

# JETHRO'S ADVICE IN MEDIEVAL AND EARLY MODERN JEWISH AND CHRISTIAN POLITICAL THOUGHT

Avraham Melamed

*Jethro's advice to Moses about how to organize the political system of the ancient Jewish state (Ex. 18:13-27; Deut. 1:12-17) was one of the three major biblical sources which were used in medieval and early modern political thought. (The other sources are Deut. 17 and I Samuel 8.) This text was mainly used in two related contexts — the theory of government, in which the commentators generally followed Aristotle, and the relationship between the spiritual and temporal authorities — between kingship and prophecy — in which a strong Platonic-Alfarabian influence is apparent. This study takes into account the changing historical realities and intellectual trends of the medieval and early modern periods. It opens with Abraham Ibn Ezra's pro-monarchic attack on feudalism in the twelfth century, continues with the discussion of the interpretations to Jethro's advice by Aquinas, Abravanel, Dei Pomis, Alemanno, Calvin, Bodin and others, and culminates with James Harrington's republicanism in the mid-seventeenth century.*

## I

The exegete and the historian always interpret past events through their own eyes. They interpret these events from the viewpoint of current historical problems and philosophies. This is true today; it was all the more so in the Middle Ages, when thinkers never hesitated to give past events meanings directly relevant to their own period. This was sometimes done in a way that might seem totally uncritical to the modern mind. Only with the Renaissance did a more critical, "scientific" approach to both textual criticism and historical events gradually begin to emerge.

This phenomenon stands out clearly in all the scientific and philosophic fields to which medieval biblical interpretation was related. This is particularly true in the field of political thought, which more than any other branch of philosophy is related to and influenced by current historical events.

The phenomenon of viewing the past in terms of the present was fully consistent with the overall view of medieval biblical exegesis. Depending upon the commentator's historical setting and philosophic

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opinions, it was possible to give the various parts of the Torah different meanings. This richness was possible due to the fact that all the commentators took as their premise that the Torah contains all wisdom, has multiple levels of meanings and interpretations, and relates simultaneously to past, present and future events.<sup>1</sup>

The commentaries on Jethro's advice to Moses about how to organize the political system of the ancient Jewish state provide a good example of the operation of this phenomenon. Together with Deut. 17, and I Samuel 8, which concern the problem of monarchy, Jethro's advice was one of the main biblical sources used by medieval and early modern political thinkers. Jethro's advice appears in the Bible in two different versions: Ex. 18:13-27 and Deut. 1:12-17. The interpretations generally related to both versions, but sometimes combined them and had to solve some apparent contradictions between them.

This study will analyze some of the main examples of the interpretation of Jethro's advice in medieval and early modern Jewish and Christian political thought.<sup>2</sup> These examples illuminate the development of commentarial tradition against the background of the changing historical realities and intellectual trends of the late Middle Ages and the Renaissance. The interpretations appear either in Bible exegesis itself, like the commentaries of Ibn Ezra and Abravanel, or in political and philosophic treatises, like the writings of Thomas Aquinas, Yohanan Alemanno, David dei Pomis, James Harrington, and others.

Most of the discussions presented in the examples relate to Jethro's advice in two related contexts. One is the narrow political context of the theory of government, in which the debate among the scholars relates to the system of government created by Moses, to its positive and negative aspects. Generally, this kind of discussion is based on Aristotle's theory of government. The other, broader context relates to the relationship between the temporal and spiritual authorities; in other words, between politicians and prophets.

## II

Abraham Ibn Ezra (12th cent. Spain) wrote his commentary on Jethro's advice against the background of the zenith of the feudal system. On the basis of numerical calculations and textual considerations, he came to the conclusion that the traditional view, by which the term "rulers of thousands, rulers of hundreds" etc., referred to the number of officials, is improbable. The traditional interpretation (Mechilta Sanhedrin, 18a and Rashi) calculated that the number of officials was exactly seventy-eight thousand six hundred. Ibn Ezra rejected this opinion for three reasons: first, the rulers' number in such a case would

have been enormous, which is totally out of proportion to the overall number of the Israelites: one-eighth of the whole people! Secondly, the Israelites did not need so many officials in the desert, since they were properly provided for by God himself.<sup>3</sup> Finally, Ibn Ezra notes, in apparent irony, that these officials were supposed to be "able men, such as fear God, men of truth, hating unjust gain" (Ex. 18:21). Biblical evidence, however, shows that these characteristics were not widely found,<sup>4</sup> as Moses expressly stated during the travels in the desert, that God "hath not given you a heart to know, and eyes to see, and ears to hear, unto this day" (Deut. 29:4). Ibn Ezra concedes that it is possible to assume that the heads of the tribes, being only twelve in number and belonging to the generation which came from Egypt and attained their wisdom there,<sup>5</sup> were endowed with all these qualities. This, however, was not the case with most of the people, who were born in the desert, were not endowed with wisdom, and had had no need to learn the art of governing, which was taken care of by God.

Thus, Ibn Ezra concluded, the term "rulers of thousands," etc., could not have referred to the number of rulers, but rather to the ruled — the number of people who were under the former's jurisdiction. The rulers themselves were probably only the twelve heads of tribes.<sup>6</sup>

Although in accordance with the plain meaning of the biblical text, Ibn Ezra's interpretation is nevertheless unusual in that it does not agree with the traditional view. His interpretation was to be rejected by future commentators, like Abravanel, who interpreted the text in accordance with the Aristotelian theory of government, and came to the conclusion that the term signified the number of officials, not the size of the public they governed.

Thus far we have discussed the problem of the number of rulers. The other main problem of interpretation concerns their functions. The biblical text specifically referred to judicial functions. Here, however, Ibn Ezra interprets against the plain meaning of the text. In accordance with the traditional interpretation, he generally defined their functions as governance. Other commentators would broaden the functions of the rulers, going beyond governance to various political, judicial, and military functions. Actually this tendency can be detected in Ibn Ezra himself. His distinction between the "able men, such as fear God, men of truth hating unjust gain" relates basically to the various qualities required of these officers. The "able men," for instance, are defined as strong men, capable of hard work, unafraid of those they rule. Rashi, on the other hand, defined them as rich people, whose wealth enabled them to be impartial. Being strong, in Ibn Ezra's version, or being wealthy, as we find in Rashi, endows these officials with the necessary qualities for the proper functioning of their offices. Ibn Ezra, however, also defines "able men" as a particular function, relating the term to the particular way in which the rulers were elected according to the

second version (Deut. 1:13) — “Get you...men.” This formulation is equivalent to what we find in connection with the selection of military officers — “choose us out men, and go out, fight with Amalek (Ex. 17:9). In fact, Ibn Ezra relates the term “able men” to military functions.

Ibn Ezra associates the two other categories (i.e., “such as fear God, men of truth...”) only with the qualities required of the rulers, and not with their functions. Later commentators drew this distinction mainly in connection with the various functions the officers had to fulfill. Nachmanides, for instance, who did not agree with the limited definition, defined “able men” generally as political leaders.<sup>7</sup> They might include military officers, but were not limited exclusively to them. Abravanel, as we shall find below, defined all three categories according to function and not qualities.

As for the way in which the officials were elected, Ibn Ezra pointed only to the fact that Moses chose the “able men” and “wise men,” but not “such as fear God,” which only God knows and elects. He did not comment at all on the fact that at least some of these officers were not chosen by Moses, but their election was relegated by him to the whole people. How can we understand the meaning of this omission?

It was not apparently textual considerations alone that brought Ibn Ezra to his unconventional interpretation of Jethro’s advice, but also the commentator’s interest in, and knowledge of, current historical and political realities. Ibn Ezra identified the various rulers with the counts, barons, and knights of the feudal system, who, like the rulers in his commentary, were distinguished from one another by the size of their fiefdoms and the number of their subjects. The fact that he identified the rulers’ subjects as “slaves, boys and employees” and did not mention the fact that some of them were elected by the people reinforces this view.

Ibn Ezra opposed the feudal system, in which the central authority was greatly weakened by the local rulers, who oppressed the population and preferred their private and local interests to the common good. He deduced from this situation that there was a direct causal link between the number of rulers and the amount of oppression. The more rulers one had, the more oppressed the population will be. It is not at all incidental that in this context Ibn Ezra quoted Prov. 28:2 — “For the transgression of a land many are the princes thereof.”<sup>8</sup> Based on his opposition to the feudal system and his preference for a centralized monarchy, Ibn Ezra has great reservations with the advice Jethro gave to Moses. He was the only commentator who, in fact, criticized and rejected Jethro’s advice. It is not at all accidental, in this respect, that he reacted *in silentio* to Jethro’s criticism of Moses’ overburdened situation. Moses’ sole dominion as the good king was viewed by Ibn Ezra as the perfect system of government.<sup>9</sup> Jethro, however, persuaded Moses to

replace this system with various rulers who, precisely like the feudal lords, were necessarily bound to exploit and oppress the people. For Ibn Ezra, then, the realization of Jethro's advice marked a deterioration from the ideal state of a perfect monarchy to an oppressive feudal system.<sup>10</sup>

### III

Thomas Aquinas made the greatest attempt of medieval Christian culture to mediate between Christianity and Aristotelianism. His political theories were based upon Aristotle's *Politics* and tried to correlate Aristotelian political theory with the principles of Christianity as well as with contemporary historical circumstances.<sup>11</sup>

Employing Aristotle's classification of governments in the third book of *Politics*, Aquinas indicates that there are three basic kinds of government — monarchy, which is the reign of the virtuous individual; aristocracy, which is the government of the virtuous few; and democracy, which is identified by two basic characteristics: the officials being chosen from among the whole people and the whole people participating in this process. Following the theory developed by the Roman historian Polibius, Aquinas then concludes that the ideal government is a mixed, balanced combination of the three positive kinds of governments, a "*bene commixta*," in which the constitutional monarchy is limited by the two other parts of the system in order to avoid its possible deterioration into tyranny.<sup>12</sup>

The government created by Moses, following Jethro's advice, is interpreted by Aquinas in this context: "*Et hoc fuit institutum secundum legem divinam.*"<sup>13</sup> Aquinas combines in his interpretation the two versions of the biblical story. Moses represents the monarchic element. The aristocratic element is identified by Aquinas in the verse (Deut. 1:15), "So I took the heads of your tribes, wise men, and full of knowledge, and made them heads over you..." and is apparent in two contexts. The first is the expression, "I took," which refers to the fact that these people were elected by the monarch, Moses, according to certain criteria. The second context is the election of the officials in accordance with their virtues — "Wise men and full of knowledge" ("*viros sapientes et nobiles*").

The democratic element is found by Aquinas in two verses, each representing one of its characteristics. In the verse, "thou shalt provide out of all the people able men..." ("*provide de omni plebe viros sapientes*") (Ex. 18:21), Aquinas sees proof that the rulers were elected from the whole people ("*de omni plebe*"); while the verse "Get you, from each one of your tribes, wise men, and understanding, and full of knowledge, and I will make them heads over you" (Deut. 1:13) is cited as

evidence that these rulers were chosen by the people itself. These are the two criteria that Aquinas listed as constituting the democratic element in the ideal government — the election of officials from the people and by the people.<sup>14</sup> It is interesting to note that Aquinas considered the rulers to be identical with the seventy-two elders (Num. 15), in contrast to the great number advanced by traditional Jewish interpretation.

Since Aquinas regarded the Old Testament as a preparatory stage in the history of salvation, he also viewed the Mosaic constitution, despite its Divine origin, as temporary legislation, appropriate for the time and circumstances in which it was given. He disputed the Jewish claim of its everlasting validity. Nevertheless, he still regarded the government established by Moses on the basis of Jethro's advice as an ideal constitution according to the Aristotelian-Polibian scheme — a mixed constitution headed by a limited monarchy; "*unde patet quod optima fuit ordinatio principum quam lex instituit.*"<sup>15</sup>

#### IV

The interpretations of Jethro's advice, one by Don Isaac Abravanel at the beginning of the sixteenth century, and the other by David dei Pomis at the end of the same century, both written in Venice, take us from the Middle Ages to the Italian Renaissance.

These two interpretations also relate to Jethro's advice in the context of the theory of government. Although both basically follow the Thomistic interpretation, the two interpreted the text according to the Venetian constitution, which was considered in that period to be the embodiment of the perfect mixed constitution.<sup>16</sup> Accordingly, each gave the text a more radical republican meaning than did Aquinas. Whereas Ibn Ezra reached an extreme monarchic position, based on his rejection of the contemporary feudal system, Abravanel and dei Pomis presented the opposite view: an anti-monarchic and republic position, which was based on the model of the Venetian constitution of their time. In this respect, the two exegetes represent an exceptional position in the history of Medieval and Renaissance Jewish political philosophy, which was basically monarchic.<sup>17</sup>

Abravanel's discussion, the longest and most complex of all interpretations of Jethro's advice, relates to all the aspects of both versions of the biblical text. In accordance with his own method of biblical interpretation, Abravanel opened with a series of questions concerning the meaning of the text, and proceeded to answer them one by one.<sup>18</sup>

The first question concerns the manner in which Jethro reacted to Moses' leadership. Jethro watched incredulously how Moses was burdened with leading the people from morning to evening. The fact that Moses did not spend much time with his visiting father-in-law, but

resumed official duties the very next morning, only reinforced the older man's bewilderment. Jethro, however, did not immediately criticize Moses' behavior, but asked his son-in-law to explain, in order, according to Abravanel, first to establish whether Moses had some hidden purpose or was obeying a Divine command.

Jethro's question, "Why sittest thou thyself alone, and all the people stand about thee..." (Ex. 18:14), was traditionally related to in the context of Moses' position vis-a-vis the people of Israel. Rashi, for instance, interpreted the question as a criticism of Moses for dishonoring the people by keeping them standing all day, while he remained seated. Ibn Ezra disagreed, arguing that it was improbable to assume that Jethro would have dared to criticize Moses in such a fashion. Ibn Ezra thought Moses had been acting properly in his capacity as a judge, according to the established custom.

The question form "why?" did not imply criticism but enquiry. Abravanel agreed with Ibn Ezra on this point, that Jethro's question did not relate to the fact of Moses' remaining seated, since this was the way it should be, but rather to his judging the people alone, unassisted.

Moses' answer, according to Abravanel, was that the people came to him for four different purposes, for each of which he acted in a different capacity. Ibn Ezra had related to two functions only — judging the people and explaining Divine law. The four purposes and their equivalent functions were as follows:

- 1) To learn what is going to happen in the future (Moses as soothsayer);
- 2) For various public needs (Moses as king);
- 3) For judicial purposes (Moses as judge);
- 4) To learn Divine laws and commandments (Moses as wise man who knows the Torah).

In order to fulfill all four functions properly, Moses was forced to sit from morning to evening. Only after Moses explained what he was doing and why, did Jethro, the wise and experienced leader of the Midianites, find it proper to criticize him. Jethro's reaction, "The thing that thou doest is not good. Thou wilt surely wear away, both thou and this people that is with thee; for the thing is too heavy for thee, thou art not able to perform it thyself alone" (Ex. 18:17-18), is interpreted by Abravanel to mean that Moses was fulfilling too many capacities, some of which could be handled by other functionaries. The grave consequences of this overburden was that Moses could not function constantly in his most important capacity, which was prophecy — "Since he was so busy, prophecy could not descend upon him all the time." By transferring some of his duties to other officials, Moses would become free to function as a prophet; in this way, the people would be better cared for, he would not wear away, and the people would not wear away with

him. This interpretation of Jethro's advice is consistent with Abravanel's anti-Maimonidean conception of prophecy as essentially a non-political phenomenon.<sup>19</sup>

Based on these premises, according to Abravanel, Jethro examined which functions Moses had to keep for himself and which he could transfer to other officials. Three of Moses' functions — soothsayer (which was one of the functions of prophecy), king, and wise man — could not be transferred. They were integral parts of his Divine mission. By way of elimination, consequently, Jethro learned that only the judicial functions could be transferred to other people. Even this, though, should be done in a manner in which the "great matter" — the most important judicial problems — would still be brought before Moses, while the "small matter," the less important judicial problems, would be transferred to the judges he appointed.

At this stage, before the Torah was given,<sup>20</sup> Moses has to judge the people alone, since no one but he knew the Torah. Only after the Torah was given, which occurred immediately after Jethro's visit, could Moses appoint judges to rule according to the laws of the Torah and transfer to them some of his responsibilities. In principle, then, Moses did accept Jethro's advice, but he could not carry it out until after the Torah was given. This, according to Abravanel, is the reason that in the second version, Moses related the appointment of the rulers to himself and did not mention Jethro at all.

This reasoning also explains why different qualities are related to the rulers in the two versions. In the first version, Jethro advises Moses to appoint "able men, such as fear god, men of truth, hating unjust gain" (Ex. 18:21); the second version tells us that Moses appointed "wise men, and understanding, and full of knowledge" (Deut. 1:13). According to Abravanel, it was impossible to appoint wise men before the Torah was given, since all wisdom is included in the Torah; and Jethro did not know that the Torah was about to be given.<sup>21</sup>

As for the way in which the rulers were chosen, Abravanel found much significance in the fact that the two versions differ on this point. Jethro advised Moses to choose the rulers himself, as the verse indicates — "thou shalt provide...and place such over them..." (Ex. 18:21). Moses followed this advice in the first version — "And Moses chose able men out of all Israel, and made them heads over the people" (Ex. 18:25). The second version, however, tells a different story altogether. Here Moses requested of the people: "get you...men" (Deut. 1:13); that is to say, he transferred the election of the officials to the people themselves. According to Abravanel, Moses did not exactly accept Jethro's advice on this point, so that it would not be said that he behaved like Korah, who appointed his relatives to official duties and was punished accordingly.<sup>22</sup>

Moses, however, did not simply transfer the election to the people;

he gave them clear instructions to choose appropriately, according to the candidates' virtues and their suitability to fulfill judicial, political and military duties.<sup>23</sup> Abravanel indicates that Moses directed the people to choose officials according to their virtues, not their lineage. Although, he hastened to add — probably considering himself to be a good example — virtuous and able men will naturally be found mainly in distinguished families.<sup>24</sup>

Thus, Moses chose to act in a more democratic manner than what was counseled. Jethro had advised him to create a system that would basically have been a combination of monarchy and aristocracy, in which the monarch appoints officers from distinguished families according to their abilities. This interpretation clearly expresses Abravanel's republican leanings, and is basically similar to Aquinas. The system of government created by Moses, then, was a mixed constitution, in the Aristotelian-Polibian mode: Moses represents the monarchic element; the election of officials from distinguished families (though in accordance with their virtues and abilities), the aristocratic element; and their choice by the people, the democratic element.

What does the term "rulers" mean? Like most other commentators, Abravanel extended their duties much beyond the limited judicial functions referred to in the plain meaning of the text. He distinguished between judicial duties, to which he imparted a much broader meaning of political leadership, and military duties during times of war and peace.

As for the virtues of these rulers, and the difference between the two versions in this respect, the quality of wisdom is found only in the second version. The meaning Abravanel gave to the term "able men" in the first version is that of military leaders; as such, he criticized their identification by Rashi as wealthy people. Abravanel's interpretation is based on the fact that he ascribed to the rulers general judicial and military functions. Moses seemingly appointed only judges and officials, but not military personnel, despite the fact that the latter were essential if one took into consideration the wars that the people of Israel would have to fight on their way to the Promised Land and while conquering it. It was logical for Abravanel, therefore, to conclude that "able men" meant military leaders. He found textual proof for this in the fact that the rulers of hundreds and of thousands are mentioned in the war with the Midianites.<sup>25</sup>

The three virtues mentioned in the second version — "wise men, and understanding, and full of knowledge" (Deut. 1:13) — are related by Abravanel to what Moses said in the previous verse: "How can I myself alone bear your cumbrance, and your burden, and your strife." These are identified as the three areas in which Moses and the lesser officials should lead the people: "your cumbrance" refers to judicial matters — problems between man and his fellow man, for which particular

purpose the “wise men” were elected; “your burden” to the duty to bring the people of Israel to the Promised Land and to provide for all their needs while on their way, to which end the “understanding men” were elected; finally, “your strife,” the battles the people of Israel would have to fight against their enemies, for which purpose the “men full of knowledge” were chosen. The last group is associated with the “able men” of the first version — the military leaders; they are called “full of knowledge,” since every fighting man has to relate to them in military matters.

The “wise men” are defined as “men who know the Torah and the sciences, perfected in their theoretical intellects”; the “understanding men” as “men who are knowledgeable in political science, perfect in practical intellect.” Since the attainment of both practical and theoretical intellect is found but in very few people, Moses distinguished between the two characteristics and appointed officials accordingly of the various functions. The wise men, perfect in theoretical intellect, were appointed to judicial duties, while the understanding men, perfect in the practical intellect, were named to lead the people to the Promised Land and to provide for all their needs.<sup>26</sup>

The main problem of interpretation with which Abravanel had to deal — in both versions — was that of the nature of the authority and responsibilities of the various officers. His starting point was that of criticism of Ibn Ezra’s unusual interpretation. As discussed above, Ibn Ezra assumed that the term “rulers of thousands, of hundreds,” etc., referred to the number of people under the dominion of these officers. Based upon this interpretation, he criticized Jethro’s advice. Abravanel agreed that if the case were really so, it would be an abhorrent situation — that the people of Israel, still wandering in the desert, would have so many servants and slaves. Abravanel, however, rejected Ibn Ezra’s interpretation outright,<sup>27</sup> finding it logically and textually impossible for these reasons:

- 1) The people of Israel had only recently left Egypt, where not only did they not have any servants and slaves, they themselves were slaves to the Egyptians.
- 2) Since it was said about Moses himself that he had but one servant, Joshua (Ex. 33:11), it is impossible to assume that the rest of Israel had plenty of servants.
- 3) Since it is written that the whole congregation was holy and that the Lord dwelled in their midst (Num. 14:14), it is impossible to assume that one part of the people would be slaves to the other part.
- 4) As the Lord looked after the people of Israel in the desert, providing for all their needs and sending them manna from heaven, it follows that they had no need of servants and slaves.

Abravanel's conclusion was that it is wrong to assume that "rulers of thousands," etc., have to do with the number of people under these officers' charge, but, following the traditional interpretation, with the number of officers.<sup>28</sup>

On this basis, too, Abravanel rejected Ibn Ezra's interpretation of the verse "for the transgression of a land many are the princes thereof" (Prov. 28:2). He held the verse to mean that all the officers were in the same position, and that this was the cause of the transgression. Jethro, however, advised Moses to create a different, hierarchical system of government, in which the lower officials would be under the jurisdiction of the upper. This hierarchical political system, Abravanel asserted, quoting Al-Farabi's *Book of Principles*, conformed with the order of the physical world and paralleled the functions of the living organism.<sup>29</sup> Thus, although in the narrow sense of the theory of government, Abravanel followed the Aristotelian-Polibian system, in the broader context of the status of the political organization in the order of creation, he adopted a Platonic-Alfarabian position.

The very need to divide the people into subgroups of a manageable size is the result of their sheer number, otherwise it would be impossible to govern properly. This, according to Abravanel, is the reason that Jethro did not advise Moses to appoint rulers of ten thousands or rulers of a hundred thousand. The biggest group in Jethro's plan consisted of a thousand people only.

As for the division of functions among the officials, Abravanel presents three possibilities. The first two relate to the division of judicial functions according to the distinction between various kinds of jurisprudence and the degree of severity of the criminal offenses. The third possibility, which Abravanel accepts, concerns the political differences among the officials.

These differences are actually between the various political, judicial, and legal assemblies that are supposed to function in a proper political system, one which is — "A city full of people, great among the nations" (Lamentations, I, i). Accordingly, Abravanel distinguished between the council of the thousand, the council of the hundred, the council of the fifty or forty, and the council of ten, the last of which stands at the top of the political hierarchy.

This system of government that Abravanel found in Jethro's advice was modeled on the Venetian constitution. Abravanel resided in Venice during the last years of his life, after his expulsion from the Iberian peninsula and his years of wandering in Italy. From 1502 he was employed by the Venetian government as a financial adviser, and it was there in Venice that he wrote his commentary on the Book of Exodus in 1505.<sup>30</sup> Abravanel's direct acquaintance with the Venetian political system strongly influenced his political thought and his interpretation of the Mosaic constitution.

The comparison of the second version of Jethro's advice with the Venetian constitution is only briefly mentioned by Abravanel,<sup>31</sup> whose commentary on the Book of Deuteronomy had been started in Portugal in 1460, and was rewritten and completed much later, in 1495, when he was already in Italy. Even this brief mention of Venice, however, demonstrates that the fame of this city-state had already reached Abravanel when he was still in Iberia. Indeed, praise of Venice and other Italian republics appears in his commentaries to Deut. 17 and I Samuel 8, which were written in Portugal in 1483.<sup>32</sup>

In the commentary to Ex. 18 the influence of the Venetian constitution is strongly felt. The Mosaic constitution constituted under Jethro's advice is interpreted as a Venetian-style mixed government. This form of government was regarded as the archetype of the perfect constitution in early modern political thought. The form thus had found its first, and most perfect, realization in the Mosaic constitution.<sup>33</sup>

His comparison with the various political, legal and judicial assemblies in Venice will also enable us better to understand Abravanel's interpretation of the functions of the biblical assemblies. Thus, the council of the thousand is paralleled to the Grand Council of Venice (*Consiglio Maggiore*), which was the general legislative body, consisting at that time of more than a thousand members of the Venetian nobility. The council of the hundred has its parallel in the Venetian Senate (*Consiglio dei Pregadi*), which was a governing body chosen by the Grand Council. The analogue of the council of fifty is the *Quarantili*, the two judicial councils, of forty members each. Finally, the council of ten is paralleled to the Venetian *Consiglio dei Dieci*, which was the supreme executive body of the Venetian state. Abravanel insisted that the Venetian system was the full embodiment of the Mosaic system.<sup>34</sup>

If we venture to continue this comparison, we can also conclude that Moses, who kept the "great matter" in his own hands, but relegated the "small matter" to the various officers, is the equivalent of the Doge, who presided over the complicated machinery of the Venetian constitution. Moses' position, though, was based upon Divine choice; and despite the relegation of authority, he still occupied a unique kingly and prophetic position. The authority of the Venetian Doge, on the other hand, was much more limited. He was chosen by the various councils, and his position was, at best, that of first among equals.

In Abravanel's interpretation of the Mosaic system as a mixed constitution, following the Aristotelian-Polibian model, the council of the thousand, the Venetian Great Council, represents the democratic element; the council of the hundred, the Venetian Senate, represents the aristocratic element; and Moses, who is equivalent to the Venetian Doge, represents the monarchic element. Nevertheless, a comparison of this interpretation of Jethro's advice with the Venetian constitution

will reveal that both the monarchic and democratic elements appear stronger in the former system of government. Although the members of the various Venetian councils were elected from and by a closed, narrow oligarchic group, Moses, in Abravanel's opinion, transferred the election of the officials to the people as a whole (although such officials would, of course, be elected from noble families since they naturally produce virtuous people). Thus, in comparison with the Venetian constitution, which was essentially oligarchic, the Mosaic constitution, for Abravanel, was more nearly perfect in the balance it created among the three positive kinds of government.

With this interpretation, Abravanel overturned the meaning of the text. According to the plain reading of the biblical text, it is clear that the rulers were officials whose authority was limited to a certain number of people. It necessarily follows that the more people that were under their jurisdiction, the more authority they had. Thus, the rulers of thousands held the greatest authority. The Venetian interpretation of the text, in which the term "rulers of" related to the rulers themselves, not to the ruled, necessitated the conversion of authority, placing the rulers of tens at the top of the hierarchy and the rulers of thousands at the bottom.

Abravanel's republican outlook, though influenced by the Italian experience, is basically a consequence of his theocratic position.<sup>35</sup> He envisioned the perfect constitution as a theocracy, in which God's will rules supreme. Being influenced by the papal position in the great debate of medieval Christendom between the temporal and spiritual authorities,<sup>36</sup> he distinguishes two separate levels in the hierarchy of the Mosaic constitution — the spiritual authority (*hanhaga ruhanit*), which stood at the pinnacle and was headed by the prophets and the priests; and the temporal authority (*hanhaga enoshit*), which was subordinate and made up of a mixed government headed by a limited monarchy. This, to Abravanel, was the kind of government that Jethro advised Moses to constitute. Thus, the Mosaic constitution was essentially a theocracy, headed by the spiritual authority, in which the lower, temporal authority possessed strong republican characteristics.<sup>37</sup>

With this background, we can also understand Abravanel's concept of prophecy as it appears in his interpretation of Jethro's advice. In contrast to Maimonides, Abravanel viewed prophecy as a non-rational and an a-political phenomenon. This view is apparent from Abravanel's structure of the Mosaic constitution, in which prophecy is placed at the top of the spiritual authority, far above and removed from the mundane issues of temporal authority. For Abravanel, Jethro understood this concept when he advised Moses to relegate some of his judicial, political, and military authority to lesser officials so as to be free to function in his unique capacity, that of prophet. It is the reason

that even Moses, the greatest of all prophets and the only one in whom prophecy and monarchy combined, needed Jethro's advice. Although Moses' father-in-law was no prophet and no Jew, he was an experienced politician, and as such he knew how to organize the Israelite government. Moses then applied Jethro's advice according to the special needs of the time and his Divine wisdom.<sup>38</sup>

## V

In the introduction to a medical tract, written in Latin and dedicated to the Venetian Doge and Senate (1588), David dei Pomis<sup>39</sup> included a long discussion in praise of the Venetian constitution, which he identified with the ancient Mosaic constitution. Dei Pomis mainly cited the two traditional biblical sources — Samuel's oration on the *ius regis* and Jethro's advice. Following Abravanel, he used Samuel's oration in order to reject monarchism, and Jethro's advice to present the republican alternative.<sup>40</sup>

Like Abravanel, dei Pomis viewed the ancient Hebrew government as a mixed constitution, similar to the Venetian republican model. The parallelism he found between the rulers appointed by Moses and the various councils in the Venetian political system is identical with Abravanel's theory.

The "able men such as fear God" ("*viros fortes e timentes Deum*"), from which the rulers were chosen in the Mosaic constitution, are identified by dei Pomis with the closed Venetian oligarchy, from which the various functionaries of the republic were elected. The rulers of thousands (Millenariis) were associated with the Grand Council (Consiglio Grande), the basis of the Venetian political hierarchy, which consisted of all the adult men of the old aristocratic families. In 1581, for instance, only a few years before dei Pomis wrote his introduction, only 1,843 men, from a population of almost two hundred thousand, were eligible to join the Grand Council.<sup>41</sup>

Similarly, dei Pomis parallels the rulers of hundreds (Centuriones) with the Venetian Senate, which consisted of one hundred and twenty members and was the main legislative body of the republic. The rulers of fifty (Quinquagenarios) were equated with the three judicial councils (Quarantia), each consisting of forty judges. The rulers of tens (Decanos) were identified with the Consiglio dei Dieci, the main executive body of the Venetian republic.<sup>42</sup>

If the analogy were to be continued, then Moses would be seen as the equivalent of the Venetian Doge, albeit with basic differences between them. Dei Pomis, like Abravanel, however, did not directly state this analogy, perhaps refraining from doing so because Moses' position as prophet and king was considered so unique as to be incomparable with any other political figure.

Like most other commentators, dei Pomis also broadened the functions of the rulers from limited judicial duties to various political roles. Like Abravanel, too, his identification of the Mosaic constitution with its Venetian counterpart forced a reversal of the plain meaning of the biblical text concerning the authority of the various rulers. For dei Pomis, too, the rulers of the tens were at the top of the political pyramid, while the rulers of the thousands were at its bottom, again in clear contrast to the plain reading of the text.

Despite their comparison with the Venetian system, both Abravanel and dei Pomis gave the Mosaic constitution a much stronger republican flavor, presenting the latter system as a much more evenly balanced mixed constitution. Abravanel went even further, strengthening the democratic element by preferring the second version (Deut. 1), in which Moses transferred the election to the people themselves. The Venetian system, on the other hand, was in reality basically oligarchic, with much weaker monarchic and democratic elements. By making the comparison in the first place, however, both Abravanel and dei Pomis shared a contemporary idealist concept of Venice as the "Repubblica Perfetta," which totally ignored the fact that Venice was actually nothing more than a closed oligarchy.

Dei Pomis could have been influenced by Abravanel's commentary. There is no direct evidence to support this contention, and it is equally possible that he developed the same interpretation of the biblical text on the basis of the similar historical and intellectual climate in which he was active.

Dei Pomis' praise of the Venetian constitution in an introduction to a medical book, dedicated to the Doge, obviously has strong apologetic overtones.<sup>43</sup> The comparison between the perfect ancient Mosaic government and the contemporary Venetian republic enabled him to flatter the Venetians and simultaneously to prove the superiority of the Jews even in the political arena. It was, after all, Moses, leader of the Jews, who had created the most perfect political system, one which became the archetype of every perfect constitution, then exemplified by the Venetian republic.

## VI

In Yohanan Alemanno's two main compositions, *Heshek Shelomo* (The Passion of Solomon) and *Hai Ha'Olamim* (Eternal Life), written in Florence in the late fifteenth century,<sup>44</sup> we find a different approach to Jethro's advice. Alemanno's interpretation is based upon Al-Farabi's and Averroes' commentaries and interpretations of Plato's *Republic*.

The introduction to *Heshek Shelomo*, "*Shir ha-Ma'alot li'Shlomo*" (Song of Solomon's Ascents), extensively describes King Solomon's various virtues. The king is presented as the prototype of the ideal

philosopher-king, one of whose main qualities is the ability to rule righteously. Following Al-Farabi and Averroes, Alemanno gives this concept a distinctly Platonic meaning. The purpose of justice is to deliver the people from the sickness of the soul and to restore them to virtuous life and spiritual perfection. The philosophic state, "whose people are all wise, all understanding, all knowledgeable of justice," no longer needs the services of the judge, who is the physician of the soul, since its members have all reached perfection.<sup>45</sup>

The goal of the ideal state is demonstrated by Alemanno with the example of Jethro's advice. Moses appears in the Platonic image of the physician of the soul, unrealistically intending to restore the people to perfection; not only to bring the wicked to justice but to deliver all the people to the perfection of the soul, so they would need a judge no more.

This is the reason for Moses' sitting and judging the people from morning to evening, according to Alemanno. Since Moses naively assumed that it was possible to bring everybody to a condition of virtuous behavior, his efforts were doomed to fail. Their only result would have been to wear him away, together with the people who were with him. Moses' experienced, politically shrewd, father-in-law, on the other hand, had no such illusions about human nature. He knew perfectly well that any effort to lead all people to virtuous behavior was bound to fail, since most people were corrupt beyond reform. Accordingly, he advised Moses to appoint the rulers, presumably to judge these people who were beyond reform, to rule them, and to punish them.<sup>46</sup>

The second version of Alemanno's interpretation of Jethro's advice is found in *Hai Ha'Olamim*, a long, tedious dialogue dealing with the gradual development of man from the moment of conception until his attainment of spiritual perfection. Discussing the period of youth, one of the participants in the dialogue argues that it is appropriate for a young man to be sent for a few years to another country distinguished for its good laws and customs, so that he might learn and broaden his horizons.<sup>47</sup>

As an example, Alemanno tells the biblical story of Moses' escape to the desert after killing the Egyptian and his arrival at Jethro's court. Alemanno interprets this story as an expression of a hidden, Divine plan to bring Moses to another country famous for its political system, so that he might learn the secrets of political government before embarking upon his leadership of the Israelites. Jethro, the Midianite priest, is presented as a man who is perfect not only in practical wisdom, but in theoretical wisdom as well. Moses is said to have learned from him all wisdoms — practical, theoretical, and even metaphysical.<sup>48</sup>

According to Abravanel and other commentators, Moses learned from Jethro only political wisdom; his knowledge of theoretical wisdom was considered to be an integral part of his Divine, prophetic

mission. For Abravanel, Divine wisdom and prophecy were totally separate from political leadership. Alemanno's unusual interpretation was influenced by the Platonic Averrist concept, by which the philosopher, prophet, and king are inseparable entities.

Alemanno elaborates on what is found in the first version, giving the whole story of the Exodus a distinctly Platonic interpretation as well. The people of Israel in this telling were profoundly corrupt when they left Egypt and began wandering in the desert. They were what Plato and Al-Farabi called "luxury lovers."<sup>49</sup> They erected the golden calf when Moses lingered on Mount Sinai. Discovering the hardships of life in the desert, they wanted to return to the Egyptian "fleshpots." They followed Korah and rebelled against Moses, and they became scared when the spies informed them of the fierce peoples and fortified cities seen in the Promised Land. On this interpretation Israel in the desert was the equivalent of the wicked Athenian state described by Plato in the second book of the *Republic*. Moses appears as the Platonic judge, king and philosopher who came to purify and educate his corrupt people. The Hebrew state in the Promised Land was the philosophic state Moses attempted to establish. Before doing so, however, he had to purify and reeducate them, so that they all would become wise, knowledgeable and just and have no need any more for the physician of the soul. Being so distant from the harsh realities of material life, however, Moses naively attempted to lead all the people to virtuous behavior and spiritual perfection. Jethro, on the other hand, who was much more practical-minded and experienced in mundane affairs, was disillusioned, "since he knew the necessities of matter which cannot be perfected."<sup>50</sup>

This last expression clearly echoes Al-Farabi's indication in the *Book of Principles* that people who are afflicted with the sickness of the soul could not enter the perfect state, since "their souls would remain corporeal, imperfect; they could not be separated from matter, and would not be eliminated until matter itself is abolished."<sup>51</sup> Not every person could reach spiritual perfection. Those who remained corporeal would disappear with the elimination of matter. They would not enter the gates of the philosophic state. This characterized the generation of the wilderness. Previously Jethro's perfection was found to be manifest in his practical wisdom — his political experience and knowledge of human nature; here it is his perfection of theoretical wisdom that is underscored. His advice to Moses, in Alemanno's interpretation, reflects a Platonic-Alfarabian context.

Although Alemanno does not explicitly say so, we may conjecture that for him the "small matter" to be entrusted to the various officials meant the governance of the lost, hopeless generation of the wilderness. Accordingly, the "great matter" left to Moses was the task of educating and purifying those few who had the potential for spiritual

perfection and preparing them to enter the philosophic state that was the Promised Land.

At this point, with the election of the rulers, Alemanno concluded his interpretation of Jethro's advice. It is, however, the form of government that Moses established following Jethro's that is the subject which all the other commentators deal with in detail. Alemanno wrote that he intended to elaborate upon this subject in his commentary to the Torah "*Einei ha'Eda*";<sup>52</sup> of this manuscript, unfortunately, we have only the commentary to the act of creation. It is not clear that Alemanno ever completed this commentary.<sup>53</sup>

## VII

Early modern Christian political thought greatly utilized the Hebrew sources — the Old Testament, the Talmud, and medieval Jewish philosophy. This tendency was a by-product of the return to classical culture, mainly Greek and Roman, which so much characterized Renaissance humanism. With the emergence of the so-called "Northern Renaissance" of the sixteenth century and, subsequently, the development of the Reformation and English Puritanism, this return to classical sources achieved a much broader meaning: it came to include ancient Hebrew sources as well. This last tendency culminated in the flourishing of Hebraic studies in the sixteenth and seventeenth centuries. For the northern humanists like Erasmus, Thomas More, and Vives, who emphasized Christian religious aspects of humanism much more than their Italian predecessors did, the Old Testament was considered a classical source no less important than Plato, Cicero, Livy, or indeed the Church Fathers.<sup>54</sup>

Early modern political thought, at least since Machiavelli, considered the lessons of ancient history — again, mainly Greek and Roman — to be of the utmost relevance for an understanding of current events. The constitutions and political systems like those of Athens, Sparta and republican Rome were viewed as archetypes of perfect governments, which should be emulated by contemporary states. Italian humanists like Machiavelli mainly related the lessons of Greek and Roman history and political systems; political thinkers of the Northern Renaissance and the Reformation, on the other hand, related more and more to the lessons of ancient Jewish history, and to the Mosaic constitution in particular.<sup>55</sup> This latter tendency culminated in the Puritan movement in England, which, while attempting to reform all aspects of Christian life, turned to the Old Testament and to the Talmud for models of the ideal society they wanted to establish in England. Many books were published, in England and throughout Europe, that

dealt with the ideal ancient Jewish state as it was manifested in the Old Testament and the Talmud.<sup>56</sup>

For Machiavelli, Moses was but one among a host of ancient first legislators, and he treated Moses' Divine mission ironically.<sup>57</sup> For the political thinkers of the Reformation and English Puritanism, Moses became the foremost ancient legislator. They considered his Divine mission with utmost seriousness and regarded the Mosaic constitution as the first perfect model.

Jethro's advice and the prophet Samuel's oration on *ius regis* were the major biblical sources utilized by early modern Christian political thought. The references to Jethro's advice continue in the same direction established by Abravanel: first, the distinction between spiritual authority represented by the Divine messenger, Moses, and the human political authority based upon man's reason, represented by Jethro; second, the connection of Jethro's advice with the theory of government. Most political thinkers of the time viewed the government established by Moses as a mixed government with strong republican leanings. They described this government as the embodiment of the perfect constitution, realized at present by the Venetian republic and meant to be the prototype for every perfect constitution in the future.

A typical example of this thinking is found in Calvin who, in his *Institutes of the Christian Religion* (1559), related to Jethro's advice in its two different contexts. Calvin insisted that the question of the best form of government could not be resolved without taking into consideration the historical circumstances in which this government was supposed to function. Of the three classical forms of government — monarchy, aristocracy, and democracy — he put aristocracy, or a combination of aristocracy and democracy, at the apex.<sup>58</sup> He held that the finest example of this perfect combination of aristocracy and democracy was the Mosaic-Jethronian constitution. "This," Calvin wrote, "has both been proved by experience, and also the Lord confirmed it by his authority when He ordained among the Israelites an aristocracy bordering on democracy, since he willed to keep them in best condition..." (Ex. 18:13-26; Deut. 1:9-17).<sup>59</sup>

For Calvin, this constitution signified the rule of the good tempered by the democratic element, which secured the liberty of the people. His interpretation, thus, is very similar to Abravanel's, which perceived the Mosaic constitution as an aristocratic republic.

As for the other context, Calvin utilized Jethro's solution for Moses' burden in the struggle against the claims of the Papacy for a combination of both temporal and spiritual powers. Moses, according to Calvin, fulfilled both spiritual and temporal functions only as a temporary solution, until a better form of government could be devised. Moses' very ability to fulfill both functions was actually miraculous, as this was

impossible to do by natural human capacities, even temporarily. When a better, permanent form of government was established by God, temporal and spiritual authorities were then separated. Moses retained leadership of the political government, whereas the priesthood was bestowed upon his brother, Aaron.<sup>60</sup>

Calvin thus managed to combine Jethro's advice concerning the re-legation of some of Moses' authority to the rulers with the bestowal of priesthood on Aaron and his sons (Ex. 18:1). In both cases, Moses relinquished some of his authority — temporal and spiritual — to other functionaries. In Abravanel's interpretation, Moses transferred his temporal-political functions to the rulers so as to be free to fulfill his spiritual-prophetic duties; in Calvin's interpretation, the case was reversed — God transferred the spiritual-priestly functions to Moses' brother in order to free Moses to function successfully as political leader of the Israelite commonwealth.

For Abravanel, Moses was first and foremost a prophet, his political functions being of secondary importance. Calvin, following early modern Christian political tradition, viewed Moses primarily as a legislator, founder of a political system, forerunner of Solon, Lycurgus, and Romulus. For Calvin, the separation of powers in the ancient Hebrew state was an indication that the church should concentrate on spiritual matters only and relinquish all temporal power to the proper political authorities.

Some minor references to Jethro's advice can be found in the political writings of other contemporaries, like Bodin, Mornay, and Althusius. All of them discuss only the second context, that of the theory of government. Bodin presents a pro-monarchic approach to the text, Mornay and Althusius basically a republican interpretation. In his *Six Books of the Commonwealth* (1576), Bodin argues that a sovereign should subordinate regular judicial duties to judges and keep in his own hands the power of supreme judge, dealing with appealed cases only. One of his main examples was that of Moses appointing rulers according to Jethro's advice.<sup>61</sup> Since Bodin attempted to strengthen the power of the monarchy, he seems to have limited the rulers' functions strictly to judicial duties and put them under direct monarchic supervision. In his system, the rulers do not represent a quasi-independent, aristocratic element that limits the power of the monarchy. Their *raison d'être* is to alleviate the burden of the supreme ruler.

The opposite is the case with both Mornay and Althusius. The *Vindiciae Contra Tyrannos* (1579), attributed to Philippe du Plessis Mornay, is dedicated to the justification of resistance to tyrannical governments. The author, however, limits the right to resist to the legal representatives of the people, not to the multitude as a whole, since that might deteriorate into anarchy, which is seen as even worse than tyranny. Among the various examples of such popular representation,

Mornay lists the rulers appointed by Moses following Jethro's advice.<sup>62</sup> These rulers appear here as representatives of the tribes or districts and as having independent power bases vis-a-vis the monarchic central government.

Johannes Althusius, in his *Politica* (1603), discussed Jethro's advice in a different context — but gives it the same meaning — as proof of the usefulness of provincial administrations which carry much independent power and alleviate the burden of the central government.<sup>63</sup>

Abravanel and Calvin, like Aquinas, referred to the rulers as an aristocratic element in a mixed government. Mornay and Althusius, on the other hand, related to them as examples of a provincial administration holding much independent power. In both cases, however, and in contradiction to Bodin, the rulers represent an aristocratic element limiting the power of monarchy.

## VIII

Perhaps the best example of the contemporary interpretation of Jethro's advice can be found in the political writings of James Harrington, one of the foremost British political thinkers of the mid-seventeenth century. As a convinced humanist and antiquarian, Harrington studied, and attempted to understand, the classical past in order to comprehend its lessons for the present. The Jews represented for him the classical past no less than did the Greeks and the Romans. Like Aristotle, Harrington based his conclusions upon the lessons of history, the Old Testament and the Talmud serving as historical and political sources no less relevant than the histories of Polibius, Livy, and Tacitus or medieval feudal legislation. The ancient Hebrew government was as instructive about the ideal state as the Roman republic or the Venetian *governo misto*. Although Harrington was not a dogmatic Puritan, he considered the ancient Jewish state to be the first ideal commonwealth, endowed by Divine providence: the "ancient prudence" manifested in Rome, he wrote, was "first discovered unto mankind by God himself in the fabric of the Commonwealth of Israel."<sup>64</sup>

Harrington had some knowledge of Hebrew and some acquaintance with Jewish sources, though generally indirect. In his numerous references to the ancient Jewish state, he often quoted the Bible, the Talmud, Maimonides' Code, and a few other medieval Jewish commentators and *halakhic* scholars. His references, though, were mainly based on Selden's extensive research on the ancient Jewish state.<sup>65</sup>

In the list of his Jewish sources, Harrington mentions an "Abrabinel," who is most probably Don Isaac Abravanel, some of whose commentaries on the Bible had been translated into Latin during the sixteenth and seventeenth centuries, mainly by J. Buxdorf, Jr., and

subsequently influenced biblical research and political thinking in humanist circles. Some of these Latin translations had then been translated into English and were rather widely circulated.<sup>66</sup> Thus, Abravanel's views on the ancient Jewish constitution, which influenced Grotius, among others, may have influenced Harrington's interpretation of the ancient Jewish state as well.

Harrington related the crisis of contemporary political systems to the loss of ancient "human prudence," which he defined as the rational comprehension of the natural laws of politics. Searching to rediscover the sources of "human prudence" in the first legislators of human societies, he should have turned, by classical norms, to the likes of Solon, Lycurgus, and Romulus. Harrington, however, located the first source of ancient prudence in the commonwealth of Israel.<sup>67</sup>

This source, though, created a problem. Unlike other ancient political systems, the prime legislator of the Israelite commonwealth must in some sense, directly or indirectly, be God Himself. Machiavelli, as already noted, referred ironically to Moses' Divine Mission. Harrington, who took this role seriously, had somehow to explain how, at one and the same time, the Israelite political system was both Divinely directed and also a product of "human prudence," which is based on human reason and not on Divine revelation.

At this point Jethro entered the scene. Hobbes, who viewed ancient Israel as a monarchy, showed no interest in Jethro's advice and never mentioned him. For Harrington, though, Jethro's advice solved the problem of viewing ancient Israel as a republic based on "human prudence." Jethro, being a Midianite and, therefore, a gentile and heathen, could not have been prophetically inspired directly. Since, however, "human prudence" was defined as man's legislative intelligence, and since God could not act and found a commonwealth but upon reason, Jethro's advice to Moses was an expression of Divine will, even though not prophetically inspired directly. As Harrington wrote: "...but this, being that part of this commonwealth which was instituted by Moses upon the advice of Jethro, the priest of Midian (Ex. 18), who was conceived a heathen, are unto me a sufficient warrent, even from God Himself, who confirmed them, to make further use of human prudence."<sup>68</sup>

The Lord, then, was acting not only through the prophetically inspired Moses, but also through the rationally motivated Jethro. The Midianite, in advising the Hebrews how to found a commonwealth, stood at the point at which prophecy joined with human prudence.

Jethro, then, occupied a place of special importance in Harrington's theory, representing the juncture point between Divine election and human nature, between prophet and legislator. The commonwealth of Israel, Harrington finally concluded, was established less through the Divine revelation made to Moses, than through human reason (albeit

Divinely motivated), in the advice given by Jethro. With this reading, Harrington could overcome the problem of the pagan legislator as Machiavelli raised it. For Jethro was no mere pagan; his reasoned advice was, in fact, Divinely inspired. Moses, of course, was prophetically directed. Thus, God founded the Israelite republic through the combined activation of human reason and prophecy. In this respect, it was a theocracy, which is the reason that Harrington described it as the first perfect commonwealth. Harrington, furthermore, criticized the Machiavellian position, according to which there was no essential difference between Moses and other first legislators. To this Englishman, Moses, aided by Jethro, was unique since he acted upon Divine guidance: "How then cometh it to be irreverent or atheistical, as some say, in politicians, as Lycurgus, Solon, with Moses, or other commonwealths, as Rome and Venice, with that of Israel?"<sup>69</sup>

It is interesting to note that like Abravanel, but for opposite reasons, Harrington ascribed the basic legislative initiative to Jethro and perceived Moses as occupying a more distant prophetic position. Abravanel held this view because he wanted to emphasize the distinctly non-political nature of prophecy. Harrington, on the other hand, wanted to underscore the human-rational origins of political wisdom. One can readily understand now why Jethro's advice — in its two versions — is, as Pocock put it, Harrington's "favourite scriptural citation."<sup>70</sup>

If "human prudence" was "in the first cause...a creature of God, and in the second as ancient as human nature,"<sup>71</sup> it necessarily follows that this quality was active from the very beginning of human society, long before the institution of the commonwealth of Israel. In fact, Harrington traces the origins of popular government, which is the proper creation of "human prudence," back to Shem at least.<sup>72</sup> Later biblical examples of commonwealths based upon popular election, according to Harrington, were those of Canaan under Malchizedeck, its king and priest, and Midian, under its king and priest, Jethro. Only these commonwealths, in his opinion, were really based on human prudence.<sup>73</sup> The Midianite constitution, Harrington further deduced, was as a forerunner of the Mosaic, since Moses established the Israelite system according to Jethro's advice.<sup>74</sup> It was, though, in Israel that the idea of a popular commonwealth based on "human prudence" achieved its full perfection when it coalesced with Divine wisdom.<sup>75</sup>

Moses, who was educated by the daughter of Pharaoh and was "learned in all the learning of the Egyptians,"<sup>76</sup> nevertheless rejected the Egyptian political system. This polity was not a popular government, but an aristocratic, or mixed monarchy,<sup>77</sup> in which power was distributed among the three estates — the king, the nobility, and the clergy. The people had no share in the government.<sup>78</sup> For the commonwealth of Israel, Moses preferred the Midianite example, which was

based on the popular election of priests and magistrates. Moses, Harrington wrote, "took into the fabric of his commonwealth the learning of the Midianites in the advice of Jethro."<sup>79</sup>

Among the three possible forms of government which Harrington defined — democracy, aristocracy, and monarchy — the Israelite government established by Moses is identified in its final form as a democracy or popular government.<sup>80</sup> Two major factors led to this identification — the equal distribution of land according to the "Agrarian Law" (which is not our concern here),<sup>81</sup> and the election of the magistrates by popular consent — "Israel, from the institution of Moses to the monarchy, was a democracy or popular government; in popular government the consent of the people is the power of the people, and both the priests and Levites were ordained by the consent of the people of Israel."<sup>82</sup>

Harrington described the development of the Israelite republic as a gradual process, starting with the implementation of Jethro's advice and culminating with the establishment of the council of the seventy elders. The latter he identified with the Sanhedrin or Senate (Num. 11). In the beginning of this process, Israel was virtually an absolute monarchy, being ruled by Moses alone. This system obviously did not work, and the overburdened Moses accepted his father-in-law's advice to choose able men as rulers. In contrast to the traditional Jewish interpretation, Harrington follows the plain reading of the text, according to which the rulers were appointed to judicial functions only. He reinforced this narrow interpretation by quoting Deut. 16:18 ("Judges and officers shalt thou make thee in all thy gates..."), which he interpreted as tribal judicial courts. The various judges would deal with all the minor judicial matters, while the major cases would be transferred to Moses. By taking over the "small matter," the rulers were supposed to bear the burden together with Moses, relieve him, and make the system function.<sup>83</sup> In actual fact, these judicial matters encompassed every possible social and political issue. Thus, the judges were, in the final analysis, basically political magistrates in the broad meaning of the term.

The political system proposed by Jethro following the Midianite constitution did not, however, function as well as expected. Jethro's promise that by its implementation Moses would be relieved of never-ending responsibilities did not materialize. He continued to be overburdened despite the appointment of the rulers. The Midianite medication for the woes of the Israelite body politic was not strong enough. This time Moses did not need a Jethro to recognize the problem. Disillusioned with his rebellious people, he bitterly complained to God, echoing Jethro's warning: "I am not able to bear all this people myself alone, because it is too heavy for me" (Num. 10:14) and in Deut.

1:12 we find him addressing the people directly: "How can I myself alone bear your cumbrance...."<sup>84</sup>

Thus, the Midianite political system, upon which the first Mosaic constitution was based, did have its deficiencies, even though it was the creation of human prudence. Direct Divine guidance was needed in order to eliminate these defects and create a more perfect system. This time, the Lord himself told Moses what to do: to institute the council of seventy elders, which is the Sanhedrin, as a superstructure upon the base of the lower courts.<sup>85</sup> Like dei Pomis and others, Harrington called the Sanhedrin "Senate" and paralleled it to the Roman and Venetian equivalents.<sup>86</sup>

According to Harrington, the Sanhedrin acquired the role which in Jethro's system was fulfilled by Moses alone. The courts created according to Jethro's advice became the lesser Sanhedrin (the "Jethronian prefectures" in Harrington's phrase).<sup>87</sup> They sat in every tribe and later in every city, and dealt with routine legal and judicial problems. They transferred the "great matters," which were basically appealed cases, to the Great Sanhedrin which sat in the Temple.<sup>88</sup>

Harrington insisted that it was wrong to assume that the Sanhedrin evolved from the "Jethronian" courts. In his opinion, it was created independently by direct Divine assistance.<sup>89</sup> Harrington's insistence that Jethro had nothing to do with the creation of the Sanhedrin stemmed from his belief that human prudence alone, without direct Divine intervention, could not create the perfect constitution. That outcome could only be the result of combined effort — human prudence and Divine wisdom.

Moses transferred all his duties to the Great Sanhedrin and became a member of this body, participating and sharing his responsibilities with it as first among equals — "prince of the Senate," as Harrington called him.<sup>90</sup> Never again did he carry his burden alone. The seventy elders stood with him (Num. 10:16), not under him, as was the case with the lower courts.<sup>91</sup>

The monarchic element in the Israelite constitution thus began gradually to diminish in power. In the beginning, the Israelite commonwealth was an absolute monarchy. Moses was sole ruler, albeit under Divine guidance. The second stage was the implementation of Jethro's advice, with Moses relinquishing some of this authority to the judges, but keeping the "great matter" in his own hands. The Israelite commonwealth thereupon became a limited monarchy. In the third and final stage, Moses surrendered practically all his independent authority to the Sanhedrin, which he joined, and the Israelite commonwealth became a republic. This last stage, though, was a two-stage process: Moses started as the equivalent of a Solon and a Lycurgus,<sup>92</sup> and ended as the equivalent of the Venetian Doge.<sup>93</sup> The tendency outlined

here to limit, and even to abolish altogether, the monarchic element of the polity is, of course, consistent with Harrington's overall republican views.

Harrington's discussion of the way in which the various magistrates were chosen also manifests his democratic outlook. Like Abrahavanel, Harrington's interpretation was that Moses did not accept Jethro's advice to choose the rulers himself, but preferred to transfer their election — that is, the selection of both the lower and upper Sanhedrins — to the people. As already noted, it is not at all accidental that Deut. 1:13 — "Get you...men" — is the verse Harrington quoted more than any other biblical reference.<sup>94</sup> In other words, Moses improved upon the Jethronian constitution. His Divine wisdom was essential for the completion and transformation of the proposed system into a Divinely-inspired perfect constitution.

Like Abrahavanel before him, Harrington did not intend to imply that the election of rulers by the people themselves meant that Moses created some kind of extreme democracy. On the contrary, when he transferred the election to the people, Moses announced specific guidelines, which greatly restricted the people's choice: He directed them to choose only "wise men, and understanding, and full of knowledge." Harrington, too, gave this criterion a distinctly aristocratic meaning, but one which was totally compatible, this time, with the plain meaning of the text. People with such high qualities could hardly be found among the plain folks. The wise and understanding naturally belonged to the noble families, whom Harrington called "princes of the tribes of Israel" and who were "likeliest by the advantages of education to be the most wise and understanding."<sup>95</sup> Harrington argued that there was "a natural aristocracy diffused by God throughout the whole body of mankind to this end and purpose, and therefore such as the people have not only a natural but a positive obligation to make use of their guide."<sup>96</sup> He indicated further that it was wrong to assume that the priests and the Levites became members of the Sanhedrin because of their religious functions. In his opinion, they were elected, since in the circumstances of those times they were naturally the most educated people.<sup>97</sup> In the end, then, with all their professed democratic views, the Jewish aristocrat from the Iberian peninsula and the English country gentleman could not overcome their sense of aristocratic superiority.

In Harrington's interpretation, the Mosaic constitution had in its final form evolved into a perfect mixed constitution with strong democratic leanings. The whole congregation that chose the magistrates represented the democratic element. The higher and lower Sanhedrins, elected by the people in accordance with their member's virtues and education, represented the aristocratic element. Moses, the "prince of the Senate," represented the monarchic element, though greatly weakened in power. From a badly functioning, absolute monarchy, the

Israeli commonwealth had been transformed into the perfect species of a mixed government.

For Abravanel, the perfect mixed government consisted of the "Jethronian" constitution as refined by Moses (Deut. 1). This polity contained all three required elements: democracy, aristocracy, and monarchy. Harrington, on the other hand, broadened the principle of the mixed constitution to include the entire development of the Mosaic system. Despite this difference, both Abravanel and Harrington thought the Divinely improved "Jethronian" constitution to be the apex of the Israelite commonwealth.

Alas, after the death of Joshua, the perfect system started to deteriorate. The people of Israel, "mindless of the excellent orders of their commonwealth, given by God, were so stupid as to let both the senate and the inferior courts to fall. But a commonwealth without the senate must of natural necessity degenerate into anarchy." The institution of the Judges as dictators in the Roman sense did not help much. Anarchy prevailed, and the institution of monarchy by a reluctant Samuel was an unavoidable consequence.<sup>98</sup>

Abravanel had directly related the structure of the Mosaic constitution to the Venetian constitution. Harrington, almost one hundred and fifty years later, similarly considered the two to represent the same type of perfect mixed government. For him, the Mosaic constitution represented the culmination of the ancient prudence. Venice was its modern reincarnation. Abravanel's theory concerning the perfect Mosaic constitution, as initiated by Jethro, became commonplace in later European political thought. Harrington represents but one major example. The comparable theory of the Venetian "*Repubblica Perfetta*," which was just attaining currency at Abravanel's time, also became a commonly accepted idea one hundred and fifty years later. The perfect ancient constitution was re-established by the perfect modern constitution.

These were the examples that Harrington had in mind when he addressed himself to the crisis of the English commonwealth in the mid-seventeenth century in his most important political treatise, *Oceana* (1656). In attempting to prescribe a cure for England's political tribulations, Harrington returned to the lessons of the Venetian constitution and its archetype — the perfect Jethronian-Mosaic constitution. "And such was the art whereby my lord Archon, taking counsel of the commonwealth as of Jethro, frames the model of the commonwealth of *Oceana*."<sup>99</sup> The political system of the mythical *Oceana* was strictly modeled after the Jethronian-Mosaic constitution.<sup>100</sup>

From Ibn Ezra's pro-monarchic attack on feudalism in the twelfth century to Harrington's republicanism in the mid-seventeenth century, Jethro's advice proved a continual, ever fruitful source in the seemingly perpetual search for the secrets of the perfect constitution.

## NOTES

- \* A first draft of this study was delivered in Hebrew at the annual meeting of the Departments of Jewish Thought in Israel, Tel Aviv University, March 1984. The author would like to thank his colleague, Menachem Kellner, who read the text and had some very valuable suggestions.
1. For an illuminating discussion on this subject, see S. Rawidowicz, "On Interpretation," in N.N. Glatzer, ed., *Studies in Jewish Thought* (Philadelphia, 1974), pp. 45-80, 410-417. For an example of the political usage of biblical exegesis in medieval Christian thought, see I.S. Robinson, "'Political Allegory' in the Biblical Exegesis of Bruno of Segni," *Recherches de Theologie Ancienne e Medievale*, 50 (1983), pp. 69-98.
  2. For a discussion of Jethro's fortunes in rabbinic and patristic literature, see J.R. Baskin, *Pharaoh's Counsellors — Job, Jethro and Balaam in Rabbinic and Patristic Tradition* (Chico, Cal.: Scholars Press, 1983), ch. 2. Rabbinic literature mainly related to Jethro the proselyte. It was very difficult for the rabbinic mind to accept the idea that Moses' judicial reform was initiated by a human being, all the more so by a gentile. This probably provided part of the impetus to turn Jethro into a convert to Judaism. The commentators who will be dealt with in this study gave different, more "political" solutions to this difficulty. As for the content and meaning of Jethro's advice itself, the Sages had hardly anything to say. See also Z. Garber, "Jethro, Father-in-Law of Moses: Summary of Biblical and Rabbinical Material," *Forum* 50 (1983-84), pp. 58-64.
  3. Commentary on Ex. 18 —  
 "ולא הוצרכו לעשות אומנות כי לחמם נתן, ומימיהם נאמנים, והמן מפקח, הפך המינים שנתאוו, מה שאין רגילים לאכול במצרים."
  4. *Ibid.*  
 "והנה יש לתמוה, איך ימצא המספר הזכור שיהיו כולם חכמים ונבונים."
  5. *Ibid.*  
 "והם מיוצאי מצרים שלמדו מעשיהם, וכתוב כמעשה ארץ מצרים (ויקרא, י"ח, ג')."
  6. *Ibid.*  
 "והנכון בעיני, כי שרי אלפים הם שתחת ידם אלף איש עבדיו נערו או שכיריו, אולי הם ראשי השבטים, והיה מספרם שנים עשר...."
  7. *Ibid.*  
 "אנשים ראויים להנהיג עם גדול. כי כל קבוץ ואוסף יקרא חיל ואינו ביוצאי המלחמה בלבד."
  8. B. Netanyahu, *Don Isaac Abravanel — Statesman and Philosopher* (Philadelphia, 1972), p. 308, n. 76. Abravanel disputed Ibn Ezra's in-

terpretation. See below, Jacob Anatoli in his *Malmad ha'Talmidim* (Lick, 1886; photoreproduced, Jerusalem, 1971), p. 142a, related to this verse in a different political context, that of the dangers of disobedience to legal authorities. See also A. Melamed, "The Political Discussion in Anatoli's 'Malmad ha'Talmidim,'" (Hebrew) *Da'at*, 20 (1988), pp. 91-115, especially p. 110, n. 60.

9. See his commentary on Gen. 49:10, in which the establishment of a kingship in Israel is declared an improvement on the previous state of affairs; and his pro-monarchist interpretation in the commentary on Deut. 17:15. Netanyahu, pp. 312-313.
10. Netanyahu, p. 168.
11. A.P. D'Entreves, ed., *Aquinas — Selected Political Writings* (Oxford, 1978); see especially the introduction.
12. *Summa Theologia*, qu. 105, art. 1. D'Entreves, p. 149.
13. *Ibid.*
14. *Ibid.* "Nam Moyses et eius successores gubernabant populum quasi singulariter omnibus principantes, quod est quaedam species regni. Eligebantur autem Septuaginta duo Seniores secuncum virtutem: dicitur enim Deuteron. 1:15 'Tuli de vestris tribubus viros sapientes et nobiliset constituti eos principes'; et hoc erat aristocraticum. Sed democraticum erat quod isti de omni populo eligebantur; dicitur enim Exod. XVIII, 21; 'Provide de omni plebe viros sapientes,' etc., et etiam quod populus eos eligebar; unde dicitur Deuteron. 1:13; 'Date ex vobis viros sapientes,' etc. Unde patet quod optima fuit ordinatio principum quam lex instituit." See also H. Liebeschitz, "Judaism and Jewry in the Social Doctrine of Thomas Aquinas," *Journal of Jewish Studies*, 13 (1962), pp. 57-81, reprinted in J.I. Deinstag, ed., *Studies in Maimonides and Aquinas* (Ktav, 1975), p. 144.
15. D'Entraves, pp. 150-151; Liebeschitz, I.
16. For the myth of Venice, see W.J. Bouwsma, *Venice and the Defence of the Republican Liberty* (University of California Press, 1968). For its Jewish interpretation, see A. Melamed, "The Myth of Venice in Italian Renaissance Jewish Thought," *Italia Judaica*, I (Roma, 1983), pp. 401-414. Both contain additional bibliography.
17. G.J. Blidstein, "The Monarchic Imperative in Rabbinic Perspective," *AJS Review*, vols. 7-8 (1982-83), pp. 15-39; Blidstein, *Political Concepts in Maimonides' Halakha* (Hebrew), (Bar-Ilan, 1983); L. Strauss, "On Abravanel's Philosophical Tendency and Political Teaching," in J.B. Trend and H. Loewe, eds., *Isaac Abravanel — Six Lectures* (Cambridge, 1973), pp. 93-129; L. Smoler and M. Averbach, "Monarchy in Abravanel's World View" (Hebrew), in *Hagut Ivrit b'America*, II (Tel Aviv, 1973), pp. 134-157.
18. M. Segal, "R. Isaac Abravanel as Exegite" (Hebrew), *Tarbiz* 8 (1937), pp. 261-299; L. Rabinowitz, "Abravanel as Exegete," in Trend and Loewe, pp. 77-92.

19. See his commentary on I Kings, 3.  
 "שאף נודה שהיתה החכמה בנביאים כפי מדרגתם בנבואה, הנה אין ראוי שיובן זה על אותם הידיעות אשר נשתלם בהם שלמה, ר"ל הנהגת הבית והמדינה, שכל זה היה רחוק מעסק הנבואה, הלא תראה שיתרו חפש את משה בענין נהגת המשפט, עד שלמדו מנהג מנוי השרים והנהגת העם, והיה זה להיות משה ושאר הנביאים בלתי מתעסקים ומטרידים את נפשם בדברים השפלים האלה."  
 Also, R. Lerner, "Moses Maimonides," in L. Strauss and J. Cropsey, eds., *History of Political Philosophy* (Chicago, 1963), pp. 181-200.
20. There is a dispute among the commentators as to when Jethro's visit to Moses took place, before or after the Torah was given. Abravanel came to the conclusion that Jethro had visited Moses and given his advice before Sinai, and hence his conclusion. See also in Isaac Arama's commentary, *Akidat Isaac*, vol. II (Israel, 1974), p. 90.
21. Nachmanides has another explanation for the omission of wisdom from the first version:  
 "והינה יתרו דבר בכלל ובפרט אמר שיחזה אנשים ראויים להנהיג העם הגדול במשפט ופרט שיחיי יראי אלהי אנשי אמת ושונאי בצע. כי לא יהיו אנשי חיל במשפט בלי מדות הללו. ולא הוצרך להזכיר חכמתם ובינתם כי הדבר ברור שהוא בכלל אנשי חיל וכאשר נאמר למשה ויבחר משה אנשי חיל הנה הכל בכלל שיחיי יראי אלהים שונאי בצע וחכמים ונבונים..."  
 Comm. on Ex. 18.
22. Cf. Anatoli's political interpretation of the story of Korah (*Malmad ha'Talmidim*, pp. 142a), in connection with the problem of disobedience to legal authority. See n. 8 above.
23. "צווה שימנו אותם שימצאו בהם יחד החכמה והתבונה וההכרה לדון ולהנהיג בדברים ולהלחם עם האויבים."  
 "ועוד אמר מכל ישראל וטעמו המובחר מכל ישראל והם שיש בהם כל המדות הללו כי כיון שאמר מכל ישראל אמר שהיו המובחרי מכלם בידוע כי הטובים שבישראל כל מדות טובות בהם. אבל יתרו מפני שלא היה רגיל בעם הוצרך לפרש."
24. Again compare this with Nachmanides' more theocratic and "democratic" interpretation. *Ibid.*
25. Num. 31:14.  
 "ויקצוף משה על פקודי החיל שרי האלפי ושרי המאות הבאים מצבא המלחמה."
26. Commentary on Deut. 1.  
 "על פי שעל המעט ימצא אדם שלם בעיוני ומעשי בטבע. וזה כי הטבע כשיתעסק במושכלות לא יוכל להשכילו כמפורסם. וכמו שזכרו הרב המורה בח"א פ"ב בענין אדם הראשון ז"ל לכן זכר אדונינו משה עליו השלום שמצא ולקח אנשי חכמי מהם ושלקח לענין ההנהגה והמלחמות אנשי ידועים וניכרים מהם לשבטיהם שהם אנשי חיל בעלי זרוע לצאת ולבא ולא זכר שלקח נבוני לפי שהיה זה המצא הנבוני ר"ל השלמים בדברי המדיני. עם היותם חכמים בעיוניות. כי התחברות שני הדברים האלה ידיעות עיוניות ומעשיות באיש אחד ימצא על המעט."  
 Compare to Maimonides' usage of Jethro's advice in his description of the virtues required from the members of the Sanhedrin. *Hilchot Sanhedrin*, II, vii.

"בעת דין של שלשה אף-על-פי שאין מדקדקין בהם בכל אלו הדברים - צריך שיהא ככל-אחד מהם שבעה דברים, ואלו הם: חכמה, וענווה, ויראה, ושנאת ממון, ואהבת האמת, ואהבת הבריות להם, ובעלי שם טוב. וכל-אלו הדברים מפרשין הם בתורה. הרי הוא אומר: אנשים חכמים ונבנים (דברים, א, י"ג) - הרי בעלי חכמה אמור; וידעים לשבטיכם (שם) - אלו שרוח הבריות נוחה מהם, ובמה יהיו אהובים לבריות? בזמן שיהיו בעלי עין טובה ונפש שפלה וחברתם טובה, ודבורם ומשאם בנחת עם הבריות. ולהלן הוא אומר: אנשי חיל (שמות י"ח, כ"א) אלו שהם גבורים במצות ומדקדקים על עצמם וכובשין את יצרם עד שלא יהא להם שום גנאי ולא שם רע ויהא פרקם נאה. ובכלל, "אנשי-חיל" - שיהיה להם לב אמיץ להציל עשוק מיד עושקו, כענין שנאמר: ויקם משה וישיען (שם ב, י"ז) ומה משה רבינו עניו - אף כל-דין צריך להיות עניו. "יראי אלהים" - כמשמעו. "שנאי הצע" - אף ממון שלהם אינם נבהלין עליו. ולא רודפין לקבץ הממון - שכל-מי שהוא נבהל להון חסר יבואנו. "אנשי אמת" - שיהיו רודפין אחר הצדק מחמת עצמם בדתם, אוהבין את האמת ושונאין את-החמס ובורחין מכל-מיני העול."

Maimonides combines the virtues mentioned in the two versions. Since he relates the virtues to the members of a judicial institution, they all acquire the appropriate meaning. Thus, for instance, for him, "able men" are not military leaders, as Abravanel describes them, but rather righteous people.

27. *Ibid.* "והוא אצלי דעת נפסד."

28. The same criticism of Ibn Ezra's opinion is found in Arama's commentary, p. 92. Arama deals at length with Jethro's advice, but he hardly discusses its specific political contexts, except to say that Jethro's advice belongs to the realm of politics.

אמנם חלק הדין הוא הספור השני המתחיל ויהי ממחרת וישב משה לשפוט את העם אשר בו נתן הסדר בדבר המשפט אשר הוא הכרחי לשתוף המדיני הכולל בלי ספק ויכולול ברירת הדיינים וסדר ישיבתם וקיימתם על פי עצת יתרו המפורסמת."

*Ibid.*, p. 88. The same applies to Anatoli's sermon on this chapter in *Malmad ha'Talmidim*, pp. 60-62.

29. Comm. to Ex. 18.

"ובלבד שישודר זה תחת זה ויעלו כלם לראש אחד כמו שביאר אבונצר בהתחלת הנמצאות. דמיון זה תמצא באיברי האדם ובהתקשרות הנמצאות בסדר העולם זה בזה עד הסבה הראשונה..."

Cf. "Al-Farabi, "The Book of Principles" (ספר התחלות) in Filipovsky, ed., *Sefer ha'Asif* (Leipzig, 1849; photoreproduced, Tel Aviv, 1970), esp. pp. 40-41; E.I.J. Rosenthal, *Political Thought in Medieval Islam* (Cambridge, 1968), ch. vi.

30. On Abravanel's life in Venice, see Netanyahu, I, 4; on the date of the completion of Abravanel's commentary on Exodus, *ibid.*, pp. 158, 170.

31. Comm. on Deut. I.

"ואתה תדע שכל ארבע מיני ההנהגה האלה אשר זכר לך פה הנה הנם בוניציאה היום הזה."

32. Netanyahu, p. 158.

33. *Ibid.*, pp. 166-173; above, n. 16.

34. Comm. on Ex. 18.

"ואין ספק אצלי שעל זה נאמר כאן שרי אלפים ושרי מאות."

35. F. Baer, in his "Don Isaac Abravanel On the Problems of History and State," *Tarbiz*, 8 (1937), pp. 241-259 (Hebrew) claimed that Abravanel's republicanism has to be understood against the background of his humanist leanings (*ibid.*, p. 256).

Strauss (Trend and Loewe, p. 116) agrees, though he limits Abravanel's "republicanism" basically to mean "anti-monarchism"; he also refers to Abravanel's "so-called republicanism" (*ibid.*, p. 127). Netanyahu (p. 183) disputes this theory and correctly argues that Abravanel's anti-monarchism has to be understood mainly against the background of his theocratic position, not his humanism, which itself was not necessarily republican.

36. Netanyahu, pp. 189-194.
37. For the entire development of the system, see Netanyahu, pp. 166-189.
38. "והנה אם כן צדקו דברי יתרו כפי ההנהגה המדינית וצדק מעשה משה כפי הכוונה האלהית וצורך השעה."

*Ibid.* We have already seen that Moses did not accept all of Jethro's advice, but applied it according to his own Divine wisdom and the special situation of his people. The biblical verse, however, indicates that Moses did accept all of Jethro's advice: "So Moses hearkened to the voice of his father-in-law, and did all that he had said" (Ex. 18:24). Abravanel solved this contradiction by arguing that Moses so "hearkened" only to honor his father-in-law.

"וכל זה יוכיח שמה שאמר הכתוב וישמע משה לקול חותנו ויעש כל אשר אמר הוא שאמר לו משה רבנו ראה דבריך טובים ונכוחים ואנכי אעשה כדברך כדי לכבדו אבל לא עשה כל אשר דבר יתרו כי אם הישר בעיניו ולפי שכלו..."

39. For general information of dei Pomis, see C. Roth, *The Jews in Venice* (New York, 1975), pp. 186-188; M.A. Shulvass, *The Jews in the World of the Renaissance*, trans. by E.I. Kose (Leiden, 1973), pp. 287, 292, 313, 320, 354, 356. Dei Pomis' medical tract, published in Venice in 1588, is entitled *Enarratio Brevis de Senum Affectibus*. On this tract, see also L. Munster, "Enarratio Brevis de Senum Affectibus de David De Pomisle plus grand medicin Israelite en Italie au XVI siecle," in *Revue d'histoire de la Médecine Hébraïque*, n. 20 (March 1954), pp. 7-16; 22 (July 1954), pp. 125-136.
40. Melamed, "The Myth of Venice."
41. Z. Fink, *The Classical Republicans* (Northwestern University Press, 1962), p. 30.
42. "As nostrum ergo, revertamur propositum, Venetiarum Respublica, Divinarum imitatrix, observartixque istitutionem, existit, Vide quid dextrat (non absque; coelesti consensu), Idro' generi suo Moysi, iuxta Senarus ordinem? Inquit (Exo. c.18) Provide autem, de omni tribu viros fortes, e timentes Deum, in quibus sit veritas; e qui oberint avaritiam, e constitute ex eis tribunos, e centuriones, e quinquagenarios, e Decanos, qui iudicent populem omni tempore, quicquid autem maius fuerit, referunt ad te, e ipsi minora tantummodo iudicent; Lebviusque; sit

tibi, partito in alios onore; Si hoc feceris, implebis Imperium Dei — Suasit ut eligeret homines fortes, hoc est potentes e in voluptatibus continentes; e ex ipsis constitueret millenarios, ut sunt Clarissimi Veneti; qui magnum consilium ingrediuntur; e Centuriones quierant minoris numeri, loco ordinis cestirum inservientes rogatorum. Quinquagenerii vero, vice quadragintorum Veneti Senatus; Decani autem ut sunt illi, qui decem Senatorum consilium constituunt." Quoted from the introduction, unnumbered page.

43. On the apologetic element, see also A. Melamed, "Simone Luzzatto on Tacitus — Apologetica and ragione di Stato," in *Studies in Medieval Jewish History and Literature*, vol. II (Harvard University Press, 1984), pp. 143-170; also A. Melamed, "The Hebrew Laudatio of Yohanan Alemanno — In Praise of Lorenzo II Magnifico and the Florentine Constitution," in H. Beinart, ed., *Jews in Italy: Studies dedicated to the memory of U. Cassuto on the 100th anniversary of his birth* (Jerusalem, 1988), English section, pp. 1-34.
44. U. Cassuto, *Gli Ebrei a Firenze nell'eta del Rinascimento* (Florence, 1918), III, iii. (A Hebrew translation by M. Artom was published in Jerusalem, 1967). A.M. Lesley, ed., *The Song of Solomon's Ascents by Yohanan Alemanno — Love and Human Perfection According to a Jewish Colleague of Giovanni Pico della Mirandola*, Ph.D. dissertation, II vols. (Berkeley: University of California, 1976), vol. I, introduction, pp. 4-70; A. Melamed, "Hebrew Italian Renaissance and Early Modern Encyclopaedias," *Rivista di Storia della Filosofia* (anno xl, 1985), pp. 91-112. Idem., "The Hebrew Laudatio."
45. Lesley, vol. II, p. 504.

"הלא תראה מאמר השקועים האומרים כי במדינה הפילוסופית אשר אנשיה כלם חכמים כולם נבונים כולם יודעים את המשפט אינה צריכה לרופאי הנפשות שהם השופטים הנה כי המשפט הוא המביא אל השלמות כולם."

Cf. *Averroes' Commentary on Plato's Republic*, ed. by E.I.J. Rosenthal (Cambridge, 1969), I, 15.

"ולכן מסגולות זאת המדינה שלא תצטרך לשתי אלו החכמות ושלא יהיה בם בשום פנים שופט ולא רופא."

46. Lesley, vol. I, p. 504.
- "ולזה כיון מרע"ה בשפטו את העם מהבקר ועד הערב בחשבו להדריך את עמו אל השלמות האנושי במשפטיו המיישרים המדות האנושיות לא לבד לחייב את החייב אבל להיישר הנפשות עד כי ישוּבו אל תכונה ישרה שלא יצטרכו עוד אל שופט. והוא לא ידע את העם כי ברע הוא וכי נבול יבול ולא יוכל לתקון ונתן לו העצה כמו שיתבאר בעיני העדה ברחבה."

Compare with Ex. 32:22: "אתה ידעת את העם כי ברע הוא."

47. *Hai Ha'Olamim*, Mantua Mss. 801, fol. 107.
- "כי את אשר יאהב ה' לשלחו מארצו אל עם אחר, הנה ישלחו ה' אל מקום שם יקח מהם חכמה ותבונה ויתעלה בחברתם מצד מעלתם. לא שישליכהו אל מקום שם אנשים פחותים אין בהם מועיל."

- Melamed, "The Hebrew Laudatio," pp. 7, 34.
48. *Ibid.*  
 "כאשר עשה ה' למשה אשר שלחו במדין ביתה יתרו אשר למד ממנו חכמה מדינית וחכמה עיונית באלהיות אשר היה תמיד דורש וחוקר בהם כמעט לא היה עד שלא עבר לחקור ולדרוש עניינה וכן בהנהגה המדינית."
49. Plato, *The Republic*, III, 404-405; Al-Farabi, *The Book of Principles*, ed. Filipovsky, p. 48. In another section and context of his "Song of Solomon's Ascents," Alemanno gives a totally different interpretation of the generation of the desert. Here he presents them as wise and purified, for a number of reasons:  
 "ואין ספק כי דור המדבר היו חכמים מחוכמים לסבות רבות. האחת כי עסק אין להם לבנות בתים ולנטוע כרמים ולארוג בגדים כי לא חסרו דבר להם לאכול ובגד ללבוש זה ארבעים שנה; השנית כי לא ראו כל אותם השנים כי אם מעשה אלקים בשמים ובארץ... השלישית כי ראו את מעשה ה' הגדול והנורא אשר עשה עמם במדבר... הרביעית כי בכל יום ויום למדו תורת ה' וכל מיני חכמה מפי אבי התורה החכמה והנבואה אשר לא קם ולא יקום כמוהו...."
- Lesley, vol. II, pp. 452-454.
50. *Hai Ha'Olamim*, Mantua Mss. 801, fol. 107:  
 "למדו פרשת יתרו הכתובה בתורה אשר כוונת משה היה לעקור רובי המחלוקות ולעשות המדינה הישראלית כמדינה הפילוסופית שלא יצטרכו לרופאי הגופות ולא לרופאי הנפשות, כי חשב משה ברוב שלמות חכמתו ושלמות חומרו שיתכן להשיב כל העם חכמים בלתי צריכים אל הדייני. ויתרו אשר לא עלה למעלת חותנו וראה וידע הכרחיות החומר אשר לא יתכן להשלימו שלא יצטרך לרופאי הנפשות, נתן לו עצה לתת שרי אלפים ושרי מאות, הכל כמבואר בפירושינו לתורה בעיני העדה."  
 See also M. Idle, "Yohanan Alemanno's 'Seder ha'Limud,'" *Tarbiz*, 48 (1979), p. 316 (Hebrew).
51. Al-Farabi, *The Book of Principles*, ed., Filipovski, p. 44:  
 "ישארו נפשם חומריות בלתי שלמיות לא יפרדו מן החומר עד שיבטל החומר יבטלו הם ג"כ."
52. See above notes 46 and 50.
53. Cassuto (Hebrew ed.), p. 241.
54. G.H. Box, "Hebrew Studies in the Reformation Period and After: Their Place and Influence," in E.R. Bevan and C. Singer, eds., *The Legacy of Israel* (Oxford, 1928), pp. 315-375; H. Fisch, *Jerusalem and Albion: The Hebrew Factor in Seventeenth Century Literature* (London, 1964); and see below.
55. For a preliminary study of this subject, which should still be fully investigated, see S.B. Robinson, "The Biblical Hebrew State as an Example of the Ideal Government in the Writings of Political Thinkers of the Seventeenth and Eighteenth Centuries," in Robinson, ed., *Education between Continuity and Openness* (Jerusalem, 1975), (Hebrew), pp. 13-69.
56. See Robinson, op. cit.; S.M. Wilensky, *The Return of the Jews to England* (Jerusalem, 1944), ch. 1 (Hebrew); P. Toon, ed., *Puritans, the Millennium and the Future of Israel* (London, 1970); D.S. Katz, *Philo*

*Semitism and the Readmission of the Jews to England, 1603-1655* (Oxford, 1982). See also n. 64, 65 below.

57. Machiavelli, "Il Principe," cap. vi. in his *Tutte le Opere*, ed. by M. Martelli (Florence, 1971): "Ma per venire a qualli che, per propria virtu e non per fortuna, sono diventati principi, dico che il pou eccellenti sono Moise, cirp, Romolo, Teseo e simili. E benche di Moise non se debba agionare, sendo suto uno nero esecutore delle cose che gli erano ordinate da Dio, tamen debbe essere ammirato solum per quella grazia che lo faceva degno di parlare con Dio. Ma consideriamo Ciro e gli altri che hanno acquistato o fondato regni: troverete tutti mirabili." *ibid.*, p. 264. See also J.G. Pocock, *The Machiavellian Moment* (Princeton, 1975), pp. 398-399. A. Melamed, "Machiavelli on the Ancient Hebrew Leaders — Prototype for Political Leadership," Lecture delivered in the 10th World Congress of Jewish Studies (Jerusalem, August 1988) to be published in the Proceedings.
58. J. Calvin, *Institutes of the Christian Religion*, ed. by J.T. McNeill, translated and indexed by F.L. Battles (Philadelphia, 1960), vol. II, book IV, ch. xx, 8, p. 1493. On Calvin's political thought, see M.E. Cheneviere, *La Pensee Politique de Calvin* (Geneva-Paris, 1937); R.N.C. Hunt, "Calvin's Theory of the State," *Church Quarterly Review* VIII (1929), p. 56-71.
59. *Institutes*, p. 1494. When Calvin discusses the duties and virtues of public magistrates, he quotes Moses' command to the rulers in the second version — "And Moses commands the leaders whom he has appointed as his representatives to 'hear the cases between their brethren, and judge...between a man and his brother, and the alien' and 'not recognize faces in judgment, and hear small and great alike, and be afraid of no man, for the judgment is God's' (Deut. I, 16-17)" *ibid.*, p. 1496. Also, p. 1489.
60. "For that Moses carried both office at once was, in the first place, through a rare miracle; secondly, it was a temporary arrangement, until things might be better ordered. But when a definite form is prescribed by the Lord, the civil government is left to Moses; he is ordered to resign the priesthood to his brother (Ex. 18:13-26). And rightly; for it is beyond nature that one man should be sufficient for both burdens." *Institutes*, vol. II, book IV, ch. xi, 8, p. 1220.
61. "Following therein the counsell of Iethro, who seeing Moyses troubled from morning to night in doing justice to all man, and in all causes, you kill your selfe (said he) with taking so much paine; Chuse mee out wisest and most discreet men of the people to ease your selfe upon; and if there be any thing high or difficult to judge, it sufficeth that you take upon you the hearing thereof, leaving the rest unto the other magistrates and judges to heare and determine. Which counsell of his father in law Moyses followed." J. Bodin, *The Six Books of a Commonweale*. A facsimile reprint of the English translation of 1606, ed. and introduction by K.D. McRea (Cambridge, Mass., 1962), book 4, ch. vi, p. 515.

62. "And there were also the chiefs or heads of the individual tribes, the judges and officials of the several districts, i.e., the captains of the thousands and the captains of the hundreds, who presided over groups of families." J.H. Franklin, ed. and trans., *Constitutionalism and Resistance in the Sixteenth Century. Three Treatises by Hotman, Beza and Mornay* (New York, 1969), p. 150.
63. "The reason for these estates is that they are necessary and useful to the province, as Jethro, the father-in-law of Moses, declares. For no one can be sufficient and equal to the task of administering such various, diverse and extensive public business of a province unless in part of the burden he avails himself of skilled, wise, and brave persons from each class of man..." F.S. Carney, ed. and trans., *The Politics of J. Althusius* (London, 1965), p. 49. For the virtues of the rulers, see also p. 132. Althusius refers again to the problem of Moses' burden (Num. 11:16) in pp. 95, 97, III. See also below, n. 100.
64. J.G. Pocock, ed., *The Political Works of James Harrington* (Cambridge, 1977) "Oceana," The preliminaries, p. 161. On Harrington's political thought and his conception of the ancient Hebrew state in particular, see the introduction by Pocock to this work. Also, *The Machiavellian Moment, op. cit.*, ch. XI. C. Blitzer, *An Immoral Commonwealth — The Political Thought of James Harrington* (New Haven: Yale University Press, 1960), especially pp. 278-283.
65. The main discussion of Harrington's Jewish sources is still S.B. Liljgren, "Harrington and the Jews," *Bulletin de la Societe Royale les Lettres de Lund* (1931-32), pp. 65-91. See also A. Melamed, "English Travellers and Venetian Jewish Scholars — The Case of Simone Luzzatto and James Harrington," in G. Cozzi, ed. *Gli Ebrei e Venezia, Secoli XIV-XVIII* (Milano, 1987), pp. 507-525. See also above, n. 64. In Book II of "The Prerogative of Popular Government," in Pocock, *The Political Works, op. cit.*, p. 520, Harrington includes a whole list of Jewish sources: "The authors or writings I use by way of paraphrases upon the Scripture, (he wrote) are the Gemara Babylonia, Midbar Rabba, Sepher Siphri, Sepher Tanchuma, Solomon Jarchius, Chiskuny, Abrabinel, Ajin Israel, Pesiktha Zoertha, these and many more...." Harrington also mentions "...Rabbi Bechas, with whom agree Nachmoni, Gerschom, and others. Kimhi, it is true, and Maimonides are of opinion that..." *op. cit.*, p. 575. For further references to Maimonides, see pp. 526, 529, 533-534, 536, 545, 713. Most are indirect references, based upon Grotius and, mainly, as Harrington readily admits, Selden. "...for the truth is in all that is Talmudical, I am assisted by Selden, Grotius, and their quotations out of the rabbis, having in this learning so little skill that, if I miscalled none of them, I showed you a good part of my acquaintance with them" (p. 520). Harrington, though, hastened to note that he was indebted to Grotius and Selden only for the information they supplied, which did not necessarily mean that he agreed with their opinions. "Nor am I wedded unto Grotius or Selden, whom sometimes I follow and sometimes I leave,

- making use of their learning but of my own reason" *ibid.* Elsewhere he refers to Selden as "the ablest Talmudist of our age or any" (p. 531). Although he considered the Talmud to be an important historical source, Harrington's opinion of it was actually quite critical: "for the most part a fabulous and undigested heap" (p. 628).
66. Liljergen, p. 87; Netanyahu, p. 251.
  67. "...from Moses and Lycurgus, the first legislator that hitherto is found in story to have introduced or erected an entire commonwealth at once..." Pocock, p. 210; "...of Moses, of Soplun and Lycurgus," p. 719. Cf. Machiavelli, above, n. 57, and Naville, below, n. 100. See Pocock's introduction, p. 47.
  68. Pocock, p. 177. See also p. 547 — "Neither God nor Christ ever instituted any policy whatsoever upon any other principles than those of human prudence"; and p. 652. Pocock's introduction, pp. 79, 91-92; *The Machiavellian Moment*, pp. 398-399.
  69. Pocock, p. 629 and n. 5.
  70. *Ibid.*, p. 173, n. 1.
  71. *Ibid.*, p. 616; also p. 531.
  72. *Ibid.*, p. 712.
  73. *Ibid.*, pp. 414, 616.
  74. *Ibid.*, pp. 713 — "By the advice of Jethro to Moses, the like should have been the custom of the Midianites, who were a commonwealth"; also pp. 629 and 652.
  75. *Ibid.*, pp. 176, 210, 532.
  76. *Ibid.*, p. 305; also pp. 183 and 438. This story was, of course, commonplace in medieval Jewish literature. See, for instance, *Kuzari*, I, 49. Also, Anatoli, *Malmad ha'Talmidim*, *ibid.*, p. 49a —  
"וכן עשה משה רבינו אשר גדלתו בת המלך ויהי לה לבן ושם היו חכמים רבים כדרך  
חצרות המלכים הקדומים ושם למד בנערותו מכל חכם שימצא מעמו או מעם אחר."  
See also n. 5 above.
  77. *Ibid.*, pp. 458-459 for Harrington's classification of the forms of government.
  78. *Ibid.*, pp. 437-438.
  79. *Ibid.*, p. 305.
  80. "Examples of the balance introduced at the institution and by the legislator are, first, those in Israel and Laceraemon, introduced by God, or Moses, and Lycurgus, which were democratical or popular" *ibid.*, pp. 458-459.
  81. *Ibid.*, p. 458 — "...if the property in lands be so diffused through the whole people that neither one landlord nor a few landlords over balance them, the empire is popular." Also pp. 164, 174, 184, 233, 379, 462, 532, 536, 634. On the agrarian law, see C.B. Macpherson, *The*

- Political Theory of Possessive Individualism* (Oxford, 1964), ch. IV; Pocock's Introduction. On the agrarian law in Israel, see Pocock, pp. 48-49, 93, 98.
82. Netanyahu, p. 528, also pp. 531 and 572 — "...God founded the Israelite government upon a popular balance...therefore a popular balance, even by the ordinance of God himself expressed in Scripture, amounted unto empire."
  83. In one instance, however, Harrington presented a different interpretation, in which the "able men" are not identical with the rulers, but represent a different function in the "Jethronian system." This is when the "able men" are identified with the twelve tribal judges, while the various rulers are related to the creation of the Sanhedrin (p. 210). This view contradicts Harrington's oft insistence that the Sanhedrin was a totally new creation, Divinely originated, and did not evolve from the "Jethronian system." See below, n. 89.
  84. *Ibid.*, p. 629.
  85. *Ibid.*, p. 376.
  86. *Ibid.*, pp. 520-532, 616.
  87. *Ibid.*, pp. 375-378, 532-533, 573, 588.
  88. *Ibid.*, p. 376.
  89. "...in the institution of which Sanhedrin Jethro had no hand," *ibid.*, p. 373; also p. 573.
  90. *Ibid.*, p. 376.
  91. *Ibid.*, pp. 378 and 573.
  92. *Ibid.*, pp. 376, 719, 619.
  93. *Ibid.*, p. 619.
  94. *Ibid.*, p. 176-177, 173, 175, 184, 259-260, 520, 628, 739, 763.
  95. *Ibid.*, p. 260.
  96. *Ibid.*, p. 173.
  97. *Ibid.*, p. 177.
  98. *Ibid.*, p. 378.
  99. *Ibid.*, p. 209.
  100. An echo of Harrington's theory can be found in the writings of Henry Neville, another English republican of the late seventeenth century. His *Plato Redivivus* (c. 1681) is a "Platonic" dialogue between two fictitious personalities — a Venetian nobleman and an English gentleman. The Venetian asks, "How came you to take it for granted that Moses, Theseus, and Romulus were founders of popular governments?" The Englishman answers, "...but for Moses, you may read in holy writ, that when, by God's command he had brought the Israelites out of Egypt, he did at first manage them by acquainting the people with the estate of their government; when people were called together with the sound of a trumpet, and are termed in scripture the Congregation of the Lord. This government he thought might serve their

turn in their passage; and that it would be time enough to make them better, when they were in possession of the land of Canaan; especially having made them judges and magistrates at the insistence of his father-in-law Jethro; which are called in authors, Jethronic magistracy. But finding that this provision was not sufficient, he complained to God, of the difficulty he had to make that state of affairs hold together. God was pleased to order him, to let seventy elders be appointed for a senate; but yet the Congregation of the Lord continued still and acted; and by the several soundings of the trumpets, either the senate, or popular assembly were called together, or both. So that this government was the same with all other democracies." C. Robbins, ed., *Two English Republican Tracts* (Cambridge, 1969), pp. 102-103.