

DAVID ANDREW TEETER

Scribal Laws

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David Andrew Teeter

Scribal Laws

Exegetical Variation
in the Textual Transmission of Biblical Law
in the Late Second Temple Period

Mohr Siebeck

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Johann Wolfgang von Goethe, *Italienische Reise*,
16. März, 1787

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David Andrew Teeter

Cambridge, MA
Christmas Day, 2013

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Abbreviations

In general, abbreviations in this book are based upon the conventions of P.H. Alexander et al. *The SBL Handbook of Style* (Peabody, MA: Hendrickson, 1999), supplemented by S. Schwertner, IATG³. *Internationales Abkürzungsverzeichnis für Theologie und Grenzgebiete* (Berlin: de Gruyter, 2014). In addition, the following special abbreviations are utilized:

BA	<i>L'Bible d'Alexandrie</i>
BIAI	Fishbane, <i>Biblical Interpretation in Ancient Israel</i>
CATSS	Computer Assisted Tools for Septuagint Studies
CPTOT	Barr, <i>Comparative Philology and the Text of the Old Testament</i>
DJA	Sokoloff, <i>A Dictionary of Judean Aramaic</i>
DJBA	Sokoloff, <i>A Dictionary of Jewish Babylonian Aramaic</i>
DJPA	Sokoloff, <i>A Dictionary of Jewish Palestinian Aramaic</i>
DSA	Tal, <i>A Dictionary of Samaritan Aramaic</i>
DSSOB	Ulrich, <i>The Dead Sea Scrolls and the Origins of the Bible</i>
EDSS	Schiffman/VanderKam, <i>Encyclopedia of the Dead Sea Scrolls</i>
<i>G(es). Diff.</i>	Geiger, "Die gesetzlichen Differenzen zwischen Samaritanern und Juden"
GS	Seeligmann, <i>Gesammelte Studien zur Hebräischen Bibel</i>
HBGBQ	Tov, <i>Hebrew Bible, Greek Bible, and Qumran</i>
J-M	Joüon/Muraoka, <i>A Grammar of Biblical Hebrew</i>
LOT	Ben-Ḥayyim, <i>The Literary and Oral Tradition of Hebrew and Aramaic amongst the Samaritans</i>
MRSBY	<i>Mekhilta de-Rabbi Shimon bar Yoḥai</i> (Epstein/Melamed)
<i>Neu. Mitt.</i>	Geiger, "Neuere Mittheilungen über die Samaritaner IV"
NGTD	Wevers, <i>Notes on the Greek Text of Deuteronomy</i>
NGTG	Wevers, <i>Notes on the Greek Text of Genesis</i>
NGTL	Wevers, <i>Notes on the Greek Text of Leviticus</i>
NGTN	Wevers, <i>Notes on the Greek Text of Numbers</i>
NS (N. S.)	Abraham Geiger, <i>Nachgelassene Schriften</i> , IV
QHBT	Cross/Talmon, <i>Qumran and the History of the Biblical Text</i>
TCHB	Tov, <i>Textual Criticism of the Hebrew Bible</i>
TCU	Tov, <i>The Text Critical Use of the Septuagint in Biblical Research</i>
THGD	Wevers, <i>Text History of the Greek Deuteronomy</i>
THGL	Wevers, <i>Text History of the Greek Leviticus</i>
THGN	Wevers, <i>Text History of the Greek Numbers</i>
TT	Büchner, "Translation Technique in the Septuagint Leviticus"
WO'C	Waltke/O'Connor, <i>Biblical Hebrew Syntax</i>

Sigla

α'	Aquila
⊖	Septuagint translation
⊖*	The reconstructed original reading of ⊖
⊖ ^{Ra.}	The reading of ⊖ according to Rahlfs, <i>Septuaginta</i>
⊖ ^{Wev.}	The reading of ⊖ according to the edition of Wevers
LXX	Septuagint translation (⊖)
MT	Masoretic Text (Ⓜ)
Ⓜ	Masoretic Text
Ⓜ ^L	Codex Leningradensis B19 ^a
Ⓜ ^{MS(s)}	Individual manuscript(s) of Ⓜ
Ⓜ ^K	<i>Ketiv</i>
Ⓜ ^Q	<i>Qere</i>
OG	Old Greek translation
OL	Old Latin translation (Vetus Latina)
P(ap).	Papyrus
Ⓚ	Qumran textual witness
SP	Samaritan Pentateuch (Ⓜ)
ST or SamT	Samaritan Targum, cited according to the edition of Tal, unless otherwise noted
ST ^{A, J, etc.}	Samaritan Targum Manuscript A, J (etc.) as found in the edition of Tal
σ'	Symmachus
Ⓢ	Syriac Peshiṭta
θ'	Theodotion
Ⓣ ^F	Fragmentary Targum(im)
Ⓣ ^N	Targum Neophyti 1
Ⓣ ^O	Targum Onqelos
Ⓣ ^{P-J}	Targum Pseudo-Jonathan
tranx.	Translation, translational, relating to translation (as opposed to textual difference)
Ⓥ	Vulgate
vid.	(<i>ut vidatur</i>) (apparently)
Ⓜ	Samaritan Pentateuch according to the edition of Tal/Florentin
Ⓜ ^{OT}	The Samaritan oral tradition as represented in Ben-Ḥayyim, <i>LOT IV</i>
[]	Reconstructed elements in fragmentary text
::	In opposition to
→	Derivation or direct association
//	Parallel text
>	Element lacking
†	All attested occurrences

Introduction

Scribal Laws

This study takes as its point of departure two fundamental insights about the scriptural text and late Second Temple Judaism, insights that the discoveries in the Judean Desert have made abundantly clear. First, it is evident that a variety of *exegetical* processes were operative in the scribal transmission of biblical texts, in Hebrew, during this period.¹ Interpretation was not restricted to forms of literary production external to the text of scriptural compositions, but also found expression in the alteration of the wording of biblical manuscripts themselves.² Some scribes or copyists deliberately effected changes to achieve exegetical ends, and some textual variants extant from this period are thus interpretive in character.³ Secondly, it is everywhere evident that *legal* matters were among the foremost questions occupying exegetes at this time, the interpretation of biblical law being of intense interest to most known forms of Second Temple Judaism.⁴

To what extent, then, did exegetical concerns impact the textual transmission of biblical law?⁵ If we recognize that ancient scribes enjoyed a “controlled freedom of textual variation,”⁶ when and how far would scriptural legal texts stretch

¹ On the terminological problems (“biblical,” “scriptural”), see Zahn, *Rethinking Rewritten Scripture*, 9 n. 30; idem, “Talking about Rewritten Texts,” 93–119.

² Cf. Kratz, *Judentum*, 145; compare already Wellhausen: “Von jeher hat sich namentlich bei den die israel. Profangeschichte behandelnden Büchern die Auslegung des Texts in die Ueberlieferung desselben gemischt und der letzteren einen schwankenden fließenden Character gegeben” (*Samuelis*, 22).

³ “[T]he ancient authors, compilers, tradents and scribes enjoyed what may be termed a controlled freedom of textual variation. The exact limits of this ‘variation-scope,’ though, cannot be accurately established intuitively, nor can they be gauged from mere sample collations. An investigation of this matter, based on a thorough and comprehensive synopsis of all types of variants, glosses, intentional modifications, etc., which can be ascertained in our sources is an urgent *desideratum*” (Talmon, “Textual Study,” 326).

⁴ See, e. g., Baumgarten, *The Flourishing of Jewish Sects*, 56. On the limits of the evidence for speaking of Judaism as a whole in the period, see Kratz, *Judentum*; idem, “Zwischen Elephantine und Qumran,” 129–46.

⁵ On the importance of examining the individual segments or subcollections of the Hebrew Bible for what they contribute to text history, compare Volz: “Ebenso müssen die einzelnen Teile des AT mit der Absicht untersucht werden, was sich aus ihnen für die hebräischen Handschriften, ihren Charakter, Wert, Verwandtschaft herausstellt” (“Arbeitsplan,” 105).

⁶ Talmon, “Textual Study,” 326. The ambiguities inherent in the term “scribe” and the broader “scribal” rubric within modern scholarship will be taken up in detail below (Chapter 4, § 4.2.4, esp. 246–7 nn. 174–6). For the present purposes, the term is used interchangeably with “copyist”: an individual responsible for the transmission of manuscripts.

to accommodate interpretation? What formal constraints, what “rules,” applied to the presentation of this exegesis within biblical manuscripts, and were they the same as governed non-legal material? What underlying interpretive methods, strategies, or resources are apparent, and are they specific to legal texts? What can be assumed about the internal motives, rationales, and justifications for this scribal behavior, and what might deliberate alterations of these kinds indicate about the conceptions of text and of scripture reflected, whether among the scribes who effected the changes, or the individuals and communities who studied the manuscript produced? Finally, what can be known or inferred regarding the social function or location of these texts and the laws inscribed within them?

Such questions of longstanding interest regarding the formal constraints and exegetical conventions that governed scribal transmission of biblical texts have taken on additional importance in recent research due to their centrality for determining the complex relationship between “scriptural” texts and the wide variety of other analogous or homologous literary / exegetical modes attested within this period, some of which were unknown before the Qumran finds, and with which scholarship is still struggling to come to terms. An accurate survey of the character and scope of interpretive scribal variants, situated as they are between “scripture” and “rewritten scripture,” between “biblical” and “parabiblical” text, proves to be crucial for charting the vexed literary boundaries in question – those between scriptural *transmission* and exegetical *rewriting* in the period. That such questions cannot begin to be answered without precise and methodical textual analysis of the variants attested, considered both individually and in aggregate, needs no justification. Only on this basis can we determine the contours of the textual topography or the scope of textual variation; and only then can we draw sound conclusions regarding the nature and background of this diversity. The present work attempts to provide, therefore, on the basis of detailed textual analysis, a map of variation-scope within the transmission of biblical law in the late Second Temple period, to serve as the basis for reflection on broader issues of textual and religious development.

This study is thus concerned with “scribal laws” in a dual sense. On the one hand, it undertakes to discern the laws *governing* the textual transmission of legal material, the manifest “rules” attending (sponsoring, constraining) scribal intervention or innovation within the corpus of biblical law.⁷ On the other hand, it ex-

⁷ This aim can be seen as relating to the “rules” (*Regeln*) sought by Volz, “Arbeitsplan,” esp. 105–8; cf. Daube “Zur frühalmudischen Rechtspraxis,” 159 (“formale Kriterien”). Compare the reflections of P. Schäfer with regard to the classical Targumim: “Es stellt sich daher die kaum noch in Angriff genommene Aufgabe, Kriterien für die gattungsmäßige Bestimmung von Targum- und Midraschüberlieferungen zu entwickeln, d. h. sowohl in formaler Hinsicht nach den Charakteristika der Verarbeitung haggadischen und halachischen Materials in Targum und Midrasch zu fragen, als auch in inhaltlicher Hinsicht spezifisch targumische bzw. midraschische Haggada oder Halacha zu identifizieren” (“Targumim,” *TRE*, 6:218); cf. Samely, *Interpretation of Speech*, 2.

amines the character and background of the laws *produced* thereby; i. e., the interpretively altered legal formulations inscribed within manuscripts of that corpus. These two objects of inquiry, representing as they do two sides of one coin, are inextricably linked and mutually determinative; neither aspect can be understood fully apart from the other. The simultaneous investigation of both phenomena is therefore essential for understanding the forces at work in the development of the scriptural text, as well as within the development of Judaism itself in the late Second Temple period. Indeed, one of the central claims of the present book is that biblical studies, textual criticism, the history of interpretation, and the broader religious and intellectual history of Judaism must be studied together. The studies assembled here can be understood as representing a cumulative argument or case for the methodological imperative to work across de facto disciplinary divisions.⁸ Boundaries of professional specialization (say, in redaction criticism, textual criticism, Qumran studies, Septuagint studies, or Rabbinitics) often work against a full contextual understanding of the material in these profoundly interrelated fields.

Over one hundred and fifty years ago Abraham Geiger published his monumental *Urschrift und Übersetzungen der Bibel* (1857), in which he advanced the provocative thesis that what was later accomplished by midrash and commentary was achieved through manipulation of the biblical texts themselves in the period prior to standardization. He argued that there was an inextricable and reciprocal relationship between the historical development of Judaism and the history of the biblical text and versions. Geiger sought to show how various legal concerns made themselves felt in textual transmission; and he claimed further that rabbinic halakhah represented a major break with the ancient legal traditions reflected in various non-rabbinic sources such as the early texts and versions, or even in the New Testament. Geiger's book understandably touched off a firestorm of controversy in his lifetime, and was subjected to fierce criticism. His argument was vulnerable to the extent that much of the evidence he pointed to appeared to many to represent mere conjecture. That the ancient versions contained legal exegesis of various sorts was not controversial, as many both before⁹ and after¹⁰ Geiger have also demonstrated. The fundamental issue has always been the historical, interpretive, and theological framework within which these readings are understood – that is, the evaluation of these versions over against so-called “normative” Judaism, with its received text and traditions.

Much has changed since the publication of Geiger's magnum opus. The discoveries in the Judaean Desert have profoundly enriched and complicated our understanding of the scriptural text and its interpretation in Jewish antiquity.

⁸ See Teeter, “The Hebrew Bible and / as Second Temple Literature,” 347–75; Cooper, “Biblical Studies and Jewish Studies.”

⁹ E. g., W. Gesenius, Z. Frankel.

¹⁰ E. g., E. Bickerman, D. Daube, P. Kahle, L. Priejs, A. Rofé, I. L. Seeligmann, A. Toeg, E. Tov, R. Weiss.

The plurality of Judaism in the Second Temple period is now widely recognized, as is the pluriformity of the biblical text. The Qumran materials have permitted major steps forward in understanding varieties of legal interpretation current at this time. In addition, these texts have completely transformed our knowledge of the exegetical forms and literary output of the period, particularly with regard to so-called “rewritten Scripture” compositions. In short, the discoveries have demanded a comprehensive rethinking of models of scriptural transmission and interpretation in the Second Temple period.

In addition to the publication of major critical editions of the textual sources themselves in recent decades, a wealth of individual studies have appeared that are devoted to various aspects of scribal transmission. Several important works, for instance, have focused on the textual phenomenon of “harmonization” (i. e., verbal transfer between analogous texts) in manuscripts and versions from the period. Many indispensable studies, tools and reference works pertaining to the Samaritan Pentateuch, to the Septuagint, and to the relationship between them, have also become available. Yet, since A. Geiger there has been no major synthesis of the data regarding exegetical aspects of the transmission of biblical law in the Second Temple period, and no attempt to assess these comprehensive data with regard to their socio-religious background.

Against this backdrop, the present study begins with an overview of the underlying causes of the textual plurality within scriptural manuscripts during the Second Temple period, as well as the effects of this plurality on the character of scriptural encounter. To the extent that textual variation proves to have been an actively interpretive process, text history becomes embedded within reception history, blurring the boundaries that once existed between higher and lower criticism; between literary formation, textual transmission, and the history of interpretation. Understanding the dynamics of textual change in such a context – e. g., the character of, or motivations for, deliberate alteration – is critical for any determination of the relationship between that textual plurality and the apparent halakhic diversity that obtains. And how one understands the relationship between religious practice and textual change is determinative for one’s assessment of Judaism in the period, the nature of its internal development, and the role of scripture in this process.

These key interpretive and historical questions provide the conceptual backdrop, foundation, and context for the textual studies comprising the second chapter of this study. This chapter presents a broad description of exegetical variation in the transmission of biblical law, based on a systematic examination of extant textual witnesses to biblical law from the Second Temple period. Foremost among these witnesses are the “biblical” Qumran scrolls,¹¹ the Samaritan

¹¹ See esp. the text editions in *DJD* I; *DJD* III; *DJD* IX; *DJD* XII; *DJD* XIV; Freedman/Mathews, *11QpaleoLev*. See further Lange, *Handbuch*, 35–143.

Pentateuch (ⲡ),¹² and the Septuagint, or Old Greek Pentateuch (Ⲅ).¹³ Various “parabiblical” texts are also taken into account (including the Temple Scroll,¹⁴ 4QRP/“Reworked Pentateuch,”¹⁵ Jubilees,¹⁶ and 4QMMT¹⁷), which also attest (if indirectly) textual variants within biblical law.¹⁸ The extent to which these textual differences represent deliberate, exegetical changes – rather than, say, original readings lost through scribal error – will figure as a major point of focus over the course of the analysis. The chapter offers a synchronic overview of variants, organized according to type (expansions, omissions, and various orders of change), and it concludes by emphasizing elements of diachronic process and development as essential for understanding the overall picture.

This classified analysis of variants forms the basis for the hermeneutical, comparative, and historical reflections that comprise the final chapters of the book. The third chapter attempts a synthesis of the textual hermeneutics of exegetical variation evident in the changes attested. It undertakes a description of the specific methods or resources utilized to achieve exegetical results. These are considered first synchronically, and then situated within their comparative and historical contexts in relation to other scribal-hermeneutical systems in the ancient world. Also examined are the interpretive presuppositions that appear to underlie and to authorize the application of these methods. The chapter concludes with reflections on how this entire picture relates to the “textualization” or “scripturalization” of religious experience within early Judaism.

Chapter 4 undertakes a broader historical assessment of the nature and background of scribal exegesis in legal texts – the textual status, the literary scope, and the social location of change. In view of the history of scholarship, and on the basis of the results of the prior chapters, this chapter attempts a new synthesis of interpretive textual variation and its place within the typology of interpretive literary production in the late Second Temple period.

Some general conclusions are distilled in the brief final reflections. The studies brought together in this book are conceived of as a preliminary step toward a comprehensive analysis of exegesis in the transmission of biblical texts as a whole

¹² Tal/Florentin, *נוסח שומרון* (2010); Tal, *Samaritan Pentateuch* (1994); A./R. Sadaqa, *חמשה חומשי תורה* (1961–65); von Gall, *Der hebräische Pentateuch der Samaritaner* (1918); cf. Ben-Hayyim, *LOT* 4; Schorch, *Die Vokale*.

¹³ Wevers, *Septuaginta: Genesis* (1974); *Deuteronomium* (1977); *Numeri* (1982); *Leviticus* (1986); *Exodus* (1991).

¹⁴ Yadin, *The Temple Scroll*.

¹⁵ Tov and White Crawford, “Reworked Pentateuch,” 187–352.

¹⁶ VanderKam, *The Book of Jubilees* (CSCO 510–11); idem, *Textual and Historical Studies*.

¹⁷ Qimron and Strugnell, *DJD* X.

¹⁸ See, e. g., Brooke, “The Textual Tradition of the *Temple Scroll*,” 261–82; Schiffman, “Shared ‘Halakhic’ Variants,” 277–97; Tov, *וביקורת נוסח המקרא* ו’מגילת המקרא’, 100–11; VanderKam, “Jubilees and the Hebrew Texts of Genesis-Exodus,” 71–86; idem, “Questions of Canon,” 91–109; idem, “The Wording of Biblical Citations in Some Rewritten Scriptural Works,” 41–56; Zahn, *Rethinking Rewritten Scripture*.

in the period. The resulting description offers important data for better understanding the pluriformity of the pentateuchal text, for assessing the character and scope of scribal exegesis in the transmission of biblical law, and for charting the unclear literary boundaries between scriptural transmission and exegetical rewriting in the period. The time is ripe for revisiting many of the issues that Abraham Geiger once so provocatively thematized, and for rethinking them in light of the current state of knowledge regarding scriptural text and interpretation in antiquity.¹⁹

¹⁹ A brief word about the approach to citations in this book: since I find it extremely important in evaluating an argument to consider the formulation of the sources themselves, whether primary or secondary, I have frequently quoted these at length. While some might prefer a more economical style of reference, I urge the reader's forbearance. A critical but generous evaluation and appropriation of past contributions is basic to the present endeavor. Many figures from the past studied here embody a level of devotion, intensity, rigor and breadth virtually unheard of in our contemporary context. The extensive references and quotations in the pages below represent an attempt to recover important voices that are often forgotten or ignored. When the citation is essential to following my own argument, I have supplied a translation for non-English sources. Otherwise they are cited in their original formulation. One may also note that certain citations have been repeated for emphasis and /or argumentative coherence within one or more chapters.

Chapter 1

Text History as Reception History: Plurality and the Dynamics of Textual Change

1.1 Textual Variation in Context: Pluriformity and Scriptural Reception in the Late Second Temple Period

The character and significance of the variation attested in texts of biblical law can only be understood in light of the broader realities of scriptural encounter within Judaism during the period. The purpose of this chapter is to survey the underlying causes and effects of textual pluriformity during this era, as well as to outline basic problems in assessing the relationship between religious practice and textual diversity.

1.1.1 Textual Plurality and Its Causes

It is a point of widespread consensus that, in the final centuries before the Common Era, the biblical text was characterized by limited but nonetheless substantial variation among the copies in circulation. The nature of this textual multiplicity and its evaluation, both in diachronic and synchronic terms, remain debated, and conflicting models have been proposed to explain the data. But the reality of textual pluriformity before the first century BCE is empirically demonstrable from the manuscript record.¹ Here one observes a variety of scriptural manuscripts containing multitudes of individual differences, differences that stand in complex genetic relationship to those in other texts, with constantly varying patterns of affiliation.² This plurality also extends to the physical form of the texts. An array of diverse manuscript formats have been preserved, with differences

¹ Thus the general consensus within the standard surveys and handbooks (e. g., Tov, *TCHB*³; Lange, *Handbuch*; Barthélemy, "Histoire du texte hébraïque"; Mulder, "Transmission"; Fabry, "Der Text und seine Geschichte," 36–59).

² This textual variety has been parsed or analytically grouped in different ways, and according to different standards. In contrast to theories of local texts, of text-types, or of sociologically determined *Gruppentexte* (Talmon), one finds at present widespread agreement with E. Tov's division of Qumran biblical texts into five groups (*TCHB*², 114–17; 163; cf. Lange, *Handbuch*, 3–32; 143–58). On the problematic nature of this division, see especially Ulrich, *DSSOB*, 9; 84–85; Segal, "The Text of the Hebrew Bible," 5–20; and also Tov's own, more recent adjustments (*HBGBQ*, 128–154; *TCHB*³, 107–10, who now describes "three groups and a cluster of

ranging from external factors (size, shape, appearance, material quality) to compositional factors (differences in scope, abbreviation, excerpting, combination, etc.).³ Such diversity is an index of the nature of scriptural encounter within late Second Temple Judaism – i. e., how scriptural text and interpretation was present to individuals and groups; how these were perceived, mediated, absorbed or consumed.

In broadest terms, the multiplicity of textual differences attested can be reduced to two basic underlying processes.⁴ On the one hand, many variants are the manifest product of scribal accident. The text-critical manuals document the wide range of graphic errors, linguistic confusions, mistakes of an oral/aural nature, memory lapses, etc. that copyists were liable to make, and repeatedly did make.⁵ Some of these are simple mistakes, resulting in garbled or incomprehensible readings,⁶ while others represent mental errors and distortions typical of the oral-performative environment of textual encounter in the period, producing readings that remain meaningful in their own right.⁷ As important as these ac-

texts.” The three groups are: 1. “ מ -like Texts”; 2. “Pre-Samaritan Texts”; and 3. “Texts Close to the Presumed Hebrew Source of ס ”).

³ See, above all, Tov, *Scribal Practices*; idem, “Excerpted and Abbreviated Biblical Texts from Qumran” (*HBGBQ*, 27–41); cf. also Lange, “Textual Plurality,” 88–90; *Handbuch*, 35–143; Alexander, “Quid Athenis et Hierosolymis?” 108–9; Doering, “Excerpted Texts in Second Temple Judaism, 1–38; Strawn, “Excerpted Manuscripts at Qumran,” 107–67; Brooke, “Deuteronomy 5–6 in the Phylacteries from Qumran Cave 4,” 57–70; Dahmen, “Deuteronomium in Qumran als umgeschriebene Bibel,” 269–309; Stegemann, “Weitere Stücke,” 193–227; Brooke, “4QGenesis^d Reconsidered”; Kellermann, “Der Dekalog”; Lange/Weigold, “The Text of the Shema Yisrael,” 147–77; Norton, *Contours*, 34–35; I. Himbaza, “Le Décalogue de Papyrus Nash, Philon, 4QPhyl G, 8QPhyl 3 et 4QMez A,” 411–28; idem, *Le Décalogue et l’histoire du texte*.

⁴ On this basic division, see Tov, *TCHB*³, 220–21 (with 221–62).

⁵ See, e. g., Delitzsch, *Die Lese- und Schreibfehler*; Kennedy, *An Aid to the Textual Amendment of the Old Testament*; cf. Waltke, *Prolegomena to the Samaritan Pentateuch*, 146–56.

⁶ This is illustrated well, for instance, by 11QpaleoLev frg. F 3, where Lev 14:17 reads על תנוך און . The editors of the *editio princeps* offer the following analysis: “probably a scribal error for על תנוך (MT). The error of און , however, is not easily explained; perhaps the *’alep* is a prosthetic vowel ... or it is an error in which the scribe wrote the *’alep* in anticipation of און ” (Freedman/Mathews, *Paleo-Hebrew Leviticus Scroll*, 31). This is eloquent testimony to the difficulty of the reading, but neither explanation is at all likely. In fact, it clearly represents an accidental assimilation of one contextually frequent locution (יתן על תנוך און : 14:14, 17, 25, 28) to another (יתן על ראש : 14:18, 29). The copyist began to write the latter but self-corrected, changing course before completing the faulty reading, without subsequently deleting the error.

⁷ See R. Weiss, *חילופי לשונות נדרפים*, 75–114; cf. Volz, “Arbeitsplan,” 104, who, following Michaelis, distinguishes on this basis (viz. “Verstand”) between “*varia lectio*” and the simple copyist error. Carr refers to such “good variants” as “memory variants” (*The Formation of the Hebrew Bible*, 13–36); earlier, “cognitive variants” (in “Empirische Perspektiven,” 2–6). On the oral-performative setting and the role of memory in scriptural transmission, see Jaffee, *Torah in the Mouth*, 15–38; Talmon, “Oral Tradition, Written Transmission,” 85–124; Norton, *Contours in the Text*; idem, “The Question of Scribal Exegesis at Qumran”; Stanley, “Social Environment of ‘Free’ Biblical Quotations”; Greenstein, “Faulty Memory”; Orłinsky, “Studies in the St. Mark’s Isaiah Scroll”; Goshen-Gottstein, “Concordance”; cf. Frankel, *Einfluss*, 104; Sanderson, *Exodus Scroll*, 278, 282–3; 284. Contrast, however, Tov’s reservations: “There is no reason to assume

cidental phenomena unquestionably are, however, error and human limitation fall well short of accounting for the robust, creative, and exegetically productive variation attested.⁸ Given their density, distribution, complexity and function, a significant remainder of variants can only be understood as the result of deliberate strategies of scribal alteration.⁹ Such variants, distinguished by their semantic profile and interpretive role, exemplify the fact that preservation of text and preservation of meaning are often inseparable processes in antiquity.¹⁰ To varying extents, scribes served as custodians of textual meaning, and thus became participants – however minor – in the ongoing process of scriptural formation and reception.¹¹ The textual pluriformity characteristic of this period, then, is

scribes who knew their biblical text well wrote them from memory” (*Scribal Practices*, 11; cf. *HBGBQ*, 136).

⁸ So Wellhausen: “Dennoch sind Versehen und Zufall im Ganzen genommen ziemlich sterile Erklärungsmittel, welche nicht entfernt hinreichen, die Fülle der Erscheinungen zu begreifen, als deren Ursache sie gewöhnlich angesehen werden” (*Samuelis*, 15). And compare J. Koenig: “L’érudition scripturaire vaste et précise, requise dans le milieu des responsables de la Septante par la pratique des emprunts, a également été mentionnée plus haut, comme un indice de procédé méthodique. [...] Étant donné leur subtilité, parfois très grande, leur précision et leur fréquence, ils résultent nécessairement de recherches qualifiées, qui supposent une véritable science scripturaire d’époque. Si l’on voulait maintenir l’idée de réminiscence, en invoquant la capacité mémorielle imputable au conservatisme religieux du Judaïsme, dès la plus haute époque, il faudrait alors reconnaître que cette mémoire religieuse scripturaire était poussée à un degré où elle constituait précisément une érudition et cessait d’être mémoire ordinaire et simplement pratique. Les modifications par emprunts illustrent un procédé difficile et le refus de recourir, dans les endroits affectés, à des modifications quelconques, ce qui eût été la voie d’une improvisation libre de toute norme, la voie de la facilité. La spécificité du recours scripturaire et sa difficulté révèlent donc la présence d’une norme, et celle-ci est d’autant mieux caractérisée que la recherche des analogies de teneur et des termes de jonction a été plus subtile” (*L’Herméneutique analogique*, 31–32).

⁹ On deliberate variants, see Geiger, *Urschrift* (esp. 72–74); Volz, “Arbeitsplan” (esp. 108); Seeligmann, *Septuagint Version of Isaiah*, 8 n. 2; idem, *GS*, 153; 354; 425–26; R. Weiss, חילופי לשונית נרדפים, 70–115; Koenig, “L’activité herméneutique des scribes,” *RHR* 161 (1962): 141–74; 62 (1962), 1–43; idem, “L’existence et l’influence d’une herméneutique sur la transmission du texte hébreu de la Bible,” 122–25; Skehan, “Qumran Manuscripts and Textual Criticism” (*QHBT*, 216); Talmon, “Aspects of Textual Transmission”; idem, “Textual Study”; Brooke, “Exegetical Variants?” 85–100; Tov, *TCHB*³, 240–62; Sanders, “Hermeneutics of Text Criticism,” 8; Würthwein, *Text*, 111–12. Cf. Chapter 4 n. 9 below.

¹⁰ See Kratz, *Judentum*, 145 (cf. 180), with reference to Schmid, *Buchgestalten des Jeremia-buches*, 42, 327, and especially J. Assmann, *Das kulturelle Gedächtnis*, 87–91; see also K. Ehlich, “Text und sprachliches Handeln: Die Entstehung von Texten aus dem Bedürfnis nach Überlieferung”; S. Schorch, “Rolle des Lesens” (esp. 115: “Texte entstehen aus dem Bedürfnis nach Rezeption”).

¹¹ On the relationship between formation and reception, see esp. Kratz, *Judentum*, 126–56; idem, *Prophetenstudien, passim*; idem, “Das Alte Testament und die Texte vom Toten Meer,” 198–213; cf. Talmon, “Textual Study”; Dahmen, *Psalm- und Psalter-Rezeption*, 1–12; Stromberg, “The Role of Redaction Criticism in the Evaluation of a Textual Variant,” 155–89; Ulrich, *DSSOB* (e.g., 52, 92, 77: “Thus, the methods of the late scribes are basically similar to the methods we recognize in the earlier ‘authors’ or tradents who produced the Scriptures. [...] These were early and late forms of the same phenomenon, early and late forms of the canonical process” (“Canonical Process,” 290 [*DSSOB*, 77]); idem, “Crossing the Borders.” Clearly there

not merely the result of careless copying, but also of active interpretive engagement within the process of transmission.¹² To this extent, text history becomes reception history.

To be sure, it is often difficult to distinguish with certainty between accidental and deliberate variants. The ineluctable and persistent cognitive quest to make sense of communicative events can operate on both conscious and subconscious levels alike to create textual differences.¹³ Similarly, many of the dominant modes of interpretation in the period directly respond to implicit aspects of meaning or existing (inner-/inter-)textual relationships.¹⁴ Is the assimilation of a verbal formulation in one passage to that in a related passage an interpretive move, or merely a memory lapse facilitated by the existing relationship? Or what about the making explicit of an implicit subject (or object, or verb)? Both deliberate and accidental motivations are equally possible in such cases. Indeed, in view of the attested evidence, what demands explanation is the prevalence of both types of variation.¹⁵ The analytical challenge, under such circumstances, is to avoid totalizing, a priori judgments, and to weigh both possibilities in a balanced manner.¹⁶

are differences recognizable in the extent of textual engagement, and one must give full weight to the very high degree of correspondence between most preserved manuscripts, even accounting for textual differences and variety (with Schorch, *Die Vokale*, 7 n. 32). However, the multiple literary editions that are attested – compare only ם and ם in Ezek, Jer, or the various versions of the tabernacle instructions in Exod – on the one hand; and the diverse “rewritten Scripture” compositions, on the other hand, demonstrate the broad typological similarities between the compositional techniques and interpretive aims in all of these forms of literary engagement (composition, manuscript transmission, and rewriting). This does not, of course, prove determinative of literary status (see Zahn, *Rethinking Rewritten Scripture*, 7–8; 229–41). Again, the balanced formulation of Wellhausen describes the situation well: “Zuweilen freilich ist auch umgekehrt die Grenze zwischen Text und Glosse so fließend, dass man nicht weiss, ob die Ausscheidung eines den Zusammenhang unterbrechenden Verses zur Aufgabe der Text- oder Literarkritik gehöre. Da aber die Redigierthätigkeit sich ... noch nach der Entstehung der griech. Uebersetzung geregt hat [...], so habe ich die Grenzen der Textkritik im Allg. nicht zu enge ziehen zu dürfen geglaubt. Sind doch auch die Redigierfreiheit und die Freiheit in der handschriftl. Ueberlieferung sehr verwandte Erscheinungen; beide zeigend, dass dem Hebr. der Begriff geistigen Eigentums so gut wie unbekannt war ...” (*Samuelis*, 25–26 n. 2).

¹² So already Geiger, *Urschrift* (18–19, 72–73, 159, 231, etc.).

¹³ Carr, *Formation of the Hebrew Bible*, 23 and his discussion of “effort after meaning.”

¹⁴ For illustrations, see R. Weiss, *חילופי לשונות בדרפנים*, 75–114; Stromberg, “Observations on Inner-Scriptural Expansion in MT Ezekiel,” 68–86; Teeter, “Exegetical Function,” 373–402. For comparative examples from Homeric transmission, see Bird, *Multitextuality in the Homeric Iliad*, 84–100 and the extensive treatment of Nünlist, *The Ancient Critic at Work*, *passim*.

¹⁵ In this connection, there is also a need to explain the existence of contemporaneous texts that do not display this phenomenon (or that do so only to a very limited degree), together with texts that display it to a very high degree (compare ם to ם and ם in the books of the Pentateuch), a point raised by P. Skehan (“Qumran Manuscripts and Textual Criticism,” *QHBT*, 216). See further below, Chapter 4 n. 9).

¹⁶ This raises the important question of criteria for determining deliberateness. Some criteria that can prove useful in determining deliberateness are the following: 1. When there is a clear exegetical or interpretive “payoff” to a secondary difference, deliberateness is more likely; indeed,

Some scholars have shown a tendency to over-interpret variants as deliberate when other factors are more likely at play.¹⁷ Others, however, have gone too far in their overemphasis on accidental factors, tending to dismiss virtually all intentional variation as the contrivance of modern scholarship.¹⁸ Neither approach does justice to the full range of variation attested: both accidental and deliberate variants are empirically verifiable.¹⁹

But to recognize a process of deliberate scribal alteration at work within text history is not yet to understand the character of that process. When, where, how, and to what extent did scribes deliberately alter the wording of scriptural manuscripts? Moreover, why did they do so; what were the motivations driving these changes?

1.1.2 Motivations for Deliberate Change

With regard to assessing motives, key positions were articulated already in the nineteenth century, positions which retain their value as a critical orientation to the present question. In his massive and epoch-making work, *Urschrift und Uebersetzungen der Bibel*, Abraham Geiger distinguished between two main types of variants characteristic of biblical manuscripts in antiquity: those resulting from a lack of critical care, and those representing deliberate or tendentious changes on the part of scribes.²⁰ For Geiger, the latter were the most significant. In his view, text history and religious history are tightly linked; political and socio-religious change and the accompanying internal legal or theological debates within Judaism were the essential forces driving the tendentious alteration of biblical texts. Over the course of the Second Temple period, Geiger argued, the text was de-

this can be seen as a crucial proof. 2. When apparently dissimilar (con)texts are harmonized (deep analogy), this is less likely to be accidental. 3. When a particular pattern or distribution can be discerned, or when one finds other evidence of the application of thought or of a hermeneutic system, it is unlikely to represent accident. 4. When complex or multi-part changes occur.

¹⁷ So, e. g., P. Pulikottil, *Transmission of Biblical Texts*; Dahmen, "Deuteronomium"; Glenn, *Finding Meaning in the Text*.

¹⁸ Carr (*Formation of the Hebrew Bible*, 13–36) seems cautiously to approach this position, as does Greenstein, "Misquotation of Scripture." Koenig, *L'Herméneutique*, might be regarded as a book-length critique of this general approach.

¹⁹ This is true not only of the Hebrew Bible, but also across textual cultures. See, e. g., Burkard, *Textkritische Untersuchungen zu ägyptischen Weisheitslehren*; Worthington, *Principles of Akkadian Textual Criticism*, 88–163; Nünlist, *The Ancient Critic at Work: Terms and Concepts of Literary Criticism in Greek Scholia*.

²⁰ "Die allgemeine Erkenntnis, dass die spätere Sorgfalt ehemals dem Bibeltexte keineswegs gewidmet wurde, vielmehr Nachlässigkeit und Missverständnis ihn mannichfach verunstaltet hatten, ist hinlänglich bezeugt. [...] Von weitgreifendstem Erfolge waren und blieben diejenigen Aenderungen, welche man absichtlich vornahm, um bei der fortgeschrittenen religiösen Entwicklung einen Anstoß an der naiven Ausdrucksweise der Bibel oder ein daraus leicht sich ergebendes Missverständnis zu beseitigen" (Geiger, *Urschrift*, 259; cf. 97–98).

liberately changed to adapt it to later religious sensibilities.²¹ Textual variation is therefore an invaluable record of the polemical disputes and disagreements that would take on determinative significance within the internal development of Judaism.²²

But here, where Geiger sought to demonstrate the dependence of the transmission and interpretation of the scriptural text on diverse and opposed moments within the religious development of early Judaism, Julius Wellhausen remained unconvinced. He maintained, to the contrary, that the only real difference that historical developments made in the handling of biblical manuscripts was the eventual reaction that set in against the arbitrary handling of these texts. Before this late corrective measure, the actual causes of textual change were not variable or determined by period, but constant over time and across party boundaries. For Wellhausen, the most convincing cases of “tendentious change” that Geiger presents are in fact text-interpretive matters of “common interest to all times and that united parties” within Judaism.²³

In Wellhausen’s view, rather than socio-political or theological developments, it is above all the defective character of the Hebrew text and its inherent ambiguities that were responsible for creating an environment which not only facilitated the addition of “subjective elements” (clarifications, interpretative additions, substitutions, changes, etc.), but made them extremely difficult for scribes to avoid altogether.²⁴ The reading of such a text as this depends on the active interpretive engagement and critical faculties of the reader, who must understand the text before bringing it to concrete articulation. This applies not only to the consonantal framework of the written text, but also to its implicit vocalization. These linguistic ambiguities are compounded by the stylistic and literary character of biblical texts, which are often highly laconic and indirect, and the preferred communicative strategy of which tends to leave much unstated or implicit within gaps and blanks.²⁵

²¹ “So musste die Bibel einzelne kleine Umgestaltungen erfahren, die man gerade aus Ehrfurcht vor ihr und um ihren Einfluss zu verstärken, mit ihr vornehmen musste” (*Urschrift*, 18–19; cf. 159).

²² The political and religious interests of Geiger are never far below the surface; cf. Sussmann (ההלכה, חקר תולדות, 14): “ההלכה הקדומה למגמותיו הפוליטיות גייגר, הלוחם הגדול בהלכה בת-זמנו, גייס בהריפותו ובלמדנותו את חקר תולדות” (cf. also n. 9 there).

²³ Wellhausen, *Samuelis*, 30–31.

²⁴ “... so konnte sie nicht verlangen, dass die Deutung, welche sie auf jedem Punkte provocierte, sich in keinem in sie selbst einmischte und sie deutlicher zu machen strebte” (Wellhausen, *Samuelis*, 21).

²⁵ “Es liegt auf der Hand, wie sehr theils das stetige Rechnen auf die supplerende Selbstthätigkeit des Lesers, theils die Ungleichmässigkeit in der Behandlung des Stoffs, die nie das subjective Interesse des Schriftstellers verläugnet und nirgend auch nur den Schein von Objectivität sich giebt, es begünstigen mussten, dass die handschriftliche Ueberlieferung hebräischer Prosa es nicht zu der Festigkeit brachte, wie sie bei der griechischen und lateinischen schon durch ihr geschlossenes und poliertes Wortgefüge bedingt ward, in welchem jedes Zuviel und Zuwenig auffällt. Von jeher hat sich namentlich bei den die israel. Profangeschichte behandelnden

Such interpretive demands upon the reader are the driving force behind textual variation, in Wellhausen's view. He discussed in this connection numerous textual additions that function to explicate what is implicit in a given text, often without any substantive gain in meaning. These express only what is already obvious in context, or latent within a locution.²⁶ But the same applies to cases in which individual words and entire phrases are exchanged, or even where topics are further developed by glosses and expanded for pragmatic interpretive gain.²⁷

According to Wellhausen, there is no opposition between such clarifying changes and those Geiger describes as "tendentious," at least not from the standpoint of the internal motivations of the scribes who originated these changes. Understood on their own terms, both types of change reflect not a calculated desire to import some foreign element into the text; they seek, rather, nothing more than to "help bring it to better expression."²⁸ While these circumstances may have fostered the eventual and occasional introduction of variants that are "not even *potential* interpretations, but rather do violence to the meaning of the original," it is false to assume that this is the driving motive of textual change.²⁹ Such is not

Büchern die Auslegung des Texts in die Ueberlieferung desselben gemischt und der letzteren einen schwankenden fließenden Character gegeben" (*Samuelis*, 21–22 = Bleek, *Einleitung*, 638). The gapped and implicit character of biblical narrative is the subject of the classic treatment of Sternberg, *The Poetics of Biblical Narrative*, and earlier of Auerbach, "Odysseus' Scar."

²⁶ *Samuelis*, 24. Note here also Samely, "Scripture's Implicature," 167–205.

²⁷ "Und diese naiven Anfänge steigern sich gar nicht selten zu umfangreichen Zusätzen pragmatischer Bedeutung und zu eigentlichen Glossen" (*Samuelis*, 25). According to Wellhausen, this happens most easily with small and frequent words (ו, כל, אהר, אשר, שם, לאמר, etc.). Such words are almost always inserted only when making explicit a potential meaning latent within a given text. This does not mean that they are harmless, as Wellhausen emphasizes – when, e.g., something that is only a possibility becomes thereby a necessity. Moreover, these have, in part, an influence on the overall construction and the relationship between entire clauses. The effects are especially strong and obvious in the negation of a positive. As Wellhausen argues, such cases may appear to us the *non plus ultra* of tendentious and forcible alteration, but here too one must bear in mind the potential ambiguity of these locutions, e.g., how dependent clauses are on stress or emphasis (Betonung לל = הל), and similar factors (Wellhausen, *Samuelis*, 26–7).

²⁸ *Samuelis*, 32; cf. Kratz, *Judentum*, 147: "Das heißt nicht, daß man sich den Text so zurechtgelegt und hingeschrieben hat, wie man es gerade wollte. Vielmehr ist Kongruenz von Text und Deutung Ausdruck dessen, daß auch die Deutung nichts anderes sein will als Textsicherung und Textbewahrung und – sei es im Text selbst oder sei es in einer zugefügten Deutung – nur expliziert, was der Ausleger, gegebenenfalls dank zusätzlicher Offenbarung, im Text gefunden hat. So gesehen, bewegt sich die textkritische Variante im Gang der Auslegungs- und Rezeptionsgeschichte zwischen der Fortschreibung und der Kommentierung im Stile der Pescharim." Compare also Stephen Lieberman, "Mesopotamian Background for the So-Called Aggadic 'Measures'?" 222–3.

²⁹ "Dass eine schliessliche Ausartung der Naivetät, mit der die Ueberlieferung des Texts behandelt wurde, auch zu Aenderungen führte, welche nicht auf einer wenigstens *möglichen* Deutung beruhen, sondern der wahren Meinung des Ursprünglichen vielmehr Gewalt anthun, ist nicht zu leugnen. Ich halte es aber für eine Umkehrung des wirklichen Sachverhalts, wenn man die 'tendenziöse' Aenderung nicht als einen letzten Auswuchs der herrschenden Willkür, sondern als das treibende Motiv derselben betrachtet, wie es Geiger thut ..." (28–29). Compare the assessment of Schorch ("Die (sogenannten) anti-polytheistischen Korrekturen im samarita-