HIGH TREASON IN THE TEMPLE SCROLL AND IN
THE ANCIENT NEAR EASTERN SOURCES

Moshe Weinfeld

As I have indicated elsewhere,¹ the Temple Scroll of Qumran contains—besides the prescriptions concerning the Temple—materials from the book of Deuteronomy, supplemented with additions, interpolations and clarifications. The Temple Scroll constitutes, to my opinion, the so called “treatise of the king” (= הָדָעַר הַמֶּלֶךְ) which had to be recited by the national leader every seven years (in the year of Shemittah), during the festival of Sukkoth (Deut 31:10–11, compare m. Sotah 7:8).² Being designated for the king, it is appropriate that this scroll should expand the prescriptions that concern kingship. Indeed we find in this scroll a lengthy treatment of royal matters which spreads over three columns. These include the following paragraphs:

1) The organization of the military (57:1–5)
2) The body-guard of the King (57:5–11)
3) The advising council (57:11–15)
4) The prohibition of bigamy (57:15–19)
5) The forbidding of perverting justice (57:19–20)
6) The prohibition of covetousness (57:20–21)
7) The manners of mobilization of the people in case of war (58:3–21)
8) Blessings and curses (59:1–21)

² An identical tradition has been preserved in the city of Emar (on the Euphrates) in the framework of the Zukru festival celebrated every seventh year on the New Year festival. Like the gathering of all the people (great and small) every seventh year in the festival of Sukkoth (Deut 31:10–13), the Zukru festival in Emar is also celebrated every seventh year at the beginning of the year; cf. D. E. Fleming, The Time at Emar: The Cultic Calendar and the Rituals from the Diviner’s House (Winona Lake, Indiana, 2000). A seven year cycle has been posited recently for the synagogue ritual of the reading of the Torah every Sabbath. According to S. Naeh, “The Torah Reading Cycle in Early Palestine: A Re-examination,” Tarbiz 67 (1998): 167–88 (Heb.), the system of the Palestinian Torah reading was septennial and was based on the Haqhel custom (Deut 31:10) that was still in practice in Palestine during the Tannaitic period.
These paragraphs reflect a manual designated for the king (περὶ Βασιλείας) in the Hellenistic period, the period in which the Temple Scroll was composed. The Hellenistic influence may be learned especially from paragraph 2 that deals with the body-guard. Hecataios of Abdera cited by Diodorus of Sicily, tells us that the behavior of the Egyptian kings was regulated by prescriptions set forth in the Laws (70:91), and the observance of these should lead the king to fear the gods (cf. Deut 17:19). The Diodorus’ passage most pertinent to our subject (= the Temple Scroll), is paragraph two that describes the conduct of kings in Ancient Egypt.

It reads:

In the matter of their guard (θεραπεία), for instance, not one was a slave, such as had been acquired by purchase or a slave or born in the home, but all were sons of the most distinction, over twenty years old and the best educated of their fellow countrymen, in order that the king by virtue of his having the noblest men to care for his person and to attend him throughout both day and night, might not follow low practices.

Similar to the Hellenistic regulations we read in the Temple Scroll:

The guards shall be with him (the king) always, day and night, in order to keep him away from any sinful thing (דָרָקְחָם) and from a foreign people (נְמזְאָם) that he might not be caught in their hand (57:8–9).

An ideology like that of the Temple Scroll is thus found in a contemporaneous society. Furthermore, as will be demonstrated below, the law of high treason found in the Temple Scroll was common all over the ancient Near East during hundreds of years.

Let us analyze in detail the clauses of high treason.

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3 Cf. my article cited in note 1.
5 Book I 70; cf. the commentary of A. Burton, *Diodorus Siculus* (1972), 209ff.