

Josephus on the Jewish Constitutions and Community*

Daniel R. Schwartz

In several passages of his *Jewish Antiquities*, Josephus uses standard Greek political terminology (aristocracy, monarchy, etc.) to describe the Jewish constitution (*politeia*) at various stages of the nation's history.¹ It is obvious that his use of such terminology, as so much in *AJ*,² is intended to give the book, and the nation which it describes, a Hellenistic appearance, so as to make it more palatable and civilized in the eyes of the Graeco-Roman reader.³ This being the case, one might well wonder whether these terms are anything more than window-dressing. Do they, that is, reflect any thought-out and consistent theory regarding the political structure of the Jewish nation?

* This paper was originally presented as a lecture in the faculty seminar of the Hebrew University's Classics Department; my thanks to the participants in that seminar, and especially to Dr. Doron Mendels, for their helpful comments and criticism. I would also like to thank the Maiersdorf Foundation for my appointment as Maiersdorf Lecturer in Jewish History at the Hebrew University, 1981–1983.

- 1 And this topic is accordingly given some special attention in the book's preface (§§ 5, 10, 13, 21). Note that some Arabic sources apparently cite the book by the title "On the Governance of the Jews"; see S. Pines, *An Arabic Version of the Testimonium Flavianum and its Implications* (Jerusalem 1971) 8–10 (n. 15); 45–51.
- 2 Abbreviations used in this paper: *AJ*, *BJ* and *Ap.* for Josephus' major works, and *LCLJ* for the Loeb Classical Library edition of Josephus, from which translations are usually taken.
- 3 For a study of a related subject, which indeed concludes that this motive is all that lies behind Josephus' statements concerning it, see V.A. Tcherikover, "Was Jerusalem a 'Polis'?", *IEJ* 14 (1964) esp. 74–76.

Few scholars have dealt with this question, most probably agreeing with the recent critic who, in an obiter dictum, rejected it out of hand.⁴ Moreover, apparently good grounds for skepticism are immediately available, for: 1) Josephus, unlike Plato, Aristotle, Polybius and others, rarely defines his terms, and 2) different terms are sometimes used to characterize the constitution of one and the same period. Nevertheless, study indicates that an investigation of Josephus' constitutional terminology will not be profitless. We will begin with the two questions just noted (undefined terms and contradictions); after examination of these problems will allow us to present a chart of the successive Jewish constitutions, according to Josephus, we will turn to further problems: gaps in the succession (historical periods for which no constitution is posited), the possibility that Josephus followed a particular model, and the question of the relation of Josephus' political science to his situation as an apologist for Judaism at a time when the Jewish state, to all intents and purposes, had ceased to exist.

I. *Definiton of terms*

Basileia poses no difficulties: for Josephus, it denotes government by an individual who bears the royal title and wears the royal crown.⁵ *Anarchia* is just as simple: it denotes an absence, or confusion, of the constitution. (Josephus uses the word only twice, on both occasions with reference to the eighteen-year period of subjugation under Eglon, King of Moab [AJ 5.185–187; 6.84]).⁶ *Demokratia* and *oligarchia* are indeed more difficult, but

- 4 H.W. Attridge, *The Interpretation of Biblical History in the Antiquitates Judaicae of Flavius Josephus* (Missoula, Montana 1976) 139, n. 3: "It may be doubted whether Josephus had a consistent or carefully thought-out political theory". Similarly, C. Roth once opined, apropos of Josephus' use of "aristocracy", that "his use of language was probably no more consistent than he was himself" ("The Constitution of the Jewish Republic of 66–70", *JSS* 9[1964] 298–299, n.3). In the course of his review of Josephus' *politeia* passages, H. Strathmann, in a slightly different vein, suggested that Josephus' usage of political terminology was a ploy "to conceal the religious orientation of the political thought of Israel" ("*polis*", *Theological Dictionary of the New Testament* 6[1968] 527).
- 5 See, for example, AJ 12.360,389; 13.113,301,369; 15.187,195; 17.202, 273, 280; 18.237; 20.241.
- 6 Note, however, that these eighteen years (Judges 3:14) did not come directly "after the death of Joshua" (AJ 6.84) but rather after the death of (Othniel ben) Kenaz (Judges 3:11; AJ 5.184). One would have expected Josephus' reference in

as they each appear only once in Josephus' writings (*AJ* 20.234 and 11.111, respectively) we shall ignore them, for the present. This leaves two terms requiring definition: *monarchia* and *aristokratia*.

1. As a term defining a Jewish constitution, *monarchia* appears only in *AJ* 20.229, of the period of the Judges; but in 11.112 we similarly read that the rulers in that period were called "judges and monarchs". It seems, therefore, that while Josephus called them only "judges" in the course of his narrative for this period (5.184; 6.85,268), in his summaries he felt a need to use a word which indicates that these men actually ruled⁷ and were not restricted to jurisprudence. The words "monarch", "monarchy" fit the bill: on the one hand they indicate rule by an individual,⁸ but on the other they do not attribute to him the royal title.⁹

2. Two passages are sometimes taken as indicating that *aristokratia* is Josephus' term for hierocracy, rule by the (high) priests¹⁰ (for the latter term, so commonly used of the Second Jewish Commonwealth, is of modern coinage):

6.84 to be to the suspension of councils reported in 5.135 (see below, paragraph 2), which does follow more or less directly upon Joshua's death; but no period of time is mentioned there and the word "anarchy" does not appear. Josephus' memory evidently conflated the two passages. In any case, his confusion reflects his assumption, to be demonstrated in paragraph 2, below, that the existence of councils defines a constitution, aristocracy.

7 Cf. his frequent use of *archē* and *archō* of the Judges, as in *AJ* 5.184, 197, 232,254,270–271,316; 6.32.

8 Josephus also makes this point by arranging the Judges consecutively even when the Bible leaves gaps between their "terms". See *AJ* 5.184 (vs. Judges 3:11), 197 (vs. Judges 3:30), *ibid.* (vs. Judges 3:31), 209 (vs. Judges 5:31), 318 (Josephus takes care to mention Samson's "successor", Eli, before digressing on Ruth. [A similar procedure characterizes Josephus' treatment of the Roman procurators of first-century Judaea; see D.R. Schwartz, in *Zion* 48 (1982/83) 325–345.] Note that Eli, a high priest, is not said to have "ruled", in contrast to other Judges [see the preceding note]; he does rule in *AJ* 5.361, but there the reference is to primacy in the high-priestly house, not the nation).

9 The term "monarchs" in *AJ* 20.261 too most probably refers to the Judges, as most commentators and translators agree; note that they are clearly distinguished from the adjacent "kings". On this passage, see below, Part II, 1.

10 On *AJ* 11.111 see, for example, R. Marcus in *LCLJ* 7, p. 495, note g. On 20.251: H. Zucker, *Studien zur jüdischen Selbstverwaltung im Altertum* (Berlin 1936) 75,78. Cf. below, note 14.

AJ 11.111: After the Restoration, the Jews “dwelt in Jerusalem under a form of government that was aristocratic and at the same time oligarchic. For the high priests were at the head of affairs until the descendants of the Asamonean family came to rule as kings”. *AJ* 20.251: “After the death of these kings[Herod’s and Archelaus], the constitution became an aristocracy, and the high priests were entrusted with the leadership of the nation.”

The second passage, by the use of *men... de...*, clearly dissociates the high priests from the aristocratic constitution and associates them with the *prostasia*, a more nebulous term to which we shall return; similarly, the first passage, although perhaps not as clearly, shows, via the insertion of a preposition (*met’*), that the constitution was aristocratic alone, with a high-priestly oligarchy alongside it holding the *prostasia*. (This is the abovementioned lone reference to oligarchy; as we see, it is not used to describe a *politeia*.) Later (Part III) we will investigate this high-priestly *prostasia* which exists alongside of the constitution; now we must look elsewhere for the definition of aristocracy.

Early in *AJ*, after several laws regarding local councils of judges and magistrates (4.214–217, 220–222) and their national counterparts (high priest, prophet, *gerousia*[§218]), Josephus’ Moses begins his skeptical discussion of kings with the admonition that “Aristocracy... is indeed the best constitution” (§223). Similarly, when corruption later afflicts the aristocracy, Josephus explains this complaint by stating that “no more did they appoint councils of elders or any other of those magistracies beforetime ordained by law... ” (5.135). This comment is apparently an interpretation of Judges 2:7, 10, which implies that the last good elders were those of Joshua’s days.¹¹ Later in the period of the Judges, however, Josephus — in contrast to the Septuagint (not to mention the Hebrew Bible)¹² — continues to refer to the

11 The same idea underlies the Qumran sect’s *Damascus Document*, 5:3–4. On the other hand, the rabbis assigned the elders who followed Joshua a crucial role in the preservation of tradition; see, for example, the opening of the mishnaic tractate *Abot*. Cf. M.D. Herr, “Continuum in the Chain of Torah Transmission”, *Zion* 44 (1978/79 = *I.F. Baer Memorial Volume*) 43–56 (in Hebrew).

12 The Hebrew Bible never explicitly mentions a *council* of elders, but only “elders”, which the LXX, until the end of Joshua, renders “*gerousia*”; from Judges on, until “*gerousia*” resumes with Judith, “*presbyteroi*” is used. See S. Hoenig, *The Great Sanhedrin* (Philadelphia 1953) 148. For the LXX as Josephus’ main biblical text, see Attridge (above, n. 4) 30–33. Josephus does not cite Judith, but he too

activities of the *gerousia* (5.151,170,332,335,353), which is, we would suggest, what allows him to characterize the pre-Saul period as one of “aristocracy” (6.36,84–85,268).¹³ Finally, the same conception seems clearly to underly Josephus’ use of “aristocracy” to denote the regime established by Gabinius (*BJ* 1.170; *AJ* 14.91): his measures *weakened* the status of the high priest Hyrcanus II by apportioning governmental authority among five regional councils.¹⁴ For Josephus, therefore, “aristocracy” thus denotes not hierocracy¹⁵ but rather government by council.

II. Contradictions

Two real contradictions may be noted: the constitution of the period of the Judges is termed “monarchy” in 20.229 but “aristocracy” in 6.36,84–85, 268 (on which latter see below), and that of the period between the Return and the Hasmoneans¹⁶ is termed “democracy” in 20.234 but “aristocracy” in 11.111.

first resumes reference to the *gerousia*, after it disappeared with the onset of kingship, in the post-exilic but pre-Hasmonean period (12.138,142; probably also 11.105, where τοῖς πρεσβυτέροις τῶν Ἰουδαίων καὶ γερόντων apparently distinguishes between elders and members of the *gerousia*).

- 13 On the interpretation of 6.268, see below, Part II, b. A certain difficulty is raised by 6.85, where the Judges are said to be those who had proved to be “best” (τῶ... ἀρίστω δόξαντι γενενησθαι) in battle and bravery; the adjective might seem to imply that it was the Judges, and not the contemporary councils, which allowed Josephus to characterize the constitution of this period as “aristocratic”. But 6.84–85 plainly distinguishes between the rulers of the Hebrews, such as Moses, Joshua and the Judges (who held “supreme judicial authority”), and the “constitutions”; only when Moses, Joshua and the Judges were succeeded by kings did the concomitant institution of kingship (*basileia*) entail a change in the constitution.
- 14 See E.M. Smallwood, *The Jews Under Roman Rule* (Leiden 1976) 32, whose discussion, however, illustrates the difficulties when one assumes, due to *AJ* 11.111, that “aristocratic” means hierocratic.
- 15 Nor does it simply mean “rule of the laws with God as king”, as suggested by Attridge (above, n. 4) 139, n. 3. The question is, What political arrangements (= *politeia*) will best ensure obedience to God; cf. below, n. 40. Note too that Josephus was unwilling to call God “king”, apparently because Jewish rebels gave that epithet an anti-Roman interpretation. See A. Schlatter, *Die Theologie des Judentums nach dem Bericht des Josephus* (Gütersloh 1932) 48–49; M. Hengel *Die Zeloten* (Leiden-Cologne 1976²) 95–98. Cf. below, n. 68.
- 16 For the definition of the endpoint of this period, see below, Part III, 2.

These contradictions, however, are only two of the many which distinguish the summary of the history of the high priesthood (*AJ* 20.224–251) from the rest of *AJ*: scholars have long since noted these contradictions, rightly concluding that this summary is not simply a collation of details scattered in the previous books of *AJ* but rather a reflection of a separate source, commonly designated as a “high-priestly chronicle”.¹⁷ A simple solution to our problem, therefore, would be the assumption that the author of this chronicle had different ideas regarding the Jewish constitutions, and that Josephus, as often (regarding this chronicle as other sources), failed to coordinate its data with those supplied by other sources or his own speculation.

This simple solution, however, does not appear to be correct, for it seems that the high-priestly chronicle did not include references to the Jewish constitutions; Josephus, I believe, added them at the appropriate junctures. This conclusion rests on three main observations:

1. In his detailed introduction to the summary of the high priesthood—“Now I think it necessary and befitting in this history to give a detailed account of the high priests — how they began, who may lawfully participate in this office, and how many there were up to the end of the war” (*AJ* 20.224) — Josephus says nothing of the constitutions of the Jews in the various periods during which the respective high priests served. Just a few pages later, however, in the conclusion of *AJ*, after Josephus proudly mentions all the history which he surveyed in the work, and the fact that he also “endeavored to preserve the record (τηρηῆσαι δὲ πεπεῖραμαι καὶ τὴν... ἀναγραφὴν) of the line of the high priests”, he adds that “I have further noted without error the succession and conduct of the kings, reporting their achievements and *politeiai* as well as the supreme political power (*dynasteiai*) of monarchs” (§ 261).¹⁸

17 See J. von Destinon, *Die Quellen des Flavius Josephus in der Jüd. Arch. Buch XII–XVII = Jüd. Krieg Buch I* (Kiel 1882) 30–33; G. Hölscher, *Die Quellen des Josephus für die Zeit vom Exil bis zum jüdischen Kriege* (Leipzig 1904) 73–75; idem, *Die Hohenpriesterliste bei Josephus und die evangelische Chronologie* (Heidelberg 1940) 7.

18 Niese’s critical apparatus lists some variant readings; the corrected version of the Ambrosian ms. (A), “I have further noted without error the succession of the kings, reporting the *politeiai* and the *dynasteiai* of monarchs”, which omits reference to the kings’ conduct and achievements, seems best to fit the context if this passage indeed refers to the constitutional notes in the high-priestly summary. For *dynasteia* = “supreme political power”, see H.St.J. Thackeray and R. Marcus, *A Lexicon to Josephus*, III (Paris 1948) 194.

From the location of this sentence in the summary of *AJ*, after the references to the history itself and to the high-priestly summary which concludes it, it seems obvious that this addition refers to the constitutional notes in the high-priestly summary. Thus, the contrast between 20.224 and 20.261, together with the fact that § 261 refers separately to the high-priestly succession and to the succession of constitutions and that he claims to have “preserved the record” of the former but “reported” the latter, all indicate that the constitutional observations in the high-priestly summary are Josephus’ own contribution.

2. Another consideration pointing in this same direction emerges from what may be termed “the lesson” of the high-priestly summary: while the high-priestly succession was stable and regular “during two thousand years” (20.261 and *Ap.* 1.36), political constitutions changed frequently (§§ 229, 232, 234, 247, 251). Moreover, the high priests are never associated with the constitution, but they are thrice said to have held the *prostasia* (§§ 238, 244, 251). It is especially interesting to note § 244, which states that while Hyrcanus II was not allowed to be king, he was given the high priesthood and the *prostasia* of the people; this contrasts neatly with the preceding paragraph, where Hyrcanus’ brother, Aristobulus II, is said to have ἐβασίλευε τε καὶ ἀρχιεπέτευεν τοῦ ἔθνους; the *prostasia* is not mentioned. It thus appears that *prostasia* refers to the authority of the high priest when he does not enjoy a more formal, “politically”-defined, ruling status. Now this notion of a high-priestly *prostasia* parallel to, but not part of, the succession of political constitutions is, as we have seen (above, Part I,2), attested elsewhere in Josephus. Moreover, we shall argue, below, that he practically invented it; and if he took it over from predecessors, these were certainly not members of the Jerusalem priesthood, who are the presumed authors of the high-priestly chronicle.¹⁹ If this notion is nonetheless found in the high-priestly summary in *AJ* 20, it follows that it was Josephus who inserted it.

3. Finally, we may note that the constitutional terminology in the high-priestly summary agrees with Josephus’ other data in *AJ* more often than it disagrees: against the two discrepancies noted at the beginning of this section, pertaining to periods B and D of the coming table (below, p. 38), note the agreement regarding periods A,C,E and G.

19 See especially *Ap.* 1.34–36; note “two thousand years” and ἀναγραφᾶς in § 36, as in *AJ* 20.261.

If these three considerations indicate that the political terminology in *AJ* 20.224–251 was inserted by Josephus, then it follows that he twice contradicted himself; this is not so surprising, considering the fact that quite a lot of time must have passed between the composition of the discussions in question, in *AJ* 6 and 11, and the composition of the high-priestly summary. Moreover, while I have no suggestion to explain the origin of the designation “democracy” for the period between the Return and the Hasmoneans, it does seem simple enough to explain why Josephus might, mistakenly, call the period of the Judges one of a “monarchic” constitution: he recalled that he had termed these lone leaders “monarchs”, but forgot that he had defined the constitution of their period as an aristocracy (above, Part I,2).

Two other passages should be mentioned in the present context, for the usual translations of them imply conflicting characterizations of the constitution of a period:

a. In *AJ* 6.268, Josephus notes that Saul was the first king μετὰ τὴν ἀριστοκρατίαν καὶ τὴν ἐπὶ τοῖς κριταῖς πολιτείαν, “after the aristocracy and the constitution under the Judges”. This could imply that the constitution of the period of the Judges was not aristocratic (as was that of the preceding period), contradicting 6.36,84–85. On the other hand, *kai* here could be epexegetical, or the whole phrase could be seen as a case of Josephus’ tendency to say something twice when once would do;²⁰ in either case the difficulty disappears. Moreover, the text of the passage is not certain. Apparently on the basis of the old Latin version (“post illam optimam ducum rempublicam”), Niese suggested that the words “καὶ... πολιτείαν” are “fortasse spuria”;²¹ deleting them eliminates the contradiction. In any case, note that *kai* is omitted in two primary manuscripts,²² leaving “after the aristocratic constitution in the time of the Judges” which, just as in the case of the epexegetical *kai*, removes the difficulty.

b. *AJ* 11.111 is sometimes translated as if it called the constitution of the period from the Return to the Hasmoneans both aristocratic and oligarchic; we have rejected this interpretation above (Part I,2).

20 See W. Hornbostel, *De Flavii Iosephi Rhetoricis quaestiones selectae* (Halle 1912) 36–40. Thackeray noted a particular frequency of *hendiadys* in *AJ* 6 (*LCLJ* 4, xvi).

21 See the critical apparatus of his editio maior ad loc.

22 Ibid. On these two mss. (RO), see Niese’s preface (vol. 1, p. xxxviii); H. Schreckenberg, *Rezeptionsgeschichtliche und textkritische Untersuchungen zu Flavius Iosephus* (Leiden 1977) 81–88.

At this point, we may present a summary of Josephus' definitions of the Jewish constitutions at the various stages of the nation's history:²³

- A. Period of Moses and Joshua: aristocracy. *AJ* 6.84; 20.229
— eighteen years following Joshua's death: anarchy. 6.84.
- B. Period of the Judges ("monarchs" 11.112; 20.261): aristocracy. 6.36,84–85,268.
- C. Period of the Kings: kingship (*basileia*). 6.83; 20.229
— captivity. 11.112. 20.233.
- D. Return until the reign of the Hasmonean kings: aristocratic. 11.111.²⁴
- E. Aristobulus I until Pompey's conquest of Judaea: kingship (*basileia*). 13.301; 20.241.
- F. Gabinius' reforms: aristocracy. *BJ* 1.170; *AJ* 14.91.
- G. Herod and Archelaus: kingship (*basileia*). *AJ* 14.389; 15.11; 20.247,251.²⁵
- H. Archelaus' exile (6 C.E.) until destruction of Temple: aristocracy. 20.251.

III. Omissions

The anarchy between periods A and B has already been explained (above, Part I), and the exilic discontinuity between periods C and D poses no difficulty. Real problems arise, therefore, regarding the Hasmonean period alone:

1. Josephus gives no indication of the constitution of the Jews during the six years of Hyrcanus II's rule prior to Gabinius' reforms (63–57 BCE) and during the years (six? fifteen?)²⁶ following their abrogation and the reestablishment of the status quo ante, until Antigonus and Herod appeared to claim the throne.

2. Moreover, although *AJ* 11.111 ends period D at the time "when the descendants of Asamoniai came to rule as kings", it seems that Josephus here refers to the Hasmonean rise to power in general, in the days of Judah Maccabee, and not specifically to Aristobulus I, the first, according to Jose-

- 23 The references supplied for each stage are not meant to be inclusive; only some of the most explicit passages have been listed.
- 24 See above, n. 16.
- 25 Josephus at times refers loosely to Archelaus as "king" (*BJ* 2.88,113; *AJ* 17.315; 18.93), although he never had the title officially (*AJ* 17.202,317). This apparently reflects popular usage, indicated also by the Gospels (Matthew 2:22; 14:9; Mark 6:22). Cf. H.W. Hoehner, *Herod Antipas* (Cambridge 1972) 148–149.
- 26 Scholars debate as to when Gabinius' reforms were abolished; see E. Bammel, "The Organization of Palestine by Gabinius", *JJS* 12 (1961) 159–162.

phus, to take the title “king” (*AJ* 13.301,20.241). This conclusion derives from the following considerations: 1) in *AJ* 20.234, the lower limit of period D is “until the reign of Antiochus Eupator”, i.e. 164/3 BCE; 2) in *AJ* 17.162, Josephus speaks generally of the Hasmoneans having reigned as kings (ἐβασίλευον) for 125 years prior to Herod, which brings us to the same period; 3) similarly, in *AJ* 14.490 the beginning point of the line’s “rule” (ἀρχή) is given as 126 years before Herod’s accession to the throne; and 4) in the opening lines of his *Vita*, Josephus speaks proudly of the fact that his Hasmonean ancestors supplied kings and high priests “for a very considerable period”, and it is difficult to assume that he meant only the forty-year period between Aristobulus I and Pompey’s conquest. It thus appears that when Josephus refers to the beginning of the Hasmonean period, even when he loosely uses the term “kings”, he means the beginning of their rule in Judaea and not the beginning of their usage of the title “king”.²⁷ The sixty-year gap thus engendered in the succession of constitutions, between periods D and E, is particularly visible in *AJ* 13.301, where Josephus can say only that Aristobulus decided to change the “regime” (τὴν ἀρχήν) into a kingdom; when Samuel and Saul made a similar change, Josephus could speak of a change of constitutions (6.36,83,268).

What is characteristic of these two gaps in the otherwise complete succession of constitutions, the first sixty years of the Hasmonean period and fifteen or twenty years in the time of Hyrcanus II, is that the ruler’s only or main title was “high priest”;²⁸ today we would speak of “hierocracy” but, as mentioned above, this word was not available to Josephus. Nevertheless, it seems strange that Josephus makes no attempt to define the constitution of more than half of the Hasmonean period. To understand his reticence, we must more generally investigate the relationship, in Josephus’ writings, of the high priesthood to the constitutions.

27 A similarly loose usage may be found in the tannaitic account of the victory of “the royal house [*malkhut*] of the Hasmoneans” over Antiochus Epiphanes (Babylonian Talmud, *Shabbat* 21b), and elsewhere; cf. above, n. 25.

28 The Hasmoneans before Aristobulus I are also called “*stratēgos*” (I Maccabees 14:42; *AJ* 12.431; 13.1,6 etc.) and perhaps also “ethnarch” (I Maccabees 14:47; *AJ* 13.214), apart from the general “*hēgemōn*” (I Maccabees 14:41; *AJ* 13.199,201 etc.). Ethnarch was also the official title of Hyrcanus II in the period after Pompey’s conquest of Judaea (*AJ* 14.151,191; he apparently lost this title during the duration of Gabinius’ reforms — see *BJ* 1.169; *AJ* 14.90). None of these terms could define a *politeia*.

In our discussions of *AJ* 11.111 and of the high-priestly summary, we have noted that Josephus envisaged the high priests as standing at the head of (*προΐστημι*) the people and having, therefore, “*prostasia*” of the nation; these terms are also used elsewhere of the high priests, including those of the constitutional gaps in the Hasmonean period.²⁹ Moreover, it is significant that Josephus speaks of the Hasmoneans’ *prostasia* although his source, I Maccabees, does not use the word. While we could only surmise that Josephus added the word to the high-priestly chronicle, here we can see him adding it to his source; here too, that is, one sees the importance of this concept for Josephus.³⁰ The Hasmonean gaps in the succession of constitutions would thus appear to have a simple origin: if high-priestly leadership is conceived of as *prostasia*, but *prostasia* is distinct from and parallel to the constitutions, then a period whose rulers’ main, or only, title was “high priest” will be a period of *prostasia* only, but not *politeia*.

IV. Sources and Models

We have seen that Josephus conceived of two parallel successions: a succession of constitutions, which vary from period to period, and a succession of high priests, bearing *prostasia*, which is stable and regular, ideally passing from father to son.³¹ Investigation of the sources or models for each of these successions may be worthwhile: the former will lead us to the question of Josephus’ knowledge of Hellenistic historians and political scientists, while the latter may throw light on an aspect of Josephus’ apologetic for Judaism.

29 See *AJ* 5.318; 11.111; 12.161,285 (cf. §§414,419,434 where Josephus correspondingly claims, most probably incorrectly, that Judah was high priest); 13.201,212; 20.238,244,251.

30 On Josephus’ insertion of his own ideas into his paraphrase of I Maccabees, see I. Gafni, “On the Use of I Maccabees by Josephus Flavius”, *Zion* 45 (1979/80) 81–95 (in Hebrew).

31 Josephus is quite proud of the regularity and unchanging character of the high-priestly succession, especially the fact (in his opinion) that it always passed from father to son (*AJ* 10.153; 13.78; *Ap.* 1.36); he expresses his resentment at various violations of this rule (*AJ* 15.39–41) if he cannot explain them away (as in 12.44). (For doubts as to the historical facts, see J.R. Bartlett, “Zadok and his Successors at Jerusalem”, *JTS* 19 [1968] 1–18; G. Alon, *Jews, Judaism and the Classical World* [Jerusalem 1977] 82–83).

With regard to the succession of constitutions, one may, perhaps, note an indication that Josephus was familiar with Polybius' well-known discussion of this subject. (Parenthetically, it may be remarked that while Josephus thrice quotes Polybius, there is nevertheless debate regarding his direct use of the latter's writings.³²) The question of constitutional terminology, however, has hardly been brought into the fray. Here we shall offer one contribution to it, without, however, opening the general historiographical question. In his constitutional passages, Josephus does not use "monarch" as did Plato and Aristotle, namely, as a general category of which "king" and "tyrant" are types.³³ Nor does he use "monarch" as a synonym for "king", as do many Greek writers (including Dionysius of Halicarnassus),³⁴ nor again as a synonym for "tyrant" in its pejorative sense, as do many others (including, in general, Polybius).³⁵ Rather, Josephus uses "monarch" to designate those who ruled before the first Israelite kings, just as Polybius, apparently alone, in an isolated but very central and famous passage on the cycle (*anakyklōsis*) of constitutions (6.4.7 — 9.14), uses the same term for the lone rulers who precede kings.³⁶ Moreover, Polybius' *anakyklōsis* does not consider monarchy

32 That Josephus had first-hand knowledge of Polybius' writings has most recently been posited by S.J.D. Cohen, "Josephus, Jeremiah, and Polybius", *History and Theory* 21 (1982) 368–369, who refers to the *politeia* passages, among other considerations. Among his predecessors, see especially H. Bloch, *Die Quellen des Flavius Josephus in seiner Archäologie* (Leipzig 1879) 96–100; B. Brüne, *Flavius Josephus und seine Schriften in ihrem Verhältnis zum Judentume, zur griechisch-römischen Welt und zum Christentume* (Gütersloh 1913) 170–175; P. Collomp, "La place de Josèphe dans la technique de l'historiographie hellénistique", *Mélanges 1945: III. Études historiques* (Publ. de la Fac. des Lettres de l'Univ. de Strasbourg, 1945) 106; Paris 1947) 88–92 (in German, in A. Schalit, ed., *Zur Josephus-Forschung* [Darmstadt 1973] 285–293); R.J.H. Shutt, *Studies in Josephus* (London 1961) 102–106; D.J. Ladouceur, "Studies in the Language and Historiography of Flavius Josephus" (unpublished doctoral dissertation, Brown University, 1976) 89–104. (Ibid., pp. 4–19, Ladouceur offers trenchant criticism of the case for the more popularly-assumed model for Josephus: Dionysius of Halicarnassus).

33 Plato, *Plt.* 291e, 302d; Aristotle, *Rh.* 1.8 (1365b–1366a).

34 *Ant. Rom.* 1.8.2; 2.6.1; 2.27.3; 4.73.1–2. Elsewhere (4. 46.4; 4.71.3), "monarch" seems to be synonymous with "tyrant," as usually in Polybius (see the next note).

35 See F.W. Walbank, "Polybius on the Roman Constitution," *CQ* 37 (1943) 76–77.

36 See Walbank, *ibid.*, pp. 78–79; G.J.D. Aalders, *Political Thought in Hellenistic Times* (Amsterdam 1975) 110.

a *politeia*,³⁷ just as Josephus does not; he speaks, as we have seen, of an aristocratic constitution in the time of the monarchs (Judges), and in his summary (20.261) he distinguishes between constitutions and the rule of monarchs.³⁸ Finally, we should note that the two historians closely agree as to the qualifications of monarchs: both state that they must be brave, Polybius further specifying that they must be strong while Josephus more generally stating “best in war” (*AJ* 6.85; Polybius 6.5.7,9; 6.12; 7.3). This last point is particularly indicative, for Josephus portrays the Judges as divinely-sent saviors, and he might therefore have been expected to characterize them, at least additionally, as such.

On these grounds, then, it seems probable that Josephus was following a specifically Polybian model in his use of “monarch”, and one may surmise that Polybius’ sixth book may have also more generally inspired Josephus’ constitutional theorizing. One should also note, in this connection, the common suggestion that Polybius’ other major discussion in Book 6, on the Roman army (6.19–42), inspired Josephus’ similar account in *BJ* 3.70–109.³⁹

The above observations regarding Josephus’ use of “monarch” are, as stated, only a minor contribution to a much larger question which has been left untouched: Josephus’ direct use of Polybius.⁴⁰ Much broader conclusions

37 Some scholars (including Walbank [above, n. 35] 79 and T.A. Sinclair, *A History of Greek Political Thought* [London 1951] 273, n. 1) claim that Polybius announces six constitutions but presents seven. But he does not call monarchy a *politeia*.

38 See above, notes 9 and 18.

39 H. St. John Thackeray, in *JCLJ* 2, p. 597, n. d; G. Ricciotti, *Flavio Giuseppe... La Guerra Giudaica, Libri III–IV* (Torino 1937) 25. Cf. Ladouceur (above n. 32) 89–104, where much is made of Josephus’ and Polybius’ common interest in things military.

40 If Josephus was indeed dependent upon Polybius for his notion of “monarchy,” one contrast must especially be noted: while Polybius saw kings as improvements over monarchs, Josephus’ Samuel “hates” the institution of kingship (*AJ* 6.36). Here Josephus seems to be following the biblical suspicion of kingship (particularly Deuteronomy 17:14–20 and I Samuel 8:11–20). Note that he does not reproduce the contrary refrain of Judges, “in those days there was no king in Israel, each man doing what was right in his own eyes” (Judges 17:6; 21:25; cf. 18:1; 19:1), although *AJ* 5.177–178 is based on the third of these passages, 5.136 on the fourth, and 5.174 and 342 come within a verse on either side of the second.

may, I believe, be drawn from an investigation of the model for Josephus' conception of the high-priestly *prostasia*. We may begin with a few observations:

1. While, as the dictionaries indicate, the usual meanings of the words *προίστημι*, *προστασία*, *προστάτης* are from the realm of patronage and defense, and while Polybius generally uses them with regard to pomp and dignity,⁴¹ and while Josephus at times uses these words — under the influence of his sources or otherwise — with both meanings,⁴² it is clear that the high priests' *prostasia* was, for Josephus, a matter of leadership and rule. This becomes clear from the contexts in which it appears⁴³ and from his paraphrase of an extant source: whereas *Aristeas* 310 speaks of ἀπό τοῦ πολιτεύματος οἱ τε ἡγούμενοι τοῦ πλήθους, Josephus substitutes τοῦ πολιτεύματος οἱ προεσθηκότες (*AJ* 12.108). Similarly, note that in *AJ* 20 and Josephus' *Vita*,

(The entire context of the first passage, Judges 17:6, is omitted by Josephus.) Josephus did not mourn the institution of kingship because he preferred monarchs (Judges) as such, but rather because kingship — as opposed to the rule of Judges — constituted a new *politeia* and thus entailed the abolition of aristocracy which, Josephus believed, was the constitution posited by the Bible; cf. above, Part I, 2 and note 12.

- 41 See I. Schweighaeuser, *Lexicon Polybianum* (Leipzig 1795) 536–537; F.W. Walbank, *A Historical Commentary on Polybius*, III (Oxford 1979) 177. As Walbank notes, Polybius at times contrasts the power (*dynamis*) of the king with his “outward pomp, show of dignity” (*prostasia*); see especially 4.2.6 and 22.3.1. Josephus, on similar occasions, rather contrasts the royal *dynamis* to its “name” (*onoma*; *AJ* 13.409; cf. 17.304; 19.246).
- 42 For the Polybian meaning, see *BJ* 1.243; *AJ* 19.250; for usage in the sense of patronage, which is much more common in Josephus, see, for example, *AJ* 6.187; 15.146, and especially 14.196; 15.308; 16.38,276. Of the four last-mentioned passages, the first is quoted from an official Roman document and the third is quoted from a speech by Nicolaus of Damascus, while the second and fourth can most probably be assigned to the latter author as well (see the notes by R. Marcus and A. Wikgren in *LCLJ* 8, p. 143, n. e and pp. 318–319, n. a). For Nicolaus' use of *prostatēs* and *prostasia* for patron and protection, see, for example, the excerpt from his autobiography reproduced in M. Stern, *Greek and Latin Authors on Jews and Judaism*, I (Jerusalem 1974) 246, nr. 95, ll. 10 and 14.
- 43 See especially the passages having to do with the Hasmoneans (above, n. 29).

where scholars believe that it is the historian himself, unaided by assistants, who is the writer,⁴⁴ the verb always pertains to government.⁴⁵

2. This leadership is usually linked to “the people”,⁴⁶ and never to the state or city. (The latter [*polis*] is governed by the parallel succession of constitutions [*politeiai*]).

3. It is notoriously difficult to designate any real or legal content of the high-priestly *prostasia*.⁴⁷ Josephus does not define it, official documents do not mention it⁴⁸ (just as many ignore the high priests, even in the periods when they had, according to Josephus, the *prostasia*⁴⁹), nothing we know about the Hellenistic or Roman empires would lead us to expect that such a position existed, and, apart from Josephus, we can find no references to it in sources emanating from Judaea.⁵⁰ Indeed, apart from Josephus only two or three

44 See Thackeray, in *LCLJ* 1, xv–xvi; idem, *Josephus: The Man and the Historian* (New York 1929) 115; C.G. Richards, “The Composition of Josephus’ *Antiquities*” *CQ* 33 (1939) 37; A. Pelletier, *Flavius Josèphe: Autobiographie* (Paris 1959) xvi–xvii. To the list of words and phrases which Josephus uses only in *AJ* 20 and *Vita*, add ἐκ μικρᾶς καὶ τῆς τυχούσης αἰτίας (*AJ* 20.215 and *Vita* 13).

45 *AJ* 20.1,31,125,137,162; *Vita* 37,93,168,194.

46 *AJ* 6.32,87; 7.356; 12.161; 13.212; 20.238,244,251.

47 See, inter alia, Zucker (above, n. 10) 51–52,75–76; Marcus, *LCLJ* 7, pp. 84–85, n. d and 86–87, n. a,c; V. Tcherikover, *Hellenistic Civilization and the Jews* (Philadelphia 1959) 59,132; M. Hengel, *Judaism and Hellenism* (London-Philadelphia 1974), II p. 20, n. 168 and p. 22, n. 185; A. Kasher, “The Office of *Prostates* in the Jewish Communities of the Greco-Roman Diaspora”, *Zion* 47 (1981/82) 402–403 (in Hebrew).

48 With the exception mentioned in note 42, above, where the meaning is not governance but rather protection (προιστῆται τῶν ἀδικουμένων). For reviews of official documents pertaining to Jews in the Second Temple period, see J. Juster, *Les Juifs dans l’empire romain*, I (Paris 1914) 129–159; M. Stern, “Die Urkunden”, in *Literatur und Religion des Frühjudentums* (edd. J. Maier and J. Schreiner; Würzburg–Gütersloh 1973) 181–199.

49 Note especially the document preserved in *AJ* 20.11–14: Claudius addressed it to “the rulers, council, and people of Jerusalem and to the whole nation of the Jews” and continued, throughout, to omit all reference to the high priest — although the only subject of this document is the disposition of the high-priestly garments!

50 One possible exception must be noted: a few scholars have suggested that the title “*rosh hever hayehudim*” on coins of Hyrcanus I or II (the attribution is debated) should be viewed as the Hebrew equivalent of “*prostatēs* of the Jewish people”; so, especially, B. Mazar, “The Tobiads”, *IEJ* 7 (1957) 138, n. 5. echoed (although

writers refer to it, once each; we will return to them in the next paragraph. Most notable, perhaps, is the fact that Josephus himself failed to mention the high-priestly *prostasia* in his earlier work, *BJ*, although that book begins with a long summary (Book 1 and half of Book 2) of Jewish history from the Hasmoneans until the Great Revolt.⁵¹ It thus seems most likely that Josephus invented the concept, or at least that he developed it from only slight adumbrations, into the full system which we find in *AJ*.

4. The non-Josephan references to the high-priestly *prostasia* appear in the Greek version of Ecclesiasticus, in Hecataeus of Abdera's account of the Jews as quoted by Diodorus Siculus, and in Diodorus' own account in the same context.⁵² If anything, therefore, the provenance of these few references may hint that the notion was one created in the Hellenistic Diaspora. The same is indicated by M. Stern's conclusion — based on other criteria — that Jose-

none claims certainty) by Hengel (above, n. 47) 22, note 185, and U. Rappaport, "On the Meaning of *Ḥeber Ha-Yehudim*", *Studies in the History of the Jewish People and the Land of Israel* 3 (1974) 63 (in Hebrew). However, the term *ḥever hayehudim* too is notoriously difficult to interpret (as Rappaport's article indicates): does it indeed refer to the Jewish people (as the above hypothesis requires), or perhaps rather to some administrative (representative?) body within it? Moreover, note that only Hyrcanus' coins bear this title; other Hasmonean coins list the ruler's name "and" (not "head of") the *ḥever hayehudim*, or only the former, or — on coins published since Rappaport wrote — only the latter (D. Jeselsohn, "Ḥever Yehudim — A New Jewish Coin", *PEQ* 112 [1980] 11–17. Jeselsohn believes that these fluctuations may best be explained on the assumption that the *ḥever* was a sovereign entity which at times cooperated with the Hasmonean ruler, at times was subject to him, and at times competed with him — as indicated by independent minting).

- 51 In the only appearance of the word *prostasia* in *BJ* (1.169), it is associated with governing councils, while the *politeia* is apparently associated with the high priest. This pairing is exactly the opposite of what one would expect to find, on the basis of *AJ*, and is indeed corrected in the later composition (14.90–91).
- 52 Ecclesiasticus 45:24 (προστατεῖν; it is possible that instead of ἀγῶν καὶ λαοῦ, in the continuation, one should read ναοῦ, in which case the translation would agree with the original Hebrew, *miqdash*); Hecataeus, apud Diod. Sic. 40.3.5; and 40.2. (The latter two passages may be found in Stern - above, n. 42] 26, 185). Above, I referred to these three passages as coming from "two or three writers" because Hecataeus' statement — that the Jews never had kings, but were rather ruled by high priests — is so apposite to the context that one might wonder if Diodorus has not inserted this into his citation of Hecataeus.

phus' account of Joseph the Tobiad (*AJ* 12.154ff.) is dependent upon a source composed in Ptolemaic Egypt;⁵³ this narrative is the only part of *AJ* where the high priest's *prostasia* plays anything approximating a real role in the narrative (§§ 161–167).⁵⁴

5. Correspondingly, the *Sitz im Leben* of the idea of high-priestly *prostasia*, in the sense of leadership and rule, is in fact to be found in the world of the Hellenistic and Roman associations (*thiasos*, *synodos*, *politeuma*, *collegium*, etc.); as may easily be established with the aid of the various studies of ancient *Vereinswesen*, *prostatēs* was the common term for their presidents.⁵⁵ What is most interesting for our purposes are the twin facts that Jewish communities of the Graeco-Roman Diaspora were indeed defined as *politeumata* (*collegia* in terms of Roman law),⁵⁶ and that a considerable dossier of epigraphic and

53 “Notes on the Story of Joseph the Tobiad (Josephus, *Antiquities* XII, 154ff.)”, *Tarbiz* 32 (1962/63), esp. 38–40 (in Hebrew). The same conclusion is also reached by J.A. Goldstein (“The Tales of the Tobiads”, in *Christianity, Judaism and other Greco-Roman Cults: Studies for Morton Smith at Sixty* [ed. J. Neusner; Leiden 1975], III, 85–123), who attempts a closer identification of the author.

54 Which is why it is the focus of the studies mentioned above, n. 47.

55 See E. Ziebarth, *Das griechische Vereinswesen* (Leipzig 1896) 222 (index s.v. *prostatēs*); F. Poland, *Geschichte des griechischen Vereinswesen* (Leipzig 1909) 363–366 and 652 (index, s.v. *prostatēs*). Further literature is cited by Kasher (above, n. 47) 401.

56 See T. Mommsen, *Gesammelte Schriften*, III (Berlin 1907) 416–418. For the terms used to define Jewish communities in the Diaspora, see Juster (above, n. 48) 414–417. However, Juster's discussion and rebuttal of Mommsen's position on this question (ibid. 418–424) is rightly rejected by G. La Piana, “Foreign Groups in Rome”, *HTR* 20 (1927) 348–349, A. Momigliano, *Terzo contributo alla storia degli studi classici e del mondo antico*, I (Rome 1966) 527–529, and, especially, S.L. Guterman, *Religious Toleration and Persecution in Ancient Rome* (London 1951) 130–156. The main evidence from Josephus is in *AJ* 14.215–216 (Jewish *thiasos* in Delos — see below) and ibid. §235 (Jewish *synodos* in Sardis). In general, cf. S. Applebaum, “The Legal Status of the Jewish Communities in the Diaspora” and “The Organization of the Jewish Communities in the Diaspora”, in *The Jewish People in the First Century*, I (edd. S. Safrai and M. Stern; Assen 1974) 420–503. (Ibid. 502, Applebaum infers from *AJ* 14.215–216, where the Jews are excluded from a prohibition of *collegia*, that Jewish *politeumata* were not *collegia*. But the point seems rather to be that the Jewish *collegia* were excluded from the general ban; so too, for example, Smallwood [above, n. 14] 133–135). On *politeumata*, see

literary evidence, recently assembled and interpreted by A. Kasher, testifies to the currency of the term *prostatēs* for leaders of these communities.⁵⁷

6. Similarly, *Ap.* 2, which includes Josephus' most explicit statement of his view that the Jewish people is governed by its priests (§§ 184–188, 194) — in an apology which is idealizing and not historical, hence unencumbered by *AJ*'s need to explain the relationship of the high-priestly *prostasia* to the various constitutions of Jewish history — is also the site of his most frequent, and most explicit, characterization of the Jewish people as a *politeuma* (§§ 145, 165, 184).⁵⁸ Moreover, this apology for the Jewish law in *Ap.* 2.145ff. is virtually unanimously assumed, for various good reasons, to be based on an Alexandrian Jewish composition.⁵⁹

also the discussion by C. Spicq, *Notes de lexicographie néo-testamentaire*, II (Fribourg [Switz.] — Göttingen 1978) 715–717.

57 Kasher (above, n. 47) 399–406.

58 The Jews are also implicitly called a *politeuma* in *Ap.* 2.257, where Plato's concern to keep his ideal *politeuma* pure is compared to that of Moses (see below, on *AJ* 11.157). Various translations remove the “community” element of *politeuma* from Josephus' use of the word. Thus, for example, the *LCLJ* version of *Ap.* 2.145 renders *περὶ τῆς ὅλης ἡμῶν καταστάσεως τοῦ πολιτεύματος* as “of our constitution as a whole” instead of “über die gesamte Verfassung unserer Genossenschaft” (Schlatter [above, n. 15] 89), in § 164 a noun is turned into an adjective (*τὴν ἐξουσίαν τῶν πολιτευμάτων* = “supreme political power”), in § 250 *τὴν... τάξιν τοῦ πολιτεύματος* (of pagans) becomes merely “constitution”, etc. I would suggest that this tendency, which is quite widespread, stems from the failure to recognize Josephus' attempt to define the Jewish people as a *politeuma*. As for *AJ*, the word appears twice in the preface (§§ 5, 13 — *LCLJ* and others again turn the noun [“of the community/ies”] into an adjective: “political”), once of the Jewish people or community (11.157 — a passage very similar to *Ap.* 2.257, with which we began this note), and once in its most legitimate meaning, of the Jewish community of Alexandria (12.108 — quoted above, paragraph 1).

59 See L. Troiani, *Commento storico al “Contre Apione” di Giuseppe* (Pisa 1977) 56–60 and 305–306 (index, s.v. *Hypothetici*); A. Momigliano, *Quinto contributo alla storia degli studi classici e del mondo antico*, II (Rome 1975) 767–770 (where older literature is cited); S. Belkin, “The Alexandrian Source for Contra Apionem II”, *JQR* 27 (1936/37) 1–32; E. Kamlah, “Frömmigkeit und Tugend: Die Gesetzesapologie des Josephus in *Ap.* 2,145–295”, in *Josephus-Studien... Otto Michel zum 70. Geburtstag gewidmet* (edd. O. Betz, K. Haacker, M. Hengel; Göttingen 1974) 220–232.

To summarize the conclusion drawn from the preceding six observations: the notion of high-priestly *prostasia* indicates a model of Jewish existence based upon the circumstances of Jewish communities in the Diaspora, and it is probable that the notion originated among Jews of the Diaspora who viewed the high priest as the *prostatēs* of the entire people, in the image of their local community leaders.⁶⁰ It thus appears likely that Josephus, in considering how to portray, in *AJ*, Jewish history in such a way as to legitimize Jewish existence even after Jewish political life had ended (note *BJ*'s focus on the destruction of the Jewish *polis*, Jerusalem⁶¹), chose to portray the people via

60 For priestly leadership in Jewish communities of the Diaspora, see my "The Priests of *Ep. Arist.* 310", *JBL* 97 (1978) 567–571. Similarly, Kasher (above, n. 47, 405–406) suggests that the Jewish *prostatai* of the Graeco-Roman world were usually priests. On the other hand, this is the place for us to express our skepticism regarding the opinion, found here and there, that the Roman Empire, by treaty, granted the high priest in Jerusalem the right to function as "supreme arbiter in the internal affairs of the Diaspora Jews, since it had been the tradition in the Diaspora that important cases were decided by the High Priest" (A. Schalit, "The End of the Hasmonean Dynasty and the Rise of Herod", in *World History of the Jewish People*, First Series, VII [New Brunswick 1975] 346–347, n. 8; see also H. Mantel, *Studies in the History of the Sanhedrin* [Cambridge, Mass. 1961] 198–199 [n. 174], 237–238; D. Piattelli, "An Enquiry into the Political Relations Between Rome and Judaea from 161 to 4 B.C.E.", *Israel Law Review* 14 [1979] 219–221). The evidence which is usually presented is simply insufficient to overcome the initial doubts which (as especially Mantel admits) must attach to the practicality of such an authority. I Maccabees 15:21 speaks only of refugees from Judaea; Acts' evidence on Paul is anything but unambivalent and trustworthy (9:2, 14, 21; 22:5; 26:10–12; for general, and skeptical, discussions of the question see H. Conzelmann, *Die Apostelgeschichte* [Tübingen 1972²] 64–65 and E. Haenchen, *Die Apostelgeschichte* [Göttingen 1965⁵] 268–269, note 4); and *AJ* 14.195 may refer to internal jurisdiction within Judaea (so Marcus, *LCLJ* 7, 551, n. e). In any case, the latter passage, with several others referring to Hyrcanus II's diplomacy, together present the best case for such a claim, but they refer to a high priest who was also ethnarch; what Josephus' theory requires is evidence that a high priest who was *parallel* to a ruler was granted, or exercised, such authority. As it is, Hyrcanus' efforts on behalf of Jews abroad (not jurisdiction over them!) are no different from those by Herod or Agrippa I later on; see especially Applebaum (above, n. 56) 457.

61 See especially such passages as *BJ* 4.151, 267, 318; 5.21; 6.435–442. The original title of *BJ* was, apparently, "On the Capture of Jerusalem"; see Pines (above, n. 1)

the nonpolitical category which guaranteed its right to continued existence in the Roman world. While he could not, in this historical work (in contrast to *Ap.*), ignore the political constitutions of Jewish history, he could insert alongside of it the terminology (high-priestly *prostasia*) which paved the way for such a definition of the people. The facts that his Graeco-Roman readers were especially used to hearing of priests in leadership positions in religious associations,⁶² and that the high priests in fact did enjoy great prestige and importance in Judaeon society,⁶³ naturally contributed to the verisimilitude of his terminology.

V. Concluding Remarks

Sometime during the second or early first century BCE, a Hellenistic Jew, Jason of Cyrene, composed the work which later, in abridgement, came to be known as II Maccabees. In contrast to I Maccabees, this work gives a detailed account of the pre-Maccabean Hellenizers and of Antiochus Epiphanes' decrees against Judaism. What is germane to our purpose is the fact, most capably demonstrated by B. Renaud, that Jason contrived to condemn the Hellenizers and Antiochus by picturing the Jewish institutions which they changed as if they were the institutions of a Greek *polis*, and the Jewish laws — as the *patrioi nomoi* of the citizens of Jerusalem.⁶⁴ Thus, the Hellenistic reader, who otherwise might not sympathize with the Jews' adherence to their

45, n. 162; Thackeray, *Josephus* (above, n. 44) 30–31. Cf. O. Betz, "Stadt und Gegenstadt: Ein Kapitel zelotischer Theologie", in *Wort und Wirklichkeit*, I (Festschrift E.L. Rapp; ed. B. Benzing, O. Böcher, G. Mayer; Meisenheim am Glan 1976) 96–109.

62 See especially Poland (above, n. 55) 339–351 and 640 (index, s.v. "Priester", "Priesterin"); A. Kasher, "First Jewish Military Units in Ptolemaic Egypt", *JSJ* 9 (1978) 59.

63 To which one might add that Josephus' willingness to attribute prominence to the high priests, which to a large extent corresponded to reality (see M. Stern, "Aspects of Jewish Society: The Priesthood and Other Classes", *The Jewish People in the First Century*, II [edd. S. Safrai and M. Stern; Philadelphia 1976] 600–609), was naturally enhanced by the fact that he himself was a proud member of the priesthood (*BJ* 1.3; 3.352; *Ap.* 1.54), in fact a descendant of the Hasmonean high priests (*AJ* 16.187; *Vita* 1–6).

64 B. Renaud, "La loi et les lois dans les livres des Maccabées", *RB* 68 (1961) 55–67. Cf. R. Doran, *Temple Propaganda: The Purpose and Character of 2 Maccabees* (Washington, D. C. 1981) 104.

ancestral laws, was made to see their importance as the Jewish exemplar of a legitimate category with which he was familiar.

If our analysis is correct, it appears that Josephus, due to changed historical circumstances, chose to offer a directly contradictory apologetic. If, as history and his own *BJ* showed, the Jewish “city” (*polis/politeia*) had indeed ceased to exist, one might conclude that also the Jewish nation, consequently, had ceased to exist, or should do so. This, in fact, seems to be close to Josephus’ position in *BJ*.⁶⁵ As the years went by, however, and Josephus saw that Judaism nevertheless continued to exist, and that he himself — as we see especially from *Contra Apionem* — wanted to defend that continued existence, he was faced with two alternatives. History plainly indicated that the Jews formerly had a state, but that they now continued to exist without one: should Josephus claim that existence as a religious nation, without a state, was an innovation since 70, or should he claim that the essential element in Judaism, alongside the ephemeral states, had always been such? The former approach would have left the Jews open to the charges of grasping at straws or religious innovation (which Josephus abhorred⁶⁶), while the latter approach, which endowed the Jewish *collegium* with hoary antiquity, was obviously to be preferred. Alongside of the succession of constitutions (which he constructed on the basis of Hellenistic[specifically Polybian?] models), Josephus therefore created — or at least developed more than any of his known predecessors — an unchanging *prostasia*, the hallmark of the *collegium*’s existence. Josephus thus indicated to his readers that the essential and most stable element in Judaism was one whose existence in the Roman world was guaranteed.

Towards the conclusion of his fundamental introduction to *AJ*,⁶⁷ the late A. Schalit noted that “*AJ* is the first book after the Destruction [*scil.*: of the Second Temple] which sees the future of the Jewish people in the West as a

65 See especially *BJ* 3.354; 7.359; A. Schalit, “Josephus’ National-Political Views (in *BJ*)”, *Mosnaim* 2 (1933/34) 296–305 (in Hebrew). Cf. Cohen (above, n. 32) 369–377.

66 Note *AJ* 18.9; 20.216–218, and especially *Ap.* 1.1–218; 2.151–156, 288. The most fitting, and perhaps also the original, title of *Ap.* (1?) is “On the Antiquity of the Jews”; see Niese’s preface (V, p. iii); C. Boysen, *Flavii Iosephi Opera ex versione latina antiqua... pars VI: De Iudaeorum vetustate sive Contra Apionem* (Prague–Vienna–Leipzig 1898) xliii–xliv.

67 In the first volume of his translation of *AJ* (Jerusalem 1944) lxxxi–lxxxii (in Hebrew).

positive political program... When Josephus arrived in Rome and saw there the Jewish communities of the Mediterranean lands, he concluded that this body was large enough so as to continue to exist under diaspora conditions..." Our suggestion here amounts to a footnote to Schalit's analysis: it appears that Josephus took from the Diaspora not only his confidence in the continued existence of the Jewish people, but also the legal category via which that people should, essentially, be viewed.

The apologetic thrust of the duality of Josephus' political conception in *AJ*, and of the simpler statement in *Ap.*, is thus that essential Judaism, and certainly current Judaism, is not a kingdom of this world; therefore, it posed no threat to Rome (although the Jewish state once did) and was, on the contrary, entitled to its place in the empire.⁶⁸ This being the case, it is interesting to note, in conclusion, that other apologists of his day, faced with similar difficulties, apparently came upon similar solutions. Note, for example, that Paul's epistle to the Christians of Philippi, where the apostle was once accused of disturbing the peace of the city by teaching practices incompatible with being Roman (Acts 16:20–21; cf. 17:6–7),⁶⁹ urges the Christians to act according to the law (πολιτεύεσθε) of Christ's gospel (1:27) but carefully emphasizes that the Christian *politeuma* is in heaven (3:20). Again, a Christian work written in Rome a very few years after Josephus completed *AJ*, I *Clement*, similarly calls upon its readers to πολιτεύεσθαι according to Christ's law,⁷⁰ and repeatedly links Christ's high-priesthood to his being the

68 The comparison of Josephus' ideal of "theocracy" (*Ap.* 2.165) to the zealot ideal of the kingdom of God — which competes with that of Rome — would thus seem to be the direct opposite of Josephus' intention (*pace* Hengel[above, n.15] 97–98 and some others).

69 See D.R. Schwartz, "The Accusation and the Accusers at Philippi (Acts 16, 20–21)," *Biblica* 65 (1984) 357–363.

70 See I *Clement* 3:4; 6:1; 21:1; 44:6; 51:2; 54:4 (Christians are οἱ πολιτευόμενοι τὴν... πολιτείαν τοῦ θεοῦ). For the text, see A. Jaubert, *Clément de Rome: Épître aux Corinthiens* (Sources chrétiennes, 167; Paris 1971); on the date (95–98?) see *ibid.* 15–20; P. Keresztes, "The Jews, the Christians and Emperor Domitian", *VC* 27 (1973) 20–21. (For a suggestion which would especially assimilate Josephus' situation to that of the author of I *Clement*, see S.J. Case, "Josephus' Anticipation of a Domitianic Persecution", *JBL* 44 [1925] 10–20). On the meaning of πολιτεύομαι in Philippians, I *Clement* and elsewhere, see Spicq (above, n. 56) 718–720; R.R. Brewer, "The Meaning of *politeuesthe* in Philippians 1:27", *JBL* 73 (1954) 76–83.

Christians' *prostatēs*.⁷¹ These examples seem to indicate that Christians too attempted to define themselves as a *collegium*, in order to secure legitimacy in the Roman world; further evidence of the same type may also be cited.⁷² Pursuing this comparison would, however, lead beyond the bounds of this paper and of my competence.

The Hebrew University of Jerusalem

71 I *Clement* 36:1; 61:3; 64. For a comparison of the political views of I *Clement* to those of Josephus, see J. Speigl, *Der römische Staat und die Christen* (Amsterdam 1970) 13–18; note also *ibid.* 6–7, n. 5, where Speigl considers the possibility of “literarische Bekanntschaft des Clemensbriefes mit Josephus”, but prefers to assume merely “dass beide in der geistigen Welt der westlichen Diasporasynagoge stehen” (my emphasis). For an interpretation of the high priest-*prostatēs* passages, see M. Jourjon, “Remarques sur le vocabulaire sacerdotal dans la Ia Clementis”, *Epektasis: Mélanges patristiques offerts au Cardinal Jean Daniélou* (edd. J. Fontaine and C. Kannengiesser; Paris 1972) 107–110.

72 See especially R.L. Wilkin, “Toward a Social Interpretation of Early Christian Apologetics”, *Church History* 39 (1970) 449–456.