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# The Battle of Emmaus and 1 Maccabees’ Creative Use of Martial Law

## Introduction

Forty thousand infantry prepared for battle slowly march south toward Judea from the Seleucid capital in Antioch. They are joined by seven thousand cavalry with a single command: destroy Judea. Upon reaching the land they make camp at Emmaus and wait for a rather small band of Judean rebels to respond. Such is the opening scene of the battle of Emmaus, one of the many skirmishes described in 1 Maccabees. Typically, the invading force led by Seleucid courtiers, is immense, well-armed, and seemingly invincible. The point is underlined by the arrival of slavers and mercenaries from the nations roundabout seeking to earn a share of the spoils of victory that will surely present themselves. The small force of three thousand Judeans is presented as poorly armed and frightened, as usual. Yet, by tactical superiority and implied divine assistance Judas Maccabeus and his followers rout the invading army and enrich themselves by plunder, again as usual. This set of events, richly described in 1 Macc 3:38–4:25 will be the basis of our discussion of the interpretation of martial law in 1 Maccabees. We will seek to show that the description of this battle is rich with examples of both the realization of legal text in narrative and the understanding of narrative text as law.

Despite the frequency of battle descriptions in parascriptures,<sup>1</sup> there are several aspects of this narrative and this book that recommend it to closer scrutiny, particularly on the subject of legal interpretation. First, the book as a whole has particular concern for the law. The term νόμος is employed 26 times within the book.<sup>2</sup> Related terms like δικαίωμα, πρόσταγμα, έντολή, σύγχριμα, λόγος, λατρεία, κρίμα and νόμμα add another 30 appearances of legal usage.<sup>3</sup> This still

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<sup>1</sup> We use this term in the sense described by Robert A. Kraft in his SBL presidential address “Paramania: Beside, Before and Beyond Biblical Studies,” 9, referring to the literature that provides the context for and thereby helps to define what is considered to be scripture.

<sup>2</sup> See Renaud, “La Loi et les Lois,” 39, who claims that there are 27 instances of the word νόμος, and Borchartd, *Torah*, 10, where I count 26. The discrepancy likely lies in Renaud’s inclusion of an instance of the word at 2:22 which appears only in Alexandrinus.

<sup>3</sup> See Borchartd, *Torah*, 3, 11, for the breakdown of the use of each of these terms.

does not count the recurrent use of the terms ἄνομοι and παράνομοι as labels for the opponents of the Hasmoneans. The frequency with which such vocabulary is used, combined with the framing of the whole conflict around matters of law,<sup>4</sup> ensure that legal obedience was a primary concern for the author of 1 Maccabees.

As for this specific battle, there are further reasons to investigate the way it, as opposed to other descriptions, applies legal interpretation to warfare. One prominent rationale is that this battle is one of very few to fall within the first four chapters of the book.<sup>5</sup> Of the 56 uses of unambiguously “legal”<sup>6</sup> vocabulary in the book, over 40 appear in these four chapters.<sup>7</sup> This is largely because the focus of the conflict in these chapters is over the right to live according to Judean<sup>8</sup> ancestral laws and customs. Once the law is no longer imminently threatened and the temple is purified and in Judean hands, concern for the law recedes with political ambitions taking the foreground.<sup>9</sup>

Moreover, one of three specific references within 1 Maccabees to “the book of the law” are found within this account. 1 Macc 3:48 features the book of the law being investigated by the Hasmoneans and their allies. A second verse features the law as a named authority upon which military exemptions are made. The combination of these two appearances of the law within the account assure us that the author here is concerned that the Hasmoneans at least appear at points to be following the instructions pertaining to warfare. When these aspects of the Emmaus account are combined with the realization that it comprises the longest and most thorough battle account in the book, there could hardly be a better choice. No other account covers a battle from the stages of preparation through

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4 Such indications of a battle based on the protection of the law can be observed at 1 Macc 2:27, 42, 50; 3:21, 29; 13:3; 14:29. See further Bartlett, *Books*, 15–16, and Harrington, *Maccabean Revolt*, 65.

5 Bar-Kochva, *Judas Maccabeus*, in his account of the military exploits of Judas Maccabeus, recognizes it as the third battle of four in the first four chapters of the book, and expends significantly more pages (55) on it, than on the other three combined (39).

6 This term has several possible meanings, but we use this terminology to refer to the ancestral (or perceived as such) commands, stories and instructions passed down (or perceived to be passed down) through the generations in oral or written form, which may or may not carry some degree of authority among a self-defined group of adherents either confined to, or tracing their origins from, the area of the Judea. We do so to avoid placing a more specific definition upon law that might exclude the very relationships this volume investigates.

7 Borchardt, *Torah*, 190.

8 Judean is used in the ethno-geographic sense of “a people associated with a place and its customs” argued for by Mason, “Jews, Judaeans, Judaizing, Judaism,” esp. 511.

9 Williams, *Structure of 1Maccabees*, 103–4, notes this focus on the law and temple is prominent in the first section of the book.

plunder so extensively, and no other battle includes so many details. For these reasons Emmaus is the focus of our investigation.

This type of research is not without its challenges. Though the law is cited twice within this account, those are the *only* two references to the law at all throughout the battle. In addition, the book of the law in this section is only once brought up as an authority by which the tradent explains the action of the Hasmoneans. Given this paucity of evidence, how are we to interpret which actions and decisions depicted in the account of Emmaus are tied to the author's desire to portray a licit and orthodox prosecution of war? It may be that certain acts within the account *resemble* those we find in either legal or narrative sections of the Pentateuch or other written sources, but this does not ensure *direct* and *intentional* connection to those sources. Furthermore, even when the link is intentional, how can we decide on the status of those writings which the account recalls? Are they law, scripture, reports of the deeds of past heroes?<sup>10</sup> These are not problems that can be easily answered by a methodological trick or reading within the context of contemporaneous texts. There is sufficient variety within textual witnesses to understand that the type and level of authority granted to texts differed from person to person, or at least community to community.<sup>11</sup> Before proceeding, we must acknowledge this, and understand that whatever findings arise from the investigation of 1 Macc 3–4 will be more suggestive than compelling on the matter of the status in the broader Judean community.

Challenges aside, it is clear that at least some of the tradents working on 1 Maccabees, including the author responsible for the Emmaus account, desire to portray the Hasmoneans and their followers as being faithful to teachings of the νόμος at times.<sup>12</sup> Further, the author of this passage mentions a “book of the torah” (τὸ βιβλίον τοῦ νόμου) in which such instruction can be found. This fact, in our opinion, makes it permissible to attempt to read practices out-

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**10** The discussion of the status of texts in early Judaism is fraught with complexity. Though 1 Maccabees tells of books of the law, a book of the covenant, and even holy books, the identity of the books is unclear, as are their precise contents. For a longer discussion see Borchardt, “Concepts of Scripture”.

**11** See Lim, “Authoritative Scriptures,” esp. 306; and Zahn, “Rewritten Texts,” esp. 99. Both Lim and Zahn reflect on several of the difficulties with recognizing a text's authority outside of a given context. On a similar note in the context of a much larger discussion, McDonald, *Biblical Canon*, 23.

**12** E.g. 1 Macc 2:49–70, about which Hieke, “Role of ‘Scripture,’” 64, writes “from the very beginning the Last Words of Mattathias connect the situation of the Maccabees with the critical time of Israel's origin in the Torah: for their own time as well as their own deeds the text underscores a fundamental accord with the Torah.”

side of the specific citations as belonging to the broad category of νόμος, whatever that might mean. It also allows for the possibility of written sources considered to contain part or all of the νόμος. It remains unclear, however, precisely which material might comprise such a collection.

We will highlight some of the most interesting passages to deal with the application of law in the narrative of the battle of Emmaus. The passages of interest to our study fall within three general categories: 1) verses in which the law is explicitly mentioned, 2) verses that make reference to former or traditional practice in order to justify a current act, 3) verses making no references but which appear similar to practices advocated in texts dealing with martial law or custom. The two first categories are understandably limited in such a short story, while the third category has many possible points of contact. We will make a selection of those verses to illustrate the type of references to which we refer.

The first category of specific references is undoubtedly of the most interest to anyone superficially familiar with 1 Maccabees. The only reference to a book of the law comes at 3:48. It is a notoriously difficult text to interpret. Literally it reads “and they unrolled the scroll of the law concerning what things the peoples consult the images of their idols.”<sup>13</sup> Several scholars, most notably Jonathan Goldstein, have argued that the Hasmoneans were looking for the places within this scroll wherein the Seleucids and their Judean supporters found justification for their cultic innovations.<sup>14</sup> Assuming that the contents of this book resemble any body of text that would later be referred to as law within Judean and later Jewish tradition, it is certainly a plausible argument. There are any number of texts within the parascriptures that could prove embarrassing for the Hasmonean “orthodox” position.<sup>15</sup>

However, more frequently, scholars will interpret this passage to mean that the book of the law was being consulted in the same way as sculptures and pla-

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**13** Translation mine.

**14** Goldstein, *I Maccabees*, 261–63, understands this episode to be modeled upon that in 2 Kgs 19:14–19; Isa 37:14–21, arguing that Antiochus IV and his officers make use of the torah to find areas wherein patriarchs and other famed Israelites perform similar rites and practices to those innovations introduced under the Seleucids. However, Bar-Kochva, *Judas Maccabeus*, 252 n. 97, is probably correct when he asserts “The notion that Antiochus Epiphanes, who ordered the Torah scrolls to be torn, burned and forgotten (I Macc. 1.49, 56), would bother searching them for evidence of his faith is quite absurd.” Nevertheless, we cannot endorse Bar-Kochva’s suggestion that the scrolls have had images of idols painted upon them.

**15** If we think only of 1 Maccabees’ objections to sacrifice in locations outside of Jerusalem (1:47; 2:23–26, 45), any number of texts would prove challenging to them (e.g. Gen 26:25; Exod 24:4; Josh 8:30–35[!]).

ques might be in some gentile contexts.<sup>16</sup> Given that there is a clear example of supplication in the following verses, including Judeans literally asking for aid, this second more common interpretation would seem to make more sense.<sup>17</sup>

In the second mention of the law, at 3:56, Judas “told to those who were building houses, engaged to women, planting vineyards, or cowardly to return each to his home, *according to the law* (κατὰ τὸν νόμον).” Here Judas is clearly granting exemptions to members of his force before they march out to battle the invading Seleucid army.

The second category of texts, which cite former practice as a basis for current acts poses a question for the modern reader. The authorities cited are narrative stories, either known by one of their familiar written forms, or through oral transmission. Can we consider these too, to be “law” broadly understood? For those stories appearing in our current Pentateuch the reaction is likely positive, given the evidence for this literature being included in the law among various sources, including other passages in 1 Macc, around this time.<sup>18</sup> But what about those stories currently appearing only in other collections not traditionally associated with law? Is there some empirical or theoretical difference in the way these stories are cited by the author of this account? We have the opportunity to reflect more deeply on these ideas when we compare individual accounts.

Before the battle at Emmaus begins, but after the Hasmoneans have become aware of the invading Seleucid force, they gather together all their allies in order to discern a plan of action. In the face of a largely abandoned Jerusalem, and a desecrated temple, the Hasmoneans decide to gather at Mizpah. The author specifically cites as the reason for this decision “because there was formerly a place of prayer for Israel in Mizpah.” The recollection of the former function of the site seems to be used as justification for the choice of meeting place. The reason Mizpah is the proper location is that Israel used to meet here before the temple was

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**16** So Bartlett, *Books*, 53–55; Dancy, *Commentary*, 94–95. But, see the objections of Doran, *First Book*, 63–64, who argues this is hard to justify both grammatically and based on the ideals of 1 Maccabees, which would not compare the torah to idols. He prefers a reading in which the Hasmoneans read the torah concerning what to do with the Gentile idols.

**17** This reading remains more likely than even Doran’s recent thesis (see n. 16) because 3:49–50 introduces the first fruits, tithes, priestly garments, and Nazirites, and has the Hasmoneans question what is to be done with these items. If they are specifically inquiring what is to be done with the items belonging to the temple, it seems illogical to suggest that they are instead inquiring as to what is to be done concerning the idols.

**18** Here we can point to 1 Macc 2:23–26 where Mattathias slays a fellow Judean κατὰ τὸ κρίμα, while imitating Phinehas killing Zimri (Num 25:7–8), and at a later period Philo’s arguments for the inclusion of narrative elements in the law (*De Abrahamo* 5), which include the portrayal of a model life.

established.<sup>19</sup> This is strange because no justification should be required. The Hasmoneans are not sacrificing at Mizpah, nor performing any special ritual. However, a central aspect of the meeting involves collecting priestly vestments, first fruits, tithes, and the Nazirites who have completed their vows. Every one of these items belongs to the Jerusalem temple within Judean tradition.<sup>20</sup> Since the temple is not accessible to the Hasmoneans at this point, and would not be ritually pure even if it were, according to the author, they need a substitute.<sup>21</sup> Mizpah is their choice for this communication because it was previously used for such purposes.

In the midst of a speech encouraging his troops before mounting their offensive, Judas exhorts them to

<sup>9</sup> Recall how our ancestors were delivered in the Red Sea when Pharaoh pursued them.

<sup>10</sup> Now let us call out to Heaven, if he will favor us and will remember the covenant of our ancestors, and will crush this encampment before us today. <sup>11</sup> And all the peoples will know there is a redeemer and savior for Israel.<sup>22</sup>

Here the recollection of past events is used as both encouragement for possible future outcomes and the authority upon which the appeal to Heaven is based. The troops should call out to Heaven for aid because Heaven has aided a people identified as Israel before on account of his covenant with them. This should all be done for the greater glory of the divinity.

The third category of verses, which have possible connections to laws and former traditions in Israel, presents far too many examples to cover exhaustively. Let us look at two such verses. These appear in the immediate vicinity of one another and deal with practices different from those already covered in the other two categories. At 3:54, after calling upon Heaven for aid in war and advice con-

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**19** The function of this passage as justification for the meeting site need not compete with other explanations for the choice, such as the strategic military advantage offered by Bar-Kochva, *Judas Maccabeus*, 251, and Doran, *First Book*, 63. It can be true that this site was selected for its military advantages, but was justified by the traditional associations, or that it was selected both for its traditional value and its strategic benefits. In any case, only the traditional association is mentioned following the conjunction  $\delta\tau\iota$ .

**20** As is noted by Dancy, *Commentary*, 95; Bartlett, *Books*, 55; Goldstein, *I Maccabees*, 263; Bar-Kochva, *Judas Maccabeus*, 254–55; and Doran, *First Book*, 64. Vestments: Exod 28:40–43; First fruits: Exod 23:19; Num 18:13; Deut 18:4; Tithes: Lev 27:30–33; Num 6:13–20.

**21** For the desecration of the temple and its inaccessibility see, 1 Macc 1:37, 39, 59; 2:7; for the subsequent need for purification see, 1 Macc 4:36–59; for Mizpah as a substitute for the temple see, Doran, *First Book*, 64.

**22** Translation mine.

cerning the various elements that belong to the temple, the Hasmonean trumpeters are presented blowing their trumpets and crying aloud. In the context, it is possible that this is tied to the request for divine aid before battle. At 3:55, just one verse later, Judas is depicted naming officers over the thousands, hundreds, fifties, and tens among his followers. Again, these two allusions help shape the picture of Judas and his troops, just as the more explicit references to text and tradition.

## Comparisons

I will now compare each of the verses in 1 Maccabees mentioned above with ostensibly similar passages found within the ancestral literature of Israel. Let us begin with the first category. 1 Macc 3:48 was the first of the two verses in this category. Here, as the battle of Emmaus approaches the Hasmonians unroll a scroll of the law. As we discussed above, the context suggests that the most likely reason for them to look into the scroll of the law is that they were seeking divine aid or advice. This is suggested because, after opening the scroll the Hasmonians ask for advice from Heaven as to what to do with the first fruits, Nazirites who completed their vows, tithes, and priestly vestments. They continue to describe their dire situation before closing with a plea for divine aid in battle: “How would we be able to withstand them face to face, if you would not help us?”

The passage is a bit of a puzzle when looking for links to martial custom or instruction. Nowhere else do we find members of a community identifying itself as Israel consulting a book of the law before battle in order to seek divine aid.<sup>23</sup> We do find, on occasion, heroes within the ancestral tradition, who consult God concerning war. Often this is accomplished through prophecy, as in the case of Hezekiah against the Rabshakeh in 2 Kgs 19. Occasionally, the consultation is made through direct address, as in the case of David against the Philistines, at 2 Sam 5:19. David also uses the ephod as a means for finding divine will before war in 1 Sam 30:7–8. The Temple Scroll (11Q19) at 58:18–21 forbids going out to war without the consultation of the High Priest using Urim and Thummim. In Judg 6:36–40 Gideon consults the LORD about his impending battle through a sign-test. None of these passages belong to what we would traditionally assign

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<sup>23</sup> Bartlett, *Books*, 55.

to law; this does not mean it was so for the author, however.<sup>24</sup> That aside, there is no direct corollary to the use of the scroll of the law as a means for summoning divine help. This may mean that due to the circumstances of having no temple, no trustworthy prophets (1 Macc 4:46; 14:41), and no reliable means of testing divine will, the author has innovated a use for the law, that is nevertheless based on traditional martial practice. It might otherwise suggest that the *means* of seeking divine aid in warfare was not law for the author, but the *necessity* for supplication was. Alternatively, it could just be that our author here was not intending for his heroes to follow any martial law or custom, but only portray them as covering all the bases. It is remarkable that even where the book of the law is referenced, there is no obvious basis for the acts which follow.

1 Macc 3:56, which cites the law as the reason for exempting soldiers from battle, is far less complex, and probably less interesting. The verse appears to be extremely close in content to the instructions found in Deut 20:5–9.<sup>25</sup> It is possible to dispute whether the author knows this instruction from some version of Deuteronomy, some other writing, or merely through tradition, but evidence would suggest a textual source. As the previous passage illustrates, the author knows and reveres some scroll as law. Though this scroll need not contain the specific teaching within it, the only other explicit reference to the law in this passage is suggestive. The order in which the exemptions appear in 1 Maccabees is slightly different with the planting of a vineyard and betrothal being reversed, but it probably reflects fluid attitudes toward textual form and content.<sup>26</sup> Whether the author was familiar with the collection of martial laws in Deut 20 *in toto* is a different question, which the example is probably not equipped to answer.<sup>27</sup> Here the law is integrated into the narrative of battle as if it were being copied, a marked difference from the previous example.

Turning toward the second category of former practices being cited as the reason for current acts, we are greeted with fundamental issues concerning the relationship between text, tradition, and authority. Though it is not an

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<sup>24</sup> Taking the Temple Scroll as an example, one need only look to VanderKam, “Questions of Canon,” 287, who argues the Temple Scroll among other texts seem to have been conceived of as torah, at least for the Qumran community.

<sup>25</sup> As noted by nearly all commentators, e. g. Dancy, *Commentary*, 95; Bartlett, *Books*, 55; Goldstein, *I Maccabees*, 263; Bar-Kochva, *Judas Maccabeus*, 257; Doran, *First Book*, 64.

<sup>26</sup> As evidenced by the contemporary manuscripts at Qumran. See the discussion in Ulrich, *Dead Sea Scrolls*, particularly in ch. 6, entitled “Multiple Literary Editions: Reflections Toward a Theory of the History of the Biblical Text.”

<sup>27</sup> The proliferation of such texts as Reworked Pentateuch, Temple Scroll, and Jubilees may well be suggestive. See VanderKam, “Questions of Canon”.



easy task to enter the mind of the author, we can see from the immediate context why Mizpah might demand an apology in 3:46. There are indications it is standing in as a proxy for the temple. Besides becoming the location of central gathering for the community, Mizpah is also the destination for the first fruits (Deut 12:6), tithes (Deut 12:6, 12), priestly vestments (Exod 28, 35), and Nazirites (Num 6:13–21), all of which belong to the temple. Though the replacement, even if only temporary, is understandable given the circumstances of an inaccessible and impure Jerusalem, the actual choice of location probably requires justification due to the reference to laws unassumingly worked into the narrative. Judean tradition, at least for the author of 1 Maccabees, has not received Mizpah as the place that the LORD had chosen. That was Jerusalem. In a sense, the author has depicted the Hasmoneans as skirting the boundaries of the law by going to Mizpah, in order that they do not break the law by misappropriating the firstlings, tithes, priestly vestments, and Nazirites.

The actual explanation given for the innovation is based in the prior traditions of Israel. The expectation appears to be that Mizpah is appropriate because it was once a place of prayer. There are several known texts that depict Mizpah as a place of prayer and gathering for an entity identifying itself as Israel. Judg 20–21 and 1 Sam 7 are the most extensive candidates for being the possible basis for the choice of Mizpah. 1 Sam 7 is especially appealing given the various ways this text corresponds with the account in 1 Macc 3.<sup>28</sup> Both accounts have the people gathering as a whole at Mizpah. Both stories too witness the congregation fasting. Each of the narratives also features the leaders of the congregation crying out to the divinity for aid against a powerful neighbor, alongside a subsequent victory for Israel. These aspects of the story present an enticing possible source for the decision to choose Mizpah. There is a major difference, however: in 1 Sam 7, Samuel sacrifices a lamb in order to communicate with the LORD. As we have already discussed 1 Macc 3 includes no such sacrifice, but tries to attain divine aid by a combination of prayer and reading the book of the torah.

Because of the nature of the conflict in 1 Maccabees, it is not difficult to guess why the author might use this story as an inspiration but not include sacrifice someplace else than Jerusalem. As Jerusalem is presumed to be the place that YHWH has chosen by 1 Maccabees (e. g. 2:7–13), sacrificing elsewhere would seemingly be out of the question (see especially 2:23–26). Therefore this divergence between the two stories is not decisive in rejecting 1 Sam 7 as a possible source. It may also help to explain the innovation we observed in the use of the book of the law to find divine favor at 1 Macc 3:48. Of course, the link to 1 Sam 7

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28 So also Goldstein, *1 Maccabees*, 261.

is not clear, and could arise from a different textual or oral source. It is notable, though, that whether it is 1 Sam 7, Judg 20–21, or some other source that is the reason for the choice of Mizpah, none of these belong to categories we would traditionally categorize as law. Yet, this narrative tradition stands with the force of law, cited in the same way as Deut 20:5–9.

The second set of verses belonging to this category, 4:8–11, has two obvious corresponding texts in the Pentateuch. As the account recalls the events at the Red Sea, Exod 14 is one prospect for a source. Another option more directly tied to Judas' behavior is the opening verses of Deut 20:1–4. We should acknowledge that it is also likely that the exodus myth was deeply engrained in cultural memory.

There is no firm reason to believe such a passage necessitates a textual source. The recollection of the events at the Red Sea is general. Further, the only act that is based upon this remembrance is Judas' exhortation not to fear the more powerful Seleucid forces because Heaven has saved their ancestors before at the Red Sea, and has a covenant ensuring this. It is true that both Exod 14:13 and Deut 20:1–4 include admonishments against fear of enemies due to divine military aid. It is also true that 1 Macc 4:11, which acknowledges that the enemy will come to know the savior and deliverer of Israel through this military victory seems to echo the sentiment at Exod 14:18, in which the Egyptians will know that YHWH is Lord after defeating Pharaoh and his chariots. Of further interest is that Deut 20, a text with which the author has already demonstrated some familiarity, expressly instructs members of the community not to fear greater forces specifically because of the LORD's saving acts in Egypt. Because Judas is a priest, Judas' encouragement could be read as an attempt to keep the martial law applying to priests in Deut 20:2–4. Though it should be noted he only gives a speech with the sense rather than the letter of the command in those verses. In this case the more specific remembrance of the events at the Red Sea could be understood as an example of synecdoche, or even a fluid interpretation of the instruction of Deut 20:1–4 wherein details are included from the story in Exod 14 in order to help the audience to remember Heaven's saving acts. Here we may observe an artful linking of legal and narrative elements of the Pentateuch to depict Hasmonean commitment to the law. The author here may recognize the role that narrative plays in reinforcing the commands of the law. This can be observed also in other texts that have received the traditions of Exodus and Deuteronomy.

The third category of texts is comprised of acts with possible, though non-specific, analogies in the written traditions that come down to us. The first example, at 3:54 which indicates that the Hasmoneans blew their trumpets after calling upon Heaven for help, has a legal link. Num 10:9, part of a longer section

dictating the proper use of trumpets within Israel teaches that before battle against an attacking enemy the priests should blow a series of short blasts to remind God of the people and to summon him to deliver them.<sup>29</sup> The connection with the battle of Emmaus is obvious. A Seleucid force has invaded Judea. Israel has assembled and requested divine aid in an imminent battle just one verse earlier. Though the type of trumpet blast is not specifically described, it seems rather likely that the description is related to the invocation custom preserved in Num 10:9. As with many of the other passages we have examined, it is not possible to prove that this is based on the text, instead of on what might have been an established military custom. We can only argue that the link is possible due to the text's familiarity with a book of the law, and with specific martial laws. The law here again would be woven into the narrative material underlining Hasmonean commitment to the torah.

One verse later Judas proceeds to appoint leaders of the people; over groups of 1000, 100, 50, and 10. This has a link to Deut 1:15 where Moses ostensibly recalls the institution of these positions within the civil leadership of Israel.<sup>30</sup> It is not difficult to understand how this narrative example might have been interpreted with the force of law. We also observe similar types of divisions in expressly martial situations under Moses at Num 31:48 and David at 2 Sam 18:1, where commanders of 1000 s and 100 s are mentioned. The specific list of four different categories of leaders fits best with Deut 1:15. The military setting is observed more clearly in Numbers and 2 Samuel. All three of these texts are essentially narrative sections of text, but are tied to important figures and events in Israel's written traditions. In this case, as in others observed above, law appears to be understood equally as the content of narrative and legal text.

## Conclusions

In the account of the battle of Emmaus we have observed several examples of text and tradition being recalled with the authority some might reserve for explicitly legal material. Though this occurs in various different ways: specific reference to the law, recollection of ancient traditions, and possible allusions, a sense of concern for the ancestral authority is clearly communicated. Interestingly, whether the law is specifically cited or allusions are made, a potent mixture of innovation and reverence is on display. The book of the law, for example, ap-

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<sup>29</sup> Bar-Kochva, *Judas Maccabeus*, 255–56.

<sup>30</sup> Doran, *First Book*, 64; Bar-Kochva, *Judas Maccabeus*, 256; Bartlett, *Books*, 55.

pears to be used as a means of attaining divine aid. Likewise, justification for establishing Mizpah as a meeting place comes not from the Pentateuch, but from traditional practice reflected in Judges and 1 Samuel. This is so even as Pentateuchal commands are interpreted to be risk of being broken. On the other hand the exemptions from military service and the use of trumpets in warfare seem to be observed without adaptation, regardless of whether they are specifically cited or only alluded to.

How does this reflect on the relationship between law and narrative for the author of this account? The most likely conclusion is that little distinction exists. Texts including statutes and ordinances and texts containing narrative are both to be understood as torah. They are different but linked means of communicating a law that they both reflect.

## Bibliography

- Bar-Kochva, Bezalel. *Judas Maccabeus: The Jewish Struggle Against the Seleucids*. Cambridge et al.: Cambridge University Press, 1989.
- Bartlett, John R. *The First and Second Books of the Maccabees*. Cambridge: Cambridge University Press, 1973.
- Borchardt, Francis. "Concepts of Scripture in 1 Maccabees." In *Thematic Studies*. Vol. 1 of *Early Christian Literature and Intertextuality*, edited by Craig A. Evans / H. Daniel Zacharias, 24–41. LNTS 391. London / New York: T&T Clark, 2009.
- . *The Torah in 1Maccabees: A Literary Critical Approach to the Text*. DCLS 19. Berlin / Boston: de Gruyter, 2014.
- Dancy, John C. *A Commentary on 1 Maccabees*. Oxford: Blackwell, 1954.
- Doran, Robert. *The First Book of Maccabees: Introduction, Commentary, and Reflections*. New Interpreter's Bible 4. Nashville: Abingdon, 1996.
- Goldstein, Jonathan. *1 Maccabees*. AB 41. Garden City: Doubleday, 1976.
- Harrington, Daniel. *The Maccabean Revolt: Anatomy of a Revolution*. Wilmington: Michael Glazier, 1988.
- Hieke, Thomas. "The Role of 'Scripture' in the Last Words of Mattathias (1 Macc 2:49–70)." In *The Books of the Maccabees: History, Theology, Ideology, Papers of the Second International Conference on the Deuterocanonical Books, Pápa, Hungary, 9–11 June, 2005*, edited by Géza G. Xeravits / József Zsengellér, 61–74. JSJ.S 118. Leiden / Boston: Brill, 2007.
- Kraft, Robert A. "Paramania: Beside, Before and Beyond Biblical Studies." *JBL* 126 (2007): 5–27.
- Lim, Timothy. "Authoritative Scriptures and the Dead Sea Scrolls." In *The Oxford Handbook of the Dead Sea Scrolls*, edited by Timothy Lim / John J. Collins, 303–22. Oxford: Oxford University Press, 2010.
- Mason, Steve. "Jews, Judaeans, Judaizing, Judaism: Problems of Categorization in Ancient History." *JJS* 38 (2007): 457–512.

- McDonald, Lee. *The Biblical Canon: Its Origin, Transmission, and Authority*. Grand Rapids: Baker, 2007.
- Renaud, Bernard. "La Loi et les Lois dans Les Livres des Maccabées." *RB* 68 (1961): 39–52.
- Ulrich, Eugene. *The Dead Sea Scrolls and the Origins of the Bible*. Grand Rapids: Eerdmans, 1999.
- VanderKam, James. "Questions of Canon Viewed through the Dead Sea Scrolls." *BBR* 11 (2001): 269–92.
- Williams, David. *The Structure of 1Maccabees*. CBQ.MS 31. Washington: Catholic Biblical Association of America, 1999.
- Zahn, Molly M. "Talking about Rewritten Texts: Some Reflections on Terminology." In *Changes in Scripture: Rewriting and Interpreting Authoritative Traditions in the Second Temple Period*, edited by Hanne von Weissenberg et al., 93–119. BZAW 419. Berlin / New York: de Gruyter, 2011.

