

*THE JEWISH CONSTITUTION FROM NEHEMIAH
TO THE MACCABEES.*

FROM the close of the governorship of Nehemiah, about 430 B.C., to the fall of the Persian Empire, 333-331, and from this onwards under the Ptolemies to the Seleucid conquest of Palestine in 197, the history of Jerusalem is covered by an almost unbroken obscurity. Summers and winters, nearly two hundred and fifty of them, passed over the City. The spaces of sunshine, the siroccos, the clouds from the west, the great washes of rain and the usual proportion of droughts—these we can easily imagine with the constant labour of the olive, vine and corn; also the equally unceasing smoke of sacrifice from the Temple Courts, the great annual festivals, and—this is undoubted—the steady increase of the population. But it is difficult to discern either the political events or the growth of the institutions throughout the period. Yet both were of the utmost importance. The City herself was twice taken and sacked, under Artaxerxes Ochus, about 350, and by Ptolemy Soter in 320. The Law which the nation had adopted under Nehemiah became, with additions, gradually operative, and the supreme civil power was in time absorbed by the only national chief whom the Law recognized, the High Priest; while around him but beneath him there developed, out of the loosely organized body of elders and nobles, whom we have found under Nehemiah, an aristocratic council or senate, for which also there was room left by the Law. The Samaritan schism was completed and

organized, under a scarcely differing edition of the same Law. The Jews passed from the Persian beneath a Greek dominion. Even earlier than this political change, they came into direct contact with the Greeks; and we have the first impressions of them by Greek writers. After Alexander, their life began to be moulded by the Greek culture and polity; and it was from the influence of the latter upon their own ancestral customs and the precepts of their Law that the institution resulted, whose history I propose to trace in the following paper.

This study will lead us up to the controversy which has divided the scholarship of our time over the character and organization of the Great Sanhedrin. Our information about that governing body is derived from two sources: on the one hand, from the Talmud; on the other, from the Gospels and Josephus. The data which these respectively supply are conflicting; the question is, which of them we are to trust. To cite only the more recent disputants, Jewish scholars like Zunz and Grätz accept the tradition of the Talmud that the Sanhedrin was presided over, not by the High Priest, but by successive "pairs" of leaders whose names it gives; and with them Christian scholars like De Wette and Saalschutz are in agreement. On the other side, Winer, Keil and Geiger have, in contradiction to the Talmud, asserted either the usual, or the constant, presidency of the High Priest; while Jost has defended an intermediate view that the Sanhedrin enjoyed its political rights only in theory, but was prevented from putting them into practice through the usurpation of them by the High Priest and others. Another question is, When was the Sanhedrin definitely constituted? Are we with rabbinic tradition to carry this back to the days of Ezra, or with Josephus and other earlier witnesses to refuse to speak of a Senate till more than a century later? The whole

subject, with its issues into New Testament times, has been admirably expounded and discussed by Kuenen in his essay on *The Composition of the Sanhedrin*.¹ His results are hostile to the Talmudic account of the Sanhedrin; for he believes that he has proved that a Sanhedrin of the type which is implied or described in the New Testament and by Josephus not only coincides with the Jewish form of government since Alexander the Great, but actually existed from at least the third century B.C.; and that the modifications which it underwent before its collapse in 70 A.D. may be stated, if not with certainty, at least with great probability. Kuenen's conclusions were generally accepted, till recently Adolf Büchler, in *The Synedriion in Jerusalem*, etc.,² offered an argument for the existence of two great tribunals in the Holy City, with separate authorities—religious and civil; and this view has been adopted by *The Jewish Encyclopædia* in its article "Sanhedrin." The whole question therefore has been reopened; and while it will not be possible in the limits of one paper to follow it into New Testament times, I may in this attempt a re-statement (with several additions) of the evidence for the earlier growth of the Jewish constitution from Nehemiah to the Maccabees. It was, after all, in this period that the looser elements of Israel's earlier polity were rearranged in the form of a more definite foundation for the institutions of the rabbinic and New Testament period, and that at least the essential outlines of the latter were developed. Yet this is the period in which the evidence has been least

¹ See Budde's Germ. ed. of Kuenen's *Gesammelte Abhandlungen*, 49–81: "Über die Zusammensetzung des Sanhedrin." The previous literature is cited there. Useful summaries on the same lines will be found in Schürer's *Gesch. des Jüd. Volkes*, etc., 3rd ed., 623 (Eng. trans. Div. 11, vol. i. 163–195), with additional evidence; and in Rob. Smith's art. "Synedriion" in *Encyc. Brit.*

² *Das Synedriion in Jerusalem und das Grosse Beth-Din in der Quaderkammer des Jer. Tempels*, Vienna, 1902.

carefully gathered and estimated, even by Kuenen, and that is reason enough for a new attempt at its statement and appreciation.

When Nehemiah came to Jerusalem he found among the priests, and even with the High Priest, the same unworthiness which "Malachi" imputes to them. The High Priest appears to have had no influence in the government of the City, except of an evil kind.¹ Nehemiah himself was invested with the powers of *Peḥah* or *governor* of the Jewish *mēdīneh* or *district* under the Satrap of the trans-Euphrates province of the empire. The local authorities in Jerusalem he calls *Sēgānīm* (E.V., *rulers*), *magistrates*, or *deputies*, that is of the Persian government.² They were clearly Jews, for they are reckoned in the genealogies of Israel, and charged with trespass in marrying foreign wives.³ With them are associated—or perhaps the terms are convertible—what Ezra calls the *Sārīm* (E.V. *princes*) *officers*, but Nehemiah the *Sārīm* and *Hōrīm*, nobles or *free-born* Jews, so that the whole congregation as registered and taking upon themselves the Law are said to consist of *Horim, Seganim and the People*.⁴ Elsewhere, the popular assembly which gathers to discuss reforms and to ratify the Law under which it is to live, is described as *all the men of Judah and Benjamin, the Sarim of the whole Congregation* or *Kahal, the people gathered as one man, the children of Israel assembled, all who had separated themselves from the peoples of the Land unto the Law of God, their wives, sons and daughters, everyone*

¹ Neh. xiii. 4 ff., 10 ff., 28 ff.; cf. Ezr. ix. 1, x. 18.

² ii. 16. The term is Assyrian and Babylonian *shaknu*—"appointed" or "instituted to an office." On the cuneiform inscriptions and in Jer. li. and Ezek. xxiii. it is applied to generals and lieutenant-governors of districts. The Greek form was *ῥωγάρης*.

³ Neh. vii. 5, Ezr. ix. 2. Neh. v. 17 must therefore be read so as to make *Jews* and *rulers* synonymous. So the Vulgate.

⁴ Neh. vii. 5. The other references are Ezr. ix. 2; Neh. ii. 16, iv. 8 [14 Eng.], 13 [19 Eng.], v. 7, 17, vi. 17, vii. 5, ix. 38, xi. 1, xii. 31f., 40, xiii. 11, 17.

*having knowledge and understanding, who cleave to their brethren the Horim and enter into ban and oath to walk in God's Law.*¹ Elders have been named under Darius I., and by Ezra on his arrival.²

We may, therefore, conceive of the religious authority in all religious and local affairs as emanating from the whole adult population, who had covenanted with their God to live by the Law; while from the *elders* of the *noble* or free-born families would be selected the effective magistracy, called *Sarim*, in respect that they were *princes* or *officers* over their brethren, but *Séganim* as being *deputies* of the Persian authority. To these would be committed the local administration of justice and other affairs in Jerusalem and the other townships. But certain *princes, standing for the whole congregation*, acted as a court of appeal in Jerusalem, before whom accused persons from the various towns appeared, accompanied by their local elders and judges.³ The whole system was under the power and subject to the direct interference of the *Peḥah* or Persian governor of the Jewish *mēdineh*. Nehemiah also instituted two governors of the City, one of them his own brother, with the duty of appointing *watches* from among the inhabitants, and assigned to them a special police from the Levites, singers and gatekeepers of the Temple, the only classes whom, it would appear, he could thoroughly trust.⁴

I have called the whole a system, and it was under the sanction of an accepted Law, written and articulate. But these last details, and, indeed, all the records, make clear to us that for the time the system was held together and enforced largely by the personal energy of Nehemiah himself, who had no successor; and that within the covenanting

¹ Ezr. x. 1, 9, 14; Neh. viii. 1, ix. 1, x. 28.

² Ezr. v. 9 (Aram. document); x. 8; cf. 14: *elders and judges of every city*.

³ Ezr. x. 14.

⁴ Neh. vii. 1, 2.

community there were classes or factions of very different tendencies, which were bound to break loose when Nehemiah disappeared. On the one hand were the chief priestly families and some of the lay nobles, even among those lately returned from Babylonia, who were far from loyal to Nehemiah's purposes, and related themselves in marriage, or conducted correspondence, with the hostile forces outside the community. Nor were these priestly and lay factions, though thus bound by a common temptation, wholly at one among themselves; their particular interests, it is clear, must frequently have diverged. But over against the ambition and licence of both lay the stricter party devoted to the Law, either professionally, because they were its scribes and doctors, or with that real conscience for its authority which never died out of the mass of the Jewish population. Them we may consider as the more democratic party. Finally, the Law itself was not complete; we have evidence that it received additions after Nehemiah's time. Here, therefore, was not only room for such a development of the constitution as we shall see taking place; but all the materials for that controversy and struggle between factions of the community through which we may be equally sure the development proceeded.

Though the priests set their seals to the Law along with the rest of the Jews, Nehemiah assigns to them no post among the executive officers of Jerusalem, and, indeed, while the High Priest himself was traitorous to the measures of the reforming governor, there is evidence that the latter could almost as little rely on the general body of the priesthood whom "Malachi" had so unsparingly judged. But the Law, which Nehemiah and Ezra had induced the whole body of the people to accept, gave to the priesthood, and in particular to the High Priest and the branch of the tribe of Levi to which he belonged—for the office was now

hereditary—the supreme power not only over the Temple and its ritual, but over the nation as a whole. The Priestly Legislation, which was the new element introduced to the Law by Ezra, knows no king. The High Priest, to whom the earlier “Holiness-Law” ascribes a peculiar sanctity, and consecration with a crown of oil,¹ is also in the body of the Priestly Codex and its later additions *the Anointed*,² and invested with, besides the oil, the turban and the diadem.³ He stands before God an equivalent unit with the nation—*thyself and the people*⁴; his offering for his error is equal to theirs⁵; and the term of a high priest’s life determines the period during which a homicide must dwell in a city of refuge.⁶ On the other hand, the Priestly Code hardly mentions *elders*.⁷ The High Priest is to surround himself with the *princes of Israel, the heads of their fathers’ houses*, elsewhere numbered as twelve, to represent each tribe in Israel.⁸ These *něs’im* are chiefs of the thousands or clans of Israel; they are called to the Diet or Assembly; they attend the national leader and hear with him petitions; they represent the nation in engagements with other peoples.⁹ In other words, they are the same as the elders or *Sarim* of Ezra, Nehemiah, and the earlier Old Testament writings. But we must not fail to notice the higher dignity of the name given to them by the Code. It had hitherto been reserved for the supreme head of the

¹ Lev. xxi. 10–15; cf. xxi. 1–9.

² אֲנֻשׁ: Lev. iv. 3, viii. 12; cf. Ex. xxix. 7; Num. xxxv. 25.

³ Ex. xxix. 6. ⁴ Lev. ix. 7, etc. ⁵ Lev. iv. 3 ff., 13 ff. ⁶ Num. xxxv. 25.

⁷ Lev. iv. 15 is really the only passage: *elders of the congregation* (זִקְנֵי); for in Lev. ix. 1 the phrase is most probably an insertion by a later hand.

⁸ Num. vii. 2; cf. i. 4–16. The term *princes of Israel*, אֲנֻשֵׁי יִשְׂרָאֵל, belongs to the later elements of the document; the body of it calls them *princes of the congregation* (זִקְנֵי). Ex. xvi. 22; Num. iv. 34, xvi. 2, xxxi. 13, xxxii. 2; Josh. ix. 15, 18, xxii. 30. See Driver, *Introd.*, 132 f.; and G. B. Gray on Num. vii. 2.

⁹ For these references, see in previous note the passages on the *princes of the congregation*.

nation.¹ The change appears to represent a step in the political evolution we are following: the selection of the more notable chiefs of families to assist the High Priest in the government. But just as in the data supplied by Nehemiah there is no evidence of the incorporation of *Sarim* in a definite court or college, so with the *Princes* of the Priestly Code; though it numbers those who are to stand round Moses as twelve, and though an earlier document has spoken of the seventy elders whom Moses was bidden to take with him to the mountain and again to the door of the tabernacle.²

The Chronicler, indeed, attributes to King Jehoshaphat of Judah the institution of a definite court with double jurisdiction—secular and sacred³: *In Jerusalem did he set of the Levites and the Priests, and of the heads of the families of Israel, for the mishpat or cultus of Jahweh, and for judging the inhabitants of Jerusalem. . . .⁴ Whensoever any controversy shall come to you from your brethren that dwell in their cities between blood and blood, between law and commandment, statutes and judgments, ye shall advise them . . . and Amariah the chief priest is over you in all the matters of Jahweh; and Zebadiah the son of Ishmael, the ruler of the house of Judah, in all the king's matters, and the Levites shall be scribes or officers in your presence.* There is no doubt that the Chronicler sometimes employs ancient and reliable sources of information, not drawn upon by the editors of the Books of Kings. Is this one of them? The definiteness of the information, the division of the power between secular and sacred heads of the community (which did not exist in the Chronicler's own day) at first predis-

¹ The King (1 Kings xi. 34), Zerubbabel (Ezr. i. 8), and especially by Ezek. vii. 27, xii. 10, xlv. 7 ff., etc., etc.

² Ex. xxiv. 9; Num. xi. 16, 24: both from the Elohist.

³ 2 Chron. xix. 8-11.

⁴ With LXX. read יִשְׁבְּנוּ יְרוּשָׁלַם for יִשְׁבְּנוּ יְרוּשָׁלַם.

poses us in favour of the passage. But, on the other hand, the diction is the Chronicler's own ; and we may feel sure that if an institution so basal and definite had existed before the Exile, the Books of Kings would not have failed to notice it,¹ and that at least some remnant of the Court would have survived in the days of Nehemiah. The division between the secular and sacred authority seems to exclude the theory that the passage is a mere reflection of the conditions of the Chronicler's own day, about 300 B.C. ; for then, as we shall see, the High Priest presided over both the Temple and the Nation ; but it might be the Chronicler's form of protesting against this monopoly and suggesting a more excellent arrangement. Otherwise it is the recollection of what really prevailed shortly after the Exile, before the High Priests had succeeded in absorbing the civil power.²

No further light is thrown on the subject by any other Old Testament writer. Joel, about 400 B.C., and the author of "Zechariah" ix.-xiv. some eighty years later, are too engrossed with disasters to the land, physical and political, and too hurried into Apocalypse to give thought to the institutions of their City. The *assembly of the congregation* which Joel summons is only for worship. Consequently our next witness is a Greek, the first of Greeks to have any real information about Jerusalem. Hecataeus of Abdera, about 300 B.C.,³ reports that "the Jews have never had a king, but committed the presidency of the people throughout to that one of the priests who was reputed to excel in wisdom and virtue ; him they call Chief Priest, and consider him to be the messenger to them of the commands of God. It is he who in the *ecclesiæ* and

¹ Cf. Wellhausen, *Prol.* 191 (Eng. tr.).

² Büchler (pp. 72f. n. 1) seeks to analyze the passage, and judging verse 8 as a disturbance in the context, takes it as a later addition.

³ Quoted in a fragment of Diodorus Siculus: Müller, *Fragm. Historicorum Græcorum*, ii. 391.

other synods transmits the precepts or orders.”¹ The Jews prostrate themselves before this “interpreting chief priest. Moses chose the most genial and able men to preside over the nation, and appointed them as priests” for the service of the Temple, but also “as judges in the most serious cases, and entrusted with the care of the laws and morals.” He adds that, while all the citizens had the national territory distributed to them by lot, “the lots of the priests were the greater, in order that they might enjoy the more considerable revenues, and so give themselves without distraction to the worship of the Deity.” Here are some glimmerings of a regular court of priests, not only presided over by the High Priest, but subject to his absolute power in the communication and interpretation of the Divine will. Like other Greek writers upon the Jews, Hecataeus was probably blinded by the prominence of the national worship and priesthood to the share taken by the laity in the conduct of affairs. This, as we have seen, was considerable, and it was secured to the *princes*, the *heads of the clans*, by the Priestly Legislation.

The next evidence may be taken from the Septuagint translation of the Law, which was made in the third century. Sometimes this renders *elders* and *princes* by their Greek equivalents—*presbyteroi* and *archontes* or *archēgoi*; but sometimes also by the collective term *Gerousia*² or *Senate*; and translates the description of them as *summoned to the Diet* by the phrase *called together to the Boulē* or *Council*.³

In the Letter of *Aristeas to Philokrates*, we have not, as it pretends, the testimony of a Greek ambassador from

¹ παραγγελλόμενα.

² Γερουσία (Ex. xxiv. 1; Lev. ix. 1): of the elders of the nation; and always, save once, in Deut. xix. 12, xxi. 2-4, 6, 19, xxii. 15-18, xxv. 7-9; the Γερουσία τῆς πόλεως. In xxi. 20 for *elders* it reads *men*.

³ נְשִׂימָה לְבַיִת, συνέκληται βουλῆς (Num. xvi. 2).

Ptolemy Philadelphus (286–247) to the High Priest at Jerusalem ; but the work, before 200, of a Jewish writer well acquainted with the City and the Land.¹ He represents Ptolemy as treating with the High Priest alone, and describes the power and splendour of the latter, “ the ruling chief priest,” in terms which recall those of Hecataeus of Abdera. The other constituents of the population whom he mentions are the host of priests, the temple servants ; the responsible and carefully selected garrison of the Akra, which, “ standing on a very lofty spot and fortified with many towers, dominated the localities about the Temple ” ; and the citizens.²

Ecclesiasticus, or the Wisdom of the Son of Sirach, about 180 B.C., sheds little light on the forms of the government of Jerusalem ; his spirit is more concerned with their moral influence. It was *Simon the son of Johanan the priest, great one of his brethren,*³ and the glory of his people, who, by repairing and fortifying the Temple, making a reservoir and building a wall, *took thought for his people against the spoiler, and strengthened his City against siege.*⁴ His glory in his robes at the altar, surrounded by the sons of Aaron in their glory, the choir and all the people of the land, who bowed down before him as he blessed them, is vividly described.⁵ The *congregation* or *assembly* is mentioned under both its Hebrew names, and in one case is called the *congregation of the gate* ⁶ ; associated both by this name

¹ Swete, *Introd. to the O.T. in Greek*, 10–16. The text of the letter itself, edited with introd. by H. St. J. Thackeray, will be found in the Appendix, 499–574.

² The High Priest : 518, 521, 525–527, 533–536 ; the citizens : 518, 527 ; the other priests and temple servants : 534–536 ; the Akra and garrison : 537 of the above edition. Ruling chief priest τοῦ προσταύοντος ἀρχιερέως, 533—last two lines.

³ L. 1. So the Hebrew. The Greek has *the great priest*.

⁴ L. 1–4. I have followed the Hebrew.

⁵ 5 ff.

⁶ Both עֲרֵב שַׁעַר *συναγωγῆς* and קהלֵה *ἐκκλησία* : iv. 7 and vii. 7 (ערת שער).

and otherwise with judicial processes.¹ The *congregation* is also equivalent to *the people*.² There are *elders*,³ *great men of the people*, and *leaders of the city* or of *the ecclesia*,⁴ *dynasts* or men in power,⁵ and *judges* whom the Hebrew calls *rulers*.⁶ It is evident from more than one passage that the man most in the way of promotion to these dignities is the scribe.⁷ Among the worst evils to be feared in Jerusalem are the *slander of the town*, *mob-law* and *false accusation*.⁸ On the whole, the Son of Sirach may be said to write from a democratic position, and in a popular temper, but with special emphasis on his own profession, the Scribes.

Such is the literary evidence as to the government of the City and Nation, belonging to the period itself. I turn now to the later histories. It is in this very period, towards the end of the third century B.C., that Jewish historians begin to speak of a *Gerousia* or *Senate* beside the High Priest. Josephus gives a letter of Antiochus the Great (233-187), in which the King reports that on his approach to Jerusalem the Jews came out to meet him with their *Gerousia*, and that he discharged the *Gerousia*, the priests, the Temple scribes, and the sacred singers from all taxes.⁹ The Second Book of Maccabees states that the *Gerousia* sent three men to Antiochus Epiphanes in 170, and quotes a letter from Antiochus of date 164, addressed to the *Gerousia of the Jews and the other Jews*.¹⁰ The First Book

¹ xxiii. 24, and especially xxxviii. 33. The adulterer too is punished in the broad places of the city, xxiii. 21.

² xxxiii. 18 [19], xlv. 15, l. 20.

³ vi. 34: not in the Hebrew.

⁴ *μεγιστᾶνες* (also found in LXX.), Heb. מְשִׁיבִים iv. 7, xxxiii. 18 [19], and ἡγούμενοι, x. 2, xxxiii. 18 [19].

⁵ x. 3: *δυναστῶν*.

⁶ x. 2: *κριτῆς* מִשְׁפָּטִים.

⁷ x. 5, xxxviii. 24-xxxix. 11.

⁸ Διαβολὴν πόλεως καὶ ἐκκλησίαν ἐχθροῦ καὶ καταψευσμὸν: xxvi. 5.

⁹ Jos. xii. *Ant.* iii. 3.

¹⁰ 2 Macc. iv. 44, xi. 27.

of Maccabees speaks at first only of *rulers and elders* in Israel¹; but of the letter, which it quotes, sent to the Spartans about 144, the superscription runs: *Jonathan the High Priest, and the Gerousia of the nation, and the priests and the rest of the people of the Jews.*² The formal inscription of the people's gratitude to Simon is stated as follows: *In the third year [139] of Simon the High Priest, and Prince of the People of God (?) in a great congregation of priests and people and rulers of the nation.*³

From all this evidence, we may reasonably conclude that the formation of a definite Synod or Senate at Jerusalem came about in the following manner. *First*, as the High Priest, whose rank was hereditary, increased in civil power, partly no doubt by the absence of a Persian governor in Jerusalem, partly by the great ability of some holders of the office, but chiefly with the support of the large priesthood and under the influence of the Law instituted by Nehemiah, he would seek to fortify his office by a council not only of his own profession and family, but of the leaders of the foremost lay families, the *elders* of the nation, or of those of them who, as *Sarim and Seganim*, had vested rights to official positions, and were recognized as *Princes* or *Něsī'im* under the Law; and it would be in his own interest, as well as conformable to the tendency of the Law, to have their eligibility, their number and their functions clearly defined. As for the number, the Law afforded precedents: the *seventy elders* and the *twelve princes of Israel*. No doubt there were many struggles between the priests on the one side and the laity on the other. The High Priest was the Anointed; and among a people so

¹ 1 Macc. i. 26. The date it refers to is 168 B.C.

² xii. 6; cf. verse 35, *the elders of the people*; cf. xiii. 36: *the elders and nation of the Jews*; xiv. 20: *high priest, elders, priests and residue of the people.*

³ xiv. 27 ff.; for *εν Σαραμει* read perhaps *לְיִשְׂרָאֵל*.

absorbed in worship, whose only legal temple was itself a citadel within their capital, the impression of his sacred rank and splendour as he performed the rites, no less than of his material power, must have been, as several of our witnesses testify, overpowering. On the other hand, there were the long established rights of the heads of the chief lay families to a voice in affairs; and behind this the splendid consciousness, which, as we shall see, Israel never lost, that the ultimate source of authority was the people itself—the whole congregation of the faithful. How far the struggles between these forces were crossed and disturbed by political crises, such as the disasters to the City, we have no means of knowing; but it is extremely probable that such crises would give now one faction and now the other the advantage. On the whole, as we see from our witnesses, the High Priest kept his supremacy, but not without a considerable power being reserved to the nobles. Josephus accurately describes the general result as a form of government that was aristocratic, but mixed with an oligarchy, for the chief priests were at the head of affairs.¹ All this was probable during the century between Nehemiah and the close of the Persian period.

But, *secondly*, there arose in Palestine from the invasion of Alexander the Great onwards an increasing number of Greek cities, each with its democratic council, and the example of these, along perhaps with the advice or pressure of the Greek sovereigns of Judæa, cannot but have told on the institutions of the Jews, who, whether willing or unwilling, became more and more subject to Hellenic influence. Kuenen, indeed, gives a somewhat different explanation in the goodwill towards the Jews of the Ptolemies, their masters during the third century, as contrasted with the smaller amount of independence vouch-

¹ xi. *Ant.* iv. 8.

safed them by the Persians. This contrast is by no means so certain as he assumes. In Nehemiah's time, at least, the Jews had as much favour shown them by the Persian king as would have permitted the formation of an organized Senate had other influences led to the creation of this. The interested kindness of the Ptolemies may have provided the opportunity, but it is more probable that the real stimulus came from the example of the Greek or Hellenized towns in Palestine. The names which are given to the new institution are Greek: *Gerousia* and *Boulē*.

In any case, by the end of our period there was associated with the High Priest in the government of the nation a definite Senate, composed of priests, scribes and the heads of families, which in the name of the nation conducted negotiations with foreign powers. That they are regarded by the First Book of Maccabees¹ as equivalent to the *elders and rulers* of the people there can be little doubt. Therefore we may impute to them as well other administrative functions and the supreme judicial power, and this is confirmed by the Septuagint's use of *Gerousia*.

From the facts that some of our witnesses do not use the term *Gerousia*, and that those who do nowhere record the creation of a Senate, nor offer a definition or statistics of it, the argument might reasonably be urged that the writers who speak of a *Gerousia* of the Jews are only following the fashion to which Jews were prone of giving Greek names, often far from appropriate, to their own institutions. This is a possible explanation, but I do not feel that it is adequate. The Jewish constitution, it is true, was not Hellenized to the same extent as those of surrounding Semitic states.²

¹ See above.

² Gustav Höschler, *Palästina in der persischen u. hellenist. Zeit*, p. 68, has gone too far when he concludes that "Jerusalem was also ranged in the Hellenistic organization of the land," and that, along with its territory it may well have been called a *νομός*. He founds this opinion

The City of Jerusalem never received, like others in Palestine, a Greek name ; she kept her own religion and was governed by her own High Priest. But with this seclusion the formation of a definite senate, in imitation of Greek models, was perfectly compatible, and I feel that, on the whole, the evidence I have cited is in favour of the fact that such a Senate was actually formed.

There were, of course, local courts as well. The elders of each township continued to sit in its gates, as of old and as sanctioned by the Law. It is perhaps to such a burgh-court in Jerusalem that the Son of Sirach alludes as the *Congregation of the Gate, the leaders of the City*.¹ In that case, the supreme court may have been the burgh-court as well. Unfortunately, the data of the Son of Sirach are ambiguous. The only other gathering for judgment which he mentions is one of the whole people, who are also mentioned as a whole in the lists of national authorities in the First Book of Maccabees. There is no trace as yet of a select body of leaders distinct from the Gerousia, and possessing only spiritual or religious authority.² Such a division of jurisdiction would have been contrary to the principle, which runs through the Jewish Law, of the identity of the secular and the sacred. That the *Gerousia* divided itself, as the Chronicler asserts of Jehoshaphat's supreme court, into—not two courts, but—two different kinds of sessions, one to deal with religious matters, and one with sacred, is, of course, possible. But upon the evidence we have from the period, it is as impossible to separate (as he does) the High Priest's supremacy from the secular as from the sacred cases. We must also note that in religious matters

(p. 74) on the supposition that Judæa is intended as the fourth of the four *nomoi* mentioned in 1 Macc. xi. 57. More probably this is Ekron, cf. x. 89.

¹ x. 2.

² As argued in the *Jewish Encycl.*, art. "Sanhedrin."

not priests only, but scribes, had already a great and a growing influence.

These are all the antecedents which our period has to offer to the appearance in the next period of the Great Synedrion or Sanhedrin in Jerusalem, the name of which at least first appears towards the middle of the first century before Christ.

GEORGE ADAM SMITH.