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4Q249 Midrash Moshe: A New Reading and Some Implications

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Abstract

This article proves that the title “Midrash Sepher Moshe,” written in Jewish square characters on the verso of the cryptic scroll 4Q249, is the product of a correction. Initially it had been “Sepher Moshe” which was subsequently corrected to “Midrash Moshe.” This is therefore a rare attestation of canonical awareness on the part of Qumran librarians. The terms “midrash” and “sepher” are discussed accordingly. In addition, the paleography of this title is submitted to close scrutiny, proving that the dating of these words to the early second century B.C.E. is not substantiated. Rather, both the first and second hands should be dated to around 100 B.C.E. like many other scrolls. This fresh analysis has important consequences for the dating of the entire corpus, which is not as early as previously suggested.

Keywords

4Q249 – Qumran cryptic scrolls – midrash – paleography

In 1999 Stephen Pfann published the halakhic scroll 4Q249 and dubbed it ‘4QcryptA Midrash Sefer Moshe’.¹ Pfann’s important work paved the way for

1 S. Pfann, “4Q249 Midrash Sepher Moshe,” in *Qumran Cave 4 XXV. Halakhic Texts* (ed. J. Baumgarten et al.; DJD 35; Oxford: Clarendon, 1999), 1–24. The original idea about the use of the term מדרש is an outcome of a lecture by Aharon Shemesh on the same topic (see below, n. 47). The authors would like to thank Steven Fraade, Eibert Tigchelaar, and Hanne

scholars to engage with the cryptic corpus from Qumran. 4Q249 was written on papyrus and is now in a highly fragmentary state. The text features expansions and interpretations on the laws of leprosy in Leviticus 14. The only copy known to us was written in cryptic script. Milik, who did the initial steps in deciphering the scroll, discovered the title מדרש ספר מושה on the verso of fragment 1.² This title is written in square, non-cryptic letters. It was not written by the author or copyist in cryptic, but rather by a 'librarian' or a lay reader, who attempted to supply some orientation to those browsing scrolls on the shelf in cave 4. Such a practice is known from four more scrolls at Qumran: 4QDibre Hameorot^a (4Q504), 1QS, 4QGen^b, 4QpapS^c.³

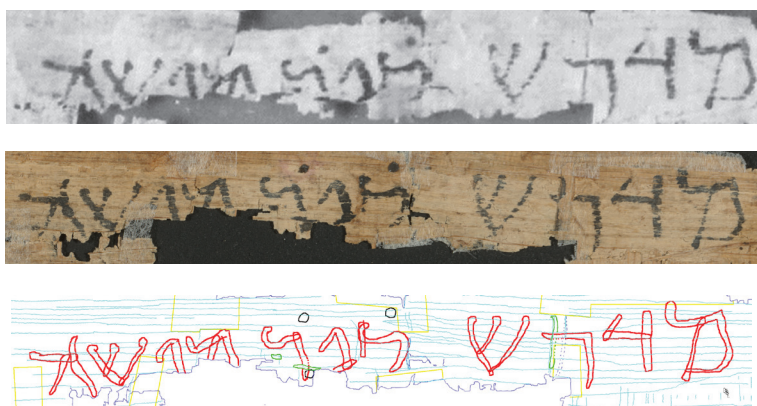


FIGURE 1 IR photo (PAM 41.987), new color photo (IAA B-364625) and drawing of the title of 4Q249⁴

von Weissenberg for their remarks. Work on this article was enormously helped by the support of the technical team at the laboratories of the Israel Antiquities Authority during August-September 2013. We thank especially Pnina Shor, Lena Liebman, Yair Medinah, and Shai Halevi.

- 2 The title was noted by Milik on a label posted to the museum plate which reads "4Qm108 midrash sepher." See also the report in J. T. Milik, "Milki-šedeq et Milki-reša' dans les anciens écrits juifs et chrétiens," *JJS* 23 (1972): 95–144, here 138.
- 3 It might be the case that some such titles were written on separate priestly *torot* which later found their way into the continuous priestly source. See H. M. I. Gevaryahu, *The Practice of Bible Scribes: A Collection of Articles with regard to Colophons in the Bible, Ben-Sirah, Disciples, Prophets, Names of Books and the Transmission Process* (Jerusalem: n.p., 2000) [Hebr.]; M. Fishbane, "Biblical Colophons, Textual Criticism and Legal Analogies," *CBQ* 42 (1980): 438–49. For the other cases of the title on the verso of a scroll in Qumran see E. Tov, *Scribal Practices and Approaches Reflected in the Texts Found in the Judean Desert* (STDJ 54; Leiden: Brill, 2004), 120–1.
- 4 In red: ink traces of letters; blue: fragment borders; black: cancellation dots; green: unexplained ink traces; light blue: fibers; yellow: rice-paper. Both photos are courtesy of the Israel

This title is meaningful in an additional important way. Since a chronology of the cryptic script is impossible to determine, Pfann used the date of the *square*, non-cryptic titles in 4Q249 (on the verso of the first sheet) and 4Q298 ‘Word]s of the Maskil which he has spoken to the all the Sons of Dawn’ (at the top of fig. 1) in order to fix the *terminus ante quem* of these two scrolls. Pfann classifies the script of 4Q249 1 verso as “an early semi-formal hand which must date to no later than the middle of the second century B.C.E. (but a slightly earlier date is to be preferred).”⁵ The title in 4Q298 was dated as “somewhere between the late Hasmonean and early Herodian period (50–1 B.C.E.).”⁶ By implication, these two short titles, but mainly the earlier title of 4Q249—three words and eleven letters altogether—constitute the main peg on which to hang the dating of the entire cryptic corpus from Qumran.⁷

In the present article we wish to suggest a new reading of the three words in the title of 4Q249, prompted by a new look at the same photo (PAM 41.987) printed in DJD 35. Moreover, the new technology supplied by the Leon Levy Foundation Project of the Israel Antiquities Authority supplies new and exciting opportunities for assessing the find. Based on new material analysis, traces of new, hitherto unrecognized writing can now be isolated and their decipherment attempted.

The papyrus scroll 4Q249 displays exceptionally difficult material traits, which required considerable efforts to uncover. As Pfann has discovered and will be discussed further below, 4Q249 is a palimpsest, and thus the recto (cryptic) side features two layers of writing. This state of affairs requires an exceptionally careful treatment, as we plan to do below.⁸

The discussion until now was entirely based on Pfann’s reading and transcription. Oddly, despite his meticulous treatment of the cryptic fragments, and despite his detailed analysis of letter forms in the title, Pfann did not fully

Antiquities Authority. The new IAA photo was taken by Shai Halevy. Drawing © 2013 Daniel Stökl Ben Ezra. Note that in its current state the right fragment part has to be moved slightly upwards and turned clockwise according to the fibres.

5 S. J. Pfann, “249a-z and 250a-j: Introduction,” in *Qumran Cave 4 XXVI Cryptic Texts and Miscellanea, Part 1* (DJD 36; ed. P. Alexander et al.; Oxford: Clarendon, 2000), 515–33, here 523.

6 S. J. Pfann and M. Kister, “298. Words of the Maskil to all Sons of Dawn,” in *Qumran Cave 4 XV. Sapiential Texts, Part 1* (DJD 20; ed. T. Elgvin et al.; Oxford: Clarendon, 1997) 1–30, here 9.

7 Pfann, DJD 36:5–6. In addition, Pfann quotes Carbon-14 tests, on which see below.

8 Several fade-red circle-like forms, 2mm in diameter, with a dot inside (like a proto-Canaanite *ayin*) appear on the verso of 4Q249. 1: at the bottom edge below the *mem* of מִדְרָשׁ; just above the *res* of סִפְרָ; and two more circles at the top (left) part of the fragment. It is impossible to tell whether these red signs existed already in the 1950s, when PAM 41.987 was taken. These circles are either a sort of stamp used by the first conservators (as Lena Liebman indicates), or some kind of fungus or mold.

appreciate the material find on the verso of 4Q249 frg. 1. This was probably due to the low quality of the photos available to him. A look at the image, corroborated by an examination of the original at the IAA laboratories,⁹ shows several significant observations, pertaining not only to material traits but—first and foremost—to the contents of the fragment. The title מדרש ספר מושה was in fact written in two separate stages, with the corrector deleting part of the original and introducing a new word. This discovery calls for an exploration of the terms *midrash* and *sepher* in this context. Finally, we shall attempt a new dating of the extant words מדרש ספר מושה on the back of 4Q249 1, and consequently a new *terminus ante quem* for the entire Cryptic A corpus.¹⁰

1 Cancellation Dots

Two cancellation dots clearly appear above the *samekh* and *reš* of the word ספר. These two could also be seen on the old PAM 41.987, which is included in the DSEL database, but were probably difficult to distinguish from holes. A third cancellation dot can be clearly seen in the enhanced photo: next to the end of the leg of *reš*, which resembles the cancellation dots above the letters. While in earlier photos the dot below the *reš* seemed to be part of *reš* (or *pe*), we can now be sure that this is not the case. Its color is lighter than the ink of *reš* and *pe* just like the two dots above *samekh* and *reš* and its contours are very clear. Consider the black circles in the following drawing:



FIGURE 2 Drawing of the word ספר¹¹

9 Examination carried out with Asaf Gayer in 6 Nov 2012, as well as in 31 July and 9 September 2013.

10 Following this preliminary study, more work should be invested in the study of the cryptic corpus in the future.

11 Same color code as for the drawing in Figure 1 above. Drawing © 2013 Daniel Stökl Ben Ezra.

Under the curl of *reš* in ספר there appears another dot. While this could be a fourth cancellation dot, its place in relation to the letter differs from the three other cancellation dots, and in addition it is not quite as circular and somewhat smaller. It could also be an unintentional ink spot. Finally, the photo also shows a horizontal stroke, lightly slanted upwards at its end, crossing the down stroke of *reš*. It could be a continuation of the lower stroke of *pe*,¹² but it would be very long in this case and at a strange angle. Otherwise it could be ink from the Judean *reš* that dissipated into the fiber and thus somewhat expanded. According to the current finds, therefore, the word ספר was deleted using dots above the first letter, and in addition both above and below the last letter, in the practice known from elsewhere in Qumran scrolls, as collected by Tov.¹³

2 Scribal Hands

Pfann gave considerable attention to the analysis of the eleven letters (some of them recurrent, thus only eight different letter forms) extant on the back of 4Q249 frg 1.¹⁴ His elaborate discussion of the letter forms that recur in both ספר מושה and מדרש shows that he wrestled with the possibility that they were written by two different hands and tried to refute it. The following observations in addition to the cancellation dots above the *samekh* and above and below the *reš* of ספר lead us to believe that מדרש (or possibly, as explained below, the extraordinary form מדרוש) is not only a later correction of ספר but is also clearly written in a different hand from ספר מושה. We assign the label Scribe A to the first scribe who wrote ספר מושה and Scribe B to the corrector who effaced ספר and added מדרש.

1. The overall impression is that מדרש is written in a more clumsy fashion than ספר מושה. While the letters of ספר מושה hang approximately from the same line, the four letters of מדרש do not: *dalet* and *reš* of מדרש are positioned almost at the same height as the letters of ספר מושה but *mem* and *šin* are considerably higher.¹⁵

¹² As in 4Q392 frg. 1 line 9.

¹³ Tov, *Scribal Practices*, 193 and table 14: "Cancellation Dots/Strokes Above and Below Individual Letters and Words."

¹⁴ DJD 35:4–6.

¹⁵ The early photograph of the fragment (only PAM 41.987 taken in 1956; surprisingly it was not captured again in the PAM series) clearly shows the word מדרש. However, the actual fragment (as well as the new IAA image pasted above) shows a downstroke crossing the

2. Where full letters are visible, the four letters of מדרש are visibly taller.
 - a. *mem* 98 × 83; *dalet* 76 × 65; *reš* 73 × 68; *šin* 76 × 77 (height × width in pixels on our photo).¹⁶
 - b. *samekh* 60 × 65; *pe* 64 × 48; *reš* 69 × 61; *mem* unknown by 68; *waw* unknown; *šin* 54 × 78; *he* 75 × 78.
3. The average closest distance between each two letters is visibly greater in מדרש (16, 16, 19 pixels) than in the two other words (7,12 and 4,9,0).
4. The distance between מדרש and ספר is visibly greater (67 pixels) than the distance between ספר and מושה (27 pixels).
5. The average angle of the right downstrokes of מדרש is practically right (e.g. *dalet*, *reš*) while those of ספר מושה are slanting to the left (especially in *pe*, *reš*, *waw*, *he*).



vs





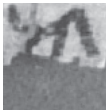

6. The color of the ink of ספר מושה is clearly darker than that of מדרש, both on the old infrared PAM photo and on the new high resolution color photo.
7. Every new departure of a stroke in ספר מושה is indicated by a slightly thicker inkdrop. This is not the case for מדרש. This is best seen comparing the two *šins*.

left part of the roof of *reš*. A comparison of the fragment contours on PAM 41.987 with new photos shows that this downstroke was almost certainly not hidden in a fold in 1956. Magnification shows that the downstroke is written on fibers perpendicular to the others visible on this side of the fragment. Moreover, a tiny piece of fiber with part of the roof of *reš* seems to be missing today, while the roof of *reš* was still complete when the first photo was taken. In 2003, the area was treated for conservation purposes with rice paper when three physically connected pieces of this fragment had to be freed from the nefarious cello tape from the fifties. (We thank Lena Liebman for confirming this by means of an informal photo from 2003). Most probably, therefore, a single fiber with the *waw*-like downstroke was glued here by mistake during this process.

16 Measuring in pixels instead of mm or μm is justified, as we indulge relative measurements on the same fragment.

8. Furthermore, two of the three shared letter forms are dissimilar, especially taking the height-width proportions and the general angle into account:

TABLE 1 *A comparison of the parallel letter forms of Scribes A and B*

Scribe A	Scribe B
	
	
	

The *šin* of מדרש is squarer than the squat one of מושה.¹⁷

Reš in מדרש has a very straight top stroke and an almost rectangular, very slightly concave downstroke. Contra Pfann, the lower end does not curve to the right.¹⁸ The *reš* of ספר, in contrast, is very curly on the top and with a downstroke slanting to the left. Contra Pfann, there is no hint of a curly top observable for the *reš* of מדרש either on the photo or on the fragment under the microscope.¹⁹

- 17 Both *šins* are very simple in three strokes with no keraia. Both are strongly shaded though this is less visible for the *šin* of מדרש as the scribe seems to have had less ink on his pen. *Šin* in מדרש is more closed at the top and can be put into a square, while it is more open at the top in מושה and can only be put into a flatter rectangular.
- 18 There is an extremely slight bent of 2.6°. This part of Pfann's drawing does not correspond to the ink traces on the fragment.
- 19 Pfann claimed (DJD 35:6) that "Under magnification of the original, traces of the curled-up edge at the damaged tip of the first *reš* are still visible". Magnification using the current, enhanced techniques does not show the promised curl, however. In addition, the extant roof of *reš* in מדרש is ostensibly flat, in glaring difference from the curly extant top of *reš* in ספר.

It is hard to compare the *mems* because the second one is missing the crucial bottom left edge. The top looks similar though its roof is more oblique and the two downstrokes begin closer to each other. Scribe A's *mem* is not as much shaded as that of Scribe B.

These observations in addition to the dots suffice for proving that מדרש is a secondary correction. Do they also suffice to decide whether both letter sequences have been written by the same scribe (e.g. with two different pens) or by two different scribes? The letter forms are somewhat dissimilar but not enough, as we deal with a semiformal script and a sample that is exceedingly small. However, letter forms are only one of many characteristics to evaluate a scribe. The observations on inter-letter space, letter placing relative to the line and average angle all speak strongly in favor of two scribes. The cumulative evidence of these observations supports a distinction of two scribes even for such a small sample.

The distinct hands, together with the deletion of the word ספר, lead us to suggest the following scenario. An original librarian had written the words ספר מושה on the back of the scroll. A later librarian, who did not find this title appropriate for the content of the scroll, altered it accordingly: he deleted the word ספר and added מדרש instead. That librarian thus meant to call the scroll מדרש מושה.

3 4Q249 as a Palimpsest

Important material traits are now apparent in the new images: it is now clear that 4Q249 is in fact a palimpsest. Not only on frg. 1, but also the other fragments of 4Q249, written in cryptic A script on the recto, show faint writing marks between the lines and below the cryptic markers.²⁰ Pfann, who noticed these signs, wrote:²¹

20 The traces of lines remaining on frg. 1 run perpendicular to the papyrus fibers, which on the verso of the fragment are vertical. Thus these lines must have remained from writing on the recto, which penetrated to the back of the fragment. It is difficult to tell whether they remained from the current, cryptic text, or from a previous text which had been washed away. A preliminary examination favors the latter case but more study is required at this point.

21 Pfann, DJD 35:6.

Traces of diluted grey ink can be seen on the written surface along with the lines of written text, leading one to consider whether 4Q249 is a palimpsest. ... Although phantom strokes can be discerned among these traces, efforts to distinguish actual letters have not been fruitful. From this evidence it seems likely that an earlier text had been wiped from the surface of the papyrus, though this is limited to only a few of the fragments...

With the new images, the presence of this writing is patently clear on Inventory plate 589 fragments 2–4, 6–8, 10–12 (frags. 1–4, 8, 9ab, 11ab, and 4Q249p).²² Only 4–5 palimpsests are known from Qumran, but all except 4Q249 are parchment scrolls.²³

The fact that 4Q249 is a palimpsest has crucial implications for the dating of this scroll. When a Carbon-14 test is run on the scroll, it gives the date of the *initial* phase of preparation, when the first, non-cryptic letters were about to be copied. The Carbon-14 test thus will not mark the date of the cryptic writing on 4Q249. Pfann, in DJD 36, quoted the results of a Carbon-14 test carried out by Jull et al., yielding a (1- σ) date of 191–90 B.C.E. for 4Q249.²⁴ Pfann preferred the earlier range of these dates as the date of production of 4Q249, while he also mentions the possibility of marking the middle date, i.e. ca. 140 B.C.E. The initial Carbon-14 date has been recalculated using new calibration values based on advances in the knowledge about the historical variation of the Carbon-14 in the atmosphere.²⁵ The new dates are 196–47 B.C.E. with 68% precision (1- σ) and 228 B.C.E.–18 C.E. with 95% precision (2- σ). However, even granted that the earlier date is chosen (a choice which is not trivial at all), this date only marks the *initial* writing, now surviving only as palimpsest, rather than the cryptic one. The text in cryptic script was written on 4Q249 *later* than the date indicated by the radiocarbon test.

22 Contrast Pfann who speaks of “a few of the fragments” (DJD 35:6).

23 Tov, *Scribal Practices*, 73.

24 Pfann, DJD 36:523; quoting A. J. T. Jull, D. J. Donahue, M. Broshi and E. Tov, “Radiocarbon Dating of Scrolls and Linen Fragments from the Judean Desert,” *Radiocarbon* 37 (1995): 11–19. Jull et al. do not indicate which fragment of 4Q249 was used for the radiocarbon test.

25 See G. Doudna, “Dating the Scrolls on the Basis of Radiocarbon Analysis,” in *The Dead Sea Scrolls after Fifty Years* (ed. P. W. Flint and J. C. VanderKam; Leiden: Brill, 1998), Vol. 1, 430–71.

4 The Dating of 4Q249

As mentioned above, Pfann dated the writing of the title (a single hand according to him) “no later than the middle of the second century B.C.E. (but a slightly earlier date is preferred)”. Milik supplied a short comment *en passant*, dating the scroll to the second century B.C.E. without further specification.²⁶ We wish to reconsider this date.

The eleven letters available for paleographical analysis are admittedly a rather poor selection for establishing a firm dating. If one can date texts of which a whole column is extant in some cases into a range of half a century, one has to be much more prudent with such a small sample and give a much wider margin of error.

The find comprises only four plus seven letters in mixed semiformal hands. For semiformal hands, letter forms vary considerably more than for formal scripts. Dating a text on the basis of seven letters presents many dangers and should be taken very cautiously. Thus any conclusion reached in this analysis must remain tentative. However, since we consider that Pfann’s dating range is possibly too early and definitely too narrow, we suggest here some counter observations.

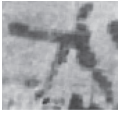
Since the cryptic writing is the upper text of a palimpsest, then contra Pfann, the (uncorrected) title ספר מושה written by scribe A is not necessarily posterior to the writing of the upper script in cryptic letters. It is even possible that ספר מושה had been the title of the effaced work, which was then corrected into מדרש מושה for the work in cryptic script. All this is speculation, but clearly, in the complex situation of two texts on the recto (one of them effaced) and two titles on the verso (one of them the correction of the other) we cannot use the paleographical date of the Judean script of Scribe A as a safe *terminus ante quem* for the cryptic script.

Stylistically the scripts are Hasmonean semiformal. The two decisive letters for Pfann’s very early date in the first half of the second century B.C.E. are *samekh* and *he*, which are indeed early forms, but only if written in formal script. In semiformal script, these forms survived much longer (e.g. 1QIsa^a, 4Q80, 4Q257, 4Q428, 4Q433a, cf. the semicursive 4Q212, 4Q255, 4Q448). Therefore, they cannot be used to date Scribe A conclusively to the early second century B.C.E. As we show they could even still belong to a scribe working in the early first century B.C.E. Furthermore, as said, they belong to the uncorrected title that could well be anterior to the cryptic writing rather than posterior to it. Finally, the letter size of Scribe A is very homogenous, though the

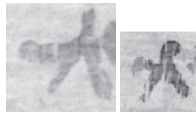
²⁶ Milik, “*Milkî-šedeq et Milkî-reša’*,” 138.

crucial lower end of *mem* is missing for a full assessment. Same size letters are one indication for a late date. The letters of Scribe B also have a homogenous size, including the *mem* (see below).

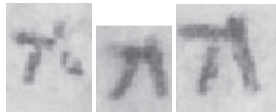
Ideally, one should only compare full letter sets of manuscripts rather than single letters; the most current forms rather than the rarer ones. In this case, however, we only have one letter form for each of the two semiformal hands. Another example of the same letter written by each scribe might have looked very different. We simply do not know and have to take the largest possible dating range. We will therefore discuss first the three most indicative letter forms, *he*, *mem* and *samekh* one by one before comparing full alphabets, and will then propose a date.



1. The *he* of Scribe A has been drawn in three strokes. The roof slants slightly downwards. The rather concave right leg begins high above the roof and traverses its right end. The left leg starts at about two thirds to the right of the roof and cuts the imaginary line between the left end of the roof and the bottom end of the right leg in almost equal halves. Both legs arrive almost at the same imaginary bottom line. Similar old forms have survived in semiformal and semicursive hands for a very long time. For example, 4Q255 (4QS^a) dated to the late second century²⁷ shows similar forms of *he*:



4Q80 (4QXII^e) dated (by Cross' student Russell Fuller) even later to the late Hasmonean period²⁸ has a typologically similar *he*, too:



²⁷ P. Alexander and G. Vermes in DJD 26:20.

²⁸ DJD 15:258.



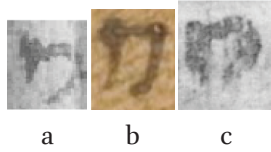
2. Regrettably we do not know whether Scribe A's *mem* was once closed or open. The absence of the tick in the middle shows that it is Hasmonean, but we cannot be more precise.



3. The *samekh* of Scribe A consists of two strokes only, in three movements. The left downstroke commences quite high above the roof and is relatively short and straight. **Contra Pfann, it does not bend leftward** (the inktrace to the left belongs to the *pe*). The roof and the right downstroke are drawn in two movements but probably in one stroke. The concave roof begins at about the same point as the left downstroke but first curves slightly to the left. It then crosses the left downstroke at about one third of its height. **Without lifting the pen the scribe turns into the right convex downstroke.** It curves inwards to about two fifths to the left of the roof but does not form a bottom stroke. Left and right downstrokes have approximately the same length but the left one begins about a third higher. In formal scripts an **open *samekh*²⁹ would be a strong argument for an early date.** In semiformal and semicursive scripts, however, this type can be found in manuscripts that date to the late second or even to the early first century B.C.E., e.g. (a) 4Q448 (ApocPs and Prayer), (b) 1QIsa^a and again (c) 4Q255.³⁰


29 The grey area below the *samekh* on the old photo PAM 41.987 is an "artifact" (delusion) as the modern color photo shows clearly.

30 4Q448, the famous Apocryphal Psalm and Prayer addressed to king Jonathan is usually dated during the reign of Alexander Jannai (103–76 B.C.E.); E. Eshel, H. Eshel and A. Yardeni in DJD 11:404–5. The palaeographical date has been proposed by Ada Yardeni. Puech attributes it to the time of Jonathan Maccabee on paleographical grounds, see E. Puech, "Jonathan le Prêtre impie et les débuts de la communauté de Qumrân," *RevQ* 17 (1996): 241–69, here 260–63, see also Puech in DJD 25:75–76. 1QIsa^a is usually dated around 100 B.C.E. 4Q255 has been dated to the end of the second century by Alexander and Vermes (DJD 26:7–8 and 22–23) who follow Cross in J. Charlesworth, *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations. Vol. 1: Rule of the Community and Related Documents* (Tübingen: Mohr Siebeck and Louisville: Westminster John Knox Press, 1994), 57.



It is definitely not as early as the *samekh* from 4Q504 (DibHam^a) that still resembles the Aramaic ancestor without left downstroke:



4.  The *reš* of Scribe A is curly and seems to have been drawn in two strokes. This form is very frequent in semiformal scripts in the second and first centuries B.C.E. It should be noted, however, that height and width are practically equal, which is more common in later scripts.
5. The *šin* and *waw* of this word are not indicative for precise dating and the *pe* is too fragmentary.

For Scribe B the most interesting letter for dating purposes is the trapezoid *mem*, a final *mem* in initial position:



It consists of three strokes in five movements. It has a very broad roof with a broad serif but no extra tick in the middle of the roof, the kind that is often found in Herodian scripts. The left downstroke does not cross the roof. The shading of the right oblique downstroke compared to the continuation at the bottom and the left downstroke is quite marked. The *mem* is closed and short; both these signs are usually not arguments for a date in the early second century. Early forms are usually considerably longer and more rectangular and / or open. Pfann correctly refers to the appearance of closed *mems* in medial position in 4Q76 (XII^a) and 4Q114 (Dan^c). Here, however, the left downstroke breaks through the roof. Furthermore, the semicursive script of 4Q114 has been dated to the *late* second century B.C.E. (by Cross) and 4Q76 to its middle

(150–125 B.C.E.).³¹ The most similar version can be found on 4Q257 (4QS^c) V 4 in final position but not in medial or initial position (שלום):



It is more similar at the bottom as it is almost triangular at the top. 4Q257 has been dated to the beginning of the first century B.C.E.³² A narrower roof can be found in final position in 4Q443 (Personal Prayer) 1 14, also dated to the beginning of the first century B.C.E.:³³



4Q433a (papHodayot like-Text A), dated to the first half of the first century B.C.E. has some similar forms in final position:³⁴



The *dalet* of Scribe B consists of three strokes in three movements. The roof is relatively low. The serif has a sharp corner. It is much broader than early forms as e.g. in 4Q71, 4Q72a or 4Q201.



The *reš* of Scribe B is almost a right angle without the scribe lifting the pen for the downstroke. The top stroke commences very slightly above the line but there is no curl. Again, height and width are equal.

31 For 4Q114 see F. Cross *apud* Ulrich in DJD 16:270; for 4Q76 see Fuller in DJD 15:221.

32 P. Alexander and G. Vermes in DJD 26:20.

33 E. Chazon in DJD 29:349–50.

34 E. Schuller in DJD 29:238. 4Q427 (4QH^a) has a narrower roof and a shorter left downstroke. 4Q72b is much cruder and more triangular. Most other forms either break through the roof (4Q394 in initial, medial and final positions; 4Q163) or form a cross at the lower left edge (e.g. 4Q109) or the two downstrokes form a triangle at the top (e.g. 4Q255).

The closed short *mem* of Scribe B may indicate a slightly later date than the open *samekh* and the tripod *he* of Scribe A. The alphabet comparison table below shows the closest forms to those used by Scribes A and B on 4Q249 1 verso, but they do not always represent the majority forms for some letters (especially *he*) for the reasons mentioned above (small sample, semiformal script).

Speaking very generally, 4Q504, dated to the mid second century B.C.E.,³⁵ has some similar forms to both Scribes A (*he*, *waw*, *pe*, *reš*, *šin*) and B (*dalet*), but the *samekh* without left downstroke and the very long *mem* indicate a typologically earlier date. 4Q255, dated to the late second century B.C.E.,³⁶ has many similar letter forms though it is generally more cursive. *He* is similar. *Mem* is triangular but closed. *Samekh* has a longer left leg but is open. The famous great Isaiah scroll 1QIsa^a dated to the late second century is more formal.³⁷ It has an open *samekh* (and still an open and long *mem*). All strokes of the *he* are curved and not very similar. However, the closest alphabet is maybe 4Q80, dated to the mid first century B.C.E.³⁸ The *samekh* is still open (though it is already less open than Scribe A). *Mem* is long.

To conclude the dating discussion, Pfann's window of 50 years is clearly too narrow. His early date for Scribe A is unlikely. Both Scribe A and Scribe B wrote in Hasmonian semiformal styles. Scribe A is typologically later than 4Q504 and closer to 4Q255 and 1QIsa^a and even 4Q80, though earlier than the last one (the small sample does not allow more precision) and could therefore be dated in the late second century or early first century B.C.E. (100 plus minus 50 years). A date in the early first century is not impossible.

For Scribe B, four letters are extremely few for a date. It has to be later than Scribe A, and the closed *mem* as well as the square-like *dalet*, *reš* and *šin* point in this direction. Taking the proximity to 4Q175 and 4Q257 as an indication for the date means we might have to go down a little further into the early first century B.C.E. (75 B.C.E. plus minus 75 years). Finally, it is possible but not necessary that the Cryptic A was written prior to Scribe A. *Stricto sensu*, only Scribe B can function as a *terminus ad quem*. The dates proposed by the current paleographical analysis match those of the recalibrated Carbon-14 analysis

35 M. Baillet in DJD 7:137.

36 See above note 27.

37 F. M. Cross, "The Development of the Jewish Scripts," in *The Bible and the Ancient Near East: Essays in Honor of William Foxwell Albright* (ed. G. E. Wright; Garden City, New York: Doubleday, 1961), 133–202, here 167.

38 See above, note 28.

TABLE 2 *Comparative table of similar letter forms in similar scripts*

4Q504	mid second century B.C.E.								
4Q255	late second century B.C.E. cursive								
4Q249	Scribe A								
1QIsa ^a	late second century B.C.E.								
4Q448	early first century B.C.E. semicursive								
4Q212	mid first century B.C.E.								
4Q80	mid first century B.C.E., semiformal								
4Q428	semi-formal Hasmonaean script later than 4Q504 but earlier than rustic semi-formals (4QNum ^b)								
4Q257	early first century B.C.E. semiformal								
4Q249	Scribe B								
4Q175	middle Hasmonaean								
4Q433a	Hasmonaean semiformal around 75 B.C.E.								

(196–47 B.C.E. with 68% precision and 228 B.C.E.–18 C.E. with 95% precision)³⁹ as well as those proposed by Pfann. Note also that the square script of 4Q298 has been dated by Pfann to the mid-first century B.C.E.

To judge from the title of 4Q249, the corpus of cryptic scrolls from Qumran is contemporary with the bulk of sectarian scrolls, dating from the late second or early first centuries B.C.E.

5 4Q249 and Canonical Awareness

Let us return to the presumed scenario for the creation of the title מדרש מושה / ספר מושה. What can be said about the suitability of each of the titles to the content of the scroll? It should be noted, first, that we know very little indeed about the contents of this fragmentary scroll. In addition, the fact that it was written in code might have made its contents inaccessible already to the ancient librarians. It could be expected that a librarian failed to appreciate the contents of a scroll until another, more qualified one, or maybe the Maskil himself, corrected the wrong impression.⁴⁰

The text of the scroll is connected with Leviticus 14, but the exact approximation to that pentateuchal text cannot be verified. Whatever is left on the fragments was read by Pfann, and here we are very much indebted to him for his work. Keywords from the laws of the inflicted house in Lev 14 appear in 4Q249: בית, נתצ (several times), הקערורת (possibly שקערורת, cf. Lev 14:37).⁴¹ The text of this chapter is relatively stable in the ancient text witnesses, with no other ancient text tradition presenting large deviations. However, the preserved text in 4Q249 is by no means that of Lev 14, but rather appears to be a freer paraphrase or even interpretation of it. Moreover, an explicit citation formula כִּי אֲשֶׁר כָּתוּב appears in frg. 13, and possibly also in frg. 14 (but there only the כִּי survived). This kind of formula suggests that 4Q249 is not even a paraphrase of Lev 14, and calls for its identification as an exegetical text.⁴²

39 See note 24 above.

40 Milik assumed that the cryptic script was destined for the use of the Maskil. This hypothesis was supported by Pfann, who pointed out the title דבר לכל בני שחר at the top of the cryptic scroll 4Q298. See Pfann and Kister, “4Q298,” 17.

41 The first visible sign in 4Q249 2 6 is the left part of a letter. Pfann reads it as *he* (cryptic ט). However, the left end of the *he* is not as wide as in *he* in line 7. The sign could possibly constitute the left part of *šin* (cryptic שׁ), although cryptic *šins* usually do not feature long serifs. Cryptic characters are reproduced here using the new font designed by Kris Udd. We thank him for supplying us with the font.

42 However, according to Pfann (based probably on content) “The connection of this fragment (13, JBD) to *Midrash Sefer Moshe* is uncertain.” (Pfann, DJD 35:17).

The alteration of ספר and מדרש in the title of the scroll relates to the level of proximity between the Pentateuch text of Lev 14 and the Qumranic composition copied in 4Q249. This question happens to be the very hinge on which much of the current scholarly discussion in Qumran studies hangs, as it relates in a direct way to questions of authoritativeness, interpretation, and the various genres of rewriting the Bible.⁴³ The title of 4Q249 supplies a rare opportunity for a glimpse into the emic experience of the members of the community who were involved in classifying manuscripts, and a participation in their doubts or disagreements with regard to that very same question.

To continue the scenario presented earlier, the first librarian (scribe A) had given the title ספר משה because he had thought that the text was close enough to Leviticus to justify this title. That first writer was either not aware of the exact content of the composition because of its cryptic characters, or maybe he was barred from reading it by secrecy limitations. Possibly also he considered the text to be close enough to Leviticus to merit the title ספר משה (on which see below). A second reader, maybe with a better acquaintance of the text, corrected the title to one which he thought best reflects the rather remote correspondence between Leviticus and the material contained in 4Q249. This scenario requires more attention to the terms *sefer* and *midrash* as used in the scrolls.

Several modern scholars discussed the significance of the terms מדרש and ספר as titles of compositions.⁴⁴ It is usually held that ספר משה refers to the Pentateuch or parts thereof (as in 2 Chr 25:4, 35:12, Ezra 6:18, Tobit 6:13, 7:12 et al., 1 Esdras 5:48, and MMT C 10). The meaning of מדרש משה, however, is more difficult. The construct with a private name resembles the term מדרש עדן, 'the *midrash* of the prophet 'Iddo' (2 Chr 13:22). In this way, the title

43 See for example recently H. von Weissenberg, J. Pakkala, and M. Martilla (eds.), *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period* (BZAW 419; Berlin: de Gruyter, 2011); M. Popovic (ed.), *Authoritative Scriptures in Ancient Judaism* (JSJSup 141; Leiden: Brill, 2010).

44 See int. al., Pfann, DJD 35:1–3; S. J. Fraade, "Looking for Legal Midrash at Qumran," in *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls* (ed. M. E. Stone and E. G. Chazon; STDJ 28; Leiden: Brill, 1998), 59–79, here 63–68; B. Nitzan, "The Continuity of Biblical Interpretation in the Qumran Scrolls and Rabbinic Literature," in *The Oxford Handbook of the Dead Sea Scrolls* (ed. T. H. Lim and J. J. Collins; Oxford: Oxford University Press, 2010), 337–50. For the early origins of the title ספר משה see A. Hurvitz, "On the Borderline between Biblical Criticism and Hebrew Linguistics: The Emergence of the Term ספר-משה," in *Tehillah le-Moshe: Biblical and Judaic Studies in Honor of Moshe Greenberg* (ed. M. Cogan et al.; Winona Lake, Ind.: Eisenbrauns, 1997),

*37–*43.

of 4Q249 indicates some sort of literary composition by Moses, which is not part of the authoritative collection circulating under his name (which we call the Pentateuch).⁴⁵

As Fraade notes, five out of the eight occurrences of מדרש in the scrolls are followed by the word תורה and appear in continuous prose; both facts make it probable that they designate the act of studying the Torah rather than the title of a treatise or the name of a literary genre.⁴⁶ However, other occurrences in the scrolls do support the latter meaning, as claimed recently by Aharon Shemesh.⁴⁷ The latter is supported by the analogy to 4Q174 Florilegium (MidrEschat^a?) 1–2 i 14: מדרש מאשרי האיש, being a title for a *midrash* on the Book of Psalms or of parts thereof. Possibly also 4Q266 11 20–21 refers to a book (or CD itself?), designated by the title מדרש התורה האחרון.⁴⁸ It seems inescapable that the verso of 4Q249 1 refers to the title of a book with the term *midrash*. While the original title ספר מושה referred to a composition which is directly related with the Mosaic text, the corrected title מדרש משה aimed to denote a more remote link between the text and the Book of Leviticus.

Previous discussion of 4Q249 did not address the awkwardness of the double title מדרש ספר משה. This was perhaps due to the singular formulation in 2 Chr 24:27 מדרש ספר המלכים. We are now in the position to render this title in its more accurate form. Based on the above we suggest changing the inventory name of 4Q249 to ‘Sefer Moshe / Midrash Moshe’, with the slanted stroke indicating the disagreement, already among the sectarian writers, as to the literary identity of the composition contained in it.

45 Note that both the original title of 4Q249 and its correction define the identity of the book with recourse to the personality of Moses. Thus, despite the ubiquity of the title ‘Torah’ already in the Hebrew Bible, these titles stick to the prevalent line in Qumran (and in Hellenistic Judaism) to identify the Torah and its derivatives with the personal authority of Moses. On this issue see: H. Najman, *Seconding Sinai: The Development of Mosaic Discourse in Second Temple Judaism* (JSJSup 77; Leiden: Brill, 2003); D. R. Schwartz, “Special People or Special Books? On Qumran and New Testament Notions of Canon,” in *Text, Thought, and Practice in Qumran and Early Christianity: Proceedings of the Ninth International Symposium of the Orion Center* (STDJ 84; ed. R. A. Clements and D. R. Schwartz; Leiden: Brill, 2009), 49–60.

46 S. J. Fraade, “Midrashim,” EDSS 1:550.

47 Against *midrash* as a genre see J. G. Campbell, *The Exegetical Texts* (London: T&T Clark, 2004), 36. More recently, Aharon Shemesh claimed that the term *midrash* does indicate the name of a genre or a treatise: in idem and C. Werman, *Revealing the Hidden: Exegesis and Halakhah in the Qumran Scrolls* (Jerusalem: Bialik, 2011), 52–53 [Hebrew].

48 We thank S. Fraade for the reference. See idem, “Law, History, and Narrative in the Damascus Document,” *Meghillot* 5–6 (2008): *35–*55, esp. *42.