CHAPTER THIRTY

LAWS OF WAR IN THE TEMPLE SCROLL

The ancient Israelite concept of the holy war, so prominent in the period of the desert wandering and the conquest of Canaan, has its counterpart in the legislation of the Book of Deuteronomy. It is not surprising, therefore, that the author of the Temple Scroll would have addressed this subject in his rewritten Torah. Indeed, the prominence of this area in biblical law required the tannaim as well to explore this realm in their academies. The Dead Sea sectarians devoted the Scroll of the War of the Sons of Light against the Sons of Darkness to the war they expected to usher in the End of Days. This study will treat the laws of war as they appear in the Temple Scroll and compare them with other texts from the Qumran caves, and to tannaitic legislation. These analyses should be seen as a part of a larger study of this scroll which seeks to determine its relationship to the corpus of sectarian literature from the caves of Qumran. It is especially fitting that we dedicate this study to the memory of Jean Carmignac whose contributions to the understanding of the Qumran War Scroll were so significant.

At the outset it should be stated that the materials pertaining to the laws of war appear in two places in the Temple Scroll. 11QT 56:12–59:21 is a literary unit usually termed the Law of the King. Most scholars are convinced that this unit was composed independently of our scroll and then incorporated into it.¹ Within this context several topics are taken up regarding war. 11QT 57:1–5 requires that the people be mustered into military units immediately upon the ascension of a new king. (We deal elsewhere with the laws pertaining to the royal guard in 11QT 57:5–11.)² 11QT 58:3–11 deals with the laws of defensive warfare. 11QT 58:11–15 details the distribution of the spoils of war. 11QT 58:15–21 contains the laws regarding an offensive war.

A totally different context is that of the collection of prescriptions which occupies 11QT 60:16–66:11, and which closely parallels Deut

² Schiffman, “King,” 247–49.
18–22. Here the author for the most part simply repeats biblical prescriptions with only the most minor changes. He gives the impression that having reached Deuteronomy in his rewriting of Pentateuch and having dealt at length with the matters of Temple and sacrifice so dear to him, our author reproduced these laws to present a completed new Torah. It was not necessary for him to go into detail, therefore. If this view is correct, this section was composed by the final author/redactor of the *Temple Scroll* who compiled this material from the canonical Deuteronomy in the version which he had before him.

This section includes several laws of war. 11QT 61:12–62:5 deals with the role of the priest in publicly pronouncing the exemptions from military service and dismissing those exempted. 11QT 62:5–63:04 discusses the law of the siege, distinguishing the “distant cities” from those of the nations which Israel is commanded to destroy, and, in the restored section (not to be discussed here) probably including the prohibition on the cutting of fruit trees. 11QT 63:10–64:03 took up the question of the captive woman, a subject which will remain beyond the scope of the present inquiry.

The author/redactor of the scroll made no effort at all to bring these sections together as would have been appropriate. He was constructing a Torah, so he was content to take up questions in the order in which the Torah introduced them. But his usual pattern was to bring together all material pertaining to a topic under the heading of the first occurrence of that subject in the Torah. The fact that he does not do so here argues strongly that the Law of the King, composed in the Hellenistic period, was already in existence and was incorporated in toto, while the Deuteronomic section was compiled by our author. It is no wonder, then, that the materials in the Law of the King address the historical conditions of Hellenistic times, while those of the Deuteronomic section address issues raised in the biblical period.

I. The Mustering of the People

11QT 57:1–5 provides for the mustering of the people:

On the day on which they make him king they shall take a census of the children of Israel, from twenty years old up to sixty years old,

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3 Restorations are those of Y. Yadin, *The Temple Scroll* (Jerusalem: Israel Exploration Society, 1983), vol. I, unless otherwise noted. All translations are mine.