

IRREVOCABILITY OF PERSIAN LAW IN THE SCROLL OF ESTHER

BEN ZION KATZ

Kings can issue decrees or commands for one particular occasion, and they can issue laws or formal statutes established for all subjects in all relevant situations. There are examples of both in the Book of Esther. In the opening chapter, there is a one-time command when the King says [*amar*] that Vashti should appear at his feast (1:10). There is an example of a fixed order where, later in the book, the King commands [*tzevah*] his servants to bow down before Haman (3:2), which was obviously meant to be a continuing obligation.

The difficult notion that these latter types of decrees were irrevocable under Persian law is a pervasive concept pertaining to the Book of Esther. Every commentator of whom I am aware, ancient to modern, apologist to rationalist, refers to this idea in the translation and/or commentary.¹ While this idea clearly adds to the tension of the plot, it is hard to conceive of a legal system which does not allow for emendation of its laws. Furthermore, there is no attestation of such an idea in any Persian source. Nor is there any mention of it in Greek sources, which presumably would not hesitate to point out peculiarities in the Persian way of doing things, as they do when they mock the splendor of the Persian court, for example.²

Does the author of the scroll of Esther really imply that Persian law is immutable? Let us examine the two instances in the work where this idea seems to be mentioned. The first is in 1:19, where the expression used is "*lo ya'avor*." As Berlin³ points out in her commentary, the verb "*la'avor*" usually means "to transgress." Therefore, one can easily translate the beginning of Esther 1:19 as follows: *'If it please the king, let a royal edict go out that will be written into the laws of Persia and Media and not be transgressed . . .'*

The idea of the irrevocability of Persian law also seems to surface in 8:5 and 8:7. In these verses, the verb used is "*le'hashiv*," which means "to return." It seems to me that there are two related ideas being expressed here by the King, neither of which is the irrevocability of Persian law:

Ben Zion Katz is an Associate Professor of Pediatrics at Northwestern University School of Medicine and an Attending Physician at the Children's Memorial Hospital in Chicago. He also teaches at the Florence Melton Adult Mini-School Institute (JCC Chicago) of the Melton Center for Jewish Education in the Diaspora at Hebrew University in Jerusalem.

"IRREVOCABILITY" OF PERSIAN LAW IN THE SCROLL OF ESTHER

1. Herodotus estimated in his day that it took three months for a message to be carried throughout the entire Persian empire.⁴ Thus, the King is saying that once word of Haman's decree is out, there is no mechanism for recalling it.

2. Haman's edict was promulgated 70 days previously (cf. 8:9, 3:12). In those 70 days, nearly the entire empire had already received word of it. Whatever latent anti-Jewish feeling was present in the population was already stoked. So, in this sense, the King is saying that the damage from the edict (the *machashevet Haman* to which he referred in 8:5) has already been done and cannot be repaired with just a revocation.

Haman's edict could be considered a one-time command. (It could apply only once, because after it was carried out there would be no Jews left in the Empire.) There was still time to rescind it before it could be carried out, but the King did not feel that this would be completely successful. (Note that even after Esther's decree is issued, there is one day of fighting in the empire and two days of fighting in the capital [9:5-19].) Thus, Esther asks instead for official "permission" for the Jews to defend themselves. Presumably, this is an attempt to limit, if not prevent, the fighting that actually did occur, and to show the enemies of the Jews that official government policy would no longer condone the violence of Haman's edict.

In 8:5, Esther first asks the King to rescind the previously issued decree of Haman, to which the King replies: '*anything written in the king's name and sealed with the king's signet ring [once it is promulgated] cannot be recalled* [for the reasons discussed above]' (8:8). This reading is bolstered by the references to the fast horses used for Esther and Mordechai's edict in 8:10 and 8:14 (as noted by Rashi on 8:14). Esther wished to limit the damage of Haman's edict by having the fastest possible horsemen arrive as soon as possible after the first set of messengers. No reference is made to the speed with which Haman's edict is publicized (1:22), because Haman had plenty of time – 11 months – until his murderous decree was to be carried out. Because Haman's edict was still nearly nine months' in the future, Esther's decree had plenty of time to arrive, to allow the Jews to defend themselves against whatever hostilities Haman's decree inspired. (Herodotus tells of a similar pair of opposing messages sent home from the Persian expedition against Greece, the first proclaiming victory and the second admitting defeat.)⁵

In conclusion, a careful reading of the text, building upon ideas found in the medieval commentary of Rashi (on 8:14) and in the modern commentary of Berlin (especially on 1:19), leads to the disappearance of one of the historical and logical problems faced by serious readers of the Book of Esther.

NOTES

1. See for example, A.J. Rosenberg, *The Five Megilloth*, Vol. 1 (Brooklyn, NY: Judaica Press, 1992) pp. 9, 40; A. Berlin, *The JPS Bible Commentary: Esther* (Philadelphia: Jewish Publication Society, 2001) p. 74. Rashi (on 8:8) argues that it was merely unfitting for a royal decree to be annulled, implying that this was not necessarily a feature of Persian law. Ibn Ezra (on 8:6), on the other hand, because of similar references in the book of Daniel (see Note 2) assumes that in Esther the idea being expressed is the irrevocability of Persian law.
2. To the best of my knowledge, the concept that Persian law was irrevocable was unknown to Herodotus. See, for example, his discussion of Persian customs in *The Persian Wars* Book 1:131-40, and his discussion of Persian royal judges in Book 3:31. The Book of Daniel does refer to such a concept, as if it were a well-known aphorism (6:9, 13, 16). However, the verbs used in Daniel are different from those in Esther, and Daniel is probably a much later book than Esther. It is possible that by the time Daniel was written, the Persian empire was seen as having been so powerful in its heyday that its laws were immutable, or that Esther was already understood in this way by the author of Daniel. Even if this problematic concept is found in Daniel, this does not detract from the central thesis of this paper that the concept of the irrevocability of Persian law is nowhere to be found in the Book of Esther.
3. Berlin, p. 18.
4. Herodotus, Book 5:50-54.
5. Herodotus, Book 8:99.

INSTRUCTIONS FOR AUTHORS

**Detailed *Instructions for Authors* and
journal style can be found on our Inter-
net website: <http://www.jewishbible.org>**