

What Type of Word Exactly Cannot be Spoken?
Isaiah 58:13 and the Sabbath Prohibition on Business Related Speech in the Dead Sea Scrolls,
Jubilees, and Rabbinic Literature

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1. Introduction

The Dead Sea Scrolls represent a vast treasure trove for scholars interested in the comparative analysis of early Jewish biblical interpretation and in the history of Jewish law. Scholarly treatments of biblical interpretation in the Dead Sea Scrolls appeared in the earliest phases of Qumran research and have continued unabated. The vast majority of this scholarship, however, has focused almost exclusively on homiletical exegesis. As is well known, the study of Jewish law in the Dead Sea Scrolls, a long neglected field, has recently begun to flourish. At the same time, the burgeoning interest in Qumran legal traditions suffers from a significant lacuna. There have been fewer attempts to integrate the study of Jewish law in the Dead Sea Scrolls with the exegetical basis in Scripture through which it was regularly formed and to identify its larger context in the history of Jewish law and legal exegesis.¹ The present study seeks to address these

¹ The most thorough treatment of scriptural exegesis in Qumran legal texts can be found in Moshe J. Bernstein and Shlomo A. Koyfman, “The Interpretation of Biblical Law in the Dead Sea Scrolls: Forms and Methods,” *Biblical Interpretation at Qumran* (ed. M. Henze; Grand Rapids: Eerdmans, 2005) 61-87. On the question of explicit legal exegesis (*midrash halakhah*) at Qumran, see Steven D. Fraade, “Looking for Legal Midrash at Qumran,” *Biblical Perspectives: Early Use and Interpretation of the Bible in Light of the Dead Sea Scrolls: Proceedings of the First International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 12-14 May, 1996* (eds M.E. Stone and E.G. Chazon;

issues through comparative analysis of the sectarian prohibition of business related speech on the Sabbath.

The primary sectarian formulation of these laws is found in the Damascus Document (11:17-19) and thus they have been the subject of scholarly inquiry since even before the discovery of the Dead Sea Scrolls.² These treatments have focused on deciphering the precise

STDJ 28; Leiden: E.J. Brill, 1998) 59-80; Aharon Shemesh, "Scriptural Interpretations in the Damascus Document and their Parallels in Rabbinic Midrash," *The Damascus Document: A Centennial of Discovery: Proceedings of the Third International Symposium of the Orion Center for the Study of the Dead Sea Scrolls and Associated Literature, 4-8 February, 1998* (eds J.M. Baumgarten, E.G. Chazon, and A. Pinnick; STDJ 39; Leiden: E.J. Brill, 2000) 161-75; Azzan Yadin, "4QMMT, Rabbi Ishmael, and the Origins of Legal Midrash," *DSD* 10 (2003) 130-49.

² Louis Ginzberg, *An Unknown Jewish Sect* (Moreshet 1; New York: Jewish Theological Seminary, 1976) 57-59; Chanokh Albeck, *Das Buch der Jubiläen und die Halacha* (Berichte der Hochschule für die Wissenschaft des Judentums 47; Berlin: Hochschule für die Wissenschaft des Judentums, 1930) 9; S.T. Kimbrough Jr., "The Concept of Sabbath at Qumran," *RevQ* 5 (1966) 487-88; Lawrence H. Schiffman, *The Halakhah at Qumran* (SJLA 16; Leiden: E.J. Brill, 1975) 87-90; Baruch Sharvit, "The Sabbath of the Judean Desert Sect," *Immanuel* 9 (1979), 44-45; Lutz Doering, "New Aspects of Qumran Sabbath Law from Cave 4 Fragments," *Legal Texts and Legal Issues: Proceedings of the Second Meeting of the International Organization for Qumran Studies, Cambridge, 1995 Published in Honour of Joseph M. Baumgarten* (eds M.J. Bernstein, F. García Martínez, and J. Kampen; STDJ 23; Leiden: E.J. Brill) 252-56; idem, *Schabbat: Sabbathhalacha und –praxis im antiken Judentum und Urchristentum* (TSAJ 78; Göttingen: Mohr Siebeck, 1999) 138-43.

details of the sectarian laws as well as identifying parallel legal formulations in Second Temple and rabbinic legal texts.³ Nearly all of these analyses observe that the laws in the Damascus Document represent a reformulation of Isa. 58:13.⁴ In spite of this long recognized connection, no significant study has focused on the legal and exegetical relationship between Isa. 58:13 and CD 10:17-19 or the relevant comparative Second Temple and rabbinic legal sources.⁵

This study seeks to contribute further to our understanding of the sectarian prohibition by identifying the scriptural foundations of CD 10:17-19 and clarifying its legal and exegetical relationship to Isa. 58:13 and related scriptural passages. This relationship is then located within the larger framework of the legal and exegetical employment of Isa. 58:13 in the wider context of Second Temple and rabbinic legal texts.

³ See especially, Albeck, *Jubiläen*, 9; Yitzhak D. Gilat, “Le-Qadmotam shel ’Issure Shabbat ’Aḥadim,” *Bar Ilan: Sefer Ha-Shanah le-Mada’e Ha-Yahadut ve-ha-Ruah shel ’Universitah Bar Ilan, volume 1, ’Azkarah le-Professor Pinḥas Churgin* (eds H.Z. Hirschberg and P. Artzi; Jerusalem: Kiryat Sefer, 1963) 113-16; Kimbrough, “The Concept of Sabbath,” 487-88; Boaz Cohen, “Sabbath Prohibitions Known at *Shebut*,” *Law and Tradition in Judaism* (New York: Ktav, 1969) 145-46; Schiffman, *Halakhah*, 87-90; Sharvit, “The Sabbath,” 44-45; Doering, *Schabbat*, 142-43.

⁴ See below, n. 12.

⁵ Schiffman briefly notes that the law in the Damascus Document is a *perush* of Isa. 58:13, though with little elaboration (*Halakhah*, 89). One notable exception is the brief treatment in Elieser Slomovic, “Toward an Understanding of the Exegesis in the Dead Sea Scrolls,” *RevQ* 7 (1969) 9-10 (see below).

The Cave 4 legal texts have also furnished us with an intriguing set of similarly formulated laws. 4Q264a (4QHalakha B) 1 i 5-8 (par. 4Q421 13+2+8 1-5) contains several laws that overlap in varying degrees with the Sabbath prohibitions.⁶ In discussing the significance of this passage, I first treat the various textual and philological issues involved in deciphering this fragmentary text. In doing so, I will attempt to reconstruct the specific aspects of the Sabbath law as found in this passage. I will then discuss the relationship between the laws in this fragment and those in the Damascus Document, with particular attention to the shared (and divergent) exegetical relationship to Isa. 58:13.

2. CD 10:17-19 (par. 4Q270 6 v 3-4)⁷

וביום השבת אל ידבר איש דבר	17
נבל ורק אל ישה ברעהו כל אל ישפוט על הון ובצע	18
אל ידבר בדברי המלאכה והעבודה לעשות למשכים	19

17. And on the Sabbath, one may not speak

18. a vile and empty word: He shall not demand any payment from his fellow⁸; He shall

⁶ The importance of 4Q264a for Qumran Sabbath law is discussed in Doering, “New Aspects.”

⁷ The text here follows Elisha Qimron, “The Text of CDC,” *The Damascus Document Reconsidered* (ed. M. Broshi; Jerusalem: Israel Exploration Society, the Shrine of the Book, Israel Museum, 1992) 29. See also Joseph M. Baumgarten and Daniel R. Schwartz in J.H. Charlesworth, ed., *The Dead Sea Scrolls: Hebrew, Aramaic, and Greek Texts with English Translations: Damascus Document, War Scrolls and Related Documents* (PTSDSSP 2; Tübingen: J.C.B. Mohr [Paul Siebeck]; Louisville: Westminster John Knox, 1995) 46-47. For 4Q270, see Baumgarten DJD 18.160 (no variants are present). Additional philological analysis can be found in Schiffman, *Halakhah*, 87-88; Doering, *Schabbat*, 138-43.

not enter into a dispute concerning money or profit⁹;
19. He shall not speak about matters relating to work and labor that need to be done on
the following day.¹⁰

This passage contains a series of laws relating to business on the Sabbath. The unit begins with a general classificatory statement: “one may not speak a vile and empty word.” This general prohibition is followed by three specific laws: (1) demanding repayment of a loan; (2) entering

⁸ This clause is subject to different interpretations. I am following Schechter and several later commentators who understand this law as prohibiting an individual from demanding the repayment of a loan from the debtor (Solomon Schechter, *Documents of Jewish Sectaries, Vol. 1, Fragments of a Zadokite Work* [New York: Ktav, 1970] 80; Ginzberg, *Jewish Sect*, 108; Chaim Rabin, *The Zadokite Documents* [Oxford: Clarendon, 1954] 52 [as a second translation option]; Slomovic, “Exegesis,” 10; Baumgarten and Schwartz, *Damascus Document*, 47). This translation understands *לש* with the general meaning “to be a creditor” and the specific sense of “to press on a loan” as in Neh. 5:7, 10 (cf. 1 Kgs. 8:31//2 Chr. 6:22). Other scholars render *לש* as a *pa'al* imperfect with the meaning “to lend” (see Deut. 15:2; 24:10). In this sense, the law prohibits an individual from lending anything on the Sabbath (Rabin, *Zadokite Documents*, 52; Schiffman, *Halakhah*, 87; Doering, *Schabbat*, 139).

⁹ This law was previously understood as a proscription against formal court proceedings on the Sabbath as in m. Beṣ. 5:2 (Schechter, *Documents*, 80). Ginzberg, followed by Schiffman, however, correctly understood it as prohibiting a private dispute concerning business matters (Ginzberg, *Jewish Sect*, 58; Schiffman, *Halakhah*, 88).

¹⁰ On this expression, see Ginzberg, *Jewish Sect*, 58; Schiffman, *Halakhah*, 88, n. 25.

into a dispute about money; (3) and speaking about work matters related to the following week.¹¹ None of these laws are identified with any scriptural source.

¹¹ My general understanding of the initial clause follows Schiffman, *Halakhah*, 88-89 (cf. Doering, *Schabbat*, 139-40). Several commentators, however, treat the initial clause as merely the first in a list of four prohibitions related to speech on the Sabbath (Schechter, *Documents*, 80; Ginzberg, *Jewish Sect*, 108-9, cf. 57; Kimbrough, “Concept of Sabbath,” 487-88; Sharvit, “Sabbath,” 44). They understand the law specifically as a general proscription against idle or secular talk on the Sabbath. This interpretation is largely related to the parallel rabbinic exegesis of וְדַבֵּר דְבַר in Isa. 58:13 as a prohibition against engaging in idle talk on the Sabbath or in profane discussion that would normally transpire during the week (on this verse, see below). See b. Shab. 113a-b: וְדַבֵּר דְבַר שְׁלֵא יְהֵא דְבוּרְךָ שֶׁל שַׁבַּת כְּדְבוּרְךָ שֶׁל חוּל דְבוּר אֲסוּר הִרְהוּר מוֹתֵר (“nor speak a word”: [this means that] your speech on the Sabbath shall not be like your speech during the week—speech is prohibited, thought is permitted”). The rabbinic application of this law encompasses all types of idle or profane conversation on the Sabbath, including business and financial affairs. My analysis below of the use of Isa. 58:13, however, supports Schiffman’s interpretation of the clause as representing a general classificatory statement and referring specifically to the interpretation of Isa. 58:13 as a proscription against engaging in discussion of business on the Sabbath (also found in rabbinic exegesis of this verse; see below). Indeed, CD 10:17 does interpret Isa. 58:13 as a prohibition against profane conversation. For the Damascus Document, however, the extent of this profane conversation is restricted to financial and business matters (see below). For further discussion of the rabbinic traditions, see Gilat, “Issure Shabbat,” 114-16; Cohen, “Sabbath Prohibitions,” 145-46. Cohen himself (p. 146, n. 51) cites CD 10:17-18 as a parallel to this rabbinic law. He follows Schechter’s incorrect division of the

2.1 Isa. 58:13 in the Damascus Document

Though never cited, it is certain that the formulation of the general statement (אל ידבר בדברי המלאכה והעבודה לעשות למשכים) and the third specific law (אל ידבר איש דבר נבל ורק) represents a paraphrase of Isa. 58:13, as illustrated by table one¹²:

Isa. 58:13	CD 10:17-19
<p>אם-תִּשָׁב מִשַּׁבַּת רַגְלְךָ, עֲשׂוֹת חֲפָצְךָ בַּיּוֹם קִדְשִׁי; וְקִרְאתָ לַשַּׁבָּת עֵנִי, לְקִדּוֹשׁ הַיְהוָה מְכַבֵּד, וְכַבְּדִתוּ מַעֲשׂוֹת דְרָכַיךָ, מִמִּצּוֹא חֲפָצְךָ וְדַבַּר דַּבָּר</p> <p>If you refrain from trampling the sabbath, from <u>pursuing</u> your affairs on My holy day; If you call the sabbath “delight,” the LORD’s holy day “honored”; And if you honor it and <u>go not</u> your ways nor look to your affairs, <u>nor speak a word</u>— (modified NJPS)</p>	<p>וביום השבת אל ידבר איש דבר נבל ורק</p> <p>And on the Sabbath, one may not <u>speak</u> a vile and empty <u>word</u></p> <p>אל ידבר בדברי המלאכה והעבודה לעשות למשכים</p> <p>He shall not <u>speak about matters</u> relating to work and labor that need <u>to be done</u> on the following day</p>

Table 1: Isa. 58:13 and CD 10:17-19

line (with ורק belonging to the next clause) and understands נבל as an adverb: “no man shall utter a word foolishly.” Several further developments in this law are also found in Falasha and Karaite traditions (see Gilat, “Issure Shabbat,” 113, n. 28).

¹² See also Schechter, *Documents*, 80; Leonhard Rost, *Die Damascusschrift: Neu Bearbeitet* (Klein Texte für Vorlesungen und Übungen 167; Berlin: Walter de Gruyter, 1933) 20; Ginzberg, *Jewish Sect*, 59; Rabin, *Zadokite Documents*, 53; Kimbrough, “Sabbath,” 487-88; Slomovic, “Exegesis,” 9-10; Schiffman, *Halakhah*, 89-91; Hannah K. Harrington, “Biblical Law at Qumran,” *The Dead Sea Scrolls after Fifty Years: A Comprehensive Assessment* (eds J.C. VanderKam and P.W. Flint; 2 vols; Leiden: E.J. Brill, 1998-1999) 1.167; Fraade, “Legal Midrash,” 73; Baumgarten and Schwartz, *Damascus Document*, 47, n. 158; Bernstein and Koyfman, “Interpretation of Biblical Law,” 72; Doering, *Schabbat*, 139.

The passage in Isaiah contains a general condemnation of individuals who pursue their personal business affairs on the Sabbath.¹³ One of the many difficulties with understanding this passage involves the meaning of the expression *וַיְדַבֵּר דְבַר*, literally “and speaks a word/matter.”¹⁴ The full

¹³ See Michael Fishbane, *Biblical Interpretation in Ancient Israel* (Oxford: Clarendon, 1985) 303-4, n. 31. The two parallel expressions in the passage *וַיְדַבֵּר דְבַר* and *וַיַּעַשׂוּת חֲפְצָךְ*, observes Fishbane, possess Akkadian parallels that are both employed to refer to mercantile pursuits.

¹⁴ This phrase is very difficult to translate. I have modified the NJPS translation in order to provide a more literal translation. Grammatically, the expression is an infinitive construct (“to speak/speaking”) followed by a noun (“word/matter”). What type of speech is condemned here? As many scholars have noted, this passage is certainly not proscribing all speech on the Sabbath. Rather, the general sense of the passage suggests that the speech is somehow related to the condemned business dealings (hence NJPS “strike bargains”; see also Claus Westermann, *Isaiah 40-66: A Commentary* [OTL; Philadelphia: Westminster, 1969] 340). John L. McKenzie translates as “excessive talk” (meaning “idle talk”), though this meaning is similarly obscure (*Second Isaiah* [AB 20; New York: Doubleday, 1968] 165). This understanding (“idle talk”) is commonly found in many commentators: J. Skinner, *Isaiah: Chapters XL-LXVI* (Cambridge: Cambridge University Press, 1898) 186; Joseph Blenkinsopp, *Isaiah 56-66* (AB 19B; New York: Doubleday, 2003) 175. David N. Freedman opines that the phrase refers to legal proceedings (cited in McKenzie, *ibid.*). Medieval Jewish exegetes generally understood the expression, following rabbinic tradition (see above, n. 11), as a proscription against conducting one’s

meaning of this expression already eluded ancient readers of Scripture, as evinced by the divergent translations found in the ancient versions. The Septuagint surmises that this passage condemns individuals who speak in anger.¹⁵ In contrast, the Targum renders the clause as **וּמִלְמַלְלָא מְלִין דְּאוּגִיס**, “and from speaking words of wickedness.”¹⁶ While the Septuagint focuses on the state of mind of the speaker, the Targum is concerned with the content of the words. Yet, neither of these translations provides any specific details concerning the content of the condemned speech and its relationship to the more general restriction of Sabbath activity.

The Damascus Document is far more revealing in its understanding and application of Isa. 58:13. CD 10:17 first draws upon Isa. 58:13 through paraphrasing its final clause (Isaiah: **וְנִדְבַר דְּבָר** → CD: **אל ידבר איש דבר נבל ורק**). The inclusion of **נבל ורק** in the paraphrase represents

conversation on the Sabbath similar to that of the week (see R. David Kimḥi, R. Abraham ibn Ezra, ad. loc.)

¹⁵ οὐδὲ λαλήσεις λόγον ἐν ὀργῇ (“in anger”) ἐκ τοῦ στόματός σου. As observed by Joseph Ziegler, this translation is merely trying to make some sense of the difficult expression **וְנִדְבַר דְּבָר** (*Untersuchungen zur Septuaginta des Buches Isaias* [Münster: Aschendorff, 1934] 78). Indeed, the Septuagint is trying to explain why this specific speech is condemned by Isaiah.

¹⁶ **אוּגִיס** generally has the meaning of “wrong” or “accident.” That it means “wickedness” here is certain based on the Targum’s translation of **לדבר און** in Isa. 58:9 as **וּמִלְמַלְלָא מְלִין דְּאוּגִיס**. This connection was observed by Medieval Jewish exegetes (see R. David Kimḥi ad. loc.) and has been further noted by modern scholars (see Gilat, “Issure Shabbat ’Aḥadim,” 113, n. 27; Schiffman, *Halakhah*, 90). The targumic expression is incorrectly translated as “words of oppression” in Bruce D. Chilton, *The Isaiah Targum* (ArBib 11; Wilmington: Michael Glazier, Inc., 1987) 113.

Following the formulation of the general heading for this Sabbath law, the Damascus Document continues by providing three specific examples of prohibited destructive conversation. Each of these examples, following the general tenor of the passage in Isaiah and its interpretation in the Damascus Document, condemns business related activity on the Sabbath that is performed merely through verbal communication.¹⁹ The specific content of the first two laws, as observed

the interpretive translation מְלִין דְּאֻנְיִס in Isa. 58:13 in the same way that it translated דְּבַר אֹן in Isa. 58:9 (see n. 16). Another possible intertextual source is based on early commentators' emendation of CD's text from נבל ורק to הבל ורק (see Ginzberg, *Jewish Sect*, 57; Rost, *Damascusschrift*, 20; Rabin, *Zadokite Documents*, 52). This emendation was suggested based on the identical phrase in Isa. 30:7: הֶבֶל וְרִיק יַעֲזֹרוּ, וּמִצְרַיִם, ("For the help of Egypt shall be vain and empty"). To be sure, the appearance of both words together provides an attractive textual base. The verse, however, does not contain any use of דְּבַר, which seems to be critical to CD's exegetical technique (moreover, no variant is found in 4Q270).

¹⁹ To be sure, according to the alternative understanding of the first of these laws (אל ישה ברעהו כל) as a prohibition against lending anything on the Sabbath, this law focuses on the physical act of lending the item (see n. 8). At the same time, the presumed rabbinic parallel to this law in m. Shab. 23:1 provides a context for understanding even the proscription of lending as related specifically to verbal communication. The Mishnah permits an individual from borrowing an item from his neighbor provided that the request is not articulated with the technical language of a loan request (הַלְוִינִי); "אשואל אדם מחברו כדי יין וכדי שמן ובלבד שלא יאמר לו הַלְוִינִי"; "a man may borrow from his fellow a jug of wine or oil, provided that he does not say to him 'lend [it to] me'"). The Babylonian Talmud (Shab. 148a) explains that the concern is that the use of technical loan language would compel the parties to draft a formal documentation of this loan. If

they employ informal language (השאילני), no documentation would be created. (Rashi ad. loc. [s.v. הלויני] explains that the use of formal language [הלויני] presumes that the loan is for an extended period and the lender would therefore desire documentation. With informal language it is understood that the loan is for a short duration.) Chanokh Albeck, however, offers a different explanation of the law in the Mishnah. He asserts that the proscription on using the formal language of הלויני is because a loan is by definition a business transaction, which itself is prohibited on the Sabbath (*Shishah Sidre Mishnah, vol. 2, Seder Mo'ed* [Jerusalem: Bialik Institute; Tel Aviv: Dvir, 1958] 69; so also Jacob Neusner, *A History of the Mishnaic Law of Appointed Times, Part One, Shabbat* [SJLA 34; Leiden: E.J. Brill, 1981] 196). As noted by Albeck (ibid., 423), this entire institution in the Mishnah is a concession made by the rabbis. In reality, they would prefer to prohibit all manner of lending. Where the rabbis make a concession, the Damascus Document prohibits without reservation (see discussion in Schiffman, *Halakhah*, 88-89). If the Damascus Document's proscription encompasses the very act that the rabbis permit in the Mishnah, then it is very likely that the law in the Damascus Document is directed specifically toward the verbal elements involved in a loan. While the passage prohibits the entire process of lending on the Sabbath, the unique concern here is specifically the verbal exchange that takes place between the creditor and the debtor. See also Rost, *Damascusschrift*, 20, who notes the possible emendation of ישיח to ישה ("to converse"), which would render the entire clause as related to verbal communication (presumably business related). There is little textual evidence, however, to support this emendation.

by Elieser Slomovic seems to be formulated through intertextual links between the root דבר (supplied by Isa. 58:13) and other biblical passages that contain laws regarding lending and adjudication of difficult cases, as outlined in table three:²⁰

<p>CD Law 1 CD: אל יִשֶׁה בְּרֵעֵהוּ כֹל (“He shall not <u>demand any payment</u> from his fellow”) Deut. 15:2: וְזֶה, דְּבַר הַשְּׂמִיטָה--שְׂמוֹט כָּל-בֹּעֵל מַשָּׂה יָדוּ, אֲשֶׁר יִשֶׁה בְּרֵעֵהוּ (“This shall be the <u>nature</u> of the remission: every <u>creditor</u> shall remit the due that <u>he claims</u> from his fellow”)</p> <p>CD Law 2 CD: אל יִשְׁפֹּט עַל הוֹן וּבַצַּע (“He shall not <u>enter into a dispute</u> concerning money or profit”) Deut. 17:8: כִּי יִפְלֵא מִמֶּנּוּ דְבַר לִמְשָׁפֵט (“If a <u>case</u> is too baffling for you <u>to decide</u>”)</p>
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Table 3: The Intertextual Construction of the Laws in CD 10:17-19

Deut. 15:2 contains the keyword from Isaiah, דָּבַר, together with the exhortation for all *creditors* (בֹּעֵל מַשָּׂה) to forgive any outstanding loans to their *fellows* (אֲשֶׁר יִשֶׁה בְּרֵעֵהוּ). Similarly, Deut. 17:8 speaks about a matter (דְּבַר) concerning a judicial case (לִמְשָׁפֵט). These two passages illustrate the extremely malleable nature of Qumran legal exegesis. In both intertextual passages, the root דבר is employed not with the meaning “to speak” or “a word” as in Isaiah, but rather with another of its meanings—“thing” or “matter.” The third law, as suggested previously, is based on a paraphrase of Isa. 58:13 (see table 1).

The general heading that precedes these three laws therefore functions in three ways. First, it identifies the application of דָּבַר דְּבַר in Isa. 58:13 as a general prohibition against business related activity that specifically involves verbal communication. The laws that follow, drawing upon this exegetical reading of Isa. 58:13, provide concrete examples of this general

²⁰ See Slomovic, “Exegesis,” 10. He identifies this exegetical technique as identical to the later rabbinic *gezera shawah* (argument from analogous expression).

proscription.²¹ Second, it marks Isa. 58:13 as the foundational scriptural text for all the laws that follow. Each of these laws are formed either exclusively from the language of this passage (III) or through the intertextual links between Isaiah and other biblical (in this case, Pentateuchal) passages (I and II). Third, it condemns all conversation related to business as vile and empty (נבל ורק). Thus, the Damascus Document partially agrees with later rabbinic traditions that identify Isa. 58:13 as prescribing a limitation on profane speech on the Sabbath. For the Damascus Document, however, the nature of this profane speech is limited to financial and business matters.²² In this sense, the Damascus Document corresponds with the rabbinic identification of such business related speech as among the proscribed profane topics.²³

²¹ To be sure, these actions may at some point involve non-verbal activity. For example, if one demands from a debtor the repayment of a loan, this may lead to a physical exchange of money or goods. The initial act in each of these three cases, however, always involves a verbal undertaking.

²² See, however, my discussion below of 4Q264a, which seems to extend the application of this understanding of Isa. 58:13.

²³ For the inclusion of business and financial affairs among the proscribed topics, see Rashi on b. Shab. s.v. *שלא יהא דבורך של שבת כדבורך של חול*. Indeed, Rashi suggests that the general statement against profane speech on the Sabbath found in b. Shab. 113a-b refers specifically to business speech. It is more likely, however, that this passage refers to the general discussion of mundane matters that are more commonly spoken about during the week (see Maimonides, *Mishneh Torah, Hilkhot Shabbath*, 24:4), which would include financial affairs. Several additional rabbinic formulations of this law make clear that the proscribed speech extends beyond merely aspect of business and finances. See y. Shab. 15:2 (15b) (see also the

Moreover, transgression of these laws, as suggested by Schiffman, is likely subject to the same punishment for similar “foolish speech” (דבר נבל) prescribed in 1QS 7:9.²⁴

This analysis of the exegetical and structural basis of CD 10:17-19 demonstrates the central role of Isa. 58:13 in the formulation of these Sabbath laws in the Damascus Document. The passage in the Damascus Document begins with an interpretation of the legal application of Isa. 58:13. The specific language in which this is expressed is drawn from intertextual links between Isa. 58:13 and other biblical passages. Isa. 58:13 provides the scriptural basis for the sectarian prohibition of discussion of business matters on the Sabbath. The three laws in this passage provide specific applications of this understanding of Isa. 58:13. These laws are formulated through the intertextual linking of Isa. 58:13 and other biblical passages.

Pentateuchal verses play a critical role in the formal construction of this passage. Isa. 58:13,

variant text cited in Ginzberg, *Jewish Sect*, 108, n. 11 that contains a more precise formulation of this law) and Pesiqta Rabbati 23:3, which base the proscription against conversation on an exegetical reading of Exod. 20:10: “A Sabbath for the Lord.” One must rest on the Sabbath as God did, which includes rest from conversation (the opinion is attributed to R. Abahu in the Yerushalmi and R. Tanḥuma or R. Eliezer in the name of R. Meir in Pesiqta Rabbati). In both texts, it seems that the concern is not all conversation, but merely idle or superfluous speech. Thus, both formulations are followed by the story of R. Shimon b. Yoḥai and his mother. He would chastise her whenever she engaged in too much idle conversation on the Sabbath (the same general law and story is also found in Midrash Ha-Gadol on Exod. 20:10—see Modechai Margaliot, *Midrash Ha-Gadol: Shemot* [Jerusalem: Mossad ha-Rav Kook, 1956] 416). Note that neither the Yerushalmi nor Pesiqta Rabbati appeal to Isa. 58:13 as the source of this law.

²⁴ Schiffman, *Halakhah*, 88.

however, is foundational for the exegetical, structural, and legal content of CD 10:17-19. The specific Pentateuchal passages are employed because they contain the key root דבר from Isa. 58:13.

3. Isa. 58:13 in Jubilees

The prohibition of discussing business matters on the Sabbath and its reliance on Isa. 58:13 closely resembles similar Sabbath law found in other Second Temple texts and rabbinic literature. Jub. 50:8 provides the most instructive parallel to the passage in the Damascus Document, as indicated in table four.²⁵

²⁵ My interest here is primarily in the shared exegetical, literary, and legal elements of the texts discussed here as they relate to discussion of business on the Sabbath and the interpretation of Isa. 58:13. For fuller discussion of the text-critical and literary issues, see Doering, *Schabbat*, 83-84. For halakhic traditions parallel to the laws of CD 10:17-19 in Second Temple, rabbinic, Falasha, and Karaite texts, see Gilat, “Issure Shabbat,” 112-16; Schiffman, *Halakhah*, 87-90; Doering, *Schabbat*, 85.

CD 10:17-19	Jubilees 50:8 ²⁶
<p>And on the Sabbath, one may not speak a vile and empty word (אל ידבר איש דבר נבל ורק):</p> <p>(I) He shall not demand any payment from his fellow</p> <p>(II) He shall not enter into a dispute concerning money or profit</p> <p>(III) He shall not <u>speaking about matters</u> (אל ידבר בדברי) relating to work and labor that need to be done on the following day.</p>	<p>Who says anything about work on it (lit. who speaks a word of work—<i>wazahi yetnāgar nagara megebār bāti</i>)²⁷:</p> <p>(i) that he is to set out on a trip on it (<i>bāti</i>)²⁸</p> <p>(ii) or²⁹ about any buying or selling</p>

Table 4: Isa. 58:13 in CD 10:17-19 and Jub. 50:8

²⁶ Text and translation of Jubilees follow James C. VanderKam, *The Book of Jubilees: A Critical Text* (CSCO 510-511; SA 87-88; 2 vols.; Leuven: Peeters, 1989) 1.253, 2.326. See also the slightly different text found in R. H. Charles, *The Book of Jubilees* (London: Adam and Charles Black, 1902) 259.

²⁷ For the manuscript evidence in favor of this reading, see VanderKam, *Jubilees*, 2.326. For discussion of earlier alternative readings, see Doering, *Schabbat*, 84.

²⁸ The expression “on it” (*bāti*) is omitted in one manuscript (MS EMMML 4750). See VanderKam, *Jubilees*, 1.253. One early manuscript omits the entire first clause and the following conjunction: “that he is to set out on a trip on it, or” (MS Ethiop. 51—Charles’ “C”) (see Charles, *Jubilees*, 259). In addition, only the first clause is missing in some additional late manuscripts (Mss EMMML 1163, 101, 2532), though this seems to be a clear case of haplography (*bāti ... bāti*).

²⁹ Charles omitted the conjunction, though it is represented in all the textual witnesses (*Jubilees*, 259).

Located within a larger treatment of Sabbath law, Jub. 50:8 presents Sabbath laws related to business dealings.³⁰ The formulation of these laws is nearly identical to the Damascus Document both in its exegetical use of Isa. 58:13 and the formal structure in which the laws are presented. Like the Damascus Document, Jubilees opens with a general classificatory statement that is based on an exegetical reading and reformulation of *וְדַבֵּר דְּבַר* in Isaiah: “Who says anything about work on it (lit. who speaks a word of work).”³¹ Although the original Hebrew for this portion of Jubilees is not extant, the Ethiopic *yetnāgar nagara* is an exact equivalent to Isaiah’s “speak a word,” even preserving the cognate accusative.

In paraphrasing the biblical verse, Jubilees includes two interpretive elements: (1) a more specific notion of the time in which the speech takes place (“on it”) and (2) the general subject of the speech (“about work”). In this clause, “on it,” following the biblical verse, clearly indicates the time in which one speaks about the work—on the Sabbath.³² The second interpretive

³⁰ On the Sabbath in general in Jubilees, see Lutz Doering, “The Concept of the Sabbath in the Book of Jubilees,” in *Studies in the Book of Jubilees* (ed. M. Albani, J. Frey, and A. Lange; TSAJ 65; Tübingen: J.C.B. Mohr [Paul Siebeck], 1997) 179-205. On Sabbath law in particular, see Albeck, *Jubiläen*, 7-12; Louis H. Finkelstein, “The Book of Jubilees and the Rabbinic Halakha,” *HTR* 16 (1923) 45-51; Liora Ravid, “Hilkhoh Shabbat be-Sefer Yobelim 50:6-13,” *Tarbiz* 69 (2000) 161-66.

³¹ On the relationship to Isa. 58:13, see also Albeck, *Jubiläen*, 9; Doering, *Schabbat*, 86.

³² Charles originally rendered this first clause as “whoever says he will do something on it” (*Jubilees*, 259; see the similar translation in Ephraim Isaac, “Jubilees,” in *Old Testament Pseudepigrapha* [ed. J.H. Charlesworth; 2 vols.; ABRL; New York: Doubleday, 1983-1985],

element (“about work”), like the Damascus Document’s paraphrase, serves to clarify more specifically the nature of the Sabbath restriction in the biblical passage. This general statement proscribes any discussion of business matters on the Sabbath. At the same time, no specific details are provided regarding what precise type of speech is proscribed.³³

Similar to the structural presentation of the legal material in the Damascus Document, this general statement is followed by two specific laws, which provide concrete examples of the prohibited speech. The first of these passages (i) prohibits the discussion of a trip. In the larger context of this passage, this seems to indicate a business trip.³⁴ The expression “on it” (*bāti*) in

2.142). Finkelstein was troubled by this passage’s assumption that an individual would be condemned to death for merely stating his or her intention to violate the Sabbath (“Jubilees,” 48). He therefore suggested that “on it” in this clause refers to the time when the statement is articulated and not to the time when the work may occur. This indeed seems to be the correct understanding and is now supported by the manuscript evidence employed by VanderKam in his translation.

³³ As noted by Doering, *Schabbat*, 85.

³⁴ Contra, Charles, *Jubilees*, 259, who sees here a prohibition against traveling beyond the Sabbath limit based on Exod. 16:29. See also Doering, *Schabbat*, 86, who understands this prohibition as restricting merely talking about the journey. Since taking such a trip would be forbidden on the Sabbath, any conversation about it would also be forbidden since this would detract from the sanctity of the Sabbath. The legal formulation, however, focuses on a specific case (the trip). Why is this specific case singled out as an example of a prohibited act that one may not speak about? Indeed, the general restriction on such speech would seemingly be found already in the preceding general clause that restricts speech concerning all types of work. Thus,

this clause seems to suggest that the trip will take place on the Sabbath. Thus, the specific prohibition here concentrates on an individual's declaration of intent to take a business trip on the Sabbath, though it is not clear on which specific Sabbath this trip is intended to transpire. Another possible understanding of this passage is suggested by some manuscript evidence that omits the expression "on it."³⁵ The language of this passage would therefore suggest that the trip is intended to take place sometime in the following week.³⁶ Thus, Jubilees forbids planning ahead for business related to the coming week. According to this interpretation, Jubilees would represent an almost exact parallel to the third law (III) in the Damascus Document passage cited above as well as the related prohibition in Mishnah Shabbat 23:3.³⁷ The second specific law in Jub. 50:8 (ii) is much clearer. It provides more general examples of types of prohibited speech; in this case, anything relating to business transactions.³⁸

The presentation of Sabbath law in Jub 50:8 closely resembles the Sabbath laws articulated in the passage from the Damascus Document in content, structure, and exegetical dependency on Isa. 58:13. The initial clause in Jub. 50:8 is a general prohibition of work-related something about the trip marks it as a unique case for which even any type of verbal discussion of its details is forbidden. The juxtaposition of this clause to the following clause regarding business related speech suggests that the trip is likewise somehow related to financial dealings.

³⁵ See above, n. 28.

³⁶ As argued by Finkelstein, "Jubilees," 49. See also Albeck, *Jubiläen*, 9.

³⁷ See the text cited below.

³⁸ See, however, Charles, *Jubilees*, 259, where the translation suggests that the buying and selling represent the circumstances of the business trip (based on his omission of the conjunction "or"; see above, n. 29).

discussion on the Sabbath. Like the general classificatory statement found in CD 10:17, this passage is an interpretive paraphrase of Isa. 58:13 that establishes a general legal rubric related to the prohibition of discussing business matters on the Sabbath. The second half of the passage in Jubilees, like the three laws that follow in the Damascus Document, provides two concrete examples of instances in which one would speak about work-related matters on the Sabbath.³⁹

3. Isa. 58:13 in Rabbinic Literature

Rabbinic exegesis of Isa. 58:13 contains many points of correspondence with the Damascus Document and Jubilees, though it also reflects significant exegetical and legal developments. Two different related legal-exegetical applications of Isa. 58:13 are reflected in the tannaitic corpus and later amoraic interpretive traditions. While these traditions agree that one must not engage in activity related to one's weekday business, they differ in the specific details of the nature of the prohibited activity and its exegetical foundations in Isa. 58:13.

The earliest rabbinic discussion of prohibited speech on the Sabbath is found in Mishnah Shabbat 23:3, which prohibits an individual from hiring laborers for the following week:

לא ישכור אדם פועלין בשבת, ולא יאמר אדם לחברו לשכור לו פועלין

A man may not hire laborers on the Sabbath or say to his fellow that he should hire laborers for him (for work related to the week).

The Mishnah proscribes two types of verbal exchanges. In the first half, an individual is prohibited from directly hiring another individual as a worker. In the second half, the Mishnah

³⁹ See also Jub. 2:21, 31; 50:9-10, which enjoin celebrating the Sabbath as a day of feast and celebration. This law as well seems to be based on Isa. 58:13-14 (Doering, "Sabbath," 196). Charles also sees an allusion to Isa. 58:13 in Jub. 2:29 (*Jubilees*, 19).

forbids the hiring of workers even through an agent. In both cases, the prohibited act is not employing a laborer on the Sabbath; rather, the Mishnah proscribes the verbal act of hiring a worker. While the hiring occurs on the Sabbath, the individual is hired for work that will commence during the coming week.⁴⁰

While the biblical source of the Mishnah's law seems to be Isa. 58:13,⁴¹ consistent with its apodictic style, it does not refer in any way to the biblical passage. The legal and exegetical relationship of the Mishnah to Isa. 58:13, however, is taken for granted in the Babylonian Talmud's discussion of the Mishnah and the exegetical relationship to Isa. 58:13 is more clearly articulated (b. Shab. 150a). In addressing the issue of whether it is permitted for an individual to hire workers through indirect communication, the Talmud asserts that while direct verbal communication is prohibited, one may do so through indirect hinting (אבל אומר אדם לחבירו) (הנראה שתעמוד עמי לערב; "but one may say to his fellow, 'we shall see if you stand with me [i.e., join me] this evening'"). A *baraita* attributing this opinion to R. Joshua b. Korḥah is then cited as tannaitic support for this ruling. The biblical basis for R. Joshua's position is traced to exegesis of דָּבַר דְּבַר in Isa. 58:13. The Talmud explains that since the root דבר is employed, Isaiah should be understood as only explicitly prohibiting business transactions that involve speech; transactions involving only thought are not proscribed (ודבר דבר דיבור אסור הרהור מותר).

⁴⁰ On this understanding, see Albeck, *Mishnah*, 70 and the discussion of the Babylonian Talmud below.

⁴¹ See Rashi ad. loc. s.v. פועלין אדם ישכור; R. Obadiah of Bartenoro ad. loc. s.v. לא ישכור אדם פועלין.

Since the first individual only hints at the need to hire workers, the second individual is forced to decipher on his own that the full intent of the first individual is to hire him.⁴²

A closely related law is found in Tosefta Shabbat 17:9, which contains a general law prohibiting individuals from calculating their necessary accounts (חשבונות שהו צריך להן) on the Sabbath.⁴³ These accounts may refer to expenditures in the past or the future. Non-essential accounts (שאינן אלה מה בכך), however, may be calculated on the Sabbath.⁴⁴ The Tosefta is decidedly silent on how one would conduct the proscribed calculations and the precise nature of these calculations. In this respect, it is not clear if the Tosefta is at all concerned about engaging in speech related to one's past or future financial expenditures. In addition, consistent with the apodictic form of the Tosefta, we are provided with no scriptural source.

As was the case with the Mishnah discussed above, the Babylonian Talmud's expansion of the tannaitic law clarifies several of these questions. In b. Shabbat 150a-b, consideration of permitted and prohibited calculations follows the treatment of prohibited and permitted commercial speech discussed above. The Talmud prefaces this second discussion with the question וכי דיבור אסור ("Now, is speech forbidden?"), and therefore identifies the issue of

⁴² See Rashi ad. loc. s.v. הנראה.

⁴³ See text in Saul Lieberman, *The Tosefta: The Order of Mo'ed* (New York: Jewish Theological Seminary, 1962) 82.

⁴⁴ My understanding of this expression follows Lieberman, *Tosefta*, 82, who explains the term as financial considerations that are entirely unrelated to the speaker, such as the expenses of rich people or a king. Note, however, the different meaning of the nearly identical term in the Babylonian Talmud as discussed below (see n. 46).

calculations as an expansion of the question of what type of speech one may engage in on the Sabbath. According to the Talmud, all calculations that are for the sake of a religious obligation (חשבונות של מצוה) are permitted, while those that are for personal benefit are not. Several examples of verbal calculations for the sake of religious obligation then follow cited in the name of different rabbis: determining charity disbursements, attending to individual and communal life and death matters, general communal matters (in different venues), making arrangements for betrothal of young women, and matters related to education of young children. Each of these examples is cited on account of the central role of speech in their performance. This entire allowance is based on exegesis of the clause “from pursuing your affairs (חפצידך) and speaking a word” in Isa. 58:13. One’s own affairs are prohibited, but the “affairs of heaven” (חפצי השמים) are permitted, even if they involve speech.⁴⁵ The Babylonian Talmud has reformulated the Tosefta’s laws of calculations on the Sabbath as something that is specifically related to articulating one’s calculations through speech, while simultaneously identifying Isa. 58:13 as the scriptural source for this law.

In what follows, the Babylonian Talmud narrows the application of the law even further, in such a way that the original law is now closer to the Second Temple period formulations. The Talmud cites R. Judah in the name of Samuel as permitting calculation of all accounts of no practical value (מה לך) and past accounts (מה בכך).⁴⁶ A *baraita* is then cited that is intended to support R. Judah’s statement:

⁴⁵ This legal-exegetical understanding is also found in b. Shab. 113a, though without the full elaboration found here.

⁴⁶ מה לך (following Munich MS) appears in several editions as מלך or מילך. On the meaning of the former term, see Rashi on b. Shab. 150a (s.v. מלך). He explains it as financial

תניא נמי הכי חשבונות שעברו ושעתידין להיות אסור לחשבן של מלך ושל מה בכך מותר לחושבן

“It was likewise taught, past and future calculations are forbidden to calculate on the Sabbath; unimportant or past (calculations) are permitted to calculate on the Sabbath.”

An immediate discrepancy is now noted. The second half of the *baraita*, like R. Judah, seems to permit calculations of past accounts, while the first half of the *baraita* clearly prohibits calculations of both future and past expenditures.⁴⁷ The contradiction is resolved by suggesting that the prohibition regarding calculation of past accounts only applies in instances where a laborer is still owed money for past work. In such a case, while the work was already completed, the specific individual’s financial obligation is still a pending future business transaction. Thus, in its narrowest application, the law of calculations on the Sabbath prohibits discussion of any

information that is of no significance to the speaker (lit. “what is to you”). For example, how much would it cost for somebody else to build a house. The former term—*מה בכך*—following Rashi (ad loc.) refers to the calculation of expenses for the speaker that took place in the past (lit. “what is in this?—i.e., how much did I spend on this?). Others render the former term as guests (based on 2 Sam. 12:4). See R. Ḥananel and Arukh. Thus, one may calculate guests on the Sabbath (as stated in M. Shab. 23:2). See also the different meaning of the nearly identical term in the Tosefta as discussed above. Rashi’s interpretation, however, seems to be correct here, otherwise there would be no contradiction in the *baraita*.

⁴⁷ Indeed, this contradiction is seemingly already present in the Tosefta. T. Shab. 17:5 permits a person to calculate different types of past expenditures, including money for one’s home, hiring of workers, and expenses related to guests. Presumably, the first two categories would be classified as “necessary accounts.” Yet, the similar calculation of necessary past accounts is clearly forbidden in t. Shab. 17:9.

business related expenditures that one will incur in the future or that will only be fully resolved in the future.

5. 4QHalakha B (4Q264a) 1 i 5-8 (par. 4Q421 13+2+8 1-5)⁴⁸

אל יחשב איש [בפיהו]

5

⁴⁸ For 4Q264a, see Joseph Baumgarten, in idem et al., *Qumran Cave 4.XXV* (DJD XXXV; Oxford: Clarendon) 54. For 4Q421, see T. Elgvin, in Joseph A. Fitzmyer et al., *Qumran Cave 4.XV: Sapiential Texts, Part 1* (DJD XX; Oxford: Clarendon, 1997) 200-1. 4Q421 was published under the title 4QWays of Righteousness and classified as a sapiential text. This particular manuscript, however, contains significant textual overlaps with the 4Q264a 1. This overlap was not noted in the *editio princeps* of 4Q421, but has since been outlined in Eibert J.C. Tigchelaar, “Sabbath Halakha and Worship in 4QWays of Righteousness: 4Q421 11 and 13+2+8 par 4Q264(a) 1-2,” *RevQ* 18 (1998) 359-72 (see further Doering, *Schabbat*, 217-19). Tigchelaar proposes that 4Q421 should be understood as a sectarian rule book, which contains among its rules various Sabbath laws. The primary overlaps in 4Q421 can be found in five lines in frg. 13. Tigchelaar identified two additional fragments in 4Q421 (2, 8) that contain textual overlap with the extant text in 4Q264a 1 that fill in lacunae in 4Q421 13. 4Q421 13+2+8 1-5 should therefore be understood as an additional textual witness to the original textual tradition in 4Q264a. I have reconstructed 4Q264a accordingly, with the parallel text from 4Q421 indicated by underlining (following Baumgarten in DJD 35).

אל ידבר⁴⁹ [בכול דברי עבודה או בהון או] 6
 [ביום הש[ב]ת ואל יד[בר] ד[בר] כי אם ל[דבר דבר]] 7
 [קודש כחוק ויד[בר לברך אל אך ידבר לאכול ולש[תות] 8

5. Let no man consider [with his mouth]
6. [let him not speak] about any matters of work, or wealth⁵⁰, or []
7. [] on the Sa[bba]th day.⁵¹ And let him not sp[eak wo]rds, except to [talk of holy]
8. [things as is lawful, and to ut]ter blessings of God. Yet, one may talk (in order) to eat and to dr[ink]

4QHalakha B is a very fragmentary text containing only three fragments, all of which treat some aspect of Sabbath law.⁵² The extant text in fragment 1, lines 5-7 contains much content of interest that parallels the Sabbath law heretofore discussed. In what follows, I will first treat the various textual and philological issues involved in deciphering this fragmentary text. In doing so, I will attempt to reconstruct the specific aspects of the Sabbath law as found in 4QHalakhah B. I will then discuss the relationship between the laws in this fragment and those in the Damascus Document, including the shared exegetical relationship to Isa. 58:13.

⁴⁹ The text is reconstructed here following common Qumran Sabbath apodictic law (אל + jussive; see Schiffman, *Halakhah*, 80-83). The specific verb is suggested based on the parallel clause in CD 10:19 (cf. Doering, “New Aspects,” 254; Baumgarten, DJD 35.55).

⁵⁰ Or “property.”

⁵¹ “On the Sabbath day” most likely belongs to earlier material now lost in the lacuna since the law that follows begins with the (disjunctive) *waw*.

⁵² Sabbath law in 4Q264a is discussed in Doering, “New Aspects,” 252-56.

5.1. 4Q264 i 5, CD 10:17-19 and absence of Isa. 58:13

The phrase in the middle of line five, אַל יחשב אישׁ [בפיהו], introduces a new Sabbath law.⁵³ The specific details of this law, however, are elusive due both to the long lacuna that follows this formulation and to the multiple possible meanings of the verb יחשב. Consistent with the sectarian literary style of introducing Sabbath law, this verb is clearly a masculine, singular, jussive. As correctly observed by Lutz Doering, however, the verb has multiple possible morphological applications: (1) *niph'al*⁵⁴; (2) *pi'el*; (3) *pa'al*⁵⁵.

These three different morphological applications yield an even greater number of possible translations. If the verb is *niph'al*, we should presumably translate as “one may not be regarded as” or “one may not be counted as.”⁵⁶ If the verb is the *pi'el*, then it is best translated as

⁵³ Two considerations support this assert. First, lines 4-5 treat laws related to permitted and forbidden reading on the Sabbath. This legal unit clearly concludes in the middle of line 5. Second, אַל יחשב אישׁ follows exactly the literary style in which new aspects of Qumran Sabbath law are introduced in the Damascus Document: אַל + masc. sg. jussive + אישׁ.

⁵⁴ Doering notes this possibility but rejects it based on the assertion that it makes little syntactic sense and that no Sabbath law is formulated in this passive sense (“New Aspects,” 252, n. 9). It is not even discussed in idem, *Schabbat*, 225-27.

⁵⁵ For the defective spelling of this *yiqtol* form, see 2 Sam. 19:20; Isa. 10:7; Ps. 32:2; 36:5; 40:18; Job 41:19. 24; 4Q386 1 ii 3. On the defective spelling of the *yiqtol* in the Qumran corpus, see further discussion in E.Y. Kutscher, *The Language and Linguistic Background of the Isaiah Scroll (IQIsa^a)* (STDJ 6; Leiden: E.J. Brill, 1974) 135-36.

⁵⁶ See HALOT 2.360.

“one may not calculate.”⁵⁷ The *pa‘al* produces the widest range of meanings: “one may not assume,” “one may not consider/reckon,” or “one may not plan.”⁵⁸ Philology alone cannot determine the meaning of this phrase. This can only be accomplished by considering the larger context of the Sabbath law in this fragment and comparative Sabbath law both in the Damascus Document and in other Second Temple and rabbinic legal texts. In addition, any suggested meaning for יחשב must somehow explain why the root דבר from Isa. 58:13 is not employed in this legal clause. As we shall see, this law is likely parallel to the laws of proscribed business speech in CD 10:17-19, which freely draw upon the language of Isa. 58:13. Indeed, the lines that follow in 4Q264a likewise reuse the same language from Isa. 58:13 (דבר√). Finally, the entire verbal clause, however it is rendered, must be explained together with the prepositional phrase that follows (“with his mouth”).

Let me consider the *niph‘al* suggestion first. While I disagree with Doering’s assertion that Sabbath law cannot be formulated in such passive language, I agree that this form is highly unlikely here. The biblical *niph‘al* use of this root in the negative in legal contexts is not employed with an individual as the subject. More commonly, some particular aspect of the sacrificial cult or levitical tithe appears as the subject.⁵⁹ Indeed, reading the passage as such generates very little meaning for the larger context of the Sabbath law in this fragment.

Let me now turn to the *pi‘el* understanding of this root. As indicated above, this root in the *pi‘el* suggests some aspect of calculations. This interpretation has much to recommend it

⁵⁷ HALOT 2.360.

⁵⁸ HALOT 2.360. The latter two meanings are also found in the *pi‘el*.

⁵⁹ See Lev. 7:18; 17:4; Num. 18:27, 30. Thus, Elgvin’s translation: “let it not be credited [to him].”

based on earlier analysis of CD 10:17-19 and its rabbinic parallels. Regarding that passage, I argued that it forbids individuals from verbally articulating any business related speech on the Sabbath. In that treatment, I discussed several parallel rabbinic Sabbath laws. In particular, Tosefta Shabbat 17:9 forbids an individual from engaging in the calculation of necessary financial accounts on the Sabbath. The specific verb employed by the Tosefta, **אָשַׁח** in the *pi'el*, would thus be identical to the verb that appears in 4Q264a.⁶⁰ As further indicated in that discussion, the Tosefta suggests that the calculations may involve either past or future expenditures. Furthermore, the Tosefta is decidedly silent regarding the specific way in which one engages in the prohibited calculations. In the Babylonian Talmud, these calculations are clearly regarding future financial expenditures and are more specifically articulated through speech.

If 4Q264a is prohibiting calculations on the Sabbath as in the Tosefta, it is not clear what aspects of the parallel rabbinic law are likewise assumed in the sectarian law. 4Q264a provides no clue as to whether the Qumran community would have made any distinction between necessary and unnecessary accounts or past or future expenditures.⁶¹ At the same time, however, the inclusion of **בְּפִיָּהוּ** in 4Q264a seemingly indicates that it agrees with the legal position clearly expressed in the Babylonian Talmud; calculations are only forbidden if they are verbally articulated.

Let me now consider the implications of reading this verb as a *pa'al*. As indicated above, the *pa'al* use of this root generally implies some aspect of mental thought or consideration. In his initial analysis of this passage without the benefit of the parallel text in 4Q421, Doering

⁶⁰ So noted by Doering, “New Aspects,” 253; idem, *Schabbat*, 226.

⁶¹ See Doering, “New Aspects,” 253.

advocates this reading.⁶² More specifically, Doering proposes that the *pa'al* use of the root should be understood here with the sense of “to plan, consider, think of.” In making this suggestion, Doering further opined that this law is parallel to the prohibition against *planning* for work matters in the coming week as expressed in CD 10:19. Whereas the Damascus Document proscribes planning only when it is verbally formulated (דבר^ל), 4Q264a prohibits even the mental process (חשב^ל) of such planning, consistent with the general view articulated by Philo and the Mekhilta as discussed above.

As Doering notes in a later publication, his initial interpretation of the implications of the *pa'al* meaning and its relationship to the seemingly parallel laws in the Damascus Document can no longer be sustained in light of Tigchelaar’s new reconstruction of the fragments.⁶³ The full reconstruction of this law clearly states that the proscribed act is conducted verbally (בפיהו— “with his mouth”). Thus, whether one understands the verb יחשב to mean “to plan” (following Doering) or in a more general sense of “to consider, reckon,” the critical element is that this mental process is not the only component to the action. Moreover, the formulation of the speech process with חשב^ל + פה rather than the more direct use of the root דבר is highly suggestive of a larger literary agenda by the author of 4Q264a.

Although the new reconstruction of 4Q264a clearly precludes Doering’s initial understanding of the use of the *pa'al*, it does not exclude entirely the *pa'al* meaning. Indeed, the verb may still mean “to plan, consider” or merely “to reckon, think.” In either case, based on the parallel text in the Damascus Document, the prohibition presumably focuses on the general

⁶² Doering, “New Aspects,” 253. This interpretation is followed in Tigchelaar, “4Q421,” 366-67.

⁶³ Doering, *Schabbat*, 225.

consideration of work on the Sabbath. The inclusion of the prepositional phrase בפיֹהוּ (“with his mouth”), however, indicates that the proscribed mental consideration here is actually performed verbally. To be sure, the combination of חשב + בפה is a strange construction. The assumption is that the preposition *bet* functions as a location marker for the verbal action. Common biblical Hebrew idiom, however, would normally locate the heart as the physical location of thought. Indeed, the root חשב appears several times with a prepositional clause beginning with *bet*, where the prepositional clause identifies the heart as locus of the internal consideration.⁶⁴ The construction that appears in 4Q264a therefore indicates that one’s initial mentally formulated thoughts are verbally articulated through speech.

The formal language employed in 4Q264a therefore presents two related questions. First, why does the text employ such a cumbersome and syntactically unexpected construction to indicate speech? Second, if indeed this law parallels the related Sabbath law in CD 10:17-19, why does it not also draw upon the language of Isa. 58:13, with its far more logical verbal root דבר (which is employed later in 4Q264a with clear dependency on Isa. 58:13)? The answer to both of these questions seems to be related. It seems most plausible that the law here is parallel to the proscription regarding business related speech in the Damascus Document. CD 10:17-19 very clearly identifies speech as the problematic act and turns to Isa. 58:13 for its formal legal language. Other legal traditions regarded not only speech as forbidden, but even mere thoughts regarding labor on the Sabbath. This position is clearly articulated by Philo (Life of Moses 2.211)⁶⁵ and in the Mekhilta (Ba-Hodesh 7).⁶⁶ Moreover, the discussion in the Babylonian

⁶⁴ See Zech. 7:10; 8:17; Ps. 140:3; Prov. 19:21; Sir. 12:16 (cf. Prov. 17:9).

⁶⁵ “For this cause, Moses, great in everything, determined that all who were written on his holy burgess-roll and who followed the laws of nature should hold high festival through the

Talmud reflects the further pervasiveness of the harsher legal position. Indeed, the Talmud's conclusion—speech alone is prohibited—simultaneously rejects the alternate legal position

hours of cheerful gaiety, abstaining from work and profit-making crafts and professions, and business pursued to get a livelihood, and enjoy a respite from all wearisome and toilsome thought and care.” (καὶ διαφειμένους πάσας ἐπιπόνου καὶ καματηρᾶς φροντίδος). Translation (slightly modified) following F.H. Colson, *Philo* (LCL 289; Cambridge: Harvard University Press; London: William Heinemann, 1935) 6.553. I have translated φροντίδος as “thought and care” (Colson: “care”) in order to express more clearly the cognitive element involved. See Henry C. Liddell and Robert Scott, *A Greek-English Lexicon: With Revised Supplement* (Oxford: Clarendon, 1996) 1957, s.v. φροντίς, ἴδος. See discussion of this passage in Samuel Belkin, *Philo and the Oral Law: The Philonic Interpretation of Biblical Law in Relation to Palestinian Halakhah* (Harvard Semitic Series 11; Cambridge: Cambridge University Press, 1940) 200-1. See also, Gilat, “Issure Shabbat,” 113.

⁶⁶ “Six days thou shall labor and do all thy work” (Exod. 20:9). But is it possible for a human being to do all his labor in six days? It simply means: rest on the Sabbath as if all your work were done. Another interpretation (דבר אחר): rest even from thought of labor. And it says: “If thou turn away thy foot because of the Sabbath... (Isa. 58:13). And then it says: “Then shalt you delight thyself in the Lord...” (Isa. 58:14) (שבות ממחשבת עבודה ואוי אם תשיב משבת וגוי ואוי אז)” Text following H. S. Horowitz and I. A. Rabin, *Mekhilta' d'Rabbi Ishmael* (Jerusalem: Shalem, 1997) 230; repr. from Frankfurt: J. Kaufman, 1931. Translation following Jacob Z. Lauterbach, *Mekilta de-Rabbi Ishmael* (3 vols.; Philadelphia: Jewish Publication Society, 1933) 2.253. This passage of the Mekhilta is also cited in Yalqut Shimoni on Exod. 20:9.

(דיבור אסור הרהור מותר). Thus, this legal debate seems to have originated in the Second Temple period and persisted well into rabbinic Judaism.

4Q264a therefore represents an additional entry in this legal debate. This law clearly agrees with the more lenient legal position that speech alone is forbidden. The semantic representation of speech as “verbally articulated thought” suggests that the author of 4Q264a has employed very deliberate language in order to reject implicitly the opposite legal position. Thus, mental consideration (חשב) is in fact forbidden; however, only when it progresses into formal speech (בפיהו). In formulating this implicit polemic, 4Q264a draw upon a well established biblical Hebrew idiom. In general, internal mental consideration is depicted with the syntactic construction לב + חשב. 4Q264a has modified the physical locus of the mental consideration such that it is now not only an internal thought process, but also formally articulated speech. In order to achieve this polemical tone, 4Q264a must diverge from the language of Isa. 58:13 as found in the Damascus Document and indeed in the following lines of 4Q264a.

5.2. 4Q264a 1 i 6-7, CD 10:17-19, and Isa. 58:13

Lines 6-7 of 4Q264a, like line 5, closely parallel the Damascus Document’s Sabbath laws discussed above. The lacuna that intervenes, however, precludes a complete understanding of the precise relationship between these two textual units. Like CD 10:19, lines 6-7 proscribe the articulation of speech related to one’s financial affairs and describe specific circumstances in which such proscribed speech might occur. Based on the extant text in 4Q264a, therefore, lines 6-7 seems to contain examples of explicit cases of the general proscription articulated in line 5. This literary form of a general classificatory heading followed by specific cases likewise closely parallels the larger literary unit in CD 10:17-19. Similarly, like the Damascus Document, the

law in 4Q264a 5-7 represents a reformulation of the language of Isa. 58:13. As such, like CD 10:19 it identifies Isa. 58:13 as the scriptural source for this law. Though these similarities indicate that CD 10:19 and 4Q264a i 6-7 contain overlapping Sabbath legislation, several significant differences exist. Table five outlines the literary relationship between the two texts and the shared dependence on Isa. 58:13 (identified by the underlining):

CD 10:19	4Q264a 1 i 6-7
<p style="text-align: center;">אל ידבר בדברי המלאכה והעבודה לעשות למשכים</p> <p>He shall not <u>speak</u> about <u>matters</u> relating to work and labor that need <u>to be done</u> on the following day.</p>	<p style="text-align: center;">אל ידבר [בכּוּל דְּבָרֵי עֲבוּדָה אוּ בְהוֹן אוּ] [...] בְּיוֹם הַשַּׁבָּת⁶⁷</p> <p>Let him not <u>speak</u>] <u>about any matters</u> of labor, or property, or [...] on the Sa[bba]th day.</p>

Table 5: CD 10:19 and 4Q264a 1 i 6-7

Two specific issues are pertinent to the discussion of the relationship between these passages. The first issue involves the precise application of the restriction on speaking about work related matters. As discussed above, CD 10:19 specifically restricts any articulation of speech that concerns work that will be undertaken in the coming week. In formulating this aspect of the law, the Damascus Document draws upon the root עשה from Isa. 58:13. The extant text in 4Q264a does not provide any indication regarding its position on this extra provision in the law. The extant text in line 6 only states that one may not speak about certain work related issues. In light of the otherwise overlapping content of these two passages, and the fact that line 5 of 4Q264a

⁶⁷ It is not clear if the expression “on the Sabbath day” represents the end of the law articulated in line 6. The laws as formulated in line 6 contains at least one additional noun at the beginning of the lacuna. I argue below that the lacuna at the beginning of line 7 contains some element parallel to CD 10:18 לעשות למשכים. Thus, there would not be enough space to begin a new law.

parallels CD 10:17, it is very plausible that the lacuna at the beginning of line 7 contains something similar to the expression לעשות למשכים that appears in CD 10:19. Moreover, if 4Q264a follows its own pattern of drawing upon the language of Isa. 58:13, we might expect the similar use of the root עשה. Accordingly, CD 10:19 and 4Q264a would articulate the same general law with similar appeal to Isa. 58:13 as its scriptural source.

The second issue involves the distinct differences in detail between 4Q264a and CD 10:19.⁶⁸ The Damascus Document forbids speech about “work and labor” (המלאכה והעבודה). 4Q264a prohibits communication regarding “any matters of labor or property/wealth” (בכול דברי (או) עבודה או בהון). The list of proscribed topics in 4Q264a is followed by an additional “or” (או), which clearly indicates that the list contained at least one additional item. Doering proposes filling in the lacuna with בצע (profit), based on the appearance of this term together with הון in CD 10:18.⁶⁹ If indeed CD 10:19 and 4Q264a are otherwise similar in the legal-exegetical application of Isa. 58:13, then this difference must reflect a deliberate legal distinction.

How are we to account for this legal distinction? Doering suggests that מלאכה is a general designation for proscribed labor on the Sabbath (as found in CD 10:15), while עבודה and הון represent specific aspects of prohibited Sabbath labor.⁷⁰ Thus, 4Q264a presents a more precise and systematic outline of types of prohibited Sabbath work, which are similarly forbidden to speak about. This understanding of 4Q264a comports with the earlier analysis of

⁶⁸ See additional discussion in Doering, “New Aspects,” 254-55; idem, *Schabbat*, 225-27.

⁶⁹ Doering, “New Aspects,” 255; idem, *Schabbat*, 225; Tigchelaar, “4Q421,” 367. See also CD 8:7; 11:15 (par. 4Q270 6 v 19; 4Q271 5 i 10); 4Q258 8:6; 1QpHab 9:5; 1QH^a 18:29; 4Q390 2 i 8; PAM 43.700 73 1. See also the use of הון with עושר in 11Q16 (=XQ5b) 2 5.

⁷⁰ Doering, “New Aspects,” 255.

line 5, which I suggested provides a more carefully formulated articulation of the law regarding speaking about work on the Sabbath. This clarity extends also to the way that the sectarian Sabbath law interprets and applies Isa. 58:13. In this case, while CD 10:18 formulates the law of speech in very general terms, 4Q264a carefully outlines different types of topics about which one may not engage in any conversation. This proscribed speech is not limited to business matters, as one might suspect based on the central role of Isa. 58:13 as the source of this law. Rather, it extends to *all* labor (עבודה) and financial affairs (הון and perhaps בצע).

5.3 4Q264a 1 i 7-8, CD 10:17-18, and Isa. 58:13

The final two lines of this fragment provide additional Sabbath laws that are partially paralleled in CD 10:17-19. As previously discussed by Doering and Baumgarten, these two lines restrict conversation of a non-sacred and non-essential manner.⁷¹ Thus, the first clause articulates a general legal principle that one may not speak (sc. on the Sabbath) except for “holy matters” (ll. 7-8). Line 8 proceeds to provide an example of such “holy” speech; one may bless God (i.e., prayer).⁷² The text continues with an additional exception to the general legal principle. One may also engage in conversation that is specifically for the purpose of eating and drinking. This may relate either to process of preparing the food or to the time of the meal. That this particular exception is introduced with the particle אך (“yet”) indicates that speech related to food and drink is not considered an additional “holy” exception.⁷³ Rather, such speech is permitted

⁷¹ Doering, “New Aspects,” 255-56; idem, *Sabbat*, 226-27; Baumgarten, DJD 35.55.

⁷² As noted by Doering, prayer at Qumran was heavily doxological in form and therefore the reference to blessing God most likely indicates formal prayer (“New Aspects,” 255).

⁷³ See Exod. 12:16 for a similar formulation (Baumgarten, DJD 35.55).

presumably for practical purposes and therefore forms its own exception.⁷⁴ Thus, this entire legal clause contains a general legal principle followed by two exceptions. The first of the exceptions follows very closely the general principle. Since prayer is “holy” speech, it is permitted. The second exception does not fall under the “holy” exemption. Rather, speech related to food and drink is exempted from this law for purely practical purposes. Following the general legal principle, the community would have likely also permitted other examples of “holy” speech on the Sabbath (i.e., Torah study). It is not clear, however, whether the exemption for practical purposes would have been extended to additional comparable cases.

The pervasiveness of the root דבר in this clause suggests that this law is deliberately drawing upon the language of Isa. 58:13 and therefore offering an additional explication of the legal meaning of the biblical expression וְדַבֵּר דְבָר. The author of 4Q264a draws upon the language of Isa. 58:13 and reformulates it in order to offer his own understanding of its legal implications for Sabbath observance. As noted earlier, commentators have long noted that the expression וְדַבֵּר דְבָר cannot refer to a complete rejection of speech on the Sabbath. Thus, ancient readers of Scripture offered their own interpretations through the application of various exegetical and rewriting techniques.

⁷⁴ As further noted by Doering, eating and drinking constitute a central aspect of the observance of the Sabbath and therefore engendered such legal liberties (“New Aspects,” 266). Note as well that frgs 2-3 of 4Q264a open with the expression וְתִעֲנוּג בַּיּוֹם שַׁבָּת. Though it is not clear how close this expression would have been located to lines 7-8 of frg. 1 (Baumgarten identifies them as different columns), the former may serve as an explanation for the exception in the latter.

In 4Q264a, the ambiguous biblical clause *וְדַבֵּר דְבַר* is reformulated with explicit legal language common to sectarian legal material. The accusative *דְבַר* is retained in 4Q264a. The infinitive construct, however, is transformed into a third, masculine, singular jussive, with its accompanying negation (*וְדַבֵּר דְבַר* → *וְאַל יְדַבֵּר דָּבָר*). In doing so, 4Q264a employs explicit legal language to make Isa. 58:13 say exactly what commentators argue that it must not be saying—speech on the Sabbath is forbidden. 4Q264a, however, continues its reformulation of Isa. 58:13 with a number of exceptions to the very legal principle it has just articulated. In these exceptions, the root from Isaiah (*דַּבַּר*) is further employed in order to indicate that these very exceptions are likewise implicit in Isaiah's original Sabbath restriction.

In reformulating Isa. 58:13 in this way, 4Q264a has added another voice to the cacophony of ancient and modern interpretations of the elusive meaning of *וְדַבֵּר דְבַר*. Non-sacred and non-essential speech is forbidden on the Sabbath. As noted above, several modern commentators suggest that this clause originally restricted excessive and idle conversation on the Sabbath.⁷⁵ Furthermore, the opinion advanced in 4Q264a finds important points of correspondence with similar rabbinic exegesis of Isa. 58:13 as discussed in several places already. Thus, the Babylonian Talmud (Shab. 113a-b) contains explicit exegesis of Isa. 58:13 that identifies the biblical expression as a restriction on profane and idle conversation (*וְדַבֵּר דָּבָר*) that identifies the biblical expression as a restriction on profane and idle conversation (*וְדַבֵּר דָּבָר*) (שלא יהא דבורך של שבת כדבורך של חול דבור אסור הרהור מותר).⁷⁶

⁷⁵ See above, n. 14.

⁷⁶ See above, n. 11 (with bibliography cited there). An identical law is also found in the Palestinian Talmud (Shab. 15:2 [15b]) and *Pesiqta Rabbati* 23:3, though the law is exegetically linked to Exod. 20:10.

One final point must be discussed—the relationship of the law in 4Q264a to CD 10:17-18. In the earlier discussion of CD 10:17-19, I argued that the expression *אל ידבר איש דבר נבל ורק* in CD 10:17-18 is not a general prohibition on idle or profane speech on the Sabbath, as suggested by several scholars. Rather, this clause functions only as a general classificatory designation for the laws that follow. Speech about business related matters on the Sabbath is the specific type of profane speech that is proscribed in the Damascus Document. In contrast, 4Q264a offers a far more inclusive understanding of the Sabbath speech restrictions. In doing so, 4Q264a takes the implications of CD 10:17-19 to its logical conclusions. While the Damascus Document only condemns business related speech, 4Q264a extends this restriction to all non-sacred and non-essential conversation.

The relationship between CD 10:17-19 and 4Q264a 7-8 proposed here is further corroborated by the literary structure of the extant text in 4Q264a. Lines 7-8 proscribe all non-sacred and non-essential speech on the Sabbath. If this is the case, why is there any need to include the laws found in the previous lines? Surely, speech concerning work or money would fall under the general rubric of proscribed profane speech. Thus, it seems likely that 4Q264a 5-7 has preserved faithfully a set of laws that are intended to parallel very closely the similar Sabbath laws in CD 10:17-19. The law in lines 7-8, therefore, is an additional law that is unique to 4Q264a and formulated as a coda to the set of speech related restrictions drawn from the Damascus Document.

6. Conclusion

The sources discussed above all treat the same question. What does the locution *וְדַבֵּר דָּבָר* in Isa. 58:13 mean and what are its practical implications with respect to Sabbath law? My discussion

began with the Damascus Document and expanded to include related laws in Jubilees, rabbinic literature, and 4Q264a (4QHalakha B). In each case, my analysis focused on the exegetical techniques employed to interpret the meaning of this biblical expression and its larger literary context and the various ways in which these different texts re-employ Isaianic language in their own Sabbath law formulations. The above analysis has demonstrated many important points of contact in the legal-exegetical explication of Isa. 58:13 across these various textual worlds. These similarities apply to content, structure, and exegetical use of Isa. 58:13. At the same time, numerous differences exist among the various texts discussed. These distinctions most often relate to the precise legal parameters each text draws in its use of Isa. 58:13. Even as each of these texts sometimes comes to different legal conclusions, the exegetical technique is often strikingly similar.

The Damascus Document employs the most common form of biblical interpretation in the Second Temple period—paraphrase—to make Isa. 58:13 into a foundational text for a series of laws prohibiting speech related to business on the Sabbath. In doing so, the text builds from the semantic and syntactical ambiguity of the Isaiah passage. Through intertextual links to several Pentateuchal passage that employ the key root דבר from Isa. 58:13, the Damascus Document formulates a set of three specific laws related to the proscribed speech following a general classificatory statement that re-aligns the precise legal application of Isa. 58:13.

My analysis of Jubilees highlighted several significant similarities in exegetical technique with the Damascus Document. Moreover, Jubilees' exegetical reformulation of Isa. 58:13 follows the same structural pattern as the Damascus Document. The two closely related rabbinic traditions discussed provide additional evidence for the pervasiveness of Isa. 58:13 as the scriptural source for prohibitions regarding business related speech on the Sabbath. In this

respect, like Jubilees, they indicate that the legal-exegetical explication of Isa. 58:13 in CD 10:17-19 is not unique to the Qumran community. As with Jub. 50:8, the rabbinic texts reflect various points of legal and exegetical correspondence with CD 10:17-19, though in varying degrees and sometimes with critical developments. The laws of the Mishnah and the Tosefta as further developed in the Babylonian Talmud closely parallel their Second Temple antecedents. Each proscribes a verbal action on the Sabbath that is exclusively focused on business activity related to the following week and beyond.

The rabbinic traditions point to further developments in the exegetical application of Isa. 58:13. Both the Damascus Document and Jubilees go to great lengths to interpret Isa. 58:13 as proscribing certain types of business related speech on the Sabbath. This understanding of the legal application of the biblical verse is generally assumed throughout the Mishnah, Tosefta, and their talmudic elaboration. The two exegetical readings of Isa. 58:13 in b. Shab. 150a-b, though resembling earlier Second Temple period exegetical techniques, are more interested in whether thought (הרהור) is also prohibited and the precise parameters of prohibited calculations (חשבונות).

Jubilees and the later rabbinic traditions do not provide exact parallels to the laws restricting business related conversation on the Sabbath in CD 10:17-19 and their exegetical relationship to Isa. 58:13. Indeed, such a phenomenon would be entirely unexpected. What these two sets of traditions do provide, however, is a larger legal and exegetical framework in which the sectarian hermeneutics found in CD 10:17-19 should be situated. The exegetical reading of Isa. 58:13 in the Damascus Document and its legal application of this biblical passage is not restricted to the Qumran community. Rather, it reflects a much more widespread tradition

that is reflected in numerous legal-exegetical contexts in the Second Temple period and in later rabbinic Judaism.

While Jubilees and the rabbinic texts provide some insight into wider currents in ancient Judaism, 4Q264a allows us to peer into the development of the legal-exegetical application of Isa. 58:13 in Qumran legal hermeneutics. My analysis of 4Q264a highlighted two important points. Where there is overlap with CD 10:17-19, the laws in 4Q264a are more detailed and precise at the same time as they are more expansive. Like the Damascus Document, 4Q264a draws freely upon the language of Isa. 58:13 in its legal-exegetical formulation. In one instance, we would expect to see Isaianic language but do not (l. 5). This exegetical non-use of Isa. 58:13 seems to reflect a deliberate polemic against Second Temple and rabbinic traditions that expanded the speech prohibition to include also thoughts about business matters. Finally, the last two lines of 4Q264a reflect the most significant development from the Damascus Document. All non-sacred and non-utilitarian speech is proscribed. This law, an expansion of the law in the Damascus Document, represents another attempt to make sense of Isa. 58:13 and provide some real-life application. In doing so, 4Q264a presents perhaps the most literal application of Isa. 58:13. Like other laws discussed above, this understanding of Isa. 58:13 also finds several points of exegetical and legal contact in Second Temple and rabbinic texts.