

Jassen, A.P. – *Scripture and Law in the Dead Sea Scrolls*. Cambridge University Press, Cambridge, 2014. (23,5 cm, XXII, 298). ISBN 978-0-521-19604-8. £ 65.00.

For a long period of time, studies on Jewish law (*halakha*) in the Dead Sea scrolls were primarily interested in the historical development of *halakha* or the practices of the movement behind the Qumran scrolls. Several recent studies present a new perspective, however, and stress the interconnections between scriptural exegesis and the development of *halakha*. This book by Alex Jassen expounds this new approach towards Jewish law, focusing on the interpretation of non-Pentateuchal scriptural passages and the role of these passages and their interpretations in the evolution of *halakha*.<sup>1</sup> It so offers important new ways of thinking about Jewish law and its development in the Second Temple period.

The book has twelve chapters. The first three chapters offer introductory comments to the case studies presented in chapters four to ten. Chapter eleven collects several smaller passages where non-Pentateuchal passages are used as prooftexts. Chapter twelve offers general conclusions.

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<sup>1</sup> Jassen's book may be read alongside D.A. Teeter, *Scribal Laws: Exegetical Variation in the Textual Transmission of Biblical Law in the Late Second Temple Period* (FAT 92; Tübingen Mohr Siebeck, 2014), which reflects a similar sensitivity to the connection between scriptural interpretation and the development of Jewish law. Cf. my review of Teeter's book in *BiOr* 72 (2015): 745–48. Despite this shared sensitivity, the two books differ in several regards. For one, Teeter focuses on the Pentateuch, Jassen on non-Pentateuchal passages. Teeter also offers more elaborate discussions of the plurality of the text of Scripture, whereas Jassen is more interested in the authority of Scripture in the Second Temple period and the broader context within Judaism of the cases he presents.

In the first chapter (“Introduction”), Jassen expresses the aim and focus of his study: “The overarching question I explore is the function of non-Pentateuchal scripture in the legal hermeneutics of the Dead Sea Scrolls” (5). For Jassen, this topic is intricately bound up with issues of authority: “In the context of the Dead Sea Scrolls, what relative authority did the community attach to Pentateuchal and non-Pentateuchal scripture, and what legal force did these passages possess?” (6). This sets the stage for the chapters to follow, where Jassen treats the reader both to discussions of exegetical techniques and hermeneutics in legal passages and to broader reflections on the authority of the Pentateuch and non-Pentateuchal material for Second Temple and Rabbinic Judaism.

Chapter two (“The Dead Sea Scrolls and the History of Jewish Law and Legal Exegesis”) sketches the historical background of this study. Jassen points out that Jews in the Second Temple period considered themselves still to live in the biblical period, while in the rabbinic period, Jews were aware that they lived in post-biblical times. This change in self-understanding has repercussions for how Jews in these periods approached their sacred scriptures. In both the Second Temple and the rabbinic period, however, scriptural interpretation and Jewish law-making coincided to “enliven the legal writings of ancient Israel for their own time and place” (40).

Chapter three (“Jewish Legal Exegesis and the Origins and Development of the Canon”) treats modern approaches to Scripture, interpretation, and canon in the Second Temple era. Jassen indicates that the production of Scripture cannot be separated from its interpretation. He also reiterates his interest in authority: “Jews in the Second Temple period clearly assigned greater authority and prestige to

certain books over against others” (46). Thus, Jassen situates his work at “the intersecting foci of scripture, canon, and authority in ancient Judaism” (56).

Isa 58:13 occupies a major place in this book. The Masoretic Text can be translated as: “If you refrain from trampling the sabbath, from pursuing your own interests on my holy day; if you call the sabbath a delight and the holy day of the LORD honorable; if you honor it, not going your own ways, serving your own interests, or pursuing your own affairs” (NRSV). However, as Jassen writes, “Isa 58:13 contains a general condemnation of individuals who violate the Sabbath, though what specific activities are condemned is not entirely clear” (69). The verse thus offered fertile soil for halakhic interpretation. Jassen demonstrates how the *Damascus Document* (CD X 17–19) interprets Isa 58:13 and forbids vile or empty speech and speech about work and labour on the Sabbath. *4QHalakha B* (4Q264a) also engages the Isaiah passage, including more categories of speech restriction on the Sabbath. Chapter six discusses parallels to the Qumran Sabbath prohibition on speech in the *Book of Jubilees* and Rabbinic literature. The two chapters that follow deal with the prohibition not just to *speak*, but even to *think* of labour on Sabbath, as it is expressed in the *Damascus Document*, Philo, and Rabbinic literature.

Chapters nine and ten deal with the interpretation of Jer 17:21–22 and the Sabbath carrying prohibition. Jassen offers a careful analysis of the development of different aspects of the prohibition in the *Damascus Document*, *4QHalakha A* (4Q251), and *4QMiscellaneous Rules* (4Q265) and discusses the interpretations of Jer 17:21–22 and Exod 16:29 that inform these developments. Jassen moves on to contextualize the evidence from the Dead Sea scrolls within the history of Jewish

legal exegesis by discussing the carrying prohibition in Nehemiah, *Jubilees*, and Rabbinic literature.

In chapter eleven, Jassen surveys explicit quotations of non-Pentateuchal passages used as prooftexts. He finds that “there is no hesitation to turn to a non-Pentateuchal passage as a legal prooftext” (245). However, this does not mean, in Jassen’s opinion, that Pentateuchal and non-Pentateuchal passages hold the same authority: non-Pentateuchal prooftexts “fulfill a secondary legal and exegetical function” and “in no case does an explicit Pentateuchal prooftext function as secondary to a non-Pentateuchal primary prooftext” (246). These observations lead to Jassen’s conclusion in chapter twelve: “[T]he sectarian community made a distinction for the purposes of legal exegesis ... between the Pentateuch and all other scriptural texts.... Non-Pentateuchal scriptural texts ... were thus regarded as authoritative but clearly of a lesser authority than the Pentateuchal texts” (250). In spite of differences in methods and attitudes between Judaism in the Second Temple and the Rabbinic period, this general finding is similar to the situation in Rabbinic Judaism, where “all scriptural books aside from the Torah were regarded as possessing less textual authority” (251).

There are many strengths to this book. Jassen’s decision not to limit his attention to the Dead Sea Scrolls alone is particularly productive in the integration of the Qumran material into broader historical frameworks. At several points in this volume Jassen demonstrates that legal interpretation in the Qumran scrolls cannot be fully understood unless it is contextualized within its broader context of late antique Jewish legal exegesis.

A second noteworthy aspect of Jassen’s work is the careful and stimulating reconstruction he provides of the interpretation of Isa 58:13 and the prohibition of

certain kinds of speech on Sabbath. According to Jassen, the use of Isa 58:13 in *Jubilees*, the *Damascus Document*, and 4Q264a does not in each case go back directly to Scripture, but was mediated by earlier interpretations. The application of Isa 58:13 in the *Damascus Document* thus “seems to have drawn upon the well-established exegetical techniques of literary inversion in order to re-present in a subtly modified way its own version of the speech-related restrictions found in Jub 50:8” (110). Similarly, 4Q264a 1 I 5–8, in Jassen’s view, responds to the *halakha* in the *Damascus Document*. These suggestions exemplify Jassen’s detailed reasoning and command of the sources, and they serve as a necessary reminder that studies on scriptural interpretation in early Judaism must always reckon with the possibility of mediated interpretations.<sup>2</sup>

To sum up, Jassen combines careful and novel observations on the primary sources with a convincing treatment of the interactions between Jewish law and scriptural interpretation in the Second Temple and Rabbinic periods. This book is a timely contribution to the field and a necessary read for everyone interested in the history of *halakha* or scriptural interpretation alike.

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<sup>2</sup> This point has been raised in connection with the Pesharim, but it has only rarely made its way more broadly into the study of scriptural interpretation in the Second Temple period. A case in point from the Qumran commentaries is the title “the Teacher of Righteousness.” The scriptural antecedents for the expression are Hos 10:12 and Joel 2:23. However, the use of the title in the Pesharim does not go back directly to Scripture, but is mediated by traditions on the Teacher as they occur in the *Damascus Document*. See Matthew A. Collins, *The Use of Sobriquets in the Qumran Dead Sea Scrolls* (LSTS 67; London: T&T Clark, 2009), 182–86.