Kraków 2008

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THE *STATUTES OF THE KING* AND THE HASMONEANS: A NOTE

At the root of any opposition to the Hasmoneans by Judean religious communities lay a resistance to the power the ruling family managed to accumulate. The first to venture a stand in this matter were the Pharisees as they made an attempt, veiled though it was, to relieve John Hyrcanus of the high priesthood on the grounds of rumors questioning the purity of his descent (cf. Jos. *AJ* 13, 290–292). The move proved fateful for the Pharisees' status as it prompted severe crisis in relations between themselves and the ruler. Soon afterward, under Alexander Jannaeus, the crisis turned into open conflict. Failing to produce any desired effect, and only leading to widespread repression against its instigators, the attempt proved that such course of action was ineffectual. The Pharisee opposition to the Hasmoneans waned the moment they were offered a share in power by Alexandra Salome. Such political opportunism by the Pharisees, who not only acquiesced to the proposal but, without attempting political change, tolerated the very aspects of the state they used to criticize, hardly won them supporters. Much criticism of them is found in the Dead Sea Scrolls.[1]

The scrolls contain evidence of their authors' disapproval of the Hasmoneans. Negative assessments are passed on many occurrences involving the actions by respective members of Judea's ruling family and the general tenor of their style of government which resulted in a decline in the authority of the Temple and in the purity of its religious life. The Qumran documents do not stop at criticizing the Hasmoneans, but go on to contrast perceived political and religious realities with the authors' own theological notions (which included Messianic expectations). Those visions concerned various figures, notable among whom was the royal Messiah descending from the house of David. He was to play a major role in restoring Davidian monarchy. Hopes that were pinned on him stemmed from God's promise of an eternal rule of the house of David over Israel, a notion repeatedly referred to by biblical authors over time.[2] Based on the covenant with God, such rule could only be exercised by kings of

[1] The markedly unfavorable view by the Qumran community of the Pharisees is aptly captured in the appellation used for them in the Dead Sea Scrolls: "the Seekers-After-Smooth-Things," cf. *Pesher Nahum* (4Q169), frg. 3–4, col. 1, *ll.* 2, 7; col. 2, *ll.* 2, 4; col. 3, *ll.* 3, 6–7; cf. Schiffman 1993, 274 ff.; Ilan 2001, 65 ff.

[2] Cf. Num 24: 17; 2 Sam 7: 11–17; Isa 11: 1–9; Jer 23: 5–8; 30: 9; 33: 14–22; Ezek 17: 22–24; 34: 23–24; 37: 15–28. See Talmon 1986, 209 ff.; Hanson 1992, 67 ff.; Roberts 1992, 39 ff., esp. 44–50; Talmon 1992, 84 ff.; Collins 1995, 22 ff.; Pomykala 1995; Schniedewind 1999, *passim*; Collins 2006, 76 ff.

Davidian lineage.[3] For that reason, the Qumran community denied the Hasmonean claim to the throne, without, however, questioning their right to serve as high priests, as some researchers suggest. Anti-Hasmonean overtones of the Messianic concepts of Qumran arouse little doubt, even if their message (given the linguistic peculiarities of the Dead Sea Scrolls) is vague in places.

Discussions of anti-Hasmonean attitudes and the religious opposition to their rule are found in a unique document. It is the *Temple Scroll* (11QTemple = 11Q19), discovered in Cave 11.[4] An exceptional text, it was intended by its author (or authors) to be a new Torah, a New Covenant to supersede Mosaic Law. The document contains detailed regulations concerning the calendar, religious life, and political system.[5] The last-named are grouped separately and make up *Statutes of the King*, also called the *Law of the King* (11Q19, LVI: 12–LIX: 21). They contain a number of provisions detailing the king's status, rights, and obligations.[6] Because of those provisions, the *Statutes* could be compared to the political treatises popular in the Hellenistic world and usually titled περι βασιλείας ('On Kingship'), which offered discussions on the nature and exercise of royal power. Such tracts were intended as guidebooks for kings, offering good advice on how to rule to benefit the state and the people.[7] But other than this superficial similarity, the *Statutes of the King* have little in common with their Greek counterparts. Formally, they address the same issue, but ideologically they represent an altogether different system of concepts and values.[8] Greek treatises were usually composed by philosophers who built their concept of royal power on a foundation of the philosophical system they preached. For the *Statutes*, such foundation is provided by prescriptions concerning royal power contained in Deuteronomy (17: 14–20). Although the author of the *Statutes* used the relevant biblical passages as a model, he did not just copy them but comprehensively expanded scriptural text to include many ideas from other books of the Bible. In this way, the *Statutes* acquired a more explicitly ideological character.[9]

The central issue being debated concerning the *Temple Scroll* is the dating of its final compilation as well as its respective parts, for it has been demonstrated beyond any doubt that it is not the work of a single writer. Its present form is the result of much editing and combining into one of at least a few smaller texts created at various times,

[3] Cf. Tromp 2001, 199 f. See also Laato 1997, 68 ff., 81 ff.

[4] The *editio princeps* (1977) of this scroll was by Y. Yadin. Fragments of this document identified later were the subject of separate publications (cf. Garcia Martinez 1999, 431–435; Elledge 2004, 5–13). For the present state of knowledge on the *Temple Scroll* (with essential bibliography), see White Crawford 2000.

[5] For the contents of the *Temple Scroll* and its constituent parts, see White Crawford 2000, 29, 33–62.

[6] The first to show the complex structure the *Temple Scroll* and the distinct status of the *Statutes* were Wilson/Willis 1982, 275 ff., 283 f., 287 f. According to Mendels (1998a, 326 ff., 333) the treatise by Aristeas (*Letter of Aristeas to Philocrates*), a hellenized Jew probably born in Egypt, a large part of which is a depiction of an ideal monarch, shows much more shared ideology with the *Statutes of the King* than with the Greek tradition.

[7] Literature on the Hellenistic treatises on royal power is very rich, see Aalder 1975, 17 ff.; Mendels 1997, 67 ff.; Gehrke 1998, 100 ff.; Haake 2003, 83 ff.; Virgilio 2003, 47–65.

[8] Elledge 2004, 59–62.

[9] Wise 1990, 228–231; Swanson 1995, 160–173. See also Delcor 1981, 48 ff.; Yadin 1983, 344 ff.; Hengel/Charlesworth/Mendels 1986, 30 (= Mendels 1998b, 368); White Crawford 2000, 58 ff.; Elledge 2004, 22 ff.

with the *Statutes of the King* as one of them.[10] The dating has long been the subject of dispute. Paleographic data suggest the composition of the oldest manuscript in the *Temple Scroll* (4Q524) to 150–100 B.C. Still, scholars agree that it is not an original but rather one of many copies. This being so, any dating determined for the writing of this manuscript may at best serve as an approximate *terminus ante quem* the *Statutes* were composed.[11] Therefore, contrary to views common a dozen years ago, the prevailing belief now is that the *Statutes* were written in the period preceding the final editing of the *Temple Scroll*.[12] A large number of different hypotheses have been voiced in the matter with many arguments to support them, but the differences in suggested dates run into centuries, not decades.[13] Some scholars link the writing of the *Statutes* with the Hasmonean period. They believe that some references in the document clearly favor such dating, and even probably pinpoint its creation to the period between Simon's and Alexander Jannaeus' rules.[14]

The arguments quoted to underpin the hypothesis that the *Statutes* were composed under the Hasmoneans chiefly point to those prescripts which its supporters claim reflect the realities of the period. Those include special guidance for relations between king and priests, recommendation to recruit only Jewish subjects to the army and the king's personal guard, advice on the composition of the king's council, on the scope of royal power, and prohibition of a war of expansion.[15] In addition to such regulations, another argument given as indicating a connection between the *Statutes* and the Hasmoneans is the document's structure. It is claimed that some fragments differ from the Biblical original, a departure that enabled the author to introduce allusions to contemporary historical events and social relations as known to him.

Among the most often quoted of such passages is the prohibition for the king to make war against Egypt for material gains (11Q19, LVI: 16–17). Contrary to

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[10] Wilson/Wills 1982, 283f.; 287 f.; Schiffman 1988, 300, 304, 310, 311; Wise 1990, 101–127; Garcia Martinez 1991, 226–227; Garcia Martinez 1999, 437.

[11] See Hengel/Charlesworth/Mendels 1986, 28–29 (= Mendels 1998b, 365 f.); Wise 1990, 26–31, 198 ff.; Garcia Martinez 1991, 232; Swanson 1995, 173; Garcia Martinez 1999, 442 ff.; White Crawford 2000, 24 ff.; Batsch 2005, 186 ff.

[12] See Yadin 1983, 345–346; Hengel/Charlesworth/Mendels 1986, 28 ff., 37–38 (= Mendels 1998b, 365 ff., 377–378); cf. Wise 1990, 110 ff.).

[13] According to H. Stegemann, the *Temple Scroll* was written in the 5th century B.C. However, he is isolated in this position. Most scholars favor the 2nd century B.C., cf. White Crawford 2000, 24 ff.; Batsch 2005, 186 ff.

[14] The use in the *Statutes* of the designation "king" cannot be seen as a dating clue with reference to any of the Hasmoneans using this title, as Deut. 17, on which they are based, refers to Israel's ruler only by that appellation (Elledge 2004, 45 ff.). For this reason, the argument that the *Statutes*' author accepted and recognized monarchy as the system of government of Hasmonean Judea carries no conviction (Hengel/Charlesworth/Mendels 1986, 30–31 (= Mendels 1998b, 368–369)). For the proposed dating of the *Statutes* to the Hasmonean period, see Hengel/Charlesworth/Mendels 1986, 31, 38 (= Mendels 1998b, 369, 377) (... *at some point between 103/2 and 88 B.C.*); Schmidt 2001, 176 (... *in the reign of John Hyrcanus (134–104) or with more certainty in that of Alexander Jannaeus (103–76)*; Elledge 2004, 37–45, 68, 228, esp. 44: (... *the royal laws are best dated to the two decades following the death of Jonathan (143–125 B.C.E.*). L.H. Schiffman in one of his earlier articles (1988, 300, 310, 311), other than stating that the *Statutes* come from the Hellenistic period, did not indicate a single passage that he believed suggested unambiguously a reference to Hasmonean times. It was not until his later publications that he tried to show a more specific reference to the Hasmoneans.

[15] Cf. Delcor 1981, 51, 61; Yadin 1983, 345–346; 348 f., 359; Hengel/Charlesworth/Mendels 1986, 31 ff. (= Mendels 1998b, 370 ff.); Elledge 2004, 30–32.

arguments and interpretations offered, the prohibition is completely out of place as no source indicates any offensive action by the Hasmoneans against that country, whether in fact or in design. The only known instance of open hostilities between the Hasmoneans and the Egyptians took place about 103 B.C. when the army of Ptolemy IX and Cleopatra III invaded Palestine. Faced with an armed Egyptian entry into his territory, Judea's then king Alexander Jannaeus was forced to take military action against the attackers, but all it was a purely defensive operation (cf. Jos. *BJ* 1, 86; *AJ* 13, 328–358). Nor do we know of any later king of Judea fighting against Egypt or maintaining diplomatic contacts with it. For this reason, none of the interpretations so far suggested for that prohibition can be held plausible.[16] Another fragment where some discern a clear allusion to the Hasmonean historical context is an exhortation for the king to maintain a native personal guard whose duty must be to keep constant vigil to prevent the king's capture by an enemy (11Q19, LVII: 5–11). Adherents of this hypothesis believe that the passage criticizes the Hasmonean practice of using alien mercenaries, first hired to his service by John Hyrcanus (cf. Jos. *BJ* 1, 61; 7, 393; *AJ* 13, 249). Such criticism, it is further claimed, is closely linked with the capture of Jonathan by Tryphon,[17] or with an episode during the reign of Alexander Jannaeus when he nearly got killed in battle in a ruse by the Nabatean king.[18] However, the interpretations suggested concerning the king's personal guard are not convincing, since the wording of the prescription offers no warrant whatsoever that the author was indeed referring to the Hasmonean-time events in question. Equally well, his postulate may have been guided by biblical models with which he was thoroughly familiar.[19]

It is also alleged that the *Statutes* are anti-Hasmonean because their author places decisive authority with religious representatives (priests and Levites) (11Q19, LVII: 12–13). The rules are formulated to suggest that the presence of priests in the king's midst and the need for him to obtain their approval in any major decision effectively deprives him of any independent political and military power (11Q19, LVII: 11–15). More emphasis on the priestly importance is posited in the *Statutes*, the predominance of the high priest over the king in warfare (cf. 11Q19, LVIII: 18–21), even if none of those regulations specifies unambiguously the high priest's role in society. In this case, too, it must be concluded that the *Statutes*' stipulations as applying to priests, when read through the lens of Biblical tradition and other parts of the *Temple Scroll*, by no means contain the notions attributed to them by scholars as would have served to undermine the status of the Hasmoneans.[20]

In focusing their attention mainly on those points that are thought to be clear allusions to the *Statutes*' author's contemporary Hasmonean times, scholars failed to notice other references that may also be taken to be anti-Hasmonean. Among them will be regulations limiting the king's power abuses and wealth-seeking through war-time

[16] Cf. Hengel/Charlesworth/Mendels 1986, 36 (= Mendels 1998b, 375–376); Elledge 2004, 93 ff. Wise (1990, 111–114) accounts for this phrasing as caused solely by the writing technique.

[17] 1 *Macc* 12: 40–46; Schiffman 1994, 49; Elledge 2004, 31, 38 ff.

[18] Jos. *AJ* 13, 375; Hengel/Charlesworth/Mendels 1986, 31 (= Mendels 1998b, 371).

[19] Wise 1990, 103 ff.; Swanson 1995, 122 ff.

[20] Wise 1990, 117 ff. The ideology of the *Temple Scroll* cannot be viewed as separate from the Qumran community's religious practice, see Kugler 2000, 90 ff., 94, 112.

plunder (cf. 11Q19, LVI: 15–19; LVII: 19–21). All too often, both practices were employed by the Hasmoneans while they fought wars against the Seleucids and against the pro-Seleucid hellenized inhabitants of Judea. It was not by accident that such practices met with condemnation in another Qumran find, *Pesher Habbakuk*. Yet the value of this argument is still problematic as similar criticism of the behavior of Jewish kings has a long tradition and is repeatedly featured in the Bible. Another allusion that could be held to be unfavorable to Judea's ruling dynasty is the warning to the king voiced in the final part of the *Statutes* (11Q19, LIX: 13–15), threatening that if he violated the covenant with God, his offspring would lose the right to the throne. Its anti-Hasmonean message may seem likely as no such warning is present in Deuteronomy, which forms the backbone of the *Statutes*, meaning that it was a deliberate introduction by their author. Nonetheless, also in this case, the biblical origin of this warning precludes any connection with Hasmonean times. In referring to the promise of lasting rule over Judea by David's descendants, it cannot apply to any member of the Hasmonean dynasty, which the Qumran community did not believe had a right to the throne.[21]

Considering the *Statutes* as applicable to the king and the nature of the *Temple Scroll* of which they form an integral part, one may get the impression that they refer primarily to the future. They paint a portrait of king as a thoroughly idealized figure unconnected to any specific historical context. To the author of the *Statutes*, the supreme model of a ruler is biblical David[22] and it is through this lens that he views any successor to rule over Israel. This state should be organized on a common foundation of the twelve biblical tribes (cf. 11Q19, LVII: 5–7, 11–12). The author's recognition of this traditional model of Jewish social organization as still valid, although at the time the New Law was being written this model was beyond retrieval, means that social and government institutions described in the *Statutes* are treated as more symbolic than real, an offshoot of biblical tradition rather than the author's contemporary realities. It is especially striking for the description of the king's personal guard which suggests that it should be made up of troops supplied by each of the twelve tribes (11Q19, LVII: 5–11). A biblical model is also followed in the postulated organization of the army (11Q19, LVII: 2–5) and the composition of the king's council which was to comprise, in addition to priests and Levites, all tribal leaders. It is all too obvious that any such institutions would have been purely anachronistic in Hasmonean times. Equally misapplied would have been the regulations concerning the king himself, such as prohibition of his polygamy or marriage to a foreign woman (11Q19, LVII: 15–19). This restriction, which made sense at the time of the united monarchy and the kingdoms of Judah and Israel, cannot plausibly be extended to form an admonition to the Hasmoneans themselves. No evidence exists to suggest that any of the dynasty's members had more than one consort at a time or took himself a foreign wife.

The above discussion inevitably leads to the conclusion that, notwithstanding repeated efforts to present the *Statutes* as a document containing critical references to Hasmonean-introduced political system and their practices of government, there are no

[21] Swanson 1995, 155 ff., 166 f.; Schniedewind 1999, 162 f.

[22] Swanson 1995, 160–168.

premises to accept this hypothesis as true.[23] Any allusions in the document to the author's contemporary realities as are sometimes purported, or any allegedly anti--Hasmonean overtones, are only conditional on accepting that the writing of the *Statutes* is closely linked with the Hasmonean period. When analyzed independently of that epoch and viewed through a lens of the overall ideology of the *Temple Scroll*, they are completely devoid of any anti-Hasmonean hints attributed to them. This observation amounts to the conclusion that in writing a New Torah for Israel's future generations, its authors were consciously referring only to models and values arising out of their religious tradition. As they compiled a New Law, they tried to avoid any clear allusions to their own times, which makes the actual time of writing so difficult to trace. Even if some laws seem to contain references to Hasmonean realities, they are too flimsy and ambiguous to be treated as a serious argument to justify claims that the *Statutes* are critical of the Hasmonean monarchy.[24]

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[23] Not all scholars share the belief that the political realities in place at the time of writing necessarily inspired the author of the *Statutes* in formulating respective provisions concerning the king: Wise 1990, 110–121, 127; Rajak 1996, 100 f.

[24] Delcor 1981, 51, 61; Schiffman 1988, 311; Hengel/Charlesworth/Mendels 1986, 31 (= Mendels 1998b, 369); Schiffman 1994, 49; Mendels 1998a, 327; Schmidt 2001, 173 ff.; Elledge 2004, 31–32, 42 ff., 51, 66 ff. etc.

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