

Book Reviews



Alex P. Jassen

Scripture and Law in the Dead Sea Scrolls. New York: Cambridge University Press, 2014. Hardcover. Pp. xxii + 298. US\$99.99. ISBN 978-0-521-19604-8.

Alex P. Jassen provides a well-crafted and important study of the role of prophetic scriptures in the legal hermeneutics of the sectarian Dead Sea Scrolls. In so doing, he joins together two lines of inquiry that, with important exceptions, have long been pursued independently of one another: scriptural interpretation and the history of Jewish law. Previous studies of scriptural interpretation in the scrolls have tended to focus on the non-legal, narrative, hortatory, liturgical, and eschatological texts, while those on the legal contents of the scrolls have sought to uncover the sect's practices, polemics against other groups, or the larger history of ancient Jewish law from the Bible itself through at least the Mishnah. While there have been several important recent and previous studies (as acknowledged and referenced by Jassen) that combine interests in the legal contents of the scrolls and their deployment, whether explicitly or implicitly, of scriptural exegesis, that is, that inquire into the role of scriptural interpretation in the formation and presentation of Qumran law, none has been as sharply focused and systematic as Jassen's monograph. Of particular importance is Jassen's attention not just to the major legal texts among the sectarian scrolls (the *Damascus Document* and the *Community Rule*), but to the more recently published and fragmentary legal texts from Qumran Cave 4.

Jassen's book is noteworthy for pursuing his investigation along dual lines of inquiry through systematic comparison, on the one hand, with other Second Temple writings that incorporate law and interpretive tradition (e.g., Philo of Alexandria, Josephus, and *Jubilees*), and, on the other hand, with early rabbinic literature of a later period. He seeks to establish what he heuristically terms a "dialogue" between the scrolls and early rabbinic scriptural interpretation (midrash). Stated differently, he argues that legal scriptural interpretation in the scrolls, here focusing on the exegetical role of prophetic scriptures therein, needs to be viewed as much within the immediate context of the broader

Second Temple Jewish literature (beginning already with late biblical books such as Nehemiah), as within the continuum of such exegesis as it extends into rabbinic literature. Conversely, he argues that our understanding and appreciation of early rabbinic legal midrash is enriched by comparison with its Second Temple antecedents, especially in the scrolls, without in either direction presuming traceable genetic links between the comparanda. Jassen, while well aware of the methodological pitfalls of such comparisons, illustrates repeatedly the intellectual rewards of viewing such texts in critical juxtaposition to one another, as in their widespread practice of elevating scripture through its citation even while “rewriting” it to serve the exegetical community’s self-understanding in sacred history.

In order to limit the enormity of this task, and building on his previous book, *Mediating the Divine: Prophecy and Revelation in the Dead Sea Scrolls and Second Temple Judaism* (STDJ 68; Leiden: Brill, 2007), Jassen has limited his focus to the interpretive use of prophetic (or “non-pentateuchal”) scriptures (that is, the “books of the prophets”) in Qumran legal texts. As with any narrowing of focus, this choice has its advantages and disadvantages. The main advantage of this more manageable corpus is its “doability” in a systematic and responsible manner; the main disadvantage is the more limited conclusions that can be drawn therefrom, as Jassen readily acknowledges. However, there are other advantages of the limited focus, such as the ability to draw conclusions about the nature of the evolving scriptural canon at Qumran, and its implications for textual authority, as compared, in particular, to early rabbinic legal midrash, with its more fixed construction of scriptural canonicity, and its relatively greater emphasis on the Torah (Pentateuch), rather than the Prophets, as providing the legal exegetical grounding for rabbinic law (halakhah).

The structure and contents of Jassen’s book can be summarized as follows. Chapter 1 (Introduction) sets out the terms of inquiry, setting it against the backdrop of previous scholarship, as far back as the publication of the *Damascus Document* in 1922, so as to declare both his dependence on and divergence from it. Chapters 2 and 3 seek to thicken further his description of both the history of scholarship and the history of Jewish law and legal exegesis in Second Temple and early rabbinic times, with particular attention to the seismic shifts in our understanding of textual authority and the process of scriptural canonization occasioned by the discovery and publication of the Dead Sea Scrolls. Chapters 4 through 10 focus on the exegetical roles of Isa 58:12 and Jer 17:21–22, whether by citation or by paraphrase, in the development of Sabbath laws (prohibited speech and thoughts, and carrying respectively) in both the scrolls and early rabbinic literature (with attention as well to Nehemiah, *Jubilees*, and

Philo). Chapter 11 considers eight additional examples of prophetic scriptural verses that are cited as prooftexts in the scrolls, developing a taxonomy for such citation. Chapter 12 (Conclusions) as much reviews and draws together what has been covered in the previous chapters as it points forward with a scholarly agenda for future and expanded studies on the interplay of textual authority and interpretation.

The core of Jassen's monograph is the close, careful analysis of a series of legal texts from the scrolls that either cite or paraphrase prophetic scriptures. In each case, Jassen carefully presents the text in Hebrew original and English translation, analyzing the role of scriptural interpretation in the statement and argument of the particular law being presented. He then compares each to similar texts from both late Second Temple times and early rabbinic literature, before drawing conclusions. For each text, I found Jassen's explication and analysis to be balanced and judicious, making ample reference in the footnotes to the relevant philological and text-critical issues, as well as to previous scholarship. His cumulative conclusions in the final chapter are cautious and modest, pointing the way forward for future scholarship, especially with respect to the broader comparisons yet to be drawn with respect to the nature and workings of Qumran vs. early rabbinic legal hermeneutics.

To his great credit, Jassen admits that the data examined do not permit him to argue, as he had hoped, for a grand explanation of the different role and canonical status of prophetic scriptures in the two corpora, finding them instead to be more akin to one another than he had anticipated. Along the way, Jassen's painstaking analyses of texts yield many interesting and important insights into specific texts, legal traditions, and the processes of legal interpretation. His contribution is as much to the trees as to the forest.

Given the specialized and somewhat technical nature of this study, I found it to be extremely well and clearly written, and free of jargon. The frequent use of tables served to render the use of scriptures and comparisons of texts more easily digestible. Thus, although the intended audience is a scholarly one, Jassen's prose is accessible to specialists and non-specialists alike.

It is a credit to the forward-looking vantage of Jassen's conclusions that the very terms of his inquiry need to be further examined and problematized in relation to additional texts. For example, to what extent are our presumed divisions of scriptures into the binaries of "pentateuchal" and "non-pentateuchal," or "legal" and "non-legal" best suited to a time and culture in which they may not yet have been so self-evidently operative? What happens if we "mix and match" them, that is, compare the use of prophetic scriptures in both legal and non-legal exegesis in the Dead Sea Scrolls and early rabbinic literature, or the use of non-legal pentateuchal scriptures (e.g., the book of Genesis)

for prophetic (e.g., apocalyptic) purposes? But again, such critical questions are both a complement and compliment to a book that so ably, yet modestly, stimulates our thinking about the manifold ways that law and prophecy are linked to one another through the dynamic medium of scriptural interpretation, especially when viewed in comparative perspective.

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