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978-0-521-19604-8 - Scripture and Law in the Dead Sea Scrolls

Alex P. Jassen

Frontmatter

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## Scripture and Law in the Dead Sea Scrolls

This book is the first work of its kind to examine legal exegesis in the Dead Sea Scrolls from the perspective of both the history of Jewish law and early Jewish scriptural interpretation. It shows how the Dead Sea Scrolls transform the meaning and application of biblical law to meet the needs of new historical and cultural settings. The Dead Sea Scrolls legal texts are examined through the comparative lens of law and legal interpretation in Second Temple Judaism and rabbinic Judaism. The creative interpretation of scriptural texts in the Dead Sea Scrolls responds to the tension between seemingly rigid authoritative scripture and the need for law and scripture to be perpetually evolving entities. The ongoing legal interpretation of scriptural texts frames the development of Jewish law at the same time as it shapes the nature of the biblical canon.

Alex P. Jassen is Associate Professor of Hebrew and Judaic Studies in the Skirball Department of Hebrew and Judaic Studies at New York University. He previously taught at the University of Minnesota, where he was the recipient of the university's prestigious McKnight Land-Grant Fellowship. Dr. Jassen holds a B.A. in Jewish Studies and Near Eastern Languages and Civilizations from the University of Washington (2001) and a Ph.D. in Hebrew and Judaic Studies from New York University (2006). He has published widely on the Dead Sea Scrolls and ancient Judaism and is a member of the international editorial team responsible for publication of the Dead Sea Scrolls. He is the author of *Mediating the Divine: Prophecy and Revelation in the Dead Sea Scrolls and Second Temple Judaism*, winner of the 2009 John Templeton Award for Theological Promise, as well as many articles in leading journals such as the *Association for Jewish Studies Review*, *Biblical Interpretation*, *Dead Sea Discoveries*, *Journal of Biblical Literature*, *Journal of Jewish Studies*, and *Revue de Qumran*. He is the co-editor of *Scripture, Violence, and Textual Practice in Early Judaism and Christianity*, and co-editor-in-chief of the *Journal of Ancient Judaism*. He served as academic adviser for *The Dead Sea Scrolls: Words That Changed the World* exhibit at the Science Museum of Minnesota. His work on religious violence has been recognized with a fellowship from the National Endowment for the Humanities.

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ALEX P. JASSEN

*New York University*



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Frontmatter  
[More information](#)

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*In Loving Memory of*  
*David R. Azose*  
*September 12, 1939–October 26, 2009*  
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Cambridge University Press

978-0-521-19604-8 - Scripture and Law in the Dead Sea Scrolls

Alex P. Jassen

Frontmatter

[More information](#)

---

## Contents

<i>List of Tables</i>	page ix
<i>Acknowledgments</i>	xi
<i>A Note on Style and Translation</i>	xv
<i>Abbreviations and Sigla</i>	xvii
1. Introduction	I
2. The Dead Sea Scrolls and the History of Jewish Law and Legal Exegesis	18
3. Jewish Legal Exegesis and the Origins and Development of the Canon	41
4. Isaiah 58:13 and the Sabbath Prohibition on Speech in the Dead Sea Scrolls, Part 1: The <i>Damascus Document</i>	68
5. Isaiah 58:13 and the Sabbath Prohibition on Speech in the Dead Sea Scrolls, Part 2: <i>4QHalakha B</i>	86
6. Isaiah 58:13 and the Sabbath Prohibition on Speech in the Book of <i>Jubilees</i> and Rabbinic Literature	104
7. Isaiah 58:13 and the Restriction on Thoughts of Labor on the Sabbath in the Dead Sea Scrolls	131
8. Isaiah 58:13 and the Restriction on Thoughts of Labor on the Sabbath in Philo and Rabbinic Literature	150
9. Jeremiah 17:21–22 and the Sabbath Carrying Prohibition in the Dead Sea Scrolls	172
10. Jeremiah 17:21–22 and the Sabbath Carrying Prohibition in <i>Nehemiah</i> , <i>Jubilees</i> , and Rabbinic Literature	190
	vii

viii	<i>Contents</i>
11. Non-Pentateuchal Passages as Prooftexts	216
12. Conclusions	247
<i>Bibliography</i>	253
<i>Index of Ancient Sources</i>	285
<i>Index of Modern Authors</i>	292
<i>Subject Index</i>	296



Cambridge University Press

978-0-521-19604-8 - Scripture and Law in the Dead Sea Scrolls

Alex P. Jassen

Frontmatter

[More information](#)

## List of Tables

1. Isa 58:13 and CD 10:17–19	<i>page</i> 74
2. Isa 58:13 and CD 10:19	81
3. Isa 58:13 and CD 10:19 and 4Q264a 1 i 6–7	94
4. The Literary Inversion of CD 10:17–21 in 4Q264a 1 i 5–8	102
5. Isa 58:13 and CD 10:17–19 and Jub 50:8	106
6. The Reformulation of Isa 58:13 in CD 10:20–21	136
7. עשה and הפץ in Isa 58:13 and CD 10:20–21	139
8. Exod 16:29 and Jer 17:21–22, 24 and CD, 4Q251, and 4Q265	178
9. The Literary Inversion of Jer 17:21–22 in CD 11:7–9	183
10. The Interpretation of משה (Jer 17:21, 24) in Neh 13:15bc, 19	192
11. Jer 17:21–22 and Jub 50:8	198
12. The Reformulation of Jer 17:21–22 in Jub 2:29	201
13. The Reformulation of Jer 17:22 in Jub 2:30	203
14. 1 Sam 25:26 and CD 9:8–10	223
15. Prov 15:8 and CD 11:20–21	228

Cambridge University Press

978-0-521-19604-8 - Scripture and Law in the Dead Sea Scrolls

Alex P. Jassen

Frontmatter

[More information](#)

---

Cambridge University Press

978-0-521-19604-8 - Scripture and Law in the Dead Sea Scrolls

Alex P. Jassen

Frontmatter

[More information](#)

## Acknowledgments

The book of *Ecclesiastes* concludes with a warning concerning the perils of writing a book: “The making of many books is without limit and much study is a wearying of the flesh” (Eccl 12:12). Any modern scholar can certainly attest to the unending production of books and the significant amount of study that must go into adding yet another contribution. I have been very fortunate not to have embarked upon the present composition in isolation, but with a wonderful supporting cast of family, friends, and colleagues. It is undoubtedly on account of their encouragement and collective wisdom that I hope to have been able to follow in the path of *Ecclesiastes*: “To discover useful sayings and record genuinely truthful sayings” (Eccl 12:10).

The conception and writing of this book coincided with the growth of my family and the development of my professional career. This book was written while I was a member of the Department of Classical and Near Eastern Studies at the University of Minnesota. Its path from conception to completion owes much to the supportive environment of the department and university as well as the enriching intellectual climate provided by my colleagues. This book was completed during my time as a McKnight Land-Grant Professor. I am thankful to the University of Minnesota for this honor and the wonderful resources that came with the professorship. Thanks especially to my departmental colleagues Eva von Dassow, Bernie Levinson, Cal Roetzel, Phillip Sellew, George Sheets, and Jeff Stackert (now of the University of Chicago), who responded to specific queries, lent their wisdom in conversations, or read entire drafts of chapters. A special debt of gratitude goes to my department chair Chris Nappa, whose advocacy for my professional development and unstinting support of my research represent everything a junior faculty member could ask for in a chair. This work owes a great deal to the mentorship, intellectual dialogue, and friendship of Bernie Levinson. Since my arrival at Minnesota, Bernie has been a source of constant support in all my professional and intellectual pursuits. We

Cambridge University Press

978-0-521-19604-8 - Scripture and Law in the Dead Sea Scrolls

Alex P. Jassen

Frontmatter

[More information](#)

have shared interests in legal history and biblical exegesis, and his imprint on my approach to these issues is apparent throughout this book. As this book was in its final stages of production, I joined the faculty of the Skirball Department of Hebrew and Judaic Studies at New York University.

Much of the writing of this book coincided with my work as an academic adviser for the exhibition *Dead Sea Scrolls: Words That Changed the World* at the Science Museum of Minnesota. I had the pleasure of working with many talented individuals in creating the exhibit. I learned much from Chris Burda, Ed Fleming, and Joe Imholte on how best to present academic research in a clear and succinct manner. Our constant dialogue on the most effective way to present any particular issue in Dead Sea Scrolls research helped refine my own thinking about many issues. I hope that some of their creative energy and constant attention to the intended audience are reflected in this book. My work on the exhibit provided a wonderful opportunity to learn much from my co-adviser Michael Wise. As we discussed countless issues related to the Dead Sea Scrolls and Qumran, I constantly found his questions and observations challenging and illuminating. My understanding of the Dead Sea Scrolls is much richer because of our friendship and dialogue.

Beyond my local colleagues, I am grateful to many people for their contributions. The two main areas of interest in this study – Jewish law and scriptural interpretation – represent the long-standing areas of research by my two mentors at New York University: Lawrence Schiffman and Moshe Bernstein. I have continued to learn much from both of them, and this book has benefited greatly from our ongoing conversations. Shani Tzoref commented on one of the first drafts of the book and later lent her considerable editorial acumen to an earlier version of Chapters 9 and 10. The broader legal theoretical framework of Chapters 7 and 8 owes much to an inquiry posed to me by Steven Fraade after I presented a paper based on this work in 2009. James VanderKam was very helpful in responding to several queries regarding the text of *Jubilees*.

I am very thankful to Dr. Courtney Friesen of the University of Oxford for his diligent assistance with many aspects of the manuscript preparation. His insightful queries and careful proofreading prevented many infelicities from remaining. Dr. Sarah Sheckman completed a very thorough final proofread and compiled the indexes. I am very thankful for her keen attention to detail and meticulous review of the manuscript. I am especially grateful to the wonderful team at Cambridge University Press for their work in diligently shepherding this book from beginning to end. Thank you to Lewis Bateman, Andy Beck, Becca Cain, Brian MacDonald, and Shaun Vigil.

I had the great benefit of presenting many aspects of this book as it was in progress at academic conferences and institutions. Material drawn from the book constituted several papers presented at the annual meetings of the Society of Biblical Literature and the Association for Jewish Studies as well as the Congress of the International Organization for Qumran Studies. I was also very fortunate to be able to share various aspects of my research as a

Cambridge University Press

978-0-521-19604-8 - Scripture and Law in the Dead Sea Scrolls

Alex P. Jassen

Frontmatter

[More information](#)*Acknowledgments*

xiii

guest lecturer at several universities: the John Cardinal Cody Colloquium at Loyola University Chicago (March 2010); the Open History Seminar at Hebrew Union College–Jewish Institute of Religion (March 2010); Yeshiva University (October 2010); and New York University (October 2010). Thanks to all those in attendance who offered helpful and instructive feedback.

In the course of writing this book, I have published material from my research in progress in several venues. Early versions of Chapters 9 and 10 were published as “Tracing the Threads of Jewish Law: The Sabbath Carrying Prohibition from Jeremiah to the Rabbis,” *Annali di storia dell’esegesi* 28:1 (2011): 253–78 (part of the special section “Second Temple Halakhot and the Historical Jesus: Three Contributions toward a Discussion”) and “Law and Exegesis in the Dead Sea Scrolls: The Sabbath Carrying Prohibition in Comparative Perspective,” in *The Dead Sea Scrolls at Sixty: Scholarly Contributions of the New York University Faculty and Alumni* (ed. L. H. Schiffman and S. L. Tsoref; STDJ 89; Leiden: Brill, 2010), 115–56. I am grateful to the publishers for permission to reprint material from these articles.

Above all, this book could not have been completed without the love and support of my family. My wife Leslie has lived with the Dead Sea Scrolls now for more than a decade. During this time, she has been a constant champion of my research, and together we continue to be enthused by all that the world of the Dead Sea Scrolls offers. She has been a source of great wisdom for our growing family and my work. Indeed, as with Lady Wisdom in the book of *Proverbs*, she “speaks noble things; uprightness comes from [her] lips” (Prov 8:6). She “endows those who love [her] with substance” and “fill[s] their treasuries” (Prov 8:21). Most importantly, Leslie is “a source of delight every day” (Prov 8:30), and together we “rejoice in the world” (Prov 8:31). In deep gratitude of her love and support, let me invoke the praise of the Woman of Valor found later in *Proverbs*: “Many women have done well, but you surpass them all” (Prov 31:29).

While I was writing this book, my now-six-year-old daughter Lila’s interest in the stories of the Hebrew Bible developed. As our nighttime story time developed into biblical storytelling, I experienced firsthand the timeless enterprise of scripture and interpretation – both in the way that my own stories were often enhanced by inclusion of midrashic elaboration and by Lila’s own observations on the text. The clarity of a young child’s perspective attests to the enduring need to make the scriptural text comport with the moral sensibilities of the reader: on Noah cursing Canaan for something his father Ham did in Gen 9:25: “That’s not fair!” As with the ancient exegetes, Lila is compelled to “update” the ancient text: on Gen 37:25: “A ‘caravan’ is a *car* that goes down to Egypt.” Her often repeated question “Is that *really* in the Torah?” places her much closer to rabbinic Judaism than Second Temple–period Judaism with regard to the blurring of scripture and its interpretation.

This book is dedicated to the memory of my father-in-law David Azose. He had a strong desire for knowledge and deeper understanding of all things,

particularly relating to the history of Judaism. He was a very gracious and perennially curious conversation partner. He possessed a kind and gentle demeanor that made him beloved to all who were around him. The words of 1 Sam 18:14 ring very true for him: ויהי דוד לכל דרכו משכיל, “David was successful in all of his undertakings” (NJPS). Drawing on a technique familiar from rabbinic *midrash* (אל תקרי X אלה Y, “do not read X, rather Y”), we should read משכיל not with its intended intransitive meaning (“be successful”), but with the transitive meaning “to illuminate, give insight” and also render דרך not merely as “undertakings” but with the alternate sense of “manner, behavior.” With this midrashic rereading, the scriptural passage becomes an even more fitting epitaph: “David gave insight (to all) in all his ways.” David’s friends and family can well attest to the many ways in which his demeanor and behavior provided an exemplary model for all to emulate. Indeed, the echo of 1 Sam 18:14 in the Cave 11 *Psalms Scroll* is equally fitting for David: ויהי דויד בן ישי חכם ואור כאור, “Now David (the son of Jesse) was wise and shone like the light of the sun, a scribe and man of discernment, blameless in all his ways before God and men; the Lord gave him a brilliant and discerning spirit” (11QPs<sup>a</sup> 27:2–4). While it certainly stretches credulity to apply this entire encomium to its intended target King David, there is no sense of exaggeration as applied to David Azose.

Unfortunately, David’s namesake, my son David, never got to meet his grandfather and learn these attributes from his example. For him, let me take the liberty of revocalizing the verbs in the *Psalms Scroll*. This passage assumes a dramatically different meaning when the verbs are vocalized not as the clearly intended converted imperfect forms, but rather with the consonantly identical jussive forms (וַיִּהְיֶה → וְיִהְיֶה; וַיִּתֵּן → וְיִתֵּן): “*May David be wise and shine like the light of the sun, a scribe and man of discernment, blameless in all his ways before God and men; May the Lord give him a brilliant and discerning spirit.*” In so doing, this passage represents my wish that he grow to emulate the kind and gentle spirit of his grandfather.

Cambridge University Press

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Frontmatter

[More information](#)

## A Note on Style and Translation

This book on the whole adheres to the style outlined in Patrick H. Alexander, ed., *The SBL Handbook of Style: For Ancient Near Eastern, Biblical, and Early Christian Studies* (Peabody: Hendrickson, 1999). Any modification has been undertaken in the quest for greater clarity in presentation. I have adopted a slightly modified system for abbreviating ancient texts as outlined in the following section. Many of the scholarly articles that I discuss have been reprinted in collected volumes by the authors. In my treatment of these articles in the chapter notes, I cite the article from the most recent printing in the collected volume and indicate the original year of publication in parentheses. Full bibliographic information regarding the original place of publication can be found in the Bibliography.

The translations provided throughout the book represent a combination of my own as well as those of others. In all cases where I rely on other translations, I indicate the source and note if the translation has been modified. Passages from the Hebrew Bible generally follow the New Jewish Publication Society translation (Philadelphia, 1985). As a modern scholarly book about ancient society, this work presents many challenges in striving for inclusive language. As I note several times in the book, biblical and ancient Jewish legal texts nearly always formulate law employing masculine grammatical forms (e.g., “Let no man . . .”). Modern translators sometimes seek to render this decidedly noninclusive language into a gender-neutral translation (e.g., “Let no one . . .”). In an attempt to represent as accurately as possible these ancient texts and the social worlds to which they apply, I have retained the literal translation of the legal formulae with the masculine grammatical forms.

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Alex P. Jassen

Frontmatter

[More information](#)

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## Abbreviations and Sigla

### DEAD SEA SCROLLS SIGLA AND TEXTUAL NOTATIONS

2:4–5	Denotes column two, lines four through five. Used for better-preserved larger Dead Sea Scrolls.
2 iii 4–5	Denotes fragment two, column three, lines four through five. Used for fragmentary Dead Sea Scrolls when columns can be reconstructed.
2 4–5	Denotes fragment two, lines four through five. Used for fragmentary Dead Sea Scrolls when columns cannot be reconstructed.
[ ]	Lacuna in ancient manuscript
[ <u>Ⓝ</u> ] <sub>2</sub> [a]	Suggested restoration by modern editor
Ⓝ, a	Overlapping text represented in parallel manuscript
<i>vac, vacat</i>	Portion of preserved manuscript with no inscribed text
<Ⓝ>, <a>	Suggested emendation by modern editor
(a)	Additional words added by modern editor to improve English translation
a // b	Parallel text
par.	Parallel manuscript
frg(s).	Fragment(s)

## ABBREVIATIONS OF ANCIENT TEXTS

## Hebrew Bible and Second Temple–Period Texts

1–2 Chr	<i>1–2 Chronicles</i>	1–2 Kgs	<i>1–2 Kings</i>
1–2 Macc	<i>1–2 Maccabees</i>	1–2 Sam	<i>1–2 Samuel</i>
Amos	<i>Amos</i>	Dan	<i>Daniel</i>
Deut	<i>Deuteronomy</i>	Eccl	<i>Ecclesiastes</i>
Exod	<i>Exodus</i>	Ezek	<i>Ezekiel</i>
Ezra	<i>Ezra</i>	Gen	<i>Genesis</i>
Hos	<i>Hosea</i>	Isa	<i>Isaiah</i>
Jer	<i>Jeremiah</i>	Job	<i>Job</i>
Joel	<i>Joel</i>	Jub	<i>Jubilees</i>
Lev	<i>Leviticus</i>	Mic	<i>Micah</i>
Nah	<i>Nahum</i>	Neh	<i>Nehemiah</i>
Num	<i>Numbers</i>	Prov	<i>Proverbs</i>
Ps	<i>Psalms</i>	Sir	<i>Wisdom of Ben Sira</i>
Wis	<i>Wisdom of Solomon</i>	Zech	<i>Zechariah</i>

## Ancient Versions

ⲙ	Masoretic Text	ⲛ	Samaritan Pentateuch
Ⲙ	Septuagint	Ⲛ	Targum Jonathan
Ⲛ <sup>N</sup>	Targum Neofiti	Ⲛ <sup>O</sup>	Targum Onqelos
Ⲛ <sup>Ps-J</sup>	Targum Pseudo-Jonathan		

## Dead Sea Scrolls (frequently cited manuscripts)

CD	<i>Damascus Document</i> manuscripts from the Cairo Geniza.
1QIsa <sup>a-b</sup>	<i>Isaiah</i> manuscripts from Qumran Cave 1 (superscript numbers indicate individual copies).
1QS	<i>Rule of the Community</i> manuscript from Qumran Cave 1.
4QD <sup>a-h</sup>	<i>Damascus Document</i> manuscripts from Qumran Cave 4. Corresponds to 4Q266–273.
4QIsa <sup>a-r</sup>	<i>Isaiah</i> manuscripts from Qumran Cave 4. Corresponds to 4Q55–69b.
4QJer <sup>a-c</sup>	<i>Jeremiah</i> manuscripts from Qumran Cave 4. Corresponds to 4Q70–72b.
4QS <sup>a-i</sup>	<i>Rule of the Community</i> manuscripts from Qumran Cave 4. Corresponds to 4Q255–264.
4QMMT	Composite text of <i>Miqsat Ma'ase Ha-Torah</i> manuscripts from Qumran Cave 4 (4Q394–399).
11QT <sup>a-b</sup>	<i>Temple Scroll</i> from Qumran Cave 11. Corresponds to 11Q19–20.

*Abbreviations and Sigla*

xix

**Rabbinic Texts**

*Rabbinic Collections*

<i>b.</i>	<i>Babylonian Talmud</i>	<i>m.</i>	<i>Mishnah</i>
<i>t.</i>	<i>Tosefta</i>	<i>y.</i>	<i>Palestinian Talmud</i>

*Names of Specific Tractates*

' <i>Abod. Zar.</i>	' <i>Abodah Zarah</i>	' <i>Abot</i>	' <i>Abot</i>
<i>B. Bat.</i>	<i>Baba Batra</i>	<i>B. Meṣi'a</i>	<i>Baba Meṣi'a</i>
<i>B. Qam.</i>	<i>Baba Qamma</i>	<i>Beṣ.</i>	<i>Beṣah</i>
' <i>Erub.</i>	' <i>Erubin</i>	<i>Git.</i>	<i>Gittin</i>
<i>Hor.</i>	<i>Horayot</i>	<i>Ḥag.</i>	<i>Ḥagigah</i>
<i>Ḥul.</i>	<i>Hullin</i>	<i>Meg.</i>	<i>Megillah</i>
<i>Men.</i>	<i>Menahot</i>	<i>Miqv.</i>	<i>Miquva'ot</i>
<i>Naz.</i>	<i>Nazir</i>	<i>Nid.</i>	<i>Niddah</i>
' <i>Ohal.</i>	' <i>Ohalot</i>	<i>Pe'ah</i>	<i>Pe'ah</i>
<i>Sanh.</i>	<i>Sanhedrin</i>	<i>Shabb.</i>	<i>Shabbat</i>
<i>Sheb.</i>	<i>Shebu'ot</i>	<i>Suk.</i>	<i>Sukkah</i>
<i>Yad.</i>	<i>Yadayim</i>	<i>Yom.</i>	<i>Yoma</i>
<i>Zav.</i>	<i>Zavim</i>		

MODERN PUBLICATIONS

AB	Anchor Bible
ABRL	Anchor Bible Reference Library
AGJU	Arbeiten zur Geschichte des antiken Judentums und des Urchristentums
AJSR	<i>Association for Jewish Studies Review</i>
ANRW	<i>Aufstieg und Niedergang der römischen Welt: Geschichte und Kultur Roms im Spiegel der neueren Forschung.</i> Edited by Hildegard Temporini and Wolfgang Haase. Berlin: de Gruyter, 1972–.
BASOR	<i>Bulletin of the American Schools of Oriental Research</i>
<i>Bib</i>	<i>Biblica</i>
BIOSCS	<i>Bulletin of the International Organization for Septuagint and Cognate Studies</i>
BJRL	<i>Bulletin of the John Rylands University Library of Manchester</i>
BJS	Brown Judaic Studies
BZAW	Beihefte zur Zeitschrift für die alttestamentliche Wissenschaft
CBQ	<i>Catholic Biblical Quarterly</i>
CBQMS	Catholic Biblical Quarterly Monograph Series

CCWJCW	Cambridge Commentaries on Writings of the Jewish and Christian World, 200 B.C. to A.D. 200
<i>Chi.-Kent L. Rev.</i>	<i>Chicago-Kent Law Review</i>
CJA	Christianity and Judaism in Antiquity
CQS	Companion to the Qumran Scrolls
CRINT	Compendia rerum iudaicarum ad Novum Testamentum
CSCO	Corpus scriptorum Christianorum Orientalium
DJD	Discoveries in the Judaean Desert (of Jordan)
DSD	<i>Dead Sea Discoveries</i>
EDSS	<i>Encyclopedia of the Dead Sea Scrolls</i> . Edited by Lawrence H. Schiffman and James C. VanderKam. 2 vols. Oxford: Oxford University Press, 2000.
<i>EncJud</i>	<i>Encyclopedia Judaica</i> . Edited by Michael Berenbaum and Fred Skolnik. 22 vols. 2d ed. Detroit: Macmillan Reference USA, 2007.
<i>ErIsr</i>	<i>Eretz-Israel</i>
FAT	Forschungen zum Alten Testament
FIOTL	The Formation and Interpretation of Old Testament Literature
FRLANT	Forschungen zur Religion und Literatur des Alten und Neuen Testaments
HAT	Handbuch zum Alten Testament
HSM	Harvard Semitic Monographs
HSS	Harvard Semitic Studies
HTR	<i>Harvard Theological Review</i>
HUCA	<i>Hebrew Union College Annual</i>
JAJ	<i>Journal of Ancient Judaism</i>
JBL	<i>Journal of Biblical Literature</i>
JCS	<i>Journal of Cuneiform Studies</i>
JJS	<i>Journal of Jewish Studies</i>
JNES	<i>Journal of Near Eastern Studies</i>
JQR	<i>Jewish Quarterly Review</i>
JSJ	<i>Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods</i>
JSJSup	Journal for the Study of Judaism in the Persian, Hellenistic, and Roman Periods: Supplement Series
JSOTSup	Journal for the Study of the Old Testament: Supplement Series
JSPSup	Journal for the Study of the Pseudepigrapha: Supplement Series
JSQ	<i>Jewish Studies Quarterly</i>
JSRC	Jerusalem Studies in Religion and Culture
JTS	<i>Journal of Theological Studies</i>
LCL	Loeb Classical Library

Cambridge University Press

978-0-521-19604-8 - Scripture and Law in the Dead Sea Scrolls

Alex P. Jassen

Frontmatter

[More information](#)*Abbreviations and Sigla*

xxi

<i>Leš</i>	<i>Lešonenu</i>
LSTS	Library of Second Temple Studies
MGWJ	<i>Monatschrift für Geschichte und Wissenschaft des Judentums</i>
MHUC	Monographs of the Hebrew Union College
NETS	<i>New English Translation of the Septuagint</i> . Edited by Albert Pietersma and Benjamin G. Wright. 2d ed. Oxford: Oxford University Press, 2009.
NJPS	<i>Tanakh: A New Translation of the Holy Scriptures According to the Traditional Hebrew Text</i> . Philadelphia: Jewish Publication Society, 1985.
NRSV	New Revised Standard Version
NTL	New Testament Library
OLA	Orientalia Iovaniensia Analecta
OTL	Old Testament Library
PTSDSSP	Princeton Theological Seminary Dead Sea Scrolls Project
<i>RB</i>	<i>Revue biblique</i>
<i>REJ</i>	<i>Revue des études juives</i>
<i>RevQ</i>	<i>Revue de Qumran</i>
SA	Scriptores Aethiopici
SAOC	Studies in Ancient Oriental Civilizations
SBLDS	Society of Biblical Literature Dissertation Series
SBLSymS	Society of Biblical Literature Symposium Series
SBLWAW	Society of Biblical Literature Writings from the Ancient World
SHR	Studies in the History of Religions
SJ	Scripta Judaica
SJLA	Studies in Judaism in Late Antiquity
STDJ	Studies on the Texts of the Desert of Judah
StPB	Studia post-biblica
<i>StPhA</i>	<i>Studia Philonica Annual</i>
SVTP	Studia in Veteris Testamenti Pseudepigraphica
<i>TDNT</i>	<i>Theological Dictionary of the New Testament</i> . Edited by Gerhard Kittel and Gerhard Friedrich. 10 vols. Grand Rapids: Eerdmans, 1964–76.
<i>TDOT</i>	<i>Theological Dictionary of the Old Testament</i> . Edited by G. Johannes Botterweck and Helmer Ringgren. 15 vols. Grand Rapids: Eerdmans, 1974–2006.
ThBN	Themes in Biblical Narrative
TSAJ	Texte und Studien zum antiken Judentum
UCPNES	University of California Publications in Near Eastern Studies
VT	<i>Vetus Testamentum</i>

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[More information](#)

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xxii

*Abbreviations and Sigla*

VTSup	Supplements to Vetus Testamentum
WBC	Word Biblical Commentary
WUNT	Wissenschaftliche Untersuchungen zum Neuen Testament
YJS	Yale Judaica Series
ZAW	<i>Zeitschrift für die alttestamentliche Wissenschaft</i>
ZfHB	<i>Zeitschrift für Hebraische Bibliographie</i>