

CHAPTER TWO

DEUTERONOMY 12 AND 11QTEMPLE^A LII–LIII: A CONTRASTIVE ANALYSIS

Both Deuteronomy and 11QTemple^a are law codes. The former forms the base for a great part of the latter, thus facilitating their comparison. In such a contrastive comparison, the different approaches of the two codes are easily recognized.

1.

Deuteronomy 12–26 contains a law code of a special type. It does not merely record laws, but also enjoins the audience to abide by them. In order to achieve this purpose, the author employs various devices. Incentives for obeying and punishments for disobeying the law are specified. The author frequently repeats himself, often with identical wording, in order to emphasize the content. Some portions of the legal sections of Deuteronomy are, in fact, more in the nature of legislative sermons than a legal code.

This is the case with chapter 12, the beginning of the legal code. It may safely be asserted that this chapter, the content of which carries a central message within Deuteronomy, would have been considerably shorter had it been confined to merely legislative aspects. Indeed, the legal prescriptions of the chapter can be summarized in a few sentences, while the remainder of the chapter should be regarded as a “legal sermon” (comprising 28 verses).

The legal prescriptions of this chapter may be summarized as:

- a. All worship must be centralized at one chosen place;
- b. Non-sacrificial slaughter is permitted “far” from the chosen place.

The lengthiness of the chapter derives not only from the sermons surrounding the legal prescriptions, but also from its complicated literary history, as its present form reflects two compositional layers, viz. 1: (a) 11:31¹–12:7; (b) 12:8–12 (14); 2: (b) 12:13 (15)–19; (a) 12:20–28. For our

¹ The subject matter of chapter 12 starts at 11:31.

present purpose, we need not insist on any specific theory on the growth of this chapter, but its repetitive nature is beyond doubt. Thus, the regulation that all worship was to be centralized in one place is phrased three times (vv 5, 11, 14) and the allowing of non-sacrificial slaughter beyond the chosen place is repeated twice in great detail (vv 15-16; 20-24).

The two regulations of chapter 12 are phrased in such a way that it may be suspected that they once formed two separate sources. Over the course of time, the original regulation regarding the centralization of worship was found too difficult and impractical, so a second layer was added enabling those who were “far” from the chosen city to eat meat without sacrifice.² A tension exists between the two regulations, not because the second one severely limits the force of the first one—after all, that was the purpose of the law—but because the first one (12:1-12 [14]) is phrased in strong terms and leaves no opening for the possibility of the second one. The spirit in which the first regulation is written contradicts the very existence of a mitigating law such as the second one. Thus, the two regulations apparently reflect two different periods.

2.

From col. LI 11 onwards, 11QT^a adduces large sections of the text of Deut 16:18ff., together with other laws from the Torah, ordered according to the chapter sequence in Deuteronomy, but also organized topically within that arrangement. This topical arrangement involves various digressions, *inter alia* the text of Deuteronomy 12. The first regulation of that chapter is quoted very briefly, not in the absolute terms of the biblical text (Deut 12:1-12 [14]), but integrating the second, mitigating, regulation:

לוא תזבח שור ושה ועז טהורים ³	13
בכול שעריכה קרוב למקדשי דרך שלושת ימים כי אם בתוך	14
מקדשי תזבחנו לעשות אותו עולה או זבח שלמים ואכלתה	15
ושמחתה לפני במקום אשר אבחר לשום שמו עליו	16

² The secondary nature of this second regulation can be recognized by a comparison with other chapters containing a similar formulation to that in 12:20-21. See the second layer of the law of the tithe (14:24ff.), enabling people “far” from the chosen city to sell the tithe for money to be spent in the chosen city. Likewise, a second layer in the law of the cities of refuge mentions three additional cities (19:8-10) to the three mentioned earlier (19:7). The additional cities were to be instituted upon the expansion of the country (19:8).

³ Cf. also the parallel law in Lev 17:3.

A contrastive analysis of Deuteronomy 12 and 11QT^a is instructive for our understanding of both compositions:

a. 11QT^a, as expected, treats the two regulations presented twice in of Deuteronomy 12, as one entity.

b. The centralization of the cult, described in detail in Deut 12:1-12 (14) and Leviticus 17 (cf. n. 3), has been reduced to a mere four lines in 11QTemple. The author of that scroll was thus guided by the correct intuition that the basic message of Deut 12:1-12 (14) was very short and that the bulk of that pericope was not needed in a legislative composition. Our literary understanding of the nature of this chapter is thus corroborated by 11QT^a.

c. The biblical law does not specify how far removed the Israelite has to be from the chosen city (cf. Deut 12:21) in order to practice non-sacrificial slaughter. This problem is solved in 11QT^a LII 14, which designates this distance as “three days walk.”⁴ The contrastive analysis thus shows that the biblical law lacked certain elements for its practical implementation.

d. 11QT^a infers from the biblical text that the inhabitants of the region close to the Temple are not allowed to eat non-sacrificial meat. This seems to be the most logical inference from the text, which is also accepted by the Qaraites, but not by rabbinic Judaism.

The author of 11QT^a was guided by a literary feeling that often runs parallel to that of modern critical scholars, as illustrated by his treatment of the second regulation in Deuteronomy 12, the sanctioning of non-sacrificial meat outside the chosen city. The subject of the text lost between cols. LII 21 and LIII 1 is not known, but the first eight lines of col. LIII run parallel to Deut 12:20-25, with which they can be aligned in parallel columns:

⁴ For a similar solution in the case of the tithe, see 11QT^a XLIII 12–13.

11QTemple ^a LIII 2-8	MT
כי א[ו]תה נפשכה לאכול ב[שר]	20 ...כי תאווה נפשך לאכול בשר
בכול אות נפשכה[תואכל בשר]	בכל אות נפשך תאכל בשר
ו[ו]ב[ח]ת[ה] מ[צ]ואנכה ומבקר[י]כה	21 כי ירחק ממך המקום אשר יבחר ה' אלהיך לשום שמו שם
כברכה[ו] אשר אתן לכה	וובחת מבקרך ומצאנך
ואכלתה בשעריך	אשר נתן ה' לך כאשר צויתך
	22 אך כאשר יאכל את הצבי ואת האיל כן תאכלנו
והטהור והטמא בכה יחדיו כצבי וכאיל	23 הטמא והטהור יחדו יאכלנו
רק חוק לבלתי אכול הדם ⁵	23 רק חוק לבלתי אכל הדם
כי הדם הוא הנפש	כי הדם הוא הנפש
ולוא תואכל את הנפש עם הבשר	ולא תאכל הנפש עם הבשר
על הארץ תשופכנו כמים וכסיתו בעפר (Lev 17:13)	24 לא תאכלנו על הארץ תשפכנו כמים
למען ייטב (יוטב) ⁶ לכה ולבניכה אחריכה עד עולם	25 לא תאכלנו למען ייטב לך ולבניך אחריך
ועשיתה הישר והטוב לפני	כי תעשה הישר בעיני ה'
אני ה' אלוהיכה	

The content of this regulation appears twice in Deuteronomy (12:15-19 and 12:20-28), but only once in 11QT^a, according to its second formulation (Deut 12:20-28). In that rewritten text, a phrase from the first formulation of the law is incorporated (כברכה[ו] אשר אתן לכה), parallel to Deut 12:21 אשר נתן ה' לך, but derived from Deut 12:15).

It is remarkable, as we have stated, how 11QT^a succeeded in condensing and omitting many of the repetitions in the biblical text:

i. The law in vv 20-28 is prefaced by two introductions: (20) כי ירחיב ה' and (21) כי ירחק ממך המקום אשר יבחר ה' אלהיך לשום שם, while the preserved part of 11QT^a col. LIII has left no remnant of an introduction to the law. However, the text of the scroll omits the first part of Deut 12:21 (כי ירחק . . . שמו שם), with v 21b appearing immediately after v 20. It is therefore safe to assume that the section was introduced

⁵ 11QT^a adduces here the text that runs parallel to v 24 and to Lev 17:13.

⁶ Yadin's reading.

by one prefatory phrase only: [כי ארחיב את נבולכה כאשר דברתי לכה ואמרתה: אוכלה בשר כי א]ותה וגו'.⁷

ii. Several phrases have been omitted in 11QT^a because they merely repeat other phrases in the immediate context:

(21) [כי א]ותה נפשכה (implied in line 2 בכל אות נפשך)

(22) אך כאשר יאכל את הצבי ואת האיל (abbreviated in the next phrase to כצבי וכאיל)

(24) לא תאכלנו (25) לא תאכלנו (“redundant” repetitions).

This contrastive analysis of Deuteronomy 12 and 11QT^a LII–LIII brings to the fore the differences in their approaches. 11QT^a presents a more practical approach to the biblical law than Deuteronomy 12. A similar difference is visible in a contrastive analysis of Lev 23:27–29 and 11QT^a XXV 10–12.⁸

⁷ The immediate joining of two introductory phrases as suggested by Yadin (כי ארחיב את) (נבולכה... וכי ירחק ממכה...) is inconsistent with the avoidance of repetition in this section. Yadin's suggestion may have been guided by the reading of a single letter [ירח]ק [במכה] in line 1, but that letter is questionable.

⁸ For other aspects of the editorial technique of 11QT^a, see S. A. Kaufman, “The Temple Scroll and Higher Criticism,” *HUCA* 53 (1982) 29–43; P. R. Callaway, “Source Criticism of the Temple Scroll,” *RevQ* 12 (1985–1986) 213–22; G. Brin, “Concerning Some of the Uses of the Bible in the Temple Scroll,” *RevQ* 12 (1987) 519–28.