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THE TORAH OF THE KING (DEUT 17:14-20) IN THE
TEMPLE SCROLL AND EARLY RABBINIC LAW¹

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1. *Introduction*

As the corpus of legal texts from Qumran has increased dramatically in recent years, so has interest in the contribution of the Dead Sea Scrolls to our understanding of the ancient history of Jewish law. Since the system of law at Qumran finds its most ample and apt analogue in the system of rabbinic law, comparisons between the two, both in their specifics and their general contours, are inevitable. But they are also methodologically fraught. After all, the latest Qumran legal texts precede the earliest rabbinic corpora by a good two centuries, during which time the traumatic destruction of the Second Temple and attendant changes in Jewish culture and society occurred. Although the traditions incorporated in rabbinic texts might predate their textual embodiment by considerable time, the same can be said of the Qumran texts. But even if the chronological distance between the two cultures – Qumranic and rabbinic – could be eclipsed, what about the differences between the two cultures themselves? How should legal texts and traditions from two such different cultural contexts be compared?

Studies of ancient Jewish law tend to view law as an *epiphenomenon*: lines of legal continuity and discontinuity are often traced apart from the complex *cultural* contexts in which legal discourse is embedded and of which it is a *rhetorical* articulation. Jewish law is typically

¹ Earlier versions of this paper were delivered to audiences at the Institute for Advanced Studies of the Hebrew University of Jerusalem, the University of St. Andrews, Scotland, and the University of Wisconsin, Madison. Thanks to my hosts at those institutions for enabling me to advance this project as a work in progress. Thanks as well to several colleagues who read penultimate drafts of this paper and offered valuable corrections and suggestions: Beth Berkowitz, John Collins, Shlomo Nach, Adiel Schremer, and Steven Willf. Like the traditions to be examined, it remains a work in progress.

abstracted from the hermeneutical, narrative, and dialogical strategies by which it is communicated as if they were of no historical or comparative consequence. Rather, I wish to argue, such legal systems need to be viewed as organic expressions of their respective *polities*: as mythic architectures of time and space, as mappings of power distribution and identity differentiation both within a culture and between it and others. Legal systems are no more *functional* systems of order and control than they are *fictive* systems of meaning and imagination. They need to be compared and contrasted along both lines.²

It is from this perspective that I shall examine one case in point, the interpretation of Deut 17:14–20, the “law of the king,” in the Temple Scroll and early rabbinic literature, both mishnaic and midrashic.³ In both the Temple Scroll and the Mishnah, laws dealing with the king are grouped together in a relatively coherent and self-contained unit of legislation and interpretation. While each has been explained by scholars as a polemical response to the conduct of particular Hasmonean kings, I wish to locate such historicizing possibilities within the broader hermeneutical and rhetorical contexts –

² Clearly, I have only scratched the surface here of a much larger discussion of legal theory and philosophy as it might apply to Jewish law and its literature. I am indebted in particular to Robert Cover, “The Supreme Court, 1982 Term – Forward: *Nomos* and Narrative,” *Harvard Law Review* 97.4 (1983): 4–68, reprinted as “*Nomos* and Narrative,” in *Narrative, Violence and the Law: The Essays of Robert Cover* (ed. Martha Minow et al.; Ann Arbor: University of Michigan Press, 1992), 95–172; Paul W. Kahn, *The Reign of Law: Marbury v. Madison and the Construction of America* (New Haven: Yale University Press, 1997).

³ Other significant interpretations of this biblical passage can be found in Philo (*Spec.* 4.157–169) and Josephus (*Ant.* 4.223–224), which, while referred to, will not be treated here. In brief, Philo derives from Deut 17:14–20 an idealized portrayal of the Israelite king, which serves for him as an ideal for kingship in general. Josephus, by contrast, uses the biblical passage to emphasize his negative view of Israelite monarchy in contrast to the ideal of priestly theocracy. In another context, I treat the Palestinian Talmud’s commentary to the Mishnah in this regard: Steven D. Fraade, “Priests, Kings, and Patriarchs: Yerushalmi Sanhedrin in its Exegetical and Cultural Settings,” in *The Talmud Yerushalmi and Graeco-Roman Culture*, vol. 3 (ed. Peter Schäfer; Tübingen: Mohr Siebeck, forthcoming). This is not the place to elucidate the larger history of Jewish attitudes toward monarchy, Israelite and pagan, in the ancient world. For some recent treatments of the broader topic, see David Goodblatt, *The Monarchic Principle: Studies in Jewish Self-Government in Antiquity* (Tübingen: Mohr Siebeck, 1994); Michael Walzer, et al. (eds.), *The Jewish Political Tradition. Volume I: Authority*, chap. 3, “Kings” (New Haven: Yale University Press, 2000), 108–165; Erich S. Gruen, *Heritage and Hellenism: The Reinvention of Jewish Tradition*, chap. 6, “Kings and Jews” (Berkeley: University of California Press, 1998), 189–245.

Qumranic and rabbinic – in which these rules are culturally expressed and encountered.

2. *Biblical Law and Narrative*

As is well known, the institution of Israelite monarchy appears in only one place in the Torah (Deut 17:14–20).⁴ The larger context of Deuteronomy 16:18–21:9 delineates the functions of several types of human intermediaries in the realization of Israel’s covenantal obligations to God: local judges and officers, a high court, a king, levitical priests, prophets, and elders. The stipulations for the king stand out in this constitutional framework for several reasons, foremost of which is the fact that the institution of monarchy is legislated only in response to the expectation that Israel, upon entering the Land, will desire a king in order to be “like all the nations round about” and that they will establish one for themselves even if not commanded to do so. Thus, constitutionally kingship is an *optional* institution, initiated in response to human desire and only reluctantly acceded to by God.⁵ Given Deuteronomy’s frequent admonitions not to follow the ways of the neighboring nations (e.g., 18:9, soon after our passage), this desire can hardly be approved of, and the purpose of the stipulations that follow is to establish limits to the exercise of the king’s rule: he must be himself an Israelite, be designated

⁴ Future Israelite kings are alluded to, however, in Gen 17:6, 16; 35:11; 36:31; Deut 28:36. The only other place that an Israelite king may be mentioned in the Torah is Deut 33:5, where it is unclear whether God or a future human king is being spoken of. Although different translators choose differently between these renderings, the immediately antecedent context of praise of God would seem to suggest that it is God as king who is being spoken of here. This is certainly the earliest rabbinic understanding of the verse, as discussed by me in *From Tradition to Commentary: Torah and its Interpretation in the Midrash Sifre to Deuteronomy* (Albany, N.Y.: State University of New York Press, 1991), 89–100. See S. R. Driver, *A Critical and Exegetical Commentary on Deuteronomy* (ICC, 3rd ed.; Edinburgh: Clark, 1901), 394; Jeffrey H. Tigay, *The JPS Torah Commentary: Deuteronomy* (Philadelphia: Jewish Publication Society, 1996), 322.

⁵ Compare the institution of prophecy in Deut 18:15–22, which Moses traces back to the people’s earlier desire for an intermediary between them and God at Horeb, a desire fully approved of by God. The true prophet, who indeed speaks in God’s name, is to be obeyed, whereas the false prophet, who does not, is to die. In 1 Sam 8:4 the “elders of Israel” come before Samuel to ask for a king, also so as to be like the nations, both to Samuel’s and God’s displeasure. Compare as well Hos 8:4: “They made kings but not through Me.”

by God, must not act for his own aggrandizement or in opposition to God's redemptive plan for Israel, and must be guided in his rule by the covenantal strictures as set forth in the Book of Deuteronomy. On the one hand, the appointment of a king is reluctantly prescribed. On the other, it is rigorously circumscribed. The imported desire for a king is domesticated to the recurring Deuteronomistic dialectical idea that the blessings that will accrue to Israel upon its possession of the Land must not turn them from the teachings of Torah which they must constantly study and fulfill as necessary conditions for the permanent and complete enjoyment of those blessings.⁶ The longevity of a monarchic dynasty is similarly conditioned.

When compared with the other Deuteronomistic institutions of leadership, royal authority is clearly *deemphasized*. The king's authority is only alluded to negatively, whereas his obligation to submit to the authority of God's Torah is stated positively and at some length (two out of seven verses). The people are *not* admonished to submit to the king, as they are previously admonished to submit to the judge and the priest (17:10–12) and subsequently to the true prophet (18:19), but the king is admonished to submit to God's enscripted commands, lest he "lift his heart" above the people (17:20). Whereas previously, the people were enjoined not to turn aside from the aristocratic court's judgment, "to the right hand or to the left" (17:11), here the king is admonished not to turn aside from the divine commandment, "to the right hand or the left" (17:20).⁷ The precise "balance of powers" between the king and the other types of Israelite leadership authority – judicial, priestly, and prophetic – is not specified, being

⁶ Compare Deut 8:7–14, where similar fears are expressed that the people as a whole upon entering the land will become self-satisfied with its plenty and hence turn from observance of the commandments. There too, as in Deut 17:14–20, reference is made to abundance of gold and silver, and "lifting up" of the heart. Compare as well Deut 7:1–4, where God promises that upon the people's entering the land he will clear away the other peoples, unless the Israelite children marry those of the non-Israelites, who will "turn away (*yāsū*) your sons from following Me" (7:4). Compare too God's instructions to Joshua (Josh 1:7–8), in anticipation of Israel's entering and inheriting the land, to study constantly the Torah, turning from it neither to the left nor the right (cf. Deut 17:20), as a precondition for his success.

⁷ The similarity of language makes the contrast between the authority of the court and priest *vis-à-vis* the people, and that of the Torah *vis-à-vis* the king, all the more striking: Deut 17:11: *lō' tāsūr min-haddābār 'asēr yaggidū lekā yāmīn ūšēmō' l.* Deut 17:20: *ūlēbilti sūr min-hamišwā yāmīn ūšēmō' l.*

left of necessity to the varieties of subsequent interpretation in different historical and ideological contexts.

In its larger canonical setting, the Deuteronomistic laws of the king are unique in another regard: it is impossible to read them without bringing to mind the later narratives of Samuel's anointing of Saul as the first king of Israel (1 Sam 8–10)⁸ and Solomon's behavior as the last king of a united Israel under one sovereignty.⁹ What is the relation between Deuteronomistic law and Deuteronomistic narrative with regard to the king? Does the Deuteronomistic historian implicitly invoke earlier Deuteronomistic law in his critique of the people's desire for a king in Samuel's time and of the later monarchy's fulfillment of that desire to the people's covenantal detriment? Or, has a legal basis for such a narrativized critique of later events been retrojected into the Deuteronomistic code, which in theocratic principle would otherwise have had no place for a king? Either of these one-way alternatives is too simple, for the interplay of law and narrative has advanced too far, with too many unrecoverable intermediary stages, to allow their simple unsplicing.¹⁰ In any event, scholarly attempts to identify each detail of the Deuteronomistic law of the king as a polemical response to the behavior of a particular Israelite king are forced and fail to recognize how the unit as a whole rhetorically functions within its existent setting.¹¹ As we shall see, such reductive historicizing will attend as well to the post-biblical history of

⁸ For specific echoes, compare Deut 17:14b with 1 Sam 8:5 and Deut 17:15a with 1 Sam 10:24.

⁹ For example, compare Deut 17:16 with 1 Kgs 5:6 (4:26); 10:26, 28–29; and Deut 17:17 with 1 Kgs 10:14–23, 25, 27; 11:1–4, 8–9. For other possible echoes of Solomon's behavior, and that of successive Israelite kings, in the law of the king here, see the critical commentaries, e.g., Driver, *Deuteronomy*, 209–213.

¹⁰ In particular, what is the relation between *mišpaṭ hammelek* ("the practice of the king") of 1 Sam 8:9, 11, in which Samuel predicts the dire things which a king, by his nature, will do to Israel, and *mišpaṭ hammēlukā* ("the law of the kingdom") of 1 Sam 10:25, which Samuel recites to the people and then writes in a scroll to be stored "before the Lord" (that is, in the sanctuary)? And what is the relation of these to Deut 17:14–20, which is certainly less horrific than Samuel's enumeration of what the king will do to the people, and at least provides some basis for a positive reconstitution of the idea of Israelite kingship, but falls short of a full-fledged constitution of monarchy. On this question, see P. Kyle McCarter, Jr., *1 Samuel: A New Translation, with Introduction, Notes, and Commentary* (AB; Garden City, N.Y.: Doubleday, 1980), 157, 191, 193–94.

¹¹ Consider, for example, forced attempts to identify a non-Israelite king of Israel (Deut 17:5), or one who sought to return the people to Egypt (Deut 17:16).

interpretation, especially with respect to the Temple Scroll and the Mishnah.

Notwithstanding our paragraph's overall negative prospective tenor, it ends on a positive teleological note: "in order that he may continue long in his kingdom, he and his children, in Israel" (Deut 17:20). Once read in relation to the later divine promise to David of a permanent royal dynasty, and to subsequent prophetic reinterpretations of that promise in eschatological terms, our passage could be canonically read as pointing to the eventual restoration of the monarchy in idealized terms very different from those of its preceding verses, and with it the restoration of the people to their land.¹² Taken as a whole, and read in its broader canonical context, as it would be by its late second temple and early rabbinic interpreters, the law of the king enscripts the history of the biblical monarchy in all its multivocality: from its beginnings as a desire of the people to be like the nations, to its divine accommodation and authorization, to its ignominious excesses and catastrophic consequences, to its idealized remodeling, in preparation for its eventual restoration, upon which depends Israel's ultimate national redemption.

This interplay of the laws and narratives of monarchy, however, is not confined to the canonical boundaries of Scripture. The post-biblical interpreters of this passage had not only to sort among its juxtaposed voices, but also to make sense of them in relation to the continuing vicissitudes of Israel's monarchic history and hopes, as well as the monarchic realities and ideals promoted by the Greco-Roman rulers and cultures to which Israel was to varying extents subject during late second temple and early rabbinic times.¹³

¹² For the promise to David, see 2 Sam 7:8-16. For the eschatological promise that David (or his descendants) would be restored to permanent rule over a reunited people restored to their land, see Ezek 34:23-24; 37:22, 24, 25. Compare as well the royal Psalms in which the king sits on Zion as God's royal proxy: Pss 2, 20, 21, 45, 72.

¹³ We know that Greco-Roman philosophers were preoccupied with comparing various types of government, among them monarchy, and with discerning the ideal qualities of monarchic rule. This literature, denoted by the rubric *peri basileias*, has clearly left its imprint on Jewish writers such as Philo and the author of the *Letter of Aristeas*. See Erwin R. Goodenough, "The Political Philosophy of Hellenistic Kingship," *Yale Classical Studies* 1 (1928): 55-102; G. F. Chesnut, "The Ruler and the Logos in Neopythagorean, Middle Platonic and Late Stoic Political Philosophy," in *ANRW* 2.16.2 (1978), 1310-1332.

3. *The Temple Scroll*

Our earliest and most extensive ancient interpretation of the Biblical law of the king is found in the Temple Scroll from Cave 11 at Qumran (11Q19=11QT^a).¹⁴ While recent radiocarbon dating of the scroll as a whole places it sometime in the first century B.C.E.,¹⁵ a fragment of a possible copy (4Q524) has been dated to the second half of the second century B.C.E. However, many scholars have sought to date the composition to at least the mid-second century B.C.E., largely on the basis of their dating of its section on the law of the king (11QT^a LVI, 12 - LIX, 21), which all agree preexisted the Temple Scroll as an autonomous compositional unit. Since the Scroll's laws of the king appear to be critical of the king in several regards, scholars have sought to understand them as a polemic against a particular king, usually Hasmonean, as a way of dating this section and establishing at least a *terminus post quem* for the Temple Scroll as a whole.¹⁶ If there is such a specific polemic to be found here, it is largely veiled in the language of other scriptural passages critical of the behavior of kings, especially *mišpat hammelek* of 1 Sam 8:11-18.¹⁷

¹⁴ Other manuscripts of the Temple Scroll do not cover this section.

¹⁵ For the radiocarbon dating (97 B.C.E.-1 C.E.), see G. Bonani et al., "Radiocarbon Dating of the Dead Sea Scrolls," *Atiqot* 20 (1991): 27-32.

¹⁶ Mathias Delcor, "Le Statut du roi d'après le Rouleau du Temple," *Hen* 3 (1981): 47-68; Florentino García Martínez, "Temple Scroll," in *Encyclopedia of the Dead Sea Scrolls* (2 vols.; ed. L. H. Schiffman and J. C. VanderKam; Oxford: Oxford University Press, 2000), 927-33; Martin Hengel, James H. Charlesworth, and Doron Mendels, "The Polemical Character of the 'On Kingship' in the Temple Scroll: An Attempt at Dating 11Q Temple," *JJS* 37 (1986): 28-38; Doron Mendels, "'On Kingship' in the 'Temple Scroll' and the Ideological Vorlage of the Seven Banquets in the 'Letter of Aristeas to Philocrates,'" *Aeg* 59 (1979): 127-36; Lawrence H. Schiffman, "The Deuteronomistic Paraphrase of the Temple Scroll," *RevQ* 15/60 (1992): 543-67; idem, "The King, His Guard, and the Royal Council in the Temple Scroll," *PAAJR* 54 (1987): 237-59; idem, "The Law of the Temple Scroll and its Provenance," *FO* 25 (1988): 85-98; idem, "The Laws of War in the Temple Scroll," *RevQ* 1349-52 (1988): 299-311; M. Sweeney, "Midrashic Perspective in the Torah Ham-Melek of the Temple Scroll," *HS* 28 (1987): 51-66; Moshe Weinfeld, "Temple Scroll or King's Law" (Hebrew), *Shnaton* 3 (1978/79): 214-37. The most common candidates as the polemical target of the Temple Scroll's laws of the king are John Hyrcanus (135-104 B.C.E.) and Alexander Jannaeus (103-76 B.C.E.), partly because they are also the subjects of criticism in Josephus and rabbinic literature for their having combined the authorities of high priesthood and royalty, but earlier Maccabees, e.g., Jonathan and Simon, have also been proposed.

¹⁷ For the argument that laws of the king of the Temple Scroll should be seen more intertextually than polemically, see Michael O. Wise, *A Critical Study of the*

Even if we grant that the period of Hasmonean rule is the most likely backdrop to this section's composition, we must ask how its formulations would have *continued* to function rhetorically within its present redacted setting of the Temple Scroll overall, at a later time (first century C.E.) in which it was certainly copied and presumably read or studied by members of the Qumran community, regardless whether the Temple Scroll was the product of that community or some antecedent.¹⁸

The Temple Scroll begins its section on the king by citing fairly verbatim from the Scriptural text of Deut 17:14–20, with the equivalent of vv. 19–20 missing since they would have filled the top of col. LVII, which is not preserved. Several differences between the MT and the text as it appears in 11Q^T^a LVI, 12–21 may be of exegetical nature, but it is difficult to know whether they are the work of the author or already in the biblical text from which he worked.¹⁹

Of these, the most important variants are those found in 11Q^T^a LVI, 20–21, where “they shall write for him (*wēkātēbū lō*) this Torah (*‘et hattôrâ hazzō’l*) in a book that is in the charge of the priests” differs significantly from MT Deut 17:18, “he shall write for himself (*wēkātāb lō*) a copy of this Torah (*‘et mišneh hattôrâ hazzō’l*) in a book that is in the charge of the levitical priests.”²⁰ In sharp con-

Temple Scroll from Qumran Cave 11 (SAOC 49; Chicago: Oriental Institute of the University of Chicago, 1990), 110–121, who in particular criticizes the arguments of Hengel, Charlesworth, and Mendels (see previous note) for viewing this section as a polemic against the rule of Alexander Jannaeus.

¹⁸ Here is not the place to enter into the debate regarding the authorship and provenance of the Temple Scroll and its relation to the generally recognized sectarian scrolls associated with the Qumran community, or the larger debate regarding the connection between the Dead Sea Scrolls and the settlement at Qumran or of either to the Essenes of ancient sources.

¹⁹ Some are common elsewhere in the Temple Scroll: the transposition from indirect to direct divine address, as in 11Q^T^a LVI, 12, “the land which I give you,” instead of MT Deut 17:14, “the land which the Lord your God gives you.” Others seem more clearly explanatory, such as in 11Q^T^a LVI, 16, where “for war” is added to “or cause the people to return to Egypt” in MT Deut 17:16; or 11Q^T^a LVI, 18–19, where “And shall not multiply wives for himself, lest they turn away his heart from me” is more explicit than MT Deut 17:17, “lest his heart turn away.” Other differences need not be detailed here.

²⁰ Since the next line of the Temple Scroll is missing, it is not known whether *hakkōhānīm* was followed by *hallēwīyyīm*, or *wēhallēwīyyīm*, as suggested by Yigael Yadin, *The Temple Scroll* (3 vols. and suppl.; Jerusalem: Israel Exploration Society, 1983), 2:255. For “levitical priests” becoming “priests and Levites,” see 11Q^T^a LXI, 8;

trast to Philo's interpretation (*Spec.* 4.160), the king in the Temple Scroll does not write for himself his Torah, but has *it* written for him. While we are not told explicitly who does the writing, it is presumably done under the direction, at least, of the priests.²¹ Furthermore, the Torah that is written for the king is not a copy or summary of some other writing, but the king's own Torah, or “teaching,” which will soon follow. This is clear from 11Q^T^a LVII, 1, which, as restored by Yadin, reads: “This is the Torah (*zō’l hattôrâ*) [which they shall write for him that is in the charge of] the priests.”²² In other words, the Torah that is to be written for the king is only alluded to in Deut 17:18, but is not identical with the Book of Deuteronomy or with any collection of passages therefrom, or with the Pentateuch as a whole, but with the revealed text that follows in the Temple Scroll through 11Q^T^a LIX, 21, where a variant of Deut 17:20b concludes the section.

What follows the initial biblical citation, or paraphrase, then, is a *constructed* Torah of the king, much fuller, of course, than the few rules found in Deut 17:14–20, covering what were, for the author, the chief areas in which the king's “constitutional” powers and limits needed to be spelled out. Perhaps this is understood to be the unspecified *mišpat hammēlukā* (“the law of the kingdom”) of 1 Sam 10:25, which Samuel is said to have written in a scroll and deposited “before (*līpnē*) the Lord,” that is, the functional equivalent of “before the levitical priests” (*millīpnē hakkōhānīm hallēwīyyīm*) of Deut 17:18, in both cases meaning, “in the sanctuary.”

By opening a space between the first and second halves of Deut 17:20, into which to place his constructed Torah of the king, the author frees himself from the necessity of forming it from, or attaching it to, the words of Deut 17:14–20 alone. The Temple Scroll's laws of the king are not, therefore, a paraphrase of Deut 17:14–20, as in Philo and Josephus, but a supplement to it, filling a perceived gap in the biblical text, disclosing what is only hinted at therein.

CD III, 21–IV, 1; *Tg. Neof.* and *Pešitta* Deut 17:9; LXX 2 Chr 5:5 and 2 Chr 19:11; and *Sifre Deut* 153. However, the text of 11Q^T^a LVII, 1, as restored by Yadin, has just “priests” and no “Levites.”

²¹ Compare *Tg. Ps.-Jon.* ad loc., “The elders shall write for him.” We will return to this in our discussion of *Sifre Deuteronomy*.

²² For a different reconstruction, see Elisha Qimron, *The Temple Scroll: A Critical Edition with Extensive Reconstructions* (Beer Sheva: Ben Gurion University of the Negev Press, 1996), 82: “[which the king will perform according to].”

Thus, while each of its *subjects* is suggested by Deut 17:14–20, its *text* is created as a tapestry of scriptural verses or phrases, drawn in part from that passage, but largely from elsewhere in Scripture, most frequently from *mišpat hammelek* of 1 Sam 8:11–18, but from many other places as well.²³

A number of overriding concerns appear to guide the author in his construction of the laws of the king. First, he must delineate the relation of the king to the priesthood, suggested by the ambiguous *millipnē hakkōhānīm hallēwiyyim* of Deut 17:18 and the broader scriptural context in which Deut 17:14–20 is set. Since 1 Sam 8:20 gives as the two primary functions of the king to “judge us and go out before us and fight our battles” (*ūšēpātānū malkēnū wēyāsā’ lēpānēnū wēnilham ’et-milḥāmōtēnū*), the relation of the king to the priesthood, to whom the Pentateuch assigns the leading roles in these functions, needs to be defined.²⁴ If, as is clear from the Temple Scroll overall, the levitical camp (*maḥāneh*) was the model for the Temple City, and to a lesser extent for the other cities of Israel, and if the camp’s going to war and administration of justice was entrusted to the priesthood, what was the place of a king within the Temple City?²⁵ The

²³ For details, see Yadin’s notes to his edition of the text (*The Temple Scroll*), and Wise’s tables (*A Critical Study of the Temple Scroll from Qumran Cave 11*, 118, 228–230), as well as several of the other studies cited above, n. 16.

²⁴ For example, the high court of Deut 17:9 (cf. 17:12) consists of levitical priests and a judge. Deut 21:5 says of the levitical priests, “and by their word every dispute and every assault shall be settled” (*wē’al-pihem yihyeh kol-rib wēkol-nāga’*). See also 2 Chr 19:8, for Jehoshaphat’s supreme judiciary comprising Levites, priests, and heads of families. In Deut 20:10, it is the priest who rallies the people for holy war. Similarly in 1QM VII, 8ff., the priests, headed by the high priest, lead the camp into battle.

²⁵ Note in particular 4QMMT B 29–31 (DJD 10, ed. E. Qimron and J. Strugnell, 48–51): “We are of the opinion that the sanctuary [is the ‘tent of meeting’] and that Jerusalem is ‘the camp’, and that ‘outside the camp’ [is outside Jerusalem], that is, the encampment of their settlements.” Similarly 4QMMT B 59–62 (DJD 10, ed. E. Qimron and J. Strugnell, 52–53) has: “For Jerusalem is the camp of holiness, and is the place which He has chosen from among all the tribes of Israel. For Jerusalem is the capital of the camps of Israel.” On this, see David Henshke, “The Sanctity of Jerusalem in Miqṣat Ma’āse Ha-Torah: A Reconsideration” (Hebrew), *Tarbiz* 69 (1999): 145–50. For other parallels between the 11QT^a and 4QMMT, see Lawrence H. Schiffman, “Miqṣat Ma’āse Ha-Torah and the Temple Scroll,” *RevQ* 14/55 (1990): 435–57; idem, “The Temple Scroll and the Systems of Jewish Law of the Second Temple Period,” in *Temple Scroll Studies: Papers Presented at the International Symposium on the Temple Scroll, Manchester, December 1987* (ed. George J. Brooke; Sheffield: Sheffield Academic Press, 1989), 239–55. On the laws of 4QMMT more generally, see Yaakov Sussmann, “The History of Halakha and the Dead Sea Scrolls – Preliminary Observations on *Miqṣat Ma’āse Ha-Torah* (4QMMT),” *Tarbiz* 59 (1989–90): 11–76; Menahem Kister, “Studies in 4QMiqṣat Ma’āse Ha-

response of the Temple Scroll to this exegetical crux is two-fold: to subordinate the king to the priesthood,²⁶ and to require that the king conduct himself in a priestly manner so as not to jeopardize the purity of the Temple City. Accordingly, the Temple Scroll is particularly interested in defining the king’s conduct with respect to his waging of war, his administration of justice, and the suitability of his marital union.

In 11QT^a LVII, 11–15, after the king organizes the population of the cities in military fashion,²⁷ and assembles a sizeable bodyguard to protect him day and night (cf. Deut 17:19), not only from foreigners, but from sin, he is joined by a judicial council. The council comprises “twelve leaders of his people (*nēšiyē ‘ammō*), twelve priests, and twelve Levites.” The king is to do nothing in matters of judgment (*mišpat*) or declaring law (*tôrā*) without their counsel, nor is he to raise his heart above them (cf. Deut 17:20).²⁸ If in Deut 17:18–20, the king sits alone with his Torah, reading it and observing its rules in order not to err and in order not to elevate himself above his fellow Israelites, the king of the Temple Scroll must constantly be guarded by upright men and must submit to a council, made up mainly of priests and Levites.²⁹

Torah and Related Texts: Law, Theology, Language and Calendar” (Hebrew). *Tarbiz* 68 (1999): 317–371. The word “camp” also appears frequently in 1QM to designate Israel in war, and in CD to designate the “Damascus” community as God’s wilderness abode.

²⁶ The relation of the priesthood to the monarchy, and the subordination of the latter to the former, was a matter of concern to the authors of other late second temple texts, closely allied with the Dead Sea Scrolls. Note in particular the following sources which stress the primacy of Levi (priesthood) over Judah (monarchy): *Jub.* 31:11–17; *T. Levi* 8:2, 17; 13:2–4; 18:3; *T. Jud.* 21:1–5; 25:1; *T. Iss.* 5:7; *T. Naph.* 5:3; *T. Jos.* 19:11. Note also the subordination of the priestly messiah to the Davidic messiah elsewhere in the Dead Sea Scrolls in 1QSa II, 11–12, the priority of the priests over the “prince of the congregation” in 1QSb (1Q28b), and the precedence of the sons of Levi over those of Judah in the eschatological battle array of 1QM I, 2. In the Temple Scroll itself (11QT^a XXIII, 9–XXIV, 11), the burnt offerings of the Levites emphatically precede those of the tribe of Judah during the Feast of the Wood Offering. See also below, n. 29.

²⁷ For the similar organization of the wilderness camp, and later armies, see Exod 18:21, 25; Num 1:16; Deut 1:13–15; 1 Sam 8:12 (*mišpat hammelek*); 22:7; 2 Sam 18:1; 2 Chr 17:14. For a similar structure of the camp in the Dead Sea scrolls, see 1QM IV, 2, 4; CD XIII, 1. On the ages of those counted, see Lev 27:3; Num 1:18. For further discussion, see Schiffman, “The Laws of War in the Temple Scroll.”

²⁸ The author of the Temple Scroll clearly takes the word *mē’ehāyw* (“from his brothers”) to refer not to his fellow Israelites but to his peer council.

²⁹ The makeup of the king’s council is most likely influenced by the preceding Deut 17:9, where “the judge” comes after the “levitical priests,” a phrase often interpreted in second temple times, including in the Temple Scroll, as “priests and

Similarly, before the king leads an army, free from impurity, into holy war, he must, according to 11QT^a LVIII, 15–21, consult with the high priest for the judgment of the Urim and Thummim. He will not succeed in such battle if he relies on “the counsel of his own heart” alone. The whole section on battle arrangements is occasioned by a slight hint in Deut 17:16, which in the version with which our passage in the Temple Scroll began reads, “or cause the people to return to Egypt for war.” The specific details are garnered by exegetically interweaving Deut 23:10 and 15, where the camp going forth in war must be “guarded from anything evil” (*wēnišmartā mikkōl dābār rāʿ*)³⁰ and must not expose anything indecent (*erwat dābār*) with Num 27:21, where Joshua must stand before Eleazar the priest, who seeks the judgment of the Urim, before leading the people into battle.³¹ Thus, both in the administration of divine justice and in the waging of holy war, the king must submit to the authority of the high priest and a priestly dominated council, who, as conduits of divine judgment and blessing, are necessary to the king’s success, and hence the people’s welfare.

11QT^a LVII, 15–19 deals with the king’s wife, occasioned by Deut 17:17’s requirement that he not multiply wives. The Temple Scroll requires the king to take a wife not only from his own people, but from “his father’s house” (*mibbēt ’abihū mimmišpaḥtō*). This appears to

Levites.” Compare Josephus, *Ant.* 4.218, where Scripture’s “to the levitical priests, and to the judge,” becomes: “the high priest, the prophet, and the council of elders (*gerousia*).” Similarly Philo (*Spec.* 4.188–92) interprets: “And who should these be but the priests, and the head and leader of the priests.” For Philo, the “levitical priests” of Deut 17:9 are the priests, while the singular “judge” is the high priest. For the Temple Scroll’s “leaders of his people,” see Num 1:44. Compare as well the hierarchy of the battle array in 1QM II, 1–6, including twelve chiefs of the tribes, twelve chiefs of the priests, and twelve chiefs of the Levites. Of other courts and councils in the Dead Sea Scrolls, compare, in particular, CD X, 4–6. On the Temple Scroll’s subordination of the king to the decisions of the priests, see 4Q161 (4QpIsa^a) 8–10 21–24 (DJD 5:14). For levitical priests interpreted as priests and Levites, see above, n. 20.

³⁰ MT *dābār rāʿ* becomes *dābār ṭomʿā* (“anything impure”) in 11QT^a LVIII, 17.

³¹ Yadin (*Temple Scroll*, 1:358; 2:263), in arguing that the Temple Scroll here refers to a rabbinic “war of choice,” in contrast to what precedes, sees Deut 20:1 as the primary scriptural basis. But the Temple Scroll is much closer to Deut 23:10, 15, defining “camp” of 23:10 as “one fifth of the people” (or more). For this understanding, I am convinced by the arguments of Wise, *A Critical Study of the Temple Scroll from Qumran Cave 11*, 114–117. For the view that the Temple Scroll here speaks of a “war of choice,” see also Schiffman, “The Laws of War in the Temple Scroll,” 306–308.

derive from Lev 21:14 (LXX 21:13), according to which the *high priest* must marry a virgin from his own people (*mēʿammāyw*), which in late second temple times was interpreted to mean from his own tribe or family.³² Thus, in this regard at least, the king is to behave in a high-priestlike manner.³³ Similarly, the Temple Scroll understands the biblical rule that the king not multiply wives to mean not only that he have only one current wife at a time,³⁴ but that he not marry another woman so long as his previous wife is still alive, based on an interpretation of Lev 18:18.³⁵ That verse may have been associated with the present context because of its use of the word *erwā* (indecenty), also found in Deut 23:15 and in 11QT^a LVIII, 17, even though they refer to different types of indecency.

After the section on holy war, the Temple Scroll concludes (11QT^a LIX, 2–21) with a long section of curses for violating the covenant

³² LXX has *ek tou genous autou*, where *genous* could mean family. Josephus (*Ant.* 3.277) renders *lautēn phylatēn* (“his own tribe”), whereas elsewhere (*C. Ap.* 1.31), he says of the priesthood in general that they must marry a woman *ex homoethnous*, which probably means of the Israelite people, but is also ambiguous and could mean a woman of priestly descent. Philo (*Spec.* 1.110–112), however, explicitly differentiates between the priesthood in general, who could intermarry with Israelites of other tribes, and the high priest, who must marry a “priestess descended from priests, so that bride and bridegroom may be of one house and in a sense of the same blood and so harmoniously united, shew a lifelong blending of temperament firmly established” (LCL 7:163). For the virtue of marrying within one’s own tribe, see Tob 1:9; 4:12. Cf. Jdt 8:2. The language of the Temple Scroll may echo Gen 24:37–38. Compare as well, Ezek 44:22, where the priests in general are only enjoined to marry a virgin of the house of Israel, or a widow of a priest.

³³ This may, of course, be a product of the historical fact that kingship and high priesthood had been combined, officially at least from the time of Aristobulus I (104–103 B.C.E.), but unofficially from the time of Simon (ca. 143–135 B.C.E.; see 1 Macc 14:41–43, 47).

³⁴ Lev 21:14, may also be read, with “wife” repeatedly in the singular, to suggest that the high priest only had one wife.

³⁵ That verse (*wēʿiṣṣā ʿel-ʾāhōtāh lō tiqqāh . . . bēḥayyehā*) would have been understood as, “You shall not take a woman alongside her sister (= fellow woman) while she is still alive.” The word *ḥayyehā* in 11QT^a LVII, 18 most likely alludes to the same word in Lev 18:18. Note that CD IV, 21–V, 2, in stating that it is forbidden for a man to take two wives in their lifetimes, cites the law of the king as one of its proofs: “For of the prince (*nāṣīʿ*) it is written, ‘He should not multiply wives (Deut 17:17).’” Here is not the place to enter into the discussion of whether CD means to prohibit the husband from having two wives in *his* lifetime (i.e., no remarriage after divorce from or death of one’s first wife). See Adiel Schremer, “Qumran Polemic on Marital Law: CD 4:20–5:11 and its Social Background,” in *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* (ed. Joseph M. Baumgarten, Esther G. Chazon, Avital Pinnick; Leiden: Brill, 2000), 147–60.

and spurning God's Torah and blessings for returning to God according to the present words of Torah, applied first to the people, then to the king, based primarily on Deut 28, but drawing also on Lev 26 and other passages.³⁶ If the king strays from God's commands his dynasty will be short-lived. But if he follows God's laws, he will be rewarded with victory over his enemies and an everlasting dynastic rule. While, implicitly, the curses have already befallen the Israelite monarchy, the full measure of blessings awaits it. The passage concludes with Deut 17:20b, but slightly altered from the MT, in order to stress the longevity of the righteous king's dynasty.³⁷ Here the eschatological dimension of Israelite monarchy, noticeably absent in Philo's and Josephus's treatments of the Deuteronomic laws of the king, and only hinted at in the biblical law of the king, emerges prominently, and extensively, albeit still conditionally.

While the Temple Scroll's law of the king should be viewed in the historical context of sectarian discontent with the Hasmonean rulers and their successors, it should not be reduced to a simple polemical response to the specific behaviors of particular kings. Viewed exegetically, the Temple Scroll (or its source) fills out what it perceives to be a critical ambiguity in the biblical law of the king: the specific contents of the king's Torah of Deut 17:18–20a, written for him by/before the priests, is scripturally unspecified. The Temple Scroll claims to disclose the contents of that Torah, thereby defining

³⁶ Deut 28 may have been chosen as the primary text since it addresses its audience in the second person singular, and not plural as in Lev 26, suggesting perhaps that its addressee is the king. Note the use of "this Torah" in 11QT^a LIX, 9, which the people must obey. Previously (11QT^a LVI, 21; cf. LVII, 1) "this Torah" referred to the king's Torah *per se*. If the reference is the same, it would mean that the people's behavior and its covenantal consequences are a function of their being led by a king who conducts himself (and wars) according to this Torah of the king. Otherwise, "this Torah" might refer to the Temple Scroll as a whole, although it is never elsewhere referred to as "Torah." In part, the answer depends on whether one conceives of this section of national blessings and curses as having once existed apart from its presently constructed setting.

³⁷ Note the addition of *rabbim* to MT *yamim*, and the preceding *le'olam* (11QT^a LIX, 18). Compare 4QMMT, which after listing some rules which distinguish the author's community from its opponents, concludes (C 12–22) by invoking the biblical blessings and curses, parts of which, it is claimed, have already befallen the Israelite kings, and the rest of which may be expected soon: the blessings for those who embrace the community's words and deeds of Torah, the curses for those who do not. Note also the dramatic annual reenactment of the ceremony of blessings and curses in 1QS I, 16 – II, 18 Cf. 1QM XIII, 1–6; 4Q266 11, 16–18 // 4Q270 7 II, 11–12.

the relation of the king to the priests. It does so by opening a space within Scripture into which it constructs that Torah through the exegetical weaving of the verses of Deut 17:14–20 with resonant verses from elsewhere in Scripture.

However much the Temple Scroll's law of the king is a self-contained composition, it rhetorically fits well within its present documentary context. The Temple Scroll as a whole designs a highly structured spatial and temporal order by which holiness and purity are concentrated and protected within the space and time of the Temple City of Jerusalem and its festival calendar, as administered by a priestly hierarchy. Within this sacral construction of the covenantal polity, the Israelite king, who is biblically defined neither by holiness nor by purity, but nevertheless rules, judges, and wages war by divine authority, could either have been excluded or outfitted with a space of his own, but one suited to his place within the overall architectural design as conceived by the Temple Scroll. The king was too central to the narrative sacred history of Israel, extending to the author's own day, to permit his exclusion. Instead, the exegetical reconstruction of the king's Torah of Deut 17:14–20 provided the means for his accommodation. The implicit teleology of the biblical law of the king is further narrativized by the Temple Scroll so as to reinforce the Qumran community's expectation, and even experience, of an imminent eschaton in which Israel's anointed priestly and monarchic heads would be restored, in that order of priority.

4. *The Mishnah*

If the Temple Scroll's treatment of the Deuteronomic laws of the king is written in a state of exile from Jerusalem, its temple, and an Israelite king, the Mishnah is composed, in its present form at least, at a time long after the Jerusalem temple had been destroyed and the Israelite monarchy had come to an end. This has led scholars to suggest that the Mishnah's law of the king derives from late second temple times, perhaps, like the Temple Scroll, as a polemic against the behavior of *particular* Hasmonean rulers.³⁸ The underlying assumption is that for the mishnaic text to have had legal force, its subject

³⁸ See especially Jacob N. Epstein, *Introduction to Tannaitic Literature* (Hebrew) Jerusalem/Tel Aviv: Magnes/Dvir, 1957), 55, 417–419, and claims that most of

must have had a historical presence. Once again, I hope to demonstrate that before reducing the mishnaic law of the king to a historical reflex, we need to consider its hermeneutical and rhetorical facings.³⁹

Like the Temple Scroll, the Mishnah sets its rules for the king in the larger context of its discussion of rules for courts and justice, even as Chapter Two of tractate *Sanhedrin*, which deals with the king, interrupts the flow of that larger context.⁴⁰ The previous chapter spells out a structure of three types of courts, in ascending sizes of three, twenty-three, and seventy-one members, for civil, capital, and constitutional cases respectively. It is the court of seventy-one which tries the high priest and which must authorize a "war of choice" (1:5), the two being immediately juxtaposed to one another. Although the king is not mentioned explicitly, it is he who initiates such a war, as is stated in *m. Sanh.* 2:4. This then sets the stage for two constitutional questions: What are the responsibilities and limits of the high priest and the king within this system of justice, and, of particular concern to the Mishnah, what are their statuses *relative to one another* as Israel's two highest human authorities?

Chapter Two of Mishnah *Sanhedrin* is "early" (i.e., pre-70 C.E. at least), and dates the beginning of 2:2 ("The king neither judges nor is judged") to the time of Alexander Jannaeus (103–76 B.C.E.) or John Hyrcanus (135–104 B.C.E.), with 2:4 ("When he sits in judgment [the Torah] is with him") being even earlier. Similarly, Chanoch Albeck (*Šišša sidre Mišna* [6 vols.; Jerusalem/Tel-Aviv: Bialik Institute/Dvir, 1952–56], 4:174) explains that the removal of the king from judging and being judged in *m. Sanh.* 2:2 was a consequence of the last Hasmonean kings not having conducted themselves properly. Compare Gedalyahu Alon (*Jews, Judaism and the Classical World* [trans. I. Abrahams; Jerusalem: Magnes, 1977], 23), who writes: "Also the Tannaitic regulations appertaining to the law relating to the king were, it seems, framed in the era of the Hasmonaeans, whose monarchy they recognized." See also *ibid.*, 4–5. These historicizing interpretations derive ultimately from the incident related in *b. Sanh.* 19a–b, concerning the slave of King Jannai, which in turn seeks to resolve seeming contradictions in the Mishnah's treatment of the king. See below, n. 51. For the historical incident, cf. Josephus, *B.J.* 1.208–211; *Ant.* 14.168–179. However, as I demonstrate elsewhere ("Priests, Kings, and Patriarchs: Yerushalmi Sanhedrin in its Exegetical and Cultural Settings," forthcoming, see above, n. 3), this talmudic understanding of the mishnaic law of the king is not found in any ancient Palestinian rabbinic sources.

³⁹ For a broader discussion of these three textual facings (historical, hermeneutical, rhetorical), see my *From Tradition to Commentary*, 13–23.

⁴⁰ Chapter Three takes up the composition of the court of three, the jurisdiction of which was defined in Chapter One. This might suggest that Chapter Two was composed apart from its present context and only later inserted here, being in a sense extraneous. Alternatively, it could be set here precisely so as to break the flow in order to draw attention to itself.

In implicit response to these questions, Chapter Two presents two carefully constructed lists of allowed and disallowed practices, first for the high priest and then for the king. To begin with, the high priest can both serve as a judge on a court and be judged by the same, whereas the king, neither. Similarly, the high priest can bear witness and be witnessed against, whereas the king, neither. The lists continue with nonjudicial matters: performing or declining levirate marriage and having the same performed for his widow, mourning and being comforted.⁴¹ Except in matters expressly forbidden by Scripture, such as marrying a widow (Lev 21:14), or coming into contact with the dead, the high priest engages in activities that might compromise his honor, which the king does not. Whereas both are to be honored by the people and distinguished from them, the king emerges from these parallel and juxtaposed lists more protected from dishonor and more elevated above the people than is the high priest.

This is not to say that the Mishnah is monological in its statements. Rabbinic countervoices, especially that of R. Judah (ben Ilai), recur, seeking to allow the king what is forbidden to him and to forbid the high priest what is allowed to him by the anonymous voice of the Mishnah, thereby enhancing the status of the high priest and reducing that of the king. For example, whereas R. Meir would have the high priest follow the bier of a relative, albeit at a distance and not in plain view, as far as the city limit, R. Judah would have him remain in the Temple, citing for support Lev 21:12.⁴² While the anonymous voice of the Mishnah would prevent the king from submitting to *ḥālīšâ* or from performing levirate marriage, R. Judah would allow him to *elect* to do either. Similarly, contrary to the anonymous voice of the Mishnah, R. Judah would allow the king to marry a (king's) widow, citing David (2 Sam 12:8) as a positive precedent in this regard, something forbidden to the high priest. But in conclusion, when the people come to the meal of comfort for a

⁴¹ The list for the king (2:3) omits mention of his comforting mourners or being comforted himself as a mourner, and moves instead to the providing of a meal of consolation for the king. This omission may mean that unlike the high priest, who participates in the "mourner's row," both to comfort and be comforted, the king participates in neither. This is explicitly stated in *t. Sanh.* 4:2: "An Israelite king does not stand in line to receive comfort nor does he stand in line to give comfort to others."

⁴² In *t. Sanh.* 4:1 the sages respond to R. Judah by arguing that Lev 21:12 only applies when the high priest is engaged in the sacrificial service.

mourning high priest, they sit on the ground while he sits on a bench or stool (*sapsāl*), as befits a mourner, whereas the king under the same circumstances sits on a couch (*dargēs*).⁴³ Thus, notwithstanding the internal dialogue, the net balance is that the king's honor is to be safeguarded more rigorously than that of the high priest.⁴⁴

Mishnah *Sanhedrin* 2:4 returns to the subject which triggered the Mishnah's treatment of the king, the requirement that he only lead the people into a "war of choice" with permission of the court of seventy-one (1:5), which, as rabbinically conceived, was comprised of sages. This is in sharp contrast to the Temple Scroll, in which the king is required to seek the judgment of the Urim and Thummim from the high priest (following Num 27:21) before leading the people to war.⁴⁵ But despite the Mishnah's subordination of the king to the court of seventy-one elders in this regard, it goes on to stress the king's absolute powers of eminent domain in cutting roads, and the king's privilege of taking his share of the booty first, for which, unlike in the Temple Scroll, no measure is set.⁴⁶

The mishnaic chapter (2:4–5) continues with a series of midrashic interpretations of Deut 17:15, 16, 17, and 19, but *out of scriptural order*. These interpretations seek to define the limits to the king's numbers of wives, horses, and money, and specify that he is to write his *own* Torah scroll and to keep it with him in all his stately activ-

⁴³ The distinction between the higher status of the *dargēs* and the lower one of the *sapsāl*, and thereby of the king and high priest respectively, is sharpened in the commentary to these two terms in *y. Sanh.* 2:2 (20a) and 2:4 (20b): The king in mourning sits on the *dargēs*, since although it is a type of "bed," and mourners are obligated to "overturning the bed," the king is exempt from such mourner's obligations. Alternatively, the high priest sits on a *sapsāl*, since he is obligated to "overturning the bed," but the *sapsāl* is not a type of bed. Thus, the type of seat they sit on conveys their differing statuses with respect to the laws of mourning.

⁴⁴ This might be because the king's honor was less grounded in scriptural rules and hence in need of rabbinic buttressing. But given the sorry history of *both* the high priesthood and the monarchy in late second temple times, it is hard to see this construction simply as a polemical response to the misdeeds of the Hasmonean kings, who also served as high priests up until 53 B.C.E. (with the exception of Queen Salome Alexandra [76–67 B.C.E.]).

⁴⁵ For this understanding, see above, n. 31. For the king inquiring of the Urim and Thummim, perhaps for other matters, see *m. Yoma* 7:5.

⁴⁶ Although not discussed by me above, 11QT^a LVIII, 11–15 also contains a section on war booty, of which the largest part goes to the king. Perhaps significantly, in the Temple Scroll the king's portion is defined (one tenth) and is *given* to him (*wēnātēnū mimmenū lammelek*; by whom is not stated), whereas in the Mishnah its quantity is not defined and is *taken* by the king himself (*wēhū' nōtēl hēleq bē'ōš*).

ities: waging war, sitting in judgment, and dining.⁴⁷ In particular, the question of the number of the king's wives receives some dialectical debate: is it the *number* of the king's wives (a maximum being set at eighteen),⁴⁸ or their *qualities* (that they not turn his heart), or the two in combination that defines the limitation?⁴⁹

Finally, the Mishnah (2:5) states that no one else is to use the king's symbols of authority (his horse, his throne, or his scepter), and that no one should see him exposed (having his hair cut, naked, or in the bath house). As proof, and in conclusion, Deut 17:15 is cited: "You shall surely establish *over you* (*ālēkā*) a king," meaning, "that his awe (*ēnālō*) should be *over you*."⁵⁰ The principal point of the verse, as midrashically understood by the Mishnah, is not simply the obligation to appoint a king, but to be ever mindful of and submissive to the king's royal prestige. Clearly, the midrashic commentary has

⁴⁷ "Scroll of Torah" here must be assumed to be the whole Pentateuch. This is more explicitly stated in *t. Sanh.* 4:7. In the LXX and Philo, Deut 17:18 is taken to refer only to the book of Deuteronomy. A similar understanding is attested in *Sifre Deut* 160 (see below, n. 79). The Temple Scroll takes the reference to be a (previously undisclosed) Torah of the king's laws in particular. Josephus does not treat the issue directly enough for us to know how he understands the verse. These differences derive from the ambiguity of the Hebrew of Deut 17:18, *mišneh hattōrā hazzōt*, and its Greek translation, *to deuteronomion touto*. Interestingly, the Mishnah does not cite the biblical text of Deut 17:18, as it does for its other rules here, but exegetically paraphrases it. On the apparent contradiction between the king's sitting in judgment (*yōšēb baddin*) and the rule in 2:2 that he not judge (*lō dān*), see below, n. 51.

⁴⁸ The reason for the number eighteen is given in the Berlin MS of *Sifre Deut* 159 as deriving from 2 Sam 12:8, taken to imply a three-fold multiplication of six wives.

⁴⁹ The anonymous voice of the Mishnah sets the maximum number at eighteen. According to R. Judah, so long as the wives do not turn the king's heart, the number does not matter. According to R. Simeon, any wife who turns the king's heart is one too many, but even a righteous wife who does not (such as Abigail) should not be taken if she will bring the number to more than eighteen. This dialectic is more fully developed in *Sifre Deut* 159, which adds (in MSS London and Vatican) that even one wife like Jezebel is one too many. Note that the Mishnah, unlike the Temple Scroll (11QT^a LVII, 16–17; cf. Yadin, *Temple Scroll*, 1:354–55), is not interested in the wife's lineage. This is stated explicitly in *t. Sanh.* 4:2: "He can choose wives from among whichever group he wishes: priests, Levites, or Israelites." This is consistent with rabbinic Judaism's general stance of downplaying pedigree in favor of merit, especially in learning. See below, nn. 52, 56; but cf. n. 75.

⁵⁰ The Tosefta (4:1) applies the *same* rule to the high priest, citing Lev 21:10: "And he who is high priest among his brothers": that his fellow priests should treat him with grandeur" (reading the verse as "the priest who is greater than his brothers"). The Tosefta (4:5), however, states in the name of R. Judah: "The whole section (Deut 17:14–20) was only written to cause the people to revere [the king]," citing Deut 17:15 for proof. Cf. *b. Soṭah* 41b.

been presented *out of scriptural order* so as to conclude the mishnaic chapter with Deut 17:15 and its interpretation, thereby emphasizing, in conclusion, the king's honor and authority.

The two parts of the chapter, the contrasting lists comparing the king and the high priest and the midrashic interpretations of the scriptural rules for the king, complement one another, even as they encompass different subjects.⁵¹ The intervening section stresses the limitlessness of the king's powers of eminent domain, even as it subordinates him to the court of seventy-one elders in declaring a war of choice. Thus, the overall, but gradually emerging effect of the chapter, in its dual logics of categorical parataxis and exegetical dialectic, is to stress the honor and the authority of the king, in contrast to the initial foil of the high priest.⁵² Certainly, the king's authority has its limits, but not nearly to the extent that we saw in the

⁵¹ There is, however, one point of discordance between them: 2:2 states that the king neither judges nor is judged, whereas 2:4 speaks of his sitting in judgment (as one might presume from biblical narratives of Israelite kings as well). Firstly, consistency has never been the hallmark of rabbinic discourse, given its anthological and dialogical nature. However, in this case it is possible that the first refers to the king sitting as a judge on a court, or standing before a court in public, that is, as one among others (see the commentaries of the two talmuds), whereas the second refers to his sitting in judgment alone. For another explanation, which resolves the seeming contradiction by relegating the two rules to different periods of second temple times, see above, n. 38. *B. Sanh.* 19a-b suggests that the first rule might have been applied to the kings of Israel while the second to the descendants of David.

⁵² Compare the Babylonian Talmud's opening interpretation of this chapter of the Mishnah (18a): we are only told about the high priest so as to be told about the king. Other mishnaic passages appear similarly to position the king above the high priest in status: *m. Soṭah* 7:8; *t. Hor.* 2:9; but cf. *m. 'Abot* 4:13. See also below, n. 56. Although priesthood and monarchy are both hereditary, priestly status by pedigree alone, especially when devoid of Torah learning, was particularly prone to rabbinic deprivileging. See, in particular, *m. Hor.* 3:8; *y. Šabb.* 12:3 (13c) // *y. Hor.* 3:5 (48c). Similarly, the absence of priests as a group in the "chain of tradition" of *m. 'Abot* 1:1, especially in light of the prominent place of the priests as transmitters of Torah in the Hebrew Bible and second temple Jewish literature, has been frequently noted. For discussion of this motif in ancient Judaism more broadly, see Stuart A. Cohen, *The Three Crowns: Structures of Communal Politics in Early Rabbinic Jewry* (Cambridge: Cambridge University Press, 1990); Steven D. Fraade, "Shifting from Priestly to Non-Priestly Legal Authority: A Comparison of the Damascus Document and the Midrash Sifra," *DSD* 6 (1999): 109-125; (i.e., Moshe David Herr, "Continuum in the Chain of Tradition" (Hebrew), *Zion* 44 (1979): 43-56; Martha Himmelfarb, "'A Kingdom of Priests': The Democratization of the Priesthood in the Literature of Second Temple Judaism," *The Journal of Jewish Thought and Philosophy* 6 (1997): 89-104; Jeffrey L. Rubenstein, "Torah, Lineage, and the Academic Hierarchy (Horayot 13b-14a)," in *Talmudic Stories: Narrative Art, Composition, and Culture* (Baltimore: Johns Hopkins University Press, 1999), 176-211.

Temple Scroll's construction. Unlike the Temple Scroll, the Mishnah does not at all address the dynastic, and hence possibly eschatological, aspect of kingship, focusing instead on the king in the perpetual present, as is so typical of the Mishnah overall.

Although the Mishnah does not relate its rules for the high priest and the king to the history of those second temple institutions (as does Josephus), it does elsewhere contain one narrative anecdote which is relevant, that being the story found in *m. Soṭah* 7:8 of King Agrippa's public reading of sections of the Book of Deuteronomy, as part of the septennial *haqhēl* ceremony during the Festival of Tabernacles (Deut 31:9-13). As we shall see, rabbinic tradition appears to have conflated the *haqhēl* ceremony with the king's obligation to read from a Torah scroll (Deut 17:19). According to the Mishnah, the king would sit on a wooden platform in the Temple court.⁵³ The Torah scroll would be passed up the ranks from the minister of the synagogue, to the chief of the synagogue, to the prefect of the priests, to the high priest, and finally to the king. The king would normally stand to receive the Torah scroll and then sit to read from it, as befits his honor (in contrast to the high priest, who stands, according to *m. Soṭah* 7:7). King Agrippa (on one occasion at least), in a break from this custom, read the scroll while standing, as a sign of his placing the Torah's honor above his own, for which he received the sages' praise. When he came to the verse in Deut 17:15 which prohibits the appointment of a gentile as king, he began to weep, since, as the grandson of Herod, he was partly Edomite. The sages, or perhaps the people, exclaimed to him: "Do not fear Agrippa, you are our brother, you are our brother."⁵⁴

⁵³ The raised platform also appears in Neh 8:4 (Ezra) and 2 Kgs 23:3 (Josiah).

⁵⁴ Alon (*Jews, Judaism and the Classical World*, 23) clearly understands the sages to have been the ones who reassured the king. The sages are the immediate antecedent to *'āmēru lō* ("they said to him"). A much briefer version of the anecdote is brought by *Sifre Deut* 157, where it is "all of Israel" who proclaim Agrippa their brother. Compare *t. Soṭah* 7:16 (ed. Lieberman, 196), where the people's praise of Agrippa is criticized: "In the name of R. Nathan they said: Israel became liable for destruction for having flattered (*hinnēpū*) Agrippa the king." Cf. parallels in *b. Soṭah* 41a; *y. Soṭah* 7:7 (22a); *Midrash Haggadol Deuteronomy* (ed. Fisch, 398) (included by D. Hoffmann in *Midrasch Tannaim zum Deuteronomium* [Berlin, 1908-9], 24). I will not deal here with the various traditions of what sections of the Book of Deuteronomy were read by the king during the *haqhēl* ceremony, especially the manuscript variants to the Mishnah and the alternative view attributed to R. Judah in *t. Soṭah* 7:17. For discussion, see Saul Lieberman, *Tosefta Ki-Fshuṭah*, vol. 8 (New York: Jewish Theological

The story is particularly interesting since in Deut 31:9–13 it would appear that Moses assigns this scriptural reading to the levitical priests, to whom he had consigned the Torah, and secondarily to the elders of Israel. Josephus, in his paraphrase (*Ant.* 4.209 [LCL 4:574–77]) says: “Let the high priest, standing upon a raised platform from which he may be heard, recite the laws to the whole assembly.” On the contrary, the Mishnah assigns this practice to the king. However one chooses to resolve this conflict historiographically, the Mishnah would appear to claim a higher place of honor for the king over the high priest and a close affinity between the sages and at least the last of the Israel’s kings with whom they could identify.⁵⁵

Seminary of America, 1973), 683–84; Joseph Tabory, *Jewish Festivals in the Time of the Mishnah and Talmud* (Jerusalem: Magnes, 1996), 208–211; Shlomo Nach, “The Torah Reading Cycle in Early Palestine: A Re-Examination” (Hebrew), *Tarbiz* 67 (1998): 183–85; David Henshke, “How ‘The King’s Portion’? On the Methods of Editing the Mishnah” (Hebrew), *Sidra* 16 (2000): 21–32. See also below, n. 79.

⁵⁵ For an attempt to resolve the contradiction between the Mishnah and Josephus, see Albeck, *Šiṣša sidre mišna*, 3:389. Albeck states that “there is no doubt that [what the Mishnah describes] was an early [i.e., second temple] practice . . . but there is no recorded substantiation of this custom.” The only support would come from Josiah’s one-time reading of the “words of the book of the covenant which had been found in the house of the Lord” (2 Kgs 23:2–3). According to Albeck, Josephus refers only to such times when there was no king to perform the *haqhel* ceremony. However, other second temple sources would appear to support Josephus in viewing the recitation of Scripture as the prerogative primarily of the priests. See Philo’s *Hypothetica* (in Eusebius, *Praep. Ev.* 7.13): “Some priest who is present or one of the elders reads the holy laws to them and expounds them point by point” (LCL 9:432–33). Similarly, Hecataeus of Abdera (ca. 300 B.C.E.) states (apud Diodorus Siculus 40): “It is [the high priest], we are told, who in their assemblies and other gatherings announces what is ordained” (Menahem Stern [ed.], *Greek and Latin Authors on Jews and Judaism* [vol. 1; Jerusalem: Israel Academy of Sciences and Humanities, 1976], 26–28, with Stern’s notes on p. 31). See also *Let. Arist.* 310, and, of course, Neh 8:1–12. For priests as readers of the Torah, see now 4Q266 5 II, 1–3 (DJD 18: 49–52), with Joseph Baumgarten, “The Disqualifications of Priests in 4Q Fragments of the ‘Damascus Document,’ A Specimen of the Recovery of pre-Rabbinic Halakha,” in *The Madrid Qumran Congress: Proceedings of the International Congress on the Dead Sea Scrolls – Madrid, 18–21 March 1991* (ed. J. Trebolle Barrera and L. Vegas Montaner; 2 vols.; Leiden: Brill, 1992), 2:503–513. Priests as communal readers and teachers of Torah may also be suggested by the fragmentary 4Q264a 1, 4–5. See Eibert J. C. Tigchelaar, “Sabbath Halakha and Worship in 4QWays of Righteousness: 4Q421 11 and 13+2+8 Par 4Q264a 1–2,” *RevQ* 18 (1998): 363–66. For the view that the septennial reading of Scripture was not practiced in late second temple times, and that the difference between Josephus and the Mishnah is one of differing exegeses of Deut 31:9–11, see David Goodblatt, “Agrippa I and Palestinian Judaism in the First Century,” *Jewish History* 2 (1987): 26–27 n. 31. Seth Schwartz (*Josephus and Judean Politics* [Leiden: Brill, 1990], 162–64) similarly discounts the historical reliability of the mishnaic passage, particularly the part about King Agrippa. For a view of the event described in the Mishnah as historical, and

This narrative, therefore, complements the Mishnah’s legal enunciation of the king’s honor and authority relative to that of the high priest. In only one area might the king compromise his honor: in deference to that of the Torah.⁵⁶

Before turning to our earliest continuous midrashic commentary to Deut 17:14–20, let us look briefly at one rule found in the Tosefta’s accompaniment to our mishnaic chapter.

5. The Tosefta

Tosefta *Sanhedrin* 4, corresponding to Mishnah *Sanhedrin* 2, does not take the form of parallel lists of rules contrasting the high priest and the king to one another (and the implicit elevation of the honor of the latter over that of the former). Even more remarkably, several rules of the Tosefta directly contradict those of the Mishnah, thereby raising the status of the high priest or lowering that of the king. For example, according to *t. Sanh.* 4:1: “[The high priest] does not perform *hālîṣâ* and others do not perform with respect to his wife . . . and [others] do not perform levirate marriage with his wife” (cf. *m. Sanh.* 2:1). Even more strikingly, according to *t. Sanh.* 4:2: “If [the king] transgressed any positive commandment or negative commandment or any other commandment, behold he is treated like a commoner in all respects” (cf. *m. Sanh.* 2:2). However, in other regards the Tosefta, like the Mishnah, upholds the honor of the king. This suggests that the Tosefta represents the sort of raw materials from which the mishnaic editor selected, fashioned, and combined traditions to form the relatively well structured and ideologically coherent unit of Mishnah *Sanhedrin* 2.⁵⁷ In one rule, however, the Tosefta associates

for various attempts, therefore, to reconcile it with Josephus’s account, see Daniel R. Schwartz, *Agrippa I: The Last King of Judea* (Hebrew) (Jerusalem: Zalman Shazar Center for Jewish History, 1987), 173–74, 228–31. For our purposes it does not matter whether the Agrippa referred to is the first or the second.

⁵⁶ According to *b. Soṭah* 41b, Abbaye characterizes the whole mishnaic narrative, with the king being the last to receive the Torah, as being “for the sake of the honor of the king.” For the superior honor of the king to that of the high priest, but inferior to that of the sage, see the *baraita* in *b. Hor.* 13a: “A sage precedes [in paying a ransom for his release from captivity] a king of Israel . . . A king of Israel precedes a high priest . . . A high priest precedes a prophet.” Compare as well the late addition in *m. ’Abot* 6:5, where Torah is said to be more precious than kingship, which is more precious than priesthood.

⁵⁷ For the toseftan materials sometimes being prior to the constructions of the

the biblical king (*melek*) with the rabbinic patriarch (*nāṣī*), an association which is expressed several times in the Palestinian Talmud.⁵⁸ The Tosefta states (4:2–3):

And they do not ride on his [the king's] horse, sit on his throne, and handle his crown or scepter or any of his regalia.⁵⁹ When he dies, all of them are burned for him (*ālayw*), as it is said, "You shall die in peace; and as there were burnings for your fathers, the former kings [who preceded you, so they will burn for you]" (Jer 34:5). And just as they burn for kings, so they burn for the patriarchs, but not for ordinary people. What do they burn for them? Their bed and their regalia.⁶⁰

Mishnah, see Shamma Friedman, "The Primacy of Tosefta in Mishnah-Tosefta Parallels – *Shabbat* 16,1: ככל כחבי וקדש" (Hebrew), *Tarbiz* 62 (1993): 313–338; translated and expanded as "The Primacy of Tosefta to Mishnah in Synoptic Parallels," in Harry Fox and Tizah Meacham (eds.), *Introducing Tosefta: Textual, Intratextual Studies* (Hoboken, NJ: Ktav, 1999), 99–121; Judith Hauptman, "Mishnah As a Response to 'Tosefta,'" in *The Synoptic Problem in Rabbinic Literature* (ed. Shaye J. D. Cohen; Providence, Rhode Island: Brown Judaic Studies), 13–34.

⁵⁸ For the Palestinian Talmud, see below, n. 77, as well as my forthcoming article, "Priests, Kings, and Patriarchs: Yerushalmi Sanhedrin in its Exegetical and Cultural Settings" (see above, n. 3). The identification of *melek* with *nāṣī* is first evidenced in the prophet Ezekiel, who uses the term *nāṣī* for the Israelite king in 12:10, 12; 21:30. The terms *melek* and *nāṣī* are messianically equated in Ezek 34:24; 37:22, 24, 25; 44:3. The word *nāṣī* is substituted for *melek* in CD V, 1 (in citation of Deut 17:17). See Alexander Rofé, "Qumran Paraphrases, the Greek Deuteronomy and the Late History of the Biblical נָשִׂי," *Text* 14 (1988): 163–74, who argues that the substitution of *nāṣī* for the MT's *melek* in the LXX's Vorlage reflects an anti-monarchic devaluation of the status of the king in Ezekiel and his successors, including Qumran. Both titles were used for Bar Kokhba. See David Goodblatt, "The Title Nasi' and the Ideological Background of the Second Revolt," in Aharon Oppenheimer and Uriel Rappaport (eds.), *The Bar Kochba Revolt: A New Approach* (Jerusalem: Yad Yitzhak ben-Tzvi, 1984), 113–132; Yigael Yadin, Jonas C. Greenfield, Ada Yardeni, and Baruch Levine (eds.), *The Documents from the Bar-Kokhba Period in the Cave of Letters: Hebrew, Aramaic and Nabatean-Aramaic Papyri* (Jerusalem: Israel Exploration Society, 2002), 369–73. For the equation of *melek* and *nāṣī* in the Mishnah, see *Hor.* 2:5; 3:3. For their association with respect to honor, see *b. Soṭah* 41b and parallels.

⁵⁹ This is similar to *m. Sanh.* 2:5, with the addition of the words "crown or" and "or any of his regalia."

⁶⁰ *T. Šabb.* 7:18 (ed. Lieberman, 28) similarly derives this practice from the precedent of king Zedekiah (Jer 34:5), which does not specify in the Hebrew what is burned, and provides an anecdote from the death of Rabban Gamaliel (II). See also *m. Abod. Zar.* 1:3; *b. Abod. Zar.* 11a; on whether such burning is a pagan (idolatrous) practice. Compare *Mas. Sem.* 8:6 (ed. Higger, 151), where the practice with respect to patriarchs is discouraged, even though the case of Rabban Gamaliel is acknowledged. See also Saul Lieberman, *Tosefta Ki-Fshutah*, vol. 3 (New York: Jewish Theological Seminary of America, 1962), 100–101. David Goodblatt (*The Monarchic Principle*, 188–89) suggests that the "burning for patriarchs" is a later addition in

Thus, to insure that the king's regalia are not used after his death, they are burned as part of his funerary rites. This honor, according to the Tosefta, is to be extended, by association, to the patriarchs, but not to common people. This is the sole explicit association, if not identification, of (rabbinic) patriarchs with kings in the Mishnah or Tosefta. Its significance to our understanding of the rabbinic interpretation of the law of the king will soon emerge.

6. The Sifre to Deuteronomy

The Sifre's commentary to Deut 17:14–20 should not be viewed simply as an exegetical justification of the Mishnah's laws, or as a polemic against the Mishnah's avoidance of scriptural proofs, or as the midrashic source from which those mishnaic rules were distilled. Rather, it should be viewed as a creative work of pedagogy in its own right, one that employs the dialogical medium of scriptural commentary to explore in greater detail and depth the problematics of Israelite monarchy and their broader implications for the shape of Israel's divine constitution and the rabbinic part therein. In keeping with its form and function, the midrashic commentary is more multivocal and less concise and coherent than is the Mishnah.

The commentary begins (§156)⁶¹ by highlighting and contrasting the positive and negative attitudes toward kingship juxtaposed in the first two verses of the scriptural text, staging a debate between R. Nehorai and R. Judah. The former notes that Deut 17:14 disparages Israel for their desire to have a king in rejection of God's own rulership, as emphasized in 1 Sam 8:7. The latter responds that Deut 17:15 makes Israel's desire for a king the fulfillment of a scriptural command (*sōm tāšūm 'alēkā melek*, "You shall surely establish over you a king"). Why then were they punished? For seeking a king too soon.⁶² As if in response, R. Nehorai stresses that the people sought

the Tosefta, coming after the time of Judah the Patriarch (I). See also *ibid.*, 142. Both *y. Sanh.* 2:6 (20c) and *b. Sanh.* 52b include the rule for burning the regalia of the king, with the prooftext of Jer 34:5, but without inclusion of the patriarchs. On this subject, see Beth A. Berkowitz, "Decapitation and the Discourse of Anti-Syncretism in the Babylonian Talmud," *JAAR* (forthcoming).

⁶¹ Unless otherwise indicated, references are to the edition of Louis Finkelstein, *Sifre ad Deuteronomium* (Berlin, 1939; repr. New York: Jewish Theological Seminary of America, 1969).

⁶² Deut 17:14 might be understood to mean that a king was to be established

a king not because it was commanded but for idolatrous reasons (to be "like all the nations").⁶³ This dialectic of Israelite kingship (mistaken/commanded) is left unresolved. Taken together, Israelite kingship is divinely mandated, but instituted by the people at the wrong time and for the wrong reasons. Thus, in the time of its composition, considerably after Israelite monarchy had ceased to exist, the Sifre affirms Israelite monarchy as a divinely ordained institution, but without encouraging its present reinstitution.⁶⁴

The commentary continues (§157) with a series of declarative interpretations of Deut 17:15: The verse denotes the appointment of a king, and another after his death; it excludes the appointment of a "queen";⁶⁵ it requires the prophetic selection of the king;⁶⁶ and that

only after the land had been fully possessed and settled, but leaving unclear at what time those conditions would be met. Rabbeinu Hillel and R. Sulciman of Safed (in *Sifre*, Vilna, 1866) in the name of RaBaD, argue that the people went ahead in asking for a king without waiting for their elders to make the decision first. Meir Friedman (*Siphre debe rab* [Vienna, 1864], 105a) suggests that the people desired a king before the proper, divinely appointed time. This relates to the question of the proper timing for establishing (or re-establishing) the monarchy upon conquering the land (or messianic times). See the tradition attributed to R. Judah in *Sifre Deut* 67 (ed. Finkelstein, 132), with which compare *Midr. Tannaim Deut* 12:10; 17:14 (ed. Hoffmann, 50, 103–104); *Mek. Dewarim* (Solomon Schechter, "Mekilta' ledevarim parašat re'eh," in *Tiferet Yisrael: Festschrift zu Israel Levy's siebzigstem Geburtstag* [ed. M. Brann and I. M. Elbogen; Breslau, 1911], 191–92 [Heb. section]); *t. Sanh.* 4:5; *b. Sanh.* 20b; as well as other parallels in Finkelstein's note ad loc.; where traditions differ as to whether the monarchy was to be established before or after the building of the temple. Cf. Pseudo-Philo, *L.A.B.* 56:1–3, with the note of Louis H. Feldman, "Prolegomenon" to *The Biblical Antiquities of Philo* (trans. M. R. James; New York: Ktav, 1971), CXXXV. Note also R. Judah's statement (*t. Sanh.* 4:5) that "the whole pericope was only stated in order to instill in them awe [for the king]," which could be understood to mean that Deut 17:14–20 was not intended as a commandment to appoint a king (immediately upon entering the land). Finkelstein, in a note (p. 208), gives other examples of R. Judah having been favorably disposed toward the monarchy. See further, Louis Ginzberg, *Legends of the Jews* (trans. Henrietta Szold; 7 vols.; Philadelphia: Jewish Publication Society of America, 1913–38), 6:230.

⁶³ Compare R. Nehorai's words as cited by *t. Sanh.* 4:5: "The whole pericope was only stated in anticipation of the people's [future] clamoring [for a king], as it says, 'And you will say, I will set a king over me' (Deut 17:14)." The Tosefta then gives the view of R. Eleazar b. R. Yosc: "The elders asked properly, as it says, 'Give us a king to govern us' (1 Sam 8:6). But the commoners (*ammē hā'āres*) ruined things, as it says, 'that we also may be like the nations, and that our king may judge us and go out before us to wage our battles' (1 Sam 8:20)."

⁶⁴ On the rabbinic ambiguous view of monarchy as read against the historical backdrop of the Bar Kochba revolt, see Gerald J. Blidstein, "The Monarchic Imperative in Rabbinic Perspective," *AJSR* 7–8 (1982–83): 15–39.

⁶⁵ This presumably would disqualify Queen Salome Alexandra (76–67 B.C.E.).

⁶⁶ This would presumably exclude the Hasmonean and Herodian monarchies,

the king be from within the Land⁶⁷ and from among the people of Israel.

The commentary next shifts back to a dialogical mode in probing the meaning of Deut 17:15: "establish over you a king." Noting that the words *tāsīm 'alēkā melek* appear twice in the same verse (redundancy being impossible in a divine text), the commentary takes the first to signify the actual appointment of the king and the second the setting of the king's awe (*'ēmā*) over the people. For exemplification, the commentary cites the mishnaic tradition of not allowing anyone to use the king's regalia or to see him exposed.⁶⁸

The commentary next notes another seeming repetition in the verse: "[From among your brothers] establish over yourselves a king" and "you shall not establish over yourselves any gentile."⁶⁹ This would appear to be the same commandment stated positively and negatively. Since such a duplication would be redundant, the second occasion is freed to refer not to the king in particular (who is not mentioned in this clause), but to the "public administrator" (*ḡamās 'al haššibbūr*) more generally, who must be a male, since the second scriptural phrase specifies "man" (*'āš*).⁷⁰ Who then is this *ḡamās 'al haššibbūr* for whom an exegetical space is opened alongside the king?

Before attempting an answer, we should note that at the end of its commentary to the section on the king (§162), the Sifre again draws a link between the two:

even though later King Agrippa will be given as a positive example of kingship. Compare the rendering of *Tg. Ps.-Jon.* ad loc.: "You should seek instruction from before God and only afterward appoint over yourselves a king."

⁶⁷ Cf. *t. Sanh.* 4:10.

⁶⁸ See above, at n. 50. MS Vatican and *Midr. Haggadol* give additional examples of the honor due the king from the people, citing examples from the life of David from 1 Chr 28:2 and 1 Kgs 1:43.

⁶⁹ This presumes that the better reading for the lemma is not *sōm tāsīm 'alēkā melek*, but just *tāsīm 'alēkā melek*. The majority of manuscripts omit *sōm*, including now a Geniza fragment (TS 12.852a) not available to Finkelstein (who includes *sōm* here).

⁷⁰ As mentioned, the requirement to establish a king and not a queen was already deduced from the use of *melek* and not *malkā* (§157). Maimonides (*Sefer hammišvōt* 173, 362) also derives a positive and negative commandment from this passage, but he identifies them as the positive obligation to establish and revere a king (from *sōm tāsīm*), and the negative prohibition against appointing a non-Jew, or convert, as king (from *lō' tūkal*).

"He and his sons" (Deut 17:20): For if he dies his son takes his place. Do I only know [from here] about this one [the king]? From where do I know about all the leaders of Israel (*ḥamēšē yiśrā'el*), whose sons take their places? Scripture teaches: "he and his sons within Israel": Whoever [serves] within Israel, his son takes his place.

Once again, the midrash is attentive to a seeming redundancy. Since Scripture had previously (17:15) said of the king that he must be appointed *miqqereb 'ahēkā* ("from among your brethren"), *bēqereb yiśrā'el* ("within Israel") here, so as not to be redundant, can be taken to refer more broadly to others in Israel who serve as public administrators.⁷¹

In other contexts, Sifre Deuteronomy uses the word *ḥamās* to refer to nonpriestly biblical leaders (Moses, David, and Joshua) or to rabbinic figures (Hillel, R. Joḥanan ben Zakkai, R. Akiba).⁷² But, elsewhere (§306) the Sifre refers specifically to "disciples of the sages" who are appointed as *ḥamāsīm*, that is, as communal administrators: "You cannot know what a disciple of the sages is until he teaches: *mišnā*, *hālākōt*, and *haggādōt*;⁷³ or until he is appointed administrator (*ḥamās*) over the public."⁷⁴

Since we know from other rabbinic sources that such rabbinic administrative appointments were passed on from father to son in the period during which the Sifre was composed (third century), it is likely that the present passage has such rabbinic functionaries in

⁷¹ As with the king, the reference may be to those who hold such positions within the Land of Israel, and not without. The term *ḥamāsīm* appears to have been used for Palestinian rabbinic appointments but not Babylonian.

⁷² For Joshua as *ḥamās*, see §334, where it is said that he remained righteous (that is, humble) despite his appointment. For David and Moses as *ḥamāsīm*, see §26 and §344. Note that all of these are nonpriestly leaders of Israel who in other texts are regarded as rabbinic antecedents. For Hillel, Joḥanan ben Zakkai, and Akiba as *ḥamāsīm* (after Moses), see §357.

⁷³ This is the reading in MSS London and Oxford, the *editio princeps*, and *Yalqut Šim'oni*. Finkelstein, following *Midraš Hakamim*, has *midraš*, *haggādōt*, and *hālākōt*.

⁷⁴ §306 (ed. Finkelstein, 339). For further discussion of this passage, with additional bibliography on the *ḥamās*, see my book, *From Tradition to Commentary*, 96–99, 245–246 (nn. 115–119). See also *t. Roš. Haš.* 1:18 (ed. Lieberman, 311–312). For additional evidence of the use of the title *ḥamās*, possibly alongside the title *nāsī'* for Bar Kosiba, see the lead weight found at Horvat Alim: Amos Kloner, "Lead Weights of Bar Kokhba's Administration," *IEJ* 40 (1990): 58–67; idem, in *Erlsr* 20 (1989): 345–351. Although Kloner prefers to understand the word *ḥamās* as referring to Bar Kosiba's administrator (in light of P. Yadin 44, 45), in the context of the lead weight, it seems simpler to me to understand *ḥamās* as a title of Bar Kosiba himself: "Ben Kosiba, Prince of Israel and its administrator" (Kloner, 62). For this understanding, see now Yadin et al., *The Documents from the Bar-Kokhba Period in the Cave of the Letters*, 48.

mind.⁷⁵ These interpretations establish an exegetical link between the Israelite king and rabbinic appointments to positions of authority within Jewish society of the early to mid-third century. As we have seen in the Tosefta, other early rabbinic passages similarly link the biblical king to the authoritative status and honor of the rabbinic *nāsī'*, or Patriarch. The terms *melek* and *nāsī'* have a long history of association and identification, going back to the prophet Ezekiel, extending to the Dead Sea Scrolls, the followers of Bar Kokhba, and the Palestinian Talmud.⁷⁶ In a story told in the Palestinian Talmud, the Patriarch Judah Nesia II, who held that office at the time when the Sifre was most likely redacted, immediately understands rabbinic interpretations of the status and conduct of biblical kings to refer to his office.⁷⁷

⁷⁵ Compare *Sifre Deut* 305 (ed. Finkelstein, 324). See *b. Giṭ.* 60a, where R. Isaac Nappaḥa (ca. 300 C.E.) states that after a priest and a Levite have been called to the Torah the following order obtains: disciples of sages who have been appointed *ḥamāsīm* over the public, disciples of sages who are worthy of being appointed *ḥamāsīm* over the public, disciples of sages whose fathers were appointed *ḥamāsīm* over the public, heads of the synagogues, and finally, any man. On hereditary rabbinic positions and authority, see Gedalyahu Alon, *Jews, Judaism and the Classical World*, 436–57 (citing our Sifre passage on p. 449); Moshe Beer, "The Sons of Moses in Rabbinic Lore," *Bar-Ilan University Yearbook of Judaic Studies and the Humanities* 13 (1976): 149–57 (Hebrew), summarized in idem, "The Hereditary Principle in Jewish Leadership," *Inm* 10 (1980): 57–61. On the tension between such inheriting of rabbinic positions of authority and the ideal of the sage as one who merits his position solely on the basis of his learning and deeds, and for an explanation of why this phenomenon developed in Palestine but not Babylonia, see as well Isaiah Gafni, "Scepter and Staff": Concerning New Forms of Leadership in the Period of the Talmud in the Land of Israel and Babylonia" (Hebrew), in *Kehuna umeluka: yaḥase dat umedina beyisra'el uba'ammim* (ed. I. Gafni and G. Motzkin; Jerusalem: Zalman Shazar Center, 1986–87), 84–91.

⁷⁶ For specifics, see above, n. 58, as well as the next note.

⁷⁷ See the stories told in the Palestinian Talmud to our mishnaic chapter, in which the rabbinic Patriarch (Judah Nesia II, ca. 250 C.E.) is personally angered by sermons which he considers critical or demeaning of the king or *nāsī'*, and which he clearly applies to himself: *y. Sanh.* 2:1 (19d–20a); 2:6 (20c–d) par *Gen. Rab.* 80:1 (ed. Theodor-Albeck, 950–53). See my forthcoming article, "Priests, Kings, and Patriarchs: Yerushalmi Sanhedrin in its Exegetical and Cultural Settings" (see above, n. 3). Cf. *Esth. Rab.* 4:4, applying *Esth* 1:14, which speaks of the king, to Judah the Patriarch. See Goodblatt, *The Monarchic Principle*, 142, 188. For fuller discussion of these stories and their parallels in rabbinic sources and Greco-Roman literature, see Moshe D. Herr, "Synagogue and Theatres (Sermons and Satiric Plays)" (Hebrew), in *Knesset Ezra: Literature and Life in the Synagogue. Studies Presented to Ezra Fleischer* (ed. S. Elizur et al.; Jerusalem: Yad Izhak Ben-Zvi, 1994), 105–119. See *ibid.*, 106 n. 11, for other rabbinic sources that connect *nāsī'* with *melek*. Beginning with R. Judah the Patriarch, the patriarchate claimed for itself Davidic descent. See Goodblatt, *The Monarchic Principle*, 146–69. On the Rabbinic Patriarchate during the period the

We turn next to the Sifre's understanding of the king's obligation to maintain a copy of the Torah with him and to preoccupy himself with it at all times (§160). Like the Mishnah (and Philo), but unlike the Temple Scroll, the Sifre stresses the importance of the king's copying the Torah scroll for himself. But unlike Philo and the other second temple sources, it understands this Torah to comprise not just the Book of Deuteronomy (as does Philo), or a separate set of laws of the king (as does the Temple Scroll), but all of *dibrê tôrà* ("words of Torah"). In the immediate context this means his writing of the whole of the Pentateuch,⁷⁸ but as we shall soon see, the Sifre has a broader study curriculum in store for the king.⁷⁹

We come now to the critical point where the monarch and the priesthood intersect in the scriptural requirement that the Torah which the king copies be in the charge of the levitical priests. These scriptural words were important for the Temple Scroll in subordinating the monarchy to the priesthood, but were not at all mentioned by the Mishnah (or Philo) in its elevation of the king.⁸⁰ The better Sifre manuscripts either omit commentary on the words "from before the levitical priests" entirely, or, as in the case of MS Vatican, gloss over them and introduce the court of seventy-one elders in their place. According to that manuscript, the king copies his scroll from one in the Temple Court (that is, in a minimal sense before the priests and Levites), but has it corrected by the court (*bêl dîn*) of seventy-one.⁸¹ Thus, any active role for the priests is removed and

Sifre was edited, see Lee Levine, "The Jewish Patriarch (Nasi) in Third Century Palestine," in *ANRW* 2.19.2 (1979), 649-688.

⁷⁸ This is suggested by the comment that *mišneh hattôrâ* refers to the fact that the Torah will later undergo change, which is explained in *t. Sanh.* 4:7 to mean that in the days of Ezra, its script will be changed either from Hebrew to Assyrian, or back from Hebrew to Assyrian. On this tradition, see also *b. Sanh.* 21b-22a; *y. Meg.* 1:11 (1:9) (71b). However, another view (*t. Sanh.* 4:8) rejects this idea that the Torah text ever underwent change, and claims instead that *mišneh hattôrâ* refers to two copies made by the king, one to take out with him and one to keep (safely) at home.

⁷⁹ An anonymous countervoice ("others say") expresses the view that the part of the Torah read during the *haqhel* ceremony (Deut 31:10-13), and perhaps therefore the only part that the king was required personally to write, was the Book of Deuteronomy (*mišneh hattôrâ*). But this view is certainly not presumed in what follows.

⁸⁰ On this verse, the Mishnah (2:4) switches from biblical commentary to paraphrase, thereby avoiding the actual scriptural words: *kôlēb lô sēper tôrà lišmô* ("He writes for himself his very own Torah scroll").

⁸¹ Finkelstein's text depends on MS Berlin and Midrash Hākamim, which may be influenced by *t. Sanh.* 4:7, which says that "they shall correct it in the court of

is assumed by the (protorabbinic) court of seventy-one.⁸² Thus, while the Mishnah subordinates the king to the court of seventy-one in matters of war, the Sifre does so in matters of Torah.

What then constitutes the king's constant study of the Torah, day and night, as the Sifre understands it?⁸³

"And it [the Torah scroll] shall be with him, and he shall read from it all the days of his life, that he may learn to fear (*yilmad lēyir'â*) the Lord his God" (Deut 17:19): This teaches that the sight [of it] (*hammar'eh*) leads to *miqrâ'* (reading), *miqrâ'* leads to *targûm* (translation), *targûm* leads to *mišnâ* (oral teaching), *mišnâ* leads to *talmûd* (dialectical study), *talmûd* leads to *ma'āseh* (performance), and *ma'āseh* leads to *yir'â* (fear of God).⁸⁴

Thus, the scriptural verb *yilmad* is midrashically unpacked so as to comprise three branches of the rabbinic study curriculum – targum, mishnah, and talmud – which are interposed between the king's reading of the Torah and his fear of God, with his practice of the commandments being inserted from the end of the verse as the immediate consequence of his study.⁸⁵ Mere reading of the written

the priests, and in the court of the Levites, and in the court of Israelites suitable to marry into the priesthood." The same tradition as in the Sifre is found in *Tg. Ps.-Jon.* ad loc.: "And the elders write for him . . . before the priests of the tribe of Levi."

⁸² Compare *Sifre Deut* 153 (ed. Finkelstein, 206), where the presence of priests and Levites on the high court of Deut 17:9 is rendered optional so as to make room for the nonpriestly rabbinic courts. See my discussion, *From Tradition to Commentary*, 86-87.

⁸³ See *Sifre Deut* 161 (ed. Finkelstein, 212): "And he shall read in it all the days of his life" (Deut 17:19): "The days of his life" are the days, "All the days of his life" are the nights." For a similar exegesis, see *m. Ber.* 1:5.

⁸⁴ §161 (ed. Finkelstein, 212). My translation follows Finkelstein's edition, with the exception that "sight" renders *hammar'eh* found in MS Vatican, and the texts of the commentaries of Rabbenu Hillel, R. Suleiman, and David Pardo, as well as Geniza fragment TS 12.852a (unavailable to Finkelstein). Finkelstein has *hammôrâ'* ("fear"), which is found in MSS Oxford, London, and the *editio princeps* (Venice, 1545). As I understand the midrash, by having the Torah with him, the king sees it, which leads to his reading it, etc. This makes more exegetical sense than beginning the chain of study with "fear," which doesn't appear until later in the verse. David Weiss Halivni has kindly pointed out to me that this is an unusual use of the word *mar'eh*, which usually denotes "appearance," as in the appearance of a symptom of skin disease. However, in one other place the Sifre uses *mar'eh* in the sense of the seeing of something. In §339 (ed. Finkelstein, 388) Moses, in pleading with God not to die, says: "Would it not be better for the people to say 'Moses is good' from seeing [him] than . . . from hearing [about him]?"

⁸⁵ For other examples of targum as a branch of the rabbinic curriculum of study, see Steven D. Fraade, "Rabbinic Views on the Practice of Targum, and Multilingualism

Torah alone, no matter how continuously, is insufficient to bring the king to proper practice and to fear of God.⁸⁶ It is by internalizing the words and practices of the Torah that the king joins the people in submission to God, thereby rendering himself worthy of the people's submission to him.

The commentary's envisioning of the king's Torah "reading" as *study* is modeled after the rabbinic curriculum of study of written and oral Torah, precisely the kind of engaged, dialectical study in which the rabbinic student of the Sifre's text would be presently engaged. The commentary, in exegetically narrativizing the king's reading practice, opens a gap within the biblical verse into which to insert the rabbinic "reader" of that commentary, who merges momentarily with the "implied reader" of the king himself.⁸⁷ If, as we saw, the Temple Scroll opens and fills a scriptural gap so as to fancy the king a priest, the Sifre does the same so as to fancy him a (nonpriestly) *talmîd ḥākām*.

While the king, as kin to the common people,⁸⁸ is equal to them in his obligation to study and practice the Torah, our commentary

in the Jewish Galilee of the Third-Sixth Centuries," in *The Galilee in Late Antiquity* (ed. Lee I. Levine; New York: The Jewish Theological Seminary of America, 1992), 253–286. Note in particular *Sifra Šemūnî, Pārāšā* 1:9, according to the better manuscripts, as I discuss in "Scripture, Targum, and Talmud as Instruction: A Complex Textual Story from the *Sifra*," in *Hesed ve-Emet: Studies in Honor of Ernest S. Frerichs* (ed. Jodi Magness and Seymour Gitin; Atlanta, Ga.: Scholars Press, 1998), 109–122. Targum as a form of study between Scripture and Rabbinic oral Torah is also associated with early sages, but in later texts, possibly being retrojections: 'Abot R. Nat. B 12, 28 (ed. Schechter, 29, 58). The latter text also appears in *Sop.* 16:6 (ed. Higger, 289). In the first passage, R. Akiba goes to the school to learn the weekly lection of the Torah, begins by reading Scripture from a tablet, then proceeds to its targum, then its halakot, and finally its aggadot (according to some manuscripts but not others), and then to other types of derived interpretations. In the second passage, it is said that R. Johanan b. Zakkai did not fail to learn a single weekly lection of the Torah, first mastering the written text, then its targum, halakot, aggadot, etc.

⁸⁶ Note that our text begins with *mar'eh* (from the root *r'h*) and ends with *yir'ā* (from the root *yr'*), creating an inclusio based on a word play.

⁸⁷ For such terminology of "implied reader," applied from narratology to rabbinic research, see David Stern, "The Rabbinic Parable and the Narrative of Interpretation," in *The Midrashic Imagination* (ed. Michael Fishbane; Albany, N.Y.: State University of New York Press, 1993), 90. For the equation of kings and rabbis, see below, n. 92.

⁸⁸ For the idea of the king as "kin" to the common people, see as well §157 (ed. Finkelstein, 209): "And all the people of Israel said to him [King Agrippa], 'Do not fear, Agrippa, you are our brother, you are our brother.'" In the mishnaic ver-

(§161) stresses that in other regards his power is supreme, citing the mishnaic tradition (*Sanh.* 2:4) of his powers of eminent domain and priority in taking from the war booty. In a strikingly terse (and ambiguous) interpretation, the Sifre next comments that while the king is instructed not to lord it over his fellow Israelites (*Deut* 17:20), he is *not* so restricted with respect to what has been dedicated to the Temple, which he can thus claim for himself: "That his heart not be elevated over his brethren': but not with respect to what is dedicated (*ḥēqdēs*)."⁸⁹

Finally, the commentary concludes by affirming that those rewards, especially a long dynastic succession, which are conditionally promised to the king will only be forthcoming if he acts in accordance with the Torah's commandments.⁹⁰ In summation, Solomon should not have confused his material and social well-being with the promise of future dynastic longevity.

Among its many aspects, the Sifre's commentary, by filling perceived gaps and resolving seeming redundancies in its scriptural text, rabbinizes the king in several ways: it draws a link between his authority and that of the rabbinically appointed communal administrators of its day, it eclipses the role of the priests in the transmission of Torah, and may even permit a part of what would have been dedicated to them to the king (and his rabbinic successors) instead. The king's authority is subordinated to that of the (protorabbinic) court of seventy-one (Sanhedrin). The king's dynastic succession (and, implicitly, his messianic restoration) depends on his study and practice of Torah, a Torah now redefined by the diet of rabbinic *dibrê tōrā*.

sion of this story (treated at length above), it is the sages who declare their affinity to the king.

⁸⁹ See Finkelstein's note ad loc (212). This exegesis is based on the expression "his brothers" excluding that which belongs to the Temple. Compare, *m. B. Qam.* 4:3, where *Exod* 21:35 ("his neighbor") is similarly interpreted with regard to a goring ox. For the king/patriarch having claimed what was due to the priests, see *y. Sanh.* 2:6 (20 c-d). However, others have construed the Sifre's interpretation differently. Cf. Reuven Hammer, trans., *Sifre: A Tannaitic Commentary on the Book of Deuteronomy* (New Haven: Yale University Press, 1986), 194 ("nor above the Holy One"), and 454 n. 1 ad loc. for other understandings.

⁹⁰ The Sifre earlier (§160 [ed. Finkelstein, 211]) made his very sitting on the throne conditional on his fulfilling the requirement to have and study the Torah. Notwithstanding their significant differences, the Sifre's concluding exhortation is strikingly similar to that of the Temple Scroll (11QT^a LIX, 13–21).

Read, or we should say studied, in tandem, Mishnah and midrash envision, each in its own very different dialectical fashion, an institution of monarchy that draws on a long inheritance of scriptural, traditional, and historical interassociations. But these documents are not simply vestiges of a past in which Israelite kings, for better or worse, once ruled. Rather, they are components of a living, dynamic, even contentious, cultural praxis of their own time; a complexly constructed nomian world in which sages shaped and justified patterns of Jewish study, practice, and leadership for themselves, for their disciples, and for the larger Jewish polity they sought to lead toward the eventual and eternal restoration of a divinely-favored Israelite monarchy.⁹¹ Implicit at several points in the mishnaic and midrashic formations is the association of rabbinic leadership with that of the king, by which the elevation of the latter carries with it that of the former. If this association is expressed ever so subtly and indirectly beneath the intersecting rhetorical strategies of legal taxonomy and scriptural exegesis, it functions so much the more effectively to construct an emerging political self-understanding of rabbinic students as latter-day kings, through their dialogical engagement, both mishnaic and midrashic, with the biblical Torah of the king.⁹²

7. Conclusions

What have we gained by juxtaposing the very different interpretations of the Deuteronomic "law of the king" found in the Temple Scroll on the one hand, and in early rabbinic Mishnah and midrash on the other? That is, what have we learned about each that we would not have known had we examined it in isolation from the other?

First, each is the product of prolonged attention to and profound grappling with a shared scriptural text which is, in and of itself, deeply ambivalent about the place of Israelite kingship within a theocratic system, but even more so when read in its broader canonical

⁹¹ The language of "nomian world" is adapted from Robert Cover, "Nomos and Narrative" (see above, n. 2).

⁹² For this identification of kings with sages, see *b. Git.* 62a: "From whence do you know that rabbis are called kings? As it is written, 'By me [wisdom/Torah] kings will reign' (Prov 8:15)." See also Berkowitz, "Decapitation and the Discourse of Anti-Syncretism in the Babylonian Talmud."

setting. While it would be neat to suggest that the Temple Scroll and early rabbinic literature pull on, and unravel, opposing threads – anti- and pro-monarchic – within the biblical weave, this would be too simple a solution since both interpretive traditions clearly engage the biblical fabric as a whole.

How else might we account for the differences between these two textual traditions? Viewed solely hermeneutically, we might be constrained to presume that their nearly opposite understandings of a shared scripture are the products of different exegetical presumptions and procedures. That is, they simply processed differently the same raw materials. But this too, while seemingly neat, is too simplistic since none of the texts examined is mechanistically predictable in its hermeneutical outcome, and none of the outcomes is monological, with countervoices evident in each, especially in the rabbinic texts, but also in the Temple Scroll.

Turning to extra-interpretive, possibly polemical motivations, it is telling that scholars have linked both the Temple Scroll's and the Mishnah's formulations of the laws of the king to the disapproved conduct of particular Hasmonean rulers. Without denying the impact of historical context in either case, such explanations *alone* have proved not only historically and textually forced, but rhetorically reductive of the dynamic complexity of both textual traditions.

Rather, I have argued that in addition to, or better yet inclusive of, solely hermeneutical and solely historical explanations, the law of the king in both the Temple Scroll and early rabbinic Mishnah and midrash should be viewed more profoundly as an articulation of the respective ideological and rhetorical cultures of the two interpretive polities.

Both the Qumran sectaries and the early rabbinic sages were deeply – and redemptively – engaged in the ongoing construction of nomian worlds of Torah discourse and practice (*dibrê tôrâ* and *mā'āsê tôrâ*). By this cultural work they sought to locate their collective selves in relation to their sacred historical past, present, and future. That sacred history, as biblically inscribed, communally lived, and messianically anticipated, was intertwined with the dialectical diarchy of priest and king. For the Qumran sectaries and rabbinic sages, constructing the places of priest and king within Israel's sacred narrative and theocratic constitution was also a way of locating their *own* collective selves at the *center* of that narrative and constitution. As we have repeatedly seen, Qumran sectaries and rabbinic sages ingeniously

read themselves into the gaps in the weave of the scriptural Torah of the king. Once we cease to regard these constructions as being narrowly temporal and polemical, we may recognize them as being profoundly political. To envision a polity's leadership is to define its subjects.