

Θεοκρατία as a Concept of Political Philosophy: Josephus' Presentation of Moses' *Politeia*

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Josephus is certainly not a philosopher in his own right. Whenever he comes to a philosophical topic in the course of his narration (as in his account of a cosmological argument, which allegedly brought Abraham to his monotheistic creed¹) he shows a glaring incompetence in formulation. It is hardly to be regretted that he did not live on to compose that work in four books “on the opinions that we Jews hold concerning God and his essence, as well as concerning the laws,” which he promised at the end of his *Archaeology*.² Undeniably Josephus' merits as a writer lie in another field. In matters philosophical he is, at best, a second-hand compiler.

This is the generally accepted view of Josephus and I do not intend to contest it. Yet in one special point it seems to require amendment. When there arose a question of a philosophical nature within the precincts of his own intellectual domain, historiography, he sometimes found himself obliged to grapple with it. In such a case, he would have been able to consult philosophical sources in order to arrive at a solution of his own. Nor should we exclude the possibility that he had recourse to primary sources of philosophical thought, not readily at hand in his days, in such cases. There was hardly any

1 J. *AJ* 1.156.

2 *Ibid.* 20.268. As to Peterson's contention (H. Peterson, 'Real and Alleged Literary Projects of Josephus,' *AJPh* 79, 1958, 259 ff.) that Josephus could consider this promise as fulfilled by writing *Ap.* 2.151–295, Feldman (Louis L. Feldman, *Josephus and Modern Scholarship*, Berlin-New York 1984, 387) is undoubtedly right in remarking that, there anyway, the philosophical issues involved are not the central theme. We may say that by handling them at random Josephus served us to the best of his ability.

rare book to which a writer who lived on the premises of the Imperial court at Rome could not have had access.

Such a problem did in fact face Josephus the historiographer, when he took it upon himself to present the history of a people hitherto insufficiently known to the Greek reader. A literary convention, valid since Herodotos, had it that in this case it was not enough for a historian to talk about political events; he also had to acquaint his readers with the mores of the society he was describing. Now, the best known fact about the Jews in the Greek-speaking world was that they were united by obedience to a very peculiar law, supposed to be at variance with, or even in flat contradiction to, the laws prevailing in all other human societies. This situation made it imperative for a historian of the Jews to give his readers an introduction to Jewish law, which necessarily had to make use of categories current in Greek political thought. The central question to be answered was obviously: what *Politeia* did the Jews have? Josephus' Greek reader was entitled to expect an account of the Jewish *politeia* as a part of an all around presentation of Jewish archaeology.

Now, we wish to suggest that Josephus only became aware of the complexity of the task he had taken upon himself in the course of time. Since we have two different reports about the constitution of the Jewish community from his hand, we are able to trace the development of his way of conceptualizing the fundamentals of this constitution. By comparing the earlier version in the *Antiquities* with the final presentation in *Contra Apionem* we can trace the evolution of Josephus' political thought that finally led him to coin that new political term *theokratia*, whose background and intended meaning this article seeks to clarify.

As the term θεοκρατία, hesitatingly coined by Josephus to characterize the Jewish *politeia*, has found acceptance worldwide — not always in a way consonant with its author's intention — it need occasion no surprise that most of the scholars who have dealt with it saw their task as assessing its merits or demerits as a term characterizing certain forms of political order in general, or the social order of Israel, either biblical or postbiblical, in particular. This is not the aim of the present article.³ Nor shall we discuss the question of to what degree the concept of *Theokratia* in *contra Apionem* squares with Josephus' own reconstruction of the constitutional history of the Jewish people in his

3 The validity of Josephus' view for characterizing Judaism is dealt with by Samuel Belkin, *In His Image, The Jewish Philosophy of Man as Expressed in Rabbinic Tradition* (London 1960) 15–18 and in Marco Treves, 'The reign of God in the OT,' *VT* 19 (1969) 230–231.

Antiquities.⁴ Even the historical question of whether we are justified in viewing Josephus' latest theory of a perennial Jewish theocracy as an adaptation to the new situation created by the loss of Jewish statehood, must be left to historically trained scholars.⁵ Rather, we wish to endeavour to understand what Josephus meant by coining this word, in the framework of the development of his concept of the Jewish *politeia*. It is our thesis that although Josephus was innovating when he coined a term non-existent in the Greek vocabulary of his day, he did his best to place the phenomenon it describes within the realm of Greek political thought. Like the rest of Hellenistic Jewry,⁶ he does not try to contrast "Jewish" with "Greek" philosophy. In philosophy, the categories of Greek thought are obligatory for him. What he wants to show, in line with the fundamental tendency of all Jewish-Hellenistic thought, is that the state designed by Moses was the culmination of all that Greek theory aspired to. He is thus anxious to stress those features of the constitution of Moses which connect his enterprise to certain features of Greek political thought. This tendency in Josephus seems to have been insufficiently noted heretofore.

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As suggested above, one can trace a development in Josephus' political thought. *Antiquities* and *Contra Apionem* mark two different stages in this process. That will become clear if we compare his two accounts. Thus, although our main concern is the later version, we must first have a look at the earlier.

- 4 The timetable of Jewish constitutional history as construed by Josephus is very aptly drawn by Daniel R. Schwartz, 'Josephus on the Jewish Constitution and Community,' *SCI* 7 (1983/4) 30–52. Unfortunately, the present essay was concluded a long time before this illuminating article appeared. So the author regrets that he could draw upon its findings only occasionally.
- 5 See the article cited in the foregoing note, p. 50–52. As the reader will see, I can hardly adopt that author's designation of Josephus' latest formulation of the Mosaic constitution as a "simpler statement."
- 6 For Philo I tried to establish this point in my book: *Die hellenistische Gestalt des Judentums bei Philon von Alexandria* (Neukirchener Verlag 1983) *passim*. The opposite view is best represented in H.A. Wolfson's renowned *Philo*, 2 vv. (Harvard University Press, Cambridge, Mass. 1947)² 1962.

AJ 4.196–301 is a clearly delineated, independent literary unit, with its own introductory and concluding formulas.⁷ In both formulas the word *πολιτεία* appears, indicating that the account is not intended as a summary survey of commands contained in the Tora, but rather concentrates on “those laws of ours which touch our political constitution.”⁸ Josephus is well aware that with this restriction he must omit other kinds of Mosaic regulations, to which he promises to return in another work.⁹ Thus, the survey of Mosaic legislation given in these paragraphs differs from Philo’s *De Specialibus Legibus* not only in its dimensions but also in its scope. This should be noted because, when announcing that his “innovation consists in ordering everything according to its genus (κατὰ γένος),”¹⁰ Josephus clearly sees himself as adopting a Philonic procedure, notwithstanding the boast implied in the word “innovation.” Yet it must be said that, unlike Philo, whose presentation of the law of the Tora is really based on a calculated classification,¹¹ no classificatory principle can be discovered in the survey of Josephus. We may doubt whether Josephus had a clear grasp of the methodological obligation he should have taken on when he adopted the category of “genus”. All he really meant, it would seem, is for the prescriptions scattered over different places throughout the Tora to be brought together into a coherent and pragmatic presentation. If this is so, then we may say that he did indeed succeed: his account is continuous, and lucid enough to make a good reading, at least in its first half; towards the end there are some loosely connected appendices.

The starting point of this description is well chosen. Josephus’ view of the unity pervading the *Politeia* of Moses finds its clear expression in the stress he lays on the injunction to build a single holy capital, with the one temple of God in it.¹² And it should be remarked that the exclusiveness of this sanctuary

7 The opening clause of *AJ* 4.196 as it stands, must be an anacoluthon, the obviously intended meaning of which is: “I want (to describe) the constitution, stating beforehand that it is consonant...” Of course, the missing infinitive, complementary to the verb *βούλομαι* may have been dropped due to a scribal error.

8 *AJ* 4.190.

9 To be sure, Josephus’ reference to such apolitical regulations in § 198 is not very clear. Perhaps the text is to be emended, cf. A. Schlatter, in *Zur Josephus-Forschung* (ed. A. Schalit), p.198, n. 7.

10 *AJ* 4.197.

11 Philo’s whole work *De specialibus legibus*, in four books (LCL *Philo*, voll. 7–8) is based on the classification of the biblical injunctions according to the order of the Ten Commandments.

12 *AJ* 4.200.

is expressly motivated by the unity of God.¹³ Now, Philo said the same thing in very similar words: “Since God is one, there should be only one temple,”¹⁴ and, *pace* Philo’s latest English translator,¹⁵ I think it obvious that Josephus is influenced here by the older author’s formulation. Nevertheless what is new in Josephus is a vague insinuation, not yet found in Philo, expressed in his statement: “For God is one and the people of the Hebrews is one.” The full meaning of this addition, which in its present context seems somewhat out of place, will become evident later on. Yet it may be said in anticipation that Josephus gives Philo’s theological statement a “sociological” twist by means of his addition.

If a sociological interpretation of the unity of the temple were clearly intended, 201 should be followed immediately by 203, which speaks of the regular pilgrimages to Jerusalem, instituted “to promote by thus meeting and feasting together feelings of mutual affection.” Thus, in order to elicit such a line of argument from Josephus’ text, we would have to skip 202, which speaks of blasphemy and its punishment — an issue important in itself but irrelevant to the inner coherence of the society ruled by Mosaic law. If the coherence guaranteed by the inner structure of the Mosaic state had been the focal point that Josephus wanted to bring home to his reader in this passage, he would easily have been able to avoid such an intrusion of irrelevant material. Hence, it would appear from the way he arranged his data that the sociological implications of the unity of god, or the uniting power of the one temple, was felt, rather than conceptually understood, by Josephus.

Now for another feature of our account of the Mosaic legislation that may be most surprising to a reader familiar with the parallel report in the *Contra Apionem*: although our report starts with the presentation of an institution central to this *Politeia*, we have to read on for a long time till we hear anything about the way this *Politeia* is governed. That question arises only accidentally in the course of a discussion of the biblical law of kingship.¹⁶ Quite in line with the apparent meaning of the text of *Deuteronomy*,¹⁷ Josephus sees the people as empowered to elect a king. His own addition to this statement suggests very strongly that such a step is definitely not commendable. We will not here enter into the question of whether Josephus’ position is supported by the biblical

13 *AJ* 4.201; for the parallel statement in *Ap.* 2.193 see below, pp. 96, 101.

14 Philo, *Spec. Leg.* 1.67. For an analysis of the Philonic account see my *Die hellenistische Gestalt des Judentums bei Philon von Alexandrien*, 52–64.

15 Philo, LCL vol. 7, p. 618, Colson’s note on 67.

16 *AJ* 4.223.

17 *Dt.* 17:14.

story of the election of the first king of Israel.¹⁸ More important for Josephus' own position on the question of the sort of regime to be preferred are the words with which he introduces his discussion of political systems in the *Antiquities*: "Aristocracy, with the life that is lived thereunder, is indeed the best: let no craving possess you for another polity."¹⁹ Here, unequivocally, we have Josephus' political credo. Obviously, at this stage in his intellectual development, he considered the *Politeia* of Moses to have been an aristocracy, although he must have admitted — we may say: grudgingly — monarchy as a permissible, if not commendable, variant.

Now, of course, the aristocratic ruling class in charge of this *Politeia* would be the priesthood of Jerusalem.²⁰ We may well assume that the Jerusalem priesthood at large tended to see itself as an aristocratic class destined to rule, and that this was where they inserted themselves into the accepted political categories of the Hellenistic-Roman world. Certainly, Josephus the priest had grown up inhaling this view of society as part of the spiritual atmosphere he sprang from.

If this is how Josephus was wont to see himself, it is understandable that he came to assume that the whole of the Mosaic *Politeia* was cut to fit the role that the priesthood had to play in it. Thus, Josephus' definition of Moses' *politeia* as an aristocracy is exactly what we would have expected from him. Indeed, the remarkable feature in the passage under consideration is not its political content, viz. Josephus' aristocratic credo, but rather the fact that that credo does not stand at the head of "our political constitution" as a declaration of principle; instead, it is brought by-the-way, in the course of the discussion of a particular point of Mosaic legislation.

Josephus would certainly have accorded his declaration a more important place, had he, at the time of writing, been aware of all the implications of his self-imposed task of delineating the image of a *Politeia* founded by Moses out of the wealth of biblical commands regulating the whole of human existence, both collective and individual. The moment he did understand what these were he would have had to realize that in order to cope with such a task he had to delve much deeper into political theory than any previous historian had been required to. It goes without saying that such a theory was available solely in the context of Greek philosophy. Whether such Greek concepts were appropriate to the biblical themes upon which they were grafted and to what

18 1 Sam. 1:8.

19 *AJ* 4.223. Cf. Schwartz, (above, n.4) 42, n. 40.

20 I must confess that I find it very hard to accept Schwartz's disconnecting Josephus' concept of aristocracy from the priestly caste he is so proud of belonging to.

extent is a question that must remain out of consideration here. Our question, instead, is: Whence did Josephus draw the concepts he found suitable for characterizing the Mosaic *Politeia*, and how did he use them in order to present to his Greek audience an impressive, or, at least, an acceptable picture of Judaism? Questions of this kind are obviously not to be addressed to the account given in the *Antiquities* but rather to the later and riper account contained in *Contra Apionem*.

3

The book *Contra Apionem*, as distinct from Josephus' other books, is a piece of apologetics from beginning to end. Throughout, Josephus finds himself in a bitter debate with a hostile Hellenistic environment. We find here a wealth of fabulistic constructions of Jewish history, composed by anti-Jewish writers of various origins, accompanied by calumnies, suspicions and detractions, all countered by Josephus' arguments, which combine advocacy, sophistication and irony. The redeeming feature of this rather depressing book is its conclusion, where Josephus turns from negative to positive apologetics. The turning point in his presentation is reached when he declares that, instead of refuting faulty descriptions of the Jewish Law, "I want to state briefly, to the best of my ability, the whole constitution of our polity and its details."²¹ The passage introduced with these words is not the very last word of the tractate, for later on this survey is used to repudiate hostile criticism, when polemical argumentations against detractors of Judaism are taken up again. This may be one of the reasons why its independent value has not been sufficiently recognized by scholars. Apart from "Theokratia," the one famous or rather "notorious" neologism it contains, the subject of this article, the passage has passed more or less unnoticed. I shall try to show that this neglect is undeserved.

Josephus opens his presentation of Mosaic legislation with a trite argument: a society governed by law is superior to a savage one.²² For us it is not of much interest to trace that argument to its source; ideas like this one were ubiquitous in the literature of the time. Certainly, for Josephus, a second-hand answer to such a general question was enough. But we must be careful not to jump to the conclusion that in Josephus philosophical reasoning never rises above the level of hackneyed stock arguments. We shall yet see how

21 *Ap.* 2.145.

22 *Ap.* 2.151.

deeply he can delve into a question where a central issue of his own historical thought is at stake.

Scholars are all too prone to rely on the analogy of Josephus' procedure in handling questions that were much less central for him. They are right that when Josephus enumerates a list of Greek philosophers who allegedly hold the same opinion about the oneness of God as does Moses,²³ one cannot assume that he was familiar with any of their doctrines; for clearly the list has been copied from a Greek or a Jewish author. These are commonplace questions and Josephus did not need any originality for compiling such passages.

Yet the case must be different where he felt himself constrained to create a new term. Coining a new word is something which strongly contrasts with Josephus' usual attitude to the Greek language. The sovereign behaviour in linguistic issues that characterizes the innovator is extremely remote from a man who confessed that Greek for him was a foreign language, not fully mastered. So it could only have been an unconventional situation that made such a writer try his hand at coining a new word. And even given such a situation, we may look at the language and literature at his disposal for associations and analogies as close as possible to the neologism of his making.

4

“Some legislators have permitted their government to be monarchies, others oligarchies, and others democracies. But our legislator had no regard to any of these things, but ordained our government to be what may be termed — at the cost of doing violence to the language — *Theokratia*, ascribing the sovereignty and the power to God.”²⁴ The wording of this sentence makes it clear that, with an apologetic note, Josephus is here introducing a non-existent word. Translators and commentators, apparently baffled by this neologism, have done their best to assuage their uneasy feelings about it. The French commentator, Th. Reinach,²⁵ remarks: “Ce mot, qui a fait fortune en changeant un peu de sens, est donc de l’invention de Josèphe — ou de sa source.” He seems to find it somewhat startling that Josephus should have

23 *Ap.* 2.168. Concerning the utter superficiality of such equations cf. my article ‘Die Begegnung des biblischen und des philosophischen Monotheismus als Grundthema des jüdischen Hellenismus,’ *Evangelische Theologie*, 38 (1978) 2–19.

24 *Ap.* 2. 165.

25 Flavius Josèphe, *Contre Apion*, text établi et annoté par Th. Reinach (Paris 1930), 86.

been the one who introduced a term that later on became so widely accepted. Accordingly, he offers, in a less than confident tone, a possible alternative, by suggesting an anonymous source upon which Josephus may have drawn. (A sense in which his suggestion may be partially right will emerge later on.) In general, the hypothesis that an anonymous source coined the new term has not much to recommend itself. If this source had been an author of some renown, Josephus would not have felt a need to apologize for the word; and if we attribute the neologism to an obscure author, we might just as well credit Josephus himself with it.

The English translator and commentator, Thackeray, writes in his note: "The word was apparently coined by Josephus; the idea goes back to the Old Testament."²⁶ This is a rather cautious formulation, and in a somewhat vague form it may be accepted. It does not claim that the Hebrew Bible contains any term that could be translated or even paraphrased by *Theokratia*. Yet a certain tendency towards what Josephus here means by his new word can indeed be discerned in the Hebrew Bible,²⁷ and it is clear that Josephus himself had long since found such an idea in his Jewish heritage. Even in the *Antiquities*, with its tendency to see an aristocracy as the best guarantee for the observance of the Laws of Moses, he formulated his strictures against monarchy in the sentence: "For God suffices as a Ruler (ἡγεμόνων)."²⁸ This formulation has discernible biblical overtones.²⁹ But it should be noted that in this sentence Josephus avoided the word "king," consciously, no doubt. So he made it into a theological statement, with no bearing on *Politeia*. It is precisely at this point that the *Contra Apionem* takes a step further: what in the former work was hinted at as a non-committal theological stricture, is now, by the introduction of a new term, changed into a constitutional definition in a political discussion. The view implicit in the new word had already been adumbrated in *Antiquities*, but only here does it become the cornerstone of a political conception.

As we said, there is no equivalent to Josephus' new word in the Hebrew Bible. Neither could Josephus have found any word that could be translated or paraphrased by *Theokratia* in Hebrew or Aramaic, i.e. in his own spoken

26 Josephus, LCL, I, 358.

27 Cf., e.g., Martin Buber, *Königtum Gottes* (Berlin 1932).

28 *AJ* 4.223. For further material concerning this designation of God see A. Schlatter 'Wie sprach Josephus von Gott' 11 f. in *Kleinere Schriften zu Flavius Josephus*, ed. Rengstorf (Darmstadt 1970) 71f. Schlatter notes that Josephus uses this designation for the emperor too, instead of "king."

29 I Sam. 8:7.

language. One might think מלכות שמים *Malkhut Shamayim*, “Kingdom of Heaven” (or God), is such a term; however, in the Hebrew of the Second Commonwealth the invocation of God as king did not imply a political or, rather, metapolitical, relation between God and the Jewish community. It has not been sufficiently noted that in the Hebrew of that time the term מלך “*melekh*” used with reference to God always appears in the phrase “*melekh al kol ha-Aretz*” מלך על כל הארץ (king over the whole world) and never in the context מלך ישראל “*melekh Yisrael*” (king of Israel). In the religious thought of Josephus’ time, the phrase “Kingdom of Heaven” denotes a cosmic entity, to which even the Angels are considered subordinate. Josephus cannot have understood this term as designating the *Politeia* of Moses that he wished to introduce to his Greek-speaking audience.

We may now revise Thackeray’s note (v. *supra*) as follows: the desire to find a term indicating the decisive role of God’s position as ruler and commander to characterize the Mosaic *Politeia* stems from Josephus’ own understanding of the essence of his community, an understanding rooted in the Hebrew Bible. But no Hebrew or Aramaic source was of any avail to him in his search for such an apt term. Thus he had to turn to the only area where abstract terms could be found, viz. to Greek political philosophy.

At first sight it may appear that he ought to have refrained from seeking legitimation for the Mosaic *Politeia* in terms of Greek political theory. After all, the quotation brought above concerning the various known constitutions opens: “There are innumerable differences in detail in the customs and laws that obtain among all mankind. Yet summarizing them all you may say that some legislators have permitted their governments etc.” That is to say, the enumeration of constitutions is introduced as exhaustive, referring to “laws obtaining among all mankind.” If now Josephus goes on to say: “Our legislator had no regard to any of these things,” does this not imply that Josephus places Moses and his *Politeia* outside the consensus of “all mankind” or beyond the orbit of any possible reasonable organisation of human society, as systematized in Greek political philosophy? In other words: would not such a presentation have disqualified the Jewish *Politeia* in the eyes of any educated Hellenistic reader? Indeed, this is the way Josephus’ statement is usually understood; however, such an interpretation is contrary to the tendency of Josephus’ entire exposition.

We can head off this misunderstanding if we widen our survey of the ramifications of Greek political thought; for although the traditional list of the main types of political constitution, as given above by Josephus, is indeed complete, it had long ago been rendered obsolete by the development of political theory. Josephus’ contemporaries are concerned with mixed consti-

tutions only,³⁰ since in the mean time experience had made the advantages of mixed types (especially the Roman) and the deficiencies of unmixed ones (especially the Athenian) abundantly clear. But all the amendments to the traditional list of *politeiai* have their root in a very early criticism, which — although only a byway in political philosophy — must never have been completely eliminated from political thought in its course of development. This is in Plato's last work, the *Nomoi*. It is our contention that Josephus, in need of a revision — not a rejection — of current political theory, was led — perhaps via the many contemporary modifications of 'classical' political philosophy — to that very early criticism, the source and origin of such revisionist tendencies. When here he came across a philosophical problem falling exactly in the center of his concern as a historian, he must have gone out of his way to consult a primary source of vital relevance to him. As we shall see below, there are even some textual assonances of Plato's *Laws* in Josephus' *Contra Apionem*, which could very well be understood as reverberations of its author's occupation with that work.

In order to understand the key importance that Plato's work could have had for Josephus when he wrestled with the question of defining the Mosaic constitution, we have to consider briefly Plato's treatment of the problem of *Politeia*, 'constitution,' in his *Nomoi*.

5

In the fourth book of the *Nomoi*,³¹ when the representatives of Crete and of Sparta are requested to define the constitutions of their respective countries in traditional terms, they show a certain confusion and point to some contradictory features in them. Now it is just the existence of conflicting traits within one and the same constitution that earns a word of praise from the leader of the conversation. The very nonconformity of your constitutions to one of the acknowledged patterns, he says, is proof that you have real *Politeiai*. For each of the names of the acknowledged types of constitution points to that part of the population that dominates in the city, and by this token proves the fact that the population of the city is divided into two classes, one dominating, the other subjugated. Of course, in every such state legislation will be enacted in the interest of its ruling class. Yet states whose laws are not made for the state

30 For the ideal of the mixed constitution see T.A. Sinclair, *A History of Greek Political Thought* (London 1951) esp. ch. 12 and 13.

31 Pl. *Lg.* 712 ff.

as such but only for part of their citizenry do not deserve the names of polities. “Those we named just now (monarchies, oligarchies, democracies) are not polities, but arrangements of states which rule or serve parts of themselves, and each is named after the ruling power.”³²

Plato’s view expressed in these words is not at all identical with later modifications of the original list of possible constitutions. Whereas later theorists improve the tripartite list by complementing it with well-tempered mixtures, Plato totally rejects the three classical main types of constitution *per se*. Although the representative of Sparta can discover in his country’s constitution a tyrannical, a democratic, an aristocratic, and a monarchic element,³³ it is not this combination that makes his state commendable but rather the negative fact that it does not blindly adhere to the rule of any single one of those elements. The cardinal constitutions are represented not as amendable but as faulty. Plato does not consider the fact that in a “real *Politeia*” elements of the divergent forms of constitution maintain a symbiotic relationship to be a modification of an overly rigid confrontation between types, but as the proof that accepted political theory with its sharp confrontation of mutually exclusive types of governmental structures is basically wrong.

If I am not mistaken, this radical negation of the traditional list of three principal forms of constitution in Plato’s *Nomoi* was never repeated. Only as a starting point for theories of mixed constitutions does it seem to have lived on. Be that as it may, Plato’s *Nomoi*, although not much studied, kept its place in philosophically educated circles all through the Hellenistic-Roman period. And when Josephus writes that Moses “had no regard for any of these things (monarchy, oligarchy, democracy),” he may have drawn his inspiration for such disregard from Plato, thus appealing to the educated reader who could link the negative attitude ascribed to Moses to the ancient verdict of Plato’s last work. This may seem only a vague possibility; yet still I think that we shall find this possibility strongly corroborated by the following sentence in the *Laws*.

Plato there goes on to say: “But if the state ought to be named after any such thing, the name it should have borne is that of the God who is the true ruler of rational man.” This sentence is paraphrased by Barker³⁴ in the following form: “And if, Plato adds, we wish to call such a state after the name of the force which predominates in its life, we shall call it by the name of God, *and name it theocracy.*”

32 Pl. *Lg.* 712e–713a.

33 Pl. *Lg.* 712d.

34 E. Barker, *Greek Political Theory* (London 1918) 304.

If the four words we have emphasized in Barker's paraphrase were really part of Plato's text, we would not have any trouble tracing the origin of Josephus' term *theokratia*. In that case, Josephus might have spared himself his apology for doing violence to the language. For Barker it is a plain fact that Plato's last political ideal was theocracy,³⁵ a term he seems to take for granted. Obviously, for him, it refers to a well-known political category, and it seems to have escaped him that the name of this category was coined more than four centuries after Plato.

In any case, Barker's unconcerned use of the term was suggested to him by Plato's wording, almost unwittingly. In the passage quoted Plato comes so close to using this very word that Barker could read the sentence as if it contained it.

True, Barker's way of paraphrasing Plato may call for pedantic philological correction. Where Barker writes: "We shall call it by the name of God," Bury³⁶ translates more exactly: "The name it should have borne is that of the God." The definite article he prefixed to the word "God" clearly gives Plato's meaning, for in the following sentence the speaker is asked by his interlocutor: "Who is this God?" It turns out that it is Kronos who once, in a very remote past, ruled over a happy mankind. This myth, then, is told as an adumbration of the bliss of a divinely governed society.

All this, however, does not make theocracy, in the sense of a god's direct rule, a viable alternative to the faulty constitutions already rejected. That is why the "simple" term "Theokratia" is not, after all, so ready at hand in our Platonic text as it seemed to Barker. But if Barker was not fully aware of the polytheistic implications of the Platonic text, we may surely say that Josephus, when reading this same text, was just as likely to overlook them. Certainly, he was bound to read in our text that Plato, rejecting all the faulty *-kratiai* of current political theory, approved only of *Theokratia*. Barker's naively imputing our term to Plato himself allows us to gauge how close Josephus must have come to doing the same thing in his reading of the Platonic text, so that he could interpret it as if it were a proclamation of theocracy as the ideal form of government. Given such an interpretation, the linguistic venture of neologism would not have seemed too bold, even to a writer who did not feel fully at home in the Greek language.

Consequently, we may go so far as to assume that Josephus must have been acquainted with Plato's *Nomoi*. We can not imagine Josephus single-

35 *Ibid.* 351.

36 Plato, LCL vol. 9, *Laws*, tr. R.G. Bury, p. 283.

handedly rejecting the whole of Greek political philosophy and representing his Moses as rejecting all “the laws obtaining among all mankind,” on the strength of an extra-terrestrial principle known to him alone in the whole world. Such an attitude would not be in line with anything known to us of the personality of Josephus. He must have been convinced that in his apparent rejection of the political wisdom of the ages he could rely on support from inside philosophy itself. And such support he must have found in Plato’s *Nomoi*, as he seems to have understood it. If this analysis is correct, Josephus does not intend to replace Greek political theory with a Jewish one of his own making, devoid of any connection to the philosophical tradition: he wished to portray the Mosaic law as identical with the highest point reached by this philosophy: the critical views of the great Plato.

Now, even if we see as established a connection between the new term coined by Josephus and a certain motif that appears in Plato’s *Nomoi*, we have not yet proved that Josephus drew his acquaintance with it from Plato’s own book. Recourse to primary sources is something Josephus is not easily credited with, and, as a matter of fact, Josephus was wont to draw his information about topics of general knowledge from “Handbücher.” And although there is not extant any book of this type containing just the one detail of Plato’s *Nomoi* here in question, the existence of such a book in Josephus’ environment can not, of course, be excluded. On the other hand, the wording of *Contra Apionem* shows reminiscences of certain phrases in Plato’s *Nomoi* in at least two places. One is his use of the proverb “Like is dear to like,” quoted in Plato³⁷ for the affinity between man and God, and in Josephus³⁸ for the unity of the temple, derived from the unity of God. (We will see below to what degree these applications of the proverb function in parallel ways in constructing the respective *Politeiai*.) Secondly, when Josephus ascribes to Moses a very special device that enabled him to combine the practical and the spiritual way of inculcating his laws in the citizens of his *Politeia*, he designates this combination as “a thing which all other legislators seem to have neglected.”³⁹ The same remark he could have found in the *Nomoi* of Plato, referring to the combination “of two methods — namely persuasion and force.”⁴⁰

37 Pl. *Lg.*716bc; Dibelius, when collecting occurrences of that saying in Plato (*Botschaft und Geschichte*, Tüb. 1956, 26, n. 24). overlooked this one.

38 J. *Ap.* 2.193.

39 *Ibid.* 175.

40 Pl. *Lg.*722b.

These coincidences can best be understood as half-conscious residues in the mind of Josephus of a long and penetrating occupation with Plato's *Nomoi*. It may well be that this list of concordances can be extended by closer attention to these two texts.

6

How does the Mosaic *Theokratia* work according to Josephus? This question cannot be resolved on the basis of the parallel story in Plato about divine rule in prehistoric times. When Kronos ruled over a happy mankind, it could be left to the god himself to find ways to execute his rule. But the Mosaic theocracy as conceived by Josephus is not a mythological event. Despite the use of religious terminology, it is a political constitution designed by a human legislator. Josephus describes this polity as headed by God but not as founded by Him. "Our legislator... attributed⁴¹ the sovereignty and authority to God."⁴² Methodically, Moses' law is considered to be human legislation. Whereas other legislators assigned political power to the few (oligarchy) or to the many (democracy), he attributed it to God. This is the way Josephus sees the Mosaic polity. Of course, to speak of God as "appointed" to a ruling position by a human legislator seems utterly absurd; but this is necessarily the consequence of a secular and rationalistic approach to a phenomenon of religious origin. If we want to grasp Josephus' viewpoint, we have to allow for this "absurdity."

All polities, accordingly, even theocracy, have to be seen as man-made. Ever since Plato's *Republic* the State had been understood as the social embodiment of the Idea of the Good, as an attainment of perfect virtue. If theocracy is to be the best form of polity, it must justify itself on the grounds that it leads to perfect virtue, which was Plato's main concern in his *Republic*, where each of the three classes of society could be viewed as the embodiment of one of the cardinal virtues, while the fourth virtue, justice, manifested itself in a just equilibrium among all of them. Josephus does not find such a

41 The verb ἀνατιθέναι used here by Josephus is singularly appropriate in this context, as in religious language it denotes dedicating votive gifts to the gods. Nevertheless, it clearly expresses giving, not acknowledging. It is Moses, who, as the legislator, is to assign political power. This secular note should not be eliminated from Josephus' political conception.

42 J. *Ap.* 2.165.

well-balanced class structure in his theocracy. Hence, what alternative can he propose to Plato's *Republic*?

At this point comes Josephus' declaration: "He did not make εὐσέβεια (piety) a part of virtue, but made all the rest part of εὐσέβεια,"⁴³ this "rest" being "justice, self-control, endurance, and the mutual harmony of the many in all things with one another." It should be noted that this is quite an inexact list of the traditional cardinal virtues, as it omits the virtues of individual character (such as wisdom and fortitude), preferring to them elements pertaining to social behavior. This selection seems deliberate. The collection of virtues brought by Josephus stresses the togetherness of men. But the common source of all these virtues is considered to be *eusebeia* (piety). Subordination of all the virtues to *eusebeia*, contrary to the traditional arrangement, does not appear here merely as a difference in ethical theory but as "the reason why our lawgiver in his legislation far exceeded other legislators in utility to all."⁴⁴ This word "utility" must not be misunderstood. For Josephus, Moses is not a sophist who invented a God-idea because he found it the most effective way of organizing a well-functioning society. Josephus makes a point of emphasizing that Moses "had first persuaded himself that his actions and designs were agreeable to God's will" and only then "thought it his duty to impress that notion... upon the multitude."⁴⁵ Moses, as viewed by Josephus, is honest in his own piety; but when fostering his personal belief among the common people he seems, in the eyes of Josephus, motivated not so much by a zeal to spread the truth as by his expectation that this belief will exert a beneficial effect on the communal life of the people.

How does Josephus' insistence on the centrality of *eusebeia* in the system of virtues square with the standards of Greek ethical thought? Probably the average Greek reader would come away with an impression of old-fashioned thinking.⁴⁶ The archaic equilibrium between duties towards gods and men, with religious duties sometimes preponderating, had long ago been shattered by the sophists. The aim of Plato's *Euthyphro* is also to deny piety its place in the canon of ethical virtues. But Plato's thought had come full circle from those youthful contestations in his latest writings, and in the *Epinomis*, a sort of appendix to Plato's *Nomoi*, we read: "Nobody will ever persuade us that

43 *Ibid.* 170.

44 *Ibid.*

45 *Ibid.* 160.

46 Cf. to the following Albrecht Dihle, *Der Kanon der zwei Tugenden* (Westdeutscher Verlag, 1968).

there exists for humankind any greater virtue than *eusebeia*.⁴⁷ Now, it may be that Plato's use of the word *eusebeia* here implies something very different from the practical *eusebeia* of the archaic period.⁴⁸ Still, Josephus, when reading this sentence, might have convinced himself that he had on his side an excellent Greek authority for making *eusebeia* the central virtue.

On the other hand, it should be noted that the primacy of *eusebeia* among the virtues was something of a commonplace among Jewish Hellenistic writers. This position is found in Aristobulos⁴⁹ and Aristeas;⁵⁰ and Philo sometimes speaks of *eusebeia* as the leader⁵¹ or queen⁵² of virtues. But whereas all these utterances are confined to ethics, Josephus is the only one who makes *eusebeia* the cornerstone of a political constitution.

7

It may be asked: what contribution does *eusebeia* make towards the inner cohesion of society? Josephus' first answer is that our lawgiver taught the whole people to hold the same opinions about the Godhead and to keep the same commands⁵³ and thus spared them the dissensions so frequent in the intellectual atmosphere of Greece and Rome. One may wonder whether the pagan reader might not have preferred his own spiritual elasticity to what would have appeared to him to be a forced uniformity. But there is another line of argument, too, that comes much closer to the core of Josephus' conception.

We have not yet considered the special kind of *eusebeia* implied by the Mosaic *Politeia*: it is adherence to the One God. Of course, at least as early as *Deuteronomy*, the belief in One God alone was central to Jewish consciousness; ever since the Decalogue its corollary too, the sharp rejection of any kind of idolatry, was an indispensable part of Israel's self-perception. In the Hellenistic age, acquaintance with Greek mythology added to this a feeling of spiritual superiority over the surrounding world and its base religious imagi-

47 Pl. *Epin.* 989b.

48 Dihle (see n. 46) 18, argues that in the *Epinomis eusebeia* has a different meaning than in archaic Greece.

49 Aristobulus ap. Euseb. *PE* 12.12.8

50 *Ep. Aristeae* 131.

51 Philo, *Spec. Leg.* 4.135.

52 *Ibid.* 147.

53 *J. Ap.* 2.181.

nation. Philo, for instance, never ceased to stigmatize polytheism as a sign of the scandalous backwardness of pagan culture. "It was the duty of all men to cleave to Him and not introduce new gods... When they went wrong in what was the most vital matter of all, it is the literal truth that the error which the rest committed was corrected by the Jewish nation which passed over all created objects... and chose the service of the Uncreated and Eternal."⁵⁴ But the redeeming of errant mankind by Israel, dedicating its cult to the true God, is not the main feature of Jewish monotheism for Josephus.

Strictly speaking, it is not even monotheism as such that seems to him to be Moses' central achievement. Josephus is only too ready to identify Moses' "notions of God" with those of the Greek philosophers. "Almost all philosophers seem to have had the same notions about the nature of God."⁵⁵ This is not the place to demonstrate the utter superficiality of this sweeping equation.⁵⁶ In any case, for a philosophically trained Greek or Roman reader, Moses' "notions about the nature of God" contain nothing new, according to Josephus. To be sure, Josephus hints that, basically, these philosophers drew their correct ideas from Moses; but in the present context he does not insist on this,⁵⁷ for it does not affect decisively the point he wants to make. Unlike Philo, for whom Moses is primarily "the greatest of all philosophers," who attained the highest possible knowledge of the Divine, Josephus portrays him as the creator of a historical fact. Josephus demonstrates the uniqueness of Moses by comparing him with the Greek philosophers: "These addressed their philosophy to the few, and did not venture to divulge their true beliefs to the masses... whereas our lawgiver, by making practice square with precept, not only convinced his own contemporaries, but so firmly implanted this belief concerning God in their descendants to all future generations that it cannot be moved."⁵⁸ In other words: the singularity of Moses is not in his concept of Divinity, which is more or less identical with that of some Greek philosophers whose names are given by Josephus. His singularity consists in "making his actions square with his thought," i.e. making his concept of God into the motive force for his action, an action that, as we have observed, was addressed to the whole of the people, and so allowing monotheism to become the vitalising principle of the political order he established. Monotheism as a political enterprise is an idea never envisaged by Greek philosophers. It would

54 Philo, *Spec. Leg.* 2.165f.

55 *J. Ap.* 2.168.

56 For a critique of such a frivolous equation see my article, noted in n. 23.

57 *Ap.* 2.168.

58 *Ibid.* 169.

take a thorough phenomenological analysis of the fundamental divergence of the respective structures of Jewish and of Greek-philosophical monotheism to explain why the political application of the monotheistic creed, such as Josephus ascribed to Moses, should have seemed absurd to Greek philosophers.⁵⁹ Josephus can only imagine that they lacked the “courage” needed for such a venture. This courage, then, is the distinguishing mark of Moses.

The next question is: how is monotheism reflected in the structure of a society moulded according to this creed? The formula by which Josephus explains this connexion is not new: “One temple of the One God.”⁶⁰ We recall that this idea had already been formulated by Philo⁶¹ and that Josephus himself had already used it in his *Antiquities*,⁶² along with somewhat enigmatic reasoning: “For God is one and the Hebrew people is one.” In the context of the former book it is not quite clear how the unity of the people is connected with the singleness of the temple. This time, Josephus’ explanation is much more transparent: “A temple common to all, for the God common to all.” It should be noted that, in the Greek, in this phrase the noun “temple” governs a double genitive: the temple is, simultaneously, the temple *of* God and the temple *of* them all (=the whole people). This peculiar construction expresses with remarkable exactness the idea of the temple as conceived by Josephus the priest. Unlike any temple in the (pagan) world, this temple, by being the one temple of the One God, was the common property of the whole people of God, united by it and made by it into one people. Josephus underlines this intrinsic relationship by interrupting his sentence with the proverb: “Similar always likes similar.” As it stands, this proverb now refers to the threefold relationship between the One God, the one temple, and the one people. Here we are at the heart of the sociological message of monotheism, as understood by Josephus.

With the help of this ideology, the organisational structure of the polity is easily understood. In charge of the one temple is to be a single body of priests, with the High Priest at its head. Thus, albeit indirectly, the single central authority of the priesthood emanated from the One God, through the one temple. “What could be a better or more righteous constitution than ours, which makes us esteem God the governor of the universe, and commits to the priests generally the administration of the principal affairs and, again,

59 See above, n. 23.

60 *Ap.* 2.193.

61 See above, n. 14 and n. 15.

62 *J. AJ* 4.200.

entrusts the rule over the other priests to the High Priest who is supreme over everything?"⁶³ This is the institutionalized expression of monotheism, translated into political reality. That its transposition by Josephus is all too simplistic and leads to untenable results, is true enough and cannot be overlooked. But it is a pity that this consideration has overshadowed the theoretical merits of Josephus' methodological approach and has obscured what is in fact a serious attempt at defining the essence of Jewish communal life within the framework of Greek political theory. Finally, that quality of *ὁμόνοια* or *συμφωνία*, "concord," that was the ultimate objective of Plato's political thought, is here considered to have been infused into Israel by the implementation of a political order emanating from monotheism: "It is this very thing that principally creates such wonderful oneness of mind (*ὁμόνοια*) amongst us all. For our having one and the same opinion about God, and our having no difference from one another in our course of life and manners brings about among us the most excellent accord (*συμφωνία*) in manners found anywhere among mankind."⁶⁴ Here again we have a pattern of thought so widespread in Hellenistic Judaism, viz. that the ideals which Greek thought has established in theory only, Israel's Tora enables us to achieve in practice. The philosopher who will become king, the king who will become a philosopher, are transformed in the person of Moses from *pia desideria* into living reality.

8

If theocracy is to be considered a legitimate — even ideal — form of *Politeia*, it must of course stand the test of all the demands political theory makes of a good constitution. We shall offer just one example of the way in which Josephus has theocracy meet such requirements.

The main thesis of Plato's *Laws* is that the legislator's task is not confined to devising the best possible laws but that he must also make the population obey his laws. This aim can be attained either by force or by persuasion. Up to and including his own time, Plato maintains, lawgivers thought only in terms of enforcing laws. None of the legislators seemed ever to have envisaged the possibility of a combined use of persuasion and enforcement.⁶⁵ Josephus

63 *Ap.* 2.158

64 *Ibid.* 179.

65 *Pl. Lg.* 722b.

appears to employ a variant of this reasoning when he writes: "There are two ways of arriving at any discipline or moral conduct of life; the one is by instruction in words, the other by exercises in practice."⁶⁶ In his view, each legislator chose one of these possibilities (a view slightly different from Plato's). As representatives of the second way he cites Sparta and Crete just like Plato. In contrast to these attempts, Moses succeeded in combining both approaches according to Josephus. This is one of the places where a reminiscence of Plato is found in Josephus, as mentioned above. A simple juxtaposition of the texts will suffice:

Plato *Lg.* 722b

πρὸς τοῦτο οὐδεὶς ἔοικε
διανοηθῆναι πάντων τῶν
νομοθετῶν

J. Ap. 2.175

ὁ δὲ πάντες ἐοίκασιν οἱ
νομοθέται παραλιπεῖν

Both authors use a similar locution to refer to a new way of combining the two means of inculcating the laws.

In Josephus' analysis of the Mosaic constitution the Sabbath is the chief institution combining force and persuasion. He puts it this way: on the one hand "Moses left nothing of the very smallest consequence to be done at the pleasure and caprice of the persons themselves but made fixed rules and laws,"⁶⁷ as a number of examples show. On the other, this is just one facet of Mosaic legislation, and it is supplemented by a device aimed at fostering a theoretical approach to the Law as a whole, a special day each week, the Sabbath, on which the Jew has nothing else to do than study the law of Moses.⁶⁸ So, in Josephus' view, although the Sabbath is itself part and parcel of the rules devised by Moses to regulate all of life, it is more: it also provides a framework within which the individual may develop his intellectual faculties vis-à-vis the rigid system of law. The result is that Mosaic Law long ago anticipated that innovation in political thought which Plato claimed for himself, i.e. the addition of an intellectual dimension to the practical education of the citizenry by the law. Moses provided a tool by which this might be achieved within the framework of the laws itself. This idea did not occur even to Plato. It is Moses' felicitous synthesis, missed by all other legislators, before or after him.

To be sure, this ingenious idea, implicit in the way Josephus presents the place of the Sabbath in Mosaic legislation, is almost marred by the unfortu-

66 *J. Ap.* 2.171.

67 *Ibid.* 173 f.

68 *Ibid.* 175.

nate way in which he formulates it. Despite his introduction to the subject, when he comes to the Sabbath proper, he asserts that Moses gave the people the opportunity to study his laws because he “did not tolerate the pretext of ignorance to be valid,”⁶⁹ so, as it were, virtually reducing the Sabbath to the role of just another means of law-enforcement. But the foregoing exposition makes it clear that Josephus had in mind something of Plato’s innovative spirit in education, however imperfectly understood, when he formulated his remarkable conception of the place of the Sabbath in the framework of the Mosaic *Politeia*.

Again, one may ask whether there is anything original in Josephus’ idea of the Sabbath’s purpose. If we share the commonly accepted view that the tractate *Hypothetica*, doubtfully ascribed to Philo,⁷⁰ antedated Josephus and served as a source for his interpretations of certain legal matters, we are bound to say that Josephus might have drawn his idea of the purpose of the Sabbath from it. There we read: “He (the lawgiver) considered that they should... have expert knowledge of their ancestral laws and customs. What then did he do? He required them to assemble in the same place on the seventh day, and hear the laws read so that none should be ignorant of them.”⁷¹ If we discount the possibility — never raised, to the best of my knowledge — that this text is later than Josephus, the close similarity in wording can only lead us to conclude that Josephus had this passage at hand or in mind when he wrote his *Contra Apionem*. Furthermore, the idea of the Sabbath as the focal opportunity for Jews to study their law seems to reflect the socio-religious experience of Alexandrian Jewry. Even the notion that the lawgiver designed the Sabbath for this very purpose is clearly expressed in the *Hypothetica*.

If so, can there be any originality in Josephus’ view of the Sabbath? I would say that his originality here consists in having inserted a view of the Sabbath that was already current among Hellenistic Jewry into the context of the universal debate about the need for political instruction. In creating the Sabbath, Moses, alone among all the legislators of the world, found an institutional solution to the problem of inducing a population to keep his laws, not by forcing upon them a system of regulations alone, but by appeal-

69 *Ibid.*

70 Concerning the dubious Philonic origin of *Hypothetica* cf. *Philo*, LCL vol. 9 (Harvard University Press 1941) 407–411; I. Heinemann, *Philons griechische und jüdische Bildung* (Breslau 1932) 352 ff.

71 *Philo*, LCL vol. 9, ap. Eus. 7.7.12.

ing to their *logos* as well, at the same time. Again, a theoretical desideratum formulated by Greek thinkers can find its practical fulfilment only under the auspices of the Jewish Tora. *Theokratia* is not conceived of as a negation of Greek political theory but as the crowning achievement of all political creativity, and is best understood when viewed from the perspective of Greek thought.

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