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The Language and Logic of Conveyance in Testament of Qahat (4Q542) and Beatitudes (4Q525)

I. Introduction

Andrew Gross's introduction to the Testament of Kohath states, "the testament genre... features a dying patriarch giving words of admonition and wisdom to his children and followers."¹

Identifying TQ as a testament primes its reader to expect wisdom and moral guidance, which the document delivers when it calls upon its hearers to maintain "truth and righteousness and uprightness and blamelessness and purity and holiness and priesthood." However, when the vocabulary of TQ is analyzed in the light of Aramaic property conveyances, its purpose becomes clear. Rather than generally conveying wisdom to the later generations, TQ seeks to protect a documentary priestly heritage from illegitimate possession. A similar locution in Beatitudes should be similarly read: the composer of Beatitudes also warned against conveying the text's wisdom to illegitimate recipients.

II. The Language and Logic of Conveyance in the Testament of Qahat and Beatitudes

A1. Authorized Possession in TQ 1 I 7–10

My argument will begin with lines 7–10 of TQ 1 I, in which the addresses are commanded to possess (אחזקו) the ממר יעקב (אחזקו) the דיני אברהם, and צדקת לוי ודילי.² Henryk Drawnel's explanation that

¹ Andrew Gross, "Testament of Kohath," *Outside the Bible: Ancient Jewish Writings Related to Scripture* (eds. Feldman, Kugel, and Schiffman; Philadelphia: The Jewish Publication Society 2013), 2:1869.

these express “the exemplary life of the patriarchs found in the words of Jacob, judgments of Abraham, justice of Levi and Qahat” is fairly typical.³ This is the first point at which attention to legal language sharpens our understanding of TQ. This otherwise odd trio (ממר and דין are both primarily verbal, while צדקה is concrete) all appear with some regularity in Jewish Aramaic or Nabataean property documents. מ(א)מר occurs in several documents next to a signature made on behalf of the illiterate principal who authorized a document; the document was written at the command of מ(א)מר the principal.⁴ דין frequently occurs in warranty clauses, in which the vendor promises to protect the buyer from loss in future litigation. Most significantly, various forms of צדק occur in Nabataean inscriptions and documents to describe legal entitlement to property.⁵ צדקה also occurs with this sense several times in the Hebrew Bible.⁶ In legal contexts, this is not an odd trio; each term points in some way to authorized possession. Jacob, Abraham, and Levi were truly authorized to possess priestly wisdom. This wisdom must not be bequeathed to strangers, but must be properly transmitted in documentary form to the sons of Levi.

² The portions of TQ and Beatitudes addressed in this paper are appended.

³ Henryk Drawnel, “The Literary Form and Didactic Content of the *Admonitions (Testament) of Qahat*,” pages 55–73 in *From 4QMMT to Resurrection: Mélanges Qumraniens en Hommage à Émile Puech* (ed. Florentino García Martínez, Annette Steudel, and Eibert J. C. Tigchelaar; STDJ 61; Leiden: Brill, 2006); here 66.

⁴ David J. A. Clines, *Dictionary of Classical Hebrew* (Sheffield: Sheffield Academic Press), 5:119.

⁵ Inscriptional evidence establishes the sense of “legal right, claim, title” for Aramaic צדקה already in the case of a 6th c. stele at Tema (KAI 228). See Stein, “Ein Aramaische Kudurru als Tayma?” pages in *Babylonien und seine Nachbarn in neu- und spätbabylonischer Zeit: wissenschaftliches Kolloquium aus Anlass des 75. Geburtstags von Joachim Oelsner* (Münster: Ugarit Verlag, 2014), see especially 228–231. Nabataean usage is extensive both in tomb inscriptions and in documents.

⁶ For this sense in Isaiah 54:17, see Klaus Baltzer, *Deutero-Isaiah: A Commentary on Isaiah 40–55* (trans. by Margaret Kohl; Hermeneia; Minneapolis: Augsburg Fortress, 2001): 462–463. Clines, *DCH*, 7:86 also notes 2 Samuel 19:29 and Nehemiah 2:20.

A2. Documentary Transmission in Qahat and Beatitudes

At two points, TQ highlights the importance of preserving and transmitting documentary knowledge with the use of an unusual form of the verb הִלֵּךְ. Edward Cook argues that the *haphel* and *ittaphel* forms of הִלֵּךְ in TQ 1 I 11–12 and 1 II 13 denote the transmission of priestly knowledge.⁷ TQ 1 II 9–13 makes it clear that this transmission is explicitly documentary. Although the text is broken, it seems clear that Amram and his offspring are being charged to preserve the documents that “they gave to Levi my father and my father gave to me,” and to guard them (תזדהרון בהון). The final line of text states, “there is great merit in their being transmitted with you.”

A second unusual verbal form, the *haphel* passive participle מִשְׁלֵמָא in 1 I 4, also describes conveyance. Muraoka proposes the meaning “delivered” for the participle, which fits the context and the use of שֵׁלֵם in Aramaic property conveyances. In conveyances, it typically occurs in warranty clauses in which the vendor promises to insulate the buyer from any losses due to future litigation. In the Wadi Daliyeh Samaria Papyri,⁸ the vendor’s use of a verbal form, typically אִשְׁלֵם, indicates that the vendor will deliver a set payment for breaching the contract through litigation.⁹ In TQ 1 I 4, מִשְׁלֵמָא and אִזְדְּהָרוּ mirror the same two-fold idea found in 1 I 12 and 1 II 9–13: the inheritance has been transmitted from their ancestors and must be safeguarded.

Michael Owen Wise argues, “Legal writ permeated late Second Temple Judaea. Whereas praxis in Persian times had arguably been largely oral, with the advent and progress of Hellenization, Jewish society began to put markedly greater emphasis upon the written

⁷ Edward Cook, “Remarks on the Testament of Kohath,” *JJS* 44 (1993) 211–212.

⁸ Hereafter WDSP.

⁹ Douglas Gropp, *Wadi Daliyeh II: The Samaria Papyri from Wadi Daliyeh* (DJD 28; Oxford: Clarendon, 2001), 16.

instrument.”¹⁰ This document consciousness is evident in Jubilees: Not only do patriarchs like Abraham, Jacob, and Levi read and write, but also Levi receives the books of his ancestors to “preserve them and renew them for his sons until today.”¹¹ The distribution of the lands to the sons of Noah is accomplished by written documents.¹² TQ displays a similar concern for written instruments and textual authority. Hannah Tervanotko rightly argues that TQ’s references to Jacob, Abraham, and Levi reflect an ancient tradition in which “the cultic ordinances were given to Abraham and Jacob;” in TQ that knowledge is passed down in documentary form.¹³

B1. Illegitimate Conveyance in Beatitudes and TQ

Drawnel rightly notes, “The insistence on transmitting the books of the patriarchs assumes that all that inheritance about which Qahat speaks [previously]...is contained in a written form.”¹⁴ It is at this point that a second reference to property documents clarifies what is at stake. TQ reflects a concern for safeguarding the properly authorized priestly inheritance. In TQ 1 I 4–7, the priestly heritage must be guarded (אזדהרו) and must not be conveyed (ואל תתנו ירותתכון) to foreigners (לנכראין) or those of mixed descent (לכילאין). As Cook notes, foreigners seems to refer to those who have no claim to priestly descent.¹⁵ Cook views כילאין similarly: “it is a prohibition

¹⁰ Michael Owen Wise, *Language and Literacy in Roman Judaea: A Study of the Bar Kochba Documents* (AYBRL; New Haven: Yale, 2015) 76.

¹¹ Jubilees 45:16.

¹² As noted by Hindy Najman, “Interpretation as Primordial Writing: Jubilees and its Authority Conferring Strategies.” *JSJ* 30 (1999): 381. Najman comments, “But how else—as Jubilees did not even have to ask—could Noah have established an authoritative and lasting division of tire land, forestalling future disputes?”

¹³ Hanna Tervanotko, “A Trilogy of Testaments? The Status of the Testament of Qahat Versus Texts Attributed to Levi and Amram,” in *Old Testament Pseudepigrapha and the Scriptures* (BETL 270; Leuven: Peeters, 2014), 56.

¹⁴ Drawnel, “Admonition of Qahat,” 66.

of mixed marriages, or marriage to wives of mixed blood, apparently originating in an allegorical exegesis of Lev. 19:19.”¹⁶

The similarities between TQ and Beatitudes 5 8 are striking. Beatitudes similarly calls on its readers not to relinquish their portion or lot to foreigners (אל ת[עזובו לז[רים חל]קכמה וגורלכמה) (לבני נכר).¹⁷ The strangers (זרים) and foreigners (בני נכר) overlap with the terminology employed in TQ (נכראין). Additionally, the parallels to TQ strongly suggest that עזב ל- indicates conveyance in Beatitudes. This technical sense is not well supported in classical Hebrew: עזב only rarely collocates with property terms in the Pentateuchal legal collections and is not encountered in epigraphic Hebrew.¹⁸ Lev 19:9–10 and 23:22 are noteworthy exceptions, requiring the gleanings of the field and vineyard to be left to the poor and to the resident alien (לעני ולגר תעזב אתם); as with Beatitudes, the recipients are designated with the preposition ל.¹⁹ Recently, Joel Kemp has recognized a further technical function of עזב, arguing that it means the renunciation of YHWH’s claim to Jerusalem in Ezekiel 8:12 and 9:9.²⁰ The legal import of עזב is also suggested by several Semitic cognates and calques. The Akkadian *ezēbum* has several technical legal valences,

¹⁵ Cook, “Testament of Kohath,” 210: “The nuance seems to be that נכרי refers to those who are strangers to the priesthood, i.e. not of priestly lineage.”

¹⁶ Cook, “Testament of Kohath,” 209.

¹⁷ Émile Puech (DJD XXV, 133) reconstructs לזרים on the basis of an extant לז.

¹⁸ Shmuel Aḥituv, *Echoes from the Past: Hebrew and Cognate Inscriptions from the Biblical Period* (Jerusalem: Carta, 2008), lists only one occurrence of עזב, a badly effaced and unreadable ostrakon (34–35).

¹⁹ Clines, *DCH*, 6:327. עזב li “leave over, leave for, leave to” identifies Lev 19:10, 23:22; Mal 3:19; Ps 49:11; Job 39:11; Ruth 2:16; Sirach 11:19, 14:15 as biblical examples. All but Mal 3:19 could refer to the conveyance of property.

²⁰ Joel B. Kemp, “Renounced and Abandoned: The Legal Meaning of עזב in Ezekiel 8:12 and 9:9,” *CBQ* 79 (2017): 593–614.

including “to leave something to another,” “to bequeath,” and “to divorce.”²¹ Additionally, there is ample evidence of the legal valences of the Aramaic root שבק, which is generally equivalent to עזב.²² שבק functions in the warranty clauses of Nabataean property conveyances and in the WDSP.²³ In TQ 1 I 12, שבקו denotes the proper conveyance of the priestly inheritance bequeathed by the ancestors. In light of this parallel, it is unsurprising that Beatitudes 5 8 would select עזב to denote the conveyance of hereditary property.

B2. Wisdom as a Protected Inheritance in Beatitudes

The context of Beatitudes 5 8 makes it clear that wisdom is the inheritance that must not be illegitimately conveyed. The previous line speaks of seeking wisdom, represented by the 3fs pronominal suffix in 5 7. The subsequent line mentions instruction by sages (5 9). In the context of Beatitudes, however, the value of wisdom itself may be the reason for its careful possession. Beatitudes 2 III 2–3 make a Proverbs-like comparison between the worth of wisdom and gold (“she cannot be had for gold;” לוא תלקח בזהב) and precious stones (“with every precious stone;” ...]אבני הפצ). Already in Proverbs, wisdom could be handled in unworthy fashion and could not truly be possessed by the foolish.²⁴

²¹ CAD re: *ezēbu*; the second meaning given includes: “to leave something with or to a person, to entrust, to reserve, set aside, to leave behind, to leave to posterity...” and the special meanings include “to bequeath,” which was encountered from OA through NB (CAD E 421–422).

²² As suggested by the frequent translation of עזב with שבק in the Targumim.

²³ While Nabataean property documents postdate TQ, it is not implausible that the legal terminology employed in Nabataean property documents occurred earlier and was understood by Jewish scribes. Thus Baruch Levine comments that “one assumes that a Jew residing or owning property in Maḥoz ‘Eglatain (= Maḥoza’), a town at the southern tip of the Dead Sea, and his Nabatean neighbor probably would have understood the provisions of each other’s legal documents in large part, when read aloud to them.” Levine, “The Various Workings of the Aramaic Legal Tradition: Jews and Nabataeans in the Naḥal Hever Archive,” pages 836–851 in *The Dead Sea Scrolls Fifty Years After Their Discovery: Proceedings of the Jerusalem Congress, July 20–25, 1997* (eds. Schiffman, Tov, and VanderKam; Jerusalem: Israel Exploration Society, 2000), 836.

²⁴ See, for example, Prov 17:16

A second possibility should be considered. Puech and Uusimäki both note similarities between Beatitudes and Psalms 15 and 24, with Uusimäki arguing that Beatitudes employs Temple themes and shows concern for ritual.²⁵ This insight should be extended further. Even given its fragmentary nature, Beatitudes 5 shows signs of employing priestly language. 5 5 mentions purity (ט[ו]הרהר). The description of strangers and foreigners in 5 8 should also be considered in this light: although נכרי and זר are fairly common in Proverbs, בני נכר does not occur in the Proverbs.²⁶ In the Pentateuch, בני נכר is exclusively found in priestly texts and זר is almost always priestly. Perhaps Beatitudes lies closer to the priestly logic of TQ, which cautions against the illegitimate possession of priestly knowledge by non-priestly strangers.

III. Conclusion

Reading TQ and Beatitudes in the light of Aramaic conveyances clarifies the rhetorical emphasis on protecting documentary knowledge in these texts. As learned literary products, neither TQ nor Beatitudes would have been accessible to the average person in late Second Temple Judaea. The wisdom of these texts was naturally shielded simply by virtue of their documentary form. And yet, both texts betray a concern for the scribal preservation and promulgation of their contents in a way that safeguards their contents from illegitimate possessors. In the case of TQ, it is clear that those illegitimate possessors do not possess priestly lineage. While this is less clearly the case for Beatitudes, the priestly tinges of the text and the conceptual similarity with TQ suggests that its prohibited audience may also be similar.

²⁵ Elisa Uusimäki, “Use of Scripture in *4QBeatitudes*: A Torah Adjustment to Proverbs 1–9,” *DSD* 20 (2013): 90. See also Émile Puech, “The Collection of Beatitudes in Hebrew and in Greek (4Q525 1–4 and Mt 5,3–12)” in *Early Christianity in Context: Monuments and Documents* (ed. Manns and Alliata; Jerusalem: Franciscan Printing Press, 1993), 356.

²⁶ נכרי and זר occur nine and fourteen times, respectively, in Proverbs. Both terms occur in the same verse six times (2:16, 5:10, 7:5, 20:16, 27:2, 27:13).

Appendix: Text and Translations of Select Portions of Testament of Qahat (4Q542) and Beatitudes (4Q525)

a. 4Q542 1 I 7–10

להן אחדו בממר יעקב

Therefore keep possession of the word²⁷ of Jacob,

אבוכון ואתקפו בדיני אברהם ויצדקת לוי ודילי והוא קד[י]שין ודכין⁸
your father, and enforce²⁸ the adjudications²⁹ of Abraham and the bequest³⁰ of Levi and of me
and be holy and pure

מן כול [ער]ברוב ואחדין בקושטא ואזלין בישירותא {כל} ולא בלבב ולבב⁹
from all admixture, and possess truth and walking in uprightness and not with divided heart

להן בלבב דכא וברוח קשיטא וטבה¹⁰
but rather with a pure heart and with a true and good spirit.

b. 4Q542 1 I 10 – 1 II 1

ותנתנון לי ביניכון שם טב וחדוא

Then you will give to me in your eyes a good name and joy

ללוי ושמה לי [ע]קב ודיאץ לישחק ותשבוחא לאברהם די נטרותן¹¹
to Levi and gladness to J[a]cob and rejoicing to Isaac and praise to Abraham, since you have
guarded

²⁷ See P. Yadin 44 29–30 (ממר; מאמר) “by his verbal order.” “The antecedent in both cases is the principal for whom the person signed. In other words, he signed by the permission, or verbal order, of the principal.” (Yadin, et al, *The Documents from the Cave of Letters: Hebrew, Aramaic and Nabataean-Aramaic Papyri*, [Jerusalem: Israel Exploration Society, 2002], 53.)

²⁸ Abegg, et al, *Dead Sea Scrolls Concordance* 2:160 lists 5 occurrences of the nominal form, תקף, “valid document,” in Nabataean documents from Naḥal Hever. See also HALOT vol. 5 תקף, “lawful, legitimate, authentic, legal authority.” In Esther 9:29, Esther and Mordecai write with all authority a second letter concerning the lots (ותכתב אסתר המלכה בת-אביתגיל ומרדכי היהודי את-כל-תקף לקים את אגרת הפגרים הזאת השנית:). Yochanan Muffs, *Love and Joy: Law, Language, and Religion in Ancient Israel* (New York: Jewish Theological Seminary of America, 1992), 228, suggests that תקף was the translation equivalent of Akk. *danānu / dannatu* (“valid tablet”); cf. CAD D p. 85, p. 90.

²⁹ See P. Yadin 7 (ll. 21, 27, and 64) and WDSP 1 10; 2 5, 2 9, 2 11; 3 5, 3 10; 8 6; 9 7; 15 11 for examples of דין in legal documents. Drawnel, “*Admonitions*,” 67, refers to “Abraham’s legal proceedings.” The Hebrew Bible never speaks of the משפטי of a particular patriarch.

³⁰ Inscriptional evidence establishes the sense of “legal right, claim, title” for Aramaic צדקה: a 6th c. stele at Tema, KAI 228, concerns a grant (צדקתא). See Stein, “Ein Aramaische Kudurru als Tayma?” pp. 228–231. Nabataean usage is extensive. Healey notes that אצדק designates a “legitimate heir” at Mada’in Salih. In the Nabataean documents from Naḥal Hever, צדק is entitlement (5/6Hev 2 ITV,5; 5/6Hev2 OTR,25; 5/6Hev3 ITV,6; 5/6Hev3 OTR, 28; XHev/SeNab2 OTR,8) (CDSS 2:143); צדיק is attested once with the meaning “legally entitled” (5/6Hev3 ITV,1). The Nabataean תצדיק is attested as a “legal agreement” (*Dead Sea Scrolls Concordance* 2:160) (5/6Hev2 ITR,12; 5/6Hev2 OTR,35; 5/6Hev3 ITR,14; 5/6Hev3 OTR,39).

12 והילכתון ירות[תא]די שבקו לכון אבהתכון קושטא וצדקתא וישירותא
and you have passed on³¹ the inheritance which your forefathers bequeathed³² to you—truth and
righteousness and uprightness

13 ותמימותא ודכ[ותא וק]ודשא וכה[ן]נתא ככ[ן]ל די פקדת(כ)ון וככול די
and blamelessness and purity and holiness and priesthood, according to everything which I
instructed you and according to everything which

II:1 אלפתכון בקושוט מן כען ועד כול[ן] עלמין

I taught you in truth from now and until a[ll eternity....

c. 4Q542 II 9–13

II:9 וכען לכה עמרם ברי אנא מפק[ד] [...]

And now to you, Amram, my son, I pass do[wn ...]³³

10 ו[לבנ]יכ{א}ה ולבניהון אנא מפקד [...]

and [to] your [son]s and to their sons I pass down[...]

11 ויהבו ללוי אבי ולוי אבי לי י[הב] [...]

and they gave to Levi, my father, and which Levi, my father, ga[ve] to me [...]

12 כול כתבי בשהדו די תזדהרון בהון [...]

all my writings as a testimony that you should guard them [...]

13 לכון בהון זכו רבה באתהילכותהון עמכון

to you; in them is great merit in their being transmitted with you.

d. 4Q542 1 I 4–7

I:4 ... וכען בני אזדהרו בירותתא די מ'שלמא לכון

And therefore my sons, guard the heritage which was entrusted³⁴ to you,

³¹ Cook, “Testament of Kohath,” 211–212.

³² While Cook, *Dictionary of Qumran Aramaic* (Winona Lake: Eisenbrauns, 2015), 230, simply renders שבק as “left,” the term is significant with respect to the conveyance of property. See Yadin, et al., *The Documents from the Cave of Letters*, 226: “[שבק] is part of the Aramaic tradition.... One ‘leaves’ property ‘to, for, in the presence of’ another.”

³³ CAL lists “to leave by testament” and Michael Sokoloff, *Dictionary of Jewish Palestinian Aramaic* (Ramat-Gan: Bar Ilan University Press, 1990) lists “to give last commands before death” for Pa’el of פקד.

³⁴ The root שלם, “to make full,” occurs in legal contexts in documents from Nahal Hever (cf. Abegg, et al., *Dead Sea Scrolls Concordance* 2:153). Muraoka argues that the form מ'שלמא is a Hafel passive participle corrected from an Afel form, with the meaning of “delivered” or “entrusted.” (Muraoka, *A Grammar of Qumran Aramaic* (Leuven: Peeters, 2011), 109,111.) So also Cook, “Testament of Kohath.” While Muraoka’s analysis is syntactically satisfying, somewhat similar anomalous forms are attested at Elephantine (where מהחסן, from the root חסן, indicates a hereditary property holder), and Mahoza and En Gedi where nonstandard forms of derived stem infinitives occur in legal language, including mem-preformative infinitives. (See Wise, *Language and Literacy in Roman Judaea*, 319).

5 ודי יהבו לכון אבהתכון ואל תתנו ירותתכון לנכראין ואחסנותכון
and which your (fore)fathers gave³⁵ to you. So do not give your heritage to foreigners or your
ancestral property³⁶

6 לכילאין ותהון לשפלו {ת} ולנבלו בעיניהון ויבסרון עליכון די
to mixed-breeds—or you will become abased and foolish in their eyes and they will scorn you—
7 להון תותבין לכון ולהון עליכון ראשין
to them who are strangers to you, and to them who are rulers over you.

e. 4Q525 5 7–10

אל ת[דר]שוה בלב מרמה ובח[וקי]... אל
Do not seek her with an arrogant heart, but the statu[tes of Do not
ת[עזובו לז]ררים חל[קכמה וגורלכמה לבני נכר כי חכמ]ים
a]bandon to stra[n]gers] your [allot]ment or your lot to foreigners; since sage[s
י[שכילו במתק [] יראי אלוהים יצורו דרכיה ויתהלכו ב[]
[make w]ise with eloquence [and] fearers of God guard her paths and conduct themselves³⁷
with[...]

חוקיה ובתוכחותיה לוא ימאסו
...her statutes and they do not reject her reproofs.

³⁵ See Healey, *The Nabataean Tomb Inscriptions of Mada'in Salih* (JSS Sup 1; Oxford: Oxford University Press, 1993), 261 for Nabataean *mwhbh* as “deed of gift, gift,” and 259 for *yhb* as “give away, to make a gift of.”

³⁶ See Szubin and Porten “‘Ancestral Estates’ in Aramaic Contracts: The Legal Significance of the Term *mhhsn*,” *Journal of the Royal Asiatic Society of Great Britain and Ireland* 2 (1982): 9. They argue that *mhhsn* referred to an ancestral estate at Elephantine: “It is this nuance of *inheritance* that permeates the usage of the root *hsn* in legal contexts.”

³⁷ This is a very similar verbal sequence to TQ 1 I 11–12 (נטרתון והילכתון). The collocation appears to be unique to these two documents but the *binyan* of הלך is significantly different between the two.