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*THE JEWISH CONSTITUTION FROM THE  
MACCABEES TO THE END.*

IN the preceding paper of this series,<sup>1</sup> upon the Jewish constitution from Nehemiah to the Maccabees, we saw that out of the priesthood and those elders of Israel whom the Priestly Law appoints as councillors of the High Priest and his colleagues in the people's dealings with other states, and whom it dignifies with the name *Nesi'im* or *Princes*, there had probably developed, by the close of the third century B.C., and under the influence of Greek models, a definite *Gerousia*, *Boulē*, or Senate, which was associated with the High Priest in his government of the nation. In the next period of the constitutional history of Israel, which we are to traverse in this paper, and which starts from the Seleucid subjection of Palestine in 197 B.C., the first facts to be appreciated are that whatever institutions the Jews hitherto had were broken up by the persecutions of Antiochus Epiphanes (175-164) and subsequent events; and that a fresh system of national authority had to be organized from the foundation by Judas Maccabæus and his brothers. These are facts not sufficiently emphasized by the historians, who, are too prone to assume the continuity of the Jewish constitution from the time of Nehemiah to that of Christ.

Under the Ptolemies the high priesthood had been hereditary in the Aaronite family of the Oniadæ, and so continued under the Syrian King Seleucus IV. (185-175); the High Priest being that Onias, son of Simon, whose eulogy is given in Ecclesiasticus.<sup>2</sup> Even when Antiochus IV., soon after his accession in 175, deposed Onias, it was a

<sup>1</sup> EXPOSITOR for September, 193-209.

<sup>2</sup> Above, p. 203.

brother of the latter, Jeshua (Jesus) or Jason, who succeeded. But the means which he employed to oust his brother, outbidding him in the amount of tribute he promised, and undertaking to introduce Greek fashions among his people, prepared the way for his own downfall, and was the beginning of all his people's troubles. Another family—the Tobiadæ—had in the meantime, by the management of the royal taxes, risen to great influence in Jerusalem. Jason sent an adherent of theirs, Menelaus, with the annual tribute to Antiochus; and Menelaus, who, according to one account, was not even of the tribe of Levi—though this is hardly credible—seized the opportunity to get the high priesthood for himself, outbidding Jason by 300 talents of silver.<sup>1</sup> The struggles between Jason and Menelaus, each of whom had his own faction in Jerusalem, while both of them must have disgusted the pious Jews by their Hellenizing and the body of the people by their tyranny, led to the interference of Antiochus, who in 168 shattered the whole system of which, by these irreligious and illegitimate means, they sought the presidency. Till this catastrophe the Gerousia or Senate continued to exist, protesting on one occasion against the conduct of Menelaus.<sup>2</sup>

The Temple was desecrated, Jerusalem organized as a Greek town, and the worship of Hellenic deities enforced throughout Judæa. Numbers of Jews had already volunteered apostasy,<sup>3</sup> and others now succumbed to the persecution. But those who remained faithful to the Law, and *pursued righteousness and judgment*,<sup>4</sup> fled to the mountains

<sup>1</sup> There are two divergent accounts: 2 Macc. iii., iv., according to which Menelaus was the son of Simon a Benjamite (iii. 4, iv. 23); and Josephus, xii. *Ant.* v. 1, according to which he is a younger brother of Jason. But Josephus at least allows that the support of the Tobiadæ was given to Menelaus. Many take Menelaus to have been a Tobiad, but this is nowhere stated, and the opposite is a natural inference from the words of Josephus: cf. Schürer, *Gesch.*, 3rd ed. 195, n. 28.

<sup>2</sup> 2 Macc. iv. 44.    <sup>3</sup> 2 Macc. iv. 12 ff.    <sup>4</sup> 1 Macc. ii. 29.

and the desert. In the wilderness the constitution of Israel, without City, Temple or High Priest, formed itself anew from those primal elements—the consciences of a scattered people faithful to their God—out of which it had been originally created. The description of the process takes us back not only to the days of Nehemiah and Ezra, for then they had a City, a Temple and a High Priest, but rather to the times of Gideon and Deborah; with this great difference, however, that there was now a fixed and written Law. The remnant which went down into the wilderness were a number of the ordinary families of the people; men, *their sons, wives and cattle* as they are described.<sup>1</sup> Those who fled to the mountains were doubtless of the same class. There does not appear to have been among them a single member of the hitherto ruling classes: either chief priests or lay nobles. At first their zeal for the Law would not allow them even to fight for their lives on the Sabbath, and a large number were slain unresisting. But a family of priests, of the order of Jehoiarib, Mattathias and his five sons—John, Simon, Judas, Eleazar and Jonathan—had signalized themselves by starting, at their own village of Modein in the Shephelah, an active revolt against the officers of Antiochus, and by advocating armed resistance, even though it should involve disregard of the Sabbath. Mattathias was accepted as leader, and mustered an army. He was joined by a more or less organized group, men of position in Israel, zealots for the Law, calling themselves Hasidhim—that is, *pious* or *devoted*.<sup>2</sup> All this happened in 167.<sup>3</sup> In the following year Mattathias died, exhorting his followers to endure to the death in their faithfulness to the

<sup>1</sup> 1 Macc. ii. 30.

<sup>2</sup> The term is difficult to translate by one English word, for the noun from which it comes signifies not only love, in this case, towards God, but fidelity also to the covenant with Him.

<sup>3</sup> ii. 1-30.

Law, and advising them to take Simon for their counsellor and Judas for their captain.<sup>1</sup> The simple words of First Maccabees emphasize how Israel had been resolved into its elements. The nation and temple were *in ruin*; but *the congregation was gathered together for battle and for prayer*.<sup>2</sup>

They had with them, too, the Law with its prescribed institutions and its examples and precedents from the heroic age of their national history. At Mizpeh, *a place of prayer aforesime for Israel*, Judas arranged a pathetic ghost of the legal Temple service and effected a closer organization of his forces, also with scrupulous respect to the directions of the Torah.<sup>3</sup> After a solemn fast and reading of the Book of the Law, they gathered, as if in sacramental remembrance of their immediate duty, the ineffectual remnants of the Temple service: priests' garments, firstfruits, tithes and such Nazirites as had accomplished their days.<sup>4</sup> After this, Judas appointed *leaders of the people*, later on called *scribes of the people*,<sup>5</sup> which is but the Greek translation of the ancient *shôtêrê ha'am*, the captains or tribunes of the nation when it was mobilized for war: officers of *thousands, hundreds, fifties and tens*. By 165 B.C. the army amounted, we are told, to 10,000 men.<sup>6</sup> In the restoration of the Temple and the renewal of the services the same year, nothing is said of the rank of the priests employed:

<sup>1</sup> ii. 49-70.

<sup>2</sup> iii. 43 f.: 'Αναστησῶμεν τὴν καθαίρειν τοῦ λαοῦ ἡμῶν καὶ τῶν ἀγίων καὶ ἠθροίσθησαν ἢ συναγωγῇ τοῦ εἶναι ἐτοιμοὺς εἰς πόλεμον καὶ τοῦ προσεύξασθαι, κ.τ.λ.

<sup>3</sup> iii. 46-56.

<sup>4</sup> Verse 49 reads *ἤγειραν*, which modern versions render by the senseless *stirred up*, as if from *ἐγείρω*. Wellhausen ingeniously emends to *ἔκειραν*, *shaved* or *shore the hair*, but with a very necessary query after it in view of verse 50, which goes on to say that the people then asked God in despair what they should do with the Nazirites. The proper reading, of course, is *ἤγειραν*, but as the aorist of *ἀγείρω*, frequent in Greek for the mustering of men.

<sup>5</sup> V. 42: γραμματεῖς τοῦ λαοῦ שׁוֹטְרֵי הָעָם

<sup>6</sup> iv. 29.

only that they were selected as being blameless and well-wishers to the Law.<sup>1</sup> The legislative authority is described as *Judas, his brethren, and the whole Ecclesia of Israel*<sup>2</sup>; and, again, it is said that *a great Ecclesia was assembled to consult* as to what should be done for the Jews in Gilead and Galilee.<sup>3</sup>

We need not linger over the appearance in 161 of the High Priest Alcimus or Eliakim, of the seed of Aaron, but not of the family of Onias, nor upon his leadership of the Hellenizing faction, his institution to the office by Demetrius, his acceptance by the Hasîdhim, or the struggles between him and Judas, who rightly never trusted him.<sup>4</sup> They both passed away about 159 B.C., within a short time of each other. Two points, however, are worthy of emphasis. The high priesthood was now vacant, and for seven years remained so.<sup>5</sup> Moreover, the Seleucids saw that it was impossible to extirpate the Jewish religion, and gave to the Jews permission to practise this in the Temple and elsewhere, upon which the Hasîdhim withdrew from the active revolt. Henceforth this was carried on as a political movement: hardly, as Wellhausen judges, for the mere sovereignty of the Maccabean house, but rather for the independence of the Jewish nation.

Jonathan took the leadership in place of his brother, and, after several campaigns, ruled Israel in peace from Michmash for three or four years (156–152).<sup>6</sup> In 153 King Alexander Balas, outbidding Demetrius for the support of

<sup>1</sup> iv. 42.      <sup>2</sup> iv. 59.      <sup>3</sup> v. 16.

<sup>4</sup> 1 Macc. vii. 5ff.; Jos. xx. *Ant.* x. 3; cf. xii. *Ant.* ix. 7 and 2 Macc. xiv., from which we learn that he had already acted as High Priest.

<sup>5</sup> The death of Alcimus was after that of Judas according to 1 Macc. iv. 54; but before that of Judas according to Josephus, who adds that Judas was made by the people High Priest in his stead, and then contradicts this by affirming that after Alcimus the office was vacant seven years, and then filled by Jonathan.

<sup>6</sup> 1 Macc. ix. 23–73.

Jonathan, appointed the latter High Priest, with a purple robe and crown of gold, and at the feast of Tabernacles, in that year, Jonathan put on the holy apparel.<sup>1</sup> In 150 he was further empowered to act as *military and civil governor of the province* of Judæa.<sup>2</sup> Thus the high priesthood, which had already passed from the house of Onias, came to another family, whose representatives, by their religious energy and valour, had won an indubitable right to it, and who secured, in addition, military and civil titles not before granted to any high priest by any of Israel's sovereigns. In 146-145 the Jewish territory was enlarged, and for the payment of 100 talents was relieved of the king's tithes, tolls and other taxes.<sup>3</sup> Jonathan removed his residence to Jerusalem, and in counsel with the elders of the people strengthened the walls.<sup>4</sup>

On his succession to Jonathan in 143-142, Simon was confirmed in the high priesthood and the freedom from taxes by Demetrius II. ; and the Jews began to date their contracts and other documents, *In the first year of Simon, the great High Priest, Captain and Governor of the Jews.*<sup>5</sup> For the last of these titles the more definite *Ethnarch* is also given,<sup>6</sup> while the formal proclamation of his people's gratitude invests Simon with (so far as they are concerned) absolute power and dignity.<sup>7</sup> In all but name he was king of the Jews. But the authority which conferred his power is called *a great congregation of priests and people, and of rulers of the nation and elders of the country.*<sup>8</sup> If the definite *Gerousia* or Senate had been reconstituted, the name was probably purposely avoided, and the more ancient designa-

<sup>1</sup> 1 Macc. x. 18 ff.

<sup>2</sup> καὶ ἔθετο αὐτὸν στρατηγὸν καὶ μεριδάρχη: 65.

<sup>3</sup> xi. 28-37.      <sup>4</sup> x. 10, xii. 36.

<sup>5</sup> xiii. 42.      <sup>6</sup> xiv. 47, xv. 2.      <sup>7</sup> xiv. 27-47.

<sup>8</sup> Ἐπὶ συναγωγῆς μεγάλης τῶν ἱερέων καὶ λαοῦ καὶ ἀρχόντων ἔθνους καὶ τῶν πρεσβυτέρων τῆς χώρας: xiv. 28.

tions substituted. A difficulty remains with regard to the mention of a *Gerousia of the nation* in the superscription of the letter to the Spartans, under Jonathan, about 144 B.C.<sup>1</sup> But this is the only use of the title in First Maccabees, and may be due to the fact that the letter, if genuine, was addressed to foreigners and Greeks. In the same chapter the same body is called *the elders of the people*,<sup>2</sup> and elsewhere in the Book, *the elders and nation of the Jews*,<sup>3</sup> and *the high priest, elders, priests and residue of the people*.<sup>4</sup> These ancient terms are in harmony with the Maccabean spirit, democratic and tenacious of old forms.

Under the dynasty which Simon founded, the Hasmonean princes, the constitutional facts which are of interest are the following: *First*, the prince's title, which under John Hyrcanus (135-104) and Aristobulus I. (104-103) was *High Priest* and *Ethnarch*, became with Alexander Jannæus (103-76) *King*,<sup>5</sup> a gradation natural in the growing weakness of the Seleucid power. *Second*, while the dead hand of Hyrcanus failed to accomplish the experiment he designed of leaving the whole of the government to his wife, while his son was to be content with the high priesthood; Alexandra, the widow of Jannæus, reigned as queen with tolerable success for nine years (76-67), the first woman who had filled the Jewish throne since Athaliah. *Third*, there is no mention of the *Gerousia* or Senate by name,<sup>6</sup> and Josephus hardly notices "the leading men" or "elders" of Jerusalem.<sup>7</sup> The active forces under the prince are the nation,

<sup>1</sup> 1 Macc. xii. 6.

<sup>2</sup> Verse 35.

<sup>3</sup> xiii. 36.

<sup>4</sup> xiv. 20.

<sup>5</sup> Aristobulus had already used the title, but not upon his coins.

<sup>6</sup> On some of the coins the legend runs, "High Priest and Heber of the Jews," or "High Priest Head of the Heber of the Jews." "Heber" has been taken by some to mean the *Gerousia*, by others, the whole people. But recently Dr. A. R. S. Kennedy has suggested that it is the equivalent of the Greek τὸ κοινόν in its meaning of the State as a whole, Lat. Respublica.

<sup>7</sup> xiii. Ant. xv. 5, xvi. 5.



the nobles and the now definite parties of the Sadducees and Pharisees, the former representing the aristocratic interest, the latter the popular temper, which divided the people between them.

The conflict between the sons of Alexandra, Aristobulus II. and Hyrcanus II., is of great constitutional interest : both in the adoption of the cause of the weaker Hyrcanus by Antipater, the ambitious governor of Idumæa, aided by many of the nobles ; and in the appearance before Pompey, when he entered as judge into the quarrel, not only of the two claimants to the throne, but “ of the nation against them both, which did not desire to be ruled by kings, for that which had been handed down to them from their fathers was that they should obey the priests of the God whom they worshipped ; but these two, though the descendants of priests, sought to transfer the nation to another form of government so that it might become enslaved.”<sup>1</sup>

After Pompey took the city, the Romans, who in other towns dealt with the magistrates, senate and people,<sup>2</sup> delivered, along with authority to rule the Jewish nation in their own affairs, all power in Jerusalem, such as the charge of the Temple and the repair of the walls, to the hereditary High Priest Hyrcanus II., who is also styled Ethnarch.<sup>3</sup> But they instituted, also, or re-instituted, a Council or Senate with powers of life and death. That only now, after Pompey's and Cæsar's rearrangement of affairs, we meet for the first time with the word Synedrion or Sanhedrin as the name for the supreme Jewish court, is very significant. Josephus so styles the latter when he recounts the young Herod's narrow escape from its sentence

<sup>1</sup> Josephus, xiv. *Ant.* iii. 2.

<sup>2</sup> E.g. Sidon, xiv. *Ant.* x. 2.

<sup>3</sup> xiv. *Ant.* v. 2, 4, viii. 5, ix. 2, x. 2, 5. These powers were conferred by Pompey in 64, withdrawn by Gabinius, and restored by Cæsar in 47.

of death in 47 or 46.<sup>1</sup> The name Synedria, as well as Synodoi, had already been given to the five districts, fiscal or judicial, into which Gabinius had divided the Jewish territory.<sup>2</sup>

In 40 the Parthians, having taken Jerusalem, deposed Hyrcanus and appointed as king the son of Aristobulus II., Mattathiah or Antigonus, who called himself on his coins High Priest and King (40-37). Herod, who had been appointed Tetrarch by Mark Antony,<sup>3</sup> and in 40 king by the Roman Senate,<sup>4</sup> took Jerusalem in 37, with the assistance of Sosius, from Antigonus, who was executed.<sup>5</sup> From Herod's accession to power till his death (B.C. 4), and, indeed, up to the deposition of his son Archelaus (6 A.D.), it ceases to be possible to talk of constitutional government in Jerusalem. Herod ruled by force, tempered by arbitrary pretences of justice,<sup>6</sup> by flattery of the mob,<sup>7</sup> by the catholic gifts of a theatre, a circus and a new temple,<sup>8</sup> and by a general though inconstant respect to the prejudice of the citizens against statues.<sup>9</sup> His new towers and his palace dominated the city from its highest quarter<sup>10</sup>; his soldiers in the castle commanded the courts and colonnades of the Temple.<sup>11</sup> He forbade public meetings, spread abroad his spies, skulked himself in disguise among the people,<sup>12</sup> and made his guards torture and execute suspects in sight of their fellow citizens.<sup>13</sup> The High Priests were his puppets,

<sup>1</sup> Id. ix. 5.                   <sup>2</sup> Id. v. 4; i. *B.J.* viii. 5.

<sup>3</sup> xiv. *Ant.* xiii. 1; i. *B.J.* xii. 5.

<sup>4</sup> xiv. *Ant.* xiv. 4 f.; i. *B.J.* xiv. 4.

<sup>5</sup> xiv. *Ant.* xvi. 1 ff.; i. *B.J.* xvii. 9; xviii. 1-3.

<sup>6</sup> xv. *Ant.* vi. 2, vii. 4, xvii. *Ant.* v.

<sup>7</sup> xv. *Ant.* viii. 2 ff.

<sup>8</sup> Id. viii. 1, xi.

<sup>9</sup> Id. ix. 5; xvii. *Ant.* vi. 2.

<sup>10</sup> v. *B.J.* iv. 3.

<sup>11</sup> xv. *Ant.* xi. 5.

<sup>12</sup> Id. viii. 5, x. 4.

<sup>13</sup> Id. viii. 4.

and he had begun his reign by slaying most of the Sanhedrin.<sup>1</sup> He also enforced a severer law against house breakers!<sup>2</sup>

All this, sufficiently monstrous in itself, appears even more flagrant when contrasted with the state of affairs which followed on the assumption of Judæa as a Roman province. The nightmare of Herod's capricious tyranny falls on the earliest chapter of our Lord's life; it is the Roman authority, with its respect for the native laws of the peoples subject to it, which we feel through the most of the New Testament. The few references to the Sanhedrin under Herod expand to the many of the Gospels and the Acts. What are in evidence throughout these are the chief Jewish court, its procedure, and the gradation of the inferior tribunals. If justice is still abused, the forms of law, at least, are observed or taken for granted.

In 6 A.D., when our Lord was a boy, Judæa was taken from Archelaus and constituted a Roman province, with a governor of equestrian rank entitled Procurator, but in the New Testament called Governor, and subject in cases of emergency to the Legate of Syria.<sup>3</sup> The usual residence of the Procurator was Cæsarea, but at the Jewish feasts he came up to Jerusalem. He was in command of all the soldiers in his province, in charge of all the taxes, and, while the lower law was usually left to the native courts, he or his representative could interfere at any point in their procedure, and he alone could render valid their sentences of death.<sup>4</sup> Under such authority the Sanhedrin resumed that actual government of Jerusalem and the Jewish people of which during Herod's reign they had enjoyed only the

<sup>1</sup> xiv. *Ant.* ix. 4.      <sup>2</sup> xvi. *Ant.* i. 1.

<sup>3</sup> See the full exposition by Schürer, *Gesch.*<sup>3</sup> i. 454 ff. (Eng. tr. Div. i. vol. ii. 44 ff.).

<sup>4</sup> For an exception to this see below.

appearance. From that time, says Josephus in his review of the history of the High Priests, the Jewish "Politeia" became an "Aristokrateia," and the High Priests were entrusted with the "Prostasia," or Presidency of the Nation.<sup>1</sup>

The powers and procedure of the Sanhedrin at this time are illustrated in the New Testament, Josephus, and several tractates of the Mishna.<sup>2</sup> That the powers included authority over the local Sanhedrins,<sup>3</sup> not only of Judæa, but of Galilee, Peræa, and even of Jewish settlements beyond, is indisputable so far as the interpretation of the Law and similar abstract questions are concerned, and is extremely probable in regard to other judicial cases. Professor Schürer states that since the death of Herod at least "the civil jurisdiction of the Sanhedrin of Jerusalem was confined to Judæa proper"; Galilee and Peræa forming at that time separate spheres of administration.<sup>4</sup> But Galilee and Peræa continued under a Jewish tetrarch who was on good terms with the native authorities in Jerusalem, and would be ready to carry out their wishes. It is significant that in addressing Galileans our Lord made use of a metaphor which implies the subjection of local courts to the Synedrion or Council,<sup>5</sup> and Luke tells us that Saul the Pharisee *asked of the High Priest letters to Damascus unto the synagogues, that if he found any that were of the Way, he might bring them bound to Jerusalem.*<sup>6</sup> This was not a civil case, but it involved civil penalties, and is an illustration of how difficult it was to draw the distinction which Dr. Schürer suggests. It is true that our Lord is said to have with-

<sup>1</sup> xx. *Ant.* x. (§ 251).

<sup>2</sup> On Büchler's theory of a second and separate Jewish court for the trial of religious cases see below.

<sup>3</sup> *Mishna*, "Sanhedrin," i. 11; cf. *Jos. iv. Ant.* viii. 16, where the local authorities are given as *at ἀρχαὶ καὶ ἡ γερουσία*.

<sup>4</sup> *Div.* ii. vol. i. 162, cf. 183.

<sup>5</sup> *Matt.* v. 21 ff.

<sup>6</sup> *Acts* ix. 1 f.

drawn from Judæa into Galilee in order to avoid the designs of the Pharisees,<sup>1</sup> who by this time had great influence in the Sanhedrin. But this does not imply that "the Sanhedrin had no judicial authority over Him so long as He remained in Galilee."<sup>2</sup> For when *the Pharisees and Scribes came from Jerusalem* to Him there with questions and *were offended* at His answers, *He went out thence and withdrew into the parts of Tyre and Sidon.*<sup>3</sup> In Galilee the arm of the Sanhedrin might take longer to act than in Judæa, just as it might take longer to act in the remote Judæan village of *Ephraim near the wilderness*—to which our Lord also once withdrew<sup>4</sup>—than in Jerusalem; but ultimately it could reach Galilee equally with the remotest parts of Judæa.

The influence of the Sanhedrin haunts our Lord and His disciples everywhere. Just as Herod had spread abroad his spies and himself played the eavesdropper among the people so the Sanhedrin or their agents with this new prophet. A definite gradation is observable in their measures.<sup>5</sup> At first, according to all the Gospels, it is the popular and pervasive Pharisees who are startled by His influence, begin to question Him and take counsel how they may destroy Him.<sup>6</sup> These deputations of Pharisees, or of scribes and Pharisees, came down from Jerusalem with questions, upon which, as fearing the power of the Sanhedrin even in Galilee, our Lord withdrew to the Gentile territory of Tyre and Sidon.<sup>7</sup> From this point Matthew

<sup>1</sup> John iv. 1, vii. 1, cf. 45.

<sup>2</sup> Schürer as above, 185.

<sup>3</sup> Matt. xv. 1, 12, 21.

<sup>4</sup> John xi. 53 f.

<sup>5</sup> This in answer to Keim, *Jesus of Nazara*, who (it seems to me in direct contradiction of the facts) says that "the Gospels are fond of bringing on the stage from the very beginning the whole Sanhedrin": Eng. tr. v. 132.

<sup>6</sup> Matt. xii. 2, 14, 24 (*Pharisees*), 38 (*scribes and Phar.*); Mark ii. 24 (*Phar.*), 16 (*scr. and Phar.*), iii. 6 (*Phar. and Herodians*); Luke v. 17 (*Phar. and doctors of the Law*), 21, 30, vi. 7, 11 (*scr. and Phar.*); John ii. 18 (*the Jews*), iv. 1 (*Phar.*), vi. 41 ff. (*Jews*), vii. 32 (*Phar.*).

<sup>7</sup> Matt. xv. 1, 21; Mark iii. 22, vii. 1; see previous paragraph.

uses a more formal term for the questioning by the Pharisees : *they tried or tested Him*.<sup>1</sup> How aware He was of all the steps their procedure would take appears from His many allusions to these : first, the hatred of one's own family ; then the stirring up of the local courts, *when they persecute you in one city, flee into the next* <sup>2</sup> ; then delivery to the provincial synedria, with their prisons and tortures, or to the local synagogues, with their scourgings <sup>3</sup> ; and, in the ultimate background, *governors and kings*, with their powers of life and death.<sup>4</sup> The capital sentence, indeed, lowered from the beginning : *be not afraid of them which kill the body*.<sup>5</sup> Nor was the great court, intermediate between the local courts and the governor, out of sight for Himself. When at last He felt its nets about Him and said to His disciples that he must go up to Jerusalem, the seat of the Sanhedrin,<sup>6</sup> He described it just as the Maccabees did, by the names of its oldest constituents, *elders, chief priests and scribes*,<sup>7</sup> *who shall condemn Him to death and shall deliver Him unto the Gentiles*—an exact reflection of their regular procedure. *It cannot be that a prophet perish out of Jerusalem*.<sup>8</sup>

But our more immediate task is to learn the powers and procedure of the Sanhedrin within the City herself. Here there were really three forces for keeping order and dispensing justice : the Sanhedrin ; the Priesthood charged with the watching and discipline of the Temple ; and, when he was in residence, the Procurator, or, in his absence, the Chiliarch, commanding the garrison of at least 500 infantry and a cohort of cavalry.

<sup>1</sup> *πειράζειν* : Matt. xvi. 1, xix. 3, xxii. 18 ; Mark as early as viii. 11 ; Luke xi. 16 ; cf. John viii. 6.

<sup>2</sup> Matt. x. 21, 23 ; cf. xxiii. 34.

<sup>3</sup> x. 17 : *prisons and tortures* even in the case of debt ; xviii. 25, 34.

<sup>4</sup> x. 18.                      <sup>5</sup> x. 28.

<sup>6</sup> Which had the duty of judging a prophet whether he was true or false.                      <sup>7</sup> xvi. 21, xix. 18, Mark x. 33.                      <sup>8</sup> Luke xiii. 33.

Till the appearance of Dr. Büchler's book,<sup>1</sup> the general view has been that there was but one supreme court of the Jews, the Sanhedrin or Synedrion, which met usually in a hall in the southern part of the Temple enclosure, known as the *Lishkath hag-Gázith*,<sup>2</sup> but which under stress of circumstances might also meet elsewhere.<sup>3</sup> Their power over Jews was, subject to the Procurator's approval of their sentences of death and his freedom to interfere at other stages, unlimited. According to the Mishna, they alone could try a false prophet or an accused High Priest, or decide whether the king could make an offensive war; and Josephus adds that the king was to do nothing without the High Priest and the opinion of the Senators, and if he affected too much luxury, was to be restrained.<sup>4</sup> Also, they judged directly accused priests and other persons.<sup>5</sup> The Mishna adds that Jerusalem could not be added to, or the Temple Courts extended, without their consent.

This view of the Sanhedrin rests upon the evidence of Josephus and the Gospels, with illustrations from the Talmudic literature where this agrees with it, and with the rejection of the rest of the Talmudic evidence as late and unhistorical. Dr. Büchler, however, has made a very thorough examination of the Talmudic evidence, and has come to the conclusion (as we already stated)<sup>6</sup> that there were two great Jewish tribunals in Jerusalem, with entirely

<sup>1</sup> See above, p. 195.

<sup>2</sup> "Middoth," v. 4: the βουλή of Jos. v. *B.J.* iv. 2. On the origin of the name see Schürer.

<sup>3</sup> Whether the migration related in the *Mishna* "Shabbath," 15a, and elsewhere, that "40 years before the Temple was destroyed" the S. held its sessions in the bazaars (*hanúyóth*), be historical or not, it implies that the S. could meet elsewhere than in the Temple Courts, unless by the *hanúyóth* be meant the merchants' booths in the outer court.

<sup>4</sup> "Sanhedrin," i. 1, 5, ii. 2, 4, xi.; Jos. iv. *Ant.* viii. 17.

<sup>5</sup> Besides "Sanhedrin" see "Middoth," v. 4.

<sup>6</sup> Above, p. 195.

distinct powers—one, the Synedrion of Josephus and the Gospels, with civil authority; and one, the Synedrion with a purely religious authority.<sup>1</sup> The former, he thinks Josephus has shown, sat in the town or at the west edge of the Temple mount<sup>2</sup>; the latter was entitled “The Great Beth-Din which was” or “sat in the Lishkath hag-Gâzîth,”<sup>3</sup> on the south of the inner Temple Court, with an entrance also to the outer court. This second tribunal had to decide on the purity of the priests,<sup>4</sup> and other purely religious matters which were the duty, not of a body mixed of priests and laity, like the other Synedrion, but of a purely priestly body<sup>5</sup>; and neither Josephus nor the Gospels report of their Synedrion that it judged cases concerning the priests or the Temple service, or any religious questions, but exclusively judicial processes, penal sentences, and perhaps cases of a political nature.<sup>6</sup> It is not possible, in the end of an article, to discuss either these matters fully or the rest of the evidence which Dr. Büchler draws so carefully from the Talmudic literature. I must content myself with these criticisms. There is no evidence either in Josephus or the Gospels of a second supreme tribunal or Synedrion in Jerusalem. Had this existed, Josephus must surely have had occasion to allude to it, if not to describe it. On the contrary, he knows only one Synedrion; and implies the unity of the authority under which the Jews

<sup>1</sup> *Das Synedrion in Jerus. u. das grosse Beth-Din in der Quaderkammer des Jerus. Tempels*: “Die genaue unvoreingenommene Prüfung dieser Überlieferungen ergibt eine sichere, bisher kaum geahnte Erkenntniss über das Synedrion in der Quaderkammer des Tempels, nämlich die der völligen Verschiedenheit dieser Behörde u. des Synedrions der Evangelien u. des Josephus, ihrer Zusammensetzung, ihrer Häupter, ihrer Befugnisse u. ihrer Stellung”: p. 4.

<sup>2</sup> Jos. v. *B.J.* iv. 2; cf. vi. *B.J.* vi. 3.

<sup>3</sup> *Mishna* “Sanh.” xi. 2; cf. *Sifra*, p. 19a.

<sup>4</sup> *Mishna*, “Middoth,” v. 3, 4.

<sup>5</sup> Büchler, 33 f.

<sup>6</sup> Id. 36.



conducted all the affairs of their life. With this the evidence we have reviewed of the constitutional history of Israel before the time of Josephus agrees. We have found no trace in it of a second and separate court. Moreover, the whole principle of the Jewish constitution implied the unity or coherence of the religious and civil sides of the national life ; and in practice it was (as we have seen above) impossible to separate them. To these considerations we may add, without going into the question of the position of the *Lishkath hag-Gázith*, that even Dr. Büchler admits the possibility of a court mixed of priests and laity, meeting there.<sup>1</sup> And, on the other side, his difficulty about a mixed court deciding purely priestly questions, may be met by the hypothesis that these were left to the priestly members of the Synedrion alone to decide. We have seen a precedent for such an arrangement in the division of the court recorded (? or suggested) by the Chronicler.<sup>2</sup>

At their command the Sanhedrin must have had a number of officers to execute their decrees and make arrests : *hyperetai* as the Gospels call them, *constables* or *bailiffs*,<sup>3</sup> and servants of the High Priest,<sup>4</sup> whom Josephus describes as enlisted "from the rudest and most restless characters" by both the High Priest for the collection of tithes, and by the leaders of factions, "the principal men of the multitude of Jerusalem."<sup>5</sup>

The Temple discipline is fully set forth in the *Mishna*, and will be found summarized in Dr. Schürer's *History*. How the Temple was separately fortified and carefully watched there is no room to set forth here.

But as the Temple was a "Keep overhanging the City, so

<sup>1</sup> p. 19.                   <sup>2</sup> Above, pp. 200 f.

<sup>3</sup> Matt. v. 25. In Luke xii. 58 called *πράκτωρ*, *exactor*, collector of debts, and probably also of tithes.

<sup>4</sup> Matt. xxvii. 51 ; Mark xiv. 47 ; John xviii. 10.

<sup>5</sup> Jos. xx. *Ant.* viii. 8, ix. 2.

was Antonia to the Temple.”<sup>1</sup> This fortress stood on a rock some 75 feet high, at the north-west corner of the Temple enclosure, to the cloisters of which its garrison—part but not all of the cohort of Rome’s auxiliary troops in Jerusalem<sup>2</sup>—descended by the gangways or stairs, and “taking up positions in open order round the colonnades, kept guard over the people at the feasts, so that no revolt might take place.”<sup>3</sup> Luke calls the commander by his regimental rank Chiliarch, but Josephus Phrouriarh, or commander of the garrison.<sup>4</sup> That they garrisoned other towers in Jerusalem and so acted as the city police, is both likely and implied by Josephus<sup>5</sup>; and that some of them assisted in the arrest of our Lord would not be surprising. But John’s Gospel says that Judas received the *Speira* as well as the officers from the chief priests, and *Speira* is to the Book of Acts the whole cohort, but to Polybius a *manipulus*, or two centuries. No other Gospel includes Roman soldiers among the band which arrested Jesus.

GEORGE ADAM SMITH.

<sup>1</sup> Jos. v. *B.J.* v. 8; cf. xv. *Ant.* xi. 4.

<sup>2</sup> xx. *Ant.* v. 3. <sup>3</sup> v. *B.J.* v. 8.

<sup>4</sup> Acts xxi. etc.; xv. *Ant.* xi. 4, xviii. *Ant.* iv. 3.

<sup>5</sup> See above, n. 3.