

A Reappraisal of *Contra Apionem* 2.145 as an Original Contribution to Political Thought¹

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For a brief moment in some limited intellectual circles of early modern Europe, Flavius Josephus was considered the most important ancient authority on politics. This may seem odd to contemporary sensibilities since Josephus is now considered a non-entity in terms of political thought. Recent scholarship, however, has brought to the fore a community of early modern theorists for whom Josephus was *the* crucial figure in understanding the political structure of the divinely ordered “Hebrew republic”.² These thinkers believed that Josephus’ coinage of the term ‘theocracy’ (θεοκρατία) grasped something important concerning the true nature of political sovereignty, and that Josephus himself held the key to understanding the best-ordered state. It may seem odd that ideas of such magnitude should be credited to a man not often invoked today as a theoretician, but perhaps the fault lies in the bias of contemporary historians where questions of apologetics are concerned. The task of this article will be to reassess Josephus’ possible role as a political theorist, primarily by presenting his attempts to re-imagine the political future of his people in the wake of national catastrophe. Special attention will be paid to his attempt to restructure the relationship between religion and political power in his account of the Jewish constitution (πολιτεία). The latter will be read against the historical/literary context of its time and place. It is hoped that this method may suggest a new Josephus, one more political and theoretical than has yet been widely acknowledged and one perhaps as innovative as the early modern “political Hebraists” thought him to be, though for very different reasons.³

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- 1 All Greek texts of Josephus are the corrected editions based on Neise’s *editio princeps*, edited by Steve Mason and available at PACE: <http://pace.mcmaster.ca/york/york/texts.htm>. All translations are my own unless otherwise noted. The author would like to thank James Carleton-Paget for his help with this paper’s earliest stages, and to Melissa Lane, for her later comments.
 - 2 Formulation of this can be found in Campos Boralevi (2002), 255 and Nelson (2010), 5. Nelson goes on to treat Josephus at greater length in chapter three of his work.
 - 3 This project runs parallel to a thesis concerning Josephus first expressed by Weiler (1988). The conclusions of the present paper will be found to agree with Professor Weiler’s Spinozist thesis, that Josephus’ vision of theocracy lacks any understanding of the institutional and political realities of power, but I hope to approach the issue of his thought through a historical/contextual framework rather than by a purely philosophical/conceptual one.

1. The Constitution in Josephus' Words

Josephus' Earlier constitutional writings

There are two passages in the Josephan corpus that treat the Jewish πολιτεία (often translated as 'constitution')⁴ explicitly and at length, one in the *Antiquitates Judaicae* and another in the *Contra Apionem*, the two texts widely cited as the two most important sources for Josephus' political thought.⁵ In lieu of a sustained "political" reading of *AJ*, a quick summary of some major scholarly treatments and textual themes and motifs will have to suffice in order to demonstrate the political theme 'as a unifying concern' of the work.⁶ Daniel Schwartz's study of the constitutional and political language of *AJ* suggests that the most consistent political order to be found in the work as a whole is the priestly προστασία, or ruling body, a concept that has its roots in certain Diaspora Judeo-Hellenistic accounts of the Alexandrian community to which Josephus had access.⁷ In a later article treating the differences in the presentation of historical *topoi* between *BJ* and *AJ*, Schwartz points to a shift away from a definition of Judaism based on the *polis* and its structures and towards what might be tenuously defined as an ethno-religious community (πολίτευμα). Schwartz makes a case for a trend in *AJ* towards reframing Jewish political life around the ancestral religious laws (πάτριοι νόμοι) and communal religious authority rather than more "state-like" structures of political power.⁸

The language of the "constitutional" excursus in *AJ* 4.180 confirms Schwartz's findings in several intriguing ways. Most important is Josephus' removal of the key biblical principle of covenantal "land theology".⁹ The traditional biblical explanation of the relationship between the law, the people, and God revolves around God's granting of political autonomy in the form of the Land of Israel in return for observance of the commandments.¹⁰ In this passage, this relationship has disappeared, as has the usual Septuagint vocabulary for the covenant (διαθήκη). Instead, the reward seems to be the institution of the law itself, and the enjoyment of ethical life engendered by adhering to

4 For the usage of this term in Josephus (and Philo), see Kasher (1985), Appendix II. As Kasher notes, Josephus uses πολιτεία and πολίτευμα interchangeably for a number of related meanings, each with the connotation of constitutional or political structure or community. I will almost always speak of πολιτεία, but the text often uses πολίτευμα.

5 Rajak (2005a), 585-596, but too commonly observed to cite every example.

6 Steve Mason's wording in his influential article Mason (2003) 559-590, but an approach pioneered by D.R. Schwartz (1983), 30-52, treated below.

7 D.R. Schwartz (1983). These ideas do not reflect any actual history. Schwartz posits an intentional turn towards a Diaspora-derived understanding of the Jewish πολιτεία as a sub-autonomous προστασία or *collegium*. Usefully, this permits a way around the reductionist claim that *Ap.* is largely a source-compilation, e.g. S. Schwartz (1990), 23. Even if *Ap.* is mostly derivative (which, agreeing with Rajak [2005a], it is probably not), Josephus clearly made a conscious shift towards Alexandrian sources.

8 D.R. Schwartz (1992), 29-43. This instinct seems to have been more or less reaffirmed by Bernd Schröder's much more extensive study of the concept of πάτριοι νόμοι in Josephus and other Hellenistic sources in Schröder (1996). See also Schwartz's review in Schwartz (1998), 248-52.

9 For the definitive treatment of this issue, see Amaru (1981), 201-229.

10 For an extensive discussion, see Habel (1995).

the constitution ('by the temperance and order of the laws of the constitution', *AJ* 4.184). This political language is used to mimic a role that had belonged to theological language.¹¹ In a similar vein, political action in the traditional sense is conspicuously devalued. Words with a political connotation like 'freedom' (ἐλευθερία) are redefined to show little connection with social or political realities, and much greater emphasis is placed on their connections with religious obedience or quietistic acquiescence to authority.¹²

Ultimately, *AJ* does not have a coherent discussion of ends found in classical discourses on government such as Plato's *Republic*¹³ or Aristotle's *Politics*, nor even the discussion of forms of government or relations between parts of society found in these works and others less explicitly theoretical (e.g. Thucydides or Polybius).¹⁴ Fortunately, Josephus returned to this topic in a later work, *Ap.*¹⁵ As in the case of *AJ*, *Ap.* does not at first appear to be a work of political theory. Rather, it would seem to be *the* classic work of Jewish apologetics.¹⁶ In fact, the very fact of the existence of *Ap.* suggests dissatisfaction with *AJ* and its apologetic approach, reception, or results.¹⁷ Therefore it is all the more significant that, in John Barclay's words:

it is in the depiction of the constitution [in *Ap.*] ... that Josephus differs most substantially from *Antiquities*, although this is the point at which their subject matter coincides the

11 This importance is highlighted in Spilsbury (2005).

12 For the importance of ἐλευθερία, see Rajak (2005a), 590. This attitude towards freedom, law, and political authority reflects a certain conservative strain in ancient political thought. Compare Aristotle (*Politics* 1310a30-35): 'to the many (τῶ πλήθει, also a phrase with negative resonances relating to political rebellion and στάσις in Josephus), it seems that ἐλεύθερον δὲ [καὶ ἴσον] τὸ ὅ τι ἂν βούληται τις ποιεῖν, when in fact οὐ γὰρ δεῖ οἴεσθαι δουλείαν εἶναι τὸ ζῆν πρὸς τὴν πολιτείαν, ἀλλὰ σωτηρίαν'.

13 It is important to stress that although passages from more "canonical" authors of the history of political thought will be cited repeatedly throughout this study, no genealogical relationship to Josephus is necessarily intended or implied (with the notable exception of Plato's *Laws*, addressed below). What can be reasonably assumed is that even if echoes of political writers do not prove the influence of a particular book, they do suggest the intentional use of language that had political resonances. Even if a thinker like Aristotle was not widely read in the Hellenistic world, his terminology still permeated the language of political and social discussion. Quotations from ancient authors shall therefore be adduced to show Josephus' adoption of the Hellenistic political lexicon rather than his familiarity with any particular ancient author.

14 The two authors of whom Josephus is widely agreed to have had some direct knowledge, though to what extent is unclear. For full discussions, see Feldman (1984) for a marshalling of the opinions. I follow the conservative, but reasoned estimates in Cohen (1982), 366, and the helpful appendices in S. Schwartz (1990), 223-243.

15 Some have attempted to maintain that Josephus' works may be read as a 'single, unified corpus' (Josephus [2006], 8, and Rajak [2005a]) but the weight of the evidence for a developmental approach is too great. See Josephus (2006), xxii-xxvi, Schürer et al. (1973), Vol. 3, 55, and Josephus (1996) esp. Introduction to Volume II.

16 Schürer (1973).

17 Sterling (1992), 298: '*Ap.* is a witness to the failure of the *Antiquities*'.

most.¹⁸

What this suggests is that the treatment of the constitution in *AJ* is the area where Josephus was *least* satisfied and felt it most necessarily to make improvements, or simply, it is the area where Josephus had changed his mind the most from his earlier work.

Reading *Ap. 2.145* as Political Philosophy

Josephus opens the section on the constitution (which may or may not constitute a separate rhetorical component itself¹⁹) with a claim that he will speak ‘concerning the whole structure of our constitution’ (*Ap. 2.145*).²⁰ As Barclay points out, this particular phrasing echoes quite nearly that of Josephus’ late contemporary, Plutarch.²¹ There, the phrase introduces the classic Greek trichotomy of ‘constitutions, monarchy, oligarchy [and] democracy’. With this phrasing, it is possible that Josephus means to reassure the reader, despite his multivalent use of the terms πολιτεία and πολιτεύμα, that he means to speak of a more traditional understanding of political structure.²² In any case, the renewed emphasis placed on structure is worth noting.²³ Josephus uses the superlative to stress the *design* of the laws, described as ‘best laid-down’ (ἄριστα κειμένους, 2.146). This design exhibits five peculiar traits: piety, community, friendliness towards outsiders (φιλανθρωπία), justice, strength, and contempt for death. Each of these elements has an apologetic role, responding to particular slurs raised against the Jews in Roman antiquity,²⁴ but, crucially, each has some major significance in the vocabulary of ancient political thought.

It is no mistake that piety (εὐσέβεια) is given pride of place. Besides negating the charge that the Jews were theologically degenerate (ἀθεότητοι),²⁵ placing that virtue above all other is the first allusive hint that the text gives to Plato’s *Laws*, the most important intertextual referent for understanding its constitutional discussion.²⁶ In the

18 Josephus (2006), xxiii.

19 See the discussion in Josephus (2006), 243. Barclay believes it is not a separate division, but there are good reasons to think it very well might be (not the least of which is the coherency as a whole of the constitutional description).

20 Cf. *AJ* 1.5, where Josephus promises a treatment of both ‘the ancient history and structure of our constitution’ (ἀρχαιολογίαν καὶ διάταξιν τοῦ πολιτεύματος).

21 *Moralia* 826d-e.

22 See Josephus (2006), 248 n. 534.

23 The relationship of structure to law is, in itself, a key one in ancient political thought, especially given the etymological link between ‘structure’ and ‘order’. See for instance Aristotle in *Politics* 1326a30: ὁ τε γὰρ νόμος τάξις τίς ἐστι, καὶ τὴν εὐνομίαν ἀναγκαῖον εὐταξίαν εἶναι. This is an important point in an examination of the “legalistic” Jewish constitution.

24 Josephus (2006), 243, 249-50; but see also ‘Tacitus’, ‘Juvenal’ and ‘Martial’ in Stern (1984), Vol. 2 for a more general picture. Further discussion below.

25 Not atheistic, but clearly deficient in their attitude towards the gods. See Dio Cassius 67.14.2, and, for a clearer picture, Tacitus’ description of ‘Jewish superstition’ (*Hist.* V), as well as the discussion below.

26 This affinity was first identified by Amir (1985), but has been confirmed more recently by Gerber (1997), 239-241.

Laws Plato finally turns towards piety as *the* crucial political foundation (see *Laws* 716b, 888d, and elsewhere),²⁷ and given what will emerge as Josephus' priorities in presenting a constitution, it is logical that the *Laws* should thus serve as a touchstone for him. The second element, 'communal spirit with one another' (κοινωνίαν τὴν μετ' ἀλλήλων), immediately strikes one with its Aristotelian resonances: 'community' (κοινωνία) is the central element that defines Aristotle's city.²⁸ The remaining structural qualities of the constitution may not be so central as in the above,²⁹ but they all support the political theme adduced. The concept of φιλανθρωπία is used in political contexts by Polybius,³⁰ and justice (δικαιοσύνη) was held by at least some of the Platonic school to be the foundational concept of politics.³¹ The two final concepts, toughness and bravery unto death, are both references to qualities held to be particularly Spartan. The link between the Spartan constitution and the Jewish constitution is an important one to Josephus, all the more so since he will later claim in this section that the Jewish one is superior (*Ap.* 2.232 *et passim*).³²

While some elements from Josephus' earlier attempt at defining the constitution itself have been expanded, such as the deft blending of political and theological terms, several important facets are new. The first of these new features is the emphasis on practice and permanence. Not only do Jews perform the precepts of the law scrupulously ('practicing them with all due diligence', *Ap.* 2.149), but the very structure itself (κατασκευή) ensures that the Jewish constitution will endure 'always, being secured in [its] preparation'. These claims of continuing security would seem rash at a time when the reality of Judaeon political power was not only laughable, but, as will be discussed below, anathema to the Roman world. This seeming contradiction is the lens through which Josephus' constitution must be analysed, for it is precisely the tension at the heart of all he writes. In *Ap.*, Josephus makes explicit something that may only have been heretofore implicit, that the structure of the Jewish πολιτεία is eternal and *continues to be so*. The second theme is what has usually been seen as Josephus' central innovation, his contribution to the political lexicon, the coinage of the term "theocracy".

Of the other traditional forms of constitution, Josephus notes that 'our lawgiver took no notice' (*Ap.* 2. 165). Having set Moses' project apart, Josephus self-consciously highlights the linguistic novelty of what he is doing, and implicitly, the conceptual

27 There is some controversy concerning the appearing and disappearing role of piety in Socratic/Platonic political philosophy, but such research is beyond my current scope.

28 ... πᾶσαν πόλιν ὀρώμεν κοινωνίαν τινὰ οὖσαν ... (*Pol.* 1251b1). Its meaning is not only prevalent in Aristotle, but has political echoes even in Plato (see also *Pl. Pht.* 276b, and, not surprisingly, *Leg.* 632b, where the πολιτικός must tend and control κοινωνία with care).

29 Tessa Rajak (1998), 243, downplays their importance, reading ἔτι as the beginning of a secondary list.

30 Often it is used to describe individual beneficence towards political opponents, but, crucially, sometimes employed to denote an admirable general policy (e.g. παρὰ Ῥωμαίων φιλανθρωπίας, 23.3).

31 Cf. the discussion in *Resp.* I and II for a reflection of what were wider Greek concerns about the nature of δίκη. Discussed in E. Barker 1918 Chapters 4 and 8.

32 See Barclay (2006). At stake here may be the notion of the constitutional permanence for which Sparta was legendary, as well as a background allusion to a folk belief connecting Jews with Spartans alluded to in 1 Maccabees 12:21 as well as *AJ* 12.225-27.

newness behind it describing the constitution ‘as what one might call — to force an expression — a “theocracy”’.³³ On the surface, theocracy is just what it sounds like, a system where ‘God’s is the rule and the power’, but this involves several important less obvious elements. The first is the presence of the word ‘set up’ (ἀναθείς [2.166]). Unlike classical biblical passages where ‘thine is the power and the glory’ has an entirely theological connotation,³⁴ Josephus’ Moses is *establishing a structure* whereby rule will be ascribed to God, and not just rule, but *power*. This is the only place in either of the passages under discussion where power in the sense of political rule is mentioned. ‘Power’ (κράτος) does make an appearance in *AP.* 2.201, where God delegates responsibility in the household to the man (an echo perhaps of the *pater potestas*), but no other piece of the Jewish constitution seems to reflect either ‘rule’ (ἀρχή) or ‘power’ (κράτος).

Although some elements of what is going on here are a recapitulation of the old theological idea of divine supremacy, more is at stake than simply ‘God’s governance of the universe’.³⁵ Theocracy (θεοκρατία) is the clearest distillation of the position which Josephus had taken up in *AJ*, though obscurely and imperfectly. Perhaps the most helpful way to view θεοκρατία in its context is to see it as a reformulation of Josephus’ original idea from *AJ*, ‘Having the laws as [your] master, do each thing according to them, for God rules, being the ruler’ (*AJ* 4.223). The two passages are linked by the explicit use of ‘rule’ (ἀρχή) and its verbal form, but taken together, they suggest the way in which Josephus came to conceive the relationship between God, law, and rule. The laws themselves rule, but they are a sort of intermediary for the God who inspired them.

If this sounds somewhat like the relationship between civil νόμος and divine νοῦς evinced by Plato in the *Laws* — that seems to have been Josephus’ intention. He continues almost immediately with a comparison of his God to the god of the philosophers. Josephus certainly has grounds for finding some similarities between his understanding of the Jewish god and some of the more hen- and monotheistic moments in Greek philosophical theology,³⁶ but his goal is to make a distinction between the elitist, “apolitical” (that is to say, private) nature of philosophical esotericism as opposed to the open, political nature of Jewish “theocracy”. The philosophers ‘philosophise for a few, they do not dare to bring forth to the many the truth of doctrines’ (2.168). This is emphatically juxtaposed by means of a μέν ... δέ clause with the Jewish position, which

33 Barclay’s translation. ὡς δ’ ἂν τις εἴποι βιασάμενος τὸν λόγον θεοκρατίαν ἀπεδείξατο πολίτευμα.

34 See especially 1 Chronicles 29:11-12. Echoes of a “political quietism” in post-Exilic biblical and apocryphal texts that may presage the later developments under discussion are beyond the current scope.

35 Pace Josephus (2006), 262 n. 638.

36 An affinity between Jewish religion and certain strains of pagan philosophical theology was recognised by Jews and non-Jews alike. The work of Philo may be testament enough to the former (see especially *De dec.* 58-81), but this affinity was also the motivation for much of the Greek pseudo-epigraphic content manufactured by Jews. As for the latter, see Varro *apud* August. *De civ. D.* 4.31 and Strab. 16.2.5. Both may derive from Posidonius (Nock [1959]). Josephus is more or less unique in raising the stakes of this comparison by criticizing the esoteric nature of philosophical monotheism, although cf. Philo, *Spec. leg.* 1.319.

has managed to reach ‘harmony’ (σύμφωνα) between ‘deeds and words’ (τὰ ἔργα and οἱ λόγοι, themselves a classically contrasting rhetorical pair) and thus between divine reason and the deeds of the many.³⁷ By λόγοι, Josephus probably means here the laws themselves,³⁸ suggesting the unique position of Judaism. The Jewish constitution, rather than being composed of mere opinions (δόξαι) in the way that philosophers often viewed political institutions and customs, is philosophically sound (having been given by a ‘philosopher’ God), and therefore unique among political organisations. What is rational (and thus philosophic) is the very element most important to the daily practice of Josephus’ average ‘citizen’. The law is ‘fatherland’ (πατρίς) and ‘master’ (δεσπότης, 2.174), but is philosophical, he implies, in its manner of rule.³⁹

To summarise the description of Josephus’ θεοκρατία, its crucial elements are the relegation of power to the divine, a metaphysical similarity to certain of the wiser philosophies, and its unification of word (λόγος, with all its incumbent philosophical baggage) and deed through practical adherence to νόμοι, commandments that have their origin in the divine. This last aspect, part of Josephus’ implication that Jewish thought is in fact *superior* to philosophical systems, bases its weight partly on it the importance of education for the masses. This valuation of education, expanded upon in 2.171-79, is meant to invoke the importance of education in politico-philosophic literature, but with the key proviso that, unlike philosophic educational methods which have had limited practical impact, the Jewish method is a popular success.⁴⁰ The constitution itself encourages its own propagation: ‘Through complete learning (ἐκμανθάνοντες), we hold [the laws] as if engraved in our souls’ (2.178). Thus, Josephus is able to link the divine (and philosophic) quality of the law to its permanent import and endurance.

The next question, and the question all too rarely asked in analyses of this passage, is what argumentative/structural/theoretical work is serviced by the concept of θεοκρατία and the characteristics Josephus has taken such pains to elucidate? One answer may be that of actually solving a problem in political theory. This is the suggestion of Yehoshua Amir, who claims that the incessant allusion to Plato’s *Laws* is Josephus’ way of pointing out that this constitution is the closest extant example of a state that ‘should be called by the name of God, who truly rules those possessed of reason.’⁴¹ This imputation of such a technical philosophical goal may exaggerate Josephus’ intentions. A safer approach may be to focus on what Josephus wants to claim is the result of this system, the (equally Platonic) creation of virtue. Josephus lists the political virtues that emerge out of the constitution, ‘justice’ (δικαιοσύνη), ‘temperance’ (σωφροσύνη), ‘courage’ (καρτερία), and ‘the harmony of the citizens towards one another in quite all things’ (ἡ τῶν πολιτῶν

37 *Ap.* 2.168.

38 Some manuscripts (including Eusebius) in fact have variant reading of νόμοις at the point in question, suggesting that such a meaning was in fact understood.

39 Again, comparison with *Resp.* 473c is warranted, even if the sentiment was mediated through “Middle Platonism”, more popular in the century during which Josephus wrote.

40 Josephus seems to be drawing upon the biblical tradition of verses like Deuteronomy 6:6-7 and contrasting it with the pessimism about popular education like that expressed in passages like Arist. *Pol.* 1310a25 and Pl. *Resp.* 503e-504a.

41 *Leg.* 713a: τὸ τοῦ ἀληθῶς τῶν τὸν νοῦν ἐχόντων δεσπόζοντος θεοῦ ὄνομα λέγεσθαι; see Amir (1985).

πρὸς ἀλλήλους ἐν ἅπασι συμφωνία). Josephus has presented an emended version of the traditional list of Platonic virtues,⁴² while suggesting that virtue itself (in all its forms) is in fact only part of a logically prior concept, piety (εὐσέβεια). ‘For [God] did not make piety a part of virtue, but made them a share of it’ (*Ap.* 2.170). Here is the teleological element that *AJ* lacked, integrated with part of an ongoing, imaginary, intertextual dialogue with Plato. According to Plato’s own turn towards civic religion in the *Laws*, such a constitution dedicated to piety should be most laudable. But there is something deeper going on. Unlike the Platonic concept of virtue, εὐσέβεια is oriented towards God rather than other men in its *praxis*. While pious practice must indeed include forms of worldly action, Josephus is orienting the Jewish polity heavenward and lessening the status of political action in human society (note the replacement of Platonic ἀνδρεία, manly courage, with καρτερία, toughness, of more Cynic-Stoic origins).

In *Ap.* 2.184, Josephus drives home the relationships adduced above, suggesting that because ‘the law was set according to the will of God’, its observance will necessarily be pious, its duration eternal, and its qualities more noble (κάλλιον). These are all, of course, characteristics connected with the divine and matters divine. Besides having defined, in “theocracy”, a political system lacking any power structure (and therefore lacking the struggles over power as in other systems highlighted by Plato in *Leg.* 712-13), Josephus has created a fundamentally religious picture of Jewish politics, meaning that Platonic worries about atheism (2.180, reflecting *Leg.* 889a *et passim*) do not pose any problem for his “constitution”. *Pace* Amir, Josephus is not interested in engaging in the same theoretical discussion as Plato (his fast and loose manner with terminology is enough to make that clear), but rather is interested in nitpicking Platonic complaints with traditional politics and showing how Judaism does not have these problems.

Of course, the question now arises, in getting rid of the political *realia* that Plato found so troublesome, by replacing power with piety and human legislation with divine law, has Josephus really provided a political constitution? This question is one encouraged by Josephus himself. The only “political” class he discusses is the priestly class, the only hierarchy, the cultic hierarchy.⁴³ In his final praise for the structure of the constitution, he makes the crucial observation, phrased like a boast, that ‘the whole constitution is organised just as some religious rite’ (*Ap.* 2.188). On the one hand, Josephus continues to emphasise the constitution as a whole, as something that should be taken as having structural unity, with community (κοινωνία) in its design, but on the other hand, he implicitly admits that what he has been describing as a Jewish constitution is what others would call *religion*. Not only that, but the practice of the religion is not best accomplished through the usual mystical rites, for it is God’s will that ‘worship be the practice of virtue’ (*Ap.* 2.192).

Problematic Elements

Before concluding this all-too-brief reading of *Ap.*, one problematic passage must be addressed: ‘One temple of the one God, for in everything like is ever dear to like’ (*Ap.*

42 Both Rajak (2005a) and Amir (1985) point out that the replacement of σοφία with συμφωνία is meant to appeal to Hellenistic conceptions of the “harmony” of the ideal state (as opposed to the state in στάσις).

43 Cf. *Ap.* 2.185, keeping in mind the importance of the προστασία in *AJ* discussed above.

2.193). Although this is the only mention of the Temple in this elucidation of constitutional principles, on the surface it would seem to contradict the theory of a new conception of the cult that is being put forward. In fact, it is more surprising just how little Josephus says about the Temple given what might be expected from a former priest and Jerusalem aristocrat, especially one who lavished such attention on the physical Temple in his earlier work.⁴⁴ In the actual Jewish political organisation, the Temple was essential. The section conceptually related to the temple is quite short, and not a rhetorical centrepiece. More importantly, no mention is made of Jerusalem or *any* one city or state, leaving open the possibility that the Temple here is less-than-corporeal in Josephus' mind. In fact, ambiguity towards the meaning of the Temple, even among those expecting its rebuilding in some form, was not uncommon throughout late Hellenistic Judaism continuing down into the Rabbinic period.⁴⁵

Even if Barclay is correct in concluding that this passage is proof of Josephus' lack of alternative vision of how the Jewish cult might function without the Temple, the point is not fatal to arguments about his political imagination. For one, the rhetorical role that the Temple plays is as an organising principle for the characteristics that make Jewish religion unique, and these characteristics, once understood, are not tied to the building itself. Josephus' seemingly unnecessary use of the common adage: 'for like is ever dear to like' (φίλον γὰρ αἰεὶ παντὶ τὸ ὅμοιον) seems to be a reference to the aforementioned passage in the *Laws* where Plato makes piety the central political virtue. The one-ness of God, 'measure of all things',⁴⁶ is represented by the unified nature of his cult. The stress in this passage is on the quality of one-ness (a quality which ties the Jewish God to the recommendations of the philosopher), and not on the Temple *qua* architectural reality. This approach also is useful for interpreting the next few clauses: if the brief treatments of the priesthood and sacrifice are taken not as literal descriptions of cultic practice, but as vehicles for essential properties of the Jewish religion, the entire passage becomes much less problematic. Firstly, Josephus highlights the authoritative power of the laws and those who safeguard them (2.194); then he moves to the essential, Platonic quality of Jewish temperance (σωφροσύνη [2.195]); and finally he reaches the crucial constitutional notion of Jewish community (κοινωνία [2.196]). He thus treats each concept in the only cultic context he knew, that surrounding a "Temple". Josephus, unlike the Rabbis, did not construct a new model of religion, and may indeed have been confused about how the actual mechanics of worship would continue, but the balance of textual evidence suggests that his 'one Temple' served more as a metaphorical framework for the positive traits of his religion rather than a geographic centrepiece.

The laws given as the body of the constitution are, as in *AJ*, hard to classify, though likely tailored to appeal to Roman mores.⁴⁷ Unlike in *AJ*, Josephus does not feel the need

44 See *BJ* 5.184.

45 See Collins (1998). Collins stresses that the Temple might have stood for any number of things in visions of the restored Judaism. For the views of Josephus' contemporaries who were even less ambiguous in their views of the Temple, see 1 Corinthians 3:16-17 and Epistle of Barnabas 4:11.

46 *Leg.* 716c: ὁ δὴ θεὸς ἡμῖν πάντων χρημάτων μέτρον ἂν εἴη μάλιστα.

47 Josephus (2006), 243.

to include anachronistic political and judicial statutes to fill out this complete structure.⁴⁸ Practical politics have been more confidently left behind. The valedictory bookend to the introductory passages under discussion comes at the end of the list of laws that takes up much of the intervening space, and is worth quoting at length.

Rather, even if we [Jews] are deprived of wealth, cities, and other good things, at least the law endures for us immortal, and no Jew, however far he may go from his homeland, or however much he fears a cruel master, will not fear the law more than him. If, then, we adopt this attitude towards the laws because of their excellence, let them concede that we have extremely good laws (2.277-8).⁴⁹

Barclay interprets this as affirming the power of the laws, even outside the geographic realm of their greatest power (πατρις).⁵⁰ In light of the structure of Josephus' argument, however, this should be read beyond the usual norms ascribed to national law. In this sense, it reads as an affirmation of the trope that the Jewish constitution should not be thought of as other constitutions. It is not linked to the state and has neither geographic nor material bounds. Josephus is gesturing towards a new conception of the cult, not focused on the possessions of this world. The excellence of these laws transcends the material, and thus, the political. Indeed the word to describe these laws is 'immortal' (ἀθάνατος), the classical epithet for the divine. To reach a preliminary conclusion, under Josephus, the Jewish constitution has undergone a sort of apotheosis.

There is one objection to this reading that requires immediate refutation, the assertion that Josephus is just speaking 'as one does' in Greek about political matters, that this is just another example of the familiar task of the Jewish apologist. Indeed, his work would, *prima facie*, seem to have much in common with the work of that other major Jewish thinker of Greek thoughts, Philo, who certainly had no thoughts of revolutionising the cult.⁵¹ Under this reading, Josephus would be simply a new player in the old apologetic game, his use of terms from Greek political philosophy simply a way of making alien concepts and practices much more familiar to Hellenised or Romanised ears. A comparison with Philo's treatment of the Mosaic constitution,⁵² however, shows, despite certain similarities in vocabulary,⁵³ very different minds at work. Philo, insofar as he writes about political matters, does so by means of allegory and code. He is first and foremost a metaphysician, and his thoughts on heavenly matters have a similar, ethereal bent.⁵⁴ The different uses of shared words like 'harmony' or 'likemindedness' (συμφωνία, ὁμόνοια) serve to clarify this distinction. Where in Philo political 'harmony'

48 Cf. the deuteronomic detritus of *AJ* 4.200-301.

49 Barclay's translation, with emendations.

50 Josephus (2006), 325 n 111.

51 See *Migr.* 89-93, against the so called "radical allegorizers", and holding at bay, for the moment, questions about the relationship between *Ap.* and the probably pseudo-epigraphic *Hypoth.* of Philo, an issue requiring a longer, more technical treatment.

52 The relevant texts would be *Spec. leg.* and, to a lesser extent, *Vit. Mos.*

53 E.g. the open usages of πόλις/πολίτευμα cataloged in Kasher (1985) and shared recourse to Septuagint terminology.

54 The major monograph on Philo's politics, by Goodenough (1938), portrays Philo as a careful community leader giving lessons to his fellow Jews through 'innuendo' and 'in code'. A comparable recent treatment, (Calabi [1998], 40-78) takes an even more esoteric approach, making Philo's politics a matter of ethical cosmic harmony.

fits right alongside Hellenistic notions of λόγος as a unifying cosmic force, in Josephus the abstract term is much more unusual for its political (and theological) meanings contrast more starkly with the prosaic background of his historical prose. Philo's usage shows a thinker with an incredible facility for blending the divine metaphysics of one tradition with those of another.⁵⁵ Josephus' more uncharacteristic attempts show a writer trying to re-interpret familiar concepts. If one compares the language of *BJ* to *AJ*,⁵⁶ or *AJ* to *Ap.*, one finds a clear developmental trend *towards* a systematic abandonment of concrete political language for a Jewish politics that is almost wholly religious. It seems unlikely that Josephus would take thirty years simply to find a common apologetic tone. A better explanation is that Philo is a thinker of heavenly things writing about what he knows. Josephus, on the other hand, is an historian of earthly matters, uneasily trying to move from the practical to the abstract. If philosophical necessity led Philo to look heavenward, it will now be alleged that his unique historical and political context led Josephus to do the same. Josephus, according to the interpretation presented above, sought to re-situate Judaism as an apolitical entity, focused around religious practice and belief rather than a geographic location or form of rule.

No scholar has yet gone so far, however, as to make the claim that Josephus did not just have political thoughts, but a political theory. Why has there been no attempt to place Josephus alongside other historians who are agreed to have made contributions to ancient political thought? Josephus' two major influences, Thucydides and Polybius here spring to mind. The scholarship of the last century has made irrelevant the old story of Josephus as sycophantic traitor turned plagiarist-court historian. Yet, why has the appreciation for Josephus as a creative literary presence not led to his acceptance as a theoretician? The reason for Josephus' isolation would seem to be due to his categorisation as an *apologist*. Even those invested in understanding the political thought of Josephus continually identify him as an apologist and make reference to his 'apologetic approach' and 'apologetic tone'⁵⁷ while almost never calling him a theorist. Rarely, however, has anyone broached the methodological question of what separates apologetics from political thought, and why something should belong to one tradition rather than the other.

2. Apologetics and Political Theory: Method and Context Theoretical Background

The first section sought to draw out some of the more abstract, philosophical content in Josephus' discussion of the Jewish constitution. The presence of abstract thought, however, does not confirm the coherence of a theory. If Josephus were simply using a more elevated, abstract Greek vocabulary to express universal Jewish hopes about the rebuilding of the ideal Jewish state in Jerusalem, it would be unclear whether he deserved consideration as an original theorist. In order to confirm that Josephus was engaged in a reinterpretation of the Jewish polity as something less physically concrete and more philosophically cosmopolitan, it is necessary to address difficult questions about the context, audience, and yes, the intent with which Josephus might have written.

55 For a relevant example of the methodological gap between the two, see Barker (1991) and compare to the treatment of the Temple in Josephus discussed above.

56 e.g. D.R. Schwartz (1990).

57 Schwartz (1992) and Amir (1985), respectively.

On its own, each of these is a contentious topic, and each would require a much wider scope of discussion than that afforded by this paper. Rather than addressing these issues in depth, this second section will attempt to construct a “likely story” out of several plausible positions in the extant literature. By co-opting existing hypotheses about Josephus’ context and synthesising them into a cohesive whole, this section hopes to present a new picture of how what has been called ‘apologetics’ might be better presented as novel political thought.

In an oft-cited study on apologetics, Victor Tcherikover suggested that by focusing on content alone, scholars have seriously misconstrued many texts, tending to assign them apologetic functions more aligned with the scholars’ own external ideologies (often forms of Protestant theology) than the author’s intention or the ancient function of the work.⁵⁸ He made the argument that much of what has been called ‘apologetics’ should really be classified as ‘inward polemics’, or, depending on style, ‘political memoranda’, because it was directed at Jews as much as (and almost certainly more than) to gentiles.⁵⁹ Tcherikover’s article, while heavily influential, has not affected the study of Josephus, in part because Tcherikover goes out of his way to affirm that Josephus is in fact an apologist in the fullest original sense, for Tcherikover works under the assumption that Josephus’ targets *were* external.

Tcherikover denies that a text can be fully interpreted from internal evidence and demands that it be contextualised and its intentions towards its audience decoded before it can be understood and discussed meaningfully.⁶⁰ This is, in outline, similar to the agenda advanced by Quentin Skinner and the “Cambridge School” of history of political thought.⁶¹ Skinner, of course, is more precise in his definition of communication, using the language of “illocutionary speech acts” to suggest ‘that our main attention should fall not on individual authors but on the more general discourse of their times’.⁶² It seems that apologetics and political thought have in common the importance of audience and context in the task of their interpretation. If the conditions of discourse to which Josephus was responding could be known, Josephus and his intentions would be made manifest. To open the possibility that his thought is politico-theoretical and not merely apologetic, it must be shown that Josephus was writing to a group whose views and actions he wanted to influence rather than merely rebut, and was writing with an understanding that his words could be interpreted with some active, as opposed to merely descriptive force. Unfortunately, the classic Skinnerian conditions for interpreting political thought are impossible to reconstruct in the case of Josephus. There is no certainty as to his knowledge of other extant texts in a “discourse”, and the texts to which

58 Tcherikover (1956), 169-193.

59 Ibid. 181-3.

60 To wit: every chapter of the most recent major monograph on Jewish apologetics, Sterling (1992), includes a ‘function’ section dealing with questions of audience and context.

61 Skinner (1969): ‘The essential question which we therefore confront, in studying any given text, is what its author, in writing at the time he did write for the audience he intended to address, could in practice have been intending to communicate by the utterance of [a] given utterance’.

62 Skinner (2002), 118. See also Chapter 5, *ibid.*

he *is* known to have responded are not in most cases extant.⁶³ The prospect of attempting to reconstruct and understand the conditions of any ancient discourse is, of course, Sisyphean. Fortunately, recent trends in the study of Josephus have been towards precisely such attempts at contextualisation. These attempts will be marshalled to answer as much as possible about Josephus, his audience, their attitudes and commitments.

Josephus' Flavian Context and Roman Audience as Interpretive Signposts

The first logical objection to the claim that Josephus is consciously putting forth a *new* idea of Judaism is that he still would have had hopes for the *old* idea, Judaism as organised around the Temple Cult and the city of Jerusalem. Contemporary Jewish and Christian sources certainly expected the imminent rebuilding of the Temple or at least some sort of Messianic action in the Land of Israel.⁶⁴ Josephus' context was *not*, in fact, at all related (except tangentially) to that which fostered the Messianic hopes and expectations of the Apocalyptic authors, nor was it even akin to that of persons, Rabbinic and otherwise, who would lead additional Jewish rebellions in 115 and 133.⁶⁵ Josephus, as he himself makes expressly clear, was part of a different milieu: that of the Roman imperial court.⁶⁶ No matter whether Josephus was an integrated or marginal figure in the cosmopolitan elite, the 'centripetal, exemplary force' of the Imperial court was *the* dominating factor for any writer in the Flavian capital,⁶⁷ and *a fortiori* for the foreign elites with whom the emperors surrounded themselves.⁶⁸

This privileged position⁶⁹ would have necessarily given Josephus a very different outlook than other Jews on the political realities of the day, for under the Flavian dynasty, more than perhaps at any other time in Roman history, the fate of the Jews depended almost entirely on the political needs of a few men. In this context, Josephus' unique position as one connected to court life would have made it all but impossible for him *not* to see the hopelessness of the Jewish political future. Recent scholarship has driven home the point that "anti-Semitism" during the Flavian reign was neither coincidental nor haphazard, but a reflection of state policy.⁷⁰ For a perceptive observer

63 Most notoriously in the case of Justus of Tiberias. For this and some interesting thoughts about Justus' role in Josephus' *habitus*, see Rajak (2002), 161-191.

64 For Jewish sources, see the fifth Sibylline Oracle, esp. 414-28, 2 Baruch and 2 Ezra. See Collins (1998) 28 for the ambiguity of these sources. Concerning the *Epistle of Barnabas* 16:4 the date is uncertain, although some date it to the 90s. For a discussion about Barnabas and such hopes in general, see Schürer (1973) Vol. 1, 536 and Carleton Paget (1994), 66. Josephus' own thought is notoriously un-Messianic. See Amaru (1981) as well as Feldman (1984).

65 Not to say that Josephus did not have *some* distant hopes for the ultimate defeat of Rome. See Spilsbury (2003).

66 There are, of course, arguments as to how integrated Josephus was with the Roman elites. See Cotton and Eck (2005) and Price (2005).

67 Kraus (2005), 182-200.

68 See Bowersock (2005), 54-62.

69 Rajak (2005b), 79-97.

70 This narrative is laid out most convincingly in Rives (2005). For a popular, but excellently sourced and researched account reaching similar conclusions, see Goodman (2008). This interpretation of events is not, however, accepted by all. For a critique see Carleton Paget

anywhere near the Imperial court, it would have been obvious that Roman policy towards the Jews was not likely to change as long as the Flavians and those connected with them (Trajan and his descendants) were in power.⁷¹ In essence, the subjugation of Judaea was one of the most crucial building blocks of Flavian political legitimacy.⁷² This reality can be seen in diverse aspects of the historical record, from the way Imperial architecture depicted Jews as vanquished enemies of the State⁷³ to the highly unusual and long-lived *fiscus Judaicus* relating to “Judaism” as a public/civic religion, but most importantly manifesting itself in the unusual refusal of the Flavians to rebuild the Temple.⁷⁴

What is perhaps most interesting in this narrative is the way in which the Flavian animus towards *civic* or *political* Judaism closely matched the trends identified in the above textual analysis of Josephus’ constitutional descriptions. By suppressing the civic symbols of Judaism, the Flavians unwittingly encouraged the transition from a political to a religious Jewish constitution lying at the heart of the themes treated above.⁷⁵ Unlike his co-religionists and Christian contemporaries throughout the empire, Josephus could not have been ignorant of the real improbability that the Temple would be rebuilt. It would seem that his positions in *AJ*, and especially *Ap.*, reflect that reality.

This is not, of course, the only way to read *Ap.* against its context. As noted above, it is only one reading of a very contentious set of facts. Some argue that the bold way in which Josephus takes up polemical challenges and sets forth the advantages of Judaism makes the most sense as a product of the brief reprieve from the oppressive anti-Judaeian practices of the Flavians under the reign of Nerva (c. A.D. 96-98).⁷⁶ There is no way to disprove such a thesis. The “political” reading that fits most neatly with a Nervan date of composition is that *Ap.* is an ‘implicit appeal for the rebuilding of the Temple in Jerusalem’.⁷⁷ Such a reading is necessarily less sensitive to the original and daring project of “depoliticising” Judaism that this paper has sought to uncover in *Ap.* This is not to say that one reading is right, and the other wrong, only that the two readings would seem to be incompatible. When considering the more theoretical aspects of an interpretation of Josephus, a hermeneutic circle must be kept in mind. Any decision about thrust of Josephus’ argument will bring with it a tendency towards certain interpretations of composition and, equally controversial, audience, while a plausible explanation of Josephus’ context and audience are a necessary aid to understanding his argument.⁷⁸

(2009), 339-345.

71 It may even be argued that this suggests a Trajanic dating for the *AJ*, as his continuation of the anti-Jewish policies of the Flavians came after the brief respite of Nerva and would have made the much more obvious the permanence of Diaspora. See Goodman (2008) and Goodman (2005).

72 Goodman (2008), 457 *et passim*.

73 See Millar (2005).

74 Rives (2005).

75 Rives (2005), 157-60. Rives thinks that the full weight of Flavian disapproval for Judaism has to do with the Roman understanding of the civic role of the cult. Vespasian feared the Jews, especially when bearing gifts to the Temple.

76 Goodman (1999), 50, 57

77 Ibid. 58

78 This is not to say that a Nervan date of composition is itself incompatible with the thesis

Assuming that the analytical tack taken by this paper is at least plausible, it still remains to establish that Josephus wrote with what might be called a politico-theoretical intent rather than a purely panegyric-apologetic one. It is not enough to suggest, as has been done above, that Josephus would have seen the *need* for change, it must be established that he wrote for some audience for whom that change would matter and who would have read him as suggesting that change. To do this, the argument must wade into the murky waters of attempting to define Josephus' audience.⁷⁹ In effect, it is simply not feasible for this paper to explore all the possibilities of Josephus' audience. It will have to settle for making plausible suggestions. Furthermore, recent notice of the Flavian *Sitz im Leben* proves immensely helpful in narrowing the scope of discussion. As Victor Tcherikover pointed out, ancient publishing was not a global affair.⁸⁰ Steve Mason resurrects this point about the limited and local nature of ancient publishing to suggest that 'those who wish to know the truth' at *Ap.* 1.3 is a specifically local population.⁸¹

If it is thus assumed, following Mason, that Josephus' audience was geographically and culturally Roman, is any more specificity possible in identifying the intended audience of *Ap.*? In addition to the limited possibilities for publication, Josephus would not have been able to read out his own work on the circuit of public lectures and performances due to his foreign accent and the etiquette of performance in Flavian Rome,⁸² so any assumption of a widespread elite audience is also flawed. Barclay, based on internal evidence including the limited knowledge of Judaism assumed by the text, suggests a Jewishly ignorant audience interested in learning, but more importantly, *ready to be persuaded*. From this he concludes that the audience may be Jewish or non-Jewish, but is certainly not hostile.⁸³ Returning to Tcherikover's schematisation, while Josephus' content is on the surface apologetic, it does not appear to be directed towards a hostile gentile public, but rather towards receptive allies. The only way forward would seem to be to seek, *à la* Skinner, to establish the broader discourse within which Josephus wrote.

As the *form*, if not the *intention* of *Ap.* is apologetic, the relevant discourse would seem to be that between Jews and "anti-Semites". As hinted above, Flavian Rome was not a friendly environment for Jews, and many of the individual sentiments and claims in

advanced in this paper. In fact, Josephus would have been an even more daring thinker to have continued a project of conceptual re-imagination even as other brimmed with false hope of a restoration to Judea during the brief Nervan detente. It is only to say that certain ideas about context and certain politico-theoretical interpretations naturally reinforce one another.

79 A notoriously tricky task. The major discussion for *Ap.* is summarized in Josephus (2006), xlv-lv, but every major monograph on Josephus has a treatment of this issue, and each work of Josephus' has its own contentious set of arguments. For *AJ*, see Mason (2003) and his contribution to Mason (1998) 64-104. For conclusions opposite to those reached in this paper, see Goodman (1999), 50, and Gerber (1997).

80 Tcherikover (1956) 171-3.

81 See Mason (2003), 565.

82 Noted by Price (2005). This further limits the strictly "apologetic" role the work could have hoped to play, considering the importance of authorial readings and the oral nature of apologetic discourse (Barclay [2002], 143).

83 He is right to conclude that a Jewishly ignorant, then as now, does not necessarily mean a non-Jewish audience, a point lost on some other commentators. Josephus (2006), xlviii-l.

Ap. can be traced to particular malicious attitudes extant in Josephus' Rome and preserved in Tacitus,⁸⁴ Quintilian,⁸⁵ Dio Cassius and others. This explains why Jews of Flavian Rome (about whom there is little evidence aside from the slurs against them⁸⁶) might have wanted a "playbook" of arguments from which to defend themselves, but it does not explain why Josephus probably expected non-Jews to read his work as well. A possible answer lies in the above-quoted passage of Dio reporting that a consul, Flavius Clemens, and his wife (the emperor's own relative) were charged with atheism, as were those 'many people who were judged of having fallen into the lifestyle of the Jews'.⁸⁷ Similar phrasing appears elsewhere in Dio, as well as in Suetonius.⁸⁸ Martin Goodman finds it implausible that given the toxic environment of Flavian Rome, anyone could have thought of converting to Judaism.⁸⁹ This may be a failure of imagination, especially in light of the popularity of other belief-based opposition groups.⁹⁰ Other scholars have indeed been more open to linking the type of Judaism depicted by Josephus in *Ap.* to the "Stoic Opposition" so despised by Domitian.⁹¹ Steve Mason has gone so far as to attempt to classify *Ap.* as a 'protreptic' pro-conversion text.⁹² Even if a clear picture of "protest conversions" or of elites drifting towards an eastern cult is not warranted, all that is needed is *some* population of interested gentiles, which there incontestably was.⁹³ While the existence of a possible audience may not be grounds to speak towards intention,⁹⁴ it's a start.

Conclusion

For all the analysis that has been brought to bear above, the bulk of *AP.* is not nearly as subversive as the passage treated above. What theoretical force could Josephus have intended such a work to have? If the contextual evidence arrayed above is accepted, then Josephus had the opportunity to write about Judaism during a time when it would have been clear that this way of life (ἡθός) as it had been could be no more. He would have been writing for an audience of his own confused co-religionists and very probably for gentiles interested in joining them. What he wrote in the 90s on matters of politics is simply not an accurate description of the way Judaism had historically described itself in his sources (nor as he had often described it in his earlier work). His language makes the

84 *Hist.* 5.4.1: ... *profana illic omnia quae apud nos sacra, rursum concessa apud illos quae nobis incesta.* ... 5.5.1: ... *hostile odium adversesomnes alios* ...

85 ... *gens perniciosa ceteris* ... (*Inst.* 111.7). See also 'Juvenal' and 'Martial' in Stern, (1984).

86 For what there is, as well as some helpful conjectures, see Barclay (1999), 306-319.

87 Dio Cass. 67.14.2: ἐς τὰ τῶν Ἰουδαίων ἦθη ἐξοκέλλοντες πολλοὶ κατεδικάσθησαν.

88 *Vesp.* 12.2.

89 Goodman (2005), *passim*.

90 See Penwill (2003), 345-368.

91 Haaland (2005).

92 Mason (1996), 222.

93 See Tac. *Hist.* 5.5.3: *transgressi in morem eorum idem usurpant, necquicquam prius imbuuntur quam contemnere deos, exuere patriam, parentes liberos fratres vilia habere* (my emphasis), as well as Stern's entries on 'Tacitus' (1984).

94 Josephus (2006), lii: 'One may speculate on the forms of support or sympathy that Josephus may have intended to encourage ... but the breadth of focus of the text does not encourage greater specificity'.

political status of Judaism seem almost entirely theological, giving elements of the cult the weight and stature of political structures (with a vocabulary to match). The resulting effect is that the Jewish constitution, as his audience would have read it, would have appeared much more like something a modern reader might anachronistically call “religion”, and much less like a political entity. This seems to be in line with what Barclay calls apologetics as ‘response to the challenge of an out-group’,⁹⁵ but this response must be acknowledged to be more substantial than mere polemic. The “response” that Josephus is offering his readers is an actual, new self-understanding. If one accepted Josephus’ explanation of Judaism and its constitution, a way of life whose permanence stemmed from its ‘philosophic form’ and whose virtues were independent of any political vicissitudes, one would see no reason to return to the old ways of life centred on the geographic and political nexus of Jerusalem. One would be a step closer to “Jew” and a step further from “Judaean”.⁹⁶

Is this all coincidental? Did Josephus just happen to parallel the direction of theological-political development that would play out in the histories of Rabbinic Judaism and Christianity?⁹⁷ Or was he in fact making his own statement about the type of Judaism that could survive in the newly hostile environment of the post-Temple Flavian Empire? It is this latter statement that seems the best reading of the texts and context, and, consequently, opens the door to an understanding of Josephus as what might be called an “apologetic theorist”. There is no doubt that Josephus was responding to the anti-Judaean sentiments of his time, but Josephus’ answers to these challenges were in fact in many ways as innovative as they were defensive. His coinage of θεοκρατία was in effect a reorientation of political language in Judaism towards more abstract, divine (one might say religious) ends, and thus a devaluation of earthly politics for Judaism. Precisely what effect Josephus might have hoped his formulation would have is beyond modern recovery, but the novelty of what he suggested stands on its own. Josephus should be seen by rights as one of the first to drive a wedge between the ancient unity of civic and cultic religion, doing political theory by any other name.

95 Barclay (2002), 134 — part of Barclay’s project of trying to characterise Josephus as ‘post-colonial’.

96 Schwartz (2005), 63-78. For an influential account that posits an earlier cause, see Cohen’s recent contribution (1999). This is, indeed, the rationale for my own usage of ‘Jewish’ throughout the paper.

97 The parallels between what Josephus appears to be doing and the trajectory of the early Church are too great not to notice. D.R. Schwartz (1983) draws attention to this issue and calls for further research, but no study has yet been made. Josephus’ reception among Jews is a complex issue (and the subject of ongoing work), but it is certainly time to rephrase the conclusions in Momigliano (1994) about the Hellenistic spirit in which Josephus wrote. Josephus may not have seen the Synagogue, but he was not writing from the Serapeum.

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