the sense of “to pronounce.” Rashi, however, understands this verb to mean “to curse” and refers to Num. 23:8. The statement attributed to the Palestinian amora Rabbi Levi that one who
pronounces the divine name is liable for the death penalty appears only in a late addition to the Pesiqta' De-Rav Kahana' (ed. Buber, p. 148a). This addition was made by the copyist of the Safed MS and apparently came from some "apocryphal" source.

/24/ M. Soṭah 7:6, Sifre Num. 39 (ed. Horovitz, p. 43); 43 (ed. Horovitz, p. 48); Sifre Zuta' to Num. 6:27 (ed. Horovitz, p. 250); and a baraita' in B. Soṭah 38a. The view of Hillel ben Eliakim that the substitutes are names such as 'el, 'elohim, or seva'ot is rejected by Tosafot to B. Soṭah 38a. Tosafot and Moses David Abraham Treves Ashkenazi, Toledot 'Adam to Sifre Num. 39 (p. 73a) take the substitute to be 'adonai, pronounced as written.

/25/ Cf. Lieberman, TK, ad loc.


/27/ Strack, 116. On the possible existence of a Mishnah of Abba Saul which served as a source for the Mishnah, see I. Levi, Über einige Fragmenten aus der Mischna des Abba Saul (1876), and J. N. Epstein, Mev'ot Le-Sifrut Ha-Tannaim (1957), 160-163. Note that the statement is attributed to Yohanan ben Nuri in 'Avot De-Rabbi Natan Version A, 36 (ed. Schechter, 54b).

/28/ B. Pesahim 50a, B. Qiddushin 71a.

/29/ B. Pesahim 50a, which should be read with Yalqut Shim'on to Ex. sec. 171 (marginal note in ed. Vilna).

/30/ "Light on the Cave Scrolls from Rabbinic Sources," PAAJR 20 (1951), 400 (cf. TK to T. Berakhot 6(7):20). Cf. also A. Marmorstein, The Old Rabbinic Doctrine of God (1968), 17-40. Lieberman also discusses the debate between the Pharisees and Hemerobaptists mentioned in T. Yadayim 2:9 (cf. M. Yadayim 4:8), from which one might draw the conclusion that the basis for hesitating to pronounce the Tetragrammaton was ritual purity. Nonetheless, the Dead Sea sect maintained high standards of ritual purity and still avoided the pronunciation of the Tetragrammaton. Cf. also G. Alon, Mehqarim Be-Toledot Yisra'el I (1967), 204.

/31/ Cf. T. Berakhot 6(7):23-24. Indeed, Lieberman, TK, ad loc. seems to argue as well that the surrogate 'adonai was instituted here rather than the Tetragrammaton. Albeck, HWT to M. Soṭah 7:6, following 'Arukh, s.v. 't (cf. A. Kohut, 'Arukh Ha-Shalem [1967], 281f.) and Maimonides to M. Berakhot 9:5, states that this refers to the use of a surrogate. These two medieval sources go so far as to suggest that shalom, taken by Jewish tradition as a name of God, was the surrogate in question. Cf. also Marmorstein, 104f.

/32/ Cf. the treatment of the passage by Alon, Mehqarim I, 203-205 who sees it as directed against hasidim within the Pharisaic-rabbinic camp who chose to be more careful than required in abstaining from the use of the divine name. J. Mann, Texts and Studies in Jewish History and Literature I (1931), 580-588, 605f. discusses Hai Gaon's view that the use of the divine name in greetings was intended as an anti-Christian polemic.


/34/ P. Sanhedrin 10:1 (28b) referring to kuta'e.
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/36/ Isser, 79.

/37/ Isser, 82.


/45/ DSD 8:13. See above, 100f. n. 16.

/46/ This was already noted for the Zadokite Fragments by I. Levi, “Le Tétragramme et l’écrit Sadokite de Damas,” *REJ* 68 (1914), 119–124.

/47/ See above, n. 2.

/48/ T. Nedari 1:1 states: ha-’omer . . . ba-shem hare zo shevu’ah, “If one says ‘by the name’ this is an oath.” (The reading ka-shem in ms Vienna is clearly an error as Lieberman, *TK, ad loc.*, points out. His note in the critical apparatus to the effect that a genizah fragment reads shevu’at is somewhat unclear. Actually, this fragment [according to a photograph published in the Tosefta’ volume] reads shevu’at qorban . . . , showing that the scribe [or his Vorlage] made a homoeoteleuton and combined ours with the following clause referring to la-shem.) Cf. Deut. 6:13, u-ve-shemo tishave’a “and swear only by His name” (so new JPS). Lieberman calls attention to the use in magical papyri of the words βασιρμα (be-shem) and βασιρμα (bi-shema'). Lieberman explains that the use of ba-shem is tantamount to saying ‘ani nishba’ ba-shem,” “I swear by the name.” On the magical use of ba-shem in the Greek papyri, see also G. Alon, “Ba-Shem,” *Mehqarim* I, 194–198 and S. Lieberman, “Some Notes on Adjurations in Israel,” *Texts and Studies* (1974), 21–25. Cf. also M. Yoma 3:8, 4:2, 6:2; T. Kippurim 1:1; and Albeck’s *HWT* to M. Yoma 6:2.


/51/ The passage immediately preceding (CDC 14:18–22) is part of the abbreviated penal code discussed below, 156. This penal code began with the superscription in l. 18, and our passage seems to conclude it in the present recension.

/52/ Such abbreviations are found in M. Shevu’ot 4:13. The claim by N. H. Tur-Sinai, *Ha-Lashon We-Ha-Sefer* II (1959), 171f. that such names of letters were not even known to the tannaim is not substantiated by him.
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/53/ Restored with Rabin. Other suggestions ignore the traces. Hence, Schechter’s restoration hbyt cannot be accepted nor can Ginzberg’s shevu’ah ha-ketuwah be-’alot ha-berit (Sect, 91). Cf. Deut. 29:20; 2 Chron. 34:24. Rabin explains the shevu’at heskem as equivalent to the Rabbinic shevu’at hesses, the “eliciting oath” in his translation. This oath is amoraic in date (Maimonides, H. Shevu’ot 11:7; H. To’en We-Nit’an 1:3) and in its primary source appears in the name of Rav Nahman (B. Shevu’ot 40b; B. Bav’a Meši’a 5a, 6a). Cf. also Haghahot Maimuniyyot to H. Shevu’ot 11:7 and Radbaz, ad loc.


/55/ Schechter emends to yzkyr.

/56/ On the requirement that oaths take place before the judges, see above, 38f. Schechter restored here ywb’ lpny (yuva’ lifne), but this reading does not take account of the shin.

/57/ Cf. Num. 5:7, we-hitwaddu . . . we-heshiv.


/59/ Note the prominence of ‘el in DST which might suggest that it is referred to here.

/60/ The attempt of Cothenet to identify the ’alot ha-berit here with DSD 2:5–18 must therefore be rejected.

/61/ On the text of this mishnah, see Shinuye Nusha’ot in ed. Vilna, Tosefot Yom Tov, Melekhet Shelomoh, and DS to B. Shevu’ot 35a, n. kaf. Rashi to B. Shevu’ot 35a interprets the mishnah likewise except that he assumes that the oath was taken during the coincidental reading of the words yakekha . . . (Deut. 28:27) in the synagogue. Cf. above, 116 for a similar phenomenon.

/62/ Trans. Charles, APOT. The original Hebrew text must have read ’amen ’amen. Cf. Num. 5:22.

/63/ War 2, 8, 9 (145). Note that in the very same section Josephus discusses the justice and scrupulousness of the trials which the Essenes conducted. Hence, context may support the interpretation of Josephus we have proposed here.

/64/ See Lieberman, TK, ad loc. n. 11 for a full list of manuscripts. Note that this is the reading of Tosefta MS Vienna and is confirmed by quotation of the Mishnah in both the Babylonian and Palestinian Talmuds.

/65/ TK, ad loc.

/66/ Sect, 93 n. 324.

/67/ Tosefet Rishonim II, 176.

/68/ So Ran, ad loc. Note that both (pseudo-)Rashi and the Ran consider this vow (neder) by the Torah as equivalent to an oath (shevu’ah).

/69/ B. Shevu’ot 38b. The express mention of the Torah scroll comes in what appears to be a disjointed Hebrew statement following directly on the heels of an Aramaic dispute. Actually, this dispute was interpolated into the midst of the statement of Rabbi Judah. If so, the attribution would indicate that by the beginning of the amoraic period in Babylonia, such a practice was already considered normative
in the case of the shevu'at ha-dayyanim, the judicial oath. This oath was used when
the defendant admitted to part of the claim (modeh be-miqsat ha-ta'anah). Note
that while the printed editions quote the statement as attributed to Rabbi Judah in
the name of Rav, manuscripts and medieval citations attribute the statement to
Rabbi Judah himself (DS, ad loc.). Cf. also the aggadic reflection of this custom in
the story of Zedekiah's loyalty oath to Nebuchadnezzar told in Pesiqta' Rabbati 26
(ed. Meir Ish Shalom, 129b). Nebuchadnezzar required Zedekiah to hold the Torah
on his lap (esel birkaw) during the oath.

/70/ Sect, 93 n. 325.

/71/ So Maimonides, H. Shevu'ot 11:8. Note the comment of Joseph Caro, Kesef
Mishneh to H. Shevu'ot 11:13 that Maimonides "recorded the law of the Gemara as
is his custom."

/72/ Much material on this subject is contained in Cohen II, 710-733. Although
he notes that oaths in Talmudic law are not required of witnesses, he nonetheless
confuses judicial and testimonial oaths in the course of his discussion.

/73/ L. Ginzberg, Geonica (1909) II, 146, 152.

/74/ Cf. Abram ben David, Hassagot Ha-Rabad, to Maimonides, H. Shevu'ot
11:13, who refers to the Geonic ordinance eliminating the use of the divine name.
A more historical picture would see this decision as the result of a longstanding
tendency observable in Rabbinic sources.

/75/ War 2, 8, 6 (135). The reason given by Josephus for their negative view of
oaths is that "they say that one who is not believed without an appeal to God stands
condemned already" (trans. Thackeray). This explanation is strangely reminiscent of
Philo's view (on which see below, 137) and raises the possibility that Josephus here
may have been influenced by Philo or by a common Hellenistic source. In any case,
Josephus's reason cannot be accepted at face value as an accurate report of the rea-
soning of the Essenes.

/76/ War 2, 8, 7 (139-142).

/77/ Ant. 15, 10, 4 (368-371). Cf. Ant. 17, 2, 4 (41-42) from which we learn of
an oath of loyalty not only to Herod but to Caesar (Augustus) as well. The latter
passage numbers the Pharisees who were excused at 6000 and indicates that they had
to pay a fine which was paid by the wife of Pheroras, Herod's brother. Schürer I
(1973), 314 n. 94 takes the view that Antiquities speaks of two separate occasions on
which such loyalty oaths were demanded. On the other hand, it is possible that we
deal with one event, and that Josephus drew the two somewhat conflicting accounts
from different sources. Indeed, A. Schalit, Hordos Ha-Melekh (1964), 163-165, sees
the two passages as referring to one event. He dates the oath to 27 B.C. when such
oaths were to be sworn to Augustus at the start of his reign and suggests that Herod
took the opportunity to add himself to the oath. However, in the German revision of
his work, König Herodes (1969), 316-321, he accepts the view that two oaths were
sworn, one in 27 B.C. and one in 6 B.C.

/78/ Sect, 93 (continuation of n. 321).

/79/ Mehqarim I, 38-42.

/80/ War 2, 8, 7 (139-142).
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The Decalogue, 84–86; cf. Belkin, 140–144. For Hellenistic influence on Philo's views regarding oaths, see J. Heinemann, "Philos Lehre vom Eid," Judaica, Fest­schrift zu Hermann Cohens Siebzigstens Geburtstag (1912), 109-118; and Good­enough, 41–44. Indeed, the Hellenistic world showed the same desire to avoid oaths by the name of the divinity for fear of the consequences of false oaths (cf. Lieber­man, Greek, 124f.).


Special Laws II, 2–5.

Such oaths would be understood to mean: As surely as the earth exists, so shall I tell the truth and fulfill my word. Cf. Lieberman, Greek, 124f.


"Onesh Shevu'at Sheqer Le-Da'at Philon We-Ha-Rambam," Horeb 2 (1934/5), 1–5. Cf. his The Karaitte Halakhah (1913), 61f. As noted by Revel, Maimonides, H. Shevu'ot 12:1, 2 likewise takes the view that one who swears falsely simultaneously profanes (hil) the divine name. Cf. the objection of Abraham ben David, Haassagot Ha-Rabad (the authenticity of which is challenged by Shem Tov ben Abraham ibn Gaon, Migdal 'Oz, ad loc.) as well as in the response of Joseph Caro, Kessf Mishneh and Radbaz. Maimonides, however, places the punishment for this offense in a special category, din shamyam, because of its gravity. In his view, a punishment apparently different from karet will be administered at the hands of Heaven.

The comment of Sifra' Qedoshim, parashah 2:7 (ed. Weiss, p. 88c), mela­med she-shevu'at shaw hillul ha-shem, seems only to repeat the verse. However, it is probably to be explained as based on the distinction drawn by some (see Targum Onkelos and Rashi to Ex. 20:7) between shevu'at sheqer, a false oath, and shevu'at shaw, an unnecessary oath. The statement of the Sifra' means that just as a false oath, explicitly mentioned in the verse, leads to profanation of the divine name, the same is the case when an unnecessary oath is taken.

Special Laws II, 28. Cf. Life of Moses II, 206 which seems to require the death penalty for blasphemy.

M. Sanhedrin 7:5 and B. Sanhedrin 56a. J. Milgrom, "The Concept of Ma'ale in the Bible and the Ancient Near East," JAOS 96 (1976), 238 states that some Rabbinic views prescribe the death penalty for oath violation. The Rabbinic sources he cites, however, do not support his contention.


Contrast Test. Reuben 1:6 and 6:9 which contain an oath with the formula "I swear by God, the Lord of heaven."

Above, 138f.

M. Shevu'ot 4:13.

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/96/ Cf. B. Giṭṭin 34b–35a; P. Giṭṭin 4:3 (45c).
/97/ Cf. Lieberman, TK, ad loc.
/98/ Sect, 406.
/99/ B. Bava Batra 32b–33a contains a story which indicates hesitation about oaths in the minds of some Babylonian Jews in the time of Abaye (third-fourth century A.D.).
/100/ Sect, 92f. n. 321.
/101/ See above, 115f.
/102/ J. Z. Lauterbach’s view (“The Belief in the Power of the Word,” HUCA 14 [1939], 287–302) that the power of the word is to be ascribed to the possibility that the angels might accidentally misinterpret man’s words as those of the Deity (which he applies also to explain the Rabbis’ hesitation about oaths, 300 n. 49) cannot be accepted. It results from the usual Wissenschaft des Judentums refusal to admit the possibility of a magical element in Judaism. Apparently, angels and their errors were more acceptable to Lauterbach than the power of the human utterance. Cf. also S. Blank, “The Curse, Blasphemy, the Spell and the Oath,” HUCA 23, pt. 1 (1950–51), 73–83, 93–95.
/104/ For a survey and sources, see “Blessing and Cursing,” EJ 4, 1086f.
/105/ The text should probably be dated to the amoraiic period. Cf. Sefer Ha-Razim, ed. M. Margaliot (1966/7), 23–25, which includes a comment by E. S. Rosenthal.
/107/ Contrast the view of M. Hengel, Judaism and Hellenism (1974) I, 218–247. His view is based on the identification of the Essenes with the authors of the scrolls and the assumption that Esseneism was greatly influenced by Hellenistic civilization.
/109/ B. Temurah 3a; B. Makkot 16a; B. Shevu’ot 21a; P. Shevu’ot 3:10 (3:12, 35a).
/110/ P. Yoma 3:7 (40d).
/111/ To Eccl. 3:11. Both versions are part of a series of traditions relating to the use and transmission of the shem ha-meforash. The Qohelet Rabbah version is rich in detail which might be explained as the result of secondary expansion. On the other hand, the Palestinian Talmud version seems at best to be a quick summary of a series of traditions. If so, the Qohelet Rabbah version would be primary, despite the late date of Qohelet Rabbah. (M. D. Herr, “Ecclesiastes Rabbah,” EJ 6, 355 dates the final redaction of Qohelet Rabbah to not earlier than the eighth century C.E. and not later than the second half of the tenth century C.E.) In favor of the secondary nature of the Qohelet Rabbah version, however, is its reference to the use of only a part of the divine name for the imprecation. This might be the result of apologetic tendencies on the part of those who did not wish to allow that a Persian woman knew
and could make use of the Tetragrammaton. A definite conclusion, then, is not possible.

/112/ If, on the other hand, the *shem ha-meforash* of the *Qohelet Rabbah* version was a reference to the forty-two letter divine name or to some other compound name, known to have existed in Jewish magical circles in Rabbinic and medieval times, the meaning of *hada’ millah* would refer to one of the parts of the composite divine name. Cf. my study, “A Forty-two Letter Divine Name in the Aramaic Magic Bowls,” *Bulletin of the Institute of Jewish Studies* 1 (1973), 97–102.


/114/ See above, 111–115.


/117/ Cf. the list of *baqashot* in *Sefer Ha-Razim*, ed. Margaliot, 147f.

/118/ See above, n. 11.

/119/ See above, n. 10.

/120/ Segal, *Ben Sira’*, 37–42.

/121/ Cf. *HAQ*, 32f., 45, 47.


/124/ Licht to our passage alludes to the blessings found in Serekh Ha-Berakhot (1QSB). Licht views these as being intended for recitation at some eschatological occasion (*Serakhim*, 274). He also refers to a liturgical text, 1Q34b³s (*DJD* 1, 152–155), of which at least part was intended for the Day of Atonement. Certainly liturgical are the many hymns and prayers found in the War Scroll which Yadin has discussed in detail (*War Scroll*, 208–228). Numerous fragments scattered in *DJD* I and III may be liturgies or hymns. Of some relevance is J. Strugnell, “The Angelic Liturgy at Qumrân—4Q Serek Shirrót ‘Olat Haššabat,” *Suppl. to VT* 7 (1960), 318–345 and my “Merkavah Speculation at Qumran: The 4Q Serekh Shirrot ‘Olat Ha-Shabbat,” *Mystics, Philosophers, and Politicians: Essays in Jewish Intellectual History in Honor of Alexander Altmann*, (1981), 15–47 as well as A. S. van der Woude, “Ein neuer Segensspruch aus Qumran (11 Q Ber),” *Bible und Qumran*
(Festschrift H. Bardke), ed. S. Wagner (1968), 253–258. The liturgy at Qumran is a subject deserving thorough study.


/126/ See Licht, Megillat Ha-Hodayot, 12–14.